

POLICE AMENDMENT BILL 2010

Second Reading

Resumed from 15 February.

HON LJILJANNA RAVLICH (East Metropolitan) [8.02 pm]: I welcome the opportunity to continue my remarks on the Police Amendment Bill 2010.

The provisions in the bill are very concerning. I have done a little research on this bill and I have to say that once I started to look at the potential cost structure and at the sorts of events that would be covered, I really became concerned that this is nothing more than a revenue raising exercise. I will refresh the house's memory of what this bill does—namely, it applies a user charge fee, if we like, for the attendance of police officers at events. It stipulates that the event has to have more than 5 000 people in attendance and therefore requires a ratio of 10 police officers. The charge out rate per individual officer is \$95 an hour. If we say \$100 multiplied by 10, that is \$1 000, and once we start to, in fact, multiply those figures for events with more people in attendance, it becomes very, very expensive.

I will turn to the question of costing for police officers but before I do, I just want to, on behalf of the entertainment, sporting and tourism industries, put the concerns of some of those industry representatives on the table because there is no doubt that for people who run big events, this legislation presents a potential threat. That is not to suggest that this cost impost will mean that they will not be able to run their events; in all likelihood they will because the cost impost for large event organisers is probably not so great that it would provide a risk to the business of those events organisers. The cost impost may well pose a threat to smaller event organisers, but to large event organisers probably not so much, although there may well be some on the margin for whom the employment of 10 officers at a rate of let us say 10 hours a day will be too much. Ten police officers at \$100 an hour is \$1 000, times that by 10 for a 10-hour day and it will cost \$10 000. If an event needs 20 officers because of the size of the crowd that would cost \$20 000—it certainly starts adding up. There is concern amongst event organisers. They have in large part slammed the proposed legislation to charge them for a police presence, and we can understand why from their point of view. I quickly want to quote from an article in the *Busselton Dunsborough Times* of Friday, 17 September 2010, which was written by Ms Natalie Brown. The article states —

Event organisers Sunset Events' legal and business affairs director Andrew Chernov told the *Times* there had been little industry consultation on the proposal which discriminated between profit and not-for-profit events.

The article further stated that regardless of whether the legislation passed, Mr Chernov said a police presence at events was not always guaranteed and, in fact, sometimes it was in doubt. The article stated —

The event has previously received Police Union criticism for changing dates to the busy festive period, starting on New Year's Day.

“We have always been told (and we don't have any reason to doubt this) that the police resources ... are tied up on policing duties elsewhere around the State and they are not available to attend Southbound ...

Which is one of the events that Sunset Events organises —

Mr Chernov said an assumption ticket prices could be increased to pay for the presence was “completely false” and if the laws came into effect this year, would give Sunset Events no chance of offsetting the costs through increasing prices as Southbound tickets were already on sale.

The article raises two issues primarily. The first is what happens if there are not enough police officers to attend an event. Let us assume that Sunset Events has organised Southbound on a day for which there are insufficient police officers. Although the Southbound festival may have, let us say for argument's sake, 10 000 people and a requirement therefore to have 20 officers at that event, what happens in the case that there are not 20 officers freed up to attend that event? Are they by law required to be there or is the situation going to be that if the police department does not have 20 officers to send to Southbound there is no legal requirement for them to send the officers? I do not know but it seems to me to be a reasonable question of whether in fact this legislation actually mandates that these police officers must be made available irrespective of what other duties they may have to undertake and whether those resources are available to be freed to attend to such new duties. The second point the article raises is the question of what happens in terms of transitional provisions. There will be events that have already been organised prior to this legislation being assented to. What will happen to those people who run events who have not had the opportunity to factor in the cost of having police officers at the event within their cost structure because they do not really know until such time as we progress this legislation through this place

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whether there is a legal requirement for them to in fact have police officers? Because they do not know whether this legislation will be passed, it begs the question of how they make provision within their cost structure to ensure that they can carry the additional costs of having those police officers in attendance. Therefore, there is a question of timing for this legislation and I would like to know from the minister what transitional provisions may be, or have been, put in place to deal with the question asked by Mr Chernov about the laws coming into effect slightly after events have been planned and tickets sold et cetera, and organisers have not taken into consideration the requirement to build police officer costs into the cost structure.

I have just done a quick mathematical calculation. I refer to an article by Ronan O'Connell in *The West Australian* on 3 September 2010. The article quotes financial documents obtained by shadow Minister for Police Margaret Quirk, which apparently show that under the current rates police would charge the West Australian Football Commission \$376 358 over a season to have 44 officers at each of the 24 matches played at Subiaco Oval. That is fine; that will get passed on to the people who buy the tickets. That is invariably what will happen. Let us call that a straight \$400 000 for football. I do not know how many cricket games there are in a season, but no doubt, there will be cricket games at the WACA ground. Likewise, there will be major football games around the metropolitan area and country areas. I do not know that country football would attract 5 000 people. I do not even know that the West Australian Football League would attract 5 000. Would it attract 5 000 people?

Hon Col Holt: It is pretty rare.

Hon LJILJANNA RAVLICH: It is pretty rare, all right.

Hon Col Holt: Apart from Swan Districts!

Hon LJILJANNA RAVLICH: Apart from the Swans!

But 5 000 people is not out of the ballpark for some of the big cricket matches. Hon Max Trenorden mentioned the three codes in racing. The thoroughbreds, of course, by and large attract very big crowds; 5 000 people is not a big ask. On major race days there can be 10 000 or 15 000 people at the races. Mind you, that was probably when I was minister; they probably do not do that well those days! We are talking another \$400 000 or \$800 000 there. The figures start to add up. Then we take harness racing and greyhound racing. At a big event there might be 5 000 people at the greyhounds.

The point I am making is that what does not look like a huge impost on the surface of it becomes a multimillion-dollar revenue-raising exercise for the police. Once we start calculating those costs, we see that we are not just talking a few dollars here; we are talking potentially millions of dollars. It raises the issue about the sort of modelling that has been done by the police department on the sort of revenue that can be expected by police as a result of this legislation being passed through this Parliament.

The DEPUTY PRESIDENT (Hon Michael Mischin): Order members! I am having difficulty hearing Hon Ljiljanna Ravlich. The conversations that are taking place perhaps can be carried on outside.

Hon LJILJANNA RAVLICH: I find it very hard to believe that this legislation has progressed this far without modelling having been done by the police department. That is one of the things that we would expect the responsible minister handling this legislation to put on the table tonight or during the reply to the second reading debate or in the committee stage. We expect that the information about the revenue stream that is projected over the forward estimates has, first, been calculated, second, has been compiled in a document somewhere, and, third, will be tabled in this place. I for one would be very intrigued to understand the assumptions that were made as a part of the modelling that was done to progress this legislation. The other point I make is that if there has been no modelling and there are no assumptions, it raises a range of very interesting questions about how something like this legislation can get so far on something so flimsy. It is with some interest that I will be looking to have that information provided.

Much of the revenue recovered from this process is going to depend on the nature of the events and the criteria specified for the application of the legislation to the events. One criterion will be the size of the event and there will be some other considerations.

