

Ms Margaret Quirk; Mr David Templeman; Dr Janet Woollard; Mr John Kobelke; Mr Paul Papalia; Mr Rob Johnson; Speaker; Ms Rita Saffioti; Mr Mark McGowan; Mr John Quigley; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Dr Mike Nahan; Mr Ben Wyatt; Ms Janine Freeman; Ms Lisa Baker; Mrs Michelle Roberts; Mr Martin Whitely; Mr John McGrath; Mr Murray Cowper; Mr Joe Francis

POLICE AMENDMENT BILL 2009

Second Reading

Resumed from 16 September.

MS M.M. QUIRK (Girrawheen) [4.29 pm]: The Police Amendment Bill 2009 rather disingenuously is described in the minister's second reading speech as being —

... in response to a need identified by the Commissioner of Police for there to be a provision in the Police Act 1892 that enables the appointment of police auxiliary officers with limited policing functions. The function performed by the police auxiliary officers will primarily be to assist in completing many of the secondary or associated functions currently done by police officers that, broadly, are not front-line. It will allow the focus of deploying police officers to be on attending to their important front-line duties and to free them up from the many such secondary functions they presently undertake. In this regard, the police auxiliary officers will not be police officers but will be a specific category of appointee. The bill is drafted in a broad manner so that the Commissioner of Police will not be constrained in determining the nature of the secondary policing functions that will be assigned to the police auxiliary officers.

I will return later to why I describe this as disingenuous.

At the outset I need to say that in principle the opposition is not against the notion of auxiliary officers to supplement or to complement the work of our men and women police officers. However, that is the nub of our dilemma here: the legislation has been hastily drafted, it raises more questions than it answers and it lacks transparency. I will canvass some of these specific concerns shortly.

I also need to say that Labor commenced the process whereby the East Perth watch-house became staffed by special constables who were trained as custodial officers. I have been to these officers' graduation ceremonies and have spoken to a number of graduates, and I was certainly impressed by their commitment to their role. Therefore, what we are saying today should by no means be seen as diminishing that function or allied functions of special constables. However, what is proposed under this legislation is less clear and less transparent. It is proposed that auxiliary officers will perform some parts but not all of fully sworn officers' functions. It will not be possible to readily identify which duties and functions are being shed by sworn officers at particular locations, for example. Most significantly, it will not be readily apparent, without looking at the instrument of authorisation, whether a specific auxiliary officer is acting outside the scope of his authority. It is argued that an auxiliary officer will wear a different badge on what is otherwise ostensibly a police uniform and that this will clearly signal that the officer's powers are circumscribed. That is simply naive and impractical, but I will return to that later.

Before considering the technical aspects of the legislation, I must mention two more fundamental reasons why Labor does not support this legislation. The first is that these laws assist the Barnett government to break a fundamental election commitment. In short, we will not be a party to this huge confidence trick being played on the Western Australian public. In August 2008 the Liberal Party released its so-called police package in the course of the 2008 state election. It promised that it would, inter alia, increase police presence in local communities. The policy outlined a plan that it contended would properly resource our police to enable them to do their job properly. It committed a Liberal government to putting more police on our streets, putting more police stations in our communities, getting tough on drugs and hitting back on graffiti. It went on to set out how a Liberal government would achieve these objectives. Of particular note, the policy states that the stations would house the additional 500 officers that would be employed over five years and an extra 200 specialist officers to further boost police resources. I repeat: 500 officers. Nowhere does the word "auxiliary" appear. The promise pure and simple was for 500 officers.

This also needs to be viewed in the context that Labor had also promised 500 police officers. However, now the Barnett government has finessed its promise. Now we have been told that the government will not deliver 500 police officers, but only 350 and 150 auxiliary officers. The first time the word "auxiliary" appears is in discussions surrounding this year's state budget. In response to the state budget in his media statement of 14 May this year, the Minister for Police tried to gloss over the slimy segue from police officer to auxiliary officer by saying —

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“The ... State Government would fulfil its election pledge to boost police ranks with \$208.5million in recurrent funding—beginning in 2009-10 and continuing over the forward estimates—for an additional 500 officers and 200 support staff.

“This Government honours its promise to make law and order a top priority,” Mr Johnson said.

“This funding will allow us to employ 350 police officers and 150 auxiliary police officers as well as a further 200 administrative and expert civilian staff to support them.

“The Police Commissioner is delighted with this mix of staff which he has told me will give him the flexibility he needs to further improve policing services.”

“The Minister said employing extra officers demonstrated the Government’s action in preserving jobs while supporting and protecting the broader community.

Astute members—there are a few in this place—will note that in the statement the minister says that the government is honouring its promise to make law and order a top priority but he stops short of saying that it is honouring its promise to employ an additional 500 police officers.

Why then has this happened? There is nothing terribly sophisticated about why this about-face has occurred. There is no compelling public policy imperative and, contrary to the import of public statements by the minister, it is not because the commissioner has come to him and said, “Forget fully sworn officers, I would prefer to have all auxiliary officers”; nor is it because there is a lack of suitably qualified persons interested in taking on the role of a fully sworn police officer. No, members, the unambiguous election promise was discarded and became a casualty of the three per cent budget cuts. It was itself singled out in the 2008-09 budget in which the shift is described at page 561 of the *Budget Statements* under the telling words “3% Efficiency Dividend” and “Changes to the Mix of Additional Police Officers and Police Staff”, and under the heading “Election Commitments” and “Increase Police Officer and Police Staff Numbers”, which is a fairly neutral way of putting it.

At page 563 it is noted —

- Implementing Our People Strategy to ensure workforce capacity and capability meet future policing needs and community expectations.

As an aside, this language could very well be quoted in Don Watson’s new book *Bendable Learnings: The Wisdom of Modern Management* as purporting to say a lot but saying very little at all.

Given this lack of clarity and the lack of detail, it is no wonder that we had to explore in estimates the issue at length. In fact, the member for Warnbro grilled the minister. He asked —

I refer to the line item Changes to the Mix of Additional Police Officers and Police Staff. How will that achieve \$6.2 million worth of savings? Does it mean that the additional staff are less capable than police and cost less? Is that where the savings are made?

The minister replied —

I am glad the member asked that question. I was hoping this question would be asked because the question of the mix is one of my favourite ones. This is something the commissioner was very pleased to see. When the Labor government made its promise of 500 additional police officers and 200 additional police staff over five years, we made the same promise, and I accept that. The commissioner said that he would prefer a mix. It would help him not only financially, but also in running the department. Under this mix the 350 additional fully trained, fully sworn police officers—the cream of police officers—will carry out front-line duties. The 150 auxiliary police officers will be used in areas where at the moment fully trained, fully sworn police officers are used; for example, guards in the watch-house.

There is then a bit more conversation, and the member for Warnbro again asked —

How does that relate to the \$6.2 million worth of savings?

To which the minister replied —

The 150 auxiliary officers will be special constables. They will have certain powers.

Then the member for Warnbro, always cutting to the chase, asked —

How will that result in savings?

To which the minister replied —

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They are not paid the same as fully trained, fully sworn officers.

It was therefore like drawing teeth but we did eventually get that out of the minister. The minister went on —

Those 150 officers will be very useful to the commissioner for so many purposes. Apart from being used for guard duty in the watch-house, they can be used for carrying evidence from one place to another. They can be used in so many ways to carry out duties that we do not want fully trained, fully sworn police officers doing. I do not want to use them as couriers. I will give a classic example.

...

The member asked the question and I will give the answer. The member will like this. Some members opposite might appreciate it. Currently, if a traffic warden is not able to turn up for duty either in the morning or afternoon to see the children across the road, the police are often called on to man that crossing. Under police protocols two officers have to be sent—a patrol car and two officers. That is a waste of police time and is not very efficient. In future, an auxiliary officer will be able to do that job on his or her own. They will not be doing front-line duties and will be able to take over the important job of making sure that children safely cross the road.

That was the first time, really, that we had the whole plan teased out. What I find reasonably offensive about the observations the minister makes is that he equates this with the Labor government's commitment to 500 additional police officers and 200 additional support staff over five years. He said that we made the same promise! We now know, of course, that the Liberal Party did not make the same promise—if it did, it welched on it at budget time.

What can we discern from these comments about what these auxiliary officers are supposed to do? We see that it is anticipated that they will perform duties as school crossing guards and custodial officers and that they will be transporting exhibits, but they will not be front-line officers. As we know, that term "front-line" is very elastic. For example, is someone who is involved in an organised crime investigation and who is undertaking a very complex financial investigation that will assist his or her fellow officers to catch the Mr Bigs in WA in a front-line position or not? I would say that it is on the front line, but I suspect the minister does not think so. Again, a negative defines what these auxiliary officers are supposed to do: they are not front-line officers, but what that is is quite hard to assess.

In a media interview the Commissioner of Police also alluded to the fact that auxiliary officers might be called to undertake intelligence roles and prosecution support. That begs another interesting question. A lot of these functions are currently performed by civilians or unsworn staff, so why is it that the commissioner wants them to be auxiliary police officers rather than continue the trend, which has occurred for some time, of having unsworn civilian staff? The only difference that I can see relates to the disciplinary regime. If they are classified as auxiliary officers, they effectively come under the police disciplinary regime. If they remain public servants, they are subject to a different disciplinary regime—the Public Sector Management Act 1994. The only reason I can see for more of these roles being undertaken by these auxiliary police—I have some other names for them, which I will come to when we get to the consideration in detail stage—is to change the disciplinary regime by which these people do their jobs, rather than to make any significant change to how police undertake their role.

As I said, that is the extent of the level of detail that we have been able to glean by various inquiries. We received a briefing from a couple of members of the Western Australia Police I asked a number of questions, and I then telephoned one of the officers, but he had gone on holiday, so I emailed the other officer, and have not got any reply. Therefore, I have a number of questions that remain unanswered and I will ask the minister these questions in consideration in detail, as we have yet to have a satisfactory response.

There is added confusion because it is not planned to replace one job with another, but rather to replace parts or components of jobs that are currently performed by fully sworn police officers. That also makes it a little more complex. The bill contains no detail of the kinds of functions that officers are expected to perform. The minister tells us, and the bill tells us, that this will be specified in individual authorisations. For reasons that I will canvass later, this is unsatisfactory, and the opposition intends to move amendments to clause 10 to give the process greater transparency.

Another issue I think is germane and which comes down to the issue of cost saving and why this proposal was first advanced is what these officers will be paid. We have asked about that, but are yet to hear anything. We have also asked about—but do not know—the nature of the curriculum of training that officers will receive. We are told that is still being finalised and considered. We do, however, know that the training is considerably shorter—some 12 weeks, rather than the 28 weeks that the fully sworn police officers receive. That then begs the

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question of what training these auxiliary officers will not receive. We should bear in mind the individual case-by-case basis of what each of these auxiliary officer functions will be. Again, that makes it difficult to work out what they need training on and what they do not. One of the issues that I suspect might not be covered is what would loosely be called cultural sensitivity issues. At the moment fully sworn police officers, in the long course of 28 weeks, receive about four days training on that. Is that being cut? Is the assumption being made that these people are not front-line officers; therefore, they do not need to know a range of diversity issues, such as how to do deal with Aboriginal people, people from Islamic backgrounds and people who do not speak English? Is that one of the things being cut? We simply do not know. Will these auxiliary officers receive a shorter period of training on law-related issues? Has that been truncated? I would be concerned about that. For example, if they are transporting evidence, they need to know the rules of evidence and issues relating to evidence continuity.

Again, the government expects the opposition to take these matters on trust; in fact, the words that were used are that we will work this out once the legislation is passed. I have news for the government: it does not work that way! We have also been told these officers may be able to use Tasers, but not guns. Again, will they receive the same training as police officers in the use of Tasers, or less training? If they are not going to be front-line officers, why are they required to use Tasers? I understand why custodial officers might need to use them, but not auxiliary officers. We have also been told that these officers will be entitled to workers' compensation, unlike fully sworn officers, who have a different medical regime. It is still to be resolved what union will cover these auxiliary officers. I am advised that an application will need to be made to the Industrial Relations Commission, and if the Western Australian Police Union, in particular, were to cover these officers, it would need to change its constitution. Nor is it clear what mechanism exists for lateral transfer should an auxiliary officer want to become a fully sworn police officer down the track.

Given this lack of detail, I have taken the opportunity to examine the use of so-called auxiliary officers in some other jurisdictions. The Commissioner of Police has cited two cases in particular, Victoria and the Northern Territory, both of which operate somewhat differently from what is contemplated by this bill. In Victoria for many years there has been the capacity to recruit police reservists. These are appointed under part VI of the Police Regulation Act 1958. The duties they perform similarly are not circumscribed in the act; however, a significant difference can be found in section 104. That section reads —

A person shall not be deemed a fit and proper person for appointment as or to continue as a police reservist unless —

- (b) he is free from any illness or physical defect which would render him physically unfit to perform the duties of a police reservist;
- (c) he is an Australian citizen or a British subject . . . and of good character and reputation; and

Most significantly —

- (d) he has served for not less than two years in the police force of Victoria.

My recent inquiries disclosed that there are about 11 000 fully sworn police officers in Victoria and a total of 12 police reservists. However, those 12 police reservists have served for at least two years as fully sworn police officers. That is a significant difference from what is contemplated in this bill.

Similarly, in the Northern Territory there has been a capacity to appoint auxiliary police officers since 1992. The Northern Territory Police website describes the role of auxiliary police officers —

It is often a front line role and police actively seek to recruit auxiliaries from people of different cultural and ethnic backgrounds to communicate well with the same diversity in Northern Territory society. Because the police force is an emergency service, auxiliaries undergo several weeks of intensive training before graduation, including defence, swimming, first aid, computer and office skills and legal and police procedures.

The composition of the Northern Territory Police is slightly different from the composition of the WA Police. The Northern Territory Police places a much greater reliance on auxiliaries. As at the end of September, there were 1 037 fully sworn police officers of the rank of constable or above; 71 Aboriginal community police officers, who are sworn officers; and 159 police auxiliaries.

A number of overseas jurisdictions also use auxiliary police officers. Those officers perform a wide variety of roles and have various levels of authority. I am indebted to *Wikipedia* for some of this information, so I make the necessary qualification as to its accuracy, as I cannot independently verify some of this information. However, I

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think it serves the purpose of being illustrative of some of the ways in which auxiliary officers are used in other countries.

In Canada, many of the provincial police forces use the services of auxiliary constables. Under the policing legislation of the various provinces, and of course under the federal Royal Canadian Mounted Police Act, the role of auxiliary constables is to assist regular, or sworn, police officers in the execution of their duties, as well as to provide assistance in community policing. Auxiliary constables in Canada wear uniforms similar to the uniforms that are worn by regular force constables. We will come back to this later. However, there is a significant difference in that most auxiliary officers wear the word “auxiliary” on a panel on each arm of their uniform, under the crest of the force. They also generally wear a red and black chequered headband on their service caps to distinguish them from full-time police. The auxiliary constables are usually unarmed, but they are trained in the use of firearms. They may also, depending on the legislation and policies in the various provinces, carry a baton and handcuffs while on duty. Auxiliary officers in Canada are often called upon to assist in such things as large-scale searches for missing persons and to provide crowd control at large-scale events. They also often accompany fully sworn police officers on daily patrols.

In Hong Kong, auxiliary police officers supplement the personnel in the Hong Kong Police Force during emergencies and other incidents. These auxiliary police are paid hourly wages and have duties similar to those of their full-time colleagues.

In Hungary, a civil guard is deployed. The civil guard includes uniformed and unarmed civilians who take part in police work in various fields, such as neighbourhood watch, patrolling in marked cars, and performing citizen’s arrests by keeping criminals on the scene of a crime until the arrival of sworn police. It goes on to say in *Wikipedia* that this is only in the case of people caught “in flagrante delicto”. The last time I used those words was on 6PR Radio. I am sure that a few of the listeners thought I was talking about some interesting sexual position. The Hungarian civil guard can also assist police officers on duty, participate in youth crime prevention units and assist in the automatic numberplate recognition unit. The Hungarian auxiliary police are described as being composed of civic-minded residents of the community who work together to improve the level of safety and security in their community. The presence of auxiliary police in uniform and on patrol in marked police units has been found to reduce vandalism and other crimes in the community. The force is currently made up of—wait for it!—80 000 volunteer members. However, it is observed that a Hungarian auxiliary police member does not possess more authority than any other civilian or citizen.

Mr J.N. Hyde: Would you indulge me with a quick interjection?

Ms M.M. QUIRK: Certainly, member for Perth.

Mr J.N. Hyde: From your extensive research, are all those 80 000 Hungarians in paid positions? Is it full-time or is it a bit like phone-a-vigilante?

Ms M.M. QUIRK: I think they are called on as required, or on an as-needed basis.

Israel has what is called the Mishmar Ezrachi, or civil guard. The civil guard is made up of both uniformed and non-uniformed civilians who take part in police work in various fields, such as neighbourhood watch, normal patrols with marked cars, city traffic police and highway police. They also take part in—this is the one that worries me—bomb squad and sniper units, and in the youth crime unit, the police coastguard, border control and the police diving unit. The auxiliary police form a vital component of the policing-military scene in Israel because of the nature of life in Israel, with the many threats posed by terrorists and frequent bombings.

Malaysia has an interesting system. I will not bore members by talking about it at length, but in Malaysia, auxiliary police are sworn security officers and are used to protect government agencies such as the Central Bank of Malaysia, the National Anti-Drugs Agency and the Federal Land Development Authority; key government-linked companies, such as Petroliam Nasional Berhad; and crucial financial institutions or infrastructure that needs government protection, such as the national railways and the airports. Although many of these organisations have been privatised, they have been given government sanction to establish and maintain auxiliary police units. One example of a private company that employs auxiliary police officers is the Genting resort-casino in the Genting highlands.

Singapore also employs auxiliary police officers. Those auxiliary officers are vested with all the protections and immunities of a police officer and are licensed to carry firearms while carrying out their duties. They are full-time paid employees of their respective companies and are not directly affiliated with the Singapore Police Force. They are appointed as auxiliary police officers only after they have attended, and passed, a residential

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course, the curriculum of which is set by the Security Industry Regulatory Department of the Singapore Police Force. Each auxiliary police officer is issued with a warrant card signed by the Commissioner of Police.

In Sweden, auxiliary police have been employed since 1986. They have a very interesting function—that is, to aid police against foreign infiltrators in peace time. Some of their duties include assisting the police during massive blackouts, acts of terrorism and natural disasters. The uniforms are similar to those of fully sworn police officers.

In the United States, auxiliary police officers are used in various states. Their roles vary substantially between the states. The New York Police Department relies heavily on auxiliary police officers. Those officers comprise unpaid and unarmed—except for a straight baton—volunteer officers. Those officers primarily patrol on foot, in police cars and on bicycles—wait for it; this is a key point—to increase the public’s perception of police omnipresence, and to assist as the eyes and ears of the NYPD. The auxiliary police officers in New York report crimes to central dispatchers and full-time officers. They also assist with crowd control, and with vehicular traffic and pedestrian traffic at parades, marathons, concerts, intersections that have broken traffic lights, accident scenes and fire scenes. They also provide additional police presence at parks, playgrounds, pools, street fairs, flea markets, block parties, shopping areas, subway entrances and exits, and school and church crossings. They also assist in the combat auto theft program, the bicycle identification program and the kid care program, and in similar crime prevention-based programs. These auxiliary officers undergo a 16-week basic training course, which is classified as part-time peace officer training. The course includes training in penal law, police science, powers of a peace officer, radio use, unarmed self-defence, self-defence with a straight baton, first aid, and arrest procedures. In 2008, this training was revised to include training in domestic violence and terrorism awareness. Auxiliary police officers are required by New York state—this is also very important—to pass an annual refresher course in the use of force with a straight baton, arrest procedures and equal employment opportunity, in order to maintain their peace officer certification. These auxiliary officers can make arrests for crimes that occur in their presence and for crimes not committed in their presence, based on information from a dispatcher or police officer heard over the radio or from a police officer in person. There are various specialised units composed of auxiliary police officers, including patrol support, special task units, highway patrol, harbour and undercover vice operations, and auxiliary police also have different ranks to which they can be promoted. They wear virtually the same uniform as sworn officers and are equipped with straight batons, bullet-resistant vests, and police radios directly linked to the central dispatcher. They may also have flashlights, whistles, handcuffs and reflective traffic vests. Their badge is a seven-point star, in contrast to the shield worn by fully sworn officers. Over 4 500 auxiliary police officers contribute more than one million hours of service each year to the New York Police Department, making it the largest volunteer police force in the United States. Other states in the United States have similar programs. In Florida, for example, the program is mainly related to highway patrol and providing assistance to disabled motorists, operating breath test units and responding to natural disasters.

The use of auxiliary officers is by no means novel, but there is no consistent approach to the deployment of these officers. It is therefore important for us to get an understanding of what is intended by this bill. How will Western Australia Police deploy its police auxiliary officers, and why is it not possible to detail that in the legislation itself? In all the circumstances that I have outlined from other jurisdictions, it is clear that these officers are adjuncts, and not substitutes for the real thing.

This brings me to the specifics of the legislation. A key part of the legislation is clause 10, which inserts proposed section 38G, dealing with appointing police auxiliary officers. Of even more interest is proposed section 38H, dealing with the functions of police auxiliary officers. Under proposed section 38G, the Commissioner of Police can appoint any person as a police auxiliary officer. One might ask at this point about the fitness for purpose. How is that known or described? The Victorian legislation is quite clear about who will qualify for appointment and who will not. Proposed section 38G(2) states, in part —

A police auxiliary officer’s appointment is —

- (a) for such period as the Commissioner decides;
- and
- (b) on such terms and conditions of service, including remuneration, as the Commissioner decides from time to time ...

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Proposed section 38G allows the Commissioner of Police at any time to amend the terms of a police auxiliary officer's appointment, or cancel the appointment of a police auxiliary officer. The commissioner is required to issue a police auxiliary officer with a certificate of his appointment.

Proposed section 38H is the absolutely crucial one, and this is why the opposition takes issue with the way in which this bill has been presented. Proposed section 38H(1)(a) states —

a police auxiliary officer has all of the powers, duties and obligations that a police officer or a member of the Police Force has under any written law other than this Act ...

In other words, this bill does not appoint a special class of auxiliary officers with powers that are adumbrated in the legislation so that everybody understands where they are coming from, and what their roles, responsibilities and functions are. These are fully sworn police officers, but their powers are then circumscribed by individual appointments made by the commissioner. The opposition believes that this way of doing things really lacks transparency. The public has a right to know exactly what the role of these officers will be, but the way in which this legislation is drafted makes that impossible. Proposed section 38H(3) states —

The document appointing a police auxiliary officer may limit the powers, duties or obligations of the officer ...

That is discretionary and not mandatory—the document may limit the powers, but on the other hand it may not. Under proposed subsection (4), the document appointing an auxiliary officer may do any or all of the following —

- (a) limit the powers that the officer may exercise;
- (b) limit when the officer may exercise his or her powers or any of them;
- (c) limit where in the State the officer may exercise his or her powers or any of them;
- (d) limit the circumstances in which the officer may exercise his or her powers or any of them;
- (e) limit the offences in respect of which the officer may exercise his or her powers or any of them;
- (f) limit the purposes for which the officer may exercise his or her powers or any of them;
- (g) limit or prohibit the possession or use of any thing that the officer would otherwise be authorised under a written law to possess or use, despite the written law.

Again, that does not help us know the extent and scope of the powers of a police auxiliary officer, because the individual instruments of appointment may or may not list all these things. It is a discretionary rather than a mandatory provision. There are a number of concerns with this proposed section, and the opposition contends that the current provision in this proposed section that treats police auxiliary officers in the same manner as fully sworn police officers is unsatisfactory because it lacks transparency. It should be possible to ascertain, from the reading of this legislation, the scope of the powers of an auxiliary officer with reference to this act or its regulations. It should not be necessary to hunt down a particular individual instrument of appointment. Accordingly, the opposition will be moving an amendment to make provision for the powers, duties and responsibilities of police auxiliary officers to be prescribed by regulations. To that end, we believe that from time to time regulations should be gazetted under the legislation setting out the powers exercised by a class of auxiliary officers currently deployed. If the general nature and scope of these duties changes from time to time, the regulations can be readily updated by way of gazettal. As I said, I have had no response from the officers who were advising us on this legislation about why this process would not be possible. Why would it not be possible to take this approach to conferring powers on auxiliary officers? When powers of this kind are conferred, we believe that greater transparency must be incorporated in the legislation or accompanying regulations.

As I said at the beginning of my speech, the minister has been disingenuous in his second reading speech. He claimed that police auxiliary officers would not be police officers, but would be a specific category of appointee. However, as we have seen, these officers are to all intents and purposes the same as fully sworn police officers, and the instruments of appointment can ostensibly place no restrictions or only a few restrictions on the use of powers similar to those possessed by fully sworn police officers. As I said, we will be moving an amendment listing the scope of the powers, duties and responsibilities of these auxiliary police. We also intend to move an amendment because we are firmly of the view that we are not going to facilitate the government in breaking its promise to the Western Australian community of appointing 500 police officers over five years. We will be

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moving an amendment to clause 2, which deals with the date of commencement. The amendment will be that the bill will be proclaimed only after a further 500 police officers have been recruited and subscribed to the required engagement in accordance with section 10 of the Police Act.

It is disingenuous not to concede that this is a budget exercise dressed up in the guise of greater efficiency and flexibility. It is disingenuous to fail to mention that this bill enshrines in legislation a broken promise to the people of Western Australia. It is no wonder that so many people in the community are cynical about politicians when such a fundamental promise can be subverted. We fully support the notion of having auxiliary officers, but as a supplement to fully sworn police officers, not as an alternative.

MR D.A. TEMPLEMAN (Mandurah) [5.02 pm]: I want to comment on the Police Amendment Bill 2009, which has been presented to the house. I want to congratulate the member for Girrawheen on her contribution. Although the government will be successful in having this passed, the opposition will be supporting it, albeit with the very clear and very sensible amendments that are being proposed —

Mr R.F. Johnson: Did you say that you will be opposing the bill?

Mr D.A. TEMPLEMAN: No, I did not.

Ms M.M. Quirk: We will be opposing the bill without the amendments.

Mr D.A. TEMPLEMAN: We want the amendments.

Mr R.F. Johnson: If the amendments are not accepted, are you going to oppose the bill?

Ms M.M. Quirk: Yes, we will.

Mr D.A. TEMPLEMAN: I think it is important that we clearly identify what I think is a lack of transparency from the government. We know that at the 2008 election, the Liberal Party in its manifesto for law and order promised 500 officers.

Mr M.P. Whitely: Did it have the word “Clayton’s” attached to it?

Mr D.A. TEMPLEMAN: No, but it will be interesting when we come to the detail of the naming of this bill. We will do that during consideration in detail. It is important that we highlight to the house that in its promise to the people of Western Australia during the election campaign of 2008, the current government, and the Liberal Party in particular, gave a commitment that during its term we would see 500 more police officers added to the police service. I think the people of Western Australia did not realise that there was very, very fine print that was almost indecipherable.

Mr B.S. Wyatt: Invisible.

Mr D.A. TEMPLEMAN: Yes, it was probably written with lemon juice so that if heat is not applied, it is not seen. There was quite clearly fine print. Some would call me a cynic or conspiracy theorist, but the people of Western Australia were told very clearly that they would get 500 police. They were then told that now that the government had been elected, oh dear, there was a bit of a proviso that the government forgot to tell them about; that is, of the 500 officers, 150 would be not quite policemen and policewomen. It reminds me of that great BBC series of the 1970s *Dad’s Army*, with the wonderful theme song, which went something like this, “Who do you think we are kidding, Mr Johnson? I do not think you are telling ...” I had better not finish it because I might be called to order. I think that song epitomises what the government is trying to do here. Quite frankly, who does the Minister for Police think he is trying to kid?

Mr M. McGowan: Who was the old bloke?

Mr D.A. TEMPLEMAN: Captain Mainwaring. “Don’t panic! Don’t panic!”

Several members interjected.

The DEPUTY SPEAKER: Members!

Mr D.A. TEMPLEMAN: It was Private Godfrey. I am sure that if I had time I could go through members opposite and perhaps allot characters from *Dad’s Army* to each member. I think I could probably say that the member for Jandakot would be the young fellow—an inexperienced but very enthusiastic Private Pike. Did he jump up every time shouting, “I’ll do it! I’ll do it! Don’t panic!” Of course, we see here a very clear example of how this government, through this minister, is dressing up this proposal.

Mr M. McGowan: Who was the butcher?

Mr D.A. TEMPLEMAN: I could go through them all.

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Mr R.F. Johnson: As Captain Mainwaring would say, “You stupid boy!”

Mr D.A. TEMPLEMAN: It is a pity we do not have a Scotsman in the house, because there was also the Scotsman in *Dad’s Army* who would be telling Mr Mainwaring about the problems of this bill. If I had that capacity, I would do it but I do not. I jest for too long.

The fact is that 500 police officers were promised. We are now realising that this *Dad’s Army* of a bill now has fine print that says of those 500 promised officers, 150 will be, as the member for Bassendean suggested, perhaps Clayton’s coppers. Of course, it could be said that they will be the policemen and policewomen we have when we do not have policemen and policewomen. The fact is that that is the reality. We will highlight to the people of Western Australia that what they were promised is not what they will get.

Mr R.F. Johnson: That is an insult to those fine men and women who will take up those jobs.

Mr D.A. TEMPLEMAN: It is true. The government promised 500 police. Now it is saying that of those 500 police, 150 will not be sworn officers.

Mr R.F. Johnson: They will be sworn officers.

Mr D.A. TEMPLEMAN: They will not be fully sworn officers. The reality is that the government must be transparent and come clean.

One of my concerns is that with the introduction of such auxiliary police officers, despite the rhetoric in the second reading speech and despite the explanatory memorandum that highlights some further detail on the clauses, there is the prospect in the future—I am sure the minister will be able to correct me if I am incorrect—that we will see a preference to assign auxiliary officers to rural and remote areas. There may still be some fully sworn officers in those places, but is there anything to say that additional auxiliary officers will not be appointed when previously fully sworn officers would have been appointed with all the privileges of police?

Mr R.F. Johnson: You will get both. You will certainly get many fully trained, fully sworn, 28-week police officers, as part of our promise, but you may well get the odd auxiliary officer as well who can help out in stations and help local police services.

Mr D.A. TEMPLEMAN: That is the problem. I think the member for Girrawheen pointed out very clearly in her contribution to this debate that there are lots of cans, mays and perhaps in this bill. We “may” get that.

Mr R.F. Johnson: I don’t see the word “perhaps” in there at all.

Mr D.A. TEMPLEMAN: There are a lot of mays—this “may” happen, this “may” be a possibility, this “may” be given, this “may” be something that might be considered, and this is something that the police commissioner “may” decide to do. However, it is not clear what the bill ultimately means for the ongoing provision of police services throughout the community. I hope that the minister in his response to the second reading debate and in consideration in detail, particularly when we debate the amendments the member for Girrawheen has foreshadowed, will give us that assurance. We want to be in a position to assure the people of Western Australia that they are not being hoodwinked by a promise that was given of 500 additional police officers, but which really is only 350 additional police officers, plus 150 auxiliary officers who will have powers given to them according to various circumstances. That is why opposition members, as, I am sure, is the case with other members, are concerned about the full intent of this bill.

This principal act amendment—I do not have a great problem with it—certainly gives the police commissioner a great deal of discretion in determining what duties auxiliary officers will undertake. In the region that I represent, there is, and has been, a lot of growth, and I would like the minister in his response to provide some very clear examples of the duties that auxiliary officers will undertake. Is it intended that auxiliary officers will undertake the duties of school crossing attendants? I would be interested to know whether that will be the case. I am not inviting the minister to answer that question now, but I am sure he will do so in his response. That example demonstrates the genuine concern I have about what duties auxiliary officers will undertake.

The member for Girrawheen highlighted my next concern when she referred to the duties undertaken by auxiliary officers around the world. We must make sure that when auxiliary officers undertake the duties of crowd controllers at large functions—the minister is indicating to me that they will not undertake those duties. That is fine; the minister has given me that assurance. Can the minister provide examples of duties that they will be required to undertake? Again, this is the information we need from the minister in his response to this second reading debate. We should be in a position to be able to explain to our communities what auxiliary officers would mean to them. For example, I should be in a position to be able to tell the people of the Peel region that a full force of sworn officers will continue to undertake the key activities of police officers; however, auxiliary

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officers will be doing X, Y and Z. That is really important. The last thing I want is the potential for a watering down of a police service in a district or area and the minister saying, “Oh, no, but we are still policing in terms of numbers because we have X number of auxiliary officers.” The last thing I want is auxiliary officers to be used by stealth for services that either they are not trained to undertake or it is not appropriate for them to undertake. The minister should highlight that in his response.

The Minister for Police must be honest and tell the opposition why the government’s policy has been changed; that is, that 500 police is not really 500 police because that number includes 150 auxiliary officers who will not be fully sworn officers.

I am also interested in the protection of auxiliary officers. After all, auxiliary officers will be drawn from a variety of backgrounds and communities. That is good. I am sure that they will be chosen for their skills and experience. I hope that the minister in addressing the clauses pertaining to the industrial protection of auxiliary officers will give an assurance that they will be protected. Of course, that protection must be transparent to anybody who seeks employment as an auxiliary officer.

Another issue which is of concern—it might be addressed in the industrial provisions—is that auxiliary officers are not used as a sort of temporary force that we discard after an emergency or a particular circumstance occurs. Members know that we live in an interesting world. Now more than ever communities around Australia and the world are certainly susceptible to a range of challenges and upheavals from natural disasters. Given that 80 per cent of the Australian population live within 20 kays of the coast, we have become complacent. Unlike people in other countries, the majority of people who live in built-up urban areas in Australia do not have personal or family emergency plans. These plans are important. We have seen examples of the importance of emergency plans with the bushfires in Victoria. In Western Australia there have been occasions in which populations have not been as prepared as they should have been for disasters that have occurred. Members are aware that disasters, particularly natural disasters, are more likely to occur given climate change. Auxiliary officers and State Emergency Service officers and volunteers will have an increasingly important role to play with the likelihood of natural disasters occurring in the future. Australians need to become more aware of the need to be prepared for such events. That may sound a bit doomsday-ish, but we know that there will be more storm events in Western Australia and Australia generally. We know that disasters will arise.

If in the future auxiliary officers are required in a large-scale emergency to take on policing roles or roles that require them to keep the peace, I want to ensure that they are trained properly to do that. The Minister for Police is looking quizzically at me, but it is a real issue. I am sure the minister would argue that auxiliary officers add to the armoury of law and order. If that is the case, let us make sure that they are trained appropriately for the roles they will be required to undertake.

I genuinely hope that the Minister for Police will consider the amendments proposed by the member for Girrawheen, because they are relevant to this bill. I am sure the member for Balcatta, who will speak in this debate, will clearly outline his concerns about this bill.

DR J.M. WOOLLARD (Alfred Cove) [5.30 pm]: I start by thanking the Minister for Police for organising a briefing for me on the Police Amendment Bill 2009. It was a very good briefing—I believe the minister’s staff are sitting in the Speaker’s gallery—and very educational.

I believe that all members in this house who have worked with their local police would like to see their local police supported. I know from when I have gone out with the police that when they had to take someone to the station because of a fight or problems in the community, they were off the beat, so to speak, for several hours while they completed the paperwork. I think we would all like to see more police working within the community and obviously not doing the reams and reams of paperwork that they currently have to fill out. I also think it would be a very good idea for someone other than a police officer to be responsible for school crossings when the crosswalk attendants are absent.

Proposed section 38H(1) outlines the functions of the police auxiliary officers and states —

- (a) a police auxiliary officer has all of the powers, duties and obligations that a police officer or a member of the Police Force has under any written law other than this Act ...

Further on in the bill, obviously, the power is given to the Commissioner of Police to determine what roles and duties these auxiliary officers will have.

Again, I thank the minister’s staff for providing me with a copy of a document that states —

This additional module —

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That is, the training for the auxiliary officers —

will include the receipt, management and transfer of firearms, property, exhibits and drugs; Court Orderly duties; Crossing Guard duties; processing of summons and restraining orders; basic crime scene and emergency management awareness; audit requirements, bail procedures and information security.

I think it is all very well to put down what the training will be for, but again I come back to the fact that the amendment bill states that these people will have all the powers of a police officer and that the police commissioner will be the person who determines what roles those auxiliary officers undertake.

I will compare the police training in Western Australia with police training in other states. In Victoria it is 100 days—just over 14 weeks—at the Victoria Police Academy followed by a two-year probationary period. In the Australian Capital Territory it is a 21-week live-in course followed by a 12-month probationary period. In the Northern Territory it is 26 weeks' in-house training followed by 18 months in the field. Queensland has 30 weeks of police recruit operational training to become constables. In Tasmania it is a 32-week course at the Tasmania Police Academy. In South Australia there is 34 weeks of cadet training. In New South Wales the Associate Degree in Policing Practice is a 28-week initial course followed by a further 42 weeks if people are employed by the New South Wales Police. None of those states has mandatory sentencing and we have mandatory sentencing.

