

POLICE AMENDMENT BILL 2010

Committee

Resumed from 16 February. The Deputy Chairman of Committees (Hon Max Trenorden) in the chair; Hon Peter Collier (Minister for Energy) in charge of the bill.

Clause 1: Short title —

Progress was reported after the clause had been partly considered.

Hon PETER COLLIER: Yesterday there was some talk about the distinction between security staff and police, which I responded to. There was also an issue about the ratio between security staff and police. That will not change as a result of this legislation—there will be no shift. There will be exactly the same number of security staff, but their roles will be quite different, as I articulated last night.

With regard to the ratio of security officers to patrons, the Department of Racing and Gaming has made a recommendation for licensed premises that there should be two security officers for the first 100 patrons and one security officer per 100 patrons thereafter. At a licensed event the ratio of security staff to patrons is determined by the Director of Liquor Licensing as a condition of the issue of the liquor licence. The Racing and Gaming recommendation is often adopted by the director, but the director has the authority to vary this ratio. Local councils may impose similar conditions on the use of their venues for events that are unlicensed or are a mix of licensed and unlicensed areas. Both the local council and the Director of Liquor Licensing deal with the attendance of police as a separate condition and do not reduce the number of security officers required based on the number of police attending; so nothing will shift from that perspective.

Hon KATE DOUST: I thank the minister for that explanation. I am sure that when Hon Ken Travers returns he may choose to take the matter a bit further. It is interesting that the minister says “nothing will change” in relation to the numbers of security staff or other staff already in place if those numbers are a liquor licensing requirement. From my memory of the briefing, I am wondering what happens when all those security staff and other police or liquor licensing-related staff are already in place as a requirement for the conduct of the event. I understand that when more than 5 000 people attend a for-profit event, it is up to the event organiser to approach the police commissioner to seek to have additional police on site during the event. What happens if the event organisers make their own decision? What if the event organisers believe that because they have enough security staff on site and because they are complying with the requirements of their liquor licence, or the requirements imposed by the local government body, they do not need to request any additional or further support from the police, and therefore do not contact the police but go ahead with the event? Will they be able to go ahead with the event or will the police say they cannot and that because of the size of the event, and despite the other things in play, the organisers are still required to employ on a fee-for-service basis X number of police for this event?

Hon Ljiljana Ravlich: You could actually see the police coming out and being security for those events.

Hon KATE DOUST: I will come to that in a sec. I am however interested to know that if the event organisers have already managed their security, and if it is really their decision to bring in the police, will they have to bring in the police?

Hon PETER COLLIER: If there is no licensing requirement for the police to attend an event, the police cannot charge to attend the event. However, the police may still need to attend if there are issues with that particular event, such as unruly behaviour or other issues.

Hon KATE DOUST: I get that part, and we will come to it in more detail after we have dealt with clause 1 and are dealing with clause 4. I thought it worthwhile to raise the matter now, given the question Hon Ken Travers posed about the changing ratios. Interestingly, the bill refers to attendance requested by the promoter or the organiser of the event. I suppose the simplest way to ask this is: if a large event is to happen in Perth and the organiser does not request the police to participate in this type of activity, could the event go ahead without this additional police presence?

Hon PETER COLLIER: Yes, it could. And the police would not be able to charge.

Hon KATE DOUST: If that is the case, I am not too sure about the point of this bill. All an event manager has to do is say that he has it under control because he has X number of security people and has met all the other requirements, and that he therefore does not need to do this, and will not do this. What is to stop the organisers of large-scale events in Perth deciding to not engage police in this capacity?

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Hon PETER COLLIER: As long as the event organisers can convince liquor licensing and the local council that the police do not need to attend, so be it. However, obviously the writing would be on the wall if it were evident that it was necessary for the police to be there.

Hon KATE DOUST: I was trying to say that that would be the case if the event organisers had already met those requirements, which is what I imagine they are doing now. Is that what they are doing now?

Hon Peter Collier: Yes, that is correct.

Hon KATE DOUST: If the event organisers are already doing that, why do we need this bill? Is this just a revenue-raising exercise? How does the minister justify the need for this?

The DEPUTY CHAIRMAN (Hon Max Trenorden): Before the minister stands to respond, I remind members that debate on the short title is meant to range across the issues of the bill, without debating the bill. Hon Kate Doust is getting close to the question of opposing the bill, which is really not the purpose of the short title debate. I simply point that out to the member. I am not trying to curtail the member making her point; however, her points can be made during the debate on other clauses.