I could not get the Eventscorp 2011 events calendar, although it is now February, which is not very good given that there must have been events that happened in January. I know that there are events that happen in January because I have last year's Eventscorp calendar. Of course, the government cannot produce an Eventscorp calendar when it has gotten rid of all its staff in the Western Australian Tourism Commission. Because there are no staff in the Western Australian Tourism Commission, they do not have the staff—

Hon Liz Behjat: You are straying off topic.

Hon LJILJANNA RAVLICH: Would the member not think that given we are now in the middle of February 2011, any rational person could have a reasonable expectation of being able to go to the Western Australian

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Tourism Commission website in preparation for this debate—because tourism is going to be impacted upon—and pull off the Eventscorp calendar for 2011? How pathetic is that? The only thing that I can put it down to, apart from an absolutely hopeless former minister and a new one who has not found his feet, is the fact that there are no staff to do the work in order to put this calendar on the internet. But I do not want to stray!

Many of the events on the events calendar are not government funded or even government sponsored, but they are put on this the events calendar to make it look better than what it actually is. Anyway, that is a different issue. In January 2010, we had the Perth Cup, Summadayze, the KFC Twenty20 Big Bash at the WACA ground, Southbound and the KFC Twenty20 Big Bash again—this was last year, so this is only a sample of the events. That was January. I do not think that this legislation would apply to the Skyworks, but towards the end of January last year the Big Day Out was on 31 January. Therefore, there are five major events, and it would be really intriguing to see which of those events this legislation would apply to. In February 2010, we had the UWA Perth International Arts Festival, and the ballet at the Quarry Amphitheatre. I would not have thought we would need police officers at the ballet!

Hon Kate Doust: You never know how rowdy they might get.

Hon Liz Behjat: The Quarry will not hold 5 000 people.

Hon LJILJANNA RAVLICH: How big is the Quarry?

Hon Liz Behjat: It is not going to fit 5 000 people.

Hon LJILJANNA RAVLICH: Then we will not need them at the Quarry.

Hon Liz Behjat: Then don't exaggerate.

Hon LJILJANNA RAVLICH: One never knows. Maybe they can stand at the edges of the Quarry; it may be an unforeseen circumstance and they make some special provisions at the Quarry to accommodate more than 5 000 people. How do I know? One never knows. The point is we have to check these things out and make sure it will work.

Hon Peter Collier: Do we have to suffer this?

Hon LJILJANNA RAVLICH: I am going to go through each one of these events if Hon Peter Collier is handling the legislation, and I will ask him whether it is in or out, and how much projected revenue it will collect, if any. If I were the minister, I would sit nice and still over there. It is fair to say that there is more that is unknown about this legislation than there is known at this stage. My questions on the revenue streams, the transitional arrangements and modelling and assumptions are very reasonable. I do not think they are unreasonable at all.

Hon Peter Collier: I will answer them. Keep going; you have another 10 minutes—no, 18!

Hon LJILJANNA RAVLICH: I will have to go through this whole list now—I will not, Mr Deputy President! In all seriousness, this is quite controversial legislation. Once it is passed, it is going to affect an enormous number of people because it is something new. Once again, it is an impost on the people of Western Australia, and they have already been pretty hard hit by the Barnett government with cost-of-living increases. The opposition will be scrutinising this legislation very carefully, because we do not want to add to the woes of the average Western Australian. One way that we can stop that from happening is by making sure that there are no additional charges imposed upon them. To that extent, the opposition has already put on the record that it will not be supporting this legislation; however, we are still seeking the appropriate responses from the relevant minister.

HON ED DERMER (North Metropolitan) [8.22 pm]: I am very concerned to be considering the Police Amendment Bill 2010. I am certainly rising to oppose the bill for reasons that I will endeavour to share with the house. I have been listening very carefully and appreciating each of the members' contributions to the debate so far. Obviously, the first of these contributions was from the Minister for Energy, who was acting in a representative capacity for the Minister for Police to introduce the bill and put the case for the bill in the second reading speech. I feel for the Minister for Energy. In his heart of hearts, he would be embarrassed by this bill, as are others on this side of the chamber. I suppose it is part of being a minister acting in a representative capacity that one has to argue the case for poor work that comes up from the junior chamber from time to time and to make the best of it. The minister has done his best in the second reading speech to put the best slant and the best possible presentation on a very poor bill. It is interesting to look at the contribution of other members around the chamber who have, by and large, demonstrated the weaknesses of the bill and why we should combine in this house, the senior chamber, to oppose the bill.

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In looking at the minister's second reading speech, I can tell members one thing that I appreciate about it, and I commend and encourage the government to follow the example in this sense, is that it is quite short. That is quite helpful. It might reflect a lack of general enthusiasm or an endeavour not to give too much detail about the bill, but it may just be part of the axiom about sitting down and being appreciated, which applies to many speeches in Parliament. It is quite short, and there are major points that come to mind in the second reading speech. There is a part in the speech that reads —

The premise of this legislation is to facilitate the method by which the commissioner can seek —
Obviously, the Commissioner of Police —

cost recovery for large-scale events of a commercial nature.

Later in the speech, the minister states —

The concept is one of user pays, as it envisages that event organisers will pass on the cost of policing services to patrons via a rise in ticket prices.

There is a certain frankness about this speech in support of this very poor bill. The speech later gives some guidance as to what the government has in mind and reads —

The event also has to be major in nature, and that is defined as an event that is expected to attract at least 5 000 participants or an event for which the Commissioner of Police considers it is necessary to assign at least 10 police officers to provide policing services.

The speech is not long, and I appreciate that. The key parts can be explained in even fewer words, and I have reminded the house of those. We have heard some very interesting contributions from the other contributors to the debate. I always enjoy listening to Hon Kate Doust. She has a cognitive and intellectual approach to the subject matter before her, but she blends that with drawing off the special wisdom of life experience. I almost felt that I was down at that rock concert in Bunbury with Hon Kate Doust. It was the Painters and Dockers.

Hon Kate Doust: You were not there!

Hon ED DERMER: I was not there, and I did not share that experience.

Hon Kate Doust: Not that one, but you have been at many others.

Hon ED DERMER: Once or twice! Listening to Hon Kate Doust last night, I felt I was sharing that experience. It is drawing from life's experience that Hon Kate Doust shares so much and brings that wise insight to share with her colleagues. I hope that the insight will persuade her colleagues in the chamber—all of them—to vote against this bill.

The other life experience that Hon Kate Doust was talking about, in her distinguished career as a union organiser working on behalf of the interests of hardworking people in Western Australia, was union rallies. Again, Hon Kate Doust drew on her experience.

I am quoting now from Hon Kate Doust's speech in yesterday's uncorrected *Hansard*, in which she says —

That is an interesting question. I do not think it is canvassed in the legislation. This question has also been mooted by the Events Industry Association. Event organisers will be required to pay for police to be on site if the event will be attended by more than 5 000 people. However, if there is an incident at that event that the police cannot manage, or if the police cannot direct the traffic in and out of the event in an efficient manner, what comeback will the event organisers have? Will they be able to get a refund if the police do not perform to the standard that is expected?