During my briefing I asked: if one of these auxiliary officers were assaulted—it could be an accidental assault that leads to grievous bodily harm—would the offender be imprisoned? The response was that, yes, they would be. My concern is that with a 12-week course the auxiliary officers will not get the same education and training as police officers. In fact, Western Australia has less training for its police officers than do the other states. Because the auxiliary officers do not have that full level of training, they could possibly provoke an assault. Therefore, I believe there is a real danger in introducing police auxiliary officers as support for our police. I applaud the government's efforts to support our police and to ensure that our police are out there on the front line, but I am very concerned.

At the moment we have Aboriginal police liaison officers—I believe there are about only 20 of these left—who also have the powers as stated in this bill; that is —

a police auxiliary officer has all of the powers, duties and obligations that a police officer or a member of the Police Force has ...

I know that our Aboriginal police liaison officers have those powers, as do our special constables who currently undergo a nine-week program. I also know that if the Police Amendment Bill goes through both houses, the special constables will be able to do the additional training to become police auxiliary officers. However, my concern is whether police auxiliary officers should have all of the powers, duties and obligations that a police officer has. Should it be the police commissioner who determines what they can or cannot do or should we specify clearly through regulations what jobs these auxiliary officers will have so that they are not there on the front line where they could possibly provoke an assault and have someone end up in prison because of that incident? Therefore, I will listen very carefully, particularly during consideration in detail, to the minister's responses because yes, minister, the police do need that assistance. They should not be tied up with all the paperwork that they have currently, but providing them support through a mechanism—police auxiliary officers—that leaves the door wide open in what jobs they could be given could lead to more problems down the track. Therefore, I will not vote on the second reading and I will listen to the minister's comments at the end of the second reading and also to his responses during consideration in detail.

MR J.C. KOBELKE (Balcatta) [5.39 pm]: The concept of auxiliary police is not new. In fact, we did it without this legislation in the last year or so of the Carpenter government's term. Therefore, it is not that which causes us concern; it is the fact that the Police Amendment Bill 2009 is being used as a means to take resources from the Western Australia Police—that is what it is about.

This reduces the actual resources that were allocated to Western Australia Police by finding a cheaper way to do some of the policing. I will come to some of the details of the bill that create concerns, not because it is intended to use them in a particular way but because the drafting is so wide open that at some future time it leaves it open to abuse.

The Carpenter government wanted additional police officers, even though it had a fantastic record of increasing the police force, so that it could remove the front-line officers from behind-the-scenes work. I will go through some of those numbers in a moment and I will go through the success of police stations in remote areas, which we called multifunction police facilities. At that time, we had a huge number of charges relating particularly to

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sex offences against children. It was straining the resources of police to find officers who could be sent to those remote areas to deal with what looked likely to be a tsunami of charges and offences being investigated and, potentially, brought to court. One way of fixing that was to free up police officers from the watch-house, which would then, through the system, allow other officers to be freed up for a number of specialist units and officers who would be allocated to investigating sex offences, particularly in the Kimberley or wherever else we suddenly found a large number of complaints that had to be investigated and charges laid.

Can I say, as an aside, that the increase in reporting sexual offences was a great success story. Premier Gallop started it off with the Gordon inquiry, when we were concerned about abuse, particularly sexual abuse, of Aboriginal children. Even here, in Perth, the Lockridge Nyoongah camp was an example and the Labor government took steps to close that down. Out of the Gordon inquiry, we built multifunction police facilities in a number of remote areas. The presence of police officers in those communities in remote areas has meant that people have the confidence to report these offences. Clearly, if someone is hundreds of miles from the nearest police station, or if a police station is hours away, and someone has to report an offence by going to the police and making accusations of sexual assault, particularly against young people or children, and has to go back and live in the community where the perpetrator lives, then there is not much chance he or she will report the offence. By putting those police stations and police officers out there, and through the great work those police officers did building that rapport, it meant that we could get the reports and evidence to lay charges. To meet that whole growing area, the Commissioner of Police came to me as Minister for Police and said that he could take those officers out of the watch-house. At that stage I was told there were 52 officers, including three or four sergeants who had to supervise the shifts around the clock at the watch-house and enough officers to run the shifts, but for most of that work a fully trained police officer was not needed to be able to admit and supervise those people into the watch-house. The proposal at that time was to find people who were at the security guard level and to give them specialised training that they would need for that job, because of issues taking DNA and the other processes that have to be done when a person is brought to the watch-house and incarcerated. The training was to be put in place for 50 people to replace those officers, and the officers would be freed up for other specific tasks, particularly some units that would investigate the child sex abuse in remote parts of state. That took a bit longer to put in place than the Labor government had anticipated, but it was in place by the early in the term of the now Barnett government. Part of the problem was that the new courthouse had a contract, and they were seeking those sorts of people. Therefore, when we went to contract it out, there was difficulty finding people who could take the contract and find the staff. Members may have forgotten, but we had the situation where unemployment was at the two per cent level and WA was leading Australia with unemployment going down. We now find with the Barnett government that unemployment is going up. But, at that stage, there was real difficulty in finding people to fill those jobs. That was done, and those people have public sector status. They could be sworn constables, but they would not be auxiliary police officers, as this legislation enables them to be. To put in place special legislation to recognise those sorts of officers who do a specific limited job is something I have no problem with, but the whole point of this bill is to reduce the resources going to police.

I will go through some of the record of the Gallop and Carpenter governments in increasing the number of officers in WA Police and the extra resourcing that went in. Members will see why I am particularly miffed that the Barnett government is taking resources out of WA Police and reducing their effectiveness by the measures enabled in this bill. Both by increasing the number of police officers and also rearranging placements, the Labor government enabled many officers to move into what was called by the commissioner front-line policing. I will refer to the numbers. In Labor's first term of government from 2001 to 2005, we promised there would be an extra 250 police. That was delivered.

Mr M.J. Cowper: Rubbery!

Mr J.C. KOBELKE: The member for Murray-Wellington says "rubbery" because the numbers go up and down, but the Labor government far exceeded what it had undertaken to do. I will take the figures in February 2001, and I could take one of the other months because the figures jump around from month to month, but the election was in February 2001. Obviously, taking office and putting in the resources takes a bit longer. I am not trying to skew the numbers because February 2001 was higher than all the other months up to May in the start of that year, and if I had taken the other months, I would get an even better result! If I take February 2001, which was the month of the election, and go through to June 2005—because the commitment was made for financial years—then the strength of the police in full-time equivalents, which was given to me by the minister in answer to a question asked a few weeks ago, went from 4 810.66 full-time equivalents in February 2001 to 5 059.17 full-time equivalents in June 2005; an increase of 248.51. In my book, that meets the 250 that we had promised.

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Let us look at what happened through the month-to-month changes from then to December 2008. Obviously the election was in September 2008, but the incoming government did nothing to take money out that we had put in the budget. The recruitment was already cranked up, bringing people from overseas and recruiting locally. By December 2008, the number of WA Police full-time equivalents was 5 585.29. That is an increase from February 2001 of 774.63. The Labor Party had committed in its 2001 election promises to 250 extra officers in its first four-year term, and in 2005, for its second four-year term, it promised 350, plus 160—which I will come to—as public sector staff. Therefore, 350 plus 250 meant a promise of 600 additional sworn police officers. As I have indicated, in less than eight years Labor governments increased the strength of WA Police by 774.63 full-time equivalents; that is based on the figures that the minister provided to me. If one counts people on leave and those sorts of things—I do not think that comes into it—and if we use the same figures at the start date and the same figures at the end date, using the current figures that the minister has given me through a question on notice, our commitment of 600 additional police officers was more than exceeded by 774 full-time equivalents in that period February 2001 through to the end of 2008. This is a 16 per cent increase in fewer than eight years. That looks very good compared with the Court-Barnett government through to 2001, which in its last four-year term did not fund one additional police officer. I repeat: they did not put the money in the budget for a single additional police officer! However, in less than eight years, Labor governments provided 774 additional officers, which averaged out at nearly 100 additional police officers for every year that Labor was in government. That is why in the run-up to the election in September 2008, when the Labor government was looking to make a commitment, we thought it was appropriate to commit to 100 additional officers each year. We went for five years instead of four.

I did not hear the member for Murray-Wellington's interjection, but I am happy to take it.

Mr M.J. Cowper: Have a look at the figures to the end of 2006! Have a look at how they stacked up! You were in dire straits at that particular point in time, because people were leaving more quickly than you could recruit them!

Mr J.C. KOBELKE: We had a big problem. As I have said, the unemployment rate was down to two per cent. Under this government, the unemployment rate is going up. So, this government does not have the problem that we had. We had a problem with recruiting police officers, and we had problem with attrition—we were losing police officers. That problem has now disappeared. The fact is that we met the promise that we made. I have to compliment Commissioner O'Callaghan and his people, because they made a huge effort, in very difficult circumstances, to get that recruitment going so that we could meet that commitment. As I have said, we actually overshot it, because we ended up with 770 officers.

Mr M.J. Cowper: We lost experienced officers!

Mr J.C. KOBELKE: I am willing to take interjections if they make sense, but the member is simply trying to throw me off my speech. The point I am making is that we exceeded the undertaking that we gave for additional police. Based on that, we thought it appropriate to make a commitment that, from 2009 onwards, we would expand the strength of the WA Police by an additional 100 officers a year for five years. That was the commitment that we made. That was also the commitment that the Liberal Party opposition made—although it had done absolutely no work on this matter. The Liberal Party said, “Me too! We will do exactly the same.” However, it did no work on it. It simply picked up what we had put out, with all the detailed costings, and said, “Me too!” The Liberal Party promised the people of Western Australia that it would do that. However, it has now reneged on that promise. This bill is a way for the government to get out of that commitment and to cover up what will be a reduction in the resources that will be provided to WA Police. What we did—the member for West Swan was involved in crunching the numbers, along with Treasury—is we looked at the cost of those officers, and we did not skimp. It was not an issue of saying 100 new officers will be coming in, working out the FTE cost, multiplying that by 100 and putting that in the budget. We included in those figures the office accommodation that they would require, the vehicles that they would need, and all the other add-on costs. All those costs were put into the budget. This bill is seeking to take that funding out of the police budget. This bill is seeking to reduce police resources to save money. That is what this bill is all about.

In addition to the commitment to provide 100 officers each year for five years, we also made a commitment to provide 150 unsworn officers. The reason for that was that I, as the Minister for Police at the time, had been talking to the Commissioner of Police, and we were very keen to increase the effort that we were making against organised crime. The commissioner had already committed a lot of resources to that. I think the program was actually mentioned in the 2007 budget. However, he needed more resources. The commissioner said to me that he did not need just sworn officers. He needed people who could do the strategic analysis, and people who had the forensic accounting skills to go through the books of the people who potentially were the “Mr Bigs”. Those

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were the extra resources that he needed. So the extra 150 staff that we were proposing to provide were a mixture of lower level officers, who would be covered by the auxiliary police, and officers at a higher level, such as forensic accountants and people with the skills to be part of a task force to tackle organised crime more broadly. That is why we made a commitment for an extra 200 police officers—50 for the watch-house, plus an extra 150. The election commitment that, as I understand it, the Liberal Party in opposition took up was 500 additional sworn officers—that is, an additional 100 officers every year for five years—and 200 additional unsworn officers. That meant that there would be only an additional 30 sworn officers each year as part of that 150, plus the 50 for the watch-house. That was already funded in the budget. We actually put up the additional money to fund those public servant-type officers who would staff the watch-house. That was so that the WA Police sworn officers could be moved to other duties, as I have said. All that money was in the forward estimates. What the minister is doing in this bill is taking that money out of the budget. The minister is proposing through this bill that instead of an additional 100 sworn officers each year for five years, 150 of those officers will be auxiliary officers. That means that there will be only an additional 70 sworn officers each year for five years. The minister is promising only 70 police officers instead of 100 each year. That is cheaper. That is taking money out of the budget. We will not need as much money if we have only 70 sworn officers who are paid the rates and the entitlements that they are due as police officers, and we have 30 officers who are lower paid and perform more limited duties. I have no problem, as I have said, with auxiliary officers. However, I have a great problem with this bill, because it is about taking money out of the police budget.

The resources that we put into WA Police increased the number of officers on the front line. We promised to employ 160 public servants in the period between 2005 and 2009 to free up sworn officers so that they could be put on the front line. The last feedback that I had from the commissioner when I was the minister was that 150 of those 160 had been employed. In addition, the restructure that the commissioner put in place meant that other officers could be put on the front line. So, the number of officers who went onto the front line was in excess of the 150 to which we had committed in the 2005 election. We were very keen to ensure that our police service was properly resourced, so we increased the number of police officers. Just to reiterate, the Court government in its last four years in office did not put up the money to employ one additional police officer. In less than eight years, we had increased the strength of the police service by over 770—by almost 100 a year, on average, but there were peaks and troughs through that. However, since December last year, under this government, that number has been dropping away slowly. We do not see from this government that same commitment to maintain the strength of the police force. We also do not see that same commitment to provide the necessary resources for our police officers. Between 2001 and 2008, we built 20 new police stations across the state. This government is taking out the funding for new police stations. This government has pulled out the \$40 million that our government had put in the budget for the Carnarvon police station-court complex to use for other purposes. That is an absolutely necessary resource for Carnarvon and the mid-west.

Mr M.J. Cowper: Where were they going to build it?

Mr J.C. KOBELKE: The member is quite right. There was confusion and controversy in the local community about where that should be built. But the point is that we had put that money in the budget. The Barnett government has taken that money out of the budget.

Mr P. Papalia: What about Secret Harbour?

Mr J.C. KOBELKE: Yes. As the member for Warnbro has said, the money for the police station that was to be built at Secret Harbour has also been taken out of the budget. Under the Gallop and Carpenter governments—I will take this figure from 2007, because I could not find the actuals for 2008—the police expenditure in Western Australia was 18.6 per cent higher than the average in all the other mainland states. Our resourcing for the police in Western Australia was almost 20 per cent higher than the average in all the other mainland states. We increased the police budget by 76 per cent between 2001 and 2007. In the issuing of Tasers to our police officers in Western Australia, we led Australia. We put in place the resources to make sure that our officers could do their job and do it safely. We brought in occupational safety and health legislation for our police. We provided the resources to make sure that health and safety was enforced. That had never been provided by a previous government.

Mr M.J. Cowper interjected.

Mr J.C. KOBELKE: I am sure the member for Murray-Wellington is embarrassed by how little this government is doing. I am sure he appreciates what it means for our police officers to be covered by

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occupational safety and health legislation. We did it. We resourced it. We want to look after our police officers as well as grow the numbers.

This bill is about taking out those resources and finding a cheaper way of policing. It is not about looking at finding the correct balance between sworn officers and unsworn officers, and at how jobs can be done more effectively. If the government had come in and said that it was going to meet that commitment of an additional 100 police officers each year for five years, instead of taking police numbers away —

The DEPUTY SPEAKER: Order! The member's time has expired.

Mr J.C. KOBELKE: Can I seek an extension?

The DEPUTY SPEAKER: It is too late. The member's time is up.

Mr R.F. Johnson: You are supposed to do it before it gets to zero.

The DEPUTY SPEAKER: Order! Okay. Member for Balcatta, are you seeking an extension?

Mr J.C. KOBELKE: I have sought an extension, yes, please.

The DEPUTY SPEAKER: Right. Extension granted.

Mr J.C. KOBELKE: Thank you, Mr Deputy Speaker. I appreciate that.

I would like to make a few comments about the actual structure of the bill. I think I am going to have to do this after the dinner break, which is almost upon us. I have no problem with the commitment of the minister and the commissioner about the role of auxiliary police. I do not in any way believe that the minister and the commissioner are not doing this in good faith. But the issue is that, given the way the legislation is structured, it will not serve us well into the future. If in the future we have a minister who wants to go off on a tangent, and we have a police commissioner and a senior command group who are very different from the ones we have now, they might want to use this legislation in a way that is not intended by the Parliament. However, because of the broad way in which this legislation is written, we would have no control over that. I will comment further on that after the break.

Sitting suspended from 6.00 to 7.00 pm

Mr J.C. KOBELKE: Before the dinner break I was starting to talk a bit about the construction of the bill and the provisions in it that provide for auxiliary police officers. I indicated then that I do not question the intent of the minister or the current commissioner regarding the role that they see for auxiliary officers. My concern is that the legislation allows much more than what is being envisaged. I have concerns that at another time, with a different minister, with a different police commissioner and with different senior officers, the legislation could do something totally unintended by the government at present and something that the house, not having those suggestions before it, may be quite opposed to. Therefore, I think there is an issue that the legislation is far too broad.

I will touch briefly on those provisions. Proposed section 38H, "Functions of police auxiliary officers", states —

- (1) Unless the document appointing a police auxiliary officer says otherwise —
 - (a) a police auxiliary officer has all of the powers, duties and obligations that a police officer or a member of the Police Force has under any written law other than this Act; and
 - (b) any authorisation, exemption or exception in any written law other than this Act that applies to a police officer or a member of the Police Force applies to a police auxiliary officer,

unless that written law expressly says otherwise.

We can see from that provision that it is up to the commissioner of the day to make an auxiliary officer a full police officer. As I said, that is not the current intent, and I am not suggesting it would be. However, my concern is that in years to come, when a totally different regime is in place, there perhaps will not be the checks and balances that one would hope for in how this provision could be used. Proposed section 38H(2) states —

If a provision of a written law other than this Act refers to a police officer or to a member of the Police Force but does not confer a power, duty or obligation on, or create an authorisation, exemption or exception for, a police officer or a member of the Police Force, the provision is to be taken to include a reference to a police auxiliary officer, unless the contrary intention appears in the provision.

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In all those exemptions, obligations and exceptions, we see that an auxiliary police officer is treated as a police officer. However, proposed section 38I makes it very clear that —

- (1) A police auxiliary officer is not a member of the Police Force of Western Australia for the purposes of this Act.

Therefore, there is a legal distinction that an auxiliary officer is not a police officer, but the scope of powers that can be given to an auxiliary officer can be expanded fully to that of a police officer. I really think that the minister needs to look at a way of making sure there is control over this.

When it comes to dealing with legislation—obviously, I have done that over the years, but I am not a legislative drafter—we always have to try to find the balance in having enough definition in the bill so that we can specify what we want and what we do not want. However, we also want to leave in flexibility in its operation, so that at some future time—taking the bill that is now before us—if there is an extra duty that the commissioner sees as appropriate, he is able to use an auxiliary police officer for that duty. I am not suggesting that we should in any way try to specify in the bill exactly what an auxiliary officer can or cannot do. I see the need for flexibility. But the difficulty we have is that we cannot bring the legislation back to the Parliament to decide how the situation would be controlled if some commissioner in the future wanted to expand the duties in a way that this house would not support or that the minister of the day might not fully support. The normal way in which we control that situation is by requiring some form of regulation, because if the Commissioner of Police said that he was going to use auxiliary officers in a particular way, and the minister of the day or others had some concerns about that, if it had to be done by regulation, the regulation would have to be gazetted, and there would be the potential to disallow that regulation by this or the other place should the minister of the day or the majority have a concern with how the powers of the auxiliary police officer were being expanded.

The way I read the legislation, and I am happy to be corrected by the minister, I think I am correct in saying that there is really no limit to the role that the auxiliary police officer could play, according to the act—I understand that it is not the minister's intention or the commissioner's intention—other than that which applies to a fully sworn police officer. That causes me concern.

If we go back to proposed section 38G, it deals with the commissioner appointing a police auxiliary officer and indicates that the commissioner can limit the powers and the duties of an auxiliary police officer. That is quite okay. However, proposed section 38G(3) states —

The Commissioner may at any time amend the terms of a police auxiliary officer's appointment referred to in section 38H(3).

Again, we certainly want to make sure that the commissioner has considerable flexibility, but I thought there would potentially be an industrial relations or a human resources issue if it were up to the commissioner at any time to simply amend the police auxiliary officer's appointment in any way that the commissioner may see fit. I do not think it is good management practice to leave it so completely open ended. However, again I repeat that I do not believe that, in structuring this bill, the minister should seek to tie down specifically what changes the commissioner may or may not make, but we need some form of control. Perhaps the minister has that in mind and it will be done by another means, but with normal employment conditions —

Mr R.F. Johnson: The minister can always have control.

Mr J.C. KOBELKE: No, not with respect to police, the minister cannot.

Mr R.F. Johnson: The minister can always bring back to Parliament some legislation to change the Police Act as he sees fit. If your fears were to ever come to realisation, a minister in 10 or 20 years could always come back to Parliament and change that. I have just one question.

Mr J.C. KOBELKE: I will respond to that first. I do not accept that, because the government promised things in the first 100 days, and it is not going to have them done in two years. It takes legislation. So it is not a simple thing. It is certainly open to the minister and the government of the day to bring in legislation and change things. However, when clear powers are being given to a commissioner, and a commissioner in the future wants to do something, we may find that it is very difficult for the minister of the day to have any control over it.

Mr R.F. Johnson: How do you see those clear powers that you gave to the commissioner in 2006 and 2008 differing from what we have before the house today?

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Mr J.C. KOBELKE: The government is bringing in auxiliary police officers as a new entity, a new position. It is leaving the legislation wide open to extend from a very limited role, such as a courier perhaps, through to all the duties of a full police officer.

Mr R.F. Johnson: No, no, no.

Mr J.C. KOBELKE: I am not saying that it is the minister's intention, but we have to deal with the law that will be made by this bill. This bill leaves it totally unfettered. It is simply up to the commissioner of the day. The point I was making about proposed section 38G is that there is the ability to change those powers very widely, and then it states that the commissioner may at any time amend those terms of appointment. I understand that the model is that the commissioner will write up a contract with a specific officer or group of officers. I do not see a problem with that. The commissioner may wish to vary that contract from time to time, and he should have the power and the flexibility to do that. However, the way I read the provision is that there will be no external oversight, other than potentially by the Western Australian Police Union. The minister does not have the power to intervene under what is provided for in this bill.

I put to the minister that I do not have a problem with the philosophical intent of the bill. I have two problems. One is that the government is using this bill to take resources from the police, rather than put in additional resources. That causes me great concern. Secondly, the way the bill is structured will not serve the state well into the future, although it might serve the current administration.

MR P. PAPALIA (Warnbro) [7.11 pm]: In addressing the Police Amendment Bill 2009, I acknowledge the previous speaker, the member for Balcatta, who was an excellent Minister for Police in the previous government. He was an honest minister, who always stood by his commitments. I know this because I witnessed a personal commitment by the former Minister for Police to provide the people of the southern Rockingham suburbs and the surrounding area with a police station to be located at Secret Harbour. He followed through with his commitment and ensured that money was allocated for the purchase of the land at Secret Harbour and the design of the police station. Work on construction of the police station was about to commence when the previous government lost office. Interestingly, very shortly after taking office, the minister who has introduced this bill gave another promise, in addition to the promise that is the crux of this bill—that the government would match the previous government's promise to increase the size of the police force by 500 additional police officers. The government has failed to follow through with that promise, but the minister made another promise at the same time. That promise, made specifically to the people of Rockingham and surrounding districts, was that a new police station would be delivered to Secret Harbour in accordance with the budget and the forward estimates, and the money that had been allocated by the previous government. That commitment was reported on the front page of the local newspaper. The newspaper directly quoted the Minister for Police as confirming that there was no reason for the people of Rockingham to be concerned. The incoming government would stand by the commitment of the former government, and would fulfil the requirement for a police station at Secret Harbour. Quite clearly and unashamedly, the minister broke that promise.

Mr R.F. Johnson: It would be really good if you spoke to the bill, actually.

Mr P. PAPALIA: I am about to return specifically to the crux of this very matter. The crux of this bill is the fact that, in introducing this bill, the minister has sought to mask the fact that he is not delivering on a promise he made before the election, matching our commitment to increase the police force by 500 real police officers.

Mr R.F. Johnson: You never said "real police officers". You said "police officers", and that is what we are doing.

Mr P. PAPALIA: So the use of semantics—sneaky, sly language—is okay by the current Minister for Police. There was never a commitment to 500 additional police officers. Is that what the minister is saying?

Mr R.F. Johnson: That is not what I am saying. I am saying that we agreed to add an extra 500 police officers and two extra support civilian staff.

Mr P. PAPALIA: I do not recall a commitment by the minister, when in opposition, to add 350 real police officers and 150 pretend ones. I do not recall that. I do not think that would have gone down well with the public. In fact, when we consider how close the election result was, I suspect that a promise by the minister to match the Labor Party's 500 police officers with only 350 police officers and 150 blokes whose role we are yet to find out, may have shifted 33 votes in Riverton, and we might have picked up a couple of other seats as well. I suspect we would have been safely in government had the minister told the truth.

The SPEAKER: Member, be careful of your language.

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Mr P. PAPALIA: Had the minister been forthcoming with the public of Western Australia during the election campaign and said that he actually intended not to deliver on 500 police officers, but only on 350 police officers, I suspect there may have been another couple of seats on our side of the ledger. We may have ended up in government, and we would have fulfilled our promise, and the minister would now have been sitting over this side claiming that his 350 police officers was 500, as he is doing in government right now. I cannot believe that the minister has the bald, barefaced effrontery to sit over there and claim that somehow he is delivering on the commitment made during the election campaign to match our 500 additional police officers. The people of Western Australia would not accept that the minister is being truthful in saying that delivering on 350 real police officers and 150 blokes who will open the cells in the lock-up is somehow meeting his commitment. I do not believe that they would feel that the minister is being honest. They would draw the conclusion that the minister is being dishonest. Over time, that will become the reputation of the government.

Mr R.F. Johnson: We are delivering things. We are delivering law and order packages in Western Australia—something that the previous government failed to do.

Mr P. PAPALIA: I would love to analyse that statement, but I would have to stray from the bill. I would like to look closely at what the minister is doing with law and order. He is being dishonest and lazy in that regard as well.

Withdrawal of Remark

Mr R.F. JOHNSON: The member is accusing me of being dishonest. That is totally against the standing orders of this house. He should know that.

The SPEAKER: Member for Warnbro, you need to be very selective in your use of language, especially around accusations of the truthfulness, untruthfulness, honesty or dishonesty of members in this place. I know you have the capacity to choose words more effectively than you have.

Mr P. PAPALIA: Thank you, Mr Speaker. The minister —

Mr R.F. Johnson: Are you going to withdraw that?

Mr P. PAPALIA: No, because I believe the minister is acting—did you actually ask me to withdraw, Mr Speaker?

The SPEAKER: I did not hear the Minister for Police ask for a withdrawal.

Mr R.F. Johnson: He said I was dishonest, Mr Speaker.

The SPEAKER: Yes, and I have informed the member that he should be very careful in his use of language.

Mr P. PAPALIA: Mr Speaker, I will rephrase what I was saying.

Mr R.F. Johnson: You should withdraw that first.

Mr P. PAPALIA: I have not been asked to withdraw.

Mr R.F. Johnson: You should have the decency to do it anyway.

The SPEAKER: Member for Warnbro, to save this place time and to give you an opportunity to speak to the bill, I ask you to withdraw the comments you made accusing the Minister for Police of being dishonest.

Mr P. PAPALIA: I withdraw.

Debate Resumed

Mr P. PAPALIA: The minister has been acting in a dishonest fashion.

Mr R.F. Johnson: Mr Speaker —

The SPEAKER: Member for Warnbro, I formally call you for the third time. I have adequately explained to you the care needed with the use of words in this place related to “truthfulness” and “honesty”, and the accusation you are making against the minister. Everybody on both sides of this house should be aware of the use of words, particularly in making accusations about a person’s honesty, dishonesty, truthfulness or otherwise. That is why I have formally called you, member. Please select your words in a different way.

Mr P. PAPALIA: I am attempting to draw to the attention of the house that, before the election, the minister in his capacity as the shadow minister made a promise to the people in Western Australia that he would deliver 500 additional police officers. Subsequently, in office, he is delivering 350. That is not the same thing; I am sorry. Maybe there is another way of saying that they are not equivalent. Those two things are not the same. One of

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those things is not like the other, to quote *Sesame Street*. Perhaps that is how I should address it. The fact is that the minister has form in making a promise and then failing to deliver. It was done very clearly twice to the people in my electorate. He made that commitment to the people via the local media, and he also made the commitment in this place, in *Hansard*, and then subsequently reneged. He is now doing the same thing with the wider police service. The very good former police minister delivered 770 new police officers beyond the numbers that were present when we took office.

The minister has arrived in office, having made that commitment, and has failed to deliver on that commitment. I have no doubt that the Commissioner of Police sees auxiliary police officers as potentially a benefit, but he should not have to take a hit on resources by the government cutting the overall increase in police numbers and providing additional auxiliary police officers. If the government is to deliver auxiliary police officers as an additional resource and capability for the police, that is fine. Do that, but increase the resources to meet the Liberal Party's promise.

Mr R.F. Johnson: This was at the request of the Commissioner of Police. He wanted 350 police officers and 150 auxiliary officers. That was his suggestion that he came to me with and it was one that I was happy to oblige. It was not my suggestion; it was his.

Mr P. PAPALIA: Was that in the context of the three per cent efficiency cuts and additional resource restrictions being placed on his department by the Treasurer? Was it in the context of trying to find savings?

Mr R.F. Johnson: He told me that he came to your government and asked for a similar thing a couple of years before the last election.

Mr P. PAPALIA: During the election campaign, the member for Hillarys made a promise. The Labor Party made a promise and the Liberal Party matched it. The minister has failed to deliver on that promise. It is undeniable and irrefutable that the minister has failed to deliver.

Mr R.F. Johnson: What do you think these 350 people are—clowns in a circus? They are police officers.

Mr P. PAPALIA: I will restrain myself and end my contribution to the debate because I am skating on thin ice regarding how I can describe the minister's actions. I will choose to not offend the sensibilities of the Speaker any further. However, it is undeniable that the government has failed to meet its election commitment. This bill attempts to mask the fact that the government is not delivering on its promise. I also harbour many concerns about the apparent, as yet unspecified, role of the auxiliary officers and how they will be employed and whether it is appropriate for the Commissioner of Police to be given the authority to dictate how they will or will not be deployed.

Mr R.F. Johnson: I will answer those questions.

Mr P. PAPALIA: I am sure that the minister will, hopefully, answer those questions during the consideration in detail stage. I hope the minister will provide more information about that because it is naturally of concern to us. It is not a criticism of either the minister or the commissioner. Answers need to be provided about how the auxiliary officers will operate and what their responsibilities will be. I cannot and I will not retract from the view that this bill does not deliver what the Liberal Party committed to during the election campaign.

MS R. SAFFIOTI (West Swan) [7.22 pm]: I rise to speak on the Police Amendment Bill 2009 and reinforce some of the comments made by my colleagues. This is a broken election promise. I do not think anyone can argue against that. The Liberal Party's election policy documents, including its financial statement, show what it promised during the election campaign. It is clear that 500 extra police were promised. The Liberal Party modelled its costings and policy on our policy, which was to provide 500 extra police over five years. The costings were based on the full cost of employing additional police officers. That information was confirmed by Treasury. The election commitment was rock solid—500 fully sworn, normal, operational police officers were to be provided. That appears clearly in the Liberal Party's financial statement and in the Liberal Party's campaign material. The initiative commits the Liberal government to increasing police numbers by 500. It states that the Liberals would provide \$109.5 million over the next four years. That was the extent of the costing profile. In addition, the Liberal Party promised an extra 200 police specialists or additional officers. It was a clear election commitment to provide 500 extra police officers. I do not think anyone can walk away from that.

As we have heard, the commitment is now down to 350. We are talking today about auxiliary police officers, and I will get to that in a minute. I would like to hear from the Minister for Police what roles and responsibilities those police officers will have in the community. We have heard that they will not police the Big Day Out or other big events. We are not quite sure what role they will play in the community. We are not sure where they

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will be located. Will my electorate get any, given that the police station was closed? We are not sure exactly where those auxiliary police officers will be deployed or what role they will play.

It is clear that this is a departure from the Liberal Party's election commitment because of what the budget papers show. The Liberal Party and the Labor Party funded 500 extra police officers during the election campaign in their election costing booklet. Both parties agreed to provide an additional 100 police officers per annum. The funding was provided in the funding commitments of both parties. In the budget, we saw about \$36 million ripped out —

[Interruption]

Mr R.F. Johnson: I think it is the upper house bells!

Ms R. SAFFIOTI: No; a phone rang.

The SPEAKER (Mr G.A. Woodhams): Continue, member for West Swan. I will speak to the member concerned. Please continue.

Ms R. SAFFIOTI: In the budget, we saw \$36.3 million ripped out of the police budget forward estimates. The \$36 million that had been provided in the midyear review to fund 500 additional police officers was taken out as part of the three per cent efficiency dividend. This departure from the election commitment was because the police had to deliver the three per cent efficiency dividend. I have no doubt that the Commissioner of Police wants auxiliary police officers. However, I also have no doubt that he also wanted 500 additional police officers. Given a choice —

Mr R.F. Johnson: He didn't.

Ms R. SAFFIOTI: He did not?

Mr R.F. Johnson: No.

Ms R. SAFFIOTI: Is the minister saying that the government wants fewer police officers?

Mr R.F. Johnson: I did not say that.

Ms R. SAFFIOTI: That is what the minister is saying.

Mr R.F. Johnson: Be truthful now. What I said —

The SPEAKER: Minister! I have already called the member for Warnbro to order for the use of the words "untruthful" and "dishonest". If the minister is to interject on the member, I ask him to do so in a more sensitive manner.

Ms R. SAFFIOTI: Are you asking him to withdraw, Mr Speaker?

Mr R.F. Johnson: I did not call you untruthful; I would not do that.

Ms R. SAFFIOTI: Are you asking him to withdraw, Mr Speaker?

The SPEAKER: No, I am not asking him to withdraw that remark because the previous speaker who I called to order was given plenty of opportunities to rephrase his terminology and he did not do so. I am now giving the minister the same opportunity if he cares to do so. If the minister wishes to interject —

Mr R.F. Johnson: I do not intend to interject on that member anymore tonight; I promise you.

Ms R. SAFFIOTI: I believe that the commissioner would want an extra 100 police officers per annum plus auxiliary officers and more cars. To argue that the Commissioner of Police —

Mr M.J. Cowper: Have you spoken to him about it?

Ms R. SAFFIOTI: I spoke to him about closing the Ballajura Police Station and the withdrawal of police services in my electorate.

Mr M.J. Cowper: How do you know?

Ms R. SAFFIOTI: One of the things that the commissioner talked to me about when we talked about the closure of the police station —

Mr M.J. Cowper: Do you mean the six police stations that your government closed during its term of government?

Ms R. SAFFIOTI: This government has closed about three in one year. That is a pretty good record.

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Mr M.J. Cowper: Which ones have been closed?

Ms R. SAFFIOTI: They are Hilton, Inglewood and Ballajura—so far. The government is pulling out of Secret Harbour and is not building the police station at Carnarvon, so that is actually five.

Several members interjected.

The SPEAKER: Members! I have given the call to the member for West Swan. I have not given the call to any other member in this place. I would like to hear from the member for West Swan.

Ms R. SAFFIOTI: When I spoke to the Commissioner of Police about why he had to close the Ballajura Police Station, we discussed the fact that the government makes decisions that increase the workload of police officers every day. This government is doing that. Without additional officers, police stations such as Ballajura cannot be kept open. To argue that these additional officers would not have helped alleviate some of the stress and pressures across the police system is entirely wrong. Basically, there is the three per cent efficiency dividend—\$36 million pulled out of the election commitment and part of the budget process. If it had been an initiative that the police commissioner had discussed just when the government came into power, I think it would have been reflected in the midyear review tabled in December. But as at the midyear review, funding was provided for 500 fully sworn operational police officers and now there is funding for only 350. That means that approximately 70 additional police officers will come on board over the next five years. I am referring to the WA Police annual report. Under the previous government, the 350 program was committed to during the 2005 election to recruit 350 police over four years. In each year after the 2005 election 80, 90, 90 and 90 police officers were recruited. Under this proposal 70 will be recruited annually, depending on the costing profile, over five years. That is fewer police than the previous government recruited.

I now want to touch upon what these auxiliary officers will be doing. As I said, I look forward to hearing from the police minister exactly what they will be doing, where they will be stationed and what roles they will perform. I understand that the minister has suggested they will be sitting in police stations. That is fair enough. But we need to know exactly where they will be placed and how many other police officers will be freed up to be on the front line. We need all those questions answered during the minister's second reading response.

