

Extract from *Hansard*

[ASSEMBLY - Wednesday, 17 November 2010]

p9033b-9073a

Ms Rita Saffioti; Mr Paul Papalia; Mr Martin Whitely; Speaker; Mr Joe Francis; Mr Peter Tinley; Mr Chris Tallentire; Acting Speaker; Mr Tony O'Gorman; Mr Mark McGowan; Mr John Quigley; Mr Murray Cowper; Mr Fran Logan; Mr Andrew Waddell; Mr Colin Barnett

**APPROPRIATION (CONSOLIDATED ACCOUNT) RECURRENT 2009–10 (SUPPLEMENTARY) BILL 2010
APPROPRIATION (CONSOLIDATED ACCOUNT) CAPITAL 2009–10 (SUPPLEMENTARY) BILL 2010**

Second Reading — Cognate Debate

Resumed from an earlier stage of the sitting.

MS R. SAFFIOTI (West Swan) [7.01 pm]: In conclusion, I reiterate how disappointed we are that the government did not table the relevant information during the second reading debate. This was a sign of an arrogant government willing to disregard the basic accountability measures in this place. We look forward to sitting very late tonight, as the Premier has promised, to go through in detail the \$1 billion of additional expenditure that this government is asking Parliament to approve. We need to go through the bill line by line and ask for justification of all the items of expenditure. Again, the government is asking for \$1 billion in additional funding; it was \$1.2 billion last year. The numbers are getting bigger and bigger—billions of dollars out of a \$20 billion budget. This information should have been tabled in time for the second reading debate. It was the right thing to do. Again, the Premier has shown his arrogance by not doing so.

MR P. PAPALIA (Warnbro) [7.02 pm]: I intend to take advantage of the general nature of this debate to reflect a little on the character, progress and outcomes of this government as it moves along the path of incumbency and nears the midway point of these extremely long four and a half years of the Barnett government. Some days it seems as though it will go on forever, and some days it seems as though it has already gone on forever! I feel that it is appropriate that I take the opportunity to reflect a little on what is happening. I am not the only one doing so. I have noticed of late that it appears that the post-election fog that seemed to engulf, indeed blanket, the Western Australian political media has finally started to lift. There seem to be a few indications of a parting of the mist and of light being shone where previously there was only darkness. I must make the observation that it is refreshing to see some particularly young and invigorated journalists who have come into the political sphere and who are now focusing far more intently on the achievements, or lack thereof, of the government, instead of just making the superficial and almost benign level of assessment or analysis that appeared to have been applied particularly for the first year or so after the last election and even in the first 18 months of the government. The mist appears to be lifting. There seem to be a few chinks in the armour and a few openings in the darkness, and the fog appears to be lifting as the sun comes in and starts to warm the cockles of the Western Australian Labor Party, as we finally perceive that there are other people in the political world in Western Australia. Analysts and observers are taking note of just how poor have been the achievements and how negative have been the outcomes of the actions of this government.

We all know that the problem with conservatives is that they are, generally, conservative. That would not necessarily be quite so bad if they just occupied the government benches. It would be okay if they just went over there and enjoyed the trappings of office—the big white car, the office with a view, and the ability to get free tickets to the Berlin Philharmonic Orchestra or whoever happens to be coming to town at the behest of the Minister for Culture and the Arts. That would be par for the course. That would continue in the great tradition of many conservative Western Australian governments. It would not really upset the apple cart. It would not do much damage. The problem arises when some of the ministers feel that they have to try to change outcomes. As we have seen in recent times, that can be very dangerous. Some ministers in particular lack the imagination necessary to perceive a better outcome for the future. They just want to revert to something that they are comfortable with, which is often a negative outcome. Unfortunately, I refer in particular to the Minister for Police, who has recently departed from the chamber. It would have been nice to address him in person. I want to talk about some of the aspects of his very poor performance that he has had to confront in recent times. It is undeniable that the outright rejection of his abhorrent and extremist stop-and-search legislation has demonstrated that not even the minister's own government is willing to accept some of his behaviour in his attempt to be seen to be doing something. He has blundered his way into a situation in which even the members of his own government have decided that this is a step too far, and they have called upon the Western Australian public to join them in rejecting the minister's stop-and-search legislation.

It has been only a week, yet it seems so long ago that the minister was still trying to push through legislation that had been pretty comprehensively rejected by the upper house committee that considered it for so long. Only last week, the minister was still labouring under the mistaken belief that he might be able to get that legislation through in some altered form. It was only a couple of weeks ago that the minister suggested to me in this place that I had it completely wrong—that I had misread the National Party and the upper house committee and that somehow I was overly optimistic to suggest that the upper house committee had rejected his legislation and that that would be the death of that legislation. I refer to an extract from *Hansard* of Thursday, 21 October when I said to the minister during a speech on another subject that the legislation that I was talking about might present

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an opportunity, particularly in light of the big warning from the other place that the minister was given on that day about the general tenor of his law and order legislation. The minister interjected and said that he had not been given a warning. He is about the only person in Western Australia who missed the warning from the upper house committee. I said, "I think the minister received a fairly significant message today." He asked: from the other place? And I said yes. He said, "You're talking about a committee report; you're not talking about the other place." He believed when that report was handed down that he would still be able to push that legislation through; that he would be able to bully some of his own government members into abandoning their principles and supporting that outrageous legislation. He was wrong and has been proven wrong. I think the government has been proven wrong by a raft of measures it intends to pursue in the arena generally termed "law and order". The stop-and-search legislation was a significant pillar of the government's agenda, such as it is. The fact that we are conducting this debate tonight and had to rush some legislation into this place that has not appeared urgent at any time prior to now indicates that the government does not have any agenda at all. The closest thing it had to any sort of agenda has been the law and order debate, and the stop-and-search legislation was central to that debate. It was the underlying jewel in the crown of the pursuit of the Minister for Police, the Premier and the Attorney General of their populist agenda. They embarked upon that agenda immediately upon taking office when they introduced mandatory sentencing and subsequently changed the truth-in-sentencing legislation and that third item—the stop-and-search legislation—the key component of their law and order agenda. When that came crashing down it gave us the opportunity to look more closely at the rest of the government's agenda and at the impact the extremist position of the Attorney General in particular, the police minister and the Premier has had on the average Western Australian; in fact, on some of the most vulnerable Western Australians.

The Attorney General denies that his approach is having any negative impact. In fact, he always claims that every person who has been placed in our prisons as a consequence of his actions deserves to be there. Before I continue I will reiterate, as I usually do, the government's achievements in this field. Over the past 10 years the growth in the prison population of Western Australia is 49 per cent. That encompassed the previous Labor government and two years of this government. That is cause for concern. That should be enough for us to stop and ask: are we going to accept continuous growth in the prison population forever and the associated cost and negative outcomes? Whilst the previous Labor government's policy had a negative impact and added to the prison population and we should be ashamed of that fact, this government has made an art form of it. In its first 18 months in office, this government increased the prison population by 27 per cent. In effect, 900 additional people were crammed into overcrowded prisons. The consequence to the budget bottom line—we are debating an appropriation bill—was an additional \$90 million in recurrent expenditure in that first 18 months due to the growth in the prison population. A line item in the document given to us by the Premier associated with this appropriation bill provides a breakdown of how expenditure has occurred and relates to corrective services in the past six months and indicates that the increased prison population resulted in additional costs of \$49.7 million. Why is that all relevant? Because the Attorney General continues to be in denial about the impact of his agenda and the extremist views, extremist legislation and extremist rhetoric he, the police minister and the Premier engage in.

In November last year—a year ago—the Attorney General told Parliament that people are in prison, not because they are poor or because of the colour of their skin, but because they have committed serious offences against the laws of Western Australia. The Attorney General would have us believe that everyone in our prison system is an evil threat to society and deserves to be there and there is no other possible way of dealing with them. In September this year he repeated the claim—he has said it many times—on the ABC *Stateline* program when he said, "If you've ended up in the Western Australian prison system and are one of those 4 700 people, you well and truly deserve to be in that prison." There is no mistaking the minister's view or the underlying message to the people of Western Australia. It is a populist message. The message is: be afraid of all the people in prison; we claim to be doing the right thing by cramming more and more people into our prisons and there is no other alternative. The problem for the minister, the Premier and this government is that there are other views. Not all those people who have been crammed into the prison system are necessarily a great threat to society. Not all of them will benefit from going to prison so that their likelihood of reoffending is reduced when they get out. In fact, many of them will come out far worse because they have been sent to prison when an alternative program may have resulted in the better outcome of their reoffending at a lower rate.

In 2007 a study was commissioned by the then corrective services minister, chaired by the member for Victoria Park, that looked into Indigenous licensing and fine default, titled "Indigenous Licensing and Fine Default: A Clean Slate". That report, which I have referred to in this place in recent times, identified that Aboriginal people, particularly in remote communities, were incredibly disproportionately represented among driving licence offenders who ended up in the prison system. It is a good report and I commend it to the house for anyone looking to do research on the matter. One part I found particularly enlightening reads —

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It is not the purpose of this report to provide an evaluation of the effectiveness of imprisonment as a sanction for licensing, driving or fine default offences. It is important, however, to highlight the compelling evidence that offenders who are sentenced to prison have higher rates of recidivism and recidivate more quickly than offenders placed on probation. And, with repeat incarceration, all prisoners are more likely to progress with high probability to more serious crimes with each successive imprisonment.

Those findings were footnoted. One was from a national report, “The Experience of Prison and Premature Death”, and the other one was the Australian Law Reform Commission report, “Reducing the emphasis on imprisonment”.

That report and those referenced reports are not the only places we can find those sorts of conclusions. Last year’s Law Reform Commission report of Western Australia produced in June 2009 draws a similar conclusion when it says —

Deterrent forms of punishment, such as imprisonment, do not usually modify the behaviour of persons suffering from a mental impairment.

This is interesting because this report was specifically focused on diversion from the prison system that may be achieved for mentally ill people. We must remember—I will always refer to this—the Attorney General believes there is no cohort in our prison system who could be removed from that prison system and produce a more effective outcome or be treated in a fairer way, but, far more importantly, a more efficient and productive way whereby a reduction in their recidivism rate is achieved. That was not the finding of the Law Reform Commission. The commission report states —

Deterrent forms of punishment, such as imprisonment, do not usually modify the behaviour of persons suffering from a mental impairment. ... deficiencies in treatment and management of mentally impaired offenders within prisons can exacerbate mental illness and result in a high rate of recidivism upon release. This has become known as the ‘revolving door phenomenon’, where mentally ill or cognitively impaired people cycle through the courts and prisons with their problems and needs becoming increasingly complex to manage.

The reason I raise that, apart from the fact it identifies a second cohort of people; namely mentally ill people—the first being Aboriginal people, who end up in prison due to drivers’ licence offences—is that I have recently heard the Attorney General claim that he has been considering an alternative to imprisonment for treatment of mentally ill offenders.

[Member’s time extended.]

Mr P. PAPALIA: The Attorney General has been considering an alternative to imprisonment for mentally ill offenders. The problem is that I had not heard him say that until I started talking about the mentally ill offenders in the system. I had heard the Minister for Mental Health talk about it, and I commend him for doing so, albeit I am a little disappointed that he has not taken any action in that regard. At least he acknowledges there is a problem. The Attorney General, until very recently, denied there was a problem. He has consistently, for more than two years now, refused to acknowledge that some people in our prison system would be more appropriately and effectively treated elsewhere. He has challenged me in this place to provide some examples of cohorts. I have referred to Aboriginal people in remote communities who suffer as consequence of licensing offences and now I have talked about mentally ill offenders who could be treated more effectively in a secure residential facility. I acknowledge that the Attorney General is finally coming around but I do not like the way he is trying to rewrite history by suggesting that he has done it of his own accord. The Attorney General has been dragged kicking and screaming into acknowledging that perhaps some unfortunate mentally ill offenders are stuck in the revolving door of our prison system and would be better off being treated elsewhere. The rest of us would be better off too because those offenders would be less likely to reoffend upon release than they are currently.

I will refer to a couple of cases which are different from the average case of a mentally ill offender but which illustrate the stupidity of our system. The cases involve two women whom I have referred to before. They are Louise Scotchmer and Rita Ariyaratnam. Both those mothers suffered from postnatal depression and were charged with and imprisoned for killing their children. Louise Scotchmer’s family, including her partner and other family members, is begging for her to be released. I believe that it serves no purpose to incarcerate either of those women. Perhaps we do not have an appropriate place to put Rita or Louise. Those cases should serve as a catalyst for us to organise a secure residential facility. I am not talking about the Frankland unit but about an appropriate alternative secure residential facility where mentally ill people can be treated if they have offended in a way that requires them to be imprisoned.

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I believe there is another cohort to whom the Attorney General appears completely blind. He is incapable of acknowledging that there are a lot of people that he and this government have thrown into the prison system at great expense to the people of Western Australia who will come out worse than they went in. They will reoffend at a higher rate. In effect, the Premier, the Attorney General and the Minister for Police are making crime in Western Australia worse by cramming more people into our prisons. They can look at another group that has been identified by a lot of other people. Before I get to them, I will refer to a couple of other people who have identified the cohorts that I have already spoken about. It has been some time since Hon Justice Christine Wheeler identified in her farewell speech how dangerous she believed the situation in Western Australia was as a result of the juvenile and fairly ignorant level of debate on crime and punishment. She said —

“reasonably often ... people, often young people, people with young children, people with mental problems, are in gaol for longer than is strictly necessary or sometimes when not necessary at all.”

The retiring Chief Judge of the District Court, Antoinette Kennedy, said —

“It’s cheap and it doesn’t require any leadership to say we’re going to increase all penalties and we’re going to lock everybody up longer.

That sounds very cheap and very familiar. It sounds like the Minister for Police. Antoinette Kennedy also said —

“But, to actually convey to the community, no, we’re not doing that because it doesn’t work, we’re going to do these other things such as early intervention—that requires leadership, and it requires more than a 30 second television grab, I’m afraid.

That is why she was leaving the bench. Antoinette Kennedy also said —

“I had hoped that over the period of time, more programs would be available for offenders and there’d be more chance of putting them out into other programs that would be more effective than jail, and that has never come to pass.”

They were courageous to make those statements. They were immediately criticised by talkback radio and other sections of the media. Indeed, without directly criticising them, criticism was placed on them in the public domain by the Minister for Police and the Attorney General.

Another person who has clearly identified a number of cohorts within the prison system who perhaps should not be there and who could be treated alternatively in a far more effective fashion was the Chief Justice. In a speech in September last year, he said —

So, while there is, of course, no “average” prisoner, if there are any general characteristics of the recent prison intake in Western Australia, they include psychiatric disability, economic disadvantage (evidenced through an inability to pay fines), Aboriginality and offending at the lower end of the spectrum.

The Chief Justice said in that speech, which has been well documented and reported on, that a lot of people end up in our prison system who may be far more effectively treated in alternative ways. That view by the Chief Justice was attacked by the Attorney General at the time. Late last year and earlier this year the Attorney General took the opportunity to undertake a series of lectures. In writing a response to a discussion paper of mine that was published in *Brief*, the Attorney General refuted and criticised the view of the Chief Justice that over the past decade or so punishment had increased as a result of a number of things, including popular punitivism. The Chief Justice argued that a person who committed the same offence 10 years ago would get a longer sentence today and, as a consequence, more people are punished for longer. The Attorney General went to some pains to try to undermine those findings of the Chief Justice. As much as I admire and respect the extent of the academic achievement of the Attorney General, my respect for the Chief Justice far exceeds the respect I have for the Attorney General on this matter. I think the Attorney General essentially reflects a lot of the nature of this government. The government is more about politics than policy and it is far more about politics than principle. Invariably, the government is more interested in politics and getting a news grab rather than achieving a good outcome, and the Attorney General reflects that. It is the entire being of the Minister for Police and, ultimately, it is a reflection of the entire government. As I said earlier, the government has no agenda. We are debating this bill instead of debating some real legislation. We could be dealing with some real legislation to allow this government to make positive progress. Instead, we are filling in time so that the Minister for Police can sit at his table with his guests eating his prawns and enjoying himself. On Sunday morning he can make a ridiculous statement about some other extremist law.

Mrs L.M. Harvey interjected.

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Mr P. PAPALIA: I am sorry. As the member is aware, because I have said it in this place before, I have suffered a little and am slightly hearing impaired from my service in the military. I would very much appreciate the member repeating that interjection because I did not quite hear it. Is the member afraid to?

Mrs L.M. Harvey: I am not afraid. I am waiting to hear more of your intelligent contribution. I do apologise for interjecting on you, member.

Mr P. PAPALIA: I do not mind the member's interjections; I enjoy them. I was just upset that I could not quite hear what the member said.

Mrs L.M. Harvey: I want to hear more rhetoric.

Mr P. PAPALIA: One other person in Western Australia believes that a number of people in the prison system should not be there. One other respected individual and authority believes that a number of disadvantaged individuals have been thrown into our prison system and have been stuck in the revolving door of the prison system. The individual said that it was ridiculous that those people were there. This respected individual said, "It is absolutely ridiculous that these people in particular", and the ones he was talking about are Aboriginal people who have become stuck in our prison system. I think that the member for Scarborough may even acknowledge that this respected individual is worthy of our admiration and respect; I think that the member for Scarborough may even believe that this individual is worth listening to; and I think that perhaps this individual may even have some influence on the Attorney General. I wait to see what outcomes this individual achieves, because I am referring to the Premier, who, on 1 November this year, on *Q&A*, said —

... I take your point about the rate of incarceration of Aboriginal people. It is far, far too high.

And he further said —

It is far too high, and that's one of the greatest social problems that this stage follows and I think you're seeing it now in some of the more innovative programs that have been brought in.

I will stop the quote there because I am still waiting to see the innovative programs that this government has brought in; this government has implemented nothing beyond what the previous Labor government did. If we are talking about innovative programs, this government has done nothing and achieved nothing beyond increasing the prison muster; beyond throwing another 900 individuals into prison in the 18 months since it came to power; and beyond increasing the recurrent expenditure of this government and the state's taxpayers by an additional \$90 million in its first 18 months. It has done nothing.

Ms R. Saffioti interjected.

Mr P. PAPALIA: I am sorry, it has done something; it scrapped the only alternative to imprisonment for the worst juvenile offenders. An incredible, unique-in-Australia innovation was brought into Western Australia in 2004 after 30 years' analysis and development overseas that had resulted in a reduction in recidivism that was as high as 25 per cent—in some cases it was as high as 70 per cent. That program was brought into Western Australia and the Attorney General, with great fanfare, scrapped it a few months ago.

Ms R. Saffioti interjected.

Mr P. PAPALIA: That was his contribution, and that has been the innovative contribution from this government.

I will go on to quote from this respected authority, the Premier, Hon Colin Barnett, MLA, who said on 1 November on *Q&A* —

... many of the young Aboriginal people in prison are there for traffic offences, for driving without a licence in Aboriginal communities. Well, that's clearly a ridiculous situation. So you're now getting legislative change to fix that.

In light of fact that we are filling in time at this time of the year and in light of the fact that the Leader of the House has not got any legislation to bring in, perhaps we could bring in the legislation that will fix that, Premier—I guarantee that we will consider it favourably.

I like the way that the Premier quite frequently refers to things that are happening. He is all talk, no action; all spin, no substance. As I said at the beginning of my contribution, it appears as though the fog may be lifting. The blanket has finally been lifted up at the edge and a torch is being shone in there and the public is starting to see through the Premier's superficiality. The public can now see that the Premier is contributing nothing to this state beyond an incredible amount of spin. The Premier has been on more radio shows in the last two years, I think,

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than any other Premier in the history of the state, with the exception of the one who started that type of behaviour in the 1980s.

MR M.P. WHITELEY (Bassendean) [7.32 pm]: I am going to pick up where the member for Warnbro left off.

I think the lustre is coming off this government. It has travelled very well in the polls to date, and I have no doubt that if we had had an election recently, we would have been roundly defeated, but I think that situation is changing very quickly. I think the lustre is coming off this government for one reason: this government is a one-man band and it is completely devoid of talent. Some of the National Party ministers are competent, and one or two Liberal ministers can hold a line of argument, but, basically, there is a complete dearth of talent on the other side.

If members ever wanted a clearer demonstration of the complete dearth of talent on the other side, it was when the Premier, in his stream of consciousness style the other day when we asked that question about whether the member for Vasse would be coming back to the front bench, actually offered to the member for Victoria Park that if he was drafted over to the other side the Premier would consider putting him on the bench. What an insult that must be to government backbenchers.