Hon Kate Doust refers to basic questions about how the bill is envisaged to work in practice; is that right? Thank you. I saw a nod; that is encouraging. This particular wise contribution from Hon Kate Doust illustrates the most fundamental flaw with this bill: it will affect the relationship that the police have with the people of Western Australia. What is the purpose of the police? It is to keep the peace in our community. Unfortunately, there are so many challenges to the peace in our community that there are insufficient police resources to respond to all of them, so we entrust the Commissioner of Police with that very important responsibility of applying the police resources to best effect to maximise the effectiveness with which challenges to the peace are met and in that way maximise the peace in our community. This is how it should work. The most serious concern for me in the bill is that it fundamentally changes that relationship. When we have organisations in our community paying for police officers to attend, that distorts the relationship. It should be the Commissioner of Police, through his assistant commissioners and others in the police hierarchy, making decisions about where best to apply police resources and police officers to keep the peace in Western Australia. The concept of organisations separate from the Commissioner of Police paying for the services of police officers disrupts and distorts that fundamental relationship that the police should have with our community. They should be directed as required to keep the

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peace and be directed appropriately by the Commissioner of Police. They should not be sold off to have a relationship in which their presence is being paid for by an entity separate from the Commissioner of Police and the Crown, as it is entailed in Western Australia. This is just fundamentally wrong.

I would like to touch on the insight we received from other contributions to the debate. I was interested to listen to the contribution from Hon Giz Watson. I do not share her view that this bill deserves even provisional support, but I respect that difference. If we are unfortunate enough and the bill is read a second time, we will certainly need to pay careful attention during the committee stage and make sure amendments are put forward that are designed to ameliorate some of the worst excesses in the bill. If we are unfortunate enough for the bill to be carried at the second reading, it will be absolutely essential that we make the most thorough of examinations during the committee stage. I commend many of the amendments to members, but I am hoping that that will not be necessary and we can beat this unfortunate bill at the second reading stage.

My colleague from the North Metropolitan Region, Hon Ken Travers, has a very incisive mind and a capacity to link different components together when it comes to assessing the impact of legislation on our community. He very clearly demonstrated that with respect to Australian football in Western Australia. All of the component parts of Australian football in our state are very closely integrated. Obviously the Australian Football League draws large crowds well in excess of the 5 000 threshold referred to in the minister's second reading speech. There is also the Western Australian Football League. I reckon that attending a WAFL match is one of the greatest public pleasures available to people in Western Australia, although attendance now is less than what it should be. I would like to share with people how much joy my family and I receive from attending WAFL matches, and hopefully in a small way that will encourage others to come along and join in the fun. WAFL football has an intimacy and a level of involvement. Probably the best example is the opportunity for supporters to come and listen to the coach's address to players during the quarter time and three-quarter time huddles. The WAFL is a marvellous place where the children can participate. The other tradition is for adults and children to jump the fence during the breaks and kick a football around. When you express a view from the boundary at a WAFL game, you are very likely to be heard, if you are blessed with a sufficient pair of lungs. That is all part of the audience participation. WAFL is a great joy. I was interested to listen to Hon Ken Travers' comments about East Perth. It is probably the one point on which I differ with the Hon Ken Travers. I am of the very objective view—I shared this view when I heard it expressed at the Claremont Football Club awards night a couple of years ago—that the reason we have WAFL clubs other than Claremont is to give Claremont someone to beat. I think that is a very reasonable, measured and considered view.

I understand that others may have a different perspective. I know that the Western Australian Football League is the linchpin that holds the whole of Western Australian football together, because the WAFL clubs are those that apply most attention to the development of junior footballers. They give them an opportunity to play professional football through the Colts and the reserves and league levels of the WAFL. Although it is a very sad occurrence when Claremont players are distracted to go off and play for AFL teams, it offers them the opportunity to do that. I imagine that it may be good for them, although I hope they come back and play for Claremont again as soon as possible. The serious point is that each of those three levels of Australian football in Western Australia is very thoroughly integrated. Hon Ken Travers made that very clear last night. That which the government may do to damage one level of football in Western Australia must also have a deleterious impact on the other levels. If the government is imposing a cost—from this bill it would appear that that would be most often at the an AFL level, where crowds are well in excess of 5 000 people—that must, as clearly demonstrated by Hon Ken Travers last night, have an adverse impact on the WAFL and the junior football level. It is already very expensive for people to attend AFL matches. I am lucky that I enjoy WAFL a lot more than I do AFL. In that way I have a less expensive interest to pursue. However, to make a further imposition on families wanting to attend—part of encouraging children to participate is giving them the opportunity to attend—is wrong. It is wrong for the psychological and physical wellbeing of Western Australians.

I suppose I am focusing on football because it is a matter of great interest to me. Other events will be damaged in a similar way. I have always lived in the metropolitan area, so I am fascinated when I hear colleagues who represent non-metropolitan areas share their thoughts with the house. I think Hon Max Trenorden is particularly skilled in using the spoken word to introduce to someone like me, who is a very metropolitan-bound boy, an understanding of country life. There are others who have that skill, but Hon Max Trenorden is very much a man of his constituency. When he tells me that the sense of community surrounding events in the area that he represents is an enormous part of the life of the community—I cannot imagine anything being more enormous and significant than Claremont Football Club, but it is a metropolitan club, but when Max tells me that country events are of a similar proportion, I believe him. When I hear Hon Max Trenorden explain his concerns with this bill, I take that very seriously. I would imagine that other non-metropolitan representatives in the chamber would pay similar respect to Max's view.

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Hon Ljiljanna Ravlich is one of the strongest advocates for small business and tourism in Western Australia that I have heard. She is strong and consistent in her advocacy. I was very interested to listen to her contribution to this debate and how she explained the likely deleterious impact on the tourism industry if this bill is supported in this house. I do not visit Hon Ljiljanna Ravlich's constituency as often as I would like, particularly the Swan Valley area, which when I have visited I have enjoyed tremendously. Perhaps Hon Ljiljanna Ravlich is, in a way, similar to Hon Max Trenorden, as she is someone who lives for and understands her constituency and understands the vital nature of the tourism industry to the wellbeing of that particular region of our state. She has brought all that experience, clarity and understanding in explaining why this bill would be bad news for the tourism industry in Western Australia. There are lots of good reasons for voting against this bill. I have endeavoured to share my thoughts on some of them, but the central reason is this: there has to be a very clear chain of command for Western Australia Police. Western Australia Police must have a very clear understanding of its own purpose. The purpose of our police force is to keep the peace in our community. Unfortunately, as with any resource, there is inherent scarcity. There are not enough police officers to deal with all the challenges to the peace in our community. They have to have clear leadership; there has to be one source of leadership for the police in their service to our community. That needs to be the police commissioner. The police commissioner's dispensation of the police officers towards that great task of keeping the peace has to be guided only by the principle of where the police officers are most needed at any particular time. If police officers are effectively hired by entities other than the police force, it will disrupt that important line of command, that important central principle that police officers should be applied where, in the view of the police commissioner or his senior officers, they are most needed to keep the peace. Having them, in a sense, on the payroll of people organising a football match or another event will distort the relationship between the police officers and the commissioner. When they are serving at an event with, say, 40 000 people at Subiaco Oval and are required to make the very difficult judgements that police officers have to make, do they have foremost in their minds their service to the Western Australian public, their duty to keep the peace and to follow their deployment as directed by the Commissioner of Police and his senior officers, or are they in some way answerable to the entity that is organising the football match or other event? I do not think Western Australia as a community can afford to have any ambiguity in the answer to that question. We have to know that our police officers, with a clear chain of command, have one objective only: keeping of the peace. How they do that depends on their own commonsense and sense of duty, combined with the clear direction they receive ultimately from the police commissioner, and is not to be distorted in any way by the considerations of another paymaster.