The last thing I want to touch on is Ballajura. As I have said many times in this Parliament, the government has closed the Ballajura Police Station. As I have also said on many occasions, the community believes this government is ignoring its law and order needs. I wrote to the Minister for Police asking that, because of the closure of the Ballajura Police Station, four things be considered: firstly, a permanent police post be continued at, for example, the Ballajura City Shopping Centre. In his response, the minister indicated that that will not be the case. Secondly, I requested that extra funding be provided to the Ballajura youth club because the youth club plays a vital role in crime prevention activities throughout the electorate. Again, no additional funding has been committed as a result of the closure of the Ballajura Police Station. The third request was that the government consider placing a police officer at the Ballajura Community College. It was a request made by the principal who has spoken to the two relevant ministers, the Minister for Education and the Minister for Police, on this issue. The response from the minister was that Western Australia Police does not intend to reintroduce police officers into schools. That response was despite a joint announcement between the Minister for Education and the Minister for Police about trialling a new police officer at Gilmore College, despite an election commitment from the Liberal Party to reintroduce police officers into schools—another broken commitment—and despite the fact that Ballajura Community College has asked for a school-based police officer and will not get it.

Mr C.J. Barnett: You got rid of all 20 of them when you were in government.

Ms R. SAFFIOTI: This government promised to bring them back.

Mr C.J. Barnett: We will.

Ms R. SAFFIOTI: It will?

Several members interjected.

Ms R. SAFFIOTI: Will this government bring back school-based police officers?

Mr C.J. Barnett: Yes.

Ms R. SAFFIOTI: How many?

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Mr C.J. Barnett: How many; how many? Grow up and get on with it. You took them out; you got rid of them. Go out to your electorate and talk about shopping hours because we will be in Ballajura talking about shopping hours.

Point of Order

Mr M. McGOWAN: You were quite clear earlier, Mr Speaker, about members interjecting and being highly disorderly, yet the Premier comes in here obviously after dinner and interjects —

Mr C.J. Barnett: No.

Mr M. McGOWAN: He has had something. He interjected on the member for West Swan as he regularly does because he is threatened by her. I ask him to withdraw and start acting like a gentleman.

The SPEAKER: Order! Member for Rockingham, you are correct. I have in this place, while not only the previous speaker was on her feet but also other members in this place, asked that progress be made and interjections be kept to a minimum. I would like to see the member on her feet be able to continue her speech. I cannot guarantee that members on either side will not interject on other members at all times, but I am cognisant of what you say, member.

Debate Resumed

Ms R. SAFFIOTI: Thank you, Mr Speaker. I am very pleased to hear that the Premier has come into this place and recommitted to introducing school-based police officers.

Mr R.F. Johnson: We have already started it.

Ms R. SAFFIOTI: How come in his letter to me of 4 September he said, “I am advised that WA Police do not intend to re-introduce police officers into schools”?

Mr R.F. Johnson: Not every school. Police officers will liaise with schools through PCYCs. It has already started and it is going down very well.

Ms R. SAFFIOTI: Is the minister reintroducing school-based police officers?

Mr R.F. Johnson: In a sense, yes. Not the original model that the Labor government abolished.

Ms R. SAFFIOTI: I am asking: is the minister committed to reintroducing school-based police officers?

Mr R.F. Johnson: We are doing that in a different way from how it was done before and different from the way they were before you abolished them.

Ms R. SAFFIOTI: How will they operate?

Mr R.F. Johnson: We will link them through PCYCs.

Ms R. SAFFIOTI: What if there is no PCYC at the school?

Mr R.F. Johnson: They will be linked with PCYCs predominantly. We are going to work our way through that. We hope to establish some more PCYCs. We are going to do a lot of good things in government.

Ms R. SAFFIOTI: The minister is committed to reintroducing school-based police officers!

Mr R.F. Johnson: I promised I would not interject any more, and I will not.

Ms R. SAFFIOTI: I am glad I have heard that unfunded new commitment. I am sure the police commissioner will be happy to hear what the new commitment is.

Mr R.F. Johnson: He likes the model we have put in place, I can tell you.

Ms R. SAFFIOTI: He loves it?

Mr R.F. Johnson: He does love it.

Ms R. SAFFIOTI: He loves the fact that the minister has just committed to reintroducing school-based police officers even though the minister has just said he did not intend to.

Mr R.F. Johnson: I did not do that at all, not in the way you are suggesting.

Ms R. SAFFIOTI: As I said, I asked for extra funding for the Ballajura youth club, which the minister said no to; that there be a permanent police post in Ballajura, which he said no to; and there be a permanent police officer based at Ballajura Community College, which the minister said would not be done because there is no

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policy to reintroduce school-based police officers, even though the Premier just said that he does have a policy and will reintroduce them. I think that is a good thing. The fourth request was that policing and law and order issues in the electorate of West Swan be reviewed six to 12 months after the closure of the police station. Again, I have not heard any response to that. However, I and the community will review the crime statistics throughout the community to see how law and order is progressing in the electorate of West Swan.

As I said before, we are not quite sure what role these new auxiliary police officers will have under this legislation. We know it is a departure from the government's election commitment and money was ripped out of the budget to deny the full funding of 500 additional police officers. The member for Girrawheen, the shadow Minister for Police, will move some amendments to the bill. As I said, we do not believe this bill will fulfil an election contract with the community. Therefore, on the face of it, the opposition will not support it.

MR M. MCGOWAN (Rockingham) [7.40 pm]: I am pleased to be able to speak on this piece of legislation and outline a few of the concerns that I have about it. I note that we will see a change to the style of policing in Western Australia that has been in place for a period of time with the creation of a new category of police officer known as an auxiliary police officer. The speeches I have just listened to from the members for Warnbro and West Swan set out some very good points on this issue. The opposition's policy is quite clear. We have proposed some well-drafted amendments to this legislation. We hope that the government supports the amendments. What the government does with our amendments will determine how we vote on this legislation.

We want to make it quite clear through our actions on this legislation that we expect the government to deliver on its election promise. It promised 500 additional police officers. I have just pulled up the Liberal Party's election promise from its website. It states —

Recruit an additional 500 police officers over five years and an extra 200 specialist officers to further boost police resources

That is 700 in total but 500 of those 700 will be actual police officers. That was the election promise. I just pulled it up on my computer. It is on the Liberal Party website. It is quite clear what the Liberal Party said to the people before the election. It was virtually identical to the promise made by the then government during the election campaign. A day or so later the Liberal Party matched the commitment made by the Carpenter government on police resources. It was quite clear—it kind of neutralised the issue—that we both had the same election policy.

I live in the outer suburban area. I recognise the value of police officers. I think there is something to be said for a police presence. There is some value in having police officers who are more easily observable on the streets. There is more value in that than a lot of other things. When the member for Kalamunda, Mr John Day, was the police minister back in the 1990s, he said—he may have said it in this house but I heard him say it in some speeches—that the greatest deterrent to crime is the fear of being caught. It is not only the greatest deterrent. There are a range of other factors that stop crime, principally making sure that the social conditions people live in are a disincentive to them acting badly. I take the view that human nature is broadly good, people are not born bad and people will do the right thing if the circumstances in which they live are conducive to the right thing happening. I do not take a dim view of human nature and do not think that people have the aim and intent of doing the wrong thing unless they are caught. The member for Kalamunda was trying to say that when there are broadly visible police resources and people know there is a strong prospect that if they do the wrong thing, they will be caught, that is a bigger deterrent than the actual penalty we impose. That is what he said at the time. I left out that last bit. The penalty we impose is secondary to the threat of being caught. I think he was right. It is a pity that he is not here as I am sure he would confirm that that is what he said back in the late 1990s when he was police minister.

The case of New York is often quoted. I have never been to New York. I have been through on a train but I have never stopped. It has had a massive increase in police numbers over the past 20 or 30 years. It is a little different from Perth in that it is a very constrained city where people live in close proximity in large numbers. Having a large number of police officers because of the constrained size of the city compared with ours means that the visibility of police officers is much greater. If there are 35 000 police officers or thereabouts in New York—I think New York is smaller in area than Perth—there is obviously a great deal of police visibility compared with what we might have. That police visibility in New York has been a significant factor in reducing the incidence of crime because of the deterrent effect and the fear of being caught rather than necessarily the penalty one might receive. It is an interesting philosophical debate. The prospect of being apprehended or observed is a great deterrent for people who speed, people who use their mobile phone in a motor vehicle and so on. The fear of a police officer being on the road and observing people is a significant deterrent to undertaking illegal activity.

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They are the sorts of offences that people in this room might have been more likely to have committed. We could extend that to all sorts of offences against property and people as well.

I come back to the original point. Having a large and visible police force in Western Australia is a good thing. Next to the Northern Territory, proportionally, we have the second highest number of police officers of all the Australian states and territories. The Northern Territory has a greater number than us. We also have the largest land mass. The reason we have a larger police force than the other states is because of Western Australia's extraordinarily large land mass. When we both made our commitments of 500 new police officers during the election campaign, the public understood that that meant fully sworn officers who could carry out the full range of police duties and responsibilities as they understand them to be, which is very broad and getting broader by the day. I suggest to the house and all members that the public understood the election promises very well. What is being delivered here via this legislation is not in accordance with what was promised. I read out the promise to the house earlier. The member for West Swan read out when the costings were done. Those additional police officers were costed on the basis that they were fully sworn police officers, not a less expensive version. That is the first point. That is why we brought forward this argument that we expect the government to deliver on its promise. The least we can do after the government brought this legislation into this place is to say that it should deliver on the promise that it made to the people.

Members have spoken about a few other issues, including the closure of police stations and so forth. I am sure that police stations were closed. I am not familiar with which ones were closed. I do know that 20 were opened in the seven and a half years of the Carpenter and Gallop governments. If six were closed, I know that 20 were opened in places that had never had a police station before. Some people in the most remote parts of Western Australia had never had the services of law and order before. I went to various Aboriginal communities while I was the education minister and I saw the brand-new police multipurpose facilities. All of a sudden these communities that had never had this presence before—as we know, some shocking things went on in some of these communities—had people dealing with those issues. A large number of those police stations—10 or so—were built in those communities. That was a good thing; it was a positive development. It was not legislative and it was not snazzy but the former government put in the hard grind and it actually cost a fair amount of money to deliver. It makes a difference in those communities where a large number of children have been abused. We would all be united in thinking it is a shocking phenomenon to hear about little children suffering from sexually transmitted diseases. It is a shocking, ugly, awful phenomenon that is caused by a range of social factors that go back hundreds of years. It could not be allowed to go on. The provision of those stations in those communities was one of the better achievements of the former government. We put those resources out there. When we started investigating the issues, at the time people said that it was shocking that this had been happening on our watch, but it had been happening a long time before our watch. The key thing was that the hard grind of building and staffing police stations in those communities took place. They were expensive to build and expensive to staff because the police officers who went to those communities obviously had to be paid a lot more.

Mr R.F. Johnson: What's that got to do with the bill before the house?

Mr M. McGOWAN: Please.

Mr R.F. Johnson: I accept what you are saying but that is for another day. It has nothing to do with this bill.

Mr M. McGOWAN: The minister should behave with more maturity.

Some of the police officers were paid quite well, but it was a hard lot; a hard place to work.

Mr M.J. Cowper: Where was that?

Mr M. McGOWAN: I cannot quite remember which community it was. I think it was in the lands; it might have been Warburton, or it might have been in the Kimberley. I am not exactly sure which. I went out there so many times and, as the member knows, one loses track. I remember speaking to a police officer with whom I served in the Navy. He had left the Navy after 20 years to become a police officer and he loved it, but he was a special type of guy. Again, it is a hard lot and a hard place to work. I do not know whether the member for Murray-Wellington ever served there, but I am sure he would understand. All I am saying to the house is that a police presence obviously works. Those places are very different from the metropolitan area, but having a police presence works, and I support that.

I am concerned that this bill provides for a different sort of police officer. As I have indicated, I think it is a breach of an election promise, and it is the duty of the opposition to raise this matter here. I am also concerned about how this matter will be managed. If there are to be 150 auxiliary officers—I am not sure about the total

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number of police stations, but it would probably be about the same—spread out in so many and few locations around the length and breadth of Western Australia, as I suspect they will be, we will have one or maybe two unusual types of police officer at each station. Ordinary police officers serving at these stations will have new officers that they will not quite know what to do with. The way that life pans out is that those auxiliary officers will assume all the responsibilities of ordinary police officers. The way that life works is that if the officers are stationed at Geraldton Police Station and there is a fight going on down the street or out in Mullewa or Yuna, although it may not fall within the guidelines as dictated by the Minister for Police, the police will need someone to attend and so those officers will go; that is the nature of the job. The officers may turn up at a station and not be trained for the duties that they will have to perform. They may not have authorisation, but that is the nature of life in a big state with all sorts of communities that are as broad and different from each other as any place on the planet. Anyone who has been out there will know that there are communities that are as different from Subiaco as places on other continents; they are completely different. These officers will be required to perform a range of duties for which they will not be trained, because that is the nature of what happens.

If such an officer arrived in Yuna and was expected to perform a duty that did not fall within his guidelines and he refused to do it, one of two things will happen. That officer will be ostracised by the rest of the police force, as members can imagine; the other officers will say, “Just do it, will you?” Anyone who has ever been to Yuna will know that it is out of the way. I do not mean to pick on Yuna; it is probably in your electorate, Mr Speaker! It was a lovely town the time I went there! The cappuccino strip was wonderful!

The SPEAKER: I think you drank all the cappuccinos!

Mr M. McGOWAN: I do not think there has been a cappuccino in Yuna for a long time!

An auxiliary officer in Yuna who refuses to perform a duty because it does not fall within his guidelines as laid down by the police commissioner will quickly become a pariah figure. However, if he performs duties for which he is not trained and makes a mistake, or acts outside his authority as provided by the law, a range of other things could then take place in the legal system; lawyers could make hay with that. If I were still practising, of course that is something I would look at; in such cases, any lawyer would look at whether an auxiliary officer was performing duties he was authorised to do. I do not know whether the commissioner has searched this thoroughly, but we are creating a situation in which auxiliary officers will be undertaking all sorts of responsibilities in Western Australia. Reality and life are stranger than fiction, as we all know; situations arise that one could not dream about, and these 150 auxiliary officers will be in those situations. What will they do when those situations arise? Will they take the strict line that the situation falls outside their responsibility, or will they perform those duties in exactly the same way as a police officer—perhaps even more aggressively? Who knows? We are creating this situation through this legislation, which is why I am very concerned.

I suppose the only way to ameliorate this, or at least to provide some guidance—even though I do not think it will fix the particular problem—is through the amendments moved by the member for Girrawheen, the shadow Minister for Police. They might provide some better guidance, but whatever guidance we provide, these situations will arise. I will not be surprised if we have to revisit this legislation at some point in the future based on experiences in the communities.

[Member’s time extended.]

Mr M. McGOWAN: I will address two other matters. I heard the announcement a few months ago about police in schools. I think it was indicated that a police officer might be going to Gilmore College, which is close to my electorate; in fact, I opened that school. I support that initiative, but it needs to be very much on a case-by-case basis. The position I took as education minister was that if a school required a police officer, it needed to be looked at on a case-by-case basis and it should happen only for a limited time. I know that the police take the view that it is not their responsibility to have officers sitting in the staff rooms of high schools. They take the view that a police officer should not be sitting in the staff room of a high school or wandering around a school for an extended period for the reason that teaching staff will inevitably send all disciplinary cases to the police officer; that is a natural course of events. They would be sent to him simply because he is there. The Liberal Party promised that there would be police in schools in great numbers; that is what I understood the promise to be during the election campaign. If a school requests a police officer for a limited period and for specific responsibilities, it is a good idea. However, it is wrong to use our police officers as disciplinary officers in schools, when schools should broadly be taking on that responsibility. The minister said that it was proposed that the initiative would somehow be integrated with Police and Community Youth Centres; I suspect that that means nothing will happen. The PCYCs will be attached to some particular school, but they will be busy running their own affairs. It will be a much-ado-about-nothing promise that will not actually deliver anything.

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The last thing I want to talk about is Secret Harbour Police Station. The former government spent \$3.5 million on land, drawings and preparations for the construction of that station, yet despite the promises that have been verified by the police minister—I showed him the articles in which he had committed to it—it has been deleted. It comes back to my original theme: we need to have a police presence out there; it is actually a big deterrent. I live in the very north of Rockingham, and it is a long place; about 30 kilometres long.

Several members interjected.

Mr M. McGOWAN: My electorate is made up of people, not sheep. I do not include the member for Eyre in that; he is definitely not a sheep!

My electorate is long and wide by metropolitan standards. The new police station and railway that the previous Labor government built are both at the very northern end of Rockingham. The southern end stretches way down towards places that some members drive past—Secret Harbour, Golden Bay, Singleton, parts of Warnbro and the new growing suburbs near Baldvis. Those suburbs are a fair distance from the police station. We all know that these issues of distance are everywhere, but Rockingham is actually a very significantly growing area. The far north and the far south of the metropolitan area of the Rockingham electorate are the big growth areas. The new police station was meant to cater for that growth in the southern part of the city. A commitment was made during the Peel by-election campaign, but there were already plans in the police department for a police station. The plans were brought forward but they were already in the police department, and the \$3.5 million —

Mr P. Papalia: That was Port Kennedy.

Mr M. McGOWAN: Yes, it was Port Kennedy. The police said that they would rather locate it at Secret Harbour. We therefore took their advice. Whether it was in Port Kennedy or Secret Harbour pretty much made no difference to me; they are quite close to each other. However, Secret Harbour is further south. The geography of Rockingham shows that a station at Port Kennedy would have certainly catered better for Golden Bay and Singleton, but Secret Harbour is where the police wanted it. It was in the long-term plans, it was brought forward and the government committed to it. This government then deleted it.

Mr M.J. Cowper: No.

Mr M. McGOWAN: The government did commit to it; the minister committed to it.

Mr M.J. Cowper: The police commissioner didn't want the land.

Mr M. McGOWAN: The land was bought and the plans were done. Members can go into the office of the officer in charge of Rockingham police station and see plans on his wall. I have been in there and seen the big plans and the drawing on his wall. It is a very nice drawing actually. I thought: would that not be nice? However, it is a pipedream now until Labor gets re-elected. The people of Rockingham now know that their third police station, if we include the transit police facility at Rockingham train station, will not be happening under this government. We now know that. This government has sent a message to the people of Rockingham that they do not count when it comes to law and order facilities and the presence that I continually talk about. The member for Warnbro has released a wonderful publication to the people of Warnbro, which will no doubt inspire a lot of attention.

Dr K.D. Hames: So your votes will go up in Warnbro! You know you did the same in Dawesville, don't you, when you came to government; exactly the same.

Mr M. McGOWAN: The member for Dawesville and Deputy Premier knows that just before the election he and I opened a new school down there that the Labor government provided. At that time the member for Dawesville speculated to me that he was worried about losing his seat on that day.

Dr K.D. Hames: I did not.

Mr M. McGOWAN: He did so. About a week out from the election he was speculating on that. I said, "Don't worry, you'll be okay. I'm sure you'll be okay."

Dr K.D. Hames: No. If that is how you interpreted it, it wasn't serious.

Mr M. McGOWAN: That is the way I interpreted it, because I have two ears and I can hear.

Dr K.D. Hames: I am talking about the police station.

Mr M. McGOWAN: As the member for Dawesville knows, we did a lot of things in his electorate and, as he knows, we provided him with a brand-new railway line.

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Dr K.D. Hames: We had plans going for a police station that was about to be built in Dawesville, arranged by our government. Sounds like exactly the same story to me.

Mr M. McGOWAN: I am unfamiliar with that case, but if the member for Dawesville wants to make a speech on it, I invite him to. I am very unfamiliar with it, but I cannot imagine that there would have been any political intent, if that is the right way of putting it, behind deleting a plan for a police station from the member for Dawesville's electorate.

Mr R.F. Johnson: Rubbish!

Mr M. McGOWAN: I cannot imagine it. As the member for Dawesville knows, if we want to get particularly basic about it, the member for Dawesville's electorate was a marginal seat.

Dr K.D. Hames: It was not.

Mr M. McGOWAN: I cannot imagine that there was any political intent behind that, but I do think there was political intent behind this decision. I think the member for Dawesville knows that he cannot beat the member for Warnbro and therefore the plan for his police station was deleted. I think that is what has happened. I think it is a very political statement. If I were the Deputy Premier and there was a desire for a police station in the electorate of Dawesville, I would be talking to the Treasurer about it. Naturally, the Treasurer is someone the member for Dawesville can talk to at a moment's notice about a police station in his electorate.

I do not have anything more to say other than that I will support the amendments that we will be moving.

MR J.R. QUIGLEY (Mindarie) [8.04 pm]: This bill presents some real concerns to the community of Western Australia for the manner in which it diminishes the power and the primacy of this Parliament over the setting of powers to the police of Western Australia who have the ultimate power to deny the freedom of any citizen by an act of arrest; a power that is conferred on all constables by the Police Act itself. This bill provides for the induction of auxiliary police officers. Clause 10 proposes new section 38H(2) to the Police Act, which provides —

If provision of a written law other than this act refers to a police officer or to a member of the Police Force but does not confer a power, duty or obligation on, or create an authorisation, exemption or exception for, a police officer or a member of the Police Force, the provision is to be taken to include a reference to a police auxiliary officer, unless the contrary intention appears in the provision.

Although proposed section 38H(1) will provide that a police auxiliary officer is not a member of the police force of Western Australia for the purposes of this bill, it refers to the purposes of the Police Act. However, in all those other pieces of legislation that refer to acts by police officers, proposed new section 38H(2) clearly empowers those police with the full powers of a police officer; for example, the power under the Misuse of Drugs Act for a police officer to stop and search a vehicle in which he believes there might be drugs concealed or to enter a home without a warrant. A police officer has that power. Under proposed new subsection (2) that power will be conferred upon auxiliary police officers, unless the contrary intention appears in the provision. Proposed new subsection (3) goes on to provide —

The document appointing a police auxiliary officer may limit the powers ...

That is, on appointment by the police commissioner, and permissive language from the Interpretation Act is then used. I emphasise the word "may". Upon induction, a police auxiliary officer will have the full powers of a police officer as conferred by other acts of Parliament, unless the instrument which appoints him in some way diminishes those powers. Proposed new subsection (4) goes on to say that without limiting the previous provisions —

... the document appointing a police auxiliary officer may do any or all of the following —

It does not say that it is required to limit the powers; it states that it "may" limit the powers. The commissioner does not have to limit the powers of the auxiliary officer; if he chooses, he may make him something less than a full police officer. Proposed new subsection (4) goes on —

... the document appointing a police auxiliary officer may ... limit when the officer may exercise his or her powers or any of them.

The commissioner might say that the auxiliary officer does not have the power of arrest upon appointment. This legislation does not state that an auxiliary officer cannot arrest anyone. That limiting provision comes in only in

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the instrument of appointment if the commissioner at the time of appointment chooses to do so. Proposed new subsection (4) goes on to list four other circumstances in which the powers may be exercised —

- (d) limit the circumstances in which the officer may exercise ... powers ...
- (e) limit the offences in respect of which the officer may exercise powers ...
- (f) limit the purposes for which the officer may exercise ... powers or any of them; and
- (g) limit or prohibit the possession or use of any thing that the officer would otherwise be authorised under a written law to possess or use, despite the written law.

For example, under the Misuse of Drugs Act 1981, police officers can be authorised to possess drugs or deal in drugs during some operations. It is only if the Commissioner of Police has, at the time of appointment, or by other instrument, so delimited the powers of auxiliary police officers that they will have fewer powers than full officers. Proposed section 38I(1) states that —

A police auxiliary officer is not a member of the Police Force of Western Australia for the purposes of this Act.

But when exercising authority under other acts, they will have full police powers, unless delimited by the instrument. If this legislation passes through this Parliament, which it will because the government wants it to go through and it has the numbers both in this place and in the other place to push it through, it will outsource the authority of this Parliament and ship it down the Terrace to the office of the Commissioner of Police. I know the current Commissioner of Police. I think he is, if not the best Commissioner of Police, one of the better police commissioners whom I have known in the past 30 years; he is an honourable and decent man. But this is a law for the ages. This is not a law being passed to assist Commissioner O'Callaghan; this is a law for the ages. In years to come, when the member for Hillarys is no longer the honourable Minister for Police and when no-one can remember who the commissioner was in 2009, the new personality that is there will be exercising this authority. He might not choose to delimit the powers of auxiliary constables, which would be a huge worry, and there would be no accountability back to this Parliament.

The citizens of this state can have their houses entered, their vehicles stopped and searched, and the most precious thing that we enjoy in a democracy—freedom—taken away by the act of arrest. All of that is set out in the Police Act, and applies to constables appointed under part 1 of the Police Act. Auxiliary constables, without the training of a police constable, without graduating from the police school, without being educated in the judicious exercise of the power of arrest, will be empowered with it. They will have that power unless the commissioner of the day decides to limit it. That is a fundamental shift in our democracy, and it is a fundamental shift without accountability.

Part 3 of the Police Amendment Bill 2009 deals with other acts amended by this bill, and clauses 12, 14, 15, 16, 17, 18, 19, 20, 21 and 22 relate to the removal of the definition of “police officer” from other legislation. For example, clause 14 states —

The Criminal Code amended

- (1) This section amends *The Criminal Code*.
- (2) In section 70A(1) delete the definition of ***police officer***.

Clause 21 states —

- (1) This section amends the *Misuse of Drugs Act 1981*.

How does it amend the Misuse of Drugs Act? It amends it by the deletion of the definition of police officer entirely as defined under the Misuse of Drugs Act. The amendment to all of those pieces of legislation is to remove the definition of police officer. To find the definition of a police officer one must go to section 5 of the Interpretation Act 1984, which states —

police officer means a person appointed under Part I of the *Police Act 1892* to be a member of the Police Force of Western Australia;

Therefore, whilst proposed section 38I(1) of the bill states that an auxiliary police officer is not a police officer for the purposes of the Police Act, there is some minor conflict, which will perhaps be explained during consideration in detail when the honourable minister is assisted by the advisers, with the Interpretation Act. That

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act states that anyone in part 1 who is appointed as a member of the force is included as a police officer. But whether or not those auxiliary officers are police officers for the purposes of the Police Act, in relation to the Criminal Code auxiliary officers are most certainly police officers. During consideration in detail we will find out whether an auxiliary officer, if assaulted in the course of his duty—although wearing a different uniform from that of a constable of police—will be classified as a police officer for the purposes of sections 297 and 318 of the Criminal Code relating to the mandatory sentencing provisions.

Mr C.J. Barnett: Fair call! You're dead right. Fair call!

Mr J.R. QUIGLEY: That is right.

Mr C.J. Barnett: Hit one of the auxiliary police officers and you'll go to jail. You're dead right!

Mr J.R. QUIGLEY: Will auxiliary police officers be in any sort of uniform that will identify them as such?

Mr C.J. Barnett: Yes. Have you got a problem with that?

Mr J.R. QUIGLEY: But what sort of uniform will they be in? It is not detailed in this legislation.

Several members interjected.

Mr J.R. QUIGLEY: Under the Police Act, they cannot wear the uniform of a constable of police. The honourable Premier said, during the mandatory sentencing debate, that if someone hits a police officer in uniform, that person will go to jail.

Mr C.J. Barnett: If they cause bodily harm, yes.

Mr J.R. QUIGLEY: And if that person causes bodily harm, he will go to jail. But people will not know whether auxiliary officers are police officers.

Mr C.J. Barnett: Yes, they will!

Mr R.F. Johnson: They will be clearly identifiable.

Mr J.R. QUIGLEY: People will not know whether they are police officers acting in the course of their duty. I think another member will speak on this in due course, but people will not know, because the duties, powers and the limits of the office of auxiliary officers—only if the commissioner decides to delimit the appointees' power—will be known only to that officer and the Commissioner of Police, not to the public in the way we know about the powers and duties of police officers. We know that police officers have the power of arrest and the power to move people on, and we will soon know that they have the power to stop and search in certain areas, but we will not know whether these auxiliary officers have those powers.

Several members interjected.

The ACTING SPEAKER (Mrs L.M. Harvey): Order, members!

Several members interjected.

Mr J.R. QUIGLEY: These are not interjections on me, Madam Acting Speaker. I wonder whether you would call the house to order.

The ACTING SPEAKER: Thank you for your instruction, member for Mindarie; I did just call the house to order. I give the member for Mindarie the call.

Mr J.R. QUIGLEY: Thank you very much, Madam Acting Speaker.

No-one will know the powers of these special appointees other than the Commissioner of Police and the appointee. These people will have very sparse training and will be used as full police officers. Only if the commissioner decides to limit their power will they be anything less than a full constable. Otherwise, with virtually no training to be a police officer, they will be able to exercise all the powers of a police officer. That is beyond question in the legislation.

Several members interjected.

Mr C.J. Barnett: They are a useless bunch!

Mr J.R. QUIGLEY: I ask the honourable Premier whether he could assist me by pointing out which section of the bill limits the powers of auxiliary police officers? The Premier of Western Australia was talking about a "hopeless bunch" but he cannot refer to any section in the legislation that limits the powers of the auxiliary

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officers beyond what the commissioner could do. What he was saying was, if I could use the short word, hopeless. It was absolutely hopeless.

There was another way forward, which the union has espoused from time to time. The other way forward, of course, was to bring back into the police force as auxiliary officers the many retired police officers who have left full-time work, who would still like to work part time and who have years and years of policing experience and knowledge. They would like to come back into the police force but the legislation does not outsource the authority of this Parliament to the Commissioner of Police. What the government would say, and has said before—at least the Attorney General said it, the member for Southern River has said it —

[Member's time extended.]

Mr J.R. QUIGLEY: What the government has said, for example, is that we cannot through any proposed bill of rights or charter of rights diminish the authority of this Parliament and outsource it to the judges to say what the powers of this Parliament are. But here, the government is prepared to outsource to the Commissioner of Police the ability to say what powers any particular appointee will or will not have. That is outsourcing the most fundamental —

Mr R.F. Johnson: That is what the previous government did in 2006 and 2008.

Mr J.R. QUIGLEY: There is the hollow tin drum from Hillarys making a very unpleasant crackling sound! I make a further request: could Madam Acting Speaker (Mrs L.M. Harvey) break the sticks on that hollow tin drum? When the Minister for Police sits in this chamber and says, "I can tell you that will not happen", can he tell us that it will not happen three ministers for police down the track, when there might be a government of a different complexion? This is a law for the ages. This is not a law for today or tomorrow, or for this police commissioner or this police minister. Once passed, it is part of the statute law of Western Australia for years and years to come, to be used or abused by any future commissioner at his, or hopefully her, will; if that is what he or she wants to do. There is nothing in this legislation that protects the fundamental right of a citizen in terms of this Parliament having authority over what powers these auxiliary officers will or will not exercise.

If we think about the Police Act, the Misuse of Drugs Act, the Criminal Code, the Criminal Investigation Act, the Juries Act, the Food Act, the Industrial Relations Act and the Cross-border Justice Act, when those acts refer to "police officers" they confer upon those people—as I have already pointed out in respect of this legislation—the full powers of a police officer, unless the instrument appointing in some way diminishes.

Mr M.J. Cowper: Like they do now.

Mr J.R. QUIGLEY: I am against that, too.

Mr R.F. Johnson: Like 2008, when the former government passed similar law.

Mr J.R. QUIGLEY: Correct.

Mr R.F. Johnson: The member was very quiet.

Mr J.R. QUIGLEY: Correct; because I was sitting like this government's backbenchers, who are all unable to speak up!

Several members interjected.

Mr J.R. QUIGLEY: Yes; over there in the veggie garden!

We should not be outsourcing the power of the people's Parliament to define the powers of police officers, who have powers to arrest and detain and take away our freedom. We should not be outsourcing that authority to the Commissioner of Police. It should remain with the Parliament of Western Australia.

MR W.J. JOHNSTON (Cannington) [8.27 pm]: Thank you —

Mr C.J. Barnett interjected.

Mr W.J. JOHNSTON: I am sure it will be. I am very pleased that the Premier has come into the chamber in a tired and emotional state.

Mr C.J. Barnett: I would not miss one of your speeches!

Mr W.J. JOHNSTON: I am pleased that he was prepared to do that. We have seen him in here previously in a tired and emotional state and with a red face. We feel sorry for the Premier. We wonder whether there is perhaps a problem with his blood pressure or something. Maybe something else is causing him to be in this state!

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Mr R.F. Johnson: We could start talking about you, sunshine! You should be ashamed. Concentrate on the bill. Do not make personal attacks.

Mr W.J. JOHNSTON: With respect, the minister is complaining about personal attacks! What else has the minister done in the past 12 months apart from make personal attacks on people in this chamber? I am very pleased that the minister has interjected on this topic. It allows me to make a comment about his handling of legislation in this house. I remind the Leader of the House that were it not for the opposition, this house would have passed a bill without the amendments required by the government on the last day of sittings because of his incompetence. I am very pleased to take that interjection. I remember what happened. The Leader of the House brought on a message from the other chamber. The minister was out holding a press conference; the bells were rung for a quorum to get the minister out of the press conference and into the chamber. Because he was not aware that the bill was to come on, he moved that the message be accepted when there were amendments required by the government. That is the quality of the Leader of the House; he places a bill before this house without government amendments! That is total incompetence. I was very happy for the minister to allow me to point out the incompetence of the Leader of the House, who brought a bill in here without government amendments having yet been moved. That is the quality of the Leader of the House! This is the tired and emotional attitude that we have from this government.

The powers of police officers are very important to us. It is the role of Parliament to establish laws for the better governance of this state. The idea that we are going to provide a bill in the form that has been presented to us is typical of the capabilities of the Leader of the House, who got a minister to return to the chamber while he was doing a press conference by ringing the bells for a quorum, and then moving a message from the other house without government amendments having been moved! That is the quality of the minister that we have. That is reflected in the bill that we have before us today.

I am very happy to talk about the quality of the local police in the community of Cannington. They are deserving people who receive my support.

Mr M.J. Cowper: Who is the officer in charge at Cannington?

Mr C.J. Barnett: I bet he does not know!

Mr W.J. JOHNSTON: I am very interested in the tired and emotional attitude of the Premier, who interjects on me while I am complimenting the Western Australia Police. That probably reflects on him far more than it will ever reflect on me. I am very happy to place on record the quality of the police in my local community. They keep the community safe so that shoppers can go to the Westfield Carousel Shopping Centre in Cannington at nine o'clock at night and feel secure. The car park is packed with hundreds and hundreds of cars because it is so busy at that shopping centre on a regular basis. It is busy on Saturday mornings and Saturday afternoons. The quality of the police force in my community is very good, and I am very pleased to place on record the quality of the police service that is provided to the people of Cannington. I am not concerned by the petty and emotional attitude of people on the other side of this chamber.

There are some very important issues here. When is a promise made by the Liberal Party going to be kept? This is the party that introduced the idea of core promises and non-core promises. What we have in this bill are promises and auxiliary promises. A promise was made by the Liberal Party to have 500 extra police officers in the five years starting 1 July. Of course, we now know that that will be only 350 police officers. If the government intended to keep that promise, it would not need this bill. This bill reflects a broken promise made by the Liberal Party. It is not something that this Parliament should allow to go through without comment. Intimidation and abuse from the other side of Parliament will not silence me, on behalf of the people of my community, in pointing out the dishonesty and the broken promise—the Liberal lie—that this bill allows to occur.

When in 2001 we promised 250 additional police officers in that term of government, we delivered 250 extra police. That was after there had not been a single additional police officer employed between 1996 and 2001. The Liberal Party delivered not one extra police officer. We promised 250, and we delivered. In 2005, there was an election campaign that I am sure the Premier would like to talk about. We all remember the canal. We are looking forward to the tired and emotional Premier explaining about the canal. However, we will do that on another day. I point out that in that election campaign we promised 350 extra police officers, and we delivered on our promise. The Liberal Party promised to the people of Cannington and the rest of the state that it would deliver 500 extra police officers. The one thing that we know is that a police auxiliary officer is not a police officer. If a police auxiliary officer were a police officer, there would be no need for this legislation.

Mr M.J. Cowper interjected.

Ms Margaret Quirk; Mr David Templeman; Dr Janet Woollard; Mr John Kobelke; Mr Paul Papalia; Mr Rob Johnson; Speaker; Ms Rita Saffioti; Mr Mark McGowan; Mr John Quigley; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Dr Mike Nahan; Mr Ben Wyatt; Ms Janine Freeman; Ms Lisa Baker; Mrs Michelle Roberts; Mr Martin Whitely; Mr John McGrath; Mr Murray Cowper; Mr Joe Francis

Mr P.B. Watson: The local officers think that you're a joke.

Mr W.J. JOHNSTON: It is not just the member for Albany's local coppers who think that the minister is a joke. Anyway, I want to go on and point out that if the Liberal Party intended to keep its election promises, it would not have introduced this bill. If those auxiliary officers were police officers, there would be no need to amend the legislation. The only reason that this legislation is being amended is that the Liberal lie of 500 extra police officers is not being delivered on. We know that, and we know that the silence in this chamber proves what I have just said.