Hon KATE DOUST: I note your comments and I thank you, Mr Deputy Chairman. I said that I would return to this during debate on clause 4, but had thought that given we had started to canvass the issue, we might deal with it during the short title debate.

Hon PETER COLLIER: It does happen at the moment, but the police do not charge. The point of this bill is that the police will charge.

Hon KATE DOUST: What is the hourly rate paid to a police officer?

Hon PETER COLLIER: I can try to work out the exact hourly rate, but I have the annual salary figures for the member. Is that any good?

Hon Kate Doust: Yes.

Hon PETER COLLIER: A constable earns \$62 588, and a first class constable \$68 388; a senior constable earns \$78 950; a sergeant, increment 3, earns \$86 036, and a senior sergeant \$96 900; and an inspector earns \$118 951—per annum.

Hon KATE DOUST: Last night when the minister was reading out the method of calculation, he went through a whole set of numbers and agreed to provide those details so that we could have them in front of us. There was a query about how this is calculated.

Hon Peter Collier: That was in my response, wasn't it?

Hon KATE DOUST: It was in the minister's response; he agreed to provide a copy of that information.

Hon Peter Collier: It is all in *Hansard*.

The DEPUTY CHAIRMAN: Minister, it would be helpful for you to stand and allow the Chair to recognise you. It helps *Hansard* if we work in order.

Hon PETER COLLIER: Thank you, Mr Deputy Chair. I have the material, but it appears in last night's *Hansard*. Is the member comfortable with that response?

Hon Kate Doust: Yes, I am. It is in *Hansard* now, but was not when I asked the question last night.

Hon LJILJANNA RAVLICH: I have a question for the minister about the issue of modelling. I understand that the minister has advised the chamber there has been no modelling. Does he know, in the absence of modelling, how much revenue this bill is expected to generate and where that revenue will go once it is generated?

Hon PETER COLLIER: I tabled a document last night that outlined what modelling had been done for the events. I am not sure whether the member has a copy of that.

Hon Ljiljanna Ravlich: I do not.

Hon PETER COLLIER: It has been tabled and was distributed.

Hon Ljiljanna Ravlich: We did not receive it.

Hon PETER COLLIER: Members need only ask for it. I tabled the two documents last night. I do not know what else I can do.

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The DEPUTY CHAIRMAN (Hon Max Trenorden): There is no need to debate the point, minister. If members want a copy of it, they can ask the Legislative Council Administration Office to give it to them. If it is not available, we will sort it out.

Hon PETER COLLIER: Speaking of tabling, last night Hon Ken Travers asked for an outline of the consultations that had taken place. I now have that information and I seek leave to table the document.

Leave granted. [See paper 3041.]

Hon LJILJANNA RAVLICH: While I wait for the other document to arrive, I wonder whether the minister can give us a ballpark figure of how much it is anticipated this measure will generate annually and where that revenue will go. Will it go directly into the consolidated revenue fund and be redistributed as part of the normal budget process or will it be given to the police? If it is given to the police, will it go into a slush fund, or is it designated for a special purpose?

Hon PETER COLLIER: The ballpark figure is between \$500 000 and \$700 000, and it will be a component of the police budget.

Hon LJILJANNA RAVLICH: Between \$500 000 and \$700 000. How many events will that be? The minister must have reached that figure based on the number of events.

Hon Peter Collier: The documents have been tabled.

Hon LJILJANNA RAVLICH: What happens if the number of events is exceeded? While I am still waiting for the tabled document to arrive, can the minister tell me how many events listed on the minister's piece of paper the police will attend on an annual basis?

Hon PETER COLLIER: Has the member received that document?

Hon Ljiljanna Ravlich: No, I haven't received the schedule yet.

Hon PETER COLLIER: That is fine. It is not a schedule; it is a document showing the modelling, and it identifies 62 events.

Hon LJILJANNA RAVLICH: How did the minister arrive at 62 events and not 92 or 100 events?

The DEPUTY CHAIRMAN: Before the minister responds, I again make the point that this is a debate on the short title. Clause 4 is a more appropriate place to debate this matter. I am not trying to cut the debate short, but I am trying to manage the function of the chamber, which is to get through the short title. The minister can either respond to the member's question now or wait until clause 4.

Hon Ljiljanna Ravlich: I am happy to wait until clause 4 because I might get the tabled document by then.

The DEPUTY CHAIRMAN: The minister can delay answering that question until we get to clause 4.