Mr B.S. Wyatt interjected.

Mr M.P. WHITELEY: I think the member for Victoria Park is an incredible talent, but last time I looked, he was a Labor member—that is Ben, not Ken, is it not?

Several members interjected.

Mr M.P. WHITELEY: I think the member for Victoria Park has a great future on this side of Parliament for the next two and a bit years, and I am sure he will be over there shortly!

Several members interjected.

Mr M.P. WHITELEY: The lustre is coming off this government because the public has already woken up to the fact that it is a one-man band. When it is a one-man band, the future and the electoral prospects of the government are entirely dependent on the public perception of the leader.

We have to give the Premier his due; I think he is an incredibly good short-term parliamentary performer. I think the best description I have ever heard of him was that he is the thinking man's Joh Bjelke-Petersen in that he has this capacity to say, "Don't you worry about that, I've got it all under control." But he is far more articulate than the former Premier of Queensland and he has the capacity to understand complex intellectual arguments, although he is often quite lazy and makes it up as he goes along. He has a capacity to make it up in such a credible way that he does not get found out, but of course that can only take him so far. Government is complex, and, over time, politicians develop a record and a level of accountability, and we are starting to see that now. A great example of the behaviour of the current Premier is that although, as I said, he is brilliant in the moment when everything is travelling well, he has a glass jaw—there is no question about that. Those of us who have seen his demeanour when things are not going well, when he is not cock of the walk and when he is not top of the pile, are acutely aware of that behaviour.

Before I came into this place, the only time I had ever encountered the Premier in a public meeting was when he was involved in a debate about a republic conducted at the Perth Town Hall. The Premier was on the same side as Geoff Gallop in that debate, leading the charge for an Australian republic; I found the Premier's performance incredibly impressive on that day. Before I came into this place I had heard—apart from the fact that the Premier was financially reckless and a bit of a cabinet leaker—some good things that some former teachers had said about him when he was Minister for Education. When I came into this place, people on our side, at least, said that the Premier was personable. However, I came into this place and I saw his capacity to fall apart when things were not going well for him as Leader of the Opposition. I was expecting to see nice Colin, but for four years, when he was Leader of the Opposition, I saw nasty Colin.

I have not seen a lot of that since he became Premier because things have been travelling well for him, but in the last couple of weeks, now that things have started to come apart, we have seen nasty Colin emerge. I think, being the one-man band that he is and being the sole flag bearer for this government, as he gets damaged and the lustre comes off him, the lustre will come off his government very quickly.

I had eight years in government and we know we did things well; we know we did not do them perfectly and we know things could have been done better and mistakes were made. We would look at the other side and say, "They can't be all that bad." But, actually, after two years of watching a Liberal–National government in

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operation, I am absolutely convinced of my commitment to this side of politics, because I see just how dangerous the government is, how lazy the government is and how incompetent as a general group it is.

One of the reasons that the lustre is coming off this government is obviously the issues around the Premier's dealings with the member for Fremantle. We have had two versions of what happened on that particular issue. The member for Fremantle's version of events is pretty clear and she has not retracted it, and I suspect that sort of Clayton's half-baked "maybe I misunderstood" apology was actually scripted by her partner, the member for Vasse, who is actually very good at handling crises—God knows he has had enough practice! He would have helped her to script that statement as a way of allowing the Premier to wriggle off the hook a little. I actually believe her version of events, and if we believe her version of events, the Premier is in deep, deep trouble.

Let us say for the sake of argument that she has got it wrong and the Premier has got it right. What is the Premier's version of events? This is my understanding of the Premier's versions of events: she came into the office with two issues; she wanted some repair work done on her electorate office and she wanted an extra staff member. That was the guts of the conversation on her part, and the Premier just happened to start a parallel conversation. It was not something like, "Jeez, member for Fremantle, you must be pleased about the Dockers' prospects next year!" It was not something innocuous like, "How's the kids", or "How's the weather"; it was not about some unrelated topic. The Premier suddenly decided to have a parallel but completely separate conversation. The member for Fremantle said that she wanted her office refurbished and that she wanted an extra staff member because the member for Kalgoorlie and the member for Alfred Cove are also Independents and they get an extra staff member, and the Premier suddenly went into a parallel but completely separate conversation that apparently went something like this: "Well, yes; it's funny you mentioned them. They are Independent members, but they support the government. They vote with the government on motions of no confidence", and she said, "I can do that", and the Premier said, "Oh, I'm surprised you'd say that! Why would you say that? I was having another conversation about a completely unrelated matter, and you suddenly say, 'I can do that'! Can you? Oh, well! Do you know what votes of no confidence mean and issues of supply mean? We'd better nut this out." We are actually now having a third completely unrelated conversation: "We'd better nut out exactly what this means, so you're absolutely clear about what's meant." So the Premier went through with the member for Fremantle the detail of what it means to vote on issues of supply and motions of no confidence. He even pointed out to her the politics of the situation, because I do not think it had actually dawned on her.

There have been all these arguments about the dealings that went on with Independents in Canberra. Independents actually have to make decisions; Rob Oakeshott, Tony Windsor and Bob Katter had to make a decision about who they would support in motions of no confidence and issues of supply. Two of them said that they would support the Labor Party team and one said that he would support the conservative team. That is a decision that every one of us makes when we join a political party. It is a decision that the member for Alfred Cove made when she declared herself a Independent Liberal; it is a decision that the member for Kalgoorlie made—all these decisions are made publicly—when he said that he would throw his lot in with the Nationals, and that wherever the Nationals went he would follow, loosely. So the member for Fremantle apparently chose to be a conservative; she chose to abandon the progressive side of politics to be a conservative. She did not seem to understand that, but the Premier understood it and said, "We'd better nut this out," so they nuted it out.

So what is his version of events? This is the best possible spin the Premier can put on his version of events: she came into his office—I do not know how an ordinary member of Parliament gets to talk to the Premier about refurbishing her office, but she apparently has that capacity—and said, "I want to get my office refurbished and I want an extra staff member". There is nothing actually wrong with that; I think there is a compelling equity argument for her actually getting an extra staff member. The Premier then started a completely unrelated conversation. The member for Fremantle then said, "I want an extra staff member because the two other Independent members of Parliament get an extra staff member", and the Premier said, "We're going to have a completely unrelated conversation now. Did you know that the member for Alfred Cove and the member for Kalgoorlie will support me in motions of no confidence?" We are supposed to believe that those are unrelated conversations. She then said, "I can do that," and the Premier said, "Whoa, whoa, whoa! Where did that come from? How did you come to that idea? Well, if we're going to talk about it, let's actually talk about what it means. It'll mean this, this and this, and it won't mean that, but it'll mean this, and do you realise the political implications of this?"

We are supposed to believe that they were unrelated conversations. The member for Fremantle came in and said, "I want this, and these are the reasons I want them", and the Premier said, "This is why the other people get it—did you know that they do this?" She said, "I can do that", and the Premier said, "Well, let's nut out the details of what that actually means". That is the Premier's best possible spin on this scenario.

Extract from Hansard

[ASSEMBLY - Wednesday, 17 November 2010]

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Ms Rita Saffioti; Mr Paul Papalia; Mr Martin Whitely; Speaker; Mr Joe Francis; Mr Peter Tinley; Mr Chris Tallentire; Acting Speaker; Mr Tony O'Gorman; Mr Mark McGowan; Mr John Quigley; Mr Murray Cowper; Mr Fran Logan; Mr Andrew Waddell; Mr Colin Barnett

The member for Fremantle has stated time and again that she believed it was a deal. It is exactly how deals are done and how conversations happen. She believed it was a deal. The member for Vasse undoubtedly got in her ear and said, "Look, the Premier's in a spot here; you probably don't realise it but the Premier's in an absolute spot and you, being a conservative, member for Fremantle, don't want to put the Premier in that spot, so this is the best half-baked way we can get out of that spot". That is the reality of what has happened; she told the truth, and the member for Vasse tried to give her some half-baked way of backing out of it. Unfortunately, she has dug herself in too far. Her version of events is entirely credible, which makes the Premier corrupt, because he has done the deal.

I have gone through the Premier's version of events, so I will not go through it again. His version of events is that he and the member for Fremantle had parallel conversations, and that these parallel conversations just happened to arrive at a position that gives the member for Fremantle an advantage. Let us forget this rubbish about taking the matter to cabinet. When was the last time the Premier stood up in cabinet? Why has the Premier not answered the question that I have tried to get an answer to by way of interjection on the floor of the Parliament? I bet he has never stood up in cabinet, because he is a one-man band, but the lustre is coming off him and his government very fast. The second question which I have asked by way of interjection and which the Premier consistently avoids is: why would he start a conversation about issues of supply if not to do a deal? This is the best version of events that the Premier can offer.

Let us compare this situation to the actions of former minister Tony McRae. Let us compare this to his actions. Tony, I think, rang Julian Grill.

Ms R. Saffioti: Julian rang him.

Mr M.P. WHITELEY: Julian rang Tony. He had a conversation that actually involved misinformation about an issue on which Tony, in the end, did not even deliver. Grill did not get the outcome he wanted; Tony just acknowledged that there was an issue there. Tony then went on to discuss fundraising; that was stupid, but I do not think it could be classified as corrupt. It was stupid; one keeps those sorts of things unrelated. The phone call was incoming from Grill, and Tony acknowledged that there was an issue. He gave Grill misinformation to sort of fob him off and then talked about fundraising. They were two distinct conversations that should not have occurred during the same phone call; I acknowledge that, but there was no reward. Julian Grill did not get a reward in the end, unlike the member for Fremantle, who got her reward. Let us not pretend that this will go through cabinet processes, because if it does go through cabinet processes, how will the Premier be able to say no to her? She has a compelling, merit-based argument. She already had a compelling argument because of the resourcing of the member for Kalgoorlie and the member for Alfred Cove. But the Premier tied the two conversations together and gave her the reward. In the case of Tony McRae, the first conversation started and finished, and then the second conversation started and finished. In this case, the Premier and the member for Fremantle had intertwining conversations that we are expected to believe are unrelated, when in the end the Premier gave her a reward. He clarified the terms of her support for him and went to York and bragged about it! It defies belief that a deal was not done there.

Let us have a look at the consequences for Tony McRae—a good friend of mine. I have a lot of time for Tony; he is a decent person. What were the consequences for Tony? He lost his ministerial position and he lost his seat by 66 votes, and let us not pretend for one moment that the damage that was done to him through the Corruption and Crime Commission did not cost him those 66 votes. We lost government by one seat. The Premier is sitting on that side of the house because of the damage that was done to Tony McRae. Tony McRae, a good man, a man very interested in public policy, had his ministerial and his political career destroyed and has suffered permanent damage to his reputation by the fact that the Corruption and Crime Commission carried out its processes. He did not do half of what the Premier did.

[Member's time extended.]

Mr M.P. WHITELEY: He did not do half of what the Premier did, even by the Premier's own implausible version of events. He never initiated a conversation that was directly related to the original request. He never clarified the deal, and he never delivered the goods. The Premier has done all those things, even by his own version of events. If we are to believe the member for Fremantle, it is an explicit agreement. I sat in this chamber when we were on the government side when the now Premier got up and made holier-than-thou speeches about the corrupt team of 22 in the Labor Party. The vast majority of the accusations in those speeches were fabrications. The Premier went around this room lordling it over everyone in the chamber. But now he thinks he is exempt because he is Colin Barnett, the Premier, and he does not have to be held accountable to the same standards that he tried to impose on others. I have seen the Premier rattled. The Premier is rattled because he

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knows what he has done is wrong. The Premier is rattled because he knows what he has done is corrupt. The Premier is on borrowed time.

The SPEAKER: I advise all members in this place on the use of the word “corrupt”. I have listened very closely to the member for Bassendean and I have let the member go to this point, but if any member in this place is going to accuse another member of being corrupt, it has to be by substantive motion. I just put that out there as a piece of information. If a member is going to make an accusation about a person in this place using the word “corrupt” it needs to be by substantive motion.

Mr M.P. WHITELEY: When one looks at the perversion and the pollution of the processes of this Parliament—the corruption of the processes of this Parliament—it is difficult to find a term that better describes the behaviour than “corrupt”. I cannot find a term—I am struggling for words—that better describes that behaviour, even by the best possible slant that the Premier has tried to put on this issue, and I will go back through it again so that we are crystal clear about this. The Premier’s version of events is that the member for Fremantle came to the Premier—let us forget about tarding up the office, the substantial issue is the extra staff member—and said, “I want an extra staff member because the member for Alfred Cove and the member for Kalgoorlie have an extra staff member. It is only fair. They are Independents. I want an extra staff member.” That bit is not in dispute. That is the same in the member for Fremantle’s version of events and the Premier’s version of events.

The Premier’s version of events is then that he started a completely unrelated conversation. Just because it happens to be a point of fact, the Premier said, “The member for Kalgoorlie and the member for Alfred Cove support the government on issues of no confidence and on supply.” The Premier said that was a completely unrelated conversation. It was not an unrelated conversation such as, “Did you watch Collingwood in the Grand Final? I thought the second one was a bit of a fizzer.” That was not the nature of the conversation. There was, I would suggest, a fair nexus between the first thing, “I want an extra staff member because they are getting one,” and the Premier happening to say, “Yes, you are right; they do. And, guess what? They support the government.” That is the Premier’s own version of events. Then, presumably in some third parallel conversation after the Premier said they supported the government on issues of no confidence and issues of supply, the member for Fremantle said, “I can do that.” The Premier then thought, “Oh my God! Where did that come from? How did that happen? I do not know where that idea came from. That sprung out of nowhere.” Then the Premier said—let me be clear that this is the Premier talking—“Let me explain to you, member for Fremantle.” Again I am paraphrasing the Premier, but I do not think this is in dispute; if it is, the Premier can feel free to interject. Let me put on the record that the Premier is sitting in his seat listening to every word I have to say. If I am wrong in my interpretation of events and if there is something that the Premier wants to clarify at any time, he can feel free to interject, because I will cede the floor by way of interjection. The Premier is here, folks, and *Hansard* will record that. The Premier then clarified what it means to support the government: It means that the member supports the government on issues of supply and no-confidence motions. Then the Premier told the member for Fremantle that she can go ahead and vote freely on all other matters. The Premier then goes one step further and turns into a political adviser. The Premier has said, “Now, member for Fremantle, you need to consider the political implications here because, remember, you were elected as a progressive in a traditionally progressive seat, and they might not be too happy about you being a conservative.” Presumably, for her own reasons, the member for Fremantle has said, “That’s okay.” Now what part of that version of events have I got incorrect, if any? I take the silence of the Premier to say that is in fact an accurate representation of his version of events. That is an entirely accurate reflection of the Premier’s version of events.

I had a couple of questions, and I have tried to get them on the record a number of times by interjection in this whole affair. I have always enjoyed a good relationship with the Premier, and I think he has strengths and abilities. But I have lost complete respect for the Premier over this issue, because it has shown a fundamental and fatal flaw. The two questions that I wanted answered were straightforward questions. I noticed the other day when I was on three calls to order, and I asked these questions—they were questions requesting information—that I did not get called again. I wonder why that was! The first question is: what on earth would possess the Premier, after the member for Fremantle had said that she wanted extra staff because other Independents get them, to start a parallel conversation on the issue of Independents’ support for the government on issues of supply, if not by way of connecting the two conversations? It is completely and utterly implausible to think that those two conversations were not connected. By way of conversation, please enlighten me, the Parliament and the people of Western Australia why the Premier, when dealing with an Independent member of Parliament, would actually start that second, apparently parallel, conversation. Why then would the Premier, if the two conversations were unconnected, clarify that? Because that is the impression I have, it is the impression the public, Rebecca Carmody and Joe Spagnolo have, and it is the impression that the public will increasingly get!

Extract from Hansard

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The Premier should enjoy his Christmas break, because this ain't going nowhere! The Premier should enjoy his Christmas break, because this is coming back after Christmas. This ain't going nowhere! If something far less than this can destroy Tony McRae's ministerial career and his political career and cost the Labor Party government, when Tony McRae did far less than the Premier has done, it is going to have serious, serious implications for the Premier. This issue is not going anywhere. The Premier has all of December and January and most of February to try to get his act together on this issue but I do not think he can because I think the member for Fremantle dropped him in it. That half-baked effort by her boyfriend to manufacture a Clayton's apology—"If I misunderstood you, Premier; two people can have a different version of events"—does not wash with anybody. We know what happened. The Premier did a dirty, grubby little deal. He could not help himself. He boasted about it. What did he expect the members of his backbench to do? They leaked. What did he expect members of his backbench to do when he came into this place and said that none of them is worthy of being a minister? We all know that the Premier is considering bringing back the buffoon from Vasse. The Premier said that none of his backbench members is worthy of being a minister, so he will offer a ministerial position to the member for Victoria Park. How does he think they feel? I think he is right; I think his assessment of their abilities is quite accurate. They are bloody hopeless. Let the record reflect the fact that the Premier is now leaving the chamber, having answered none of the questions and refuted none of the comments that I put on the record.

I will just encapsulate the essence of my speech. This was going to be a speech on mental health; I did not quite get there in the end. I return to what the member for Fremantle said and her clear recollection, as reported by the *Fremantle Herald* on Saturday, 13 November 2010. The article states —

Her clear recollection of her conversation with premier Colin Barnett was that he'd stated independents Janet Woollard and John Bowler had extra staff because they supported his government.

That is a paraphrasing of her comments in that article. It continues —

"My perception ... has been firm from the start," she said firmly. "I thought to get [staff] I had to agree I wouldn't block supply or [support] a motion of no confidence in the government."

Mr P.C. Tinley: Say that again.

Mr M.P. WHITELY: That is what the member for Fremantle said. The direct quote was —

"My perception ... has been firm from the start." ... I thought to get [staff] I had to agree I wouldn't block supply or [support] a motion of no confidence in the government."

That is clearly her version of events. It has been firm from the start. Anybody who has ever done a deal on anything —

Mr P.C. Tinley: When was that article—last Saturday?

Mr M.P. WHITELY: Yes, it was Saturday, 13 November, and is headed "Carles a goner: expert".

Mr P.C. Tinley: After the Premier got to her.

Mr M.P. WHITELY: This was after her half-baked "two people can have a different view" comment. She is not retracting her understanding; she is acknowledging that her understanding could be incorrect. Let us be honest. Who has got to her? The member for Vasse said that the Premier is in a spot here. The Premier's behaviour on this issue has been implausible and corrupt. There is no other way that we can describe it. I notice that the Attorney General has not interjected and the member for Swan Hills has not interjected.

Withdrawal of Remark

Mr J.M. FRANCIS: Mr Speaker, I will interject. The member knows it is wrong to sledge another member of this house.

Several members interjected.

The SPEAKER: Thank you, members. I am taking a point of order.

Mr J.M. FRANCIS: Mr Speaker, he knows it is wrong to call another member corrupt in this place and I ask you to direct him to withdraw.

The SPEAKER: I give that direction to the member for Bassendean.

Mr M.P. WHITELY: In relation to that point of order, I am not across the standing orders as well as others; I have not given them a lot of attention during my time in Parliament. But I do know what corrupt behaviour is, and the Premier's behaviour was corrupt. There is no question about that.

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The SPEAKER: Member for Bassendean, if you are going to make that allegation, it needs to be in a substantive motion; otherwise, I will ask you to withdraw those comments. If you want to move a substantive motion, I am prepared to accept that. That is my advice to you.

Mr M.P. WHITELY: The Premier's behaviour was corrupt. I do not know what else to call it.

The SPEAKER: Member for Bassendean, I formally call you to order for the second time. I ask you to withdraw those comments. If you are not going to move a substantive motion, I will sit you down.

Mr M.P. WHITELY: I cannot withdraw those comments —

The SPEAKER: Well, sit down, member for Bassendean.

Mr M.P. WHITELY: — because the behaviour was corrupt.

The SPEAKER: Take a seat, member for Bassendean.

Debate Resumed

MR P.C. TINLEY (Willagee) [8.05 pm]: I would like to speak on the appropriation bills and relate my comments specifically to a targeted department. It is interesting on a couple of fronts that we are talking about two issues. The first is the budgetary impacts and the second is something that was debated in this house during a private member's bill on privatisation or outsourcing or whatever we call it. I am talking about the housing maintenance or zone maintenance issues. It is back. It has not gone away. It is still a debacle. It is interesting to note the context of the debate we just had on privatisation because it is a good example of how so-called outsourcing can go wrong when we do not do it right. All sorts of things can go wrong.