A very grave proposition is entailed in this bill. I ask members to thoroughly consider how grave that proposition is and think logically about what it is. I am sure it will lead them to vote against it. I certainly hope that commonsense will prevail. We have looked at many reasons why the bill is poor. It is very important that we reflect on how this bill will change life in Western Australia as we know it. I think it is significant. I am sure that it will be a change for the worse. For that reason I implore all members in the chamber to join me in voting to oppose this very poor bill.

HON COL HOLT (South West) [8.44 pm]: Thank you, Mr Deputy President. I am feeling a bit of pressure after Hon Ed Dermer spoke about learning from country members and expressed his views about country lives.

Hon Kate Doust: You can step up.

Hon COL HOLT: The Nationals will support this Police Amendment Bill, but, as we heard in most speeches in this house today on this legislation, we will seek on the record some clarity of some of the grey areas in the bill. I will not talk about the implementation or operation of the bill because I think opposition members, led by Hon Kate Doust, have raised those issues well and often. She raised questions about the use of off-duty police and what happens when they are assigned to an event and some sort of emergency happens that they need to be dragged away to, and what that will mean for the event and the cost of those officers. I am sure the minister will address those concerns.

I have a couple of concerns and will seek some clarification on some aspects. One of them is the transition of the bill's implementation, which Hon Ljiljanna Ravlich also spoke about. I understand that if we implement the bill promptly, the cash flows and the profitability of those events that have already planned their ticket and pricing structure will be affected, so I ask for some assurance from the minister that implementation of the bill will be delayed to ensure that those events that will be affected can adjust their ticketing schedule to reflect that. The greatest area of concern is exactly what Hon Max Trenorden talked about—that is, event exemptions. There are two aspects to that. What process will need to be undertaken for an event to achieve exemption? I would like some clarification on whether the organisers apply to the minister or the police commissioner? How do they do that; when do they have to do it; and how do they know they need to apply? Many event organisers have probably never thought about this type of approach to police work? How will that happen and what sort of

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process will need to be followed. I am interested to know who will make the final decision. If it is ministerially based, obviously the minister will answer to those event organisers and explain his reasons for exempting or not.

I notice that the bill contains some exemption categories and refers to charitable events or charitable organisations. Proposed section 39E(b)(iv) on page 4 refers to “an event run for the benefit of a local community”. I think this is what Hon Max Trenorden was talking about. Events in regional Western Australia run by community organisations are all about community benefit. Although there may not be too many over the 5 000 attendance threshold, I can think of some in my electorate that are really a community endeavour to hold a community event to raise funds for its own sustainability. I wonder whether big events such as the Perth Royal Show, which I think has been mentioned, are exempt as well as the Dowerin field days, which are massive events. We could not call it an event that is held to make a profit. More than 5 000 turn up to that event.

Hon Kate Doust: What about the cherry spitting competition?

Hon COL HOLT: I do not know whether it gets 5 000 people.

Hon Kate Doust: No.

Hon COL HOLT: There are other events such as the Albany show, which might attract 5 000 people, and the Bridgetown Blues Festival, which could also probably attract 5 000 on a day. They are events run by community organisations. They have no intention of making a profit to line their own pockets; they have an intention to make a profit to put back into their community. The Bridgetown Blues Festival committee’s funds are poured back into local venues in the community—it might be permanent or temporary—or they distribute funds around the community to other sporting and cultural clubs. They all reap the benefits of that event. I do not know if any members have been to the Bridgetown Blues Festival. It is a huge event run by volunteers. It is not an official charitable organisation but it is run as if it was a charity. It would be useful to get clarification on whether those sorts of events would be exempt.

We have talked about country race days and how they might be exempt. I suspect that almost all country race venues may have one event in the race season at which the number of people is over 5 000. The rest of the race days are probably run at a loss. They really need a big event, such as a York Cup or a Bunbury Cup, with a big crowd, to supplement the rest of the season.

Hon Ljiljanna Ravlich spoke about events at the Western Australian Cricket Association and the Western Australian Turf Club. I can give some figures on what sort of events are held. At the WACA there are about 37 to 40 days of cricket a year, which is really not a lot. Probably only nine or 10 of those 40 days would have a crowd of over 5 000. That would probably be the Ashes test —

Hon Ken Travers: What about the “or”, when it is the police who determine whether more than 10 police officers are needed?

Hon COL HOLT: I am not talking about that. I am talking about exemptions. I am giving an indication that they need those big events to supplement the rest of the season. When there are Sheffield Shield games on, 300 people might rock up. I suggest they would run at a loss on those days. They need big carnival events such as the Big Bash and the international one-dayers and international test matches to supplement their income, which suffers on the other days. The same with the Perth Turf Club—out of 92 race days a year, probably only 11 of those days have a crowd of over 5 000. Again, it is about those kinds of big festival race meets—the spring carnival or the summer carnival at Ascot—that supplements the rest of the season and keeps those organisations viable.

I would like clarification about how those organisations will be viewed by this legislation. As a representative of a country region, I know that those communities battle hard all year to run an event or work up to an event. I am sure they would like clarification, too, on how they manage to be exempt from these events. We will obviously hear more in the reply to the second reading debate or during Committee of the Whole.

HON KEN BASTON (Mining and Pastoral) [8.53 pm]: I want to say a few words on the Police Amendment Bill 2010. The 2004 report of the Kennedy royal commission found an anomaly whereby the attendance of police at large events could not be charged to organisers. I think the secret is that we are talking about major events at which it is intended that profits will be made. Why should the taxpayer pay for them? However, in saying that, I would like to express some concerns as they relate to regional areas. Events such as the Port Hedland and Broome Cups, ladies days and the Kimberley Moon Experience attract well over 5 000 people. There is already a ratio of security officers that those events have to have. Could organisers of large functions hire police? This could solve some of the problems of not having enough security officers available. Organisers of large functions could actually hire police to keep the law and order and conduct traffic management et cetera. I think that is a positive that could come out of this.