I want to deal with some of the specific provisions of the bill, because we need to see exactly what is being proposed and why I object to it so strongly. Under clause 10 of the bill, proposed section 38G(2)(b) is to be inserted into the principal act. This proposed paragraph about an auxiliary officer's entitlements states —

on such terms and conditions of service, including remuneration, as the Commissioner decides from time to time; but they must not be less favourable than is provided for in —

- (i) any applicable award, order or agreement under the *Industrial Relations Act 1979*; or
- (ii) the *Minimum Conditions of Employment Act 1993*.

Let us understand what is being proposed. We are going to give a right to the Commissioner of Police to determine who gets paid what. There will be the capability for the police commissioner —

Mr C.J. Barnett: No, there will be an award.

Mr W.J. JOHNSTON: No, I am sorry. The Premier should listen again. I will read the provision.

Mr C.J. Barnett: You are so boring that every now and again you say something that is so stupid that I tune in.

Mr W.J. JOHNSTON: The Premier should go back to the bar if he wants to and finish his red wine. I do not mind.

This provision says that the terms and conditions of service “must not be less favourable”. That means that the police commissioner will be able to play favourites amongst these police auxiliary officers and give some more than others. That is what this provision says. This provision does not provide for a paid rate. Let us understand this. There is a long history of industrial relations in the public sector in Australia, and that is the system that is called paid rates awards in the public sector. There is a very important reason that paid rates awards exist; that is, they take away favouritism. It means that if a person does a job, he gets paid the rate that applies to that position. It is a very important protection for public servants. When I say “public servants”, I mean people who serve the community and have their salary paid by government. It is a protection for them against their employer, so that they know exactly what they are entitled to earn in any particular occupation. Therefore, the personnel officer at the Department of Health knows what his or her rights are, and they are codified. That is the concept of a paid rates award. With this bill, we are going to abolish 100 years of protection of public sector employees and, instead, go to a system under which one person decides what people are paid. That one person will be the police commissioner. None of that will be referred to any other authority. There is no provision in this bill that says that the remuneration has to be approved by any other person. This is a corrupt system for public service payments. We cannot have an individual setting the rates of pay for public servants. That is a corrupt process and is not appropriate. This is not a minor matter for a red-faced Premier to abuse people about; this is essential to the proper functioning of the public service in this state. This is a complete corruption of the proper processes that apply to the payment of public officers in this state.

I go on further and point out that —

Mr C.C. Porter interjected.

Mr W.J. JOHNSTON: We have had 100 years of it. It is called the Industrial Relations Commission. The provision should state that a person —

Mr C.C. Porter: Who determines the rate for a police officer? Who makes the decision whether someone is a superintendent, a detective sergeant, a sergeant or a constable and is paid a rate accordingly?

Mr W.J. JOHNSTON: With respect, the Attorney General is demonstrating his ignorance of industrial law. What he is talking about is the system of who fills a position, not what his or her rate of pay is. We cannot have a system under which two people doing identical duties are paid different rates of pay.

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Mr C.C. Porter: Who is paid more, a superintendent or a constable?

Mr W.J. JOHNSTON: Of course the superintendent is.

Mr C.C. Porter: And who determines who will be the superintendent?

Mr W.J. JOHNSTON: That is not the argument that the Attorney General is putting to me. That is complete nonsense.

Several members interjected.

Mr W.J. JOHNSTON: As members can see, I am very happy to have the Premier in here from the bar, halfway through his bottle of red wine, with his red face and his high blood pressure, interjecting like he is, but that is not the point.

Several members interjected.

The ACTING SPEAKER (Mrs L.M. Harvey): Order, members from both sides! No-one can hear the member for Cannington, and the member for Cannington has my call.

Mr W.J. JOHNSTON: Thank you, Madam Acting Speaker. As I was saying, who gets promoted is not the issue that I am raising. The Attorney General raised the issue of a superintendent. Of course a superintendent gets paid more than a constable, but superintendents know the rates of pay. They can read their award and find out. This provision will mean that the police commissioner, and not the industrial award that applies to that occupation, will decide how much people are paid. However, I go on. It is interesting that the Western Australian Police Union is incapable of representing police auxiliary officers. They are not covered by the police union's membership rules. Rule 6(a) of the Civil Service Association's membership rules lists a range of people who are eligible to be members of the Civil Service Association. Under rule 6(a)(4), a person is eligible for CSA membership if he or she is employed by the state of Western Australia. Then we go down to sub-rule (b), which gives a detailed explanation of who is not eligible to join the union. The point I make here is that any proper reading of that rule will make it clear that a police auxiliary officer is entitled to membership of the Civil Service Association because none of the exclusions in sub-rule (b) excludes auxiliary police officers or any person covered by any future award made for a police auxiliary officer. I refer to rule 4(1) of the police union rules, which describes people who are eligible to belong to that union and it states —

The following classes of employees of the Western Australia Police Service shall be eligible to be members of the Union:

- (a) Sworn Police Officers;
- (b) Police Cadet (Recruits); and
- (c) Aboriginal Police Liaison Officers.

Police auxiliary officers are not listed in that proposed section. That means they are not eligible for membership of the police union. I cannot believe, after we have gone through a process of reforming industrial relations, that the police minister is inserting the Civil Service Association into the ranks of blue officers. That is incredible. I do not believe he knew what he was doing when he did that because I cannot believe that is what he wanted to do. But that is what he is doing. I refer again to 38G(2), which reads —

A police auxiliary officer's appointment is —

- (a) for such period as the Commissioner decides;

Why is it that the Minister for Police and the government do not want any permanent officers to be appointed to the role of police auxiliary officer? That provision prevents it. What is the policy reason for not wanting permanent staff filling these occupations? Let us understand this: if we have a choice of one job or another, we will take the job with the best tenure and with the most impressive conditions. This bill is setting up not only second-class responsibilities for these police auxiliary officers, and that is the intention —

Mr C.J. Barnett: You regard them as second-class do you?

Mr W.J. JOHNSTON: No; you do.

Mr C.J. Barnett interjected.

Several members interjected.

Ms Margaret Quirk; Mr David Templeman; Dr Janet Woollard; Mr John Kobelke; Mr Paul Papalia; Mr Rob Johnson; Speaker; Ms Rita Saffioti; Mr Mark McGowan; Mr John Quigley; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Dr Mike Nahan; Mr Ben Wyatt; Ms Janine Freeman; Ms Lisa Baker; Mrs Michelle Roberts; Mr Martin Whitely; Mr John McGrath; Mr Murray Cowper; Mr Joe Francis

The ACTING SPEAKER (Mrs L.M. Harvey): Order!

Mr W.J. JOHNSTON: As I say, I am happy for the red-faced Premier to interject on me again because he is the one saying they are second-class. If they are not second-class, we should not proceed with this bill; he should withdraw this legislation. He is setting up a B team of police auxiliary officers.

Several members interjected.

Mr W.J. JOHNSTON: As I say, it is not just the B team in cabinet that has brought the bill in here. There will be a B team in blue shirts—a B team that will not be allowed to join the police union, and it will be part of a demarcation dispute between those two unions. The B team will not have the ability to be employed on a permanent basis. Why does the police minister not want auxiliary police officers appointed on a permanent basis? I will be very interested to hear how he explains to the people of Western Australia that he will not allow permanent appointments to these positions.

The ACTING SPEAKER: Order! There are conversations happening across the room and I cannot hear the member for Cannington.

Mr W.J. JOHNSTON: We know what a police auxiliary officer is; it is not a police officer. If it were a police officer, this bill would be redundant. I would like a brief extension of time, Madam Acting Speaker.

[Member's time extended.]

Mr W.J. JOHNSTON: If that is what the government wanted, it would withdraw this legislation. This legislation would be redundant if the government wanted them to be police officers. It is introducing legislation so that they are not police officers. This bill sets up a category of employee in the police service who is not a police officer. If the red-faced Premier who has come in from the bar and favoured us with his presence did not want auxiliary officers, but, instead, wanted police officers, this bill would not be in front of us. I am very happy for this legislation to be considered on its merits, but it does not have any. This is a very interesting piece of legislation.

I refer to proposed section 38H to the act, which reads —

Unless the document appointing a police auxiliary officer says otherwise —

I refer now to 38G(1), which reads —

The Commissioner may appoint any person as a police auxiliary officer.

Proposed section 38H refers to the document, but 38G(1) contains no provision that requires the appointment to be made in writing. I will move an amendment during consideration in detail that will amend proposed section 38G so that the appointment made by the commissioner must be done in writing. It seems pretty damn simple, given 38H refers to “the document” that the appointment must be confirmed in writing. If we can tidy up the error made by the minister, we can include a provision that will not address the very proper comments of the member for Mindarie about the limits to the powers, but at least it will allow Parliament to see what powers are being given to police auxiliary officers. At the moment, as the member for Mindarie explained, powers are being given to persons, but Parliament will be unaware of what rights and responsibilities are being given to the police auxiliary officers. That cannot be in the interests of the proper governance of this state. As the member for Mindarie explained, this government has introduced mandatory sentencing laws that mean if a person injures a police officer or, in the future, a police auxiliary officer in the course of his duties, that person will go to jail. How will those officers know the course of their duties if they do not know what duties have been provided to them by the commissioner? What are the limits to their authority? When will police auxiliary officers be exceeding their authority? When will they not be protected by the Police Act, and when will they be doing something that is not provided for by the commissioner? This bill will leave everyone in the community, including this Parliament, ignorant of those arrangements. Again, I will move a very simple amendment during consideration in detail that will deal with that matter. It will simply require the police minister to table in Parliament the authorities that are given. That way the Parliament can review what is happening with police auxiliary officers.

We could very easily deal with these matters because it may well be that an arrangement could be introduced whereby a person has powers that are not the full powers of a police officer. If that was the promise made by the Liberal Party before the election, it would have been fair enough. But, of course, that is not what happened. The Labor Party made a commitment in the lead-up to the election that it would recruit 500 additional police officers over five years to build on the 600 that had already been employed, and the Liberal Party matched our promise

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and said that it would do the same. Now this bill has come before us. That is why I again will support the proposed amendment to be moved by the member for Girrawheen to include in the legislation a date of proclamation after the date that the government meets its election commitment.

Several members interjected.

Mr W.J. JOHNSTON: I am not quite sure what any of these conversations have to do with me.

The ACTING SPEAKER: Order!

Point of Order

Mr P.B. WATSON: I am sitting right next to the member and I cannot hear what he is saying because of the interjections from the Premier.

The ACTING SPEAKER (Mrs L.M. Harvey): Member for Albany, I agree. I could barely hear your point of order. The member for Cannington has the call.

Debate Resumed

Mr W.J. JOHNSTON: As I said, if this bill were to come into force after the Liberal Party's amendment had been agreed to or if it came into force alongside the election commitment of the Liberals and they delivered 500 extra police officers, which is what they promised, many of the objections that we are raising could be ameliorated. There are some fundamental issues such as the ones I raised about the terms and conditions, powers and other matters. The concept of additional functions being given to people in the community on behalf of the police service is not automatically objectionable. The minister interjected a number of times during the debate about decisions of the former government regarding custodial officers and other matters. That is exactly what I am getting at. The former government still met its commitment of 600 additional police officers. Those police officers were additional officers. If the minister would like to say that he has thought about this matter again, if he is going to be honest with the people of this state and not perpetrate a Liberal lie that he is going to deliver 500 additional police officers, many of our objections to this legislation would fall away because we would have an honest government delivering on its election promises. Unfortunately, that is not the situation. That is why I particularly commend the amendment to be moved by the member for Girrawheen. If the amendment is passed by this house and the other chamber, the Liberal Party would be honest with the people of Western Australia, which would be a refreshing change and it would meet one of its election commitments.

As I said, a number of technical issues need to be dealt with because of the poorly thought-out process that is delivered in this bill. If the Minister for Police was up to the job that he has been asked to do by the people of Western Australia for the enormous salary he receives, these errors would not be included in the bill and we would be able to deal with the issues —

Mr C.J. Barnett: How many salaries from this Parliament are in your household?

Mr W.J. JOHNSTON: That is a very interesting contribution. I will tell the Premier how much taxpayers' money comes into our house; it is the exact amount that is provided for the work that my wife and I perform. It is still less than what the Premier gets and it is still less than what the Minister for Police gets, the same Minister for Police who cannot organise himself as the Leader of the House and the same Minister for Police who brings a bill before this house that is inadequate. The government is not up to the task that it has set for this Parliament.

I am not concerned that the Premier decided to raise family issues. We all know that the Premier is very sensitive about his family. I am not going to raise any issue regarding the family circumstances of the Premier because I will not stoop to that disgraceful level. I will not come into this house and raise issues relating to family members of members of Parliament. I have never done it and I am not going to start today.

Several members interjected.

The ACTING SPEAKER: Order!

Mr W.J. JOHNSTON: The Premier can come in here and talk about my wife, as he has done in the past and as I am sure he will do in the future. I ask him one thing: the next time he decides to make these types of interjections, he should not spend so much time in the bar before he comes here. Quite frankly, his performance earlier in the day is usually far superior to his contribution after the dinner break. That is up to him. The red-faced Premier comes into this chamber and attacks the member for West Swan, a young pregnant woman. The Premier cannot stand hearing her speak. Every time the member for West Swan gets to her feet, we know that the Premier will be in here trying to abuse and intimidate her. That is the way he approaches politics. He cannot stand that there is a clever, intelligent woman on this side of the chamber who has been elected to Parliament to

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represent the people of West Swan in a very forthright manner. Every time she speaks, the Premier comes in here, whether he is sober or not, and interjects from his chair.

Withdrawal of Remark

Dr M.D. NAHAN: The member for Cannington made a claim that the Premier was intoxicated.

Ms M.M. Quirk: No, he didn't. He never said that.

Dr M.D. NAHAN: Yes, he did. I suggest that he retract that.

Mr M. McGOWAN: The member said words to the effect of "comes in here, whether he is sober or not". He did not allege that the Premier was intoxicated. I might add that the Premier's behaviour at this time of the night is something that needs to be —

Mr R.F. Johnson: Sit down. You're making a point of order.

Mr M. McGOWAN: The Leader of the House should just be quiet. The Premier's behaviour is disrupting the entire house. I ask that he desist because members want to have their say on this legislation, and the interjections that he is making are completely disorderly.

The ACTING SPEAKER: It is improper in this house to impugn the character of another member. To imply that a member of this house may or may not be sober upon entering this house is not parliamentary.

Mr W.J. JOHNSTON: Madam Acting Speaker, if you could draw my attention to the words that I used, I will be happy to withdraw them.

The ACTING SPEAKER: Just withdraw, member for Cannington.

Mr W.J. JOHNSTON: I withdraw.

Debate Resumed

Mr W.J. JOHNSTON: As I was saying, I am happy for the Premier to abuse the member for West Swan, as he always does. The member for West Swan cannot speak in this chamber without the Premier coming in here and abusing her. That shows the intellectual intimidation that the member for West Swan delivers to this chamber. The Premier cannot resist. Every time this young woman comes into this place and makes eloquent, well thought out and well researched contributions, the Premier comes in here and interjects. He is scared of her. He is intimidated by her intellect, by her ability and by her capacity. He will continue to be intimidated by her because she is the sort of quality person that the Labor Party is proud to have as a member.

We are very happy for this bill to be judged on its merits because it has very few. We know why that is. The incompetence of the Minister for Police has delivered this sort of legislation. I am glad to see the Treasurer in the chamber because his embarrassment was caused by the Leader of the House on the last sitting day. We got him out of that embarrassment. The Labor Party saved the Leader of the House from that embarrassment. Imagine if the house had passed government legislation without government amendments. It would have been outrageous.

I am very happy for the Premier to come into this house and try to intimidate the member for West Swan because it demonstrates his capability more than hers.

MR B.S. WYATT (Victoria Park) [9.00 pm]: I, too, rise to speak to the Police Amendment Bill 2009. Things have not been particularly pretty in here this evening. I am looking forward to participating in the latest comedy routine that is the Minister for Police's legislative program. I thank the member for Cannington for his very accurate contribution, the member for Girrawheen, who outlined the many deficiencies that sit within the Police Amendment Bill 2009, and finally, and in particular, the member for Mindarie, who outlined some of the legal problems —

Mr M.J. Cowper: Are you going to support this legislation?

Mr B.S. WYATT: We are lucky that the member has left the police force. He is now an auxiliary member of Parliament, sitting over there!

I thank the member for Mindarie for his contribution about the legal problems contained in this legislation.

Mr C.J. Barnett: Do you support shopping hours until eight o'clock?

Mr B.S. WYATT: I support the position that the Labor Party took to the last election. We took a very clear position. Our position was very clear, unlike the Liberal Party, which had no position. It was the Premier who

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defeated the former Labor government's attempt to deregulate shopping hours and extend them until 9.00 pm. The Treasurer was an active proponent —

Mr R.F. Johnson: Are you going to talk about the bill?

Mr B.S. WYATT: I am responding to the Premier's interjection. The Treasurer was a leading advocate against extended trading hours. As sanctimonious as the Premier is—I will not make any comment about where he was prior to coming here this evening—there is not another member in this chamber, particularly not one who is as old and has been around for as long as the Premier, who has argued both sides of this debate and gets all sanctimonious about pretending that his hands are clean on this issue. That similarly applies to the Treasurer who was a leading advocate of the “vote no” campaign in the lead up to the referendum.

Mr C.J. Barnett interjected.

Mr B.S. WYATT: According to his website, there is Troy Buswell, Western Australian Liberal Party candidate, telling us why we should all vote no. He listed his top 10 reasons for voting no to extended trading hours.

The ACTING SPEAKER (Mr J.M. Francis): Order, member for Victoria Park!

Point of Order

Mr M. McGOWAN: The Premier keeps interjecting on the member for Victoria Park on this issue, and you call him to order when he responds. Act with bit more maturity.

The ACTING SPEAKER: I am calling the house to order, member for Rockingham. There is no point of order. I am giving the member for Victoria Park a lot of leeway; the Treasurer is not in the house and he did not interject. The member for Victoria Park referred to comments made by the Premier; he had some leeway. He is now referring to comments made by the Treasurer, who was not in the house to interject. I am going to ask the member for Victoria Park to address the bill.

Mr P.B. WATSON: Mr Acting Speaker, I am very disappointed with the way you are speaking to members on this side of the chamber. You were standing, pointing and shouting; I do not think that is proper decorum for an Acting Speaker of this house.

The ACTING SPEAKER: I take your advice. If you have an issue with my ruling, you should move dissent.

Debate Resumed

Mr B.S. WYATT: The Premier made comments about the consistency of the Labor Party's position; I was merely referring to the consistency of a senior Liberal Party minister's past position on this issue. I warn the Premier that his Treasurer listed on his website 10 reasons to vote no to extended trading hours. The Premier is not in a position to come in here and argue that he has clean hands on this matter. I am happy to debate this issue if the Premier wishes to continue interjecting about retail trading hours.

The origins of this bill can be found in the record Treasurer's Advance Authorisation Bill that was debated at some length last year. It highlighted the excessive blow-out in government spending by that self-proclaimed economic genius, Premier Barnett, and his Treasurer, who have spent at record levels. Never before has so much been spent by a state government in Western Australia, far beyond the revenue that the state is bringing in. It is worth noting that since the midyear review, salaries are up \$381 million beyond the midyear review forecast and other employee imposts are up 15.6 per cent. The government's rhetoric is strong on wages policy and the FTE cap, but it has failed to rein in its own beyond-budget spending, which is why we are debating a bill that represents a significant broken promise by Premier Barnett and his government. That is the fundamental reason the Labor Party will oppose this legislation, unless the amendments proposed by the member for Girrawheen are accepted. We will not be complicit in the Liberal Party's breaking of a key election promise.

I know that this matter has been canvassed previously, but I note a document put out by the Liberal party entitled “Liberal's Financial Statement 2008 State Election”. The recurrent election commitment summary for law and order was, for 2008-09, \$1.5 million. This came under “Recurrent Initiatives”—that is, employing police officers. For 2009-10, it was \$31.9 million; 2010-11, \$52.7 million; and 2011-12, \$68.1 million. The document outlines what those amounts are for, under the heading “500 Extra Police”. It states —

This initiative commits a Liberal Government to increasing police numbers by 500.

There is no reference to auxiliary police or anything else that may look like a police officer—not a cadet, not a scout, but a police officer. That is what the Liberal Party committed to in the lead-up to the last election. This

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was a core promise; it was not a non-core promise. The Liberal Party went even further and released another document entitled, "Liberal Plan for Police", which outlined in further detail its commitment to law and order. It states that the Liberal Party will —

- **Recruit an additional 500 police officers over five years and an extra 200 specialist officers to further boost police resources**

The document also states —

With a growing population and increasing crime rates, more police are needed throughout the state.

Western Australia needs more police on their feet, in the street.

The Liberal Party recognises this and will recruit an additional 500 police officers —

Again, not auxiliary police officers, cadets, cubs, scouts or girl guides, but 500 police officers —

over five years and an extra 200 specialist officers to further boost police resources.

A visible, well resourced police presence is vital for providing peace of mind and a sense of safety in the community.

In respect of the 200 specialist officers, I assume that could possibly be a reference to auxiliary police officers.

Mr R.F. Johnson: No.

Mr B.S. WYATT: No? It does not include the auxiliary police officers, but it is clear that 500 police officers were committed to by the Liberal Party in the lead-up to the 2008 election, which it won. It was no secret; it was not something that nobody had any idea about, unlike the Liberal Party's retail trading policy. This was a clear, defined and costed policy from the Liberal Party. The government cannot for a minute think that the opposition is going to be complicit in breaking a core promise made by the Liberal Party to the people of Western Australia.

Mr M.J. Cowper: Are you going to oppose it?

Mr B.S. WYATT: Oh, my Lord! If the member wishes, I will send him a letter explaining it again. I will say this slowly: unless the government accepts our amendments, we will oppose this legislation. Does that make it any clearer for the member?

This legislation is of no service to the police force at all. The point must be made, and has been made by a number of other members earlier tonight, that the idea of auxiliary police officers is actually a good one. We all understand what an auxiliary police officer can do in respect of easing some of the less front-line police work, to get more police officers out walking the beat. That is what the Liberal Party document committed to—500 extra police officers. Not 350; 500 extra police officers. The problem is, as has been outlined in the annual report for 2008-09, the government has blown a gasket in its spending. It cannot control itself. Every time a minister tries to control something, the Premier strolls in and commits another \$100 million here and there. I hear that chiefs of staff meetings with Treasury are wonderful these days; no-one has any idea what is going to be committed to next or how much it is going to cost. However, as the annual report for 2008-09 displayed, revenue continued to grow in the final boom year, but not quite like expenses at 13.5 per cent growth. The budget estimated growth in expenses at 7.7 per cent, the *Pre-election Financial Projections Statement* revised it down to 7.5 per cent, but once this government got into power it went to 13.5 per cent. The two key areas of health services and education and training went above and beyond the budget at \$370 million and \$229 million respectively. This is the reason that we are in this place this evening debating this legislation, which is a blatant breach of a key promise made by the Liberal Party in the 2008 state election.

I want to make a couple of points about one or two clauses of the bill. In clause 10 proposed section 38H(1) outlines —

Unless the document —

The member for Cannington has already outlined a problem with the term "the document" —

appointing a police auxiliary officer says otherwise —

- (a) a police auxiliary officer has all of the powers, duties and obligations that a police officer or a member of the Police Force has under any written law other than this Act ...

Proposed section 38I(1) goes on —

A police auxiliary officer is not a member of the Police Force of Western Australia for the purposes of this Act.

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This is one of the key issues.

Mr R.F. Johnson: This is tedious repetition, my friend. Everyone on your side has said the same thing.

Mr B.S. WYATT: So?

Mr R.F. Johnson: Try something new?

Mr B.S. WYATT: The Minister for Police provides us with lots of enjoyment; I will give him that. He provides us on this side of the house with lots of entertainment. The people of Western Australia are entertained by him, I must admit. There is no doubt that we always enjoy the circus that is the Minister for Police's office.

However, the problem we have is that this bill gives all the powers, duties and obligations of a police officer to somebody who is not actually a police officer. This is the problem we have, and this is the problem that many Western Australians will have. Most Western Australians who see a police officer in uniform have a pretty good idea of the officer's powers and obligations and of the rights of citizens when it comes to interacting with a police officer. We all know that and I dare say that every Western Australian knows that if someone assaults a police officer and causes bodily harm, that person will go to jail. We have all got that sorted out.

The problem with this bill is that it creates an undefined and unknown person—an auxiliary police officer—with powers that we do not know of. No-one knows. We have no idea which powers, duties and obligations that particular person will have; they are all subject to the complete discretion of the Commissioner of Police. That is the problem with this legislation. Many members have asked, including the member for Cannington most recently, how we will know when an auxiliary police officer approaches a Western Australian citizen and identifies himself—I assume he will have some form of uniform or at least tell the person that he is an auxiliary police officer—which powers, duties and obligations that officer will have. This bill creates a significant public servant.

Mr C.J. Barnett: So if they have lesser powers, presumably they are okay to hit; is that your philosophy? That is what you are arguing.

Mr B.S. WYATT: Not that long ago in this place the Premier said that the lowest form of debate was to put words in the mouth of another member. The Premier is the number one person who continues to do that. It is a point of frustration, because most Premiers in the history of WA occupy or pretend at the very least to occupy a certain element of statesmanship. The Premier has not tried to do that. That is disappointing.

Mr P. Abetz: He doesn't have to try.

Mr B.S. WYATT: Member for Southern River, I am one of very few members on this side of the house who have some regard for the Premier as a person. I know the Premier's son; I am friends with him. I am disappointed with the way the Premier has behaved this evening, particularly with respect to the member for West Swan, and the way he behaves generally in this place. He is the Premier of this state, he is my Premier as well, and I expect a certain element of behaviour that he is simply not matching.

Mr C.J. Barnett: I asked you a question and we get five minutes of this.

Mr B.S. WYATT: No.

Mr C.J. Barnett: Answer the question.

Mr B.S. WYATT: I will answer the question. If the Premier is going to patronise me and patronise members of this side of the house, he must expect to be talked down to as though he was my bloody daughter! I mean, it is just ridiculous! I withdraw that, Mr Acting Speaker (Mr J.M. Francis). However, it is embarrassing. I am a citizen of Western Australia and I am embarrassed by the performance of the Premier, not just this evening, but also on a number of different occasions.

The problem we have, as I have said—I know that the Minister for Police does not like it—is that this legislation has been terribly badly drafted. We know that. As I said, we are creating a significant public servant with significant powers—all the powers, all the duties and all the obligations of a police officer—and what we have is a 15-page document. It is not acceptable that we can create a person with this sort of power without much more and better clarity on this side of the house and on that side of the house—members sitting in the back of the government benches have some concerns with this bill as well—about who this person is and which powers the person may have.

I spent not a long time but a short time working at the Office of the Director of Public Prosecutions. I worked very closely with officers of the proceeds of crime squad, as it was then called in the police force, and I have

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great regard for them. However, I was very aware of the powers they had and continue to have and I was very aware of their operation under the Criminal Property Confiscation Act. As a DPP lawyer, one of the things I was very careful about was ensuring that those police officers were complying with their powers, duties and obligations. I can tell members right now that when people were charged, that was one of the first things they looked at. When there is this sort of ambiguity around a significant entity that we are creating—an auxiliary police officer—with all the powers, all the duties and all the obligations of a police officer, we have to be careful. The debate needs to move beyond some of the slanging that has been going on this evening, particularly coming from the Premier and his sort of claptrap that we are soft on crime or that we are a bunch of morons. The fact of the matter is that what we are doing this evening is actually very significant. I know that government members are part of a conservative party and that there are conservatives in the public gallery who recognise that as well. The member for Murray might even work it out. I doubt it, but one just never knows.

Mr M.J. Cowper: Murray-Wellington.

Mr B.S. WYATT: The member for Murray-Wellington. We will never know.

The member for Cannington made a good point. I must ask the Minister for Police at the consideration in detail stage, but I assume the “document” referred to in proposed section 38H is a certificate that the commissioner provides to the auxiliary police officer.

Mr R.F. Johnson: Correct.

Mr B.S. WYATT: There has to be, I think, some precedent form in which an auxiliary police officer has his or her powers, duties and obligations set out so that the average Western Australian citizen understands who and what he or she is dealing with when interacting with that person. This carries an extra element of seriousness. As the member for Alfred Cove pointed out earlier on today in a very good contribution, with mandatory sentencing we now find auxiliary police officers without training dealing with people who are drug affected or alcohol affected or whatever the situation may be. Therefore, a situation may arise due to that lack of training when an assault occurs and therefore somebody goes to jail. We cannot expect the Parliament of Western Australia to consider the Police Amendment Bill 2009, which creates another police officer in a different uniform—that is all it is—who may or may not have some of those powers removed, because that is effectively how the legislation will operate. That person will have all the powers unless the commissioner decides to take this or that out or add this or that different obligation and let the auxiliary police officer loose on the people of Western Australia.

I think that 99 per cent of the time these people will be good people and will do their job very well. I have no doubt about that, but we in this place do have to worry about that one per cent who will not do their job well. We do have to worry about the people whom that one per cent come across in the Western Australian community. That is not an unreasonable question to ask from this side of the house. The legislation is unclear, it does not set out at all how we in the Parliament or even how the minister as a member of the executive—I believe he is planning to have executive oversight of this process—will perform his role. We do not know how the minister will inform himself about how these people are appointed and the roles, duties and obligations they will have. It is the role of the Parliament to have oversight of what it is those mugs on that side of the chamber do. However, unless we can do that, then we are not doing our job.

Mr C.J. Barnett: Who is patronising now? Charming! What a distinguished, elegant speaker.

Mr B.S. WYATT: I woke them up! This piece of legislation has been drafted by mugs, and I will say that word again because it is not worth the paper it is written on.

[Member’s time extended.]

Mr B.S. WYATT: This legislation is very poorly drafted. It creates a very powerful person who looks different to a police officer, yet may or may not have the same powers. That is not acceptable, and I know that the conservatives in this government will not find that acceptable. If a Labor government introduced this legislation, the opposition would be incredibly upset with the creation of an alternate police officer. That is what is being done.

As I said, Minister for Police, the concept of an auxiliary police officer is actually good, because it frees up real police officers to do the real police work that we all expect of them; this legislation does not do that. Some of the amendments proposed by the member for Girrawheen will allow that to happen and will add strength to the Police Amendment Bill 2009. They will also add strength, and perhaps a bit of commitment, to the promises made by the Liberal Party in a number of separate documents costed by the Liberal Party during the 2008

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election campaign. That is not unreasonable, and I think all members in this place tonight accept that, including the people on the backbench who know that the opposition is right on this issue.

Mrs L.M. Harvey: We don't think you are right!

Mr B.S. WYATT: The member knows I am right, but, anyway, this will play out, and the member for Scarborough will see that. I look forward to hearing what she has to say when she rises to talk about this after me, hopefully.

As I said at the beginning of my contribution, the origins of this legislation go back to the Treasurer's advance, to the unsustainable deal struck with the National Party, and to the fact that the finances of the state are out of control. This legislation is a way for the government to try to get coppers on the cheap, which is what it is trying to do. The government is going to give auxiliary police officers the powers, duties and obligations of a police officer, but not pay them the same wage. That is what this legislation is all about. This government has had a 13.5 per cent expense growth and this is what it is resorting to in an attempt to get some form of control over finances. It is not acceptable, and the worst outcome will be that unsafe, unsecure, unclear and ambiguous police officers will be created in Western Australia. It is unfair to Western Australians and it is unfair to auxiliary police officers, 99 per cent of whom, I am sure, will do a very good job. It is also unfair to real police officers who we all know have their roles, duties and obligations spelt out very, very clearly; every Western Australian knows what their rights are and what could happen if they interact improperly with those police officers.

For the benefit of the member for Murray-Wellington, again, Labor's opposition to this bill has been explained by the member for Girrawheen. If our amendments are not supported, we will oppose this legislation. I am proud to say that, and I will argue that strongly in my electorate. I know that the people of my electorate will be concerned by what this bill attempts to create.

Mr R.F. Johnson: You're going to filibuster the whole thing? Okay, guys, you're going to be here late tonight. Everybody who's got no real interest in the bill is going to filibuster.

The ACTING SPEAKER (Mr J.M. Francis): Order, Minister for Police!

MS J.M. FREEMAN (Nollamara) [9.23 pm]: I rise to speak on the Police Amendment Bill 2009. In doing so, I note what my colleagues have already said, and I concur with much of it. I would also like to take this opportunity to quickly congratulate the officer in charge at the Mirrabooka Police Station who was one of the finalists in the Police Officer of the Year competition, Sergeant Simon Hazell. Sergeant Hazell was nominated because of his positive influence and significant work with children at risk in the Kalgoorlie-Boulder area whilst stationed at the Kalgoorlie Police Station, after re-establishing the police rangers program in the region three years ago.

Mr R.F. Johnson: You should save that for a 90-second statement; it's got nothing to do with this bill.

Ms J.M. FREEMAN: He encouraged young people to participate in activities and contribute to community events.

The ACTING SPEAKER: Order, Minister for Police! Member, take a seat. Minister for Police and the member for Albany, I am trying hard to hear the member for Nollamara; I ask both of you to cease your conversation in the chamber. I give the member for Nollamara the call.

Ms J.M. FREEMAN: Minister for Police, I am trying to acknowledge the work of a good officer, whose recent move to the Mirrabooka Police Station was welcomed and appreciated, as are all of the good police officers in the area of Nollamara, as well as those public servants who do essential work in that area.

What interests me about this bill, and the reason I have risen to speak on it, is that it seems to lack scope and a capacity for definition of scope. That is an interesting perspective for me to look at it from, because so often when looking at the employment parameters of people, scope is very important, and it has been argued throughout the history of industrial law in Australia. It is essential to have job definitions and it is essential to how these people will operate. It is interesting that a scope has been created that is exactly the same as that of other employees, but it is defined without classification, without responsibilities and without the definition of training and competency. It really gives no limit to the role of a police auxiliary, and as the member for Victoria Park said, it really is just a situation of police being employed but their level being reduced, which is questionable. There has been banter back and forth that the bill is not necessarily about paying auxiliary officers a lower wage, which is the issue I am most interested in, and we must ensure that these workers are not disadvantaged. Clearly, they will be expected to carry out the role of sworn police.

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The Western Australian Police Union wants to know what an auxiliary officer will do, which is what the opposition also needs to know as legislators. Who will supervise them? Will it be other auxiliary officers or public servants? Where do they fit in terms of that? Will there be different levels? Will there be different aspects to their jobs?

I thank the member for Cannington for his very competent assessment of the particular clauses of the bill, and if I was representing these workers proposed section 38H would lead me to argue that they are police officers and therefore they should be paid the same wage. That seems to undermine the purpose of this bill, which is to create these officers, as I understand, to probably deliver the three per cent cuts, or that is the word on the street.

How does this bill deliver on the government's wages policy? Frankly, I do not think it will, even though the purpose of this bill seems to be to almost create police for whom wages and conditions can be set that are lesser than those of fully sworn police. Frankly, as a person who has spent most of my working life representing working people and ensuring that their terms and conditions are commensurate with their positions, responsibilities, training and competency, this seems very unfair. I refer back to the comments of the police union, not on auxiliary officers, but the general comments it made in its latest union magazine which, according to my notes, reads —

A major weakness was that government and WA Police did not have a clear and common understanding on service delivery expectations to be achieved from budget funding.

It seems there is a real mismatch, and to try to deliver it by way of a bill that does not give proper scope and definition and underpin it for these workers seems very unfair.

Proposed sections 38G(5), and 38H(3) of this bill seem very much about unilateral changes to the contract of employment—that is, suddenly they can be changed and the changes can be made in a manner that seems very harsh and unreasonable. I would like to quote proposed section 38G(2), about which the member for Cannington spoke earlier, because it will probably clarify my argument.

Mr R.F. Johnson: Are you talking about 38B(2)?

Ms J.M. FREEMAN: I am referring to 38G(2), which states —

A police auxiliary officer's appointment is —

- (a) for such period as the Commissioner decides ...

From that, it appears to me there is no permanency. It is basically contracting employment for specific periods of time. There is no stability in that. There is no capacity for the worker to feel secure in his ongoing employment. It goes on —

- (b) on such terms and conditions of service, including remuneration, as the Commissioner decides from time to time; but they must not be less favourable than is provided for in —
- (i) any applicable award, order or agreement under the *Industrial Relations Act 1979*; or
- (ii) the *Minimum Conditions of Employment Act 1993*.