Hon KATE DOUST: During the second reading debate I raised the issue of how the New South Wales Police Force manages its fee-for-service cost recovery for a very diverse range of activities that are well and truly above and beyond just attending large events. The range of activities includes forensic services, filming and some traffic management. I do not know whether the minister recalls that list, but it was extensive. This legislation deals specifically with one type of event. Has there been any discussion within government or within the police service about charging for other activities? Is this just the beginning and can we expect that over time the police will want to charge cost recovery for a range of other services which it currently provides to the community or even to industry as part of its normal job and which the taxpayers currently fund? Is this the beginning of changes to the way the police service will operate?

Hon PETER COLLIER: At this stage, thought has been given to charging for things relating to the media such as the contributions by police to productions like *The Force: Behind the Line*, which airs on one of the commercial stations. Aside from that, we cannot rule it out. Certainly in New South Wales costs are recovered for the mounted police, the police air wing service and watercraft services et cetera. That is quite extensive.

Hon KATE DOUST: If thought has been given already to what happens down the track with other services for which moneys can be recouped, would those changes come about via a change to regulations or would the government introduce new legislation or amend this legislation to add those types of activities for which the police would be able to charge, or would the activities and rates charged for those activities be left to the discretion of the Commissioner of Police?

Hon PETER COLLIER: That is a good question. Yes, it will require a change to the legislation.

Hon KATE DOUST: The last part of the question I asked —

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Hon Peter Collier: Sorry.

Hon KATE DOUST: It is alright.

Hon Peter Collier: I have something on the boil. You now have my full attention.

Hon KATE DOUST: I would not want to distract the minister. The last part of my previous question was about whether the Commissioner of Police would have the discretion to decide the rates.

Hon PETER COLLIER: The rates are for cost recovery. That would have to be reflected in any subsequent legislation. It is not in this legislation, but if there were a shift or extension, it would have to be reflected in the legislation.

Hon KATE DOUST: Given the types of functions to be performed by the police at special events, will the police who will be required to attend these events be from a particular part of the service or will they be part of the general police force?

Hon PETER COLLIER: Nothing will change from the current situation. The police who attend now will be exactly the same police who will be in attendance at future events. Nothing will shift from that perspective. It is a matter of what is required on the day.

Hon KATE DOUST: Given the way the calculation has been done, which is not based just on an entry-level constable—it is a very broad calculation that takes into account a number of different tiers of employment within the police service—what category of police officer will be in attendance? What sort of ranks of police would you expect to participate in directing traffic or crowd control at a Neil Diamond concert, to use that as an example? Could the minister answer that question, because I want to follow on from it?

Hon PETER COLLIER: If the member recalls the comments I made in my precis of the second reading speech in response to her fourth question, I outlined the composition of the determination. That will continue to determine the officers who will be required at any particular event; nothing will shift or change.

Hon KATE DOUST: This question has not yet been posed: will auxiliary officers ever be used in the event management area?

Hon Peter Collier: No.

Hon MATT BENSON-LIDHOLM: I am philosophically very much opposed to the user-pays principle; the minister needs to understand that that is where I am coming from. I am also very concerned about something the minister mentioned in his speech. The specific example he gave was Subiaco Oval. He said that for a typical football league match at Subiaco, the cost of services was not expected to add more than 60c to the price of the ticket for each patron. In the past, one could expect around 40 000 patrons on a typical day at Subiaco Oval. Can the minister give me some idea of how many police officers would be employed on a typical day, if there is such a thing, at Subiaco Oval?

Hon PETER COLLIER: If the member looks at the paper I tabled last night, it includes an outline of the various requirements. In the section dealing with AFL at Subiaco Oval, the number of officers is listed at about 25, and that is a worst-case scenario for each occasion.

Hon MATT BENSON-LIDHOLM: I apologise for not having that document in front of me. If we are talking about that number of officers being employed for a worst-case scenario, can the minister give me some indication of the typical draw on police resources? If this money has to be found by the police commissioner, what is it going to cost to have those officers there, if we were to calculate it in normal dollars and cents for a typical employment day?

Hon PETER COLLIER: It is anticipated that 25 officers will cost around \$9 020. We are going to do a bit of very rapid arithmetic to determine the equivalent cost for 15 officers; it is \$5 412.

Hon LJILJANNA RAVLICH: I see that the Royal Show is listed in this schedule. Does this mean that the price of Royal Show tickets will now rise? It also refers to 40 officers per event. Does that mean 40 officers for the entire week, or 40 officers on any one day?