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I do not know if ratios have been considered. To ensure security for the number of people in attendance, there has to be a certain number of security officers. People involved in the racing industry have told me that to have extra police at a function is far more valuable than having a number of security officers because police have the power to arrest. If there are a number of police available in regional areas, or if those police have to be brought in, one would not like to have to pay the great expenses. Last year and the year before, the police horses went to Port Hedland and Broome. There were four horses, from memory. I would hate to think what the cost was to take police horses to those functions. I would not like to see that as part of the police contingent if there are 5 000 people at an event.

I would like to raise those few issues with the minister. Basically I think the summary of this bill is that a crowd has to be over 5 000. I also hope that commonsense will prevail given the location of these events and that the legislation will be used mainly for excessive requirements at large functions that will make large profits: I support this bill on those grounds. One always has to be careful of course. We have a competent Commissioner of Police now. I believe that we always need to look to the future and how legislation could be used if we did not have competent people at the helm. I will listen with interest as we go through the committee stage and members raise issues. I am sure that this bill can be used with commonsense. The minister can exempt events that provide significant economic benefits to the state. One could argue: how is that determined? One could also argue that all these events are very significant to the state. An event such as the Broome Cup, for instance, attracts a large crowd to the state's north. The events have a tourism benefit to the state. The minister could exempt that event but, by the same token, that race club could also be able to hire some extra police to help police that event. I thank members; I look forward to the debate in committee.

HON JON FORD (Mining and Pastoral) [8.58 pm]: I have a solution for Hon Ken Baston—vote against the Police Amendment Bill 2010, and we will not have any concerns about it!

It is an absolutely ridiculous premise that somehow the police should be a paid service. They are a service; they are paid for by the people of Western Australia. How many times do we have to pay? I can see in the Minister for Regional Development's next version of royalties for regions a special grant program for community groups to apply for subsidised funding grants to help pay for police for the Dowerin field days et cetera.

Hon Ken Travers: Or maybe apply to have an extra police station in their town. They can buy extra police!

Hon JON FORD: The member is absolutely right. I was wondering how the police would cope, when I first read the bill, with the Bloody Slow Cup! It is a great rugby match up in Newman that helps WA Police Legacy. I think last time it cracked 5 000 people. It will not be long before it is much bigger than that.

Hon Ken Travers: Because they'll hear you're coming to play!

Hon JON FORD: I thought about some creative funding because most of the north west police attended that event. Every year there still seems to be a streaker there. Even with just about every single copper in the north west there, still there is a streaker. We could sit down and calculate how many police officers are there, but it is for charity—and a worthwhile charity it is, too. However, I find ridiculous the premise that somehow we should be recouping extra funding to supply police services to any event. There is an option for security to be paid for by event organisers through security firms. If the events need to do that, and in fact if the police deem they need to do that, they should make a recommendation for more resources. Perhaps we should have a debate to force them to do that, but I think they can probably do that. Intermingled around those people, however, I would want a police officer to be present—I can tell members that—because I want to know who is watching those semi-skilled security people. I would want a police officer to be there. Should I, a member of the general public, have to pay extra to have that police officer there? No. I do not think there is a person in Western Australia, other than a few members of this chamber, who thinks it is a great idea. I have not had anybody running to me saying, “Jon, Jon, support this bill.” I have not had the police come to me and ask me to support the bill, yet I have a heap of mates who are coppers and who serve this state. Do members know how to fix any shortfall in funding for police? It is to put on more police. That is what the government should do. It could do that very creatively. It could have bigger flying squads of people who would attend these events. The government should fund the police service at the start, not try to fix gaps—because it cannot manage the budget—by asking people to pay over and over again. I agree with the examples of all the concerns that I heard on this issue, particularly from regional members. It is hard for members on the government benches because they cannot say, “I don't like it.” They do that in the party room; but I got the message loud and clear. Hon Ken Baston will be able to get up in our electorate and say, “Well, I raised the concerns”, but the difference will be that I will be able to say, “It's a nonsense and I voted against it.” It is on those statements that people will make a judgement. I cannot believe that we are debating a bill in this place to provide a service. It is called the police service; it is in service to this state. It is not a pay-as-you-go police service; it is a police service, and one of our most important services. The

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police look after our community, they protect our democracy, they enforce the laws that we pass in this Parliament, and they take a lot of personal strife and community isolation in doing that. It is a very difficult job.

Hon Phil Edman: What about even if they make lots of money?

Hon Kate Doust: Why don't you get to your feet and make a speech about it?

Hon Ken Travers: Tell us why you support the bill? Challenge it!

Hon JON FORD: Paying better?

The DEPUTY PRESIDENT (Hon Michael Mischin): Order, members! Hon Jon Ford has the call.

Hon JON FORD: If they are paying better, then put more on. That is how this issue should be fixed. I look forward to the day when I walk into the next public event and see on a policeman's badge in country Western Australia the slogan "Supported by Royalties for Regions"—a royalties for regions police officer. The police will need grants to offset the extra costs. I see such badges on everything else, so we might as well put them on the police. The next thing we will have is a badge with the slogan "Sponsored by", and when we go to Subi to watch the footy, we will see them with a badge on their back with "Sponsored by McDonald's". That is the ridiculous nature of what we are being asked to consider. I urge members who understand what problems this will cause, and that it degrades the police service, to fund the police properly and get more of them, but do not support this bill.

HON PETER COLLIER (North Metropolitan — Minister for Energy) [9.05 pm] — in reply: I thank all members for their contributions, which were very much appreciated. Although I do not agree with the opposition's opposition to the Police Amendment Bill 2010, I appreciate the points members have raised. I will go through a few issues and identify some questions that have been asked. I imagine that they will be raised again at the committee stage, but I will go through a number of specific questions that were asked in order to help alleviate the concerns of some members. I do not need to go through the bill itself because we are all familiar with what it hopes to achieve and what it will achieve, suffice to say that it is not the portent of doom that has been portrayed by some members. I thank Hon Kate Doust for her contribution and the issues she has raised. She asked whether, essentially, the police will be for hire. The police will not be for hire. The Commissioner of Police has complete control over the deployment of police and will not allow more officers to be deployed than is necessary to provide police services at an event. Police will not be involved in general crowd control. This will remain the responsibility of private security. The bill is very careful to ensure that the way police are deployed and the duties they undertake will not —

Hon Kate Doust: If there is going to be private security, what is the point of having the police?

Hon PETER COLLIER: Can I just answer the questions?

Hon Kate Doust: I just wanted you to elaborate on that.

Hon PETER COLLIER: Can we do that during the committee stage? I was just responding to the member's questions. The bill is very careful to ensure that that way police are deployed and the duties they undertake will not change in the circumstances in which this bill enables cost recovery. Hon Kate Doust also asked about the potential additional burden on our already stretched police resources. It is not envisaged that the police will either provide any more or fewer police at an event or that they will provide any more police at events than is currently the case. The Commissioner of Police determines which events require police attendance and a risk assessment is conducted to determine how many police will be needed. This will not change if the legislation is enacted. Police resources are provided by the state to promote public safety and protect the interests of the community. WA Police has a general responsibility to provide policing services for all the people of Western Australia. However, there are times when police are required to provide services that go beyond their general responsibilities to the community as a whole. A major event places an additional demand on police resources and exceeds the number of resources that would normally be rostered for that day, and therefore exceeds the general responsibility of the police. The broad objective of this bill is to assist in achieving an efficient, effective and equitable use of public resources.