I remind members that the statement by the Minister for Housing on the expected savings from zone maintenance or outsourcing the maintenance of the approximately 40 000 dwellings that the Department of Housing owns and operates would deliver a \$20 million saving over a three-year period. I will be particularly interested to ensure we get a really good level of detail in next year's budget. I put the minister on some sort of notice that he should come armed to estimates with a very clear level of detail on where those \$20 million of savings are, or approximately 10 per cent saving on current spending. I want to know how he will demonstrate that \$20 million saving, or proportion thereof, when he has appointed a further 27 FTEs just to manage the transition, not to mention the millions of dollars spent on a call centre, IT and so on.

One of the biggest problems in housing maintenance is that it strikes at the one thing that the Liberal Party purports itself to be the champion of; that is, the small business sector of this state. Seven hundred contractors are being squeezed out of their business by a particularly ill-conceived and very poorly implemented outsourcing model. I have some correspondence that I will quote. It is not old. Correspondence continually streams into my office and other members' offices about how this is impacting on small businesses and the way they undertake their business. According to my notes, it states —

I always thought it was in the Governments best interest to help small business as all of us combined are the biggest employers in the country, not to have the State Government bring in a national company in to squeeze us out.

He is referring to the contractor that picked up seven of the 10 zones at Transfield. Another contractor states, according to my notes —

... the new arrangements are screwing the living daylights out of us however we do have 50+ people working for us and it is them and their families we are concerned about. We personally are ok —

They will wind the business up and go on their merry way —

however we have a moral responsibility to those who work for us.

They are two insights into what is happening with zone maintenance. It has not gone away. It is still here. It is the gift that keeps on giving. It is the gift of pain, I hope, to the minister. I hope he is paying some attention to this.

We also have the continual issue of payments that has not stopped either. Companies have been strung out for 120 days, and not for insignificant amounts. Just last week one company told me that it was owed \$217 000. It is a small company. Another plumbing company is owed \$250 000. That company had over 10 apprentices; it now has four apprentices. The first people who get cut are the ones who cost the most in terms of supervision, time and effort. Another small painting company is owed \$170 000. A cabinetmaker is owed in excess of \$120 000. That particular cabinetmaker has been working for the department for more than 18 years doing cabinetry work

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for it. The husband and wife team who work out of their little factory in Bibra Lake have had to take an overdraft on their house just to cover costs in the hope that they will get through.

Why have I not named those companies? I will tell the house why I have not named those companies. Apart from respecting their requests for privacy, I have not named them because I know that the minute I do, the work will suddenly dry up. We still have the chief executive officer of Transfield, Mr Bruce James, saying as at 2 October that all subbies have been paid in full, yet we continually see these documented examples of the department, which supervises this head contractor, leaving these people adrift.

The inefficiency continues. The outsourced model has not worked in this case. The outsourced model has delivered consistent inefficiencies in the time it has been in place. Just by way of one example, I am holding in my hand to show members a typical work order that is issued through the notorious portal. It takes some understanding, but one column in this work order is to identify the location of the fault and where the work is to be done. In some cases it is detailed by code, item number and location. Under the column "location" more often than not the word inserted there is "unknown". That plumbing company therefore is told to replace tap washers in a location that is unknown. That company is therefore paid the schedule rate of approximately \$49 to change a set of tap washers. The company's staff walk into the property, but who knows which tap washers need to be replaced? Therefore they replace all of them. If they do not replace all of them, they get onto the call centre and wait 20 to 40 minutes to find out whether or not they can get a variation to the order to allow them to change all the tap washers. That is a further example of the inefficiencies that are going on.

Take for example carpenters who have to do door fittings. There is a schedule rate of \$129 to fit a solid core door, which is a front or back door, on a property. They ring, make an appointment, visit, measure the job, have to go and procure the item for themselves and then make an appointment to go back and fit it. All that for the price of \$129. It just does not stack up. Previously the system allowed for the streamlining of procurement and other areas of coordination with the client so that these poor old subbies could get on and make a living and not waste their time travelling around trying to get these jobs done. The infamous portal—the idea of the information technology system that was meant to be hooked up—still continues to deliver all sorts of pain, both in the job allocations and code variations. The portal does not know the difference between a cabinetmaker and a carpenter and it does not have the schedules correctly encoded in it, so that jobs just sit there floating around. Those jobs also sit there floating around with no geography. We have examples of subcontractors who live in Mandurah taking work and having to move as far north as Mirrabooka or even Mindarie in some cases. There is no geographical limit to where they go. These people are meant to be making a living under this government and under this minister who presides over one of the first debacles of this government in the way it is handling privatisation, or outsourcing as it calls it, of contracted services.

I know of a case in Hamilton Hill where one house, members will be happy to know, got painted twice in one week by two different contractors.

Mr W.J. Johnston: That's good value.

Mr P.C. TINLEY: It was great value. It is a vacant property that got painted twice, so it is one of the best painted houses in Homeswest inventory. The call centre had wait times in excess of 20 to 40 minutes. Contractors ring in on the same line and have to wait for that same period to get clarification of a particular job. Workers in that call centre are also required to keep these jobs flowing through. One thing that happened at Mirrabooka call centre was that the people in the call centre even had to go to the *Yellow Pages* to find contractors to do the work. So there we have people in the call centre flipping the *Yellow Pages* to see whether they can find a particular tradesman to go to a particular job.

We also have the issue of emergencies; that is, priority calls for a hot-water system that has blown up or an urgent power safety issue. The tradesman has a three-hour turnaround to get to the job, which is routinely missed. What also happens is that the head contractor subcontracts. Bear in mind that the head contractor looks after seven zones in the metropolitan area. The contractor does not actually look after the zones; it just means it is a multiskilled, multitask agency. The subcontractor then passes on that work. The time transition turns a job from a routine three-hour priority 1 job into one that attracts extra fees after four o'clock, and the job is actually retained until after four o'clock and then issued.

One of the most recent inefficiencies is about reticulation. Reticulation is a particularly sensitive issue at the moment with the water restrictions that are coming on and the scarcity of water. My attention has been drawn to one person who has been working for 18 years in reticulation services for Homeswest. There are some 1 600 reticulated complexes across the metropolitan area, and he has attended to two of those old zones. In the suburb of Willagee alone there are 31 Homeswest homes. When maintenance of the reticulation is not done on a vacant

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property, suddenly all the gardens and lawns die. Some people think that is fine and it is hardly a great challenge, but they should think about the cost of replacing those things when the work is finally done on them.

Other constituents have come to see me about some of these properties. They are saying that it is not a very pretty sight to see dead and dying lawns and gardens around their streets and to see them affecting the amenity of their streets, and they ask: why should they not be whingeing about them?

Why do these contractors come to me? They have already demonstrated that when they go to Transfield, particularly over issues of payment, that the squeaky wheel gets no more work. References to overdue invoices and requests for payment are not being heard; they are being pushed back on all sorts of different technicalities, not least of which is the interface between the portal and Homeswest. Continual missives, or gag orders, are issued. One was issued as late as August this year—in fact one even later than that. An email to contractors reminding them of their obligations, according to my notes, states —

Due to the media coverage surrounding the Department of Housing, Transfield would like to remind subcontractors of their individual agreement regarding the disclosure of information in relation to the WA Housing Projects ... If you wish to make any statement concerning the WA Housing services or related contractual arrangements including content within advertisements, publication or media release; subcontractors are to seek prior written consent from Transfield Services in accordance with Clause 14 of their contract.

It is interesting that Transfield should cite clause 14 of the contract, because I can tell members of the house that in fact many of these subcontractors have signed no contract which, in itself, is troubling for them and for the future of this arrangement. There is, therefore, a complete free range for some of these contractors, and, of course, we know what the consequences would be if they actually did speak out or were even identified in a simple way with a particular concern or problem. These are the same small businesses that the Liberal Party purports to support and promote; it purports to be the very bastion of their future. They are getting squeezed. Their payments have been strung out to 120 days, from one bloke in a van through to companies that employ as many as 10 or 15 apprentices. I again remind members of that squeeze. It took 27 per cent straight out of their margin. Some would say that that is in the interest of competition; it is a competitive world. That is great; there is no problem with that. But where did the 27 per cent go? Did it go back to the department? Did the department demonstrate a saving as a result of the privatisation—sorry, outsourcing—of this particular service? No, that 27 per cent went to the subcontractor, Transfield, and then to the sub-subcontractor in a two-thirds to one-third share. What does Transfield do? Transfield is simply a post office box that shifts work orders down, gags invoices and manages its own cash flow.

That brings me to the point about where privatisation is going. We heard the member for Vasse bang on about how some privatisation is good and some privatisation is bad. He was not too clear about what was good and what was bad, but whatever it was that the Labor Party did must have been bad or sometimes it was good; it was not always bad, but this one is good. He said that whatever his party does is good, but I might be paraphrasing him a bit. The reality is that when we consider privatisation, we need to think of the most basic of human motivations when it comes to business—that is, to make a profit. If I were the general manager of Transfield Western Australia, what would be my one role? It would be to generate a sustainable and growing profit for my business. The general manager of Transfield needs to go to his quarterly meetings on the east coast and report that he has increased the profitability of his business in Western Australia by X. If he went to that meeting and said that his business had a declining profit of X, he would look pretty grim. It stands to reason, and nobody wants to argue about that. I will take an interjection if members opposite think that the logic of what I have said is wrong, because it is not. That is the trouble with privatisation. When a profit motive is inserted into the delivery of services, that is what will be generated.

Dr M.D. Nahan: How were the repairs and maintenance of the homes provided before the change?

Mr P.C. TINLEY: They were managed by the public sector.

[Member's time extended.]

Dr M.D. Nahan: How were they provided? Were they provided by private contractors or public servants?

Mr P.C. TINLEY: They were provided by subcontractors.

Dr M.D. Nahan: Okay; isn't that the same thing?

Mr P.C. TINLEY: Yes, it is; absolutely. I thank the member for Riverton for that great bolt of lightning. He is an economic genius!

Dr M.D. Nahan: Why are you ranting against privatisation when it existed before?

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[ASSEMBLY - Wednesday, 17 November 2010]

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Ms Rita Saffioti; Mr Paul Papalia; Mr Martin Whitely; Speaker; Mr Joe Francis; Mr Peter Tinley; Mr Chris Tallentire; Acting Speaker; Mr Tony O'Gorman; Mr Mark McGowan; Mr John Quigley; Mr Murray Cowper; Mr Fran Logan; Mr Andrew Waddell; Mr Colin Barnett

Mr P.C. TINLEY: Did the member not listen to a word I just said?

Dr M.D. Nahan: I must admit that I did wander off a bit when you waffled.

Mr P.C. TINLEY: And we hear that from the member for Riverton—the waffler and warbler from Riverton! That is a bit rich, mate! I will continue with the comments I was making before that inane interjection; I thought it was going to be quite genuine.

Safety and standards also drop. When the managing director, chief executive officer or general manager reports at his quarterly meeting that he has increased profits, he has done it through one of two ways: either he has made more billable jobs or he has cut costs. There is no other way to do it; he has either cut costs or raised rates. It is as simple as that.

Mr C.C. Porter: Or he has become more efficient.

Mr P.C. TINLEY: If he has cut costs, he is more efficient.

Mr C.C. Porter: Do you think that the only way to increase efficiency is to cut costs?

Mr P.C. TINLEY: What we are seeing not 12 months into this outsourcing is an increased number of referrals for dangerous gas installations to EnergySafety. We are waiting for the answer to a question on notice about the number and the increase. There are some interesting numbers that I will get to.

Mr C.C. Porter: Just to clarify that, you say that the only way a business can become more profitable is to cut costs or increase its charges. Is that what you are saying as a matter of theory?

Mr P.C. TINLEY: It is not a matter of theory; it is a matter of fact.

Mr C.C. Porter: Is that right?

Mr P.C. TINLEY: Can the Attorney General say that again?

Mr C.C. Porter: What I am asking is: is it your theory that the only way that a business can become more profitable is by either increasing its prices with all other things being equal—*ceteris paribus*—or leaving its prices where they are and cutting its costs?

Mr P.C. TINLEY: Either—or, or efficiency, if the Attorney General wants to use that lovely, cute word, which is fine.

What we are seeing is the illegal, if it is proven, installation of gas appliances in houses. For example, an off-the-shelf vanity unit was installed in a house in Rockingham. Members might think that there is not much to that, but the department has very clear specifications in its contract for the finishes, fittings et cetera that it wants to be used. This is a good example of the business cutting its costs by in excess of \$100 by darting down to Bunnings, grabbing a vanity unit and shoving it in the bathroom. Home renovators would say that that is fine if it were their own home. These specifications exist for a reason.

We are also looking forward to the answer to the question about the number of hot-water systems that have been changed in the Homeswest housing stock. We understand anecdotally that the number of full modular replacements is on the increase, and that is how these companies will improve their efficiency. They will do modular replacements rather than part replacements. Why will they do that? They will do that because it is a faster way to do it and it is a quicker and easier billing method. There is a \$179 schedule rate to replace a hot-water system over and above procurement as opposed to particular part procurement. Who is the winner? It is not the department.

Of course, we also have the Auditor General's report, which is absolutely scathing in its comments about the safety issues with the residual current devices retrofitting program. It stated that the Department of Housing could and should have done more to improve the program earlier than it did. More than 35 000 houses needed retrofitting of RCDs and other safety devices. It was a sham and a shambles, and it was poorly led. What is the effect? The effect on Transfield, which is running the zones in the metropolitan area, is that the level of its key performance indicator for its responses to priority repairs is as low as 35 per cent. No other subcontractor in the history of Homeswest has had such a low level.

We are also seeing a very interesting phenomenon. These are the little indicators that tell me that things are very crook. The number of vacant dwellings has jumped from 272 to 520, an increase of 248 houses since March. There is smoke and mirrors here because there are houses being refurbished, houses undergoing maintenance and houses being refitted. It is particularly difficult to get to the bottom of this issue, which probably suits the government; it can just muddy the waters a little more. Another indicator is the number of complaints. The

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number of complaints has increased. In 2007–08, there were 147; in 2008–09, there were 222; and in 2009–10, there were 270. There is a creeping trend here. There have been 88 complaints in the past four months. Following that trend, there will be 352 for the year. I will be particularly interested to see the nature of some of those complaints. We are starting to see the department trying to work around the edges and to get out from underneath. It no longer allows Transfield to do refurbishments. In its very efficient system of outsourcing, privatising or corporatising—whatever we want to call it—the department is now putting single houses out for tender to be refurbished. Why? It is doing that because the total cost of the work is likely to be over \$15 000 with all of its scope. Why is that important? It is important because it needs somebody who is registered with the Builders' Registration Board of WA, which Transfield is not.

We continue to have tenants such as 88-year-old Mrs McLeary of Unit 4, 9 Drury Street, Willagee waiting six days for a hot-water system to be installed. This lady needs a gopher to get around because she is significantly impaired. She has a diary of the times that she rang the department, the people she spoke to and their responses. I find that absolutely shameful; is it any wonder the complaints line is running white hot on some of these things?

But it does not stop there, members. It does not stop at the poorly conceived, poorly instituted housing maintenance program—it goes further than that. This department is moribund and this department could not run 700 contractors; it had to outsource it to three head contractors who now, in the metropolitan area only, employ more than 1 150 contractors. I do not understand the maths of how this is working because they are employing more people in the metropolitan area alone than the department did across the whole state, and they are doing the work less efficiently and very, very poorly.

This also extends to what is probably the bane of the life of every member who has a significant amount of public housing in his electorate; that is, antisocial behaviour from Homeswest tenants. It is always a sensitive issue, and for members who have ever had to deal with it, it is a particularly difficult issue because we are talking about some of the most disadvantaged people who seek out public housing to have something approaching the quality of life that approximates to what the average Western Australian could hope to enjoy.

Thirty-three per cent of the population of my electorate reside in public housing, so I have had a real education in the past 12 months on the fun and games that goes on. For anybody who has attended one of those incidents that occur from time to time in those places, it is of particular concern. I applauded the idea of the former Minister for Housing when he decided to run out a little plan—I do not know if it was his idea—and form the antisocial behaviour intervention team. I thought that was not a bad idea and I wanted to see how the little trial of it went. The former Minister for Housing, Troy Buswell, stated —

The officers involved in this team will be focused on getting that mutual commitment to solving problems before they get out of hand.

That sounds pretty laudable. The media release continues —

The Department of Housing is focused on supporting tenants to maintain a tenancy, and eviction action is taken as a measure of last resort when other efforts have failed.

Where is it now? What happened to the trial? There were two teams; how many were in the team? There were three in each, across 40 000 housing stock. How is that a viable trial?

Fortunately, one of the ASBI teams of three people in the Fremantle office is under the guidance and leadership of the regional manager, John Pynes, who does a tremendous job with very limited resources. The ASBI team is drowning. John Pynes would say that he would have, on any one day, at any one time, no fewer than 40 cases that would be of a level to be referred to the ASBI team, so we are talking about the worst of the worst. What are they doing with them? They are just trying to keep their heads above water and trying to manage. There is no intervention whatsoever; it is just managing it through to litigation and to eviction if they have to. What is the problem? The problem is that the people of my seat who live left and right, back and front of these people who cause them absolute merry hell experience a complete loss of what I believe is one very important right—that is, the quiet enjoyment of their house. It is just beyond the pale that they should have to experience that loss. Funnily enough, just today a situation came to a head. In November last year a young couple moved into a house in “Hammy Hill”—or as the couple came to call it “Hammy Hell”—alongside a Homeswest tenant. It was a classic renovator special that they had bought fairly cheaply, they thought—I can understand why. When I first went in there, the walls had been stripped down and they were doing all the normal things that young couples try to do to make a first start. Their life was made hell by a single mother next door, who, despite their repeated requests and complaints, actually had to be taken to eviction because there was no capacity for the department to intervene. I am very keen to see what this government will do about the modification of the Residential

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Tenancies Act that will give this department something better to work with by way of a legislative remedy. But I would like also to see, on the social policy side, how it is actually going to deliver true intervention so that we do not increase the homeless population of this state and we deliver the proper services that these people deserve.

MR C.J. TALLENTIRE (Gosnells) [8.34 pm]: I rise to speak to the Appropriation (Consolidated Account) Recurrent 2009–10 (Supplementary) Bill 2010 and the Appropriation (Consolidated Account) Capital 2009–10 (Supplementary) Bill 2010. The amount of money involved in this appropriation is quite staggering. I think it is a poor reflection on the management of the state's finances. I wish to dwell in my contribution, though, on how this is having a knock-on impact on electorates such as mine—the electorate of Gosnells—and the sorts of consequences that we are seeing.

I will begin by outlining some of the priority works that we need and that one would like to feel that, in a rich state, would be something that local government authorities and others could bid for to achieve the necessary funding. We urgently need a number of things; for example, there is a roundabout that gets very busy at certain times of the day at the intersection of Yale Road, Garden Street and Nicholson Road, and many of my constituents find it impossible to get onto the roundabout. We urgently need the money to put in there some form of signalisation—traffic lights—that could stem the flow of traffic coming down Nicholson Road at peak time to allow vehicles coming from other roads to gain access to the roundabout.

That should not be a major task. I accept that there is, of course, a need to do extensive study and to have experts from Main Roads Western Australia look at it, and to have the City of Gosnells' own traffic experts look at different options, but I am already sensing a degree of resistance because of the state's budgetary situation. I think that, with these two bills, one reflects an expenditure in excess of the approved amount of some \$820 million and then another of \$94 million; if that is the sort of money that the state is having to scrape up at this stage and request an excess approval for, it reflects badly on the management of the state's finances. This is all at a time when the state is, of course, on the cusp of a major boom. This is a rich state, doing well, and yet we are struggling to provide the sort of infrastructure that can make people's day-to-day lives comfortable and help people commute to work without undue stress, help them get home in reasonable time so that they can get on to all those sorts of activities such as taking children to sporting events and getting to different community activities themselves, and to be able to go about their day-to-day lives with the minimum of fuss. Those things are not happening without a great degree of difficulty for many of my constituents at the moment.

We urgently need proper consideration at least of, for instance, the sinking of the freight line that extends through my electorate and will mean Nicholson Road will no longer need boom gates. There is potential for that to be incorporated into an extension of the Public Transport Authority railway line from the Thornlie train station to Nicholson Road—a new train station could be constructed there.