Hon PETER COLLIER: Yes, it is 40 officers per event, but I understand that the commissioner has said that the Royal Show will be exempt.

Hon LJILJANNA RAVLICH: It will be exempt, but it appears on this schedule.

Hon PETER COLLIER: It is not a schedule.

Hon LJILJANNA RAVLICH: Whatever it is; it is a chart. What is it?

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Hon PETER COLLIER: It is the modelling the member asked for.

Hon LJILJANNA RAVLICH: I have to say to the minister that this is very, very poor modelling, because, at the end of the day, I do not think that it picks up half the things that are due to be picked up. I want to know what assumptions have been made in this model.

Hon PETER COLLIER: This modelling is based on events that are already on the calendar; they are already there. We cannot predict what is going to happen next year. We cannot model on an assumption that there is going to be one rock concert next year when there might be three or four. It is going to alter, shift and change. We have based the assumptions on the definite—what is already in existence.

Hon LJILJANNA RAVLICH: I cannot believe what I have just heard from the minister. The minister has created a model that is steeped in fact and makes no assumptions in any way, shape or form to take into consideration any contingencies that might arise that would alter this model to determine variances that had not been foreseen or anticipated by the government and that may have consequences for the average punter, who will now pay increased ticket prices. Let me get this clear: has the minister advised the house that there are no assumptions in respect of this model?

The DEPUTY CHAIRMAN (Hon Michael Mischin): Is this question really relevant to clause 1 as opposed to clause 4?

Hon LJILJANNA RAVLICH: Yes, it is. I am just trying to get my head around this. The Deputy Chairman might be able to help me.

The DEPUTY CHAIRMAN: The point I am making is that the purpose of debating clause 1 is to canvass potential amendments and whether the bill reflects the policy that has already been decided. If the member is dealing with specifics of events and the like, and the basis for certain provisions that are more specifically set out in clause 4, perhaps those questions should be addressed to that clause.

Hon LJILJANNA RAVLICH: If it is the case that I will potentially make amendments, I will need information about the question I am asking. This legislation is based on a number of assumptions and modelling. I am trying to get to the heart of whether this is the model on which the government is basing this legislation. I may well move some amendments.

The DEPUTY CHAIRMAN: Very well; but the point I am making is that if the member is dealing with amendments that may be relevant to specific provisions that are proposed in clause 4, perhaps her questions should be directed at that time rather than in debate on clause 1. That is the only point I am making. I would appreciate it if the member would bear that in mind. We do not want to have to go through the whole argument again when we get to clause 4.

Hon LJILJANNA RAVLICH: I take the Deputy Chairman's point; I am happy to do that at clause 4.

Hon MATT BENSON-LIDHOLM: I have one further question about the second reading speech and a couple of comments the minister made. He said that the bill achieves a balance by providing several exemptions. That is what I want to talk about. The exemptions include charitable events, events run for the benefit of local communities, and public events such as the Australia Day fireworks and the Anzac Day parade. As the minister will appreciate, this has significant implications for regional and rural communities. The bill also provides for further exclusions to be prescribed in regulations—it will be interesting to see how that pans out—or for the minister to exempt a government-sponsored event. These exemptions will be made for events that the minister is satisfied will provide significant economic benefit or publicity, or contribute to the state's national or international profile. The question I want to focus on regards the racing industry. Is that statement, in any way, shape or form, applicable to the Western Australian racing industry, be it thoroughbreds, standardbreds, or greyhounds for that matter; and, if so, can the minister give me some sort of idea about how the government will assess that as being applicable to the racing industry?

Hon PETER COLLIER: Is the member talking about local racing?

Hon MATT BENSON-LIDHOLM: Yes, I am, but I am particularly talking, obviously, about significant events, such as—if I can use the example I was going to use subsequent to the minister's answer—the Chinese New Year's Eve event at Gloucester Park recently, when 9 000 people turned up to what was, basically, a multicultural event at Gloucester Park. It was open to the general public, but I do not know whether entry fees applied.

Hon PETER COLLIER: Yes, that event could possibly be eligible for exemption, but, as I said, it must be decided on a case-by-case basis, and exemption must be applied for. That will determine whether it is a cultural

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event or an event for the benefit of the community, or likewise. That is why exemption is decided on a case-by-case basis.