Hon Kate Doust also referred to the Painters and Dockers concert that she attended in 1989, which revealed our age collectively.

Hon Kate Doust: You are much older than I am.

Hon PETER COLLIER: I thought we were the same age.

Hon Kate Doust: No.

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Hon PETER COLLIER: I can also add that the great man—Neil Diamond—will be here in a month, and that I will be sitting in the second row.

Hon Kate Doust: You really are old. We are a totally different generation.

Hon Ken Travers: How many copies of *Hot August Night* did you have?

Hon PETER COLLIER: Infinitum. That concert would only be affected by this bill if it met the criteria for charging; that is, it is a commercial event for more than 5 000 attendees or participants, or requires at least 10 police officers. Nothing changes. The question of whether the police attend the event is not affected by this legislation at all. I am talking now about the Painters and Dockers concert, not the Neil Diamond concert.

Hon Kate Doust: You never know, they might be needed at Neil Diamond if you go along.

Hon PETER COLLIER: We are a very refined crew, us Neil Diamond devotees and Fleetwood Mac fans!

The commissioner has an obligation to distribute police officers throughout the state and to effectively provide policing services.

Hon Ken Travers interjected.

Hon PETER COLLIER: What was that? Is the member being rude about Neil Diamond?

That will not change under this legislation. Not all events will need a police presence for the duration of the event. Based on a risk assessment, a decision will be made about the requirement of police. This can range from periodic controls of the venue during the event, patrols before and after the event as the crowd arrives and leaves, a response to a request by an event organiser to an incident, or a combination of the above.

Hon Kate Doust also asked about the components that make up the \$90 an hour charge. Although proposed section 39G(2) provides that the charge is to be determined in accordance with the regulations, proposed section 39I(2) specifies that the charges under this legislation can only be cost recovery. The current rate of \$90.20 is worked out by police finance under a cost-recovery model as follows. First of all, the rate represents 95 per cent of cost recovery as it has been discounted to be comparable with other jurisdictions. I will just digress for a moment. This question was asked by a couple of members. A number of members asked similar questions and the answers will be captured in one response, so members will be pleased to know that it will not be repetitive. The rate also includes corporate overheads that have been calculated using a representative police station—namely, Subiaco Police Station. The corporate overhead is \$27.30, which has been discounted to \$23.46.

Hon Kate Doust: What is a corporate overhead in this sense?

Hon PETER COLLIER: I will go through that in committee. The rate includes shift allowances in —

Hon Ken Travers: Are you saying that Subiaco is a representative police station?

Hon PETER COLLIER: That is a representative police station, yes.

The rate includes shift allowances, which in dollar terms represents around 18 per cent of normal salary. This has been discounted to 16 per cent. The weighted average salary is worked out in accordance with proposed section 39I(4)(b). It is based on a ratio of various ranks as follows: one inspector, one senior sergeant, four sergeants, 10 senior constables, 10 first-class constables and 21 constables. The flat rate is worked out on a deployment of 47 officers to an event that runs for four hours. It includes superannuation expenses and leave expenses and is based on an average hourly rate plus corporate overheads. Included in corporate overheads are administration costs such as finance and human resource management.

Hon Kate Doust also raised the fact that similar systems run in New South Wales, Victoria and Queensland, and she wanted more information on those situations.

Hon Kate Doust: Just before we go on to that, all the information you've read out dealing with stats and numbers of officers, are you able to give us a copy of that?

Hon PETER COLLIER: It will be in *Hansard*.

Hon Kate Doust: I know, but just so that we could talk about it a bit more in committee.

Hon PETER COLLIER: Yes, the member is quite welcome to have this copy.

Hon Kate Doust: Thank you.

Hon PETER COLLIER: Queensland police charge for a variety of special services, including police escorts, traffic direction and the attendance of police at major events. The current charge is \$105.70 per hour, or

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\$211.40 per hour on a public holiday. Victorian police charge depending on the rank of the officer attending the event. These charges range from \$63.30 per hour for constables up to \$97.70 for more senior staff. New South Wales police charge a standard in a similar way to what this bill proposes; that rate is \$104.50.

Hon Kate Doust and several others alluded to what they perceived as a lack of consultation on this legislation. Prior to commencing drafting of this legislation, Western Australia Police did consult with a number of stakeholders, including the West Australian Football Commission, the Western Australian Cricket Association, RugbyWA and various concert providers through the Events Industry Association.

Hon Kate Doust: Why then did Mr Bradshaw say in that note as of, I think it was, early September that there had been no consultation?

Hon PETER COLLIER: I can only go on the information I have been provided, which states that the WA Football Commission was consulted. Since this legislation was debated in the lower house, members of the minister's office and police have met with Mr Buswell and a number of events industry representatives, including Jenny Harrington of the Events Industry Association and Brad Mellen from Mellen Events.

Hon Kate Doust: So that is since the legislation has been through the other place?

Hon PETER COLLIER: Yes.

Hon Kate Doust: So they weren't consulted prior to the legislation going through the other place?

Hon PETER COLLIER: I do not know, as I said. I will go through and answer these questions and if there are any other questions that the member has beyond this, I would appreciate it if we could perhaps deal with them in committee. Further dialogue has been entered into with the Events Industry Association, and it has recently been provided with a draft copy of the policy for comment and feedback.

Hon Kate Doust raised several concerns, particularly in respect of Mr Bradshaw from the West Australia Football Commission. These concerns mainly centred around the absence of certain events from the events schedule that was disclosed during consultation and briefings for the bill. Specifically, Mr Bradshaw mentioned the absence of the Perth Royal Show from the list of events that the police intend to charge for, and questioned whether it would be charged. The WA Football Commission, in respect of Australian Football League games, and the Royal Agricultural Society, in respect of the Royal Show, will fall under the criteria for charging under this bill. However, it is open to both organisations to make representations to the minister or the Commissioner of Police on why these events should be exempted or have the charges reduced.

The schedule of likely events that was circulated during the consultation and briefings for this bill is only a guide to the types of events that will fall under this legislation. It is not intended to be an exhaustive list. The criteria under the bill is the ultimate test—that is, a commercial event with 5 000 or more participants, or an event that requires more than 10 police officers.

Hon Kate Doust, on behalf of Mr Bradshaw, also suggested that the forecasts on the schedule were overstated and that only 10 police were required at Subiaco Oval, not 44 as was stated in the schedule. Again, the schedule is intended only as a guide as to what the cost may be. The 44 police shown as attending AFL matches is put as an example only, as it is probably only a worst-case scenario. The important issue here is that Mr Bradshaw can rest assured that the assessment for determining how many officers are required to police events is not going to change, and that event organisers will be charged only for officers that actually attend the event.

Further questions were asked by Hon Kate Doust on behalf of Mr Bradshaw and the Events Industry Association. She asked: will the costs be increased if the target revenue is short and there is a shortfall? There is no target; budget estimates can be adjusted as the amount is a small proportion of the overall police budget. Costs will not be adjusted to raise more revenue, but will be reviewed annually and increased if relevant salary costs and overheads have increased.