At the present time there is no applicable award, order or agreement unless the government says they are police and then they will come under the police agreement. I am happy to ask the Minister for Police to clarify that when we go into consideration in detail. These workers in the first instance are going to be employed without any industrial instrument. The lack of an industrial instrument is a very serious and contentious issue at this point in time. Not only have we got that issue, but we have potential for an industrial dispute between the two industrial organisations that have coverage—one that says it wants coverage because it is the police and one that knows that it has coverage because in fact they are not police. Again the lack of clarity with this seems to be of such a serious nature as to undermine the ongoing employment certainty and the ongoing capacity for this to operate, including for the people who have to put this into place and understand and write those sorts of agreements and awards.

It was with great interest that I went back to look at the Police Act to find out whether it had something similar. In my experience I have never ever seen a clause such as that. As the member for Cannington so aptly pointed out, whilst there is a base rate, there are also performance rates sitting above that because that is just a minimum. That is something unheard of previously in the public sector and is cause for a situation of considerable difference to occur and for administrative difficulties to occur. We could almost have a situation in which the

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commissioner decides to pay an ancillary officer for the number of children that he helps across the street. Although that sounds completely implausible, and perhaps is, it is that capacity to pay the base rate and police piecework above that.

From a perspective of someone who says that one of the jobs we ensure that we do in this role is to ensure certainty for the people that the government will employ, I went to the Police Act. Under “Non-commissioned officers, appointment and functions of”, I read —

The Commissioner of Police may appoint so many non-commissioned officers and constables of different grades as he shall deem necessary for preservation of peace and order throughout the said State, subject, however, to the approval of the Governor.

They are appointed on an ongoing basis by the Governor with permanency, so with security of employment; therefore, they are governed by the agreement that is there other than this piece of legislation that places some restrictions on that.

I also looked at public service officers other than executive officers. I note, too, that whilst that does talk about binding awards, orders or industrial agreements, it does it in a manner that ensures that the officer is appointed for an indefinite period as a permanent officer or for such term not exceeding five years as is specified in the instrument of his or her appointment. That is at section 64 of the Public Sector Management Act. That ensures that there is ongoing, permanent and secure employment.

I am very concerned that without proper scope, without proper definition and without proper understanding of what these auxiliary officers do, there will be an issue of dispute about wages and coverage. At one stage in this debate the minister kindly interjected with the words “they are police officers”. If they are police officers, then pay them as police officers. If they are police officers, then employ them under the current act. If they are police officers, then keep with the commitment to supply 500 police officers.

My other concern is that a lack of detail will deliver confusion for these workers. I have experience with the ambulance service as an industrial officer in the Liquor, Hospitality and Miscellaneous Union. In 1994 the classification of “transport officer” was created. This was done to create separation between the front line and the routine work of ambulance officers. It was done to deliver budget efficiencies. The service was split in two, between paramedics and patient transport officers, whom we see in ambulances. There is very little to mark the difference. There is a sign down the side of the ambulance that shows the difference. There is a little mark on the uniform, but they are still in the same uniforms. They pretty much look the same but they are paid differently. They are paid remarkably differently and a lot less.

I do not intend any criticism of these workers because both paramedics and patient transport officers do their job well and do their job with diligence, commitment and loyalty. The creation of “patient transport officers” in 1994 caused great confusion both to the community and to the workers. Because they are dressed the same and because they drive around in the same vehicles there is an expectation by the community that they are the same, but they are not. Patient transport officers are only supposed to do priority 3, 4 and 5 call-outs. Priority 1 officers arrive at a call-out in a very short period of time and usually have to resuscitate a patient. Those officers may back up on priority 2. Often a call-out relies on the information from the patient. Those members who watched a *Four Corners* report will know that in one particular case a patient transport vehicle was sent out to a complainant and, because of that, there was nothing they could do.

I have had to deal with workers who have been traumatised by what they have had to deal with in terms of being a patient transfer officer and going out to jobs where they did not have the capacity, the training, the ability and the responsibility to be able to deal with those people in the manner that they needed to be dealt with as per a paramedic. Some problems are things like inter-hospital transfers, which is what they are supposed to do. That is not front-line work; that is routine work. An officer is called out and arrives at the hospital with a very hostile and very upset psych patient, who clearly needs medication and clearly needs to be dealt with. To do that, usually the paramedics need police backup. Patient transport officers cannot get police backup because they are a lesser officer. They have to tell the patient transport officers to go away. They medicate the psych patient. The patient transport officer comes back, puts the patient into the ambulance and takes him or her off to one of our public psychiatric institutes like Graylands. When they get there they are told, “We can’t take them because they’ve been medicated. They have to go back to hospital because we can’t take them at that point.” So the patient transport officer is caught between, “I’ve got a role to do but I can’t do it because I’m really not the person for the job.” That is the position we are placing these people in. They are really not the people for the job. We want police officers. That is what the people of Nollamara wanted. That is what the government committed to and that is what should be delivered.

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I will relay a terrible and clearly traumatic example. A person who I was dealing with had to attend an elderly lady who had passed away. The family had dressed her and put nice flowers on her and things like that, but a patient transport officer cannot assess or certify someone as being dead. That person had to be put on the ground and put through resuscitation procedures while the family was there, because they had to wait for a paramedic to come so they could certify her as being dead.

These are extreme examples. I am trying to demonstrate that when we separate those two things, when we separate the essential nature of a job that a person is being asked to do, people are placed at risk of being in a situation in which the community expects them to be able to act in a certain way and they cannot.

As I understand from speaking to the patient transport officers, it is not an uncommon thing. Five or six times a week they will be called out for the wrong thing and they have to wait for an ambulance, not a transport ambulance. They have to wait for the paramedics. If they drive by accidents, they are seen as not doing their job, but it is not their job to stop and assist with accidents. Therefore, that causes difficulty. It is traumatic for the workers and it is frustrating for the public, and it does not fulfil a role that is needed.

[Member's time extended.]

Ms J.M. FREEMAN: I suppose I am left with some questions about what role these ancillary workers will play and what influence they will have. Community policing is vital in Nollamara for the people who are a part of that community. I have looked at the statistics on crime rates in particular electorates. Nollamara sits at about 10.2, which is at the bottom of the top quartile. That is pretty good. I would like it to be at the bottom of the list, but it is not bad. When I looked at the trend lines, I noticed that the crime rates in Nollamara decreased quite sharply from March 1999 to September 2008. Obviously, I will be watching with some interest to see what occurs up to this point in 2009. Although the Nollamara crime rate was close to double the Western Australian average in some of the earlier quarters, its steady decline results in it being almost level with that of the state from December 2005.

The reason I raise this is that I believe it has come about because some excellent community policing has been done in the area. There have been some excellent operations by the police, who have shown their capacity to work in what is a very diverse multicultural community. One of the great programs that the police run is Football with the Fuzz, which the minister would be aware of. This program provides the police with interaction and dealings with the Muslim community in particular, but also the African community and various others. It is a great success because it allows the police to be seen as a very important and respected part of the community.

My concern is that in any case in which there is community policing—we have very good community police officers in the Mirrabooka office, and also in the other offices with which I deal, but predominantly in the Mirrabooka office and the crime prevention office—the police need influence. They need to be able to influence the agenda in the greater region and to be part of the discussion. If the people involved are ancillary officers who have had all those powers taken away from them and who are seen as not really doing the important front-line duties but just the non-traditional policing roles, they will not have the influence to be able to have those debates. That is my concern. I note the member for Girrawheen's comments about the importance of all the different training that police officers receive and the reduced training that ancillary officers will receive. Training is of particular importance in the seat of Nollamara, given the diverse community that it represents.

I come back to the crux of the matter. In the second reading speech, the minister says that these officers will primarily assist in completing many of the secondary or associated policing functions. They are not front-line officers. I note that a question was asked in this place on 23 September by the member for Mandurah, who is now sitting next to the minister. He asked, "What is front line?" When I read it, I thought that the answer might give me an indication of what front line is. However, the minister neglected to get to that part of the question. I am hoping that as a result of this discussion and this debate, we will be able to determine what front line is. I believe that is why we need the amendments. We need to determine what front line is and what the minister is expecting auxiliary workers to do.

The second reading speech goes on to refer to the powers that will be taken away from those officers and the jobs that will be done, and states that this will be done on a case-by-case basis. That interests me also. How can the community appeal this? How can the community say, "Actually, that's not the place for an auxiliary worker"? I say that community policing is not a job for an auxiliary officer. How do we get to be part of that discussion? We want police. The government is telling us that these people are police, but they are not really police. They are police with fewer powers. How can we, as a community, be part of that debate? As I said, the

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second reading speech refers to a broad case-by-case basis. Does that mean that auxiliary officers will be given the power to stop and search? That is a big issue for many people.

I will go on to quickly talk about another part of the second reading speech, which says that there will be a consequential amendment in the bill to the Workers' Compensation and Injury Management Act to ensure that police auxiliary officers are covered by normal employee workers' compensation arrangements. I thought about a couple of things regarding that. I want to acknowledge the past good work of the member for Balcatta and others who were in the previous government, which brought in workers' compensation for police. I believe that is a very important aspect of the work of these officers, who may have been left very vulnerable. The definition of "injury" under the Workers' Compensation and Injury Management Act is an injury that occurs in the course of employment. In the course of their employment, auxiliary officers may be out on the streets, on the beat, doing what they are supposed to be doing. They will be seen out there, and it will make the community feel that the eyes of those officers are on the street. These officers may do something that they are not authorised to do, because certain roles have been taken away from them. Nevertheless, there will be a community expectation that they will do it. Those officers might injure themselves in the process. Will that place them at risk of not gaining workers' compensation? Members opposite may laugh. However, I have sat with people from insurance companies who have said that officers have acted outside their duties, so in fact they were negligent. The great thing about industrial relations is that there is a boss, a worker, and people who negotiate for either party, such as people from unions and worker representatives. They want an outcome that will get people moving on and back to work. They want to deliver an outcome. With workers' compensation, there is a boss, a worker and an insurance company, and it is the insurance company's job to ensure that it does not pay, because it is all about premiums. Members opposite might laugh and say that that will never happen. However, when there is an argument to be had about one word in an act, it will happen under the workers' compensation act. That is what concerns me.

Another matter concerns me. A police officer may injure himself in the course of his employment and be unable to go back to front-line duties. However, he may want to, and can, continue to be a police officer. He is rehabilitated, but he cannot continue to perform front-line duties. What happens to him? What avenues are open for him to work in non-front-line duties? Does he become an auxiliary officer and receive a lesser rate of pay? Does the commissioner use his powers under the act to demote that person after a lengthy period? Where is the sustainability in that for our workers? Where is the security for our workers in that?

I am very concerned about the impact of the closure of the Ballajura Police Station, and especially the effects on Alexander Heights, which is an area in the seat of Nollamara. I applaud the work done by the member for West Swan to ensure that people in that area have proper policing. I know it is a difficulty in Mirrabooka and that it is difficult for the Mirrabooka police to get to those areas. Dianella is really close to the Mirrabooka Police Station, and I know that the Mirrabooka police cannot service the people nearby in Dianella. Those people have to go to Morley. That causes great consternation and difficulty, so imagine what it is like when people suddenly lose their police station. This legislation is not dealing with what people want—they want police with the full powers on the street, and they want the 500 police that the government committed to. That is what the government should deliver, and not something that is flawed legislation, a flawed piece of industrial relations policy and a flawed piece of employment policy that will give no guarantee of security for these workers. In fact, it will cause confusion and undermine their operations.

MS L.L. BAKER (Maylands) [9.49 pm]: This has been a long discussion. While I do not want to repeat a lot of what my colleagues have said, there are a couple of points I want to make about the role that these auxiliary officers may or may not play. We started off listening to a very comprehensive lead speech from the member for Girrawheen, who pointed out the number of models operating in other jurisdictions. That is where I have drawn my information from on this discussion. With members' indulgence I will go through a couple of jurisdictions in a bit more detail. The Northern Territory scheme struck me as relevant. The police profile reads —

The Police Auxiliary Scheme commenced in 1992, employing auxiliaries for police support and specialised duties in Darwin, Katherine, Alice Springs and Tennant Creek.

It is often a front line role and police actively seek to recruit auxiliaries from people of different cultural and ethnic backgrounds to communicate well with the same diversity in Northern Territory society. Because the police force is an emergency service, auxiliaries undergo several weeks of intensive training before graduation, including defence, swimming, first aid, computer and office skills and legal and police procedures.

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In the Northern Territory, the characteristics looked for in an auxiliary officer are maturity, tolerance, commonsense and the ability to work as part of a team. Applicants with language skills or with different cultural backgrounds are particularly sought. Police auxiliaries need to be at least 18 years old, have a minimum education standard of year 10, be of good character, be physically fit, hold a current driver's licence, have a typing speed of 28 words a minute with 85 per cent accuracy and have permanent Australian residency. That is the kind of detail that helps me to understand what an auxiliary officer is asked to do. When we describe the characteristics sought in that person, it helps to learn a bit about the scope of the job.

The Victorians have outlined a different set of duties: attending community events is one of the primary functions of officers. They assist with crowd control at parades, festivals, special occasions and events. I am not sure whether the Minister for Police may have mentioned that this will or will not be a role for our auxiliary officers. Notwithstanding the minister's assurances, there is nothing that says that this might not change in the future. The other duties the Victorians have for their auxiliary police officer include —

CALL-OUT

Officers are called out in the event of an emergency. The emergency can range from a missing person to a disaster. These emergency alerts can come at any hour of the day or night and Auxiliary officers are expected to attend, if required, as soon as possible ...

PATROL

Auxiliary officers accompany police officers on cruiser as well as bicycle and foot patrols.

COMMUNITY SERVICES

Auxiliary officers are called upon to participate in program presentations dealing with crime prevention and traffic safety.

I went through those because I think it is important to point out that a very diverse range of skills seem to be required in various jurisdictions in determining exactly what this role entails.

During this discussion tonight I heard that duties may include guard duty, carrying evidence, securing crime scenes, acting as traffic wardens or custodial officers and being involved in intelligence. There is a range of potential duties, but the bill contains no specifics of what this job will entail. That is probably one of the greatest concerns I have with the way this bill is drafted. I agree with the member for Nollamara that leaving this open, without a better and more clear definition of the scope and role that we are expecting auxiliary police officers to perform, is very weak drafting.

I was particularly taken this afternoon when the lead speaker used the term "slimy segue"—I wrote it down because I thought it was a very good description—to describe the change from police officer to an auxiliary police officer; that is, merely saying that it is not the police officer without, in my mind, having a very clear picture of what the difference is intended to be. I do not think that is enough. It is very weak to leave it so open. It will lead to confusion. We have heard about the confusion that can arise in the public's mind. We have heard today that there will be some distinction to the uniform and some difference in its appearance perhaps. But it is not as though auxiliary officers will be dressed in a bright pink uniform to clearly distinguish them from any other police officer. Indeed, if there is not a well-defined job description in the body of this legislation and it is merely left to the commissioner's discretion, these people will be left in quite a dangerous position.

I have other concerns about the role of the auxiliary officer. If, rather than 500 police officers, we are going to have 350 new police officers and a further 150 auxiliary officers and we are not quite sure what the scope of their work will be, how do we know what their training or their level of risk will be? Many speakers tonight mentioned the issues about officer training, which are of great concern to me.

Mr R.F. Johnson: I will tell you about that when I respond.

Ms L.L. BAKER: That will be very helpful. I have mentioned in this place before that my family is in the police service. I remember very clearly when my brother did his original training for the police service. He came home at night very concerned to make a good impression and to learn well, and wanting to role-play some of the scenarios he was being asked to work on in his training. Some of the scenarios I remember him wanting to role-play were how to deal with different religious groups and people from different ethnicities and how to deal with gay, lesbian, bisexual and transgender issues—a fleet of quite diverse and unique circumstances. Extensive training is given to police officers. I have a grave fear that maybe two or 20—I am not sure because it is not defined—of these auxiliary officers might, indeed, be dealing with the public. Once people are put on the front line with the public, they need to be well trained and very well skilled in managing those diverse situations,

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otherwise we are setting them up for failure and for a potentially disastrous situation; we are certainly not setting them up to contribute to law and order in this state.

As was mentioned in the Northern Territory literature on auxiliary police officers, policing often involves an emergency response. Therefore, anyone who turns up on behalf of police as an auxiliary police person to act in part of that role must be highly skilled to cope with those very stressed individuals who can be found in these situations. Again, the training is hugely important and I do not think it is well defined because we simply do not know what the job will actually incorporate.

There is the issue of whether these auxiliary officers would be subject to mandatory reporting of child abuse and whether they are included in the spread of professions that is required to report child abuse now.

Mr R.F. Johnson: Of course they would; they would be police officers.

Ms L.L. BAKER: If they are police officers —

Ms J.M. Freeman: Will they be paid like police officers?

Mr R.F. Johnson: You are talking about the paramedics again.

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

Ms L.L. BAKER: My point is that if they are police officers, the government cannot have its cake and eat it too. Clearly, they are not police officers; they are auxiliary officers. They have a different role, although we are not quite sure what that role is. They are getting paid at a different rate and they do not have the security of a career. They have a different employment contract and a whole suite of different arrangements, as far as I can tell from this draft. How was I to know that auxiliary police officers were captured by the mandatory requirement to report child abuse? It certainly was not clear.

I think I have raised all the concerns I had with this legislation. In concluding, I say to the minister that if this state really needs 500 more police officers, it really needs 500 police officers, not 350 police officers and 150 auxiliary people doing other roles that are not defined clearly at all in this bill.

MR R.F. JOHNSON (Hillarys — Minister for Police) [10.02 pm] — in reply: I would like to thank the members opposite who made contributions. I am going to respond to some of the questions that have been asked, though not all of them because I have heard much tedious repetition tonight. The member for Cannington said that the Commissioner of Police will determine the wages of police auxiliary officers. Section 38B(2) of the Police Act contains identical provisions for an Aboriginal police liaison officer's minimum wage. Both the Department of Commerce and Treasury are involved in the development of the employment conditions with WA Police, as they are in many other areas. The member for Cannington also said that police auxiliary officers will not be permanent employees because the commissioner determines the term of the appointment. Legally, the instrument of the appointment has a term. The police auxiliary officers will be permanent employees and the instrument of appointment will be for the term of their employment as such, which is the case with many employees.

The member for Mindarie suggested that we bring back retired police officers. As an equal opportunity employer, WA Police will welcome applications from retired police officers to become police auxiliary officers when those positions are advertised. For their own safety and the safety of the community, they will need to meet physical fitness standards and undertake pre-selection testing.

In response to the member for Rockingham, it is the intent of WA Police that police auxiliary officers will be appointed to stations in groups, not scattered individually across the state. There will be a minimum of three, and typically four, at one station. Accordingly, larger stations are being targeted initially for the first 40, with the intention to appoint to seven locations. Future allocations will follow this sort of pattern.

Ms M.M. Quirk: Do you know where the seven locations are?

Mr R.F. JOHNSON: I am not aware of them. The commissioner and his senior officers will roll out these things. It is not something that the minister would normally get involved in. It is operational. The member knows that.

Ms M.M. Quirk: You specified seven. I thought that if you specified seven, you may well have areas in mind.

Mr R.F. JOHNSON: That is the information I have been given. Planning is in place to provide strict standard operating procedures for police auxiliary officers based on risk assessment and information obtained from other jurisdictions, both nationally and overseas, to eliminate the risk of police auxiliary officers not being used

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properly by stations. Training in these standard operational procedures will also be delivered to the officer in charge at police stations receiving police auxiliary officers.

Other concerns that were raised related to pay rates and conditions. They are yet to be finalised, but they will be comparable to existing special constables, which we have already, custody officers, which we have already, prison officers, transit officers et cetera.

Ms J.M. Freeman: Et cetera, et cetera. Are you going to have a number of classifications for these people?

Mr R.F. JOHNSON: No. When I said, “et cetera”, I meant other people in that area.

Ms J.M. Freeman: You mentioned special constables, prison officers —

Mr R.F. JOHNSON: I said custody officers, prison officers, transit officers—those types of positions that are in the public at the moment. It will be comparable to those positions. The opposition was interested in the uniform. It will be similar to police officers’ uniforms. They will be clearly badged.

Ms M.M. Quirk: A bit like the custodial officers.

Mr R.F. JOHNSON: They will be very similar to the uniform of custodial officers.

Ms M.M. Quirk: Given the distance we are away, minister, that is not clear at all.

Mr R.F. JOHNSON: It is if one has good eyesight. I am happy to go into more detail but they will be similar to a police officer’s uniform because they are police officers.

Ms J.M. Freeman: But they will not be paid as police officers.

Mr R.F. JOHNSON: For goodness sake! Their shirts, caps et cetera will be clearly badged as auxiliary police officers and they will be issued with a canvas light cover—I am not quite sure what the notes that I have been given say—to use when driving a marked police vehicle. They will have red epaulettes, not black like police officers. There will be a difference. People will see the difference.

Mr M.J. Cowper: The same as police cadets.

Mr R.F. JOHNSON: I think they will be similar to cadets. The training will be 12 weeks, which will include one and a half days’ dedicated cultural training and training in dealing with people with mental illness, juveniles et cetera. As police auxiliary officers, they will be required to hold a first aid certificate prior to employment. It is not necessary to vest training time in the bill. Training is not a legislative issue for police officers. It is at the discretion of the police commissioner. A lot of these things have been covered already.

Ms J.M. Freeman: Keep going.

Mr R.F. JOHNSON: I will keep going but I will not waste too much time in response because I know I will be asked the same questions in consideration in detail. Tonight, almost every member opposite has espoused the fact that we have not kept an election promise. We have. I do not know how many times I have to say it before it gets through to members opposite that we are taking on an extra 500 police officers. I say it again because members opposite do not seem to be getting the message that that was our intention and that is what we are doing. The reason that there is a difference in the make-up of the 500 police officers—they will all be police officers—is that the commissioner said that this is what he wanted. He told me that he wanted it from the Labor Party when it was in government but it would not do it. He wanted to have that particular mix because it gave him more flexibility.

Ms J.M. Freeman: We gave him police officers.

Mr R.F. JOHNSON: These auxiliary officers will be police officers as well. If some of the people who take up these jobs ever read *Hansard* and see the way some of the members opposite have described them, they will be ashamed of those members, and those members should be ashamed for the descriptions some of them have made. It is deplorable the way they have spoken about future public employees—auxiliary police officers—in the state of Western Australia. It is absolutely disgraceful. At the end of the day, members opposite have been going on about the descriptions, the contracts that they will have, what they will do and how it should be defined in legislation. I say again: why did the former government not do it in 2006 and 2008? It did similar things with the APLOs and with the custody officers.

The previous government did nothing differently from what we are doing today.

Mr J.C. Kobelke: That’s a nonsense!

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Mr R.F. JOHNSON: It is not a nonsense. The member should look at the legislation that the previous government brought about in 2006 and 2008.

Mr J.C. Kobelke interjected.

Mr R.F. JOHNSON: These officers will be given the choice to apply for the job. What a stupid comment! The member for Balcatta can do better than that. The individuals who take up these positions will have the opportunity of a good career path. After a couple of years doing this job, they will have gained an enormous amount of experience of working with the police. Should they wish to, they can then apply to become fully sworn, fully trained police officers. Provided that the police feel they are up to the job, they can then pursue a career as fully qualified, fully trained, fully sworn police officers. It is a great way of doing things. Some of these people may not be quite as physically fit as they need to be to meet the very strict requirements for applying to become a police officer through the academy. The beep test is a classic case. People might be well qualified, have plenty of life experience and be reasonably fit—fit enough to do a good job—but they cannot quite do the beep test, which is a very difficult test to do. This is one means by which they can join the police force—by doing the two-year training as an auxiliary officer. They then have the opportunity to apply.

Ms J.M. Freeman interjected.

Mr R.F. JOHNSON: No, they will not have to take the beep test. The Aboriginal police liaison officers did not need to take the beep test. The member forgets her history because she has not been here long enough. She should not keep arguing; she should talk to the member for Balcatta. He has been here for a very long time. All the member talked about during her speech was paramedics and her local police station. She hardly spent a moment on the bill before the house.

Several members interjected.

Mr R.F. JOHNSON: I know what the opposition wants to do; it wants to treat this bill in the same way it has treated a lot of other very important bills—by filibustering and stretching out the debate. Is the shadow spokesperson so incompetent that she cannot handle this debate herself? The opposition has to get second-raters like the member for Cannington to come here and bore everyone to tears. Is that what we have to put up with? If the opposition wants a late night, it will get one.

Mr W.J. Johnston: Is that a threat?

The DEPUTY SPEAKER: Member for Cannington!

Mr R.F. JOHNSON: No; it is a fact!

We started off okay, because some genuine questions were asked. The member for Mandurah asked a question about the position descriptions. I have draft position descriptions and I am happy for the member to have a look at them later. There is nothing secretive about it.

Ms M.M. Quirk: Why wasn't this finalised before the legislation, minister?

Mr R.F. JOHNSON: This is a draft of the position description. This has already been planned for. We need the legislation to go through before we can do anything with it, but I am happy for the opposition to have a look at it. There are no secrets over here.

Ms J.M. Freeman: Will you table it?

Mr R.F. JOHNSON: I may well table it; I do not really have a problem with that, but I will need it for the time being. I may table it; I am not quoting from it, so I do not have to, but if we get some cooperation, I am very happy to cooperate with the opposition. But if the opposition is going to just stagnate on this debate and keep on filibustering, that is fine.

Several members interjected.

Mr R.F. JOHNSON: Do not keep interjecting on your lead speaker, member for Cannington! Try to be a gentleman for once in your life!

Mr D.A. Templeman: I'm interested in your answer to my question.

Mr R.F. JOHNSON: I would love to answer the member for Mandurah's question. Can he put a gag on the member for Cannington? I would like to respond to the member for Mandurah. His comments were quite amusing, but there was some serious stuff in there, and I want to deal with the serious stuff—the position description paper. I have a copy here, and I am happy to show it to the member. I may not table it, but I am happy to show it to him. It is not finalised yet; it is a draft. Some of the minor details may change from what I am

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happy to show the member, but they will be minimal because the draft has been largely accepted in internal planning for the past three months. For three months the position description paper I am referring to has been in preparation. This is not a temporary police force, to be discarded; they will be permanent employees, subject to the same protections as police officers. The training is designed around feedback from externally facilitated risk assessment and feedback from senior police officers as to how they expect to deploy these police auxiliary officers while they are stationed at police stations.

I have a note outlining some of the areas that will be covered by the commissioner. As I understand it from the commissioner, the sorts of duties the auxiliary officers will be undertaking will be varied. Custodial officers will almost certainly become auxiliary police officers. They will also be used in the lockups, particularly in police stations that have links with courthouses, such as Joondalup, Fremantle and various other metropolitan stations. Once they are trained, it will be better for those officers to perform these duties, which are currently being carried out by fully sworn, fully trained police officers so that we can get those officers out on the streets on patrol, where the people of Mandurah and every other suburb want to see them. They want to see fully trained, fully sworn police officers on the streets, doing the job they are trained to do, and the majority of police officers also want that.

The auxiliary officers will also be used in police stations, and they will take over the clerical, administrative and paperwork roles that fully sworn, fully trained police officers are currently performing. That is what we want to do. We said we would provide 500 extra police officers, and we have; we will deliver. We are delivering 350 and 150 officers. The opposition seems to forget that the 150 auxiliary officers will free up 150 fully sworn, fully trained police officers who are not currently performing front-line duties. They are not out in the public arena dealing with the public where we want them. With 150 fully trained, fully sworn police officers being freed up from police stations, in addition to 350 extra police officers, we will see 500 front-line police officers over the next five years. The member for Mandurah is smiling at me now; he knows that what I am saying is the truth. The 150 auxiliary officers will be taking over those positions, which is what we want them to do.

A member asked whether auxiliary officers will be used to help children cross the road when a traffic warden does not turn up outside a school. Absolutely! Why would they not? We on this side of the house treasure our children, as I am sure the member for Mandurah does.

Mr D.A. Templeman: My question was whether that was an example.

Mr R.F. JOHNSON: It is an example of just one of the things that auxiliary officers can do. There may be three or four of them stationed at a police station. The beauty of it is that only one of these officers will need to be sent out to help kids cross the road. At the moment, because of the protocols in place, we have to send two fully trained, fully sworn police officers out to help children cross the road. It is a waste of good manpower; there is no question about that. Police officers do not really want to do that job, and why would they? They did not apply to do that job. It is better to use one auxiliary officer to do that very important job. For the safety of our children, it is of paramount importance. That is just one of their duties. They will also be taking forensic exhibits and transporting firearms from A to B, which is a duty that police officers carry out at the moment. Once again, the auxiliary officers can take on the job, and I am sure that they will do it very well. There are myriad jobs that I believe the commissioner has in line for these auxiliary police officers. That is what will happen.

I must say that I am staggered at the politics that have been played out this evening. I am staggered at the first proposed amendment, which I am absolutely not going to agree to; it is pure politics and nothing to do with the bill. The member for Girrawheen is smiling at me now. She knows that what I am saying is true. She wants to delay the implementation of this bill until after we have achieved an extra 500 fully sworn and fully trained police officers on the streets. We are therefore looking at that taking five years. The member for Girrawheen, with her proposed amendment, wants none of those people to be employed as auxiliary police officers until five years hence. What a ludicrous amendment and what sheer trash politics that is. I am surprised that the member for Girrawheen would propose to move an amendment like that; I truly am. I thought she had a true commitment to policing in this state, but the proposed amendment that she circulated is nothing but an abominable amendment and I certainly will not accept it. I will not be accepting any of her amendments this evening; I tell her that right away. None of them has been well thought out and none would enhance the bill at all. They are pure politics that the member for Girrawheen is trying to put forward simply to delay the passage of this bill through this house. She can go for it, but I will certainly not be accepting the amendments.

Ms M.M. Quirk: Minister, just on the other amendment, the one about regulations, what is the impediment to making regulations? That would not be a major exercise. You really haven't addressed that.

Ms Margaret Quirk; Mr David Templeman; Dr Janet Woollard; Mr John Kobelke; Mr Paul Papalia; Mr Rob Johnson; Speaker; Ms Rita Saffioti; Mr Mark McGowan; Mr John Quigley; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Dr Mike Nahan; Mr Ben Wyatt; Ms Janine Freeman; Ms Lisa Baker; Mrs Michelle Roberts; Mr Martin Whitely; Mr John McGrath; Mr Murray Cowper; Mr Joe Francis

Mr R.F. JOHNSON: I think I probably have more faith in our Commissioner of Police than the member for Girrawheen has.

Ms M.M. Quirk: It might be a future commissioner.

Mr R.F. JOHNSON: There might be a different commissioner in 10 years. Who knows what is going to happen in 10 years? I cannot predict the future. If the member for Girrawheen thought that, why did she not do that in 2006 and 2008? She did not do it.

Ms M.M. Quirk: It is a different issue.

Mr R.F. JOHNSON: Because we are in government now it is suddenly a great idea from the opposition. Sorry, I have faith in the commissioner to do the right thing. Just to square off the argument, in 10 or 20 years—I might still be here; who knows? I doubt it; God forbid; the member for Girrawheen certainly will not be—if the police commissioner of the day of whatever flavour, red or blue, were to decide to abuse the situation and do something very different, the minister of the day could bring legislation back into Parliament to correct that and put the commissioner in his place.

Ms M.M. Quirk: It might take six months. Regulations can be readily drafted and gazetted; they don't have to come here.

Mr R.F. JOHNSON: Yes, I know, but the member for Girrawheen did not do it in government. She had faith in the commissioner of the day and that is why she did not do it. I have faith in the commissioner of the day. Now that the member for Girrawheen has gone over to the opposition benches, she obviously does not have faith in our commissioner. I find that a bit disturbing. We are the government. I am the Minister for Police. I have faith in the commissioner and the senior officers to do the right thing by our police officers, our auxiliary officers, our Aboriginal police liaison officers, our custodial officers and other staff who do a tremendous job working with the police as well. For that reason I will not be accepting the amendment.

Ms M.M. Quirk: All right, there is just one other question, minister, before we proceed further. Are you familiar with the term “wingies and stumpies”?

Mr R.F. JOHNSON: I am sure this is a really relevant interjection!

Ms M.M. Quirk: It is relevant.

Mr R.F. JOHNSON: No, I am not.

Ms M.M. Quirk: It is slang that is used in the police service for officers who might be injured and for that reason unable to be out on the streets performing front-line duties for some length of time. Therefore, quite often it is those officers who do the very sorts of jobs that you are now contemplating for auxiliary police officers. The issue is therefore that there will not necessarily be police officers ready to go out on the front line because there are reasons for some officers currently to be in stations doing other work.

Mr R.F. JOHNSON: Of course there are; I accept that there are officers who have been injured in the line of duty or have become ill in some way. The police are very good employers and they will always try to keep those police officers on, and there are officers who are doing those jobs at the moment. They are not doing every job; the member for Girrawheen knows that and I know that. There are plenty of fit, capable and able police officers who are doing all sorts of jobs at the moment, such as guarding prisoners in the lockups and the watch-house, driving exhibits from point A to point B, handling firearms and patrolling pedestrian crossings when children need to go to school. We do not send the “wingies and stumpies” out to do those jobs.

Ms M.M. Quirk: No, you can't.

Mr R.F. JOHNSON: No, of course we cannot. We therefore need the auxiliary officers. With the total number of police officers that we have got, I can assure the member for Girrawheen that there will be plenty of work for the 150 auxiliary officers and there will be plenty of officers who will be able to be relieved of the tedious work that many of them do not want to do but have to because somebody must do it. They will be very happy to come back out and do the job they applied to do and the job that most of them love. I hope that answers the member's question.

I thank members for their contributions, certainly the ones that were relevant. I am aware that members will be moving amendments at the consideration in detail stage, but I flag quite clearly here and now that members can waste whatever time they want to, but I will not be accepting the amendments that have been shown to me so far.

Question put and passed.

Ms Margaret Quirk; Mr David Templeman; Dr Janet Woollard; Mr John Kobelke; Mr Paul Papalia; Mr Rob Johnson; Speaker; Ms Rita Saffioti; Mr Mark McGowan; Mr John Quigley; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Dr Mike Nahan; Mr Ben Wyatt; Ms Janine Freeman; Ms Lisa Baker; Mrs Michelle Roberts; Mr Martin Whitely; Mr John McGrath; Mr Murray Cowper; Mr Joe Francis

Bill read a second time.

Leave not granted to proceed forthwith to third reading.

Consideration in Detail

Clause 1: Short title —

Ms M.M. QUIRK: As the minister has pointed out to us, we have made this point ad nauseam, but it seems to us that the title “Police Amendment Bill 2009” does not adequately convey the import of this bill. In particular the broken promise of 500 police officers has suddenly become 350 officers. The only rationale we can discern for doing this is for budgetary constraints. The more appropriate title would be “Police (Coppers on the Cheap) Amendment Bill 2009”.

Mrs M.H. ROBERTS: I could not agree more with those comments by the member for Girrawheen about policing on the cheap. Towards the end of the minister’s second reading speech, he makes the comment —

This bill is important in the ongoing fight against crime as it provides the Commissioner of Police with the flexibility to appoint the police auxiliary officers ...

Of course, that is misleading. This bill allows the government to appoint officers at a much lower cost than the cost of real police officers. The government promised 500 real police officers. That is not what the government is doing.

Mr R.F. JOHNSON: Where were you for the speeches in the second reading debate?

Mrs M.H. ROBERTS: Yes, I listened to the second reading debate and I listened to the minister’s response, which I thought was pathetic.

The title of the bill is the Police Amendment Bill, and the claims by the Minister for Police about the bill do not justify the title. In the opening remarks of the second reading speech, the minister said that the legislation was in response to a need identified by the Commissioner of Police. Yes, it is true that the Commissioner of Police has long supported the concept of auxiliary officers, and auxiliary officers can well fulfil a need. The problem, of course, is that this is not about fulfilling that need and it is not about having auxiliary officers in addition to the 500 police that were promised by the government; this is about doing policing on the cheap. It is about having 350 real police officers and 150 cheaper officers. This is not what was promised during the election campaign. This is a con, the title of the bill is a con, the opening remarks of the minister’s second reading speech made a couple of weeks ago were clearly not true, and I thought his responses today were pathetic.

Ms M.M. QUIRK: The minister has not given a response to our suggested alternative title for the bill. We have yet to find out what exactly these police officers will be paid compared with what a fully sworn police constable is paid, and in the absence of the minister indicating the difference in pay rates, I would like some explanation as to why it would not be more appropriate to call the Police Amendment Bill 2009 the “Police (Coppers on the Cheap) Amendment Bill”.

Mr R.F. JOHNSON: I will indulge members opposite for a moment and respond to the member for Girrawheen. The member knows that rates of pay are never covered in a bill of this nature. They are to be determined by the commissioner, with input from the Department of Commerce and Treasury, and I am sure there will be some union involvement as well. We should be debating the title of the bill. We have heard the nonsensical alternative put forward by the member for Girrawheen, which quite clearly shows that she is not serious in her contribution to this bill. I do not intend to get up every five minutes to respond to stupid and irrelevant comments that some members might make. The member for Midland has been out of the chamber nearly all day long; she comes in now, at 10.30 pm, and wants to delay the chamber even longer.