These are the sorts of things that constituents in my electorate talk to me about. I am very proud to say that I have a leader in the Leader of the Opposition who is constantly out there in different electorates, talking to people and hearing these things himself. An example of that occurred on Friday night when we had the City of Gosnells Multicultural Food Fair. I am very pleased to acknowledge that the Leader of the Opposition came along and joined me, the member for Forrestfield and the member for Cannington. We were in a crowd of 7 000 to 8 000 people because the Multicultural Food Fair is becoming incredibly popular. The citizens of my electorate really enjoy this event, which is an annual event—I think it is unfortunate that it is only an annual event. It is that perfect opportunity for members of Parliament—the government of the day, including the Premier—to come along and hear about the sorts of things people would like to see the state's finances directed towards. I will come back to that issue.

Where is the government getting its grassroots information from? Is it actually going out to community events such as the food fair in Gosnells to hear the desires and wishes of the people of the state? I would really like to explore that because I have a suspicion—a fear in fact—that all too often the Premier and the cabinet of the day are much too close to a group that we might term the “power elite”. It is a group of people who represent major corporate interests, the people who are on all the A lists and the people who have direct access to our media. They are people who can get a piece of legislation through this place, if they need it, very quickly. They are people who can raise issues of concern very quickly with the decision makers in this state. I do not know that we are giving equal time, or anywhere near a significant percentage of the amount of time that we should give, to the sorts of people whom I meet constantly but who were very much a part of the character of the event that I was talking about.

Mr C.J. Barnett: Do you know that my last two urban visits have been to Armadale and to Mandurah—Labor electorates?

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Mr C.J. TALLENTIRE: I am pleased to hear that, Premier.

Mr C.J. Barnett: So don't have a stereotype view; actually observe.

Mr C.J. TALLENTIRE: I have yet to be invited to one of those visits when the Premier is in my electorate, so I am not with that group. I wish I were. However, I would like to feel that the Premier was giving at least equal time to the people who live in electorates like mine, and not giving time to just those people whom we might call the power elite—those “A-listers”. I was here at Parliament last Friday, and I noticed a constant stream of senior Liberal Party members. I saw Senator Mathias Cormann and Hon Norman Moore welcoming people from the Chamber of Minerals and Energy and from some big mining companies. They obviously have an incredible level of access to the Premier and to senior members of the government.

Mr T.R. Buswell: They certainly know how to get on to the Leader of the Opposition's office.

Mr C.J. TALLENTIRE: I am not sure whether the member was listening, but I was just saying how often the Leader of the Opposition is out and about at community events and hearing about the sorts of concerns that people in electorates like mine have. I do not know; perhaps we need to formalise this to get some sort of equal-time system developed, because I do not see it at the moment. I do not see any mechanism for checking whether we are giving all sectors of our society —

Mr C.J. Barnett: I went to a Muslim festival this week with about 2 000 people. I didn't see a Labor member there. You are so self-righteous.

Mr C.J. TALLENTIRE: No, I am not, Premier.

Mr C.J. Barnett: You are.

Mr C.J. TALLENTIRE: I am simply basing my comments on the evidence that I have seen and on events that I go to myself.

I can back up my position by pointing to the situation that the City of Gosnells has found itself in. It is finding that managing its finances is such that it is looking to make significant cuts. Perhaps following the lead of the state government, it wants to have efficiency cuts. The City of Gosnells has contemplated cutting back on what I would call essential community services such as the provision of a performing arts centre. I thought that was a very sad move that the city was contemplating, but I am pleased to report that, on reflection, the City of Gosnells was able to rescind a motion that it had put that the Don Russell Performing Arts Centre in the City of Gosnells be reduced in status to something approaching a hall and that it no longer be a fully serviced performing arts centre. Thanks to some good community action led by a lady called Ruth Kershaw from the Older Women's Network and a number of other people in the performing arts community in the electorate and also in other areas, we were able to convince the City of Gosnells that the Don Russell Performing Arts Centre was too important a community asset and that it should not be let go just for the sake of saving a few dollars. There was a claim that the city could potentially save \$200 000, but that is the state of finances in Western Australia. In this rich state in which we live, we are finding that local governments are prepared to try to skimp and save \$200 000, with the huge cost to the community of diminishing the status of a performing arts centre to just a hall that can be hired out.

Mr C.C. Porter: Member, a genuine interjection: do you know how much the CEO of the City of Gosnells is paid?

Mr C.J. TALLENTIRE: CEOs earn more than I do, and perhaps almost as much as the Attorney General does.

Ms R. Saffioti: So you want a community asset to be shut down.

Mr T.R. Buswell: It hasn't even been built.

Mr C.C. Porter: That's not what I said.

Mr C.J. TALLENTIRE: Which community asset is the member for Vasse talking about?

The ACTING SPEAKER (Mrs L.M. Harvey): Order, members! I have given the call to the member for Gosnells.

Mr C.J. TALLENTIRE: Thank you, Madam Acting Speaker. I am not sure how the Hansard staff will have been recording this discussion so far, but I seek to clarify that the Don Russell Performing Arts Centre was built in the early 1990s. It is a thriving facility and one with a great tradition of performing arts. It is one where people who have gone on to international renown had their first performances. A gentleman by the name of Aldo Di Toro, an opera singer who is now based in Milan, gave his first performances at the Don Russell Performing Arts

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Centre. The benefits that come from providing venues such as a performing arts centre are enormous, and we must not allow ourselves to be tempted into these sorts of cost-saving measures that perhaps can seem attractive because they can shave \$200 000 off a budget. They are serious mistakes. Disinvestment from community assets is a terrible shame.

Mr C.C. Porter: Could the city merge with a neighbouring council and have one CEO?

Mr C.J. TALLENTIRE: I do not think that is planned, Attorney General, simply because the City of Gosnells and a neighbouring council such as the City of Armadale are both very substantial councils. I think that many Wheatbelt councils perhaps would be more of a size that would justify some sort of merger.

Several members interjected.

Mr C.J. TALLENTIRE: Madam Acting Speaker, I think I have demonstrated that there are some important assets. I have also spoken about the City of Gosnells Multicultural Food Fair. I understand that also has a cost associated with it. There is a temptation amongst people at the City of Gosnells to consider that that is something that could be done without. However, as I have mentioned, some 7 000 or 8 000 people attended the event last Friday. It was a tremendous evening, and it was alcohol free as well, and no-one questioned it; it went off without a hitch. It was a brilliant occasion. I think in Gosnells we are really setting the trend and showing that people enjoy alcohol-free events such as food fairs. They enjoy the variety of foods that are on offer.

Several members interjected.

The ACTING SPEAKER: Members, please! Member for West Swan, your colleague is on his feet and I can hardly hear him, and Hansard cannot record what he is saying. I do not want to call you to order, but I will if you persist in interjecting. Member for Gosnells.

Mr C.J. TALLENTIRE: Thank you, Madam Acting Speaker. I will now move on to the issue that I began to touch on about the access that some people have in our society that I believe many in our community, and especially in electorates like mine, do not have. I wanted to raise an issue that relates to the mining sector—those people who have incredible access to our decision makers. I was extremely disturbed to see in *The West Australian* last Friday a piece of investigative reporting—I was pleased to see *The West Australian* doing some investigative reporting, but I was disturbed to learn that four Western Australian mining companies had invited to Perth a man who is under investigation for the most serious of human rights abuses. This man is presently a minister for mines in the Democratic Republic of the Congo. He was invited here as a guest of Sundance Resources, Cape Lambert Resources, Elemental Minerals and Waratah Gold.

Mr T.R. Buswell: Who gave him his visa so that he could come in? Are you blaming us for the visa?

Mr C.J. TALLENTIRE: I am pointing out, member for Vasse, that those companies, when asked about the investigations, said, “Oh, we don’t know anything about that.” As soon as the man was asked a question, he left the country. I think this is a serious issue for Perth-based companies. When I looked at their business addresses, one was based in Leederville, one was based in Colin Street, West Perth and another one was based in Hay Street, Subiaco.

Several members interjected.

The ACTING SPEAKER (Mrs L.M. Harvey): Members, please! Members from both sides.

Mr C.J. TALLENTIRE: I am pointing out that we have a problem when our companies invite people to this country without any due diligence in checking the credentials and records of some of these people. I think that is a great shame.

Mr C.J. Barnett: Do you agree with the federal government having Rebiya Kadeer come to Australia last year?

Mr C.J. TALLENTIRE: I am going to stick with this issue.

Mr C.J. Barnett: Three hundred died in central China.

Mr C.J. TALLENTIRE: At least 353 people died at the hands of Minister Pierre Oba. Does the Premier want to play a game of who is worse because of the scale of the massacres?

I raise this issue so that we can discuss something of great merit that the Canadian government considered recently, which is legislation that holds companies to account for their corporate–social responsibility when they operate overseas. It was known as Bill C-300 and was recently debated in the Canadian Parliament. I am very disappointed to say that it went down by only a handful of votes, because I think that this is the sort of legislation that we should be looking at in the Western Australian Parliament to hold our companies to account.

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Mr C.C. Porter: What does it do?

Mr C.J. TALLENTIRE: It is a mechanism for making sure that a company that is found in any way responsible for environmental or human rights abuses can be brought to book in an Australian court. I think that is an issue that we need to look at. It is all very well for these companies to have direct access to Hon Norman Moore and other people.

Mr C.C. Porter: There were some quite senior figures who had direct access to your government, to the extent that they were ringing up ministers in Parliament on the Whip's phone.

Mr C.J. TALLENTIRE: I raise this issue because I want to establish two things.

[Member's time extended.]

Mr C.J. TALLENTIRE: We need a mechanism to make sure that all sectors of our society have something approaching equal access to the decision makers in Parliament and government, and we also need statutory mechanisms that can be used to bring to book companies responsible for human rights or environmental abuses. Another case that has been well documented is the case of Esmeralda—not the muse of Quasimodo, but Esmeralda Exploration Ltd—which was responsible for an environmental disaster in the Danube. We need to be able to hold such companies to account in Australia. It would apply a level of pressure to make them responsible.

Mr C.C. Porter: Is this going to be federal Labor policy?

Mr C.J. TALLENTIRE: I am floating the idea here tonight and we will see where it goes. There is very much a need to discuss this as policy to make sure that our companies are held to account.

In the time available to me, I want to touch on a couple of other matters that relate to my electorate, particularly the issue of retail trading. The Thornlie Square Supa IGA is suffering greatly because of the retail trading hours changes that have been put in place.

Several members interjected.

The ACTING SPEAKER: Member for Vasse!

Mr C.J. TALLENTIRE: I have a good relationship with the owner of the IGA that I frequent, Mr Scott Grainger. He has done everything possible to reduce his overheads and the floor space of the IGA, but the sudden introduction of the retail trading hours legislation has brought about a serious downturn in revenue.

Mr T.R. Buswell: How? Why?

Mr C.J. TALLENTIRE: Because people have stopped going to his store.

Mr T.R. Buswell: Where are they going now?

Mr C.J. TALLENTIRE: To Coles.

Mr T.R. Buswell: Is that a government issue?

Mr C.J. TALLENTIRE: It is a difficult one for a business owner. The member for Vasse has not really let me get to my point. I wanted Mr Grainger to be able to discuss his case with the current Minister for Commerce. I wrote to the minister on 3 November, asking him to meet urgently with Mr Grainger; to date, we have had no response from the minister. Mr Grainger has been totally ignored. I think he has exceptional circumstances that he should be able to put to the Minister for Commerce, and that he should be allowed to explain to the minister in detail, and he is not being allowed to do so. Instead, we have a minister who has put in place legislation without having the courage to speak to people who have been seriously affected by it. That is a demonstration of the minister's failure to properly implement a legislative change that he has brought about, and of the failure of the minister to have the courage of his convictions and to talk to people who have been directly affected by decisions that he has made. That is a great shame.

Mr T.R. Buswell: What about the customers? Do you think they're happy?

Mr C.J. TALLENTIRE: The member for Vasse has missed the point. I am simply asking the minister to meet with my constituent, who has been greatly affected by this legislation. He could perhaps explain a situation that the minister could help with, but the minister has failed to live up to his responsibilities and meet with him.

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I turn now to another issue that the member for Willagee addressed in some detail, which is the issue of the Transfield contracts for the maintenance of Department of Housing properties. We are yet to see the improvements to this contract that have been promised. The member for Willagee provided a number of examples of things not having improved. Today I heard about yet another case in which someone went without hot water for an extended period simply because the gas hot-water system did not work effectively; complaints were lodged, but no action was taken. This is another case in which the same minister, in his capacity as Minister for Housing, has failed to resolve a problem. The minister is not getting problems resolved in an efficient manner, as either Minister for Commerce or Minister for Housing. There are issues involving unqualified people working on properties and poor quality contractors. There are situations in which subcontractors have not been paid. There have been a number of serious problems.

Mr T.R. Buswell: There's a lot of happiness in Gosnells.

Mr C.J. TALLENTIRE: Happiness? Of course there is a lot of happiness in Gosnells. I am not sure what the member for Vasse is driving at.

I am concerned that we have not seen the promised improvements in Department of Housing maintenance systems. Transfield has let us down badly. I am concerned that we have somehow been locked into a contract that is perhaps impossible to improve. That is a grave concern.

The Gosnells electorate is a happy electorate. People are going about their daily lives, but in a rich state they deserve better, and this government is failing to deliver the proceeds of our great wealth. This government is not ensuring that people in the Gosnells electorate are properly heard; it is putting too much time into listening to those people I described previously as the A-listers. Too much time is spent wining and dining those people and not enough listening to the people in my electorate. At times they do get frustrated, disappointed and downhearted because they are being neglected. I am concerned that the Barnett government is not going to turn that around. Although the Premier says that he is meeting with people in my electorate from time to time, he certainly never invites me to those events. I look forward to that! I look forward to being present the next time the Premier attends an event in my electorate and watching him listen to the complaints and the suggestions, the positive contributions that people make, about how their lives can be improved. I am looking forward to the Premier being in attendance so that people in my electorate can get their point across to him—the positive ideas, the suggestions and constructive criticisms that they might make. I share their frustration that far too much time is spent simply dealing with those people who have the money in this state and not enough time is spent listening to those who have every right to be heard, who have legitimate complaints and who really have a valid point to make. I think there is an urgent need for that to be turned around and I look forward to being invited to the next event the Premier attends in my electorate.

MR A.P. O'GORMAN (Joondalup) [9.01 pm]: Thank you —

Several members interjected.

The ACTING SPEAKER (Mrs L.M. Harvey): Members! I have given the member for Joondalup the call.

Mr A.P. O'GORMAN: At least I stay loyal!

Several members interjected.

Mr A.P. O'GORMAN: Does the member want to come out and test that in my electorate? I have tested it three times; they keep saying that I am loyal to them.

Several members interjected.

Mr A.P. O'GORMAN: Listen, member for Riverton, get past the next election, and think about which bed you are sleeping in tonight! The member for Riverton should go back into his box, okay.

I have a few issues that I want to raise —

Several members interjected.

The ACTING SPEAKER: Order, members! Member for Joondalup, please address your comments to the Chair.

Mr A.P. O'GORMAN: I will; I did not even say a word when they interjected.

Mr R.H. Cook: How many times have you been returned, member for Joondalup?

Mr A.P. O'GORMAN: I have been returned three times now.

Dr M.D. Nahan: Sometimes luck runs for three times!

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Mr A.P. O'GORMAN: I want to talk specifically —

Dr M.D. Nahan: But when they find out what he's against —

Mr A.P. O'GORMAN: Does the member for Riverton's mouth want to give his brain time to catch up?

I want to talk tonight, in the first instance, about school dental therapy and school dental therapy clinics. This is an issue that has been close to my heart and it is raising its head again at the moment. It is an issue that has been brought to me again by a group of women and it has actually come back to the fore because of the movie that is out at the moment, *Made in Dagenham*, which is about the gender pay gap. This group of women who deliver dental therapy services to our students in our schools do an absolutely fantastic job. They get fairly pathetic pay for the job they do. They have miserable equipment: they cannot even have a phone answered by an answering machine because they do not have one in their dental therapy clinics; they do not have a photocopier; they do not have a computer. Every member in this place cannot operate without a computer, but these school dental therapists are still operating on an old cardex system that takes hours and hours and hours of their time to update and get to a standard at which they can send out appointments for these schoolkids.

Mr C.J. Barnett: Why didn't you make this speech in the past eight years?

Mr A.P. O'GORMAN: I did; I took it up many times. If the Premier likes, I will throw it on the table; I have done this many times. This is an issue that goes back a long, long time and many of these women are now in their 40s and 50s and are getting to the point at which they are saying, "Enough is enough. We're going to be out of this job and there's not going to be anybody to replace us." One of the things that have kept our population so healthy is that people had excellent dental therapy services when they were young. We all know that. Even members from the other side in the federal parliament, such as Hon Dr Mal Washer, agree with me that we have to keep good dental therapy services going, particularly for our young people. These women feel as though they are being victimised because they are women, purely and simply and for nothing other than the fact that they are women. They are a group of women who cannot really get a leg up to have some decent pay and decent equipment with which to do their job. I am not talking about the tools that they use inside the students' mouths; I am talking about the backup tools that they need—the computer systems, something as simple as a telephone answering service or answering machine, a photocopier and a fax machine, so that they do not have to run around the corner into the school to send a fax or to photocopy some records or a referral or something like that. It is an outrageous state of affairs that in 2010 they still operate in that manner. Those are some of the things that we should be directing some of this state's budget to. We are also seeing a shrinking of the school dental therapy service right across this state, which will come back and cost us a whole lot more money when we have a lot more people requiring probably full mouths of teeth, lots of dentures and lots of root canal work into the future. It is a big problem and I urge this government to tackle it.

We tackled it and because I had written previously to the former Minister for Health there was a fairly quick response; a \$3 000 a year attraction and retention bonus was put in place for the extent of the GA4 collective agreement. Therefore, we did do something—not enough, not nearly enough, but it is one of those issues that will keep coming back. I know that the particular ladies in my electorate—in fact, it is not just my electorate, it is the electorates of the members for Hillarys and Ocean Reef as well—keep coming back to me.

Another thing that these women want is safety in the school dental therapy clinics at the schools. Just about every school dental therapy clinic in this state has only one entry–exit door. There is no emergency exit at the rear of the buildings. Even the newest clinics being built are the same. Craigie Heights Primary School opened earlier this year with a school dental therapy clinic at that facility. When the plans were being drawn up, we asked for and got an emergency exit door, a second door, at the back of the school dental therapy clinic. Therefore, if there is a problem—although it is not the case that people generally get angry at these school dental therapists, but there are occasions and with the extent of the mental health problems that we have in this state today, we do not know when we might get somebody being aggressive—there is an alternative exit. I am sure that just about every member in this place has more than one door to their office; they have an exit that they can get out through if they have an aggressive constituent in their office. The majority of them have—I can see the member for Murray–Wellington is shaking his head saying that he does not. That is something that is essential and should be in all our offices, and primarily it should be in the school dental therapy clinics because we may get a situation in which they have to get out of there in a hurry. That could be something as simple as a small electrical fire at the front reception area and they would have no way to get out. It is a concern for them, because it is primarily women in these areas. As I said, when the Craigie Heights Primary School was being designed, we had that exit included in the design. In fact, I had a discussion about it with the architect, who could not understand why I was pushing this point, but we had it put in. However, when the school was finally built, and construction started under the current government, that second door was removed. I think it is a disgrace that in

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2010 we cannot have something as simple as an emergency exit door at the back of the school dental therapy clinic. That issue needs to be addressed urgently, not only for these women but also for the future health of children in the state.

Another issue I would like to take up relates to the West Perth Football Club and its clubrooms. As members know, the West Perth Football Club moved from Leederville out to Arena Joondalup.

The ACTING SPEAKER (Mrs L.M. Harvey): Members, there are a number of conversations going on in the house at the moment and I am having difficulty hearing the member for Joondalup. Could members please take their conversations outside.

Mr A.P. O'GORMAN: The West Perth Football Club moved out to Joondalup in 1992–93 with the express purpose, as I said in my speech the other day, of promoting Australian Rules football in the northern suburbs, which it has done very well. One of the issues the club has had during the whole time it has been out there is that it does not feel like it is home. The football club does not have clubrooms it can call its own. The club has been asking and campaigning for this for many, many years. The Labor government got to a point at which VenuesWest offered to give the club some land, but then it would have to find some millions of dollars to build the clubrooms. Off the top of my head, the construction price was about \$6 million for clubrooms and change rooms so that West Perth could have a proper home base in Joondalup. People at the club are very happy to be out there; it is just a matter of building the clubrooms around them. We have seen the Premier at the stroke of a pen give his football club, the Claremont Football Club, \$16.5 million to build new clubrooms. I know that the Premier is saying that that came to the club because it handed back some land that it had on a peppercorn lease, which will allow for extra accommodation units in and around the area where the Claremont Football Club had that land. It is a similar situation out in Joondalup. We have lot 9000 McLarty Avenue, which is about nine hectares of land that is owned by the Department of Housing that is waiting to be developed. LandCorp also has a small strip of land and the Department of Education has the lot adjacent to lot 9000, which comprises about six hectares, if I remember correctly. So there is a very large block of land out there that can be sold off, and I think that some of the proceeds from that can go to the West Perth Football Club, in the same way the land is being developed around the Claremont Football Club.

I thank the member for Vasse; I know he is a good supporter of West Perth.

It is important that we bed this club down so that its members have some financial stability into the future and can continue to grow the game of Australian Rules out in the northern suburbs. It is one of the things that has been holding that club back. It has won, off the top of my head—the member for Vasse might correct me—three premierships since it has been out in Joondalup.

Mr T.R. Buswell: I have forgotten.

Mr A.P. O'GORMAN: I am pretty sure it is three since the club has been out there, and we would like it to get a few more. What the club does not have out there is a nice trophy cabinet in its own clubroom to put trophies in. It is vitally important to the West Perth Football Club—I know the Minister for Sport and Recreation is aware of this—but the matter seems to progress at a snail's pace.

Mr T.R. Buswell: VenuesWest is like a giant anchor around their neck!

Mr A.P. O'GORMAN: That is what people say, but it is not only West Perth Football Club. The Wanneroo Wolves basketball club has a lease on premises in the stadium. That lease will be up in 2012, so that club has about two years in which to find a new home; about six basketball courts are needed with an exhibition court. Again, that is something that has been going on for a number of years and has not progressed. In fact, when I raised it with the Minister for Sport and Recreation, he was not aware of it in the first instance. He is now aware of it. It is one of those issues that needs to be progressed. The Wanneroo Wolves is a state basketball team, but under its banner it has many, many—I cannot even count the number—junior basketball teams in the Joondalup and Wanneroo areas that service an enormous number of young people, keeping them in sport and keeping them connected, off the streets and engaged in good, solid activities that assist them in their growth and development. It is one of those things that really needs to be tackled.

I mentioned lot 9000 McLarty Avenue, which is Department of Housing land. When the Labor Party lost government, consultants had been engaged to draw up concept plans for lot 9000 McLarty Avenue. A number of consultations had taken place with local stakeholders, and I was part of that process. My understanding was that it was almost ready to go to subdivision. Just recently I have had information that the intended subdivision of that area is now planned for 2025–26. For God's sake; we have a shortage of housing in this state! We have a shortage of affordable housing. This is the department that is charged with providing affordable housing right across the state. It has nearly 10 hectares in a prime location smack in the middle of the City of Joondalup, close

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to public transport and close to sports facilities, schools, hospitals and universities. It is the ideal spot for us to have some housing. In the concept plans that I was involved in, there was talk of up to 850 accommodation units from one-bedroom apartments right through to three-bedroom apartments, and about 85 out of that 850 would be allocated to the Department of Housing. For God's sake, members opposite, get off your hands and get out there and start building it so that we can have properties in the northern suburbs at an affordable cost to people who are desperately in need of housing! That is called both social housing and affordable housing. What is happening in Joondalup is that we have lots of private developers and the absolute cheapest one-bedroom, one-bathroom apartment one can find is about \$300 000, which is a very, very small apartment. We need to pull down the prices of accommodation in that area, and the Department of Housing, with this roughly 10 hectare lot, could take a step, rather than holding it in a land bank until 2025–26. It is a disgrace that that is happening in this state, and that is happening with some of our departments.

There is some more land out in the City Joondalup. There is land at old school sites, including the old Craigie high school site. I remember the now Premier and the now Minister for Education going out there and standing beside the graffiti wall that was commissioned by the City of Joondalup and making comment about the fact that it has gone to the vandals. I can tell members opposite that it has not improved. Yes, they have taken away the graffiti wall and the basketball court, but there has not been one bulldozer on that land or one bucket-load of sand moved on that site since those walls were removed. Again, it is a 10-hectare site that can provide much-needed housing close to shopping centres, the beach, public transport, rail stations, the Craigie leisure centre, sporting facilities and schools, but nothing is being done with it—absolutely nothing.

[Member's time extended.]

Mr A.P. O'GORMAN: We have another school site, which was the old Craigie Primary School that was formerly the Camberwarra Primary School. That school became vacant when in government the Labor Party amalgamated Craigie and Camberwarra primary schools onto the one site—the former Camberwarra site. We bowled over the Craigie Primary School and put in train plans to build a brand-new school. If I remember correctly, we put \$13 million in the budget to build the Craigie Heights Primary School. That happened earlier this year. When the school decamped from the old site, it took as much of its equipment as it could, but now I am getting complaints from members of the local community saying that it is a hangout area for all the local hoons and vandals—the graffiti is unbelievable and there are broken windows. The education department has done nothing to remove the furniture that was not taken to the new school. All that furniture is still sitting inside those classrooms deteriorating. In a day and age when we keep talking about sustainability, it is outrageous that that furniture has been left out there to be vandalised. It could be used for burning if somebody gets to that point, but at this point, we have been lucky enough that that has not happened. If the education department does not want it, it should take it out, put it in storage and send it to Africa, Sri Lanka or some underprivileged country —

Mr J.E. McGrath: Send it to Northam.

Mr A.P. O'GORMAN: Yes, it could be sent to Northam or some of our remote communities. It looks like excellent furniture and it could be well used, but it has been left sitting on an unattended site that is not even fenced. It is now an area that is visited by vandals. There is graffiti there. The paint that was left in the cupboard has been thrown all over the place and used for graffiti. The windows are broken. The neighbours around the area are terrified because of the amount of activity that vandals get up to at night. The simple answer is to take a bulldozer in and bowl the buildings over. It should be left as a vacant site—hopefully not as long as the Craigie high school site—until a subdivision plan can be put through the Western Australian Planning Commission and the council and that land is sold off, if that is the intention. If the intention is to keep the buildings there, the government should at least put a fence around the site so it cannot be vandalised. The residents in that area are from one of those suburbs that is probably not as flash as some of the others in my electorate, but those people still deserve the best service that this government can give. It is about time they got it. There are two vacant school sites in the suburb of Craigie in my electorate that are just a disgrace. They are a blight on the environment.

While I am talking about schools, I want to mention school crossing guards. This has been an issue for some time. It is an issue not only in my electorate, but also in the electorate of the member for Hillarys, the Minister for Police. The problem centres around Bambara Primary School. Once again, the P&C association has come to me because it is not satisfied that it is being listened to by the government. About a year ago, maybe a little longer, the same issue arose about the school crossing guards. At that time the school crossing guards were put back at Bambara Primary School and Beldon Primary School while the minister was undertaking a review. That review seems to have been completed but nobody has seen the findings or the recommendations. We do not know what is happening. The school is saying that the same thing is happening now that happened about a year

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or 18 months ago, in which the regular school crossing guard does not show up on occasions. The school is told that the school crossing guard is sick but it found that the school crossing guard is at another school down the road. The school is asking whether the department will maintain its school crossing guards. What are the findings of the minister's review? What are the criteria for having a school crossing guard outside a school such as Bambara or Beldon? Why is the minister being so secretive about his review? Has he found that there is no way he can keep a school crossing guard at a school in his own electorate or has he found that it is just not financially viable any more to have school crossing guards? He needs to tell people what is happening so they can take the next step and put measures in train to protect their children. Parents need to put strategies in place to protect them from the many cars on this road. The road that Bambara Primary School is on is now considered to be a rat road. A rat road is a road that people cruise down to avoid the traffic lights and to see whether they can get to their destination a bit quicker. They speed down the road. The school community is proactive; if the school cannot have a school crossing guard, it wants to approach the community of Joondalup and get some infrastructure in place—namely, islands or speed bumps or something like that to reduce the speed of traffic around the school or, at the very least, some orange flashing lights. I have seen them in the electorate of the member for Ocean Reef around the Currambine Primary School. They are flashing signs that indicate the speed limit is 40 kilometres an hour. I have not seen any in my electorate.

Mr A.P. Jacob: They've got a good local member.

Mr A.P. O'GORMAN: The member is telling me that one has to be a good Liberal local member to get flashing signs in one's electorate. I have not seen any in any Labor electorates. I have not seen any in my electorate. I have not seen any in any other Labor electorates that I drive through. It would be good if the minister would give this school some information as to what he intends to do. The member's seat is a bit more marginal so maybe the government is looking after the marginal electorates. The minister needs to address this issue and tell the general public what he is going to do about school crossing guards, whether he is going to take them away, whether he has completed his review and what the findings of his review were. If he has recommendations from his review, he must outline what they are so that school communities can understand what they have to do and how they will maintain their school crossing guards. If they are not going to maintain them, how can they maintain safety around the schools for young children—or is it a case that we have to see one of these young children bowled over and killed outside the school before action is taken? It is a pretty serious issue. I am sorry that the minister is not in the house because I would have liked him to have heard my questions so he could give us some answers.

I also want to talk about the Commercial Tenancies Act and the small business commissioner. When the deal was made between the Premier and the Leader of the Opposition to extend trading hours to nine o'clock on weeknights, a commitment was given that the Commercial Tenancies Act would be amended and we would have a small business commissioner. The fear out there in retail tenancies is that the small business commissioner will be a toothless tiger. Retailers fear that it will be subsumed into the Small Business Development Corporation and it will just be a figurehead without any teeth. They want to see the legislation. We asked the minister to give us some idea of when he would be bringing it in. We tried to get him to commit to bring it in before Christmas. Quite evidently, that will not happen, which means it will be at least July next year, if not September or October, before any of that legislation is enacted and those small businesses have some protection and hopefully have a place that they can go with their disputes so they can have them mediated and rectified rather than going to the State Administrative Tribunal.

One of the reasons I raise this issue is an eviction from Lakeside Joondalup shopping centre. I will not mention the tenancy at the moment but I am sure that I will be able to do so in the near future. This coffee shop owner had a business in the shopping centre. She was a franchisee. The franchisor business went bankrupt. It was discovered that the coffee shop owner no longer had a lease with Lakeside shopping centre. Lend Lease proceeded to take action. Even though she had always paid her rent, she gave the bank a guarantee for the premises and she did all the interaction and negotiation with Lend Lease, it still had no compunction whatsoever to push her out of that place. It pushed her off the floor, and she no longer has a business. It is an outrageous state of affairs that should not have been allowed to happen. We are hoping that a small business commissioner will have enough teeth to prevent that sort of thing happening in the future.

I know that the Minister for Commerce has had a submission from the Shopping Centre Council of Australia saying that the best place for a lease register to be based is at Landgate. That is because it is a government organisation. It is an organisation that can be seen to be independent and fair and it can log those commercial leases, as New South Wales does. I have been to New South Wales and had a look at the system there. The majority of leases over there are registered with the New South Wales equivalent of Landgate. That is very helpful to small businesses over there because they can go to an organisation and get some information from a

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lease register on the cost per square metre and the percentage of outgoings that they would have to pay. They can get lots of information about the going rate for rent in the shopping centre or shopping strip that they are looking at going into. I know myself that many market rents are pulled out of the air and that it is really difficult for small businesses to fight a landlord if they do not have some information on the market rent rate. I have heard of increases in rent of up to 40 per cent in the particular economic climate that we are in at the moment, and that is putting many small businesses out of business. At Lakeside Joondalup Shopping City at least four tenancies are boarded up at the moment; and that has occurred since extended trading hours came in. Some tenants were at the end of their lease and the conditions that were being put on them to continue were just persecutory. These people felt that there was no longer a reason for them to be in business, as they would be working for the shopping centre rather than working to put some profit back into their pockets. There is therefore a big issue around commercial leases. I know the Minister for Commerce is holding consultations at the moment. I hope that when those consultations are concluded, he will acknowledge the problems out there. I hope he will acknowledge the need for a proper lease register and a proper small business commissioner with some power to force very large companies to deal properly with their small business tenants, and not just push them into the ground and walk all over them as they have done and are doing at the moment at Joondalup.

MR M. McGOWAN (Rockingham) [9.32 pm]: I rise to add a few remarks to debate on the Treasurer's advance legislation, the Appropriation (Consolidated Account) Recurrent 2009–10 (Supplementary) Bill 2010 and the Appropriation (Consolidated Account) Capital 2009–10 (Supplementary) Bill 2010. I am pleased the Treasurer is in the chamber for what I expect is one of his last periods as Treasurer. I am sure he will enjoy that. He is also, like the former Treasurer the member for Vasse, a one-hit wonder when it comes to state budgets.

Mr P. Papalia: What tune would you play for him?

Mr M. McGOWAN: Yesterday I suggested *My Sharona* by The Knack and *Come On Eileen* by Dexys Midnight Runners. In relation to the current Premier, I am open to suggestion on any other one-hit wonders.

Mr T.R. Buswell: I've got one for you.

Mr M. McGOWAN: Yes, please.

Mr T.R. Buswell: Divine: *You Think You're A Man But You're Only A Boy*.

Mr M. McGOWAN: Ha, ha!

Several members interjected.

Mr B.S. Wyatt: How about *Love Shack* by the B-52s?

Mr T.R. Buswell: A beautiful song!

The ACTING SPEAKER (Mr J.M. Francis): I have just one message, member for Rockingham, and it is not for you; it is for the member for Willagee about interjecting from somewhere other than his seat.

Mr M. McGOWAN: Thank you, Mr Acting Speaker.

Ms R. Saffioti: *You're So Vain*—you probably think this song is about you!

Mr M. McGOWAN: Ha, ha!

Mr T.R. Buswell: That was written before I was born!

Mr M. McGOWAN: I think we are moving away because of course these are not one-hit wonders. As I recall, Carly Simon wrote a number of hits.

Mr T.R. Buswell: What about Divine?

Mr M. McGOWAN: I am not familiar with that song. Perhaps the member for Vasse can give us a rendition later on. I think the member for Vasse has made that one up.

Mr T.R. Buswell: I most certainly did not make it up.

Mr M. McGOWAN: I am a little perplexed about that one.

My speech is in relation to the issue that is current and important—particularly important for my constituents in Rockingham but I think important for all of us in this house. The issue can be simplified down to local content; it is about making sure that we maximise the manufacturing and industrial work out of the mining and oil and gas industries in Western Australia. That is growing as an issue in Western Australia, and so it should.

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I want to read to the house a letter I received from a constituent of mine. He runs a fabrication workshop on the Kwinana industrial strip. I gave him a call after I received this letter. He wrote to the Premier and he forwarded a copy of it to me. In the letter he refers to the fabrication issue and so forth. He wrote —

It is quite easy to say that we are booming Mr. Premier but please i invite you to visit us here at our facility so you can see the real side of life when we have to put off the workers who are then left with no prospects this year. We like other fabricators are tired of the rhetoric that keeps being passed around, it is time for action Mr. Premier or we face a major crisis in the not too distant future.

...

The sad fact is if we have no work we can not train but the governments past & present have created a false belief by paying employers ... to take on trainees but the cold hard facts are that when these subsidies run out employers such as us are still left with the task of letting go these trainees as there is still not enough work out there to keep these people on. Our industry is a large feeder of so many other industries that rely on these contracts that are going overseas from electrical, transport, non destructive testing, inspection personnel, local suppliers ... consumables to even the local lunch bars all as you can see are affected.

I called him consequent on receiving that letter. He told me that he runs a workshop on the Kwinana strip. I have the address with me but I will not read it out. It is a fabrication workshop that relies upon the mining industry for work. He is basically at the moment operating at 20 per cent capacity and has laid off 10 people in the past week. He is basically laying off staff because there is not enough work for his workshop. That is a big issue. It is one of our citizens who runs this workshop. I am not exactly sure who owns it but he is the manager of the workshop and he does not like laying off people. I had a talk with him and he told me that originally his parents came from Britain. He grew up locally, made good, runs the workshop and is laying off people everywhere because they are not receiving sufficient work. What he hears all the time is the rhetoric—quoting the Premier—that the workshops will be full and everyone will be employed, no problem whatsoever, out of the Gorgon project and other projects like that. The Premier said that the workshops will be full. But this workshop is just an example of a number of them around Perth, particularly in the southern industrial area of Kwinana. I visited one the other day with a few of my colleagues and met with the managers of that major workshop and a number of other workshops in the vicinity. They are in crisis. There is a huge issue confronting those people because of an insufficient amount of work. They have invested based upon the expectation that there will be very significant work coming out of the boom in the mining industry that is approaching Western Australia from projects such as Gorgon and so forth. As a consequence, they have large debt and they have large workshops with a large number of employees, and those employees are not employed. The crescendo of calls and cries from this industry is so great that this is not made up. These people are not making this up as some way of trying to get some action that will benefit them in a way that they do not deserve. This is real and the complaints of these people are real.

I note that the Premier himself has taken quite an interventionist stance on a range of things recently. I note that a few weeks ago in this place he took the view and indicated to some major multinational companies that he did not support the construction of a liquefied natural gas plant: the Scarborough LNG plant at an industrial estate just to the south of Onslow. He said that he did not support it being constructed by Shell, as I recall.

Mr C.J. Barnett: No.

Mr M. McGOWAN: Yes; those were the words the Premier used in response to a grievance. He was of the view that the Shell plant to be constructed at —

Mr C.J. Barnett: No.

Mr M. McGOWAN: The Premier can explain if he wants to.

Mr C.J. Barnett: You might be thinking about ExxonMobil's plant.

Mr M. McGOWAN: Maybe it was. It was one of the liquefied natural gas plants that was proposed to be constructed as part of the Onslow industrial estate. As we know, Wheatstone will be there and I think Macedon will be there as well. If the Scarborough plant is ExxonMobil's, I got that slightly wrong. The Premier said that he does not support the construction of that plant in that location.

Mr C.J. Barnett: No, I didn't.

Mr M. McGOWAN: He basically indicated that there might be an oversupply of LNG plants in Western Australia.

Extract from *Hansard*

[ASSEMBLY - Wednesday, 17 November 2010]

p9033b-9073a

Ms Rita Saffioti; Mr Paul Papalia; Mr Martin Whitely; Speaker; Mr Joe Francis; Mr Peter Tinley; Mr Chris Tallentire; Acting Speaker; Mr Tony O'Gorman; Mr Mark McGowan; Mr John Quigley; Mr Murray Cowper; Mr Fran Logan; Mr Andrew Waddell; Mr Colin Barnett

Mr C.J. Barnett: No, that is completely wrong. What I did not and do not support is ExxonMobil building an entire LNG plant offshore and anchoring it to the ocean floor. That is what I do not support. That is one of the options. I made it very clear that if it does not proceed at Ashburton north, which is the Onslow site, maybe it should look at co-locating with Pluto so that the project is built onshore in Australia.

Mr M. McGOWAN: I would support it building the plant onshore, obviously. That is certainly not my interpretation of what the Premier said, and that is not the interpretation that was sent out there.

Mr C.J. Barnett: No; there is no misunderstanding by the company. It knows exactly where I stand.

Mr M. McGOWAN: I am pretty sure that I heard what the Premier had to say.

Mr C.J. Barnett: There are three options.

Mr M. McGOWAN: I am aware of that.

Mr C.J. Barnett: Two are okay; one is not okay.

Several members interjected.

Mr M. McGOWAN: Just because I called it the Scarborough estate does not mean that the member for Scarborough has any particular knowledge about it. It is not actually in her electorate. She might have thought that it is in her electorate, but she got that wrong.

Mrs L.M. Harvey interjected.

Mr M. McGOWAN: As everyone in the Liberal Party knows, the member is an expert on everything.

The ACTING SPEAKER (Mr J.M. Francis): Members, I am turning over a new leaf and trying to be nice to everyone, but you are pushing my limits.

Mr M. McGOWAN: As everyone in the Liberal Party knows, the member for Scarborough knows everything about everything, but in the case of the Scarborough industrial site, that is not in her electorate.

Mrs L.M. Harvey: Don't you think that, as the member for Scarborough, I might get inquiries about a gas plant called Scarborough?

Mr M. McGOWAN: I just thought that the member for Scarborough might have been slightly confused.

Mr C.J. Barnett: How patronising.

Mr M. McGOWAN: "How patronising", says the Premier! If we looked up the definition of "patronise" in the *Oxford English Dictionary*, we would find a picture of the Premier next to it!

Mr C.J. Barnett: Because the member for Scarborough is a woman, you assume that she knows nothing about the industry. You assume that a woman would know nothing about the oil and gas industry. That is the member for Rockingham's implicit assumption—that a woman could not understand the industry.

Mr M. McGOWAN: That is a ridiculous thing to say.

Mr B.S. Wyatt: Maybe I should table the *Hansard*.

Mr M. McGOWAN: The member should read it in.

Mr B.S. Wyatt: It is the Premier having a go at the member for West Swan.

Mr M. McGOWAN: I am glad that my research assistant is on the job. On 11 March 2010 the Premier stated, "My goodness me! No wonder you are absolutely useless."

Mr C.J. Barnett: That is true.

Several members interjected.

Mr M. McGOWAN: The member for West Swan then said, "How boring trying to include estimates in the budget." Mr Barnett responded, "What a poor performer you are."

Mr C.J. Barnett: It is all true.

Mr M. McGOWAN: The Premier lives on an unusual planet.

Several members interjected.

Mr M. McGOWAN: The member for West Swan retorted, "The Premier should not personally attack people", to which the Premier graciously replied, "Oh, personally attack you! Give us a break. You're not a good performer, are you?"

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Ms Rita Saffioti; Mr Paul Papalia; Mr Martin Whitely; Speaker; Mr Joe Francis; Mr Peter Tinley; Mr Chris Tallentire; Acting Speaker; Mr Tony O'Gorman; Mr Mark McGowan; Mr John Quigley; Mr Murray Cowper; Mr Fran Logan; Mr Andrew Waddell; Mr Colin Barnett

Mr C.J. Barnett: She is not; she is lazy.

Mr M. McGOWAN: There is much more. I have a whole document full of it. I would not talk about being a sexist bully if I were the Premier.

The Premier does take an interventionist approach to these issues. He took an interventionist approach to the issues surrounding the Kimberley LNG project. He took an interventionist approach recently to the sell-down by Shell of part of its shareholding in Woodside. The government has taken an interventionist approach to these issues. That is true. The commonwealth also takes an interventionist approach to industry in a range of ways. As we know, the commonwealth does not apply tariffs so much anymore, but it does apply tariffs to the import of motor vehicles. It is a small tariff by historical standards. It applies a tariff to the import of motor vehicles on the basis that, without that small tariff—as I recall, it is five per cent—our local car industry would not survive. It applies an interventionist policy to defence, otherwise we would not be constructing submarines and ships in Australia, because companies would not be able to compete on the price of the construction of such equipment in other countries. They are just two examples. The commonwealth does that on the basis that it has a car industry in this country that is worth retaining. It is not so important for Western Australia, but it is quite important for South Australia and Victoria. The same point applies to a degree in the case of defence. It is very important for South Australia and Victoria.

The point I am making is that there is intervention by governments. I support foreign investment in this country. I support the free flow of capital. I think that foreign companies should be able to invest in resource projects in this country. But I have just pointed out that governments intervene in one way or another. We have a Premier who has been an interventionist on issues surrounding the investment of capital or the undertaking of economic activity in this state. We need to be more interventionist to ensure that we get out of the mining industry local manufacturing jobs in the south of this state. There needs to be a more interventionist approach. I will give an example of why. I read out earlier a letter I received from a man who runs a workshop in Kwinana. It was about what is happening to his workshop. I will read out another document. It is an announcement made on 11 November by Reed Resources Ltd, which is going to undertake the Barrambie vanadium project in Western Australia. It is going to invest significant money to get this vanadium mine up and running, in conjunction with the China Nonferrous Metal Industry's Foreign Engineering and Construction Co Ltd, otherwise known as NFC. I support that. I say good on those companies that invest in this state. I will read out the Australian Stock Exchange press release announcing its project. It states —

The updated estimate from NFC will specify the use of Chinese equipment and services for the Barrambie project and Reed expects the updated estimate will deliver significant savings compared to original Definitive Feasibility Study capital cost estimate of A\$628.9 million, subject to escalation and foreign exchange movements.

It specifies that Chinese equipment and services will be required to be put in place for that project. That is not fair.

Mr T.R. Buswell interjected.

Mr M. McGOWAN: Of course, if it is going to construct something in Western Australia, it will use Western Australian or Australian labour. Is the member suggesting that it will not?

Mr T.R. Buswell: I am asking you whether it mentioned that at all.

Mr M. McGOWAN: It is not mentioned in this document, and I am unaware of it not doing it.

Mr T.R. Buswell: I am not opposed to the thrust of what you are saying.

Mr M. McGOWAN: If the suggestion to me by the Treasurer—or whatever he is —

Several members interjected.

Mr C.C. Porter: How prophetic!

Mr R.H. Cook: That is another song—*The Impossible Dream*.

Mr B.J. Grylls: That could be the real kiss of death.

Mr M. McGOWAN: Did the Attorney General say “pathetic” or “prophetic”?

Mr C.C. Porter: Prophetic.

Mr M.P. Whitely: Something *In the Air Tonight*!

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Ms Rita Saffioti; Mr Paul Papalia; Mr Martin Whitely; Speaker; Mr Joe Francis; Mr Peter Tinley; Mr Chris Tallentire; Acting Speaker; Mr Tony O'Gorman; Mr Mark McGowan; Mr John Quigley; Mr Murray Cowper; Mr Fran Logan; Mr Andrew Waddell; Mr Colin Barnett

Mr M. McGOWAN: Something *In the Air Tonight*—there we go; there is another one.

[Member's time extended.]

Mr M. McGOWAN: If the member is suggesting that they will construct their operation not even using Australian labour, I would find it hard to understand how that is possible. However, if the member is making that suggestion, that is even more disturbing in relation to this matter. It is outrageous that they have said up-front in this document that they will specify the use of Chinese equipment and services. If the Premier wants to intervene on matters, this is the sort of stuff he should be intervening on. He has intervened when it has come to who owns what shares in Woodside or whether or how a gas plant might be built and so forth; how about the fact that we have companies coming to Western Australia that will exploit resources owned by all Western Australians, and that those companies specify that the plant and equipment they will use will not be constructed here under any circumstance, it will be constructed in China? How about that for something that should be dealt with? That requires some real leadership from the Premier. I will table the document if the Premier wants me to. The Premier should be taking this one up with aplomb.

Mr T.R. Buswell: What's the project, sorry?

Mr M. McGOWAN: The Reed Resources Barrambie vanadium project in Western Australia that was announced earlier this week.

Instead, I have with me a letter that the Premier sends out—I have seen it a number of times—to people who write to him via his Premier's website. They write to him suggesting that maybe he should do something about local content and that maybe there should be some greater government interventionism on local content so that we actually get a fair go and we do not have arrangements whereby companies just specify that they will build plant and equipment overseas. The consistent, standard answer people receive from the Premier—I have a copy of it with me—states —

The capacity of local industry to win contracts on major resource projects is important to the development of Western Australia, and the Government is mindful of the effect of international sourcing on the domestic economy. However, there is a limit to the extent that Government can oblige the private sector to direct work to local vendors. The Government is bound by the World Trade Organisation which restricts local content measures.

I think that is wrong. I do not think we are bound by the World Trade Organization, “which restricts local content measures”. We have local content requirements in country areas for government procurement practices, and the government advocates for that—as we advocated when we were in government. Local content measures are in place. The Premier says that the government is bound by the World Trade Organization, “which restricts local content measures”, but governments all over Australia make these sorts of requirements. As I understand it, Victoria does some of these things. We impose a tariff on some products such as motor vehicles that come into this country. Is it not about time that the Premier stopped putting out what I think is misleading information to members of the general public that states that the Premier, as the patriotic Western Australian that he always portrays himself to be, is bound by the World Trade Organization—this is not Canberra; this is an international body that he is being dictated to by—which restricts local content measures?

Mr T.R. Buswell: Member, I am sorry to interrupt you, but what sort of policy options would you consider as being available to the government?

Mr M. McGOWAN: Of course, that is the difficulty, is it not—what to actually do about it? I will just finish with this point first.

The Premier needs to review this statement that he puts out there that the World Trade Organization restricts local content measures. I do not think that is right, and I think the Premier and the Minister for Commerce need to get their departments to review whether that is the case. If that is the case, the government, potentially, is breaching the rules with all the local procurement measures it put in place around rural and regional Western Australia to ensure that local towns get a fair bite of the pie when it comes to local projects.

I will talk now about the sorts of things that can be done. Other countries have put in place percentages; in fact, it is actually quite commonplace.

Mr T.R. Buswell: Percentages of what?

Mr M. McGOWAN: Percentages of various parts of the work involved are put in place by percentage measures. I suggested to the Premier during recent debate on a bill that at the bare minimum—up-front—the government should have a requirement, as part of the approvals process, that local participation plans are put in place that

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specify in great detail the amount of local content that will be in any particular project. I suggested that to the Premier during debate on the Roy Hill bill—in fact, I even moved an amendment to that effect that was defeated by the government. I understand why it was defeated; the arrangements had already been negotiated, but defeat it the government did. I suggested that as a commencement point, perhaps, that should be something we should do.

I suggest another thing. The Premier has instigated a review and the Minister for Commerce has said that we will have an internal review. I would do far more than have a review. We need to put on the table in this chamber the idea of a percentage of local content, and I think we need to invite —

Ms R. Saffioti: Premier, wake up!

Mr T.R. Buswell: We're taking notes.

Ms R. Saffioti: It's too late; he's woken up.

Mr M. McGOWAN: He is smiling.

Mr P. Papalia: He's having a nice dream!

Mr T.R. Buswell: He's only warming up!

Mr C.J. Barnett: I close my eyes occasionally.

Mr M. McGOWAN: We have to invite into this place—I suggest we do it soon—all the interested parties to have these issues thrashed out. This should not be by some internal review inside a department. We should bring in the mining industry, the fabricators, the unions and the government to talk about the real policy options, rather than the current sort of subterranean argument that these things cannot be dealt with and that, somehow, to do so is a threat to investment and so forth. We need to bring all those people into this chamber, and I suggest that it should be done over Christmas. Have this chamber; use this room and have them all here.

Mr C.J. Barnett: Would you like to come?

Mr M. McGOWAN: We should talk about it and what is out there. We should explore what goes on in other countries and what sort of measures could be put in place.

Mr T.R. Buswell: Like a summit.

Mr M. McGOWAN: Do it in the next couple of months. It would not be expensive or difficult; the Premier could actually hear people's views. A lot of these companies deal with local content measures in other countries so they are quite used to them. I am not saying at this point that we should go to a percentage amount, but we should deal with local participation plans. I say that in the next couple of months the Premier should have each one of those parties and the representative organisations—the Chamber of Commerce and Industry of Western Australia; the Australian Steel Institute; the Chamber of Minerals and Energy of Western Australia—in this place to thrash out the issues. If it takes a few days, it takes a few days. I do not think it would be a difficult thing to do. I will chair it for the Premier if he likes.

Mr W.J. Johnston: You would do a good job, too.

Mr M. McGOWAN: I would do a good job.

Mr T.R. Buswell: According to himself!

Mr M. McGOWAN: I would stay awake! The Premier would not stay awake.

Several members interjected.

Mr M. McGOWAN: I would not abuse any women in the house! There are two advantages to having me over the Premier!

Mr W.J. Johnston: You would be sober the whole time.

Mr M.P. Whitely: Would you have parallel conversations?

Mr M. McGOWAN: I would not be having parallel conversations.

Mr M.P. Whitely: Would you live in the parallel universe that the Premier does?

Mr M. McGOWAN: I would not be having parallel conversations —

Mr M.P. Whitely: Parallel but unrelated conversations!

Mr M. McGOWAN: — and I would be fair and reasonable and listen to all the arguments. I do not think that is unreasonable, and it is a far better idea than some internal Department of Commerce review.

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Ms Rita Saffioti; Mr Paul Papalia; Mr Martin Whitely; Speaker; Mr Joe Francis; Mr Peter Tinley; Mr Chris Tallentire; Acting Speaker; Mr Tony O'Gorman; Mr Mark McGowan; Mr John Quigley; Mr Murray Cowper; Mr Fran Logan; Mr Andrew Waddell; Mr Colin Barnett

Mr T.R. Buswell: The problem is that post-meeting, you'll still be in opposition and we'll be the government.

Mr M. McGOWAN: One never knows; I might get a good job offer out of it!

Several members interjected.

Mr M. McGOWAN: That is right; if the Premier comes along, he might duck his head in, see the good job I am doing and might make the same offer he made to the member for Victoria Park!

Several members interjected.

Mr M. McGOWAN: That is right!

In any event, I suggest that there are some ways forward. All the government need do is be a bit proactive and imaginative. It can do that in the next few months if it wants to. I will probably see a press release in the next couple of days about the Premier having had another brilliant new idea about holding a summit with all these parties to discuss local content. If we do, of course, we will all remember this—although the Premier might have thought he dreamt it! It could be something that might actually make a difference on this important issue.

MR J.R. QUIGLEY (Mindarie) [9.59 pm]: I rise to address, as shadow Attorney General, aspects of some matters pertaining to the administration of justice in Western Australia. I will not touch upon the facts, but there was an announcement yesterday by the Corruption and Crime Commission that it would take over the investigation of incidents that took place at the Perth police watch-house in 2008, involving the tasing of Mr Spratt. We know that this will necessarily involve the examination of at least a dozen police officers at the Corruption and Crime Commission. We know that the examination of police officers at the CCC will involve administration of the oath and the requirement of the police involved to give evidence true to their oath. What concerns me is that it appears to be anathema to a small number of police officers to tell the truth and to be true to their oath. Those officers who may be tempted to be untrue to their oath and give false evidence would face heavy penalties were they to be prosecuted.

What worries me about this whole process is what happened in the Mallard case, in which police were administered an oath and asked to tell the truth; some officers in that case were clearly not true to their oath. It was concluded by the Kennedy royal commission that some officers had committed serious misconduct. The Corruption and Crime Commission identified one officer as having given false evidence under oath; I speak of Darren Rowtcliff. Darren Rowtcliff was examined by the Corruption and Crime Commission in a private hearing on 16 May 2007. I have with me in the chamber the transcript of that secret hearing conducted at the Corruption and Crime Commission. Darren Rowtcliff had previously been examined during the royal commission conducted in 2002–03, as to his involvement with Andrew Mallard as the undercover officer who spent a week with Andrew Mallard prior to Mr Mallard being interviewed by Mr Caporn and Mr Brandham, and being set up for a false murder charge. It is all history, of course, that it was a false murder charge. But integral in setting up Andrew Mallard on a false murder charge was the dirty, filthy work of the perjurer Darren Rowtcliff. Darren Rowtcliff went before the royal commission and was examined; he had a duty at law to tell the truth. He was being examined on allegations as to whether he had supplied cannabis to Andrew Mallard, a smoking implement to consume the cannabis with, and whether he had undertaken other actions to set up Andrew Mallard. These other actions included, on the last day of the undercover operation, purchasing at a second-hand clothing store, ridiculous clothing to dress Andrew Mallard in, including a tartan skirt to make him look like a highlander. Darren Rowtcliff, the perjurer, was also examined to determine whether he had caused or encouraged Andrew Mallard to have his hair shaved into a mohawk fashion and, further, whether he had encouraged Andrew Mallard in other eccentric conduct, which would draw attention to Andrew Mallard, before he was taken to a nightclub in Perth where he was predictably bashed by other patrons for looking so ridiculous, just hours before the police were due to bring him in for a major interview.

Darren Rowtcliff is quite a nasty piece of work. He was taken before the royal commission and he denied supplying a bong, a smoking implement, to Andrew Mallard. He denied supplying him with cannabis. He denied encouraging Andrew Mallard to shave his head to look like some weirdo with a mohawk. He denied all of this on his oath and he denied all of this in the circumstances at the royal commission, which should have attracted considerable penalty for a corrupt police officer to do these things, if proven. He was then taken into the secret hearing at the CCC on Wednesday, 16 May 2007 where he was examined by the counsel assisting, Mr Peter Quinlan, who would be known to the Attorney General. The Attorney is in the chamber today, and Mr Quinlan, of course, is a counsel of the highest integrity and repute. He then asked the criminal Rowtcliff, "Did you supply a bong to Andrew Mallard?" "No, I did not supply a bong." "Did you supply cannabis to Andrew Mallard?" "How ridiculous, I did not supply cannabis to Andrew Mallard." "Did you purchase him clothing to make him look ridiculous—a female's tartan dress?" "No, I didn't do that." "Did you then encourage Andrew Mallard to

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have his head shaven so he would be going out that night in a tartan dress and a mohawk haircut into Northbridge as an obvious target?" "No, I didn't do that."

I now turn to page 40 of the secret hearing taken on that day. The undercover officers were wearing a secret wire. The CCC had obtained that wire and then in secret session played it back to the criminal Rowtcliff. When it played it back to him, it is fairly clear —

Point of Order

The ACTING SPEAKER (Mr J.M. Francis): Thank you, member for Mindarie, the member for Murray–Wellington has a point of order.

Mr J.R. Quigley: If he can name the section of the standing order.

Mr M.J. COWPER: It relates to the —

The ACTING SPEAKER: Member, I do not need assistance, thank you.

Mr M.J. COWPER: It relates to the fact that the member is calling a person a criminal. To my knowledge, he has never been convicted of an offence in his life. I just wanted to point that out.

The ACTING SPEAKER: Before I ask you to resume, member for Mindarie, I do not know the issues that you are talking about, but I will make this point to you: parliamentary privilege is something that is to be used with caution.

Mr J.R. QUIGLEY: I understand that, Mr Acting Speaker.

Debate Resumed

Mr C.J. Barnett: Has he been convicted of a crime?

Mr J.R. QUIGLEY: No, he committed a crime!

Withdrawal of Remark

The ACTING SPEAKER: Before you do continue, member for Mindarie, I will ask you —

Mr J.R. QUIGLEY: I will withdraw that.

Debate Resumed

Mr C.J. Barnett: And apologise.

Mr J.R. QUIGLEY: I will not apologise to Rowtcliff under any circumstances—never! The little crook!

Several members interjected.

The ACTING SPEAKER: That will do! One at a time, and I am on my feet. Member for Mindarie, I will ask you, if you do not mind, to your knowledge is any of this before a court at the moment?

Mr J.R. QUIGLEY: No, it is not, Mr Acting Speaker.

The ACTING SPEAKER: Please continue.

Mr J.R. QUIGLEY: It should be before a court and this is going to the Director of Public Prosecutions and it must end up before a court. But this is what he says —

QUINLAN, MR: It's fairly clear, isn't it, that the Jolly Green Giant and the Lean Green Mean Machine is a bong. Would you agree?—Yes, but I can't recall it. From the running sheet, yeah, you'd have to assume that.

He goes on to say —

The fact that it appears fairly clear that you did provide and loan him a green bong is not consistent with what you previously told the police Royal Commission, is it?—I can't recall giving him a bong.

It's clear that you did, isn't it?—Well, yeah, according to the running sheets, yes.

He has admitted to the Corruption and Crime Commission that the evidence he gave to the royal commission was not true and that in fact he did supply a green bong. Moreover, more tapes were played to Darren Rowtcliff. But now the question —

Having listened to that would you agree with me that at the very least you were the one who pointed out the tartan kilt to him?

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Yes —

That's not entirely consistent with the account to the Royal Commission that you never influenced him or suggested ... to him ...

No, it is not. So he coughs again to having misled the royal commission, to giving false evidence to the royal commission. He coughs to the CCC that his evidence to the royal commission was not true, and that what he said to the CCC earlier that day and what he said to the royal commission was not true, because the CCC was then investigating him about the evidence that he gave to the royal commission. Then later on he says that he did encourage Mallard to shave his head. Mr Quinlan says —

You agree from that extract that the reference to “shaving the head” was your idea?---Yes.

So Rowtcliff again confessed to the Corruption and Crime Commission that the evidence he had given at the royal commission was indeed false evidence. Mr Quinlan goes on —

That's entirely inconsistent with what you told the police Royal Commission, namely, that you never influenced him or suggested anything to him about the way in which he dressed or had his hair cut or what he did, that was purely his own doing?---That's right. I did suggest to have his head shaved but he didn't have his head shaved.

So he was agreeing, “Yes, that's right. I have listened to the body wire that I was wearing and what I told the royal commission was not true”, and necessarily, what he had told the Corruption and Crime Commission earlier that day was not true.

This person then went on to comment, or had earlier commented, on the character of Andrew Mallard, the same Andrew Mallard for whom the Attorney, who was with us this evening in the chamber, made a recommendation for an ex gratia payment and apology from the government for the huge injustices that he had suffered at the hands of Caporn, Shervill and particularly Darren Rowtcliff, the undercover officer. He said, describing Mallard —

He was just a nasty piece of work.

I will let the members of this chamber decide this evening, on the revelations of this transcript that have come out of the secret hearing of the CCC, who was the nasty piece of work. The nasty piece of work was this Rowtcliff, who played a crucial role in setting up Andrew Mallard and then went and told lies to the police royal commission, which is an offence, and then went and lied to the CCC, and then confessed the truth only, as a lot of people do at the CCC, when confronted with the truth on transcripts and on hearing the audiotape of what was said to Andrew Mallard at the time, which proved the lies that he was telling the royal commission.

Now, of course, this was the same undercover officer Darren Rowtcliff whom I contacted and urged to tell the truth to the royal commission. As a parliamentarian I had an obligation to come into this chamber and reveal what had happened to Andrew Mallard because the system of justice had had a major haemorrhage, and although Andrew Mallard's case had been taken back before the Court of Criminal Appeal in Western Australia, and then on application for special leave to the High Court of Australia, each court had rejected his appeal and sent him back to spend the remainder of a life sentence, with a 25-year minimum, as I recall, in prison, where the system was prepared to let him rot. I have a duty as a parliamentarian. I did not know this person. I knew nothing of this person, but as a parliamentarian, seized with these facts, and even though I knew it was going to cause me great distress in life and cause a breaching of a lot of friendships that I had in the Western Australian police service, I nonetheless had a public duty to bring this into this Parliament. However, before I brought the matter to Parliament—bearing in mind the caution that you gave me, Mr Acting Speaker, that we should be cautious in our use of parliamentary privilege—I first contacted Darren Rowtcliff and put it to him: “I know what the story is; the game is up. I know how you've supplied the cannabis. I don't know where you got the cannabis from, but I suspect I know where you got it from because I acted for those undercover officers before.” I have found out a thing or two, I can tell members, but I will not go there.

I want to tell members that I believe I had a moral responsibility to contact the undercover officer and, without coming onto the floor of this Parliament and naming him and identifying an undercover officer, give him the opportunity to go to the royal commission to tell the truth in secret. Not only had I done that, as the Attorney General knows from the CCC report into this matter, but also I had taken every reasonable step to protect his identity. I had contacted the then Director of Public Prosecutions to arrange for a certificate of indemnity should he tell the truth to the royal commission. I had contacted a very well known practitioner, who is now a very well respected District Court Judge, in the person of Mr Michael Bowden as he then was, and arranged for him to look after the undercover officer and to facilitate his telling the truth to the royal commission. I had also

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contacted the Western Australian Police Union of Workers to make sure that it could fund Mr Bowden to represent the undercover officer. Therefore, rather than having just come into this chamber and name an undercover officer, I had contacted the undercover officer and spoken publicly to him, and given him every opportunity to put this matter right. Surely this Parliament and any decent Western Australian could not leave an innocent man to rot in prison for the rest of his life just to protect the identity of an undercover officer. I gave the officer all these opportunities. Perversely, this all came to pass. Rowtcliff's lies were exposed at the CCC. The dirty work of Caporn and Shervill was exposed at the CCC and they were shamed out of the police force. We all know that. And we all know that Mr Mallard was ultimately cleared by the High Court of Australia and received apologies from the commissioner.

[Member's time extended.]

The ACTING SPEAKER (Mr J.M. Francis): Member, before you continue, I will comment again. You are entitled to comment as you see fit and I have no idea of the circumstances of the case that you are talking about. However, I remind you again to exercise privilege with caution. Thank you, member.

Mr J.R. QUIGLEY: In good Aussie fair play, before naming someone in Parliament—which is a very big step for a member to take, but a step that must be taken in certain circumstances when all other steps to achieve justice have failed—I contacted the undercover officer. As noted in the CCC report, my efforts in that regard were not an act of misconduct, nor were they criticised by the CCC in any measure; quite the contrary. I received congratulations, along with Ms Colleen Egan, for our efforts in bringing these matters forward to the public attention and in righting a grave wrong. I received congratulations. I do not say that just to pat myself on the back in public. We all know what then happened. Darren Rowtcliff, encouraged by the Police Union, made a complaint to the Legal Practitioners Complaints Committee that I had acted unprofessionally in saying that he should go to the royal commission to tell the truth to save me having to come into this Parliament to name him. They say that is unprofessional conduct. I do not want to litigate that matter here; it is a matter for the legal profession. The complaints committee, noting that these matters were out of time, also adjudicated that it was in the public interest that these matters go forward. I do not quibble with that here. I will leave my counsel, Mr McCusker, to take that up in the State Administrative Tribunal hearing room. However, I do say that all people should be brought to the table. There has been protection for Darren Rowtcliff from prosecution for the lies he told at the royal commission and protection for Darren Rowtcliff for the untruthful evidence he gave in the early stages of his hearing at the CCC.

I have discussed this matter with two senior Queen's Counsel in Melbourne, and I have discussed this very transcript with two Senior Counsel in Melbourne, when I was there the week before last. I had conferences with two separate senior silks who will be providing a written opinion on this, which I will supply to the Director of Public Prosecutions.

Mr C.C. Porter: As I understand it, you have or you intend to make an application or a submission to the DPP that they initiate an ex officio indictment with respect to the person that you are speaking about?

Mr J.R. QUIGLEY: I do not know whether it is indictable. There was a hearing conducted by a special commissioner, Mr Dunford, and at the end of the hearing Mr Dunford, looking at these big targets in the big picture, then went back to Sydney. This body of evidence, this clear evidence of false evidence, then just fell through the cracks because Mr Quinlan went back to the bar—I have spoken to him privately but that will remain private. Mr Quinlan went back to Francis Burt Chambers. Mr Dunford returned to Sydney. Mr Cock, who was then the Director of Public Prosecutions, had a lot on his plate; he had Mr Bates on his plate, and this person was a fair way down the pecking order. However, it is good enough, five years later, for him to write to the Legal Practitioners Complaints Committee, as he is entitled to do and I do not quibble with that.

Mr C.C. Porter: Leaving aside the LPCC matter, if you take the view that the individual you are speaking of should be subject to prosecution and that is a view that is going to be made in a submission to the DPP or elsewhere, is it not simply better to make that submission and let consideration of that submission run its course?

Mr J.R. QUIGLEY: It might or it might not be, but as I found in the Mallard case, without publicly ventilating these matters, nothing happens. It is the same in the Spratt case. Without that video being played publicly, nothing would have happened. It was only the fact that the CCC publicised that video that people say this has to happen. The LPCC is a separate matter. But the complainant in that matter is a person who has deliberately lied to the royal commission and to the Corruption and Crime Commission and is not prosecuted. If the Attorney thinks about this person's evidence back in 2002, had he gone to the royal commission and told the truth, it is highly likely that Mr Mallard would have been released sometime in late 2002 or early 2003 because the whole brick wall would have cracked and it all would have come tumbling down. But he did not; he went back to Mr Caporn for assistance and they ran an operation on me to see whether they could arrest me. We know all that

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from the CCC hearing. They tried to run a section 383 prosecution against me, which Mr Cock would not buy, that I had threatened someone.

It has got to be in the public arena now that these transcripts, which came out of the private hearing, prove that this police officer—a former police officer now—told untruths to the royal commission and to the CCC.

The ACTING SPEAKER (Mr J.M. FRANCIS): I remind the member about my previous warning about using privilege with caution. I would like the member to acknowledge that he understands what I am saying to him.

Mr J.R. QUIGLEY: I do acknowledge, thank you, Mr Acting Speaker.

And, therefore, it is important. As in the Spratt matter, it has gone to the DPP. The DPP is not the charging officer, but he has the power to ask the Commissioner of Police to do certain things and undertake certain inquiries and gather statements on his behalf. That is what I will be asking the DPP to do, because clearly the Commissioner of Police, who knows about all this, has no appetite for it because this person was an undercover officer and the Commissioner of Police has no appetite to bring this purveyor of false evidence before the courts to let the courts decide.

I ask members to think of what happened in the Smith's Beach inquiry. Mr Burke was charged with giving false evidence because he said that he did not ring Norm Marlborough and ask Norm Marlborough to appoint Beryl someone to the South West Development Commission. Norm Marlborough was charged, because he said he did not receive such a request from Mr Burke. It is a very serious thing if people are going around organising people to get into statutory positions on that sort of basis. To give false evidence we know is a serious matter, because they were prosecuted and convicted. However, their offence—what they did—pales into insignificance. Neither Mr Burke nor Mr Marlborough lied to put an innocent man in jail. Neither Mr Burke nor Mr Marlborough gave false evidence to keep an innocent man in jail. So it is absolutely breathtaking that a person could give all this evidence, which the CCC knew to be false, because it kept on playing the transcript back to him, and he had to admit it. I have read those parts where he said, "Yes, it is not consistent with what I have told the royal commission."

The CCC is now going into its next big police inquiry. If all the constables know, as they do know, that a police officer like Darren Rowtcliff can go there and give false evidence and there will be no consequence, what is going to deter any another officer from acting in like manner? We know from the tape and from the statement of material facts, which is already in the public arena, that there is a huge difference between what the police told the court happened at the Perth watch-house on 31 August 2008 and what the video showed happened. So we know that there is some small minority of police officers like Darren Rowtcliff who in any situation are wont to tell a lie. If they are in a corner, they are wont to tell a lie. So there is a public imperative for bringing the likes of Darren Rowtcliff before the courts to let him explain to a jury why he has told these lies—why he has said these things. The person who has ultimate responsibility for that in this state is the Director of Public Prosecutions. Mr McGrath is probably not aware of any of this, because this all happened before he became the DPP. I would be very surprised to learn that Mr McGrath has had time to read the secret evidence taken from Darren Rowtcliff on 16 May 2007.

Darren Rowtcliff of course, in fairness to him, denied in this transcript, and denied elsewhere, that he supplied cannabis to Andrew Mallard. He gives evidence, however, that Andrew Mallard came into possession of a large quantity of cannabis, which he denies giving to him. Well at least at the LPCC proceedings, because he has made that allegation and raised that matter in his complaint, Mr McCusker, QC, will have the opportunity of cross-examining Darren Rowtcliff thoroughly in that regard, and we might have some further evidence at the end of the LPCC hearing to supply to the DPP.

What is the way forward? The way forward now is that I will be obtaining these two written opinions from the Queen's Counsel whom I have conferred with in Melbourne in the last two weeks. From these materials, it looks rather obvious that there is a very strong prima facie case against Darren Rowtcliff. Darren Rowtcliff of course in his letter to the LPCC says, "My identity is so secret that I cannot even sign this letter. It is signed by the Police Union." So the Police Union is up to its armpits in supporting what we now know from the CCC. The CCC reported that he was corrupt, but he was not a police officer anymore; so it was as though, because he is not a police officer, it is not pursuing him. Therefore, the way forward is to get these written opinions from the Queen's Counsel, and to put this forward to the DPP, and for me then to make inquiries. I know that, without my stirring, nothing is going to happen here. I am not going to give up on this. It might even be part of my valedictory address to this chamber in 21 years' time; that is, I will still be here making this speech.

I believe that the authorities cannot overlook this issue. Now that it is in the public arena and now that the secret evidence has been read in the public arena, they cannot overlook it. This matter will go to the DPP with a request

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that the DPP give the commissioner directions to take statements. What worries me is that Rowteliff is part of an old policing family. His late father Bill, who passed away only last week and was buried on Remembrance Day, was a close friend of the Commissioner of Police. I understand that there will be no appetite whatsoever by the Commissioner of Police to bring Rowteliff to justice.

Mr M.J. Cowper: It's a shame you weren't there.

Mr J.R. QUIGLEY: He was buried down at Norfolk Chapel, and people were having a look at Darren Rowteliff at 2.30pm last Thursday. What is important is that if people are going to go before royal commissions and the Corruption and Crime Commission, they should be brought before the court to be made accountable.

MR F.M. LOGAN (Cockburn) [10.30 pm]: I wish to contribute to this debate on the Appropriation (Consolidated Account) Capital 2009–10 (Supplementary) Bill 2010 and the Appropriation (Consolidated Account) Recurrent 2009–10 (Supplementary) Bill 2010. I will take up where the member for Rockingham left off and talk about the issue of local content. The member for Rockingham has already raised the appalling situation of Reed Resources Ltd bragging in the business newspapers that it is able to save at least 20 per cent of the cost of its \$628.9 million project by ensuring that the fabrication of the entire plant is made in China. It intends to import the entire plant and all of its components from China. It is one thing for a company to try to save money in construction costs but it is another thing to have no local content in Western Australia. It is another thing altogether to go to the media and the public environment bragging that it is going to get all of the company's operations made overseas. Not one bit will be fabricated in Western Australia—no engineering, no fabrication and no jobs for Western Australia, and it is proud of it. The member for Rockingham has said to the Premier that he should intervene and take this company to task. He should intervene and set down very clear guidelines as to what he expects from the mining industry and the oil and gas industry with respect to the engineering, design and fabrication of their equipment here in Western Australia.

I wish to raise an issue with the Premier that he has raised on numerous occasions in this house. I refer to the floating liquefied natural gas tanker that Shell has announced it will put into position in the Browse Basin gas field. The floating liquefied natural gas structure will be the first of its kind in the world. As the Premier knows, LNG trains are always based on land. Until this point, no liquefied natural gas processing train has ever been put on a ship, a concrete barge or a structure and put out at sea.

Mr C.J. Barnett: Apart from the Adriatic.

Mr F.M. LOGAN: There is a very small one in the Adriatic. This is a very, very big processing train. It is the first of its kind in the world.

I hope the Premier remembers some of the things he has said in this house about the Shell proposal. The Premier said, quite rightly, that Shell and many other major oil and gas companies have said to governments in Western Australia, including the previous Labor government, and I am sure they are saying it to the Premier's government, that they should not keep asking for domestic gas and keep trying to procure domestic gas or set aside any percentage of gas from major gas fields for domestic purposes because to make those fields work, we have to monetise them. The only way we can monetise them is to liquefy the gas that comes out of those eight trillion cubic feet gas fields, or larger, such as the Gorgon or the Wheatstone, or the Scarborough field proposed by Chevron. The only way governments of Western Australia can monetise them and make them real is to liquefy the gas out of them and send it to China. If governments of Western Australia want domestic gas, they should look for the smaller fields. They should get operators to develop the smaller fields of around two or three trillion cubic feet and use those smaller fields for domestic gas purposes. They are far better for domestic gas purposes than the really big gas fields such as the Gorgon gas field. What does Shell do? It announces it will build the world's first floating liquefied natural gas plant, which will directly go after the smaller gas fields. The Prelude field, which is where the Shell FLNG facility will be anchored, is a 2.5 trillion cubic feet field. Once it has sucked that up and turned it into gas, liquefied it and sent it off to Asia, it will move on to the next gas field, and the next one, and the next one. Where will Western Australia get its domestic gas from? It will have to go cap in hand to the majors, who will say, "Look, you shouldn't really try to isolate part of our gas field for your own purposes." They will run the same argument: "It is difficult for us to do that; it is economically irresponsible to our shareholders to do that; you go and find your own gas fields." That is what is happening at the moment. The worst part of that announcement by Shell for the FLNG is that it will go after those smaller gas fields that the oil companies and gas field companies themselves say are appropriate for domestic gas, thereby cutting off supplies of domestic gas.

The whole facility will be fabricated offshore and floated into position here in Western Australia. It will not be like arguing with Woodside to try to get work for the Pluto LNG trains or with Chevron to get the Barrow Island

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trains and at least getting some of the service provisions and components of those major LNG facilities done here in Western Australia. This particular project will require no services to be provided out of Western Australia. It will require no engineering or fabrication to be done out of Western Australia. Everything will be done overseas, and the whole platform will be floated into place. When the Premier was on this side of the house he spoke at length opposing that FLNG. I strongly agreed with him at the time. In fact, as the Minister for Mining and Energy, I wrote twice to my counterpart, Minister Ferguson, begging him not to approve the Shell Prelude FLNG project saying, "Do not do this; if you do this, not only will it be bad for future supplies of domestic gas to Western Australia, but also it will be an absolute killer for the engineering sector in Western Australia; we will get absolutely no work out of this project".

Mr C.C. Porter: Presumably the commonwealth motivation is that if they come up with a system that does not allow onshore processing of the gas, they could write the state out of the deal, so to speak.

Mr F.M. LOGAN: Absolutely; it is in commonwealth waters and the commonwealth does not have to take any notice whatsoever of the Western Australian position. I put it on record that the only motivation for the commonwealth to sign off on it is so that it can get 100 per cent of the royalties from the deal. That is all the commonwealth wants; it does not care about domestic gas in Western Australia or what these types of projects do to our fabrication or engineering industries. The commonwealth simply wants to get its hands on the money those royalties will generate out of those fields. It is absolutely disgraceful. I say that as a criticism of my own Labor government in Canberra. I say that because there are many companies—the member for Rockingham referred to some of them—that have made serious investments on the basis that the Premier and others have talked up a forthcoming boom in this state that will emerge out of investment in the mining and oil and gas industries. The member for Vasse, who has just walked in and is sitting at the back of the chamber, proudly and quite rightly, I might add, talked about the investment that a company, Civmec, had made in my electorate in the Australian Marine Complex. The member for Vasse in his role as the Minister for Commerce at the time —

Mr T.R. Buswell: My former role

Mr F.M. LOGAN: The member for Vasse in his former role as the Minister for Commerce was there at the sod-turning ceremony for Civmec in the AMC.

Mr T.R. Buswell: And I acknowledged you.

Mr F.M. LOGAN: The member for Vasse proudly talked about how big that facility would be and proudly talked about the contribution that facility would make to the Western Australian economy. Unfortunately, it has not come true for Civmec. Civmec at the moment has 20 technical assistants wandering around a brand-new fabrication facility, the biggest in Australia. It has 20 TAs wandering around it.

Mr T.R. Buswell: Biggest indoor facility.

Mr F.M. LOGAN: Actually it was proposed as the biggest fabrication facility in the southern hemisphere, but I think it is the biggest in Australia. That facility is so big that it has the capacity to take 400 people a shift. It can employ 800 people at 400 a shift; and it has 20 TAs pushing brooms around. It put money into that spanking brand-new project in order to take advantage of what it believed was the forthcoming boom that would come out of the mining and oil and gas sectors in this state. As we have seen from what the member for Rockingham has put up, Reed Resources proudly said, "We're taking this project offshore to China. We're going to have it fabricated in China." And of course Shell now says, "And we're going to bring this entire floating LNG facility in from Asia."

Mr T.R. Buswell: The federal environment minister approved that offshore facility this week.

Mr F.M. LOGAN: Yes, and I have been on the record just now condemning it. As the minister in the member for Vasse's former portfolio, I twice wrote to him.

Mr T.R. Buswell: How much work would they have got if Inpex had stayed in WA?

Mr F.M. LOGAN: Inpex may still come back to WA. Inpex is not necessarily committed to the Northern Territory, regardless of what the Premier has put on the record over and over again—not at all.

Mr T.R. Buswell: So their application to blast a channel in Darwin harbour is a fake!

Mr F.M. LOGAN: That is right, yes!

Mr T.R. Buswell: So they are going to blast the channel in Darwin harbour and then come back to WA?

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Mr F.M. LOGAN: That is not Inpex; that is another company.

Mr T.R. Buswell: No, it's not.

Mr F.M. LOGAN: Even if Inpex did come back to WA, I put to the member for Vasse and to the rest of the members of this chamber that the amount of work that we would get out of the Inpex project would be minor. Inpex would take exactly the same route that Gorgon took. It would say, "Yep, we're going to have some services done in this state. You can provide the earthworks. You can provide some of the electrical work. You can provide some of the food and catering. You can even put some of the dongas up on site. Oh, yes, of course, we'll do the craneage and we'll do the scaffolding on site and we'll source that all from Western Australia. But the engineering and all the high-value-added components, not a chance. It's all going to be done in Japan."

Mr T.R. Buswell: Do you remember Howard Porter?

Mr F.M. LOGAN: Howard Porter had the biggest ever truck order placed for trailers in Australian history. That was done in my electorate and it was all done within 12 months. It was a tiny, tiny element of the entire Gorgon \$54 billion project.

Mr T.R. Buswell: Not if you own Howard Porter!

Mr F.M. LOGAN: Is there an alternative? The member for Vasse asked that of the member for Rockingham earlier.

Mr T.R. Buswell: It was a policy alternative.

Mr F.M. LOGAN: Is there an opportunity and is there a policy framework that we could adopt that would encourage—not encourage, but force—these companies to do their engineering, their front-end engineering design, their fabrication and their construction in Western Australia? There is. I am sure the Premier is well aware of the article in *The West Australian* the other day about a tale of two Premiers. The Premier in Newfoundland, who is a conservative Premier, just like our Premier, ensured that Chevron and StatoilHydro—the American and Norwegian oil companies—would not only do the front-end engineering and design and fabrication in Newfoundland, but also that Newfoundland would have a slice of the project by owning equity in it. We can look at the Hebron agreement to see exactly what the Premier of Newfoundland did. I will run through this if I may. I am referring to the Hebron agreement itself and the benefits of the agreement that Newfoundland expects to get from the Chevron–StatoilHydro Hebron investment in Newfoundland. It is a giant offshore oil platform that will operate off Newfoundland's coast. The agreement states —

The Operator shall establish a Hebron Project office in the Province with appropriate levels of decision making and the Proponents shall begin to mobilize the NL Project Team to the Province as soon as reasonably possible following the Effective Date. There will be not less than one million (1,000,000) Person Hours of NL Project Team activities in the Province before the date of Production Start-Up ...

The feed engineering is the front-end engineering design and is a critical investment component of any oil and gas project. The agreement continues —

There will be not less than fifty thousand (50,000) Person Hours of FEED for the GBS —

The GBS is the gravity–base structure. That is a monostand on which the massive oil platform will stand. It is a giant facility; it is a not a small project. The agreement continues —

performed in the Province prior to Project Sanction, which Person Hours shall not include NL Project Team Person Hours.

Over and above what I have just talked about, there will be another 50 000 person hours on the feed project alone. The agreement continues —

... the Proponents will make available, on commercially reasonable terms of employment, engineering, technical or other professional positions to qualified Residents of the Province ...

The agreement specifies that people from Newfoundland will be sourced specifically for that job. The agreement includes detailed engineering and states —

The Proponents agree to perform not less than one million two hundred thousand (1,200,000) Person Hours of Detailed Engineering in the Province, which will include FEED Person Hours in the Province ...

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The paragraph in the agreement relating to the GBS states in part —

four million one hundred thousand (4,100,000) Person Hours, shall be performed in the Province, in addition to the FEED and Detailed Engineering ...

[Member's time extended.]

Mr F.M. LOGAN: That part of the agreement relates to the construction, mechanical fabrication and mechanical outfitting work related to the construction of the GBS.

Under "Fabrication and Other Works", the agreement specifies exactly what components of the platform will be made in Newfoundland. They include —

- (1) structural steel riser components and assembly of offshore loading system components: riser bases, rigid risers, tie-in spools and buoys;
- (2) flare boom;
- (3) heli-deck;
- (4) lifeboat stations;
- (5) mechanical outfitting of the GBS;
- (6) subsea drilling template ...

The procurement and contracting head office will be set up in Newfoundland for sourcing those components. A critical component of getting any work from an internationally based company is to ensure that the company's procurement offices are in the state in which the project is being developed. If the offices are based in London, Houston, or in Stavanger in Norway, I guarantee members that the work will not be done in Western Australia. They will say, "Where is Western Australia? We do not know where it is. We are used to dealing with people in Texas, Monaco, Thailand, Korea and Japan; we do not know any companies in Western Australia, so we will not source any equipment from them." That is why Newfoundland insisted that the procurement office for that project be located in Newfoundland. The government has required the company to invest \$120 million in research and development in the oil and gas industries in Newfoundland as part of the whole project. It even put in a provision about gender equity and a diversity program for the employment of females to encourage more females into the engineering and oil and gas industries. This has come from a very conservative government in the very conservative province of Newfoundland.

Newfoundland is probably far more aware of international agreements, particularly free trade agreements, than Western Australia is. I say that because of the proximity of Newfoundland to the United States. The North American Free Trade Agreement, which includes Canada, is far more real to the provinces of Canada and to the government of Canada than the United States free trade agreement is to the states of Australia, particularly Western Australia. We are obviously aware of it, but its impact on us is minimal. A free trade agreement such as the NAFTA is very real to the provinces of Canada, given that the US is just across the border. As a signatory to the World Trade Organization, Canada and its provinces are also aware of their obligations under those free trade agreements. Have those free trade agreements prevented Newfoundland from binding a company such as Chevron, which is doing \$54 billion worth of work on Barrow Island but is sending all its engineering and fabrication work overseas, to do all its front-end engineering and design work, all its procurement and a huge component of its fabrication work in Newfoundland? Of course they have not. Newfoundland is well aware that the Federation of Canada is bound by those agreements. It has a conservative Premier who may well have heard the same argument from its Treasury that the Western Australian Premier heard from his Treasury and that the previous Labor government heard from its Treasury representatives. They said, "We can't bind these companies to do that because it would be a breach of the US free trade agreement. We are bound by World Trade Organization rules. You can't just put these types of constraints on free trade and on international companies in Western Australia." What a load of rubbish! We have seen in the example in Newfoundland that that is a load of rubbish. If we want to, as an independent state, we could demand and bind those companies that are exploiting Western Australian resources to invest in work for Western Australians so that we maximise the benefit from those projects.

If Reed Resources Ltd is cocky enough to publicly say that every part of its mine is going to be fabricated in China, I can guarantee that those other Mid West companies, such as Gindalbie Metals Ltd, which all have Chinese equity in their projects, will do exactly the same thing. Their equity partners will lean on them and say, "There has to be some give and take in this. We've put the money in to get your project up and running, but we expect a bit of payback for the engineering, fabrication and design work and the supply of the equipment for your mine site." I will bet that that is what happened with Reed Resources and I will bet that many other companies in the Mid West will try exactly the same thing on. They have to be told by the government of

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Western Australia that it is not on. We are simply not having the state's resources exploited in the way they are being exploited with no major return and benefit to the people of Western Australia. If we do not do that, we will see companies like Civmec go belly-up. I know the member for Vasse cannot speak from where he is sitting at the moment, but it is true. That is what will happen. Those companies will not survive. Companies like Park Engineers Pty Ltd, PIC and all those others are struggling to survive at the moment. These are big companies. These are companies that employ 500, 600 and 700 people when they are going flat out. Those companies will disappear from the state of Western Australia. The very people whom the mining companies and the oil and gas companies complain they cannot get enough of—who are normally the ones taken on as apprentices in companies like the ones I have just referred to in the Kwinana strip and in Welshpool and who are trained up and then leave those companies to work in the mining industry or to work offshore—will find that those jobs will not be available. They are not even available now. These are major fabrication companies, very serious companies in this state, that have empty workshops and do not have any apprentices in place because they have no work. In the future they will disappear completely and there will be no engineering skill base in Western Australia.

Where will the oil and gas and mining companies source their labour from when there is no actual skill base? Companies may well be able to suck them across from the eastern states, as some of them are doing now—fly in, fly out from Adelaide, Sydney or Auckland. We all know that is happening. What they might do is source all their labour from the very same place that they are getting their engineering done. We had an indication of that from the member for Vasse, who asked the member for Rockingham: by the way, is Reed Resources also going to supply the labour? Is China also going to supply to this mine? That is the scenario that is emerging here in Western Australia. Not only do we supply all our resources to our trading partners in north Asia but also now our trading partners are providing a significant proportion of engineering for the exploitation of those resources, to the detriment of engineering companies in Western Australia. When those skilled pools of labour are gone, the next thing that will happen is those same companies will say to the Premier or the minister, "Look, we've got no choice. We're going to have to bring all these skilled people in from north Asia." Either those workforces will be brought in on a fly in, fly out basis from Thailand, Malaysia or China, or they will be here on a permanent basis. That is the scenario that is emerging here in Western Australia. It is absolutely crystal clear. We can see that from what Shell is doing with FLNG and from what Reed Resources is doing. I could go on and on to give numerous examples of what other companies are doing in Western Australia.

The member for Vasse asked whether there is an alternative. Yes, of course there is an alternative. It is right here in the Hebron agreement that I outlined earlier. It is right there with the strong position and leadership that the Premier of Newfoundland took against a company like Chevron. Given the fact that our Premier was so strong in his position on Shell and its FLNG project, I will be waiting to hear him come out and blast Shell in the same way he did when in opposition about its Prelude project. I will expect the Premier to go out in front of the cameras to condemn Shell. He can even condemn the federal government for approving the whole project. He can condemn Martin Ferguson for approving the whole project in the first place, but, most importantly, he should condemn them on the basis that they are not providing any engineering maintenance or fabrication for Western Australia out of that project. As the government knows, Shell has already agreed, because in its response to this media release that went out from one of the companies, it stated, "Of course we're going to fabricate it overseas! You wouldn't think we'd fabricate it over here, would you? Of course we're not going to do it! Of course we're going to have it fabricated!" Shell will have it fabricated in Kawasaki's yard in Korea—that is where they will do it. The size of the facility means that they will be able to do it over there and float it in. Members never know, they might even float the workers in at the same time; they will come in from Asia and operate the whole facility.

I am waiting with bated breath, given all the criticism that the Premier has made of this Prelude project, to hear the Premier walk outside Parliament and say exactly the same thing that he said in this place about this Shell FLNG, and stand up for engineers and fabricators of Western Australia.

MR A.J. WADDELL (Forrestfield) [11.00 pm]: I rise to speak to the Appropriation (Consolidated Account) Capital 2009–10 (Supplementary) Bill 2010 and the Appropriation (Consolidated Account) Recurrent 2009–10 (Supplementary) Bill 2010. Last week I spoke in the house about being able to reply to the Premier's Statement, and pointed out that that was one of the rare opportunities one gets in this place to speak very broadly on a range of issues; now we find ourselves, less than a week later, in the same circumstances. Perhaps this is testament to how little is before us at the moment, how little there is on the agenda for this house to actually deal with, and how swimmingly this government must think everything is going because it feels its legislative agenda can be abandoned.

Anyhow, I seek to address a few issues tonight, if I may. I note it is now 11 o'clock, and we are due to sit again at nine o'clock tomorrow, so we have just passed the 10-hour mark. In my previous life working for the

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Transport Workers Union some 20-odd years ago, we would not let people commence work until they had had a break of 10 hours since finishing their previous shift.

Mr T.R. Buswell: Are you a life member?

Mr A.J. WADDELL: No, I am not a life member of the TWU; I am an ongoing paid-up member of the TWU, but I am not a life member yet.

Mr T.R. Buswell: Member, this bill is actually a legal requirement —

Mr A.J. WADDELL: I appreciate that it is a legal requirement and I appreciate that we need to go there, but it is a shame that we are dealing with such a large sum of money at the last minute, as we are in this instance. I do not want to get into a discussion with the member for Vasse about that because I have some other issues that I wish to raise.

I recently received some correspondence from eight constituents of mine: Luke McMerrin; Lauren Matthews; Ethan Lyall; Indigo Cambourakis—I apologise to her for strangling her name; Jack Oldfield; Jamison Jay Lennon; Chloe Theil; and Amelia Davies, who are students at Orange Grove Primary School and part of the Edison extension group. They wrote to me on an issue of extreme concern to them, which is the endangerment of the Carnaby's black cockatoo.

Several members interjected.

Mr A.J. WADDELL: The member may mock this, but they were seeking some assistance about what the government could do to help them.

I was quite warmed by the fact that this group of students had, in their own studies, come across a problem and decided to behave in a proactive manner and approach me, their local member of Parliament, about it. To be honest, they were seeking a birdbath, which is probably not the great solution needed for the problem of a species on the endangered list, but it was a solution to a problem they came to me with.

These young children could see a train coming; they could see a problem in the distance, on the horizon, and they felt that some action was required and they needed to do something about it. The attitude demonstrated by these eight, nine and 10-year-olds is missing from this house, this government, the last government, and from many governments in the past. Before those on the other side started shouting, "That was under the last government; it's not our fault", the criticisms that I intend to level go right across the board and are more about a general approach to government, not control by one side or the other, or an ideological point of view. These are opinions that I have formed over the years I have been involved with government, as an employee of the state government, as a user of state government as an ordinary citizen and in my most recent incarnation as a member of this state's Parliament.

One of the more interesting things that we get to do from time to time is to sit in on audit briefings. The auditors go in-depth into a range of interesting and sometimes quite obscure topics in respect of how the public sector is operating, and it makes for very interesting reading. I recently attended a briefing on —

Mr T.R. Buswell: Member, they're much more interesting when you're in opposition than when you're in government!

Mr A.J. WADDELL: I suspect so, although one probably feels more powerless in that, like the children in Orange Grove, one can see the freight train coming, but it is not quite so easy to do anything about it in opposition. At least in government one has the power, and if one chooses to not exercise that power, perhaps one does not have the wisdom of the eight-year-olds.

The audit report the briefing for which I attended in October was titled "ICT Procurement in Health and Training". That is obviously bedtime reading that all members would want to stay up and look at. Of course, all members know that I am a bit of a computer geek, so "ICT" attracted me like a moth to a light bulb, so off I went to listen to what they had to say. I did so with some glee, because many are the times I recall state auditors coming through my department to look into our operations; I would argue against what I termed their narrow, in-the-box thinking, and told them how they could not see the big picture of what I was trying to achieve and bemoaned their tick-a-box, prescriptive approach. I wanted to see what it was like from the other side, thinking it would be a bit of a hoot.

Unfortunately, what was revealed to us in the October briefing was more of a nightmare. They talked about a system called the patient administration system. The patient administration system has a long and interesting history. It is essentially a computer system that has been in crisis for 15 to 20 years. The Department of Health has attempted to do something about it and has failed on one occasion after another. The Auditor General's

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office was looking at the health department's approach to acquiring a new patient administration system. By way of background, the patient administration system is a system that is very key to our health system. It tracks large amounts of patient data. If we were to rip it from beneath our hospital system, we would rapidly fall into a 1930s level of healthcare, simply because we would not know anything about patients' treatment or medication and we would not be able to schedule events. It would be an absolute disaster of the highest order. Last week I talked about how the people of Western Australia do not expect a lot of us, and that health is probably one of the key services that they expect us to deliver. One would think that if it is one of the key services they expect us to deliver, they would expect us to be mindful of any oncoming freight trains that threaten to derail that system. The patient administration system is very clearly that oncoming freight train; it is only a matter of time before something tragic happens in this area.

ICT is a difficult area; it is a bit of a black art. It is not understood well by a lot of people. We need to appreciate that, across government, our procurement is about \$5 billion a year, of which 20 per cent is ICT. That is a significant amount of money that is going into the ICT field, yet as I said, it is a black art—it is not properly understood. The same rules that apply to, say, procuring a car, photocopier paper or any of those other things do not apply, simply because it is a very amorphous product. One of the difficulties that I always had in getting a system designed, or procured if we were buying it off the shelf, was the difficulty in corralling all the users into agreeing exactly what they wanted. The thing that people are always struggling with in ICT is what we call “project creep” or design overflow; that is, someone has a good idea and says, “This is what we want”, so people go off and start to build that and as it begins to take form, other changes are occurring elsewhere in the organisation or people begin to see the potential of what is being built so they ask, “Can we just add this feature? Can we do this? It now needs to react to this circumstance.” Unfortunately, that means people have to re-architect the entire system or they start patching it up and then it becomes a little patched up here and a bit patched on there and it does not function the way it was supposed to in the first place. Therefore, we begin to get a system that does not perform appropriately and has massive cost blow-outs, if we do not have the contracts right in the first place. There are two approaches to this problem. There is the one that allows for that creep to occur and then deals with the cost of whoever we contracted it out to having to constantly send us bills for the new work that we have asked for and pushing our deadlines back, or we can sort of lock in our specification and say, “All right, this is what we've agreed to and that's that.” The fact that we do not need it any more by the time it is delivered does not matter; that will be the spec! It is very difficult to develop a sort of intermediate model whereby we essentially work out where we hope to go and build in the flexibility to allow the system to be designed against that long-term objective but with the knowledge that it might shift 20 degrees this way or 20 degrees that way so it has a modularised element to it and we can begin to build it layer upon layer upon layer so that we never have that problem of needing to re-architect the whole system.

I understand that for many members in the house I am probably speaking the same level of gobbledegook that the member for Cockburn was just speaking to me earlier that I did not understand.

Mr T.R. Buswell: You talked about the patient information system. There is also TRELIS, which was a difficult project, and the Office of Shared Services. So what you find is often the bigger projects, which are sort of this revolutionary change, are fraught with danger and generally don't work, whereas you should go and have a look at what ICWA did with accident reporting, which is a very small project but it is sensational. I think there's a good lesson about not trying to be too big and too complicated.

Mr A.J. WADDELL: I think the member is dead right, and that is the point I am trying to make: we need to build it in modules and make it like a Lego set—we build it piece by piece bringing it together. Land administration approached its systems using a similar method and it actually works. We do have records of government getting it quite right but when we get it wrong, we get it wrong at a spectacular level. I suppose with the patient system, the risk that we run of not getting it right is quite significant. People need to appreciate that this is a system that is now so outdated we could not purchase it if we wanted to. The hardware—the actual physical devices that it runs on—is no longer available, so the Department of Health is scouring the world for people who are shutting down their old equipment, buying it second-hand and warehousing it somewhere to ensure that we have parts if the system fails. This is a critical system for our health system and we need to get on top of it if we do not want to have that freight train come and derail us, as I suggested earlier. That is the point that I was trying to raise today. I have multiple other examples of these sorts of problems that we as a Parliament or, one could argue, the government of the day—this government, the previous government or whatever government—do not have the capacity to identify and deal with. The audit reports are there. I am sure that whatever department is responsible has read them and is reacting. But for many departments it will be about saving face and ensuring that the risk is transferred somewhere else. That is rather than saying that they are running the ship of state, that they want to ensure that people are safe and secure in the future, and that they will

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do the right thing and intervene and say that something is wrong. They should say that they are not concerned about who is to blame and who put them on the railway tracks. They should say that they are on the railway tracks, that the train is coming towards them, and they should ask themselves what they will do about it.

There is an argument for a beefed up committee system, particularly out of this house, that would allow us to investigate a lot of these issues. What many people do not appreciate is how much we agree in this place. Where we do the greatest level of positive work is through our committee system, where, regardless of what party members are from, members forensically examine the situation to try to work out what is happening and to come up with recommendations. Aside from the odd really heavily political issue, we tend to come up with reasonable compromises or recommendations. That can then be fed back into the system to do the right thing, be it legislative or at an executive level.

Mr T.R. Buswell: What are your views on the proposed role of a chief technologist, which was recommended for oversight over these sorts of issues?

Mr A.J. WADDELL: I think that we absolutely need it. I asked the member's immediate successor some questions about the national broadband network and the importance of it to the Western Australian digital economy during the hubbub of the federal election. To be honest, his response was that he had somebody looking at broadband. It really indicated that there is a huge gap in the way we structure the cabinet and the ministerial roles here; that is, no-one really overlooks this entire area. That needs to be operating at the public service level, and needs to occur at the executive, political level.

We have had lengthy discussions this evening about where we are at with the mining industry, manufacturing and growth. The question is: where to next? There was a time when Australia rode on the sheep's back; there was a time when we saw agriculture as our chief industry. That is now long gone. We now see ourselves very much as riding on the mineral boom and on mining. That too will pass. There will be a time when we are no longer digging up rocks and crushing them. There will be a time when we need to be doing something else. It might be 10, 20, 30, 40 or 50 years from now, but that day will come. We need to start thinking about what those industries will be. I think we really need to start making some strategic investments right now. Invariably, those are going to be in areas of high technology. We have an educated workforce and everything going for us to be big in those fields, but we must have the strategic drivers coming out of government. All of us need to sit down and recognise that that day is coming soon and that now is the time to adopt the structures to get it in place. Let us have a minister who is looking at that matter. Let us have a chief technology officer within government, and let us start pushing forward and identifying those trains that are coming at us—in much the same way as those eight-year-olds from Orange Grove did.

MR C.J. BARNETT (Cottesloe — Treasurer) [11.19 pm] — in reply: I thank members opposite for their wide-ranging comments. I seek leave to continue my remarks at the next day's sitting.

[Leave granted for the member's speech to be continued at a later sitting.]

Debate thus adjourned.

House adjourned at 11.19 pm