She also asked: will police cadets be used and the full rates charged? When recruits—not cadets—from the academy are used, they have passed all their training, and this occurs in the final few weeks just prior to graduation. The flat rate will be charged. Cadets or trainees are not police officers and therefore cannot be charged for under the act. A further question was: will the police commissioner seek to make profit? Only cost recovery is permitted under this legislation. Will organisers be charged for travel and accommodation of police? Charging policy will be published under proposed section 39L and will provide that travel and accommodation charges are not be charged for, which was something that Hon Ken Travers also raised. Will the metropolitan coordination unit increase in staff? Yes; it has already been amalgamated with the events section from central metropolitan district to form the major events coordination unit. Depending on workloads, staff numbers will be adjusted accordingly. Will event organisers be able to seek a refund if they are not satisfied with the performance of police at the event? If event organisers do not feel they have received the services they ought to have received,

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they may make representations to the Commissioner of Police. Who has the power under proposed section 39K of the legislation to waive or reduce the charges? Will on-duty or off-duty police be used at events? All police will be on duty at an event. The Occupational Safety and Health Act governs safety, and police managers must comply, including managing fatigue. Deployment must be done under the enterprise bargaining agreement framework, which also specifies shift times, length and breaks between shifts. What roles and responsibilities do police intend to supply? Police intend to supply police officers to undertake the same roles and responsibilities that are currently provided to the community. Under the proposed legislation, police can charge for police services, which is defined as keeping order; providing an immediate emergency management capability; and providing traffic management in the immediate vicinity of the event.

For further explanation of those three roles: firstly, keeping order involves managing large crowds by visible presence, direct intervention in incidents, prevention of crime by visible presence and prevention and management of breaches of the peace. Providing immediate emergency management capability involves providing leadership and on-site commands to provide an immediate and appropriate response to any emergency that may eventuate. Providing traffic management in the immediate vicinity of the event means to manage large crowds by visible presence, intervention at footpaths and crossings to avoid incidents, and traffic enforcement to ensure that there is orderly arrival and departure.

What is a police officer's legal status in their role at events? The legal status of police does not change as a result of a user-pays system. Police officers have a responsibility to the community to, without favour or affection, malice or ill will, keep and preserve the peace, protect life and property, and prevent the commission of offences et cetera.

Where does the liability rest? The liability of police and the promoter does not change under user pays. Proposed section 39G of the Police Amendment Bill 2010 makes it quite clear that the legislation does not impose an obligation on the police to provide services to a particular event, and that the commissioner is the final judge of the number of police officers required to provide police services for an event.

Are the police responsible to the event manager, since they are employed by the event? The user-pays legislation does not create an employment relationship between the event organiser and the police. Although there is an obligation to consult with the event organiser, the event organiser does not have control over the activities and duties police perform at an event.

Will the event organiser be able to sue the police for not supplying the number of officers that they determine as being necessary for the event; or, if police do not attend, will the event have to be cancelled? As to whether the event is cancelled because of the inability of police to attend, that will be a decision that will be mutually made between the event organiser, the local council, and the Director of Liquor Licensing, with input from police. The event organiser will have difficulty in suing police, given that the commissioner is responsible for making the decisions on whether or not, and how many, resources are provided to an event, and the commissioner is afforded protection under sections 5W and 5X of the Civil Liability Act. Section 5W provides that the resource allocations of a public authority are not open to challenge in civil proceedings; and section 5X states that policy decisions cannot be used to support a finding that the authority was negligent, unless it was so unreasonable that no reasonable public body in the authority's position could have made it.

If a promoter is dissatisfied with the service provided by the police personnel, does it take its complaints to the Corruption and Crime Commission? That will all depend on the nature of the complaint. General dissatisfaction will generally be referred to the commissioner to investigate and resolve. Any allegations of serious misconduct and corruption may be referred to the CCC.

What criteria will be used to determine the number of police for an event? The matters that the commissioner will take into account in determining the number of police officers who will provide police services will be published in a policy, in accordance with proposed section 39L(3)(a)(i). These will include the number of people at the event; the size and type of venue and event; the age of the people at the event; the facilities available at the venue; the availability of alcohol at the event; the strength of alcohol; the public profile of the event; the need for traffic management; the perceived need for emergency management capability; the historic experience of previous or similar events; the assessment of local police; and the assessment of the organiser.

Will there be direct access to police staff on duty prior to the event, and will the event organiser be able to direct police? This was covered, to a degree, in a previous question. The police will not be employed by the event organisers and are therefore not answerable to the event organisers; however, the police commander will take into account the wishes of the event organiser in deploying the officers. There will generally be the ability for the event organiser to consult with an operational commander for the event, who will be responsible for briefing the staff who will attend the event.

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Will police officers be guaranteed for an event? Police deploy resources on a priority basis, so the commissioner cannot guarantee resources will always be available; however, it will be considered a rare occurrence to be not able to roster staff for an event if given early notification of the event by the organiser.

As I said, those questions were asked by Hon Kate Doust, and they cover, or transcend, a number of similar questions asked by other members. I understand that a number of the issues raised by Hon Giz Watson have been addressed already. Hon Giz Watson raised some concerns about whether the provisions in proposed section 39I would be sufficient to allow the police to charge for contract negotiations and/or legal costs associated with the recovery of debts. It is not intended to charge for consultation and negotiation of contracts. The planning component of the charges will cover only the time that is taken to organise the deployment of officers, which would normally include the preparation of operational orders for the event.

I have covered a number of the issues raised by Hon Ken Travers, but there are a couple that I have not covered. Hon Ken Travers is concerned about whether the police will be able to charge for WAFL games. As previously discussed, whether police will attend an event will depend on a risk assessment that is completed by WA Police, in consultation with the event organiser. Currently, specific deployments of police are not provided for home-and-away WAFL matches, and that is expected to continue.

Hon Ken Travers: What about grand finals?

Hon PETER COLLIER: As the member has said, if West Perth plays, often 10 000 people attend.

Hon Ken Travers: Yes; and they are a bit unruly, the West Perth fans.

Hon PETER COLLIER: Whether WAFL will be charged will depend on the criteria set out in the bill; that is, the expected crowd numbers, the number of police deployed, and whether the service is requested by the promoter.

Hon Ken Travers was also concerned about whether WA Police will charge for boxing matches. Again, whether the police will attend an event will depend on a risk assessment that is completed by WA Police, in consultation with the event organiser. Currently, there are considerable deployments of police at boxing matches, and this is expected to continue. In a lot of cases, boxing matches will not meet the 5 000 patrons charging criterion but will be picked up by the deployment of 10 or more officers. The promoter will pay only for officers who attend boxing matches for the purposes of keeping order, providing an immediate emergency management capability, or providing traffic management in the immediate vicinity of the event. Police from organised crime or other units who attend the event to investigate crime or to conduct other investigative operations will not be able to be charged for under this legislation.