Mrs M.H. Roberts: You are bringing on the consideration in detail stage at 10.30 pm. I want to attend to the detail!

Mr R.F. JOHNSON: My friend the member for Midland will be in this place a lot longer than! I intend to respond only to decent and reasonable comments.

Ms M.M. QUIRK: To return to the title, the minister said that I know very well that pay rates are not included in bills; yes, that is true. The minister also said that I know very well that these matters are worked out in consultation with unions; yes, that also is true in the normal course of events. The issue with this bill—this is why I think the title that the opposition has suggested is more appropriate—is that the budget contained a calculation of the savings to be made by this new mix. If the minister has calculated what savings will be made

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by this new staff mix, he should be able to indicate what it is anticipated these officers will be paid. Also, the minister made reference to the union, but he knows that at this stage it is not even clear which union will cover these officers. Given that scenario, and given that the minister seems to be very reluctant to indicate in general terms what the pay rate will be —

Mr R.F. Johnson: I have already told you that it will be similar to the pay of Aboriginal police liaison officers, prison officers, transit officers and custodial officers. I have already told you that in my response!

Ms M.M. QUIRK: Yes, but what is it? The rate of pay will be similar to that of APLOs or transit officers, whatever they earn.

Mr R.F. Johnson: And custodial officers, yes.

Ms M.M. QUIRK: But it is a somewhat lesser amount of money than a first-class constable would receive— would the minister agree with that?

Mr R.F. Johnson: It will not be quite as high as that of a sworn officer.

Ms M.M. QUIRK: I think the minister's adviser might be writing down a figure for him.

Mr R.F. Johnson: No, she is not writing down a figure at all.

Mrs M.H. Roberts interjected.

Mr R.F. Johnson: I am clever; I can work these things out!

Mrs M.H. Roberts: We know how clever you are; that's the sad point!

Mr R.F. Johnson: Your member wanted to ask a question and I am giving her the answer. I have told you that the pay rate will be comparable to those for the existing positions in the public service.

Ms M.M. QUIRK: And substantially less than that for a first-class constable.

Mr R.F. Johnson: I do not know about substantially less, but it will be less.

Ms M.M. QUIRK: How much less?

Mr R.F. Johnson: Do you know the difference between what a custodial officer gets as opposed to a junior constable who has just graduated?

Ms M.M. QUIRK: No, minister; that is why I am asking the minister.

Mr R.F. Johnson: Let me see whether I have the answer on this piece of paper; no, I do not have it here. I can tell the member that Treasury is concerned to ensure consistency across similar roles throughout the public service. They are very similar to those particular roles. I do not know the exact wages; the member does not know and I do not know.

Ms M.M. QUIRK: I am not the minister, minister.

Mr R.F. Johnson: No, you're not!

Ms M.M. QUIRK: Given that they will be paid somewhat less than first-class constables, how can the minister possibly tell this chamber that this is not in fact policing on the cheap?

Mr R.F. Johnson: Quite easily.

Mrs M.H. ROBERTS: The way the minister responded to the member for Girrawheen was fairly disdainful, because he did not actually answer the questions she put to him, and I thought his earlier comments towards me were quite contemptuous. I have been listening to this debate all day, and the member for Nollamara made some comments and raised some questions about occupational health and safety that the minister did not properly respond to in his reply. I have a more specific question for the minister, because, as a former Minister for Police, I am well aware that there are medical benefits that apply only to police officers. The title of the bill is the Police Amendment Bill 2009; I think it should be the "Police (Policing on the Cheap) Amendment Bill", not necessarily because of the wage rate, which the minister cannot tell us; he does not think it is appropriate to tell us and he does not think we should know at this time.

But let us talk about the benefits and entitlements that apply to people. I will not talk about occupational health and safety as such. The medical benefits that apply to police officers, as the minister is well aware, are very

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different to the medical benefits that apply to other public servants, or custodial officers, for that matter. Will the medical benefits that apply to police officers apply to auxiliary officers?

Mr R.F. Johnson: No, they will not.

Mrs M.H. ROBERTS: They will not?

Mr R.F. Johnson: No.

Mrs M.H. ROBERTS: So it is policing on the cheap, and maybe that is an appropriate title for the bill.

Mr R.F. Johnson: That's your view, but that's certainly not the government's view. All other public servants, as the member is aware, are covered by workers' compensation, and auxiliary police officers will be the same.

Mrs M.H. ROBERTS: These really are not police officers at all; these are really public servants.

Mr R.F. Johnson: Let me just say that all other Australian police jurisdictions actually use workers' compensation; our police officers, I think, get an enhanced package compared with other jurisdictions in Australia. I think we treat our police officers pretty fairly, as did the previous government; I accept that. The member can keep on talking about officers on the cheap as long as she likes, but we are debating the title of the bill.

Mrs M.H. ROBERTS: Police officers are independent officers under the Crown; they are not employees. The minister is saying that auxiliary officers, however, will be employees—is that the position?

Mr R.F. Johnson: They will be the same as custodial officers.

Mrs M.H. ROBERTS: They are all employees; they are not independent officers under the Crown.

Mr R.F. Johnson: No, they will be employees and they will be given their lines of duty by the commissioner, as happened in 2006 and 2008—I think you were not the Minister for Police then; I think somebody else took over from you.

Mrs M.H. ROBERTS: In terms of the line of command, if we can call it that, with police officers there is a line of command; they are independent officers under the Crown and they have rights and responsibilities, and so forth. But a public servant employee has a different line of command, so the commissioner does not direct them as he does police officers; it is more in the sense of them being public servants, whereby he is directing them as a chief executive officer—is that the position? It is under the Public Sector Management Act.

Mr R.F. Johnson: The commissioner does have control because they are appointed by the commissioner under the Police Act.

Mrs M.H. ROBERTS: The commissioner has two positions, though.

Mr R.F. Johnson: It is the same as custodial officers were.

Mrs M.H. ROBERTS: The point is that the commissioner has two positions: one as Commissioner of Police as designated by the Police Act; the other as chief executive officer of an agency. The minister is amending the Police Act, so he is putting the auxiliary officers within the Police Act; however, they are not going to be independent officers of the Crown like police officers are. In another sense they are going to be public servants, like custodial officers, because they will not have the same rights as police officers.

Mr R.F. Johnson: To some extent the member is right.

Mrs M.H. ROBERTS: They will not have the same medical benefits. These people could end up in a very vulnerable position. The case I am putting to the minister is that police officers have those medical benefits that are accorded to them because of the situations that they are placed in.

Mr R.F. Johnson: What do the custodial officers have—the ones that the member employed? We will have the same as the custodial officers that the member employed.

Mrs M.H. ROBERTS: That I employed?

Mr R.F. Johnson: The member's former government employed them.

Mrs M.H. ROBERTS: What has become apparent here is that this —

Mr P. PAPALIA: I would like to hear more from the member for Midland.

Mr R.F. Johnson: It would be nice if she spoke to the title of the bill.

Ms Margaret Quirk; Mr David Templeman; Dr Janet Woollard; Mr John Kobelke; Mr Paul Papalia; Mr Rob Johnson; Speaker; Ms Rita Saffioti; Mr Mark McGowan; Mr John Quigley; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Dr Mike Nahan; Mr Ben Wyatt; Ms Janine Freeman; Ms Lisa Baker; Mrs Michelle Roberts; Mr Martin Whitely; Mr John McGrath; Mr Murray Cowper; Mr Joe Francis

Mrs M.H. ROBERTS: What is becoming apparent here is that this is really about doing things cheaply. This is about pretend police officers. This is about doing things more cheaply, and not just through the wages paid, which is a matter that the minister is silent on. He will not and cannot, for whatever reason, say how much less than a regular police officer these officers will be paid. That is all yet to be determined. But we know the auxiliary officers' conditions of employment will be very different. We know that they will not be independent officers under the Crown. What the minister is creating here is some kind of cheap hybrid of a police officer.

Mr R.F. Johnson: That is the member's opinion. I am sure they will read with interest the way the member describes them.

Mrs M.H. ROBERTS: It is someone that is neither a public servant nor an independent officer under the Crown like a police officer is. The minister is providing none of the detail. All we know is that these officers are going to be trained less, are going to be paid less and are going to have worse conditions of employment, such as medical entitlements —

Mr R.F. Johnson: They will be treated in the same way as the custodial officers the member employed. If it was good enough for the member to employ the custodial officers —

Mrs M.H. ROBERTS: Are the duties that they are doing only those of a custodial officer?

The DEPUTY SPEAKER: Member for Midland, we have been —

Mrs M.H. ROBERTS: I am talking about the title of the bill. I really think the title of the bill, "Police Amendment Bill 2009", should be more honest. It should be, as the member for Girrawheen has said, policing on the cheap, the hybrid police officers or the —

Ms M.M. Quirk: Broken promises bill.

Mrs M.H. ROBERTS: — broken promises bill because we are really getting not 500 police officers but 350 officers and 150 of these auxiliary officers. The minister would have more credibility on this if he actually provided the 500 real, fully fledged police officers or at least showed us a plan and a budget about how he is going to employ them and said that these auxiliary officers are going to be over and above those 500 police officers. If that were the case, we would not call it the broken promises bill and we would not insist that that term was in the title.

In any event I am quite concerned about the group of people who may take on this role and will not realise the position that the minister is placing them in. It is something that the minister clearly does not want to entertain or maybe cannot entertain. I do not think that the minister has properly thought this through. It is disappointing because there could be a role for auxiliary police officers. I think the member for Girrawheen said that auxiliary police officers could fulfil a real role. They should not be fulfilling the role of real police officers. The minister should be honest about it. If the job they are doing is not really a police officer role but is essentially a security guard role, why does the minister not employ public servants as security guards? Why does the minister not employ them as security guards and admit that that is what they are? These are security guards who are going to guard a crime scene overnight or security guards that the minister will deploy to the football on a Friday night, a Saturday or a Sunday or whenever, and say, "These are really security guards." Essentially these people, as I see it, are really public servants. They are not police officers.

Mr R.F. Johnson: That is the member's opinion.

Mrs M.H. ROBERTS: This is a pretend act. Putting them under the Police Amendment Bill is nothing but a trick. It is a con on the public of Western Australia to pretend that the minister is employing police officers when in fact he is employing public servants who do not have the same rate of pay, the same training or the same conditions of employment as police officers and who are also not independent officers under the Crown as police officers are. What we will get to later in consideration in detail is the fact that the minister wants to give these pretend police officers, who for all intents and purposes are essentially public servants, the powers of police officers. That is where I think his whole strategy comes undone.

Mr M.P. WHITELY: I do not want to rehash everything that has been said previously but I feel that I need to make a contribution here. Fundamentally, the title of this bill is dishonest. It would not be dishonest if the minister was in fact delivering 500 police officers and police assistants, or whatever he wants to call them, on top of that. Then it would be a relevant title. This bill was actually put in place to deliver the very specific promise that the minister made to provide 500 extra police officers in the lead-up to the last state election. What the minister is delivering is 70 per cent of that promise. He is delivering a cut-price response over and above that.

Ms Margaret Quirk; Mr David Templeman; Dr Janet Woollard; Mr John Kobelke; Mr Paul Papalia; Mr Rob Johnson; Speaker; Ms Rita Saffioti; Mr Mark McGowan; Mr John Quigley; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Dr Mike Nahan; Mr Ben Wyatt; Ms Janine Freeman; Ms Lisa Baker; Mrs Michelle Roberts; Mr Martin Whitely; Mr John McGrath; Mr Murray Cowper; Mr Joe Francis

Honestly, what he is trying to create is the illusion of creating 500 extra police, but really they are Clayton's police. They are the police we have when we are not having police. Let us call it the Clayton's police bill 2009, because that is what the minister is in fact delivering. It is a far more honest assessment of the impact of this bill. The minister might not be happy with the title of "Clayton's police bill" because the Clayton's ad—Clayton's being "the drink you have when you're not having a drink"—predates his arrival in Australia and he does not understand what that means.

Mr R.F. Johnson: I understand it.

Mr M.P. WHITELY: There are a few other titles that we could call it. We could call it the half-trained, half-baked police bill 2009, because that is what we are getting. We are getting half-trained police to provide a half-baked response to the needs of Western Australians.

Mr M.J. Cowper interjected.

Mr M.P. WHITELY: They are not fully trained police officers, member for Murray-Wellington. It is an illusion. It is a Clayton's trick. These are the police we have when we are not having police. Hence, the title of this bill should be honest; it should reflect the reality of the situation. If the minister is not happy with the Clayton's police bill 2009 and he is not happy with the half-trained, half-baked police bill 2009, what about Uncle Bob's policing-on-the-cheap bill 2009?

Mr R.F. Johnson: I would possibly go for that one!

Mr M.P. WHITELY: It is the illusion the minister is trying to create—Uncle Bob's cut-price policing-on-the-cheap bill 2009. Another option we could consider is Uncle Bobby's Clayton's bobbies' bill 2009. It reflects where the minister has come from: the barrow boy from London who is actually delivering a few extra pretend bobbies at a cut price —

Mr R.F. Johnson: The member for Cockburn comes from Croydon. He used to nick stuff off my barrow!

Mr W.J. Johnston interjected.

Mr R.F. Johnson: We have a joke. The member would not know the meaning of the word!

Mr M.P. WHITELY: I feel I should take a point of order and defend my colleague! If the minister is not interested in the titles of Clayton's policing bill 2009, Uncle Bob's policing-on-the-cheap bill 2009 or Uncle Bobby's Clayton's bobbies' bill 2009, perhaps we could look at the half-price, half-trained, half-police bill 2009, which again would more accurately reflect what the minister is trying to achieve. What we are talking about is what the Liberal Party is very good at—that is, the delivery of a non-core promise because we are getting non-core policing. We are getting a half-response —

Mr M.J. Cowper: Does the member have any experience in the functionality and operation of a police station at all?

Mr M.P. WHITELY: I know that police stations are staffed by fully trained police officers. There is a role for these policing assistants, or whatever we want to call them, and I can understand that. However, there is not a role for them in the delivery of the 500 extra officers that the government promised to deliver. I am entirely supportive of this extra level of policing, but not as part of the delivery of a core service. The government promised 500 extra police, and it is not delivering. It is delivering 70 per cent of the promise. Uncle Bobby's 30 per cent off policing cut-price bill 2009 is perhaps another option we can look at. Very quickly, one other name that is worthy of consideration, given that this is a non-core promise, is the non-core promise, non-core policing bill 2009. All the names that I have put forward better reflect the intention of this bill, which is to deliver a cut-price, half-baked solution to the 500 extra police officers that the government promised to deliver.

Question to be Put

Mr R.F. JOHNSON: I move —

That the question be now put.

Question put and a division taken with the following result —

Extract from Hansard
[ASSEMBLY - Tuesday, 13 October 2009]
p7844c-7922a

Ms Margaret Quirk; Mr David Templeman; Dr Janet Woollard; Mr John Kobelke; Mr Paul Papalia; Mr Rob Johnson; Speaker; Ms Rita Saffioti; Mr Mark McGowan; Mr John Quigley; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Dr Mike Nahan; Mr Ben Wyatt; Ms Janine Freeman; Ms Lisa Baker; Mrs Michelle Roberts; Mr Martin Whitely; Mr John McGrath; Mr Murray Cowper; Mr Joe Francis

Ayes (27)

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

Noes (20)

Ms L.L. Baker	Mr J.C. Kobelke	Ms M.M. Quirk	Mr A.J. Waddell
Mr R.H. Cook	Mr F.M. Logan	Mrs M.H. Roberts	Mr P.B. Watson
Ms J.M. Freeman	Mr M. McGowan	Ms R. Saffioti	Mr M.P. Whitely
Mr J.N. Hyde	Mr M.P. Murray	Mr T.G. Stephens	Mr B.S. Wyatt
Mr W.J. Johnston	Mr P. Papalia	Mr C.J. Tallentire	Mr D.A. Templeman (<i>Teller</i>)

Pairs

Mr J.H.D. Day	Mrs C.A. Martin
Dr K.D. Hames	Mr A.P. O'Gorman
Mr C.C. Porter	Mr E.S. Ripper

Question thus passed.

Consideration in Detail Resumed

Clause put and passed.

Clause 2: Commencement —

Ms M.M. QUIRK: This clause deals with the commencement of the act. The bill provides that part 1 will commence on the day on which the act receives the royal assent, and the rest of the act on a day fixed by proclamation, and different days may be fixed for different provisions. However, our view is that, since this is a broken promise of the government, this bill, which enables the deployment of auxiliary police officers, should not commence until such time as the government has honoured its promise and recruited the 500 fully sworn police officers that it promised. Therefore, we will move an amendment to that effect.

Mr R.F. JOHNSON: I will give a quick response out of courtesy. Obviously, this is a political ploy that the member for Girrawheen is using.

Ms M.M. Quirk: I think you called it trash.

Mr R.F. JOHNSON: It is trash. The amendment that the member foreshadowed is trash because it delays the employment of 150 auxiliary police officers for five years. That is what the member wants, because she knows that if we had to wait until we employed 500 fully trained and sworn police officers over the five-year period and then employed the auxiliary officers, the public of Western Australia would miss out. We really care about the safety —

The SPEAKER: Members in this place might or might not be interested in the questions being asked or the answers being given. I am sure that there are members in this place who would appreciate hearing the answers. If members are going to have conversations that are not about the legislation that is in front of us, I ask them to have those conversations outside this place. I am sorry, minister.

Mr R.F. JOHNSON: That is fine, Mr Speaker. I will be very brief because I do not want to keep the house too long on this clause. It is a very simple clause and it is one that has been used time and again in all legislation, both by the present government and by the previous government. We have different times for when a certain part of the act comes into operation and for when the rest of the act comes into operation, which would be on a day fixed by proclamation, and different days may be fixed for different provisions. That is perfectly common and perfectly normal, and that is what we have in this bill that is before the house at the moment.

Mrs M.H. ROBERTS: This is nothing but a con and a contrivance. I have listened to the minister. This is about smoke and mirrors; this is about an illusion. It is about the government trying to pretend it will engage 500 police officers when it will not. It is going to engage 350 police officers. It is a broken promise. It is not 500; it is 350. It is 150 essentially security guards, trained not much differently from security guards, paid not much differently from security guards and with conditions of employment not much different from those of security guards. The

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minister has said absolutely nothing to dissuade us from that position because auxiliary officers will not be paid the same money as police officers. They will not be trained in the same way as police officers.

Mr R.F. Johnson: Why don't you talk to the clause?

Mrs M.H. ROBERTS: I am talking to our amendment.

Mr R.F. Johnson: You haven't moved the amendment yet.

Mrs M.H. ROBERTS: I am talking about when the bill commences and I am supporting an amendment for this bill to commence after the minister has delivered on his promise. We are not going to be suckered in by this con. We are not interested in the minister's contrivance. This is a bald exercise in total contrivance. It is a con. The government committed to delivering 500 fully fledged, sworn police officers; officers under the Police Act who have all the pay entitlements, medical expenses and protections of police officers and who are trained like police officers, yet the minister is delivering only 350 of them. We say he should not be able to commence this legislation for auxiliary officers. If he wants this kind of security officer—call them auxiliary officers—additional to his pledge, we say that this bill can be commenced once he has delivered on his commitment. It is our job as an opposition to get the government —

Mr R.F. Johnson interjected.

Mrs M.H. ROBERTS: The minister can laugh. It is sad that he is laughing because he gave a serious commitment. The member for Cottesloe, the leader of the government, gave a commitment to deliver 500 fully fledged police officers.

Mr R.F. Johnson: Who said fully fledged? Did the member for Midland say that? She didn't say it and we didn't say it. We said 500 extra police officers. That is what you said and it is what we said, only we are delivering.

Mrs M.H. ROBERTS: I thank the minister for putting that on the record. I am pleased the minister has responded and put that on the record.

Mr R.F. Johnson: I am happy to. I have said it time and again. What don't you understand about it?

Mrs M.H. ROBERTS: The minister has essentially told the house that it was always a con; always a bit of trickery. It was always smoke and mirrors. It was never going to be 500 fully fledged police officers. He said, "We never said that." The Premier, the then Leader of the Opposition, did not say that. They never really promised 500 fully fledged police officers. What they promised was 500 officers.

Mr R.F. Johnson: Neither did you.

Mrs M.H. ROBERTS: The minister said it; it is late at night. He is the Leader of the House. At 11.00 pm he has exposed himself. He has got a bit tired and he has told the truth. His weasel words were, "We never promised fully fledged police officers; we just promised police officers." Maybe they were cardboard cut-out police officers; maybe they were security officers that we will call police officers by contriving this little piece of legislation. The minister does not like the word and he has tried to make a joke of it but he has been exposed tonight. The people of Western Australia cannot believe what he has said or what the Liberal Party has said as part of their election promise that they would actually deliver 500 police officers. When all the mums and dads, all the people sitting in their lounge rooms saw the commitment on television, they thought they were getting 500 police officers. It is not what they will get.

Mr R.F. Johnson: And they will be.

Mrs M.H. ROBERTS: I will ask him again: will they get 500 fully fledged police officers or not?

Mr R.F. Johnson: We will have 500 extra police officers in the five-year period. We said that and you said that, and we are delivering.

Mrs M.H. ROBERTS: Does that include the auxiliary police officers that are being established under this legislation?

Mr W.J. JOHNSTON: I am very interested in the minister's comment that the member for Girrawheen's proposed amendment would deny the people of Western Australia the opportunity to have these 150 additional auxiliary police officers. His argument was that delivering 500 real police officers first would be somehow or other cheating the people of Western Australia. That shows how the minister does not understand what is occurring. We are asking for the government to fulfil the commitment it made when it promised during the election campaign to deliver 500 fully fledged police officers. We are not trying to deny any benefit to the

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people of Western Australia. By delaying the commencement of the bill until after the government fulfils its promise, we are trying to get a benefit for the people of Western Australia. We are trying to get the people of Western Australia the 500 extra police officers that were promised. All the minister has to do is undertake to deliver those 500 extra police officers and 150 something else—they are not police officers; if they were, there would be no need to amend the act. If they were real police officers, they could be recruited to the service now through the existing legislation. The only reason this bill is before the house is that the minister will not deliver on his election commitment. If he is saying, which is exactly what he said, that the Labor Party wants to deliver 500 real police officers before we deliver 150 auxiliary police officers, he is 100 per cent accurate. We want the government to deliver on the promise it made to the people of this state, and the minister will not do that. If he did that, we would not need this bill; it is a subterfuge. That is why the member for Girrawheen's amendment is so valuable. It gives the minister the opportunity to be honest with the people of this state and tell them the truth on this occasion, as we thought he was doing during the election campaign when he promised 500 fully fledged police officers with all the powers of every other police officer, which is exactly the commitment given by the Labor Party. In 2001, we promised 250 and we delivered 250; in 2005, we promised 350 and we delivered 350; and in 2008, we promised 500 and we would have delivered 500. The minister promised 500, and we want the minister to deliver 500.

Mr R.F. JOHNSON: I move that the question be now put.

The SPEAKER: Order! The minister cannot do that. He is not entitled to do that from where he sits. The minister has already spoken to the clause and that is the way it works. If he has spoken to the clause, he cannot ask that the question be now put.

Mr D.A. TEMPLEMAN: I move —

Page 2, lines 8 and 9 — To delete “on a day fixed by proclamation, and different days may be fixed for different provisions” and substitute —

to be proclaimed after a further five hundred police officers have been recruited and subscribed to the required engagement in accordance with section 10 of the Act

Mrs M.H. Roberts interjected.

The SPEAKER: Order, member for Midland!

Several members interjected.

The SPEAKER: Order, member for Midland and Leader of the House!

Mrs M.H. Roberts interjected.

The SPEAKER: Order! I do not know how many times I have to call the member for Midland. I formally call her for the second time today.

Mr D.A. TEMPLEMAN: It is very disappointing that there was another attempt, as we have seen in this place previously, to gag debate before an amendment that has been listed has even been debated. I thank you, Mr Speaker, for your prompt ruling on the inappropriate attempt by the Minister for Police to move to gag debate while at the consideration in detail table. I think that demonstrates the sort of tactics that seem to be employed by the government. This is now another example. We saw that a few weeks ago when the gag motion was moved to prevent the opposition from debating an amendment that was listed on the notice paper. We have just seen an attempt to do that once again by the Minister for Police. I hope that before the Minister for Police urges his government Whip to jump up and gag the debate after my contribution, we will at least have some time to discuss the intentions of the amendment that I have moved on behalf of the member for Girrawheen.

Mrs M.H. Roberts: Hear, hear! Well done, member for Mandurah.

Mr D.A. TEMPLEMAN: I thank the member for her support. Clearly, this amendment seeks to ensure, as good oppositions do, that this government delivers on its promise. It promised the people of Western Australia that 500 police would be engaged during its first term of government. We have learned this afternoon that that was not the case at all, and therefore the promise was broken. The amendment that the member for Girrawheen has very clearly and effectively put forward seeks to ensure that the legislation will not be proclaimed until a further 500 police officers have been recruited. This very clearly demonstrates to the people of Western Australia, to this Parliament and to the community that the opposition will hold this government to account for its very clear promise of 500 police officers—not 500 police officers with the fine print that 150 of them will not be full police

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officers. That is what we are arguing. As the member for Girrawheen highlighted in her contribution earlier this afternoon, we are trying to ensure absolute transparency and accountability. In a series of responses to the very good points put forward by the opposition this afternoon, this government is attempting to hoodwink the people of Western Australia and put up a Clayton's model, which was not what was promised.

I am sure that other members wish to make a contribution. The member for Girrawheen should certainly be given the opportunity to do so.

Ms M.M. QUIRK: This amendment was moved to reiterate the fact that the government has broken its promise. The Minister for Police said that this is rubbish. I think it is rubbish that we have to hold the government to account by moving an amendment such as this, which is very unusual in a clause such as this. As the minister said, this is a standard clause that is in every bill and relates to when legislation commences. The bottom line is that the history of this matter has shown that there has been subterfuge, weasel words and slippage of meaning and language. We want to hold the government to account. We want to say to the government that it promised 500 police officers and it should deliver 500 police officers. If and when that occurs, we are happy to entertain auxiliary police officers, which, as the minister quite rightly pointed out, are an excellent adjunct to the work done by our fully sworn police men and women throughout this vast state.

The members of the National Party who are in the chamber tonight might have something to say about this when these hobby bobbies are placed in their country police stations because, as the minister indicated, three or four auxiliary police officers will be placed at police stations. They struggled long and hard to get the police stations in Wickelup, Dumbleyung and Cranbrook reopened. The bottom line is that the government promised sworn officers, police officers, not auxiliary officers who have limited powers, limited capacity and they will be paid less. They will be employed on the cheap. It is not good enough. We want to hold the minister to account. This is very unusual. The minister says it is rubbish. It is rubbish that we are here at 11.15 pm reminding him of his promise.

I have just read Robert Taylor's article that will appear in tomorrow's *The West Australian* that says that we do not hold the minister to account enough. Every time he accuses us of filibustering, we will remind him that —

Mr R.F. Johnson: Robert Taylor has never ever written anything complimentary about me in his life.

Ms M.M. QUIRK: In fact, he is not complimentary about us.

Mr R.F. Johnson: So it comes as no surprise.

Ms M.M. QUIRK: No, minister. He said that we are not holding the minister to account often enough. That has emboldened us to say that if the minister is not prepared to keep his promises, it needs to be enshrined in legislation to force him to do so.

Mrs M.H. ROBERTS: I rise to support the amendment to page 2, lines 8 and 9, to delete "on a day fixed by proclamation, and different days may be fixed for different provisions" and substitute "to be proclaimed after a further five hundred police officers have been recruited and subscribed to the required engagement in accordance with section 10 of the Act". If the government was honest about its election promises and about what it is doing, it would have no problem acceding to this amendment. At the very least, we would expect the Minister for Police to say, "We're not giving you the whole 500 this year but here is our plan." That is what I used to do when I was the police minister and the then member for Kalgoorlie asked me questions. I would say, "Here's our plan. It is going to be 500 and we are doing 180 this year and 120 next year and 150 the year after that and 50 after that." We would have a plan and say how many officers we will recruit each year over the next four years. That is how we delivered on our election promise. That is about basic honesty and basic accountability.

We are seeing no accountability from the current Minister for Police. We have seen the complete opposite. This is a minister who has said, "We did not actually mean what we said at the election. We did not mean 500 fully sworn real police officers. That was just a con. It was just a game we were playing to get people's votes. Now they have voted for us, we are only going to give them 350 and we have this really dodgy, clever plan to get 150 public servants or security officers. We will pay them the same rates as security officers, give them no more training than security officers and get them to do the work of security officers but we are going to call them police. We are going to put them in police uniforms, put an extra little label on their shoulder and pretend they are police officers. That is how we are going to get 500 police officers." We have had zero response from the minister. I have not read *The West Australian* yet but the member for Girrawheen has. She says that Robert Taylor says that we have not held the police minister to account very much. It is kind of hard to do that when he is also the Leader of the House and gags debate on every clause. He wanted to gag debate on this clause even

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before the member for Girrawheen had moved her amendment. The amendment had been distributed and it deserved to be debated. The minister wanted to gag it. As Leader of the House, one would think that he might be aware of the standing orders of the Legislative Assembly; one might perhaps consider them to be essential reading for someone who pretends to be the Leader of the House and takes the wages of the Leader of the House.

Several members interjected.

Mrs M.H. ROBERTS: He sits there as minister —

Several members interjected.

The SPEAKER: Member for Midland —

Mrs M.H. ROBERTS: The Minister for Police has shown his ignorance yet again.

The SPEAKER: Member for Midland! This is not an amendment to a clause to debate the standing orders. It is an amendment to a clause of the bill before us, and that is what I want to hear you talking about.

Mrs M.H. ROBERTS: Mr Speaker, I always appreciate your advice, and that is why I started my speech by referring to the amendment.

It is hard to take the member for Hillarys seriously as either Minister for Police or Leader of the House when he does not know the standing orders. He tried to shut down debate on this amendment, and that is the point I am getting to. He tried to prevent the opposition debating this amendment, but he did not realise that he had already spoken and was therefore not entitled to do so. He was not entitled to shut down the debate and call the gag. This is a disgrace. I can clearly remember how much the current Minister for Police used to bleat and cry on the very rare occasions that the member for Balcatta, the former member for Nollamara, used the gag. He now uses it all the time.

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 (24)

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

Noes (20)

Ms L.L. Baker	Mr W.J. Johnston	Mr P. Papalia	Mr A.J. Waddell
Ms A.S. Carles	Mr J.C. Kobelke	Ms M.M. Quirk	Mr P.B. Watson
Mr R.H. Cook	Mr F.M. Logan	Mrs M.H. Roberts	Mr M.P. Whitely
Ms J.M. Freeman	Mr M. McGowan	Mr T.G. Stephens	Mr B.S. Wyatt
Mr J.N. Hyde	Mr M.P. Murray	Mr C.J. Tallentire	Mr D.A. Templeman (<i>Teller</i>)

Pairs

Mr J.H.D. Day	Mrs C.A. Martin
Dr K.D. Hames	Mr A.P. O’Gorman
Mr C.C. Porter	Mr E.S. Ripper
Mr T.R. Buswell	Ms R. Saffioti
Dr E. Constable	Ms A.J.G. MacTiernan
Mr C.J. Barnett	Mr J.R. Quigley

Question thus passed.

Consideration in Detail Resumed

Extract from Hansard
[ASSEMBLY - Tuesday, 13 October 2009]
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Ms Margaret Quirk; Mr David Templeman; Dr Janet Woollard; Mr John Kobelke; Mr Paul Papalia; Mr Rob Johnson; Speaker; Ms Rita Saffioti; Mr Mark McGowan; Mr John Quigley; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Dr Mike Nahan; Mr Ben Wyatt; Ms Janine Freeman; Ms Lisa Baker; Mrs Michelle Roberts; Mr Martin Whitely; Mr John McGrath; Mr Murray Cowper; Mr Joe Francis

Mrs M.H. ROBERTS: Mr Speaker, I seek some clarification. Have I spoken on the amendment or the clause?

The SPEAKER: You have spoken on the amendment.

Mrs M.H. ROBERTS: Are we putting the amendment or the clause?

The SPEAKER: We are putting the amendment.

Mrs M.H. ROBERTS: Thank you.

Amendment put and a division taken with the following result —

Ayes (20)

Ms L.L. Baker	Mr W.J. Johnston	Mr P. Papalia	Mr A.J. Waddell
Ms A.S. Carles	Mr J.C. Kobelke	Ms M.M. Quirk	Mr P.B. Watson
Mr R.H. Cook	Mr F.M. Logan	Mrs M.H. Roberts	Mr M.P. Whitely
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Pairs

Mrs C.A. Martin	Mr J.H.D. Day
Mr A.P. O’Gorman	Dr K.D. Hames
Mr E.S. Ripper	Mr C.C. Porter
Ms R. Saffioti	Mr T.R. Buswell
Ms A.J.G. MacTiernan	Dr E. Constable
Mr J.R. Quigley	Mr C.J. Barnett

Amendment thus negatived.

Ms M.M. QUIRK: I have a question about clause 2(b). Part 1 will come into operation on the day the act receives royal assent, but paragraph (b) states —

the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

What is the reason for that, and how much additional time does the minister believe will be needed to implement the necessary procedures to allow the rest of the proposed act to come into force?

Mr R.F. JOHNSON: The member for Girrawheen knows perfectly well that this is a standard clause.

Ms M.M. Quirk: It might be, minister, normally but you have told us all these things that still need to be done, and I am trying to get an indication of which things still need to be done in this specific case.

Mr R.F. JOHNSON: The first thing we need to do is get this bill through this house and the other house and then, of course, the police will be able to deal with the legislation, in essence, in every way.

Ms M.M. Quirk: So what needs to be done for that to occur? That is what I am asking.

Mr R.F. JOHNSON: There are different things that need to be done.

Ms M.M. Quirk: Such as?

Mr P.B. Watson: You are an embarrassment! You have no idea!

The SPEAKER: If the member for Albany wants to ask a question, I will give him that opportunity.

Extract from Hansard
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p7844c-7922a

Ms Margaret Quirk; Mr David Templeman; Dr Janet Woollard; Mr John Kobelke; Mr Paul Papalia; Mr Rob Johnson; Speaker; Ms Rita Saffioti; Mr Mark McGowan; Mr John Quigley; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Dr Mike Nahan; Mr Ben Wyatt; Ms Janine Freeman; Ms Lisa Baker; Mrs Michelle Roberts; Mr Martin Whitely; Mr John McGrath; Mr Murray Cowper; Mr Joe Francis

Ms M.M. Quirk: I think the minister's advisers are giving him some advice, so that might help him.

Mr R.F. JOHNSON: There are regulations that are needed to support these, and those regulations, obviously, will occur at a different stage from when the other part of the bill is proclaimed. The member for Girrawheen knows about that from when she was a minister; or has she forgotten so quickly? This is a standard clause for proclamation. The member for Girrawheen knows that, I know that and every member of this house should know that. Certain members would not have a clue about it, I must say, but anybody who has been a minister or is a minister would know that this is a very standard clause.

Mr P. Papalia: That is a very pompous and bombastic response.

Mr R.F. JOHNSON: The terminology is very basic. I am answering the member for Girrawheen's questions.

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 (23)

Mr P. Abetz	Mr M.J. Cowper	Mr R.F. Johnson	Mr D.T. Redman
Mr F.A. Alban	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 I.M. Britza	Mrs L.M. Harvey	Mr P.T. Miles	Mr T.K. Waldron
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Pairs

Mr J.H.D. Day	Mrs C.A. Martin
Dr K.D. Hames	Mr A.P. O'Gorman
Mr C.C. Porter	Mr E.S. Ripper
Mr T.R. Buswell	Ms R. Saffioti
Dr E. Constable	Ms A.J.G. MacTiernan
Mr C.J. Barnett	Mr J.R. Quigley

Question thus passed.

Consideration in Detail Resumed

Clause put and passed.

Clause 3 put and passed.

Clause 4: Section 9 amended —

Mrs M.H. ROBERTS: Clause 4 reads —

Section 9 amended

In section 9 after "Force," (each occurrence) insert:

police auxiliary officers,

When one looks at section 9 of the Police Act 1892, one can see the heading "Commissioner may make rules, orders and regulations for the Police Force, police cadets and related matters". I note that clause 4 states that the insertion is to go in after each occurrence, and I ask the minister first off whether that is each occurrence only in

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section 9 of the Police Act. I am assuming it means each occurrence in section 9 and I would like the minister's advice on that. Section 9 states —

The Commissioner of Police may, from time to time, with the approval of the Minister, frame rules, orders, and regulations for the general government of the members of the Police Force, —

I assume, therefore, that “police auxiliary officers” will be inserted in there —

police cadets and Aboriginal police liaison officers, as well with respect to their places of residence, their classification, grade, distribution, particular service, and inspection, as to the description of the arms, accoutrements, and other necessities to be furnished to them and all such other rules, orders, and regulations relative to the Police Force, —

I assume again that “police auxiliary officers” will be inserted in there.

Mr R.F. Johnson: Yes.

Mrs M.H. ROBERTS: The section continues —

cadets and Aboriginal police liaison officers, and the control, management, and discipline thereof as may be necessary for rendering the same efficient for the discharge of the several duties thereof, and for the purpose of preventing neglect or abuse; and as the Minister considers necessary or desirable for establishing and conducting a Police Force Canteen.

Am I to assume that “auxiliary officers” goes in there, too, before the word “canteen”?

Mr R.F. Johnson: The answer is yes; it goes in section 9.

Mrs M.H. ROBERTS: But the minister has said that this is the case for each occurrence. The Police Act has no line numbers, so it is a bit difficult for me, but if the minister looks at the last line of part II, section 9 on page 4, it states —

... a Police Force Canteen.

If I read the amendment literally, it states —

In section 9 after “Force,” (each occurrence) insert:
police auxiliary officers,

This would make it “as the minister considers necessary or desirable for establishing and conducting a police force police auxiliary officers canteen.”

Mr R.F. Johnson: No, that is not right. If you look carefully at the amendment —

Mrs M.H. ROBERTS: Sorry; I will sit down and the minister can answer.

Mr R.F. JOHNSON: If the member looks carefully at the act and stops trying to be so clever, after the word “force” there is a comma, which is clause 4, line 5. If the member looks at the word “force”, it is in inverted commas, and there is a comma after it. That is the word we are talking about. There is no comma after the words “police force canteen”, so it does not apply to that particular word.

Mrs M.H. ROBERTS: My second point is that there was a commitment made by the Liberal Party going back more than 10 years that it was going to amend the Police Act 1892. In fact, former ministers, including the current member for Darling Range and the former member for Albany, Kevin Prince, said they were going to review the Police Act 1892. This deals with “force”, which is relevant to the provision under debate. When the former police commissioner Bob Falconer, who was appointed by the previous Liberal government—I can see that the member for Murray-Wellington is a fan of his because he is nodding and smiling because he liked Bob Falconer a lot—came to town, he got rid of the word “force” and called it a “police service”. To this day they still call themselves the Western Australia Police Service, or Western Australia Police, and, of course, that is not correct. It is the Western Australian Police Force, because the Police Act 1892 states that they are the Western Australian Police Force. Bob Falconer came to town and said that they are the Western Australia Police Service, and when Karl O’Callaghan became commissioner, he said, “I don’t really like what they were doing before; I think we’ll just call ourselves Western Australia Police.” But, of course, they are required by law to call themselves the Western Australia Police Force, yet they do not.

Mrs L.M. Harvey interjected.

Ms Margaret Quirk; Mr David Templeman; Dr Janet Woollard; Mr John Kobelke; Mr Paul Papalia; Mr Rob Johnson; Speaker; Ms Rita Saffioti; Mr Mark McGowan; Mr John Quigley; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Dr Mike Nahan; Mr Ben Wyatt; Ms Janine Freeman; Ms Lisa Baker; Mrs Michelle Roberts; Mr Martin Whitely; Mr John McGrath; Mr Murray Cowper; Mr Joe Francis

Mrs M.H. ROBERTS: Sorry; the member for Carine is being disingenuous and saying, “Oh, it’s such an important point.” Well, it is an important point.

Several members interjected.

Mrs M.H. ROBERTS: Sorry; I take that back, member for Carine. The member for Scarborough thinks it is not important. If she sits in this place a little longer than a year, maybe she will realise that the law is important and what it says in the law should be reflected. When people say they will amend the act and things will reflect what is said, they should take cognisance of what the act says.

I am asking the minister, given that the minister has taken the opportunity to amend the Police Act 1892, and given that he is inserting the words “auxiliary officers” into this clause, why would he not take the opportunity to correct the title of the police? Are they a service? Are they just the police, or are they the police force? What meaning does “police force” really have? According to this clause, every time it says “force”, we should include “police auxiliary officers”. I am confident that the advice that the minister has been given is that the police no longer calls itself the “police force”.

Mr R.F. Johnson: It is just a description under the Public Sector Management Act.

Mrs M.H. ROBERTS: It is under the Police Act.

Mr R.F. Johnson: Police service.

Mrs M.H. ROBERTS: It is actually the Police Act 1892, not the Public Sector Management Act.

Mr R.F. Johnson: No, the description “police service”, I believe, comes under the Public Sector Management Act. I thought I was right. What is under the Police Act 1892 is quite rightly the “police force”; they are the police officers.

Mrs M.H. ROBERTS: Can the minister advise me which of those acts prevails? Are they a police service or a police force, or are they just Western Australia Police?

Mr R.F. Johnson: The Police Act 1892 prevails; the member knows that.

Mrs M.H. ROBERTS: Then why is the minister referring to the Public Sector Management Act?

Mr R.F. Johnson: You wanted to know where the description of police service came from, I thought.

Mrs M.H. ROBERTS: I know where it came from; it came from Bob Falconer.

Mr R.F. Johnson: Why are you asking the questions, then?

Mrs M.H. ROBERTS: The member for Murray-Wellington knows where it came from; the minister is the only one who does not know.

Mr M.J. Cowper: It was part of the Delta reform.

Mrs M.H. ROBERTS: It was part of the Delta reform introduced by former Commissioner of Police Bob Falconer.

What the minister has done is not comprehensive; it is just a hotchpotch. This is the Police Amendment Bill 2009 and the minister had the opportunity to make corrections and clarifications to the Police Act—corrections and clarifications that the Liberal Party has been promising for a long time—and he has not delivered.

Mr J.C. KOBELKE: I would like the minister to clarify why he has called these officers police auxiliary officers. Clause 10 starts the definition, but this is the first place in the Police Amendment Bill 2009 where the term is mentioned. In my contribution to the second reading debate I used the term “auxiliary police officers”, which sort of rolls off the tongue and which I thought would be the way to talk about them. But clearly some thought has been given to why it would be “police auxiliary officer” rather than “auxiliary police officer”. Can the minister give some explanation as to why they will be called “police auxiliary officers”?

Mr R.F. JOHNSON: That is a fair question, and I will answer it. I originally referred to them as “auxiliary police officers”, and I think that rolls off the tongue quite easily.

Mrs M.H. Roberts: Then you realised they weren’t police officers at all!

The SPEAKER: Order, member for Midland!

Mrs M.H. Roberts: That’s the truth, isn’t it?

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The SPEAKER: Member for Midland, the question has been asked by the member for Balcatta. The minister has the call.

Mr R.F. JOHNSON: From my recollection, the commissioner and his senior officers felt that we should distinguish them slightly from the fully sworn, fully trained officers by separating the words “police” and “officer”. I think it was their recommendation that they be known as “police auxiliary officers” rather than “auxiliary police officers”. They are just the same people, but that is the description that we have got in the bill now. We are going with “police auxiliary officers”. That is what they are called in the bill, but I think, quite honestly, in general terms they will become known as “auxiliary police officers”.

Mr J.C. KOBELKE: I would like to try to discern some of the basis for arriving at this name in terms of the answer just given by the minister. As the minister said—I think agreeing with me—“auxiliary police officers” rolls off the tongue better, and I accept that. However, from what the minister has just said, “auxiliary police officer” implies a police officer, but of a lower rank, whereas if I interpret the minister correctly, some senior police officers had a preference for them to be called “police auxiliary officers” to more clearly recognise that they will be auxiliary officers, not police officers. The choice of the wording was to downplay the role more by using “police auxiliary officer” as opposed to “auxiliary police officer”. Is that a fair interpretation of what the minister said?

Mrs M.H. Roberts: Of course it is; well spotted, member!

Mr R.F. JOHNSON: If we think about Aboriginal police liaison officers, they are not dissimilar to them.

Mrs M.H. Roberts: Do we still have them?

Mr R.F. JOHNSON: Of course we do!

Mrs M.H. Roberts: Do you still appoint them?

Mr R.F. JOHNSON: We are not appointing new ones, but we still have them.

Mrs M.H. Roberts: Oh! Why aren't you appointing new ones?

Mr R.F. JOHNSON: I do not think we have appointed any for seven years.

Mrs M.H. Roberts: We increased the number of them.

Mr R.F. JOHNSON: I do not think the member appointed any when she was police minister.

Mrs M.H. Roberts: Yes, I did.

Mr R.F. JOHNSON: The member may have personally, but subsequent Labor police ministers did not.

Mrs M.H. Roberts: I increased the number by 50 per cent.

Mr R.F. JOHNSON: I think the question asked by the member for Balcatta was a legitimate one—certainly the original one was, but I think we are stretching things a bit now.

Mrs M.H. Roberts interjected.

The SPEAKER: If the member for Midland wants to ask a question, I will give her the call.

Mr R.F. JOHNSON: There is a distinct difference between police auxiliary officers, PAOs, and Aboriginal police liaison officers, APLOs. I think that was the reason they came up with PAOs. That is what I am being advised. I personally went forward with “auxiliary police officers”. It was put to me that the reason it came back as “policy auxiliary officers” was simply that they wanted to distinguish them from the fully sworn, fully trained police officers, and indeed the APLOs that we still have. It is just a name, that is all.

Mr J.C. Kobelke: I understand it is just a name but I am trying to discern why the decision was made for one form of words over the other, because they are almost interchangeable. There is a subtle difference. I am seeking to get that subtle difference.

Mr R.F. JOHNSON: I thought I had just given the member that.

Mr J.C. Kobelke: Was the minister suggesting that the different acronyms—that is, APLO or PAO—had something to do with it, or was it really the importance to be placed on whether they are police officers or not?

Mr R.F. JOHNSON: It was the acronym, as the member says, which a lot of people use. That was the reason it came back. That is certainly what has been highlighted tonight. I was not sure of the exact reason initially. I was happy to call them “auxiliary police officers”, but when the commissioner came back with the submissions that

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he put to me in relation to the bill, I noticed it was “police auxiliary officers”. It can now be confirmed that that was the reason they wanted it—so that there would be a difference between those and APLOs. I think that is a fair and genuine way to do it. I think they will still be called auxiliary police officers.

Mrs M.H. ROBERTS: I would like to support the Minister for Police. I think it is appropriate that we insert the words “police auxiliary officers” and not the words “auxiliary police officers” because it is quite clear that they are not police officers. If we call them auxiliary police officers that could be quite misleading because the public might think they are police officers, and they are not! The people who have drafted this bill and the police service, who has recommended this bill to the Minister for Police, at least have some honesty and integrity because they have recommended this wording to the minister and he has accepted it. These people will be auxiliary officers. Really, I think we have already established that they are possibly nothing much more than security guards who are not trained —

Mr R.F. Johnson: Yes, they are. They get 12 weeks’ training.

Mrs M.H. ROBERTS: Sorry, but if I could just finish the sentence. I have the call.

Mr R.F. Johnson: It is okay for the member to interject on me!

Mrs M.H. ROBERTS: They are not trained to the same level as regular police officers, as fully sworn police officers. In fact they will not even be, now that I think about it, sworn police officers, because they will not be independent officers under the Crown. They will essentially be public servants. I am not even sure of that, unless the minister wants to clarify it for me. They are employees of the government. Does that make them public servants? That is a question for the minister.

Mr R.F. Johnson: They are employees of the commissioner.

Mrs M.H. ROBERTS: Does it make them subject to the Public Sector Management Act?

Mr R.F. Johnson: No.

Mrs M.H. ROBERTS: This is a whole new revelation, because when someone is a sworn police officer under the Police Act 1892, he is given a certain range of rights and responsibilities and duties. When someone is a public servant under the Public Sector Act, he is given certain responsibilities, including having to keep matters secret. It includes not disclosing confidential information about individuals and incidents. What the minister has just now revealed is that these officers will not be subject to the disciplinary procedures of the Police Act 1892 because they are not sworn officers. The minister has further said that they will not be subject to the Public Sector Management Act. There is a range of disciplinary procedures that apply under the Public Sector Management Act but the minister has said these people will not be covered by the Public Sector Management Act. How can we have confidence —

Mr R.F. Johnson: Have a look at section 23 of the act. If the member reads the section we are talking about at the moment, it says —

Commissioner may make rules, orders and regulations for the Police Force, police cadets and related matters

Mrs M.H. ROBERTS: Sorry, the minister is mumbling. I do not think Hansard will be able to record what he is saying.

Mr R.F. Johnson: I am sure Hansard heard me perfectly.

Mrs M.H. ROBERTS: What did the minister say? I could not hear it and I do not think Hansard could either. I am looking at clause 23 of the Police Amendment Bill, “*Spent Convictions Act 1988* amended”. I do not see how that relates. The minister just told me to refer to section 23.

Mr R.F. Johnson: Clause 6 amends section 23 of the act.

Mrs M.H. ROBERTS: Is the minister talking about the Police Amendment Bill 2009?

Mr R.F. Johnson: Clause 6 of the bill.

Mrs M.H. ROBERTS: Now we are back to clause 6 of the bill, not clause 23.

Mr R.F. Johnson: We have not got to clause 6 yet. The questions the member is asking basically come under clause 6, which amends section 23 of the act, which are disciplinary offences. That is what the member was talking about. They will be covered.

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Mrs M.H. ROBERTS: Covered by what?

Mr R.F. Johnson: By the same disciplinary rules that police officers are covered by.

Mrs M.H. ROBERTS: There is a section there on disciplinary offences and how they are dealt with.

Mr R.F. Johnson: Correct.

Mrs M.H. ROBERTS: It is not exactly the same as for a sworn officer, nor is it exactly the same as in the Public Sector Management Act. When we get to clause 6, I will have to examine that further.

Mr M.J. COWPER: I wonder whether the minister could help me out here. I understand that the opposition's problem is that it believes, wrongly, that we are not getting 500 additional police officers. The opposition claims we are only getting 350.

Mr R.F. Johnson: Correct.

Mr M.J. COWPER: I want to refer to some information supplied to the member for Balcatta by way of question on notice 975 asked on 9 June. It is a list of the actual full-time employees, month by month, from 2001 through to 2009. It includes APLOs. A point raised by various members is that there was a commitment given by the previous government for 350 additional full-time equivalents, or police officers. In fact it was police officers. If this information is correct, and I have no doubt that it is, in February 2005, when the election was called, there was a commitment given by the previous government for 350 additional police officers—not FTEs, but police officers.

Mr R.F. Johnson: Correct.

Mr M.J. COWPER: According to these documents, there were 5 039.95. We will round it up to 5 040. In September 2008 there were 5 398. Do those figures sound correct to the member for Balcatta?

Point of Order

Mr P. PAPALIA: What relevance has this to the clause under discussion? At some stage shortly the minister will ask that the question be put —

The SPEAKER: Member for Warnbro, I will let you know and everybody else in this place know that I am a reasonably tolerant individual. I have given everybody tolerance in asking questions about every clause so far. I am going to extend that tolerance also to the member on his feet.

Debate Resumed

Mr M.J. COWPER: My calculation is that there were 358 additional FTEs supplied during the time of the previous government. It has written here “including APLOs”. I also recall that the previous government brought some legislation to this place relating to the capacity of the commissioner to employ custodial officers. I believe there were something like 65, plus APLOs.

Mr R.F. Johnson: Yes.

Mr M.J. COWPER: If I am not mistaken—the minister might be able to clarify this for me—there are 358 additional FTEs. That also happens to include 65 custodial officers and Aboriginal police liaison officers. So whose figures are rubbery now? I would appreciate a response from the minister.

Mr R.F. JOHNSON: I will respond very briefly. The member for Murray-Wellington is absolutely right. The figures that were given at the time for the number of full-time equivalents classed as police officers included 65 custodial officers. They were part of the FTEs that were given at the time, which helped to make up the promise that the previous government made about its extra 350 police officers in its last term of office. I have been accused of coming up with rubbery figures, but I think the member for Murray-Wellington has shown quite clearly that perhaps the former Minister for Police and the previous government were very rubbery with their figures, because they definitely included those custodial officers who, under the opposition's description, could never be classed as police officers. I think the truth is coming out now.

Mr J.C. KOBELKE: I have to respond to the absolute misleading of this place by the member for Murray-Wellington and the minister. The fact is that to get those figures, the member chose the month of September. The promise was for the financial year.

Mr M.J. Cowper: It was during your term of government.

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Mr J.C. KOBELKE: Yes, but we put the money in, the recruitment was there, and the Liberal Party made no change to it. Therefore, if we went through to December —

Mr M.J. Cowper: But you were in government.

Mr J.C. KOBELKE: Yes, but we put in the money and the recruitment was being done. It had gone up to 5 585, which is 770 extra over the term. All the government is trying to do is hide its embarrassment that we met and increased the commitment, whereas the government is reducing the number of police, which is what the bill is about. We are not dealing with that clause, but the member used it to try to spread misinformation, and I needed to correct the record.

Mr W.J. JOHNSTON: Given that the member for Murray-Wellington has raised this issue and the Minister for Police has commented on it, I should point out that they have not brought to the chamber the promise that was made by the Labor Party, because the Labor Party's promise was met 100 per cent. Any attempt to come into this chamber and choose dates other than those that were included in the Labor Party's election commitment is totally and utterly misleading. The Labor Party delivered on its election commitment 100 per cent. The government is embarrassed because the Liberal Party took a lie to the last election. It said that there would be 500 fully sworn, fair dinkum police officers, and it is not delivering on that promise. That is the embarrassment of the minister and that is the embarrassment of the Liberal Party, because they did not tell the truth to the people of Western Australia. They told a lie, and that is not fair. We are always going to come into this chamber and point out that we met our commitment. The APLOs and the custodial officers were in addition to the 600 additional police officers who were hired over the period to which the promise related. If the member were to get the promises that were made by the Labor Party in the election campaigns, and then look at the dates that were relevant to the Labor Party's promises, he would see that 600 police were recruited during the period of the promise.

I go on to point out that the Labor Party's promise at the 2008 election was for 500 additional police officers commencing on 1 July 2009. The reason for that was that the promise we had made in 2005 expired on 30 June 2009. Therefore, we were entirely accurate, truthful and honest. It is the government that is dissembling on this matter. It is the government that is not telling the truth. It is the government that is embarrassed by the fact that there was a lie in the election campaign. The Labor Party said that it would deliver 500 additional police officers over five years, and the government matched our promise—500 fully sworn officers. The fact that this bill is in front of the house is a demonstration that the government is incapable of fulfilling its promise.

Clause put and passed.

Clause 5 put and passed.

Clause 6: Section 23 amended —

Mrs M.H. ROBERTS: This is a matter that the minister referred to earlier. This clause deals with disciplinary procedures, even though there is no real indication of that in this part of the bill. In fact, when one looks at the clause notes, one sees that clause 6 amends section 23 and provides the basis upon which the Commissioner of Police can make inquiries and, upon completion of those inquiries, impose a penalty on police officers, Aboriginal police liaison officers and police cadets for disciplinary breaches. The disciplinary breaches relate to the rules, orders and regulations made by the Commissioner of Police under section 9. Is that clause 9 of the amendment bill or section 9 of the Police Act?

Mr R.F. Johnson: Section 9 of the act.

Mrs M.H. ROBERTS: Of the act itself?

Mr R.F. Johnson: Yes, which we just debated.

Mrs M.H. ROBERTS: The notes say that clause 5 amends the Police Act 1892 so that police auxiliary officers will come under the gamut of section 23. When we look at section 23 of the Police Act 1892, we see that subsection (1) refers to the fact that the commissioner, or an officer appointed by him, can examine on oath any member of the police force. In that section we are obviously going to include auxiliary officers. Subsection (2) again refers to the police force. Of course, in debate on an earlier clause I made the point about whether that should be corrected. When it is an officer, the subsection says that it has to be a chief superintendent. One of the questions that arises is: does it need to be that rank, given that chief superintendent is not a rank that is currently used?

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Mr R.F. Johnson: No, it is not going to be used.

Mrs M.H. ROBERTS: What rank would that be equivalent to under current practice?

Mr R.F. Johnson: We may well choose to reintroduce that particular rank, of course.

Mrs M.H. ROBERTS: The law that is in force is the Police Act 1892, and it is being amended by this clause. I am asking the minister a question about section 23 of the act, which states that when it is an officer of the police force, it has to be someone of the rank of chief superintendent or above. Therefore, what ranks are considered to be above the rank of chief superintendent, given that there is no-one in that position?

Mr R.F. Johnson: It could be a commander, an assistant commissioner, a deputy commissioner or the commissioner.

Mrs M.H. ROBERTS: In the current circumstances, the minister is advising me that an assistant commissioner would be able to fulfil that role.

Mr R.F. Johnson: Yes.

Mrs M.H. ROBERTS: Did the minister mention the word “commander” just then; and, if so, in what context did he do that?

Mr R.F. Johnson: There is a position of commander that comes under assistant commissioner. Practically, it is done by assistant commissioners.

Mrs M.H. ROBERTS: How many commanders are there currently?

Mr R.F. Johnson: I am not sure.

Mrs M.H. ROBERTS: I am sure the minister can count them on one hand. How many are there currently? There used to be two. Is it different now or is it the same?

Mr R.F. Johnson: There are two or three. I am not sure.

Mrs M.H. ROBERTS: What are their responsibilities? Do they have a regional responsibility or portfolio responsibilities?

Mr R.F. Johnson: It’s a fair question, and I am happy to get the answer for you, but how is that relevant to this clause that we are dealing with at the moment?

Mrs M.H. ROBERTS: Because this clause amends section 23 of the act. That is the section being amended. We are dealing with disciplinary procedures, and I am looking through what applies to police officers, and I am trying to compare that with what the government is attempting to apply to auxiliary officers. So far I am not sure whether the minister is aware whether we have a chief superintendent. He was not really aware of what was above or below a chief superintendent until he took advice. Now he is saying that maybe commanders are above chief superintendent, but he does not know how many there are or what their responsibilities are—whether their responsibilities are geographic or portfolio based. I think the bill is half baked. I do not think the minister knows what he is doing.

Mr W.J. JOHNSTON: I wonder whether the member wants to continue to seek this information; it is interesting to me as well.

Mrs M.H. ROBERTS: It is important to examine how it is. Effectively, we all know that the Commissioner of Police will not be the one directly disciplining these officers.

Mr R.F. Johnson: This is in place now. This is how it will continue to operate. That is the simple answer.

Mrs M.H. ROBERTS: I think the minister is trying to mislead the house. I am examining the disciplinary procedures that apply to regular police officers compared with those that will apply to auxiliary officers.

Mr R.F. Johnson: They will be the same.

Mrs M.H. ROBERTS: That is not what is specified.

Mr R.F. Johnson: All we are doing is putting —

Mrs M.H. ROBERTS: I have the call and I would like to ask the question. We are looking at section 23 of the Police Act. I understand that section 23(2) is not amended by this amendment bill.

Mr R.F. Johnson: No.

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Mrs M.H. ROBERTS: That actually outlines the level of officer that can conduct the examination when there is an issue of discipline for a regular police officer. The minister is telling me that someone of the same level will have to conduct the examination in the case of an auxiliary officer.

Mr R.F. Johnson: Absolutely.

Mrs M.H. ROBERTS: That is not amended and that is not made clear in section 23(2) because auxiliary officers are not being added to subsection (2). Given that the minister has said previously that they are not members of the force, I do not see how that can apply. Subsection (2) states in part —

Where the member of the Force against whom the charge is alleged ...

Can the minister clarify whether an auxiliary officer will be a member of the force and whether that clause applies?

Mr R.F. Johnson: We have not changed anything.

Mrs M.H. ROBERTS: I am clear about that. Section 23(2) has not been changed. It states —

Where the member of the Force against whom ...

I am asking whether an auxiliary officer will be a member of the force for the purpose of that clause.

Mr R.F. Johnson: Not for 23(2) but for 23(1) it is quite clear that is the case.

Mrs M.H. ROBERTS: Can the commissioner or any officer appointed by the commissioner examine them under oath?

Mr R.F. Johnson: Exactly.

Mrs M.H. ROBERTS: I think we are establishing here that the person does not have to be of the rank of chief superintendent or above when it comes to an auxiliary officer. Can the minister answer that clearly or not? It is quite clear that for a member of WA Police, it has to be someone the rank of chief superintendent or above. We have clarified who those people are, even though the minister does not know what commanders do or how many there are. Could a superintendent, an inspector or a sergeant, for example, examine under oath an auxiliary officer for the purpose of disciplinary action when there is an alleged offence?

Mr R.F. Johnson: If they are appointed by the commissioner, they can.

Mrs M.H. ROBERTS: The commissioner can appoint anyone. Could he appoint a constable?

Mr R.F. Johnson: Most probably.

Mrs M.H. ROBERTS: Maybe he would be unlikely to, but under law could he appoint a constable?

Mr R.F. Johnson: Under law he could, but I can tell you that he would not.

Mrs M.H. ROBERTS: The minister is on record in response to me as saying that auxiliary officers would be subject to the same disciplinary procedures, yet we are already finding out there are differences.

Mr R.F. Johnson: In section 23(2) we are referring to a commissioned officer. In section 23(1) it is the same as what applies to a police cadet or an Aboriginal police liaison officer. It would be the same disciplinary regime for a police auxiliary officer. If the commissioner or an officer appointed by the commissioner can deal with them under a disciplinary matter, we are suggesting that it would be the same for a police auxiliary officer.

Mr W.J. JOHNSTON: Given that the minister is not standing up to answer the questions in any formal way, I am interested to hear further from the member for Midland because this is a crucial issue.

Mrs M.H. ROBERTS: Did the minister mislead the house when he said that police auxiliary officers would be subject to the same disciplinary procedures as other police officers, when clearly they will not?

Mr R.F. Johnson: I didn't say that.

Mrs M.H. ROBERTS: The minister did say that. He needs to check the *Hansard* tomorrow.

Mr R.F. Johnson: I said that they would be treated the same as a police cadet or an Aboriginal police liaison officer. They would be in the same position as those officers.

Mrs M.H. ROBERTS: That is what the minister said about two minutes ago. That is not what he said 10 minutes ago when I first asked the question. This is like drawing teeth. I do not think the minister is learning as he goes along. I do not think he is familiar with the Police Act or the bill that he has presented to the house.

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Mr R.F. Johnson: That's your opinion.

Mrs M.H. ROBERTS: I think I made a pretty clear case.

Mr R.F. Johnson: You're wasting the time of the house. You know you are.

Mrs M.H. ROBERTS: I do not think the minister knows too much about this. He does not even know how many commanders he has or what they do. He is the Minister for Police in this state. Does he know how many assistant commissioners he has?

Mr R.F. Johnson: Can we talk to the bill please?

Mrs M.H. ROBERTS: This is related to the bill. Does the minister know how many deputy commissioners of police he has got? An officer has to be above the rank of chief superintendent to be a deputy commissioner of police. How many people are above that rank is relevant and I think I should ask that question. Does the minister know how many commanders he has? How many deputy commissioners and how many assistant commissioners does he have? Does he know the answer to either question? I will give him a tip: he has one commissioner.

Mr R.F. Johnson: We have one deputy, and one —

Mrs M.H. ROBERTS: I will give the minister a tip; it used to be six.

Mr R.F. Johnson: It is a moveable feast, like any organisation. I think there are about five assistant commissioners at the moment.

Mrs M.H. ROBERTS: The minister probably does not know what they do either. I return to the clause. We are amending section 23 of the Police Act 1892. Section 23(4) states —

Where the Commissioner or officer conducting an examination under this section determines as a result of that examination ...

The person who conducts that examination has a significant role and can order punishments against that officer. Those punishments include —

- (a) a reprimand;
- (b) a fine of not more than 3% of the annual base rate of pay of the member, cadet or liaison officer;
- (c) reduction to a lower rank;
- (d) reduction in salary to a specified rate within the limits ...
- (e) suspension from duty;

A severe misdemeanour obviously warrants suspension from duty.

Mr R.F. Johnson: There is also paragraph (f).

Mrs M.H. ROBERTS: Paragraph (f) states —

- (f) discharge or dismissal ...

Mr R.F. Johnson: What is your question?

Mrs M.H. ROBERTS: What would warrant a reduction to a lower rank? How does that apply to an auxiliary officer? How much lower can one go?

Mr R.F. Johnson: If there is only one level, as there would be with auxiliary police officers, that particular section would not be relevant. This part of the Police Act also covers police officers, APLOs and police cadets.

Mrs M.H. ROBERTS: It has long been held that three per cent of an annual base rate of pay is not necessarily an appropriate fine. Did the minister give any consideration to whether that was appropriate?

Mr R.F. Johnson: No, did you in government?

Mrs M.H. ROBERTS: Yes, I did.

Mr R.F. Johnson: What did you do about it? Nothing! You thought about it.

Mrs M.H. ROBERTS: We actually reviewed it. We actually put in place changes.

Mr R.F. Johnson: Did you?

Ms Margaret Quirk; Mr David Templeman; Dr Janet Woollard; Mr John Kobelke; Mr Paul Papalia; Mr Rob Johnson; Speaker; Ms Rita Saffioti; Mr Mark McGowan; Mr John Quigley; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Dr Mike Nahan; Mr Ben Wyatt; Ms Janine Freeman; Ms Lisa Baker; Mrs Michelle Roberts; Mr Martin Whitely; Mr John McGrath; Mr Murray Cowper; Mr Joe Francis

Mrs M.H. ROBERTS: It shows how asleep the minister was when he was in opposition. He does not appear to be aware of that, just as he is not aware of who he has in his command team.

The minister said when debate commenced on this clause that the disciplinary procedures were the same as those for police officers. Clearly they are not. The minister eventually got to the point of saying that they are the same as those for APLOs and others, which appears to be the case.

Mr W.J. JOHNSTON: I am interested to know whether the minister would tell us whether he feels it is appropriate for a police constable to make a determination to reduce the pay for a police auxiliary officer. I would also like to know whether the provisions in the bill would allow a reduction below the minimum rate specified by the police commissioner in the instrument that they sign. Is the award the minimum rate? In respect of the disciplinary provisions that are being provided for auxiliary officers, section 23(4)(d) of the principal act states —

reduction in salary to a specified rate within the limits of salary fixed in relation to the rank held by him;

How would that paragraph operate? I understand that the bill provides that the police commissioner actually sets the rate of pay. How would paragraph (d) apply, or would it not apply? If their rate of pay is set by the instrument, what happens? It could well be that the minister will say that that provision does not apply. That is fine. I would be happy to hear that, but at the moment what will occur is not clear.

Mr R.F. Johnson: It will be set by the employment agreement.

Mr W.J. JOHNSTON: The minister does not seem to understand the question.

The SPEAKER: The member for Cannington has to seek the call again.

Mrs M.H. ROBERTS: I, too, was interested in what the member for Cannington was saying and I would like to hear him conclude his remarks.

Mr W.J. JOHNSTON: My apologies, Mr Speaker. I thought the minister would answer the question. That is the reason I sat down, even though I still had time on the clock.

The provision for the rates of pay is not related to an award or other instrument. It is related to the appointment of the police auxiliary officer.

Mr R.F. Johnson: It is related to an employment agreement.

Mr W.J. JOHNSTON: No; I am sorry, but that is not true. The minister does not understand his bill. The bill says that the rate of pay will be the amount specified by the commissioner. I will take the minister to the clause.

Mr R.F. Johnson: It would be an employment agreement with the commissioner.

Mr W.J. JOHNSTON: No, it would not be an employment agreement. An employment agreement has a particular meaning at law. I strongly caution the minister against using terms that he does not understand. The bill states—this is the minister's bill not mine —

On such terms and conditions of service, including remuneration, as the Commissioner decides from time to time; but they must not be less favourable than is provided for in —

If that provision in the minister's bill states that the rate of pay is to be established by the commissioner and not by any other instrument, what is the effect—the minister might tell me the effect is nothing—of section 23(4)(d) of the principal act? Does that paragraph (d) have an effect; and, if it does, what is the effect? I ask the minister to answer that technical question.

Mr R.F. Johnson: I am having a job following what clause in the bill you are referring to.

Mr W.J. JOHNSTON: I am pointing out that we are amending section 23 of the principal act. Section 23(4) reads, in part —

(d) reduction in salary to a specified rate within the limits of salary fixed in relation to the rank held by him;

The rate of pay for a police auxiliary officer is specified, not in an act of Parliament, not in an industrial instrument, but in the instrument created by the commissioner; that is, the one that the minister has written into the bill at proposed section 38G(2)(b). Is that provision in the principal act at section 23(4)(d) null and void? If the minister says that it is, that is fine by me. Is there some other way that it applies, given that the salary is not set independently but rather by the commissioner?

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Mr R.F. JOHNSON: I want to get this right because I know how pedantic the member is.

Mr W.J. Johnston: It is not a question of being pedantic; it is a question of being right.

Mr R.F. JOHNSON: That is right. As I understand it, the advice I am given is that there could be year 1, 2 and 3 increments for auxiliary officers. If somebody is technically on year 3 and he has to go to a disciplinary meeting, I think what it means here is that it would be within the realms of the commissioner to reduce that increment back to a specified rate, which is exactly what it is for police officers at the moment. If they are under disciplinary action, they will have their pay —

Mrs M.H. Roberts: Not if they are first-year officers.

Mr R.F. JOHNSON: There is nowhere to go for a first-year auxiliary officer, so it is no different, is it?

Mr W.J. JOHNSTON: I will not detain the house any longer, but I will just make the point. I am very relaxed about this because it may well be that the minister should have stood and said, yes, that this provision does not apply. I do not understand how the commissioner can set a rate for that person within a band. Either it is a rate or it is not a rate. It is argued that there are increments and these other things. There may or may not be, but whatever it is, it is the rate that is specified by the commissioner. I am not asking for the minister to respond but it is not well-written law.

Mrs M.H. ROBERTS: I am still waiting for the minister's answer on whether or not he thinks it is appropriate that a police constable can preside over disciplinary matters. When it comes to a police officer being subject to disciplinary matters, the law is that the examination needs to be conducted by someone of the rank of chief superintendent or above. I would put it to the house that it would be reasonable to expect someone conducting this disciplinary action to be of the rank of superintendent or above. Maybe someone would like to put an argument to me why it should be an inspector or above, but it certainly should not be someone of the rank of constable.

Mr R.F. Johnson: No-one is saying that it will be the rank of constable. You are inferring that it will be.

Mrs M.H. ROBERTS: By and large we can rely on the Commissioner of Police to make good decisions and appoint appropriate people. If that is what we are relying upon, we would not have a specification that the police officer had to be someone above the rank of chief superintendent.

Mr R.F. Johnson: You didn't change this when the Aboriginal Police Liaison Officers were introduced, did you?

Mrs M.H. ROBERTS: We did not introduce the APLOs; they were already in place. The law with respect to APLOs was already in place, minister. In any case, just because something has been law for a while does not mean that it does not need updating or changing. There is a lot in the Police Act 1892 that needs updating. However, when a new category of officers is being introduced, it is an opportunity to get the law right, if we are going to tell the police commissioner that certain disciplinary actions need to be conducted by a police officer of a particular rank. Such actions would include those that could affect people's livelihood, pay and tenure, and those that could mean that people could be dismissed or suspended or have their pay downgraded. In situations in which such procedures apply to police officers, the rank has to be chief superintendent or above. I think it is quite appropriate for a police officer of the rank of chief superintendent or above to perform examinations under this section.

I again refer to the minister's second reading speech. He stated —

The bill provides that the police auxiliary officers will come within the disciplinary regime that currently exists in respect to police officers and Aboriginal police liaison officers.

That was a bit of an all-encompassing statement, was it not? It does not make it clear that the disciplinary regime is a little different between APLOs and police officers, or that police officers have some superior conditions and protections to those of APLOs. The point I am really making here is that the protections and procedures for auxiliary officers are not exactly the same as those for police officers. The minister has not really given any real thought or consideration to what is appropriate; he is happy to give the police commissioner a wink and a nod and say, "I'll just rely on you doing the right thing." When the Police Act 1892 was put in place, that was not done in respect of police officers. I do not think it is appropriate for auxiliary officers either. Although I do not expect an amendment to have any success in this house, I think members of the upper house should certainly consider moving an amendment before the bill comes back to this house to require that examinations be conducted by an officer of the rank of superintendent at the least. The livelihoods of auxiliary officers are at

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stake when it comes to disciplinary matters. There is also the matter of public confidence. The fact is that the public would have greater confidence in examinations of this nature being conducted by officers of senior rank.

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 (24)

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

Noes (17)

Ms L.L. Baker	Mr F.M. Logan	Mrs M.H. Roberts	Mr B.S. Wyatt
Mr R.H. Cook	Mr M. McGowan	Mr T.G. Stephens	Mr D.A. Templeman (<i>Teller</i>)
Mr J.N. Hyde	Mr M.P. Murray	Mr C.J. Tallentire	
Mr W.J. Johnston	Mr P. Papalia	Mr A.J. Waddell	
Mr J.C. Kobelke	Ms M.M. Quirk	Mr M.P. Whitely	

Pairs

Mr J.H.D. Day	Mrs C.A. Martin
Dr K.D. Hames	Mr A.P. O’Gorman
Mr C.C. Porter	Mr E.S. Ripper
Mr T.R. Buswell	Ms R. Saffioti
Dr E. Constable	Ms A.J.G. MacTiernan
Mr C.J. Barnett	Mr J.R. Quigley

Question thus passed.

Consideration in Detail Resumed

Clause put and passed.

Clause 7 put and passed.

Clause 8: Section 33E amended —

Mrs M.H. ROBERTS: Clause 8, “Section 33E amended” states —

In section 33E:

- (a) after “Force,” (first occurrence) insert:
a police auxiliary officer,
- (b) delete “that member cadet” and insert:
that member, cadet, police auxiliary officer,

I note that the opening lines of section 33E of the Police Act, which is headed “Right of appeal to Board on disciplinary offences”, state —

Where under the provisions of this Act a member of the Police Force, a police cadet or an Aboriginal police liaison officer has been convicted upon a summary investigation by the Commissioner or other officer appointed by the Commissioner, of an offence against the discipline of the Police Force, if that member cadet or liaison officer is punished by the Commissioner or other officer as the case may be, by being discharged or dismissed from the Police Force, suspended from duty, removed from the office of Aboriginal police liaison officer, reduced in rank, fined ...

Ms Margaret Quirk; Mr David Templeman; Dr Janet Woollard; Mr John Kobelke; Mr Paul Papalia; Mr Rob Johnson; Speaker; Ms Rita Saffioti; Mr Mark McGowan; Mr John Quigley; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Dr Mike Nahan; Mr Ben Wyatt; Ms Janine Freeman; Ms Lisa Baker; Mrs Michelle Roberts; Mr Martin Whitely; Mr John McGrath; Mr Murray Cowper; Mr Joe Francis

It is interesting that clause 8(b) on page 5 of the amendment bill seeks to delete the words “that member cadet” and insert the words “that member, cadet, police auxiliary officer;”. Can the minister explain to us what the words “member cadet” and “cadet” refer to and what is the role of cadets currently within the police service?

Mr R.F. JOHNSON: The first one, “member”, means member of the police force. “Cadet” means a police cadet, but they are not employed under —

Mrs M.H. Roberts: Do you have police cadets currently and what roles do they fulfil?

Mr R.F. JOHNSON: There are no police cadets appointed under the Police Act. I am advised that cadets are employed under the Public Sector Management Act. Yes, there are cadets but they are employed under that particular act rather than the Police Act.

Mrs M.H. Roberts: What roles are they currently doing?

Mr R.F. JOHNSON: Assisting in police stations.

Mrs M.H. Roberts: At stations?

Mr R.F. JOHNSON: Yes, predominantly in the police stations helping out. It is a bit of training for them, which I think is quite good. I certainly would not criticise them for it. Of course “police auxiliary officer” is self-explanatory.

Mrs M.H. ROBERTS: Therefore, this provision will give police auxiliary officers a right of appeal to the board on disciplinary offences.

Mr R.F. Johnson: Correct.

Mrs M.H. ROBERTS: This is the same board that police officers can appeal to.

Mr R.F. Johnson: Yes.

Mrs M.H. ROBERTS: Those police officers have the benefit of an examination by someone at the level of chief superintendent or above.

Mr R.F. Johnson: Yes.

Mrs M.H. ROBERTS: Auxiliary officers would have their examination by an officer at any level appointed by the commissioner, as the bill currently states. Then there are cadets, which the minister is saying were appointed under the Public Sector Management Act, not the Police Act. That is what the minister has said, is it not?

Mr R.F. Johnson: Yes.

Mrs M.H. ROBERTS: Therefore, cadets are appointed under the Public Sector Management Act, not the Police Act, yet they are subject to disciplinary procedures under the Police Act.

Mr R.F. Johnson: No; I am advised that they are not.

Mrs M.H. ROBERTS: If they are not subject to disciplinary procedures under the Police Act, why do they have a right of appeal to the board?

Mr R.F. JOHNSON: Basically the section relating to cadets is redundant, because they are not employed under the Police Act any more; they are employed under the Public Sector Management Act, and so there is no appeal to the board.

Mrs M.H. Roberts: So why wouldn't you just delete the reference to “cadet” then?

Mr R.F. JOHNSON: I am advised that the police may want it at some time in the future, so there is no benefit in deleting it at this time.

Mrs M.H. Roberts: Other than the fact that it is superfluous and does not exist, you could do it pretty quickly.

Mr R.F. JOHNSON: Not at the rate we go in this Parliament. At the rate we are going tonight we could not do it pretty quickly, so we are leaving it there.

Mrs M.H. Roberts: You could have done it tonight. You want to relive all this over again, don't you?

Mr R.F. JOHNSON: Absolutely! I look forward to it.

Mr J.C. KOBELKE: Police cadets were introduced as part of the recruitment program. A number of senior officers regarded cadets as valuable to the police service because they themselves came through it; I think the

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commissioner did. I wonder whether the minister could give us the number of cadets currently and whether the cadet program is continuing.

Mr R.F. Johnson: I do not know the numbers, but as far as I am aware it is continuing, yes.

Mr J.C. KOBELKE: Is there funding to continue it through this year and next year?

Mr R.F. Johnson: Yes. In fact, we would certainly still encourage cadets.

Mr J.C. KOBELKE: I am just wondering whether the cost-cutting method had to be done away with or whether it is continuing.

Mr R.F. Johnson: No. The only reason there is some cutback in that area is that we are over-strength at the moment. The member for Balcatta, being a former police minister, would understand that the commissioner tries to stay as close to the authorised strength as possible.

Mr J.C. KOBELKE: I understand that, so the minister is saying that there has been a cutback in cadets but there will still be cadets this year.

Mr R.F. Johnson: The funding is still there, certainly.

Mr J.C. KOBELKE: No; what I am asking is whether there are cadets still working with WA Police this year.

Mr R.F. Johnson: Yes, there are.

Clause put and passed.

Clause 9 put and passed.

Clause 10: Part IIIB inserted —

Mr W.J. JOHNSTON: This is very important. This is really the nub of the provisions that we are being asked to deal with in this bill. I do not understand why the appointment in proposed section 38G(1) does not have to be in writing. I know that special constables are very important to the minister, as he has referred to them often today in respect of custodial officers. Part III, section 35(5) of the Police Act states —

The appointment of a special constable, its terms and conditions and any cancellation of it must be in writing and signed by the Commissioner.

I am not quite sure why the minister brings a Police Amendment Bill 2009 to us today that provides for the new role of police auxiliary officer, yet the bill does not provide that the appointment must be made in writing. Proposed section 38H(1), which is also part of clause 10, states —

Unless the document appointing a police auxiliary officer says otherwise —

Clearly, proposed section 38H(1) expects a document to exist, yet the appointment at proposed section 38G(1) does not provide a requirement that there be a document; in fact, it authorises an appointment other than in writing because it does not state that an appointment in writing is required. It should be made clear. If they are to be appointed other than in writing, the provision should state that. We know that to be true because when the Parliament last dealt with this matter on the issue that the minister keeps raising with us, being special constables, a specific provision provided for that. What is it? Why is it that the minister intends to provide a power to the Commissioner of Police to appoint a person, but not in writing?

Ms M.M. Quirk: It's a phantom appointment!

Mr W.J. JOHNSTON: They will be doing phantom appointments! There will be an auxiliary promise and a phantom appointment! My amendment intends that the commissioner may appoint in writing any person as a police auxiliary officer. It just seems to be plain commonsense, minister, that the instrument should exist, particularly because it is implied by proposed section 38H that it will. Will the minister comment on that particular provision?

The SPEAKER: Member for Cannington, I need to get some clarification from you as to whether you are actually moving the amendment in your name, or you are foreshadowing it.

Mr W.J. JOHNSTON: I will move it now. I move —

Page 6, line 27 — To insert after “appoint” —

in writing

The section would then read —

Ms Margaret Quirk; Mr David Templeman; Dr Janet Woollard; Mr John Kobelke; Mr Paul Papalia; Mr Rob Johnson; Speaker; Ms Rita Saffioti; Mr Mark McGowan; Mr John Quigley; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Dr Mike Nahan; Mr Ben Wyatt; Ms Janine Freeman; Ms Lisa Baker; Mrs Michelle Roberts; Mr Martin Whitely; Mr John McGrath; Mr Murray Cowper; Mr Joe Francis

The Commissioner may appoint in writing any person as a police auxiliary officer.

Mr R.F. JOHNSON: If the member looks at proposed section 38G(5), he will see that it states quite clearly that —

The appointment of a police auxiliary officer, its terms and conditions and any cancellation of it must be in writing and signed by the Commissioner.

Proposed section 38G(6) states —

The Commissioner must issue a police auxiliary officer with a certificate ...

I would suggest that is in writing.

Mr W.J. Johnston: That is not the appointment though.

Mr R.F. JOHNSON: It further states —

... of his or her appointment as a police auxiliary officer.

If the member looks at proposed 38G(5) and proposed section 38G(6) —

Mr W.J. Johnston: Proposed section 38G(6) is not relevant.

Mr R.F. JOHNSON: Of course it is relevant.

Mr W.J. Johnston: It is not relevant to the issue I have raised.

Mrs M.H. Roberts: Proposed section 38G(5) is relevant.

Mr R.F. JOHNSON: Proposed section 38G(5) is certainly relevant, but I would have thought proposed section 38G(6) would have been belt and braces, quite frankly. The member's amendment is completely unnecessary, and I will not be accepting it.

Mrs M.H. ROBERTS: This clause relates to the terms and conditions of employment. Is it envisaged that auxiliary officers will be covered by the Western Australian Police Union of Workers, or another union?

Mr R.F. JOHNSON: We cannot determine that; that is up to the Western Australian Industrial Relations Commission, as I am sure the member is aware.

Mrs M.H. Roberts: Have you had any advice about what is likely to occur?

Mr R.F. JOHNSON: Both the police union and the Civil Service Association of WA have been in conversation with the police team, if I can call them that—the commissioner's people.

It is not up to us to determine that. That will be a decision for the Industrial Relations Commission. It will make that determination. I must say that that question is not particularly relevant to the amendment.

Mrs M.H. Roberts: I jumped in and took an opportunity!

Mr R.F. JOHNSON: Yes! The member did. The member jumped in there! She was being very cheeky!

Mrs M.H. Roberts: I still do not have an answer from you, but I am just trying!

Mr R.F. JOHNSON: I have given the member the answer. That is the best answer that I can give the member, I am afraid.

Mr J.C. KOBELKE: Proposed section 38G(2) states that a police auxiliary officer's appointment is for such period as the commissioner decides. Can the minister give us some indication of what that period is likely to be? Clearly some thought must have been given to that.

Mr R.F. Johnson: We are still talking to the amendment moved by the member for Cannington—which I think is a waste of time, quite frankly, but it is before the house at the moment, so we have to deal with that. If the member wants to withdraw his amendment —

Mr J.C. KOBELKE: I thought the minister had dismissed it.

Mr R.F. Johnson: I personally do dismiss it.

The SPEAKER: Order! The question is that the words to be inserted be inserted.

Mr W.J. JOHNSTON: I seek leave to withdraw the amendment.

Ms Margaret Quirk; Mr David Templeman; Dr Janet Woollard; Mr John Kobelke; Mr Paul Papalia; Mr Rob Johnson; Speaker; Ms Rita Saffioti; Mr Mark McGowan; Mr John Quigley; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Dr Mike Nahan; Mr Ben Wyatt; Ms Janine Freeman; Ms Lisa Baker; Mrs Michelle Roberts; Mr Martin Whitely; Mr John McGrath; Mr Murray Cowper; Mr Joe Francis

Amendment, by leave, withdrawn.

Mr J.C. KOBELKE: I think it is now appropriate that I ask the minister to give some explanation of proposed section 38G(2). I am seeking an explanation of the intended policy that will be applied under that proposed section. In working up this proposal, I would expect that the minister would have some idea of what the contracts of employment will be. Can the minister give some indication of how that will work?

Mr R.F. Johnson: They will be permanent employees, certainly.

Mr J.C. KOBELKE: Will that be after a probationary period?

Mr R.F. Johnson: Yes. I think that applies to everybody. The employment agreement has not been finalised yet, but the advice I am getting is that it will be for six months, which is the norm.

Mr J.C. KOBELKE: So, there is no legal problem with the bill saying that the appointment is for such period as the commissioner decides, and the minister saying that that period amounts to a permanent employment? There is no technical problem with that?

Mr R.F. Johnson: I do not believe so. It has to be for a time, and that will be set down in writing, obviously.

Mr J.C. KOBELKE: If you give a time, it is finite; it is not permanent.

Mr R.F. Johnson: I am advised that every appointment is finite, even for a permanent employee. The employee might retire or resign. He might do all sorts of things.

Ms M.M. Quirk: He might die!

Mr R.F. JOHNSON: The employee might die. The member is quite right.

Mr J.C. KOBELKE: The situation currently in the public sector—which we are not dealing with here—is that there may be a permanent appointment, and there may then be certain terms with different agencies, or at different levels. Sometimes a person is appointed to act for a given time. However, that is the position that the person is occupying and is being paid for. It is not the person's contract of employment. The contract of employment is permanent. This proposed section is saying that the appointment is for such period as the commissioner decides. The minister has indicated in his answer that that will be a term of months or years. That means that it is not permanent.

Mr R.F. Johnson: That is while the person is acting in a police auxiliary officer role.

Mr J.C. KOBELKE: Is the minister saying that the person's contract of employment is different from the person's actual service as a police auxiliary officer?

Mr R.F. Johnson: No. I am not saying that. You are saying that.

Mr J.C. KOBELKE: I am trying to work out what the minister actually means. The minister is telling me that it is permanent, but he then says that it will be for a number of months, or years, which is a fixed term, which then means that it is not permanent. I am trying to discern how this will be implemented and what is the intention. The minister is telling me that the intention is to make these people permanent officers after a period of probation, yet the wording would seem to indicate, and the minister is saying in his response, that there will be a given period for which they will be appointed.

Mr R.F. Johnson: Because of the powers that the Commissioner of Police confers on these people, when they resign or retire, those powers have to be taken back. This must be done by an instrument.

Mr J.C. KOBELKE: If the termination is initiated by the police auxiliary officer, that is quite separate. The issue is how, other than through disciplinary mechanisms, can the commissioner terminate their employment? It would seem from this that the commissioner can do so.

Mr R.F. JOHNSON: I am advised that this is not different from the situation with police officers. They are taken on by the same method. An instrument is used between the Commissioner of Police and the police auxiliary officers. It is an instrument of appointment.

Mr J.C. Kobelke: Can you point out to us, in the Police Act 1892, where there is a similar wording, to the effect that police officers are appointed for such a period as the commissioner decides?

Mr R.F. JOHNSON: There is a similar wording for Aboriginal police liaison officers.

Mrs M.H. Roberts: They are not police officers; they are APLOs.

Ms Margaret Quirk; Mr David Templeman; Dr Janet Woollard; Mr John Kobelke; Mr Paul Papalia; Mr Rob Johnson; Speaker; Ms Rita Saffioti; Mr Mark McGowan; Mr John Quigley; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Dr Mike Nahan; Mr Ben Wyatt; Ms Janine Freeman; Ms Lisa Baker; Mrs Michelle Roberts; Mr Martin Whitely; Mr John McGrath; Mr Murray Cowper; Mr Joe Francis

Mr R.F. JOHNSON: I look upon them all as police officers, even APLOs, because they perform very well in the job they do. This provision was introduced in 2008, under the previous government, when the Police Act was amended in relation to Aboriginal police liaison officers. Section 38B reads —

- (1) The Commissioner may appoint any person of Aboriginal descent as an Aboriginal police liaison officer.
- (2) An APLO's appointment is —
 - (a) for such period as the Commissioner decides; and
 - (b) on such terms and conditions of service, including remuneration, as the Commissioner decides from time to time; but they must not be less favourable than is provided for in —
 - (i) any applicable award, order or agreement under the *Industrial Relations Act 1979*; or
 - (ii) the *Minimum Conditions of Employment Act 1993*.

This will basically be the same instrument as the member had when he was Minister for Police and was appointing APLOs and special constables.

Mr J.C. KOBELKE: The minister's response causes me greater concern because, as I heard him reading out that section relating to APLOs from the 2008 amending bill, the wording seemed very similar to what we have in the present bill.

Mr R.F. Johnson: It is exactly the same.

Mr J.C. KOBELKE: The problem is that those amendments were made because we were phasing out APLOs. That was the clear intent of those amendments, which would allow APLOs to transition back to ordinary police. The intention was not to keep appointing APLOs. The minister is now adopting exactly the same wording for police auxiliary officers as an ongoing form of employment as we were using for APLOs when we sought to remove that form, because we were allowing them to come back into the WA Police as normal full officers.

Mr R.F. Johnson: It is exactly the same as you had in 2006 with special constables. You did not change it from that; you kept it going.

Mr J.C. KOBELKE: Special constables are quite separate. Special constables are people who are put in for a specific job to fill a gap, and therefore it is not permanent employment. Special constables are used along the border with the Northern Territory, where there is a Northern Territory police officer.

Mr R.F. Johnson: What about your custody officers?

Mr J.C. KOBELKE: The minister is talking here about a new form of people coming in. He is saying that they are permanent, and yet the wording is for a fixed term—such period as the commissioner decides. The examples that the minister is giving regarding Aboriginal police liaison officers and custody officers are quite different.

Mr R.F. Johnson: You used them as special appointments for the special constables. It is the same.

Mr J.C. KOBELKE: But special constable positions have generally not been seen as permanent positions. They are special constables. They are used to fulfil particular requirements at a given time. Therefore, it makes sense to put a time on them.

Mr R.F. Johnson: The position of special constable is a permanent position, and I am advised that the custody officers are employed on a permanent basis.

Mr J.C. KOBELKE: The minister is not convincing me of what the wording in this clause will mean for police auxiliary officers. I can understand that it is a fixed term.

Mr R.F. Johnson: It will be the same as custody officers, which you, as the minister, authorised the employment of. They are the same.

Mr J.C. KOBELKE: I still have not worked it out. I will move on. Proposed section 38G(2)(b) states that the auxiliary officer's appointment is on such terms and conditions of service, including remuneration, as the commissioner decides from time to time. It then goes on to refer to applicable awards and the Minimum Conditions of Employment Act. I accept that the appointment will meet all that, but, again, in developing all this, there must have been some number crunching and some working out of what would be the appropriate level. I

Ms Margaret Quirk; Mr David Templeman; Dr Janet Woollard; Mr John Kobelke; Mr Paul Papalia; Mr Rob Johnson; Speaker; Ms Rita Saffioti; Mr Mark McGowan; Mr John Quigley; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Dr Mike Nahan; Mr Ben Wyatt; Ms Janine Freeman; Ms Lisa Baker; Mrs Michelle Roberts; Mr Martin Whitely; Mr John McGrath; Mr Murray Cowper; Mr Joe Francis

am willing to accept that that has not been finally determined. However, can the minister give an indication of what the level of remuneration will be, and, secondly, what will be the overall cost of having 50 people employed as police auxiliary officers over a year?

Mr R.F. JOHNSON: I will give the member some indication of what custody officers presently earn as their salary, which is their base rate. It is between \$49 000 and \$52 000 a year. Of course, they get other add-ons, but that is their base rate. I believe that it would be in a similar area to that. I cannot see that it would be very much different from that rate at all. If they are the sorts of wages that the member believes the custody officers should have got, or should be on by now, why would we want to treat our auxiliary officers any differently?

Mr W.J. Johnston: Because they are going to do more stuff, give them more money.

Mr R.F. JOHNSON: No, they are not going to do more stuff.

Mrs M.H. Roberts: It's up to the commissioner.

Mr R.F. JOHNSON: Of course it is up to the commissioner, but I have a pretty good idea what the commissioner will be giving them to do.

Mrs M.H. Roberts: You think you have.

Mr R.F. JOHNSON: I think I have. I hope that answers the member's question. Does that answer his question?

Mr J.C. Kobelke: No, but I thank the minister for providing the quantum. I accept that.

Mr R.F. JOHNSON: I am trying to give the member the information that I can. That is what the custody officers are presently earning as their base rate, but they get add-ons to that.

Mr J.C. Kobelke: While you are talking about custody officers, what are they employed under?

Mr R.F. JOHNSON: The Public Sector Management Act, but they carry special constable powers under the Police Act.

Mr J.C. Kobelke: I understand that, but being employed under the Public Sector Management Act is very different from how these people will be employed under the Police Act.

Mr W.J. Johnston: That is right, because they don't have the underlying security of the other act.

Mr R.F. JOHNSON: The member is asking rhetorical questions. He is giving himself the answers.

Mr W.J. Johnston: You're not because you don't know. That's the problem. If you answered them, we'd be right.

Mr R.F. JOHNSON: As we have said already, we are designing an employment agreement for our auxiliary officers. I cannot tell members exactly what the end result will be because I do not know. This is being done by the police. I am sure that the former Minister for Police would not have had a clue what was being designed for the custody officers, because that would not have been his job; it would have been the police commissioner and his officers who did that.

Mr J.C. Kobelke: It would have been my job, because I would have been trying to make sure they got the right money. As you are trying to save money, I thought you would be checking how much money you are saving.

Mr R.F. JOHNSON: No, we are not trying to save money.

Mr W.J. JOHNSTON: I will talk about proposed section 38G(2). I will make it clear exactly what the provision states because, as has just been explained, the temporary nature of the appointment of special constables does not relate to the temporary nature of the appointment here. Public servants are employed under a different employment arrangement; they are employed under the Public Sector Management Act. Special constables are not public servants. Let us read the exact wording. I want to get this on the record so that when there is a dispute, people can refer to this debate when they go to the Industrial Relations Commission. I want to make it absolutely clear that the words in proposed section 38G(2)(a) do not provide for permanent employment. There is no circumstance in which these words imply that there is permanent employment. When the commissioner is resolving a dispute in the industrial commission, I want to make sure that the commission understands that that is not permanent employment; it is temporary employment. It is an oxymoron to have fixed-term permanent employment. When this proposed section is compared with sections 6 and 7 of the principal act, the Police Act, it can be seen that there are no comparisons. Clause 6 of the principal act states that the Governor may appoint such officers, and clause 7 refers to the appointment of non-commissioned officers. The point I make is that neither of those appointment provisions relate to a term; they relate to the office. The provision in this clause

Ms Margaret Quirk; Mr David Templeman; Dr Janet Woollard; Mr John Kobelke; Mr Paul Papalia; Mr Rob Johnson; Speaker; Ms Rita Saffioti; Mr Mark McGowan; Mr John Quigley; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Dr Mike Nahan; Mr Ben Wyatt; Ms Janine Freeman; Ms Lisa Baker; Mrs Michelle Roberts; Mr Martin Whitely; Mr John McGrath; Mr Murray Cowper; Mr Joe Francis

relates to a term and not to the office. If this provision was modelled on the provisions in section 1 of the act, the special constables would be permanently appointed, but they will not be. The minister can answer this query however he wants, but I want the commissioner, when he decides a dispute, to read the words that I have just said. There are no circumstances in which this provision can be interpreted to be a permanent appointment.

Mr R.F. Johnson: You need to look at the word “and” between proposed section 38G(2)(a) and (b). It is not just a matter of reading paragraph (b), but reading paragraphs (a) and (b). Paragraph (b) states —

- (i) any applicable award, order or agreement under the *Industrial Relations Act* ...
- (ii) the *Minimum Conditions of Employment Act 1993*.

The only thing that —

Mr W.J. JOHNSTON: Minister, please do not interrupt me when you do not understand what you are saying. Let me make it clear. An award does not apply —

Mr R.F. Johnson: You really are arrogant.

Mr W.J. JOHNSTON: The minister needs to come to terms with basic industrial law.

Mr R.F. Johnson: I am not a union man like you.

Mr W.J. JOHNSTON: That is right.

Mr R.F. Johnson: Thank God!

Mr W.J. JOHNSTON: Let me make it clear. There are two separate issues involved: the contract of employment and the award. There is 100 years of case law that shows that an award is not a contract of employment. There are no circumstances in which an award forms a contract of employment. An award forms the conditions under which a contract of employment exists. One of the terms and conditions that will be in the instrument, and which can be in only the instrument, is the period that the commissioner decides. It is not possible to write a period that is “until further notice”. That is not a period. A period has a start date and an end date. If the government intends to have permanent employment, it needs to provide a power for appointment. That is not to say that the Commissioner of Police cannot reappoint a person, because clearly he can, but this provision does not provide for permanent employment. There are no circumstances in which this provision allows for the permanent appointment of a police auxiliary officer. It is temporary. It does not matter what contents the award has because the award cannot form the contract of employment. The contract of employment has to comply with the provisions in the Police Act. They will always have preference over any other matter.

Mrs M.H. ROBERTS: We are under constant threat of the gag here, which I think is pretty sad. Given that it is one o'clock in the morning, it is very poor form for the member who is both the Leader of the House and the police minister to have advisers here, and for the staff of the house to be kept this late. This bill was brought on for consideration in detail very late tonight. Someone who is fulfilling two roles, one as Leader of the House and the other as Minister for Police, wants to bring his bill on at a time when he will not be subject to scrutiny.

I want to talk about proposed section 38H, “Functions of police auxiliary officers”. Clause 10 is a very long clause; it goes over a number of pages of the bill and it contains a lot of really significant provisions that we should be able to examine and get some answers to. I would have preferred to have waited for the member for Cannington to get his answers, but the minister did not jump to his feet too quickly, and we are under constant threat of someone else from the government jumping up and gagging debate before we can ask some really reasonable questions.

Proposed section 38H(1) states —

Unless the document appointing a police auxiliary officer says otherwise —

- (a) a police auxiliary officer has all of the powers, duties and obligations that a police officer or a member of the Police Force has under any written law other than this Act; and
- (b) any authorisation, exemption or exception in any written law other than this Act that applies to a police officer or a member of the Police Force applies to a police auxiliary officer,

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unless that written law expressly says otherwise.

This is an all-encompassing clause. This is the clause that is the crux of this bill. We are giving auxiliary officers not only the duties and obligations of police officers, but also all the powers of police officers. Police officers, quite rightly, are given extraordinary powers in this state—powers well beyond those of regular citizens. They are given those powers because they are properly and appropriately trained. There is a proper line of command and responsibility, yet, as we said at the start, there will be policing by on-the-cheap officers who will not have the same level of training—officers who may well be nothing more than glorified security guards. If we pass this legislation, particularly this clause, we will give them all of the powers, duties and obligations of police officers.

Mr R.F. Johnson: As we do for APLOs and special constables.

Mrs M.H. ROBERTS: There is a standard contract for APLOs, which significantly limits their powers. Their powers are significantly limited. What is not spelt out in this legislation is what limitations will apply. I ask the Minister for Police, because I do not think I will get satisfaction on the broader issue, so I will satisfy myself with attempting to ask him a simple question and hope to get a simple answer.

Mr R.F. Johnson: They won't have the powers of arrest.

Mrs M.H. ROBERTS: That is not the question I was going to ask. We have passed laws in this house that provide for mandatory sentencing for assaults on police officers. Will those mandatory sentencing laws apply to auxiliary officers?

Mr R.F. Johnson: Yes, they will.

Question to be Put

Mr J.M. FRANCIS: I move —

That the question be now put.

Question put and a division taken with the following result —

Ayes (22)

Mr P. Abetz	Mr M.J. Cowper	Mr R.F. Johnson	Mr A.J. Simpson
Mr F.A. Alban	Mr J.M. Francis	Mr A. Krsticevic	Mr M.W. Sutherland
Mr I.C. Blayney	Mr B.J. Grylls	Mr W.R. Marmion	Mr T.K. Waldron
Mr I.M. Britza	Mrs L.M. Harvey	Mr P.T. Miles	Mr J.E. McGrath (<i>Teller</i>)
Mr G.M. Castrilli	Mr A.P. Jacob	Ms A.R. Mitchell	
Mr V.A. Catania	Dr G.G. Jacobs	Dr M.D. Nahan	

Noes (15)

Ms L.L. Baker	Mr J.C. Kobelke	Ms M.M. Quirk	Mr A.J. Waddell
Mr R.H. Cook	Mr F.M. Logan	Mrs M.H. Roberts	Mr B.S. Wyatt
Mr J.N. Hyde	Mr M. McGowan	Mr T.G. Stephens	Mr D.A. Templeman (<i>Teller</i>)
Mr W.J. Johnston	Mr P. Papalia	Mr C.J. Tallentire	

Pairs

Mr J.H.D. Day	Mrs C.A. Martin
Dr K.D. Hames	Mr A.P. O'Gorman
Mr C.C. Porter	Mr E.S. Ripper
Mr T.R. Buswell	Ms R. Saffioti
Dr E. Constable	Ms A.J.G. MacTiernan
Mr C.J. Barnett	Mr J.R. Quigley
Mr D.T. Redman	Mr M.P. Murray

Question thus passed.

Consideration in Detail Resumed

Clause put and passed.

Clauses 11 to 23 put and passed.

Clause 24: *Stock (Identification and Movement) Act 1970* amended —

Ms Margaret Quirk; Mr David Templeman; Dr Janet Woollard; Mr John Kobelke; Mr Paul Papalia; Mr Rob Johnson; Speaker; Ms Rita Saffioti; Mr Mark McGowan; Mr John Quigley; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Dr Mike Nahan; Mr Ben Wyatt; Ms Janine Freeman; Ms Lisa Baker; Mrs Michelle Roberts; Mr Martin Whitely; Mr John McGrath; Mr Murray Cowper; Mr Joe Francis

Ms M.M. QUIRK: While we are talking about broken promises, I remind the minister that he made some commitment to restore the rural stock squad.

Mr B.J. Grylls: It's a very good squad.

Ms M.M. QUIRK: I am sure that the minister thinks that it should be properly staffed by fully sworn police officers. Now it will have police auxiliary officers. The minister has really been sold down the river now. I seek clarification from the Minister for Police that under clause 24, the rural stock squad can be staffed by police auxiliary officers.

Mr R.F. JOHNSON: The stock squad, which is what it was previously known as —

Mr B.J. Grylls: They scrapped it.

Mr R.F. JOHNSON: The minister is right. The previous government got rid of so many things. We reinstated what was the stock squad. We enhanced it. We reinvigorated what was the stock squad and it is now called the rural crime unit. It is overseen by a senior police officer who has experience in the area from being a leading member of the stock squad. We now have five specialists from the Department of Agriculture and Food who know about agriculture, particularly livestock, in that unit.

Ms M.M. Quirk: They know about karnal bunt and stuff like that.

Mr R.F. JOHNSON: I am talking about people who are experts in livestock and that is where there were a lot of problems.

Several members interjected.

The SPEAKER: I know it is early morning and that members are getting excited.

Mr R.F. JOHNSON: Yes, they are getting very excited, Mr Speaker. I can see it in their faces. The member for Girrawheen asked me about the stock squad, but members opposite do not want to hear the answer. Do members opposite want to know the answer?

Ms M.M. Quirk: Yes.

Mr R.F. JOHNSON: This government reinvigorated what was the old stock squad and we now have the rural crime unit. We did not reinstate the stock squad as such—not the one that the previous government abolished. However, we now have a rural crime unit that is overseen by a police officer who has experience from his role in the stock squad. We also have at least five inspectors from the Department of Agriculture and Food who have a lot of specialist knowledge about livestock. They go to the abattoirs and saleyards. Any theft of farm property is still investigated by detectives in the regional areas. We are enhancing that as well. We have done a lot with that unit since we came to government and it is working very well indeed.

Ms M.M. QUIRK: From what the minister is saying, he is contemplating that police auxiliary officers could have a role in relation to crimes relating to stock.

Mr R.F. JOHNSON: It is extremely unlikely. The commissioner is happy to confer certain powers of a special constable on the Department of Agriculture and Food inspectors, so that they have some authority in saleyards and abattoirs.

Ms M.M. QUIRK: Let me clarify that. As well as crossing guards, transferring evidence and the other things that the minister listed that these officers will do, they may well have responsibilities in relation to cattle rustling.

Mr R.F. JOHNSON: Yes. If the commissioner felt that he wanted to use police auxiliary officers in relation to the rural crime unit, it would be purely in a supportive role. It certainly would not be for investigations and they would not have the powers of arrest. The powers that would be conferred on those rural crime unit inspectors, who are predominantly from the Department of Agriculture and Food —

Ms M.M. Quirk: They are special constables; they are not police officers.

Mr R.F. JOHNSON: No, they can have certain powers of a special constable conferred upon them by the commissioner. They would be very limited powers. That is what was discussed, and I presume that is what is happening now.

If any auxiliary police officers were used in this area, it would be purely for administrative support. They would certainly not be taking a front-line role at all.

Mr J.N. Hyde: Can you guarantee that no sworn officer's position will be replaced by an auxiliary officer?

Ms Margaret Quirk; Mr David Templeman; Dr Janet Woollard; Mr John Kobelke; Mr Paul Papalia; Mr Rob Johnson; Speaker; Ms Rita Saffioti; Mr Mark McGowan; Mr John Quigley; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Dr Mike Nahan; Mr Ben Wyatt; Ms Janine Freeman; Ms Lisa Baker; Mrs Michelle Roberts; Mr Martin Whitely; Mr John McGrath; Mr Murray Cowper; Mr Joe Francis

Mr R.F. JOHNSON: We are adding 350 officers. Where has the member for Perth been? We are also adding 150 auxiliary officers. I think the member has been asleep for too long. How can he ask a question of that nature? Of course we are not going to get rid of police officers.

Mr J.N. Hyde: You have to get rid of them.

Mr R.F. JOHNSON: For goodness sake, of course we are not going to get rid of police officers. We are encouraging people to come into the police service. We want more police officers.

Mr J.N. Hyde: So there is more cattle mustering happening, is there?

Mr R.F. JOHNSON: There is more what! I thought the member was talking in general terms. The trouble is that he comes in halfway through the argument.

Mr J.N. Hyde: We are discussing a particular clause.

Mr R.F. JOHNSON: What is the question?

Mr J.N. Hyde: I want you to guarantee that this clause will not result in any job losses of sworn officers and that you will not be replacing fully paid, fully professional officers.

Mr R.F. JOHNSON: There is no intent to do that whatsoever. We have at the moment a senior police officer overseeing the five or maybe six, but it is at least five, inspectors from the Department of Agriculture and Food who have expertise in livestock and who have—if they have not, they will be getting them—limited special constable powers conferred by the Commissioner of Police.

Mr J.N. Hyde: So none of the prosecution activities will be undertaken by auxiliary officers?

Mr R.F. JOHNSON: Of course not.

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 (22)

Mr P. Abetz	Mr M.J. Cowper	Mr A. Krsticevic	Mr A.J. Simpson
Mr F.A. Alban	Mr B.J. Grylls	Mr W.R. Marmion	Mr M.W. Sutherland
Mr I.C. Blayney	Mrs L.M. Harvey	Mr P.T. Miles	Mr T.K. Waldron
Mr I.M. Britza	Mr A.P. Jacob	Ms A.R. Mitchell	Mr J.E. McGrath (<i>Teller</i>)
Mr G.M. Castrilli	Dr G.G. Jacobs	Dr M.D. Nahan	
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Noes (15)

Ms L.L. Baker	Mr J.C. Kobelke	Ms M.M. Quirk	Mr A.J. Waddell
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Mr C.C. Porter	Mr E.S. Ripper
Mr T.R. Buswell	Ms R. Saffioti
Dr E. Constable	Ms A.J.G. MacTiernan
Mr C.J. Barnett	Mr J.R. Quigley
Mr D.T. Redman	Mr M.P. Murray

Question thus passed.

Consideration in Detail Resumed

Clause put and passed.

Clause 25 put and passed.

Title put and passed.

Extract from *Hansard*

[ASSEMBLY - Tuesday, 13 October 2009]

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Ms Margaret Quirk; Mr David Templeman; Dr Janet Woollard; Mr John Kobelke; Mr Paul Papalia; Mr Rob Johnson; Speaker; Ms Rita Saffioti; Mr Mark McGowan; Mr John Quigley; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Dr Mike Nahan; Mr Ben Wyatt; Ms Janine Freeman; Ms Lisa Baker; Mrs Michelle Roberts; Mr Martin Whitely; Mr John McGrath; Mr Murray Cowper; Mr Joe Francis

House adjourned at 1.30 am (Wednesday)