Hon MATT BENSON-LIDHOLM: How does the minister envisage those applications being decided? It seems quite a nebulous sort of an idea: “We’ll have a look at it in a case-by-case situation.” Pretty obviously, when it comes to Gloucester Park, there have been significant issues in the past, and if the minister is going to read out from the second reading speech something about those sorts of events—I have used the Chinese New Year’s Eve event as an example, which a significant percentage of the entire Chinese community of Perth attends—I think that warrants some sort of attention and consideration. Tell me how that consideration may work itself out.

The DEPUTY CHAIRMAN (Hon Michael Mischin): I will make the point again that this seems to be directed to specifics in clause 4 of the Police Amendment Bill 2010, which sets out the processes by which these applications will be dealt with. Can it be left until then, or do we want to deal with it as clause 1?

Hon MATT BENSON-LIDHOLM: With respect, Mr Deputy Chairman, I was not in this place for a fair amount of the second reading debate, and given that this is part of the minister’s second reading speech, I thought it might be appropriate to ask about it now, given it is more than likely that, not too far away, I will be sitting in your position. That is why I am asking now.

Hon Ken Travers: Do you want to have a break?

Hon MATT BENSON-LIDHOLM: Otherwise, I am quite happy to sit.

The DEPUTY CHAIRMAN: All right; I will stretch the point. The minister has the call.

Hon PETER COLLIER: I can just add to what I said before, but I am sure it will not placate the member. It will be done on a case-by-case basis, and it will be up to the commissioner to make that determination.

Hon KEN TRAVERS: What I understand from what the minister is telling us is that if we pass this bill as it currently stands, any one of those events that has been mentioned can be charged. That is the simple answer. There will be no protection, and we will have handed over to the executive the right to charge each and every one of those events, as well as all of the examples that have been mentioned today.

Hon Peter Collier: What examples? Just tell me again.

Hon KEN TRAVERS: The Chinese one.

Hon Peter Collier: Gloucester Park?

Hon KEN TRAVERS: The horseracing meets that Hon Max Trenorden was talking about yesterday. There will be absolutely no protection. Will we be writing a blank cheque for the executive to charge any one of those events; and will there be nothing we will be able to do to stop it?

Hon PETER COLLIER: I go back to what I said earlier: it must be ascertained whether it is a charitable event or a community event, and the determination will be made on that criteria; and, yes, then it is up to the commissioner to make that determination. If the organisers disagree with that, they can always go to the State Administrative Tribunal on appeal.

Hon KATE DOUST: I think one of the issues is timing. I looked at the list of events that the minister had as an example, and I have listened to my colleagues talk about a range of other events. Large events, particularly, take a long time to plan, so at what point will the discussions commence about police involvement with an event? Sometimes it is not necessarily a few weeks out; sometimes it may be a year or two out from when the event may occur, if it is of a very large nature or if it is an overseas act coming into town, and it is also the volume of those events. Can the minister explain the process that will be used to engage with events organisers in advance of decisions being made, in terms of how they would calculate their costs, and whether or not the police need to be involved? Also, who will make the decision? Will it be the police in that unit that we discussed last night—the operations unit—or will the commissioner actually have hands-on involvement in making decisions about whether or not police will be involved at certain events?

Hon PETER COLLIER: In terms of timing, it must be at least 60 days prior to the event. It will be a determination of the major events coordination unit and the event organisers, through a collaborative approach. They need agreement for that; if no agreement is reached, it can then go to the commissioner or his delegate—an inspector.

Hon KEN TRAVERS: I have two questions that arise from the minister’s answer to the previous question I asked. Is the minister saying that the discretionary powers of the minister are appealable to SAT? That is my first question.

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Hon PETER COLLIER: No, not from the minister, but from the commissioner. The commissioner's decision is appealable through SAT.

Hon KEN TRAVERS: I need to come back to that one, because I have just asked for a copy of the bill I was given yesterday. I want to make sure I have the right copy of the bill.

Going back to the events such as a horseracing meet, they are not one-off events; the reality is that these things occur all the time, right across Western Australia. They are there and they are part of a schedule. I do not know how many years the Broome Cup has been run; Hon Max Trenorden may be able to give us an idea of how long the Northam Cup has been running, but I suspect it has probably been longer than Hon Max Trenorden has even been alive!

Hon Max Trenorden: It is not as long as I have been alive—it is just over 100 years—but it's very close.

Hon KEN TRAVERS: The Kalgoorlie Cup is another iconic race meeting, as is the Kulin bush races in the Wheatbelt. I suspect every member in the house can come up with at least one example of the many iconic race meetings around Western Australia. What we need to know before we get into the detail of this bill through the individual provisions is whether the government intends to levy those events for police attendance; and, if they do not intend to charge for police attendance at those events, why not put that into this bill as an amendment?

Hon PETER COLLIER: We are not going to identify individual events in the bill.

Hon Ken Travers: Because you are going to charge them! That is why you don't want to identify them!

Hon PETER COLLIER: Do not be so indignant! The member can ask a question, and I will respond.

Hon Ken Travers: Yes, I know what your response is!

The DEPUTY CHAIRMAN (Hon Michael Mischin): Order! You have asked a question and the minister is responding. If you have another question to ask, wait until the appropriate time.

Hon PETER COLLIER: Did the member have a lemon for breakfast or something? The member should just listen to my response, and if he does not agree, that is fine, but there is no need to get cranky.

Hon Kate Doust: We heard a direction from the Chair; that is all the minister needs to do.

Hon PETER COLLIER: Can I suggest that Hon Kate Doust ask her member to show a little respect as well?

I will respond now to the question. We cannot identify individual events in the legislation. That is the whole point; it is open to appeal.

Hon KEN TRAVERS: The bill identifies classes of events that the minister is suggesting will not be charged and will be exempt; is that correct?

Hon Peter Collier: Yes.

Hon KEN TRAVERS: That includes charitable events run for the benefit of charitable organisations and Anzac Day events, so we are identifying classes of events. I am not asking the minister to answer individually about the Kalgoorlie Cup or the Northam Cup, but I am asking about a class of events: horseracing events organised by regional race clubs. Is it the government's intention that that class of events will be covered by this bill and be charged for police attendance? If it is not the government's intention, why can we not include them as an amendment?

Hon PETER COLLIER: If we narrow the extent of the legislation, it will create loopholes. If we keep it more general, we have an opportunity to say that this event fits into that criteria. That is the whole point of the exercise. I am familiar with only one country race meeting, but these meetings are decidedly different across the state, so it is very difficult to say that all country race meetings fit into one box. It cannot be done.

Hon KEN TRAVERS: I reckon it can. My view is that country race meetings are all run for the benefit of their local communities by not-for-profit organisations. Therefore, if we all agree that they should not be charged, why not make that a classification, alongside charitable organisations, under which those events are exempt from this bill? In that way, a future minister—not the current minister—in a government of the day that is in financial difficulties cannot turn to those events as a source of revenue to try to bail it out of trouble. This bill is structured in such a way that it will be very easy, and also the simplest way of raising extra funds, for the government to turn around and say that it will not give any exemptions to country race meetings and they can all pay for police attendance. I suspect that if we do not give that exemption, those race meetings will fall over and the impact will be financial and social. I talked about the financial impact and Hon Max Trenorden talked about the social impact. The financial impact will cause those race meetings to fall over, and all the social benefits that come

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from them will be lost. I still have not had an explanation of why that class of event could not be exempt from the administration of this bill.

Hon PETER COLLIER: Hon Ken Travers is not going to like my response. The simple fact is that if we include race meetings as a criteria, what about wine festivals?

Hon Kate Doust: What about them?

Hon PETER COLLIER: All I am saying is that it is a never-ending piece of string. That is why I cannot give the member a definitive response. It is simply not possible to have a criteria list for every potential event in Western Australia. I mean “potential” events, because increasingly there are events for all sorts of things. The whole point is to keep the wording general to ensure that the bill captures everything. In that way, event organisers can claim an exemption. For example, if country race meetings did fit the criteria of 5 000 participants or 10 police officers, they can always claim an exemption.

Hon KEN TRAVERS: It is not whether I like the minister’s explanation; it is a question of whether the government backbench likes the explanation, because that is what the government is asking them to support this week. Those members have to stand here and pass this bill. I suspect that when members leave this place, they will end up going on to do community work. We were involved in community work before we got into this place, and we will be involved in it again when we leave. I know how I am going to vote on this. It is the government backbench members who need to think how they are going to vote and whether they are going to give a blank cheque to a future potential Labor government, a potential future Greens government or even a potential future National government or One Nation government—who knows! They have to think about whether they are going to trust that future evil Labor government! This is about the Parliament giving a power to the executive. The minister is asking us to give a blank cheque, not just to the current government’s executive, but to future executive governments. When members opposite are no longer sitting members of Parliament and as they continue to engage in community service as members of those local race meetings—the Northam Race Club, and the North West Jockeys Club at Karratha