I have answered a number of the questions raised by Hon Ljiljanna Ravlich. She asked what will happen if not enough police officers are available to provide services for an event. It will be very rare that police will not be available to attend an event, as planning for events usually occurs a significant time before the event commences. If, due to circumstances, police cannot be provided for an event, police will provide alternatives, such as increased local patrols, or direct contact with the police in the event of an incident. These alternative options will not be charged for.

I turn now to the timing of the commencement of this bill. WA Police will not be charging for an event if the planning of that event was completed prior to the commencement of this legislation. This answers the question asked by Hon Col Holt. If an event has already been organised, the event organiser will not be charged. Also, there will be no charges for the football up until the end of September; that is, up until the end of the current season.

Hon Ljiljanna Ravlich: What about the modelling? Have you done the modelling?

Hon PETER COLLIER: I am up to that now. Have the police modelled out a year of events? That is very difficult. The events schedule is the only events modelling that has been done. There is an events schedule. I am not sure whether the member has that.

Hon Ljiljanna Ravlich: No.

Hon PETER COLLIER: Okay. The next question was about the number of events charged for each year. The nature of the event charges will change, so we have not worked out exactly what events will be charged for. In addition, it is not known how many police will be needed until consultation occurs with the event organiser; therefore, it is very difficult to provide specific modelling.

I think I have covered most of the concerns raised by Hon Ed Dermer. Hon Ed Dermer asked about what the comeback would be for poor performance. That has been covered. He asked also about what responsibility the

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police would have to an event organiser. As I have said previously, police are in no way answerable to an event organiser. They retain their oath and independent discretion.

Hon Col Holt raised the issue of the timing of events that have already been ticketed. I think I have covered that; I hope I have. Any event that has already been ticketed or organised will not be covered by this legislation.

We will deal with the exemptions during committee. That is covered in the police cost recovery and fee-for-service policy, which I will table at the committee stage.

Having said that, a number of amendments have been placed on the supplementary notice paper. I flag at this stage that the government will not be supporting those amendments. In essence, the first four amendments deal with exempting particular organisations and institutions. As the government has said, and as I will go into more extensively at the committee stage, that has the potential to create loopholes. The government feels that these matters would be much better dealt with through proposed section 39H—government-sponsored events—or proposed section 39E, which deals with events for the benefit of the community, or through the regulations. Hon Ken Travers has placed an amendment on the supplementary notice paper regarding overhead expenses, which I have covered in my precis. I think that I have covered everything. As I have said, I am sure there will be a very forensic discussion of this bill during the committee stage; I am looking forward to it. If there are any issues that I have not covered, I will be more than willing to answer them during committee. I once again thank all members for their contribution. It has been a lively and interesting debate. I commend the bill to the house.

Question put and a division taken, the Deputy President (Hon Michael Mischin) casting his vote with the ayes, with the following result —

Ayes (18)

Hon Liz Behjat
Hon Jim Chown
Hon Peter Collier
Hon Mia Davies
Hon Phil Edman

Hon Brian Ellis
Hon Donna Faragher
Hon Philip Gardiner
Hon Nick Goiran
Hon Nigel Hallett

Hon Col Holt
Hon Lynn MacLaren
Hon Michael Mischin
Hon Norman Moore
Hon Helen Morton

Hon Giz Watson
Hon Alison Xamon
Hon Ken Baston (*Teller*)

Noes (6)

Hon Kate Doust
Hon Jon Ford

Hon Ljiljana Ravlich
Hon Sally Talbot

Hon Ken Travers
Hon Ed Dermer (*Teller*)

Pairs

Hon Wendy Duncan
Hon Max Trenorden
Hon Robyn McSweeney
Hon Alyssa Hayden
Hon Simon O'Brien

Hon Linda Savage
Hon Sue Ellery
Hon Matt Benson-Lidholm
Hon Adele Farina
Hon Helen Bullock

Question thus passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon Michael Mischin) in the chair; Hon Peter Collier (Minister for Energy) in charge of the bill.

Clause 1: Short title —

Hon KEN TRAVERS: During the minister's response to the second reading, he indicated to us that there had been wide consultation on this bill. Is the minister able to provide us with the exact dates on which there was consultation and who was consulted on this bill?

Hon PETER COLLIER: I can get that information but I do not have it readily available. I will give an undertaking to give it to the member tomorrow.

Hon KEN TRAVERS: The minister also indicated that, as part of the consultation, a package had been delivered to different groups, including a list of the events that would be covered and those that would not be. Could we get a copy of that tabled now? If not, could the minister get that as part of the package for us tomorrow?

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Hon PETER COLLIER: I have the original information and the most recent. I have a cost recovery booklet that I said I would table for Hon Col Holt. I seek leave to table those two documents.

Leave granted. [See papers 3037 and 3038.]

Hon KATE DOUST: While the minister was trying to answer the extensive range of questions that were asked by a number of members, he evoked a few more questions in his reply. Towards the end of his reply—I am not too sure whether it came about as a result of an interjection—there was some discussion about those large events in which police would be employed to provide the services that he described and at which security staff would also be employed. The minister said that the police will do A, B and C, but security staff will still perform those other functions. My question is: if security staff are going to be there anyway, why cannot the event organisers simply employ more security staff to provide the traffic calming and movement, to help maintain crowd control and all those things that have been discussed? Why has the Commissioner of Police decided that, for large profit-making event of 5 000 people or more, the police should become involved in this way when there is already the capacity to have security staff there? As the minister said, they will more than likely be there. If it is simply a question of skills, and I think I raised this in my contribution to the second reading debate, why is there not some discussion about—this may be something that the minister might want to look at in his role as Minister for Training and Workforce Development—enhancing the skills of those people who work in the security area so that they can perform the necessary tasks? This might be a lower charge option for the event organiser, it might also create more work in that sector and it might then relieve police officers of having to do that type of task, so that they can go back and do the work for the community, which is probably of a higher priority and which they are paid to do.

Hon PETER COLLIER: Essentially, the police and security staff have two completely different roles in most instances. The police officers' role is much more formal. They have the capacity, for example, to arrest people on drug charges or issue liquor infringements. Most of the crowd controllers, for want of a better term, essentially do just that; they control the crowd. Their role is not the same, in a formal sense, as that of a police officer. Therefore, there are two quite distinct roles.

Hon KEN TRAVERS: I am not sure that is correct, although I am sure there are different roles.

Hon Kate Doust: At the Neil Diamond concert, I think the black security shirt would have had a bigger impact than a bloke in a blue shirt.

Hon KEN TRAVERS: Whilst we are on that issue, as I understand it, there is a requirement for all licensed events to have a certain ratio of security officers present relative to the number of patrons attending. I thought that it was by legislation, but Hon Max Trenorden advised that it was just the police using other powers to enforce it. I am happy to be advised about whether that requirement is formal or informal. There has been a dramatic increase in that ratio in the last few years, which is a great impost on these sporting events. If previously there had to be 250 security officers, and as a result of this legislation 40 police officers attend the event, would that reduce the number to 210; and, if not, why not?

Progress reported and leave granted to sit again, pursuant to temporary orders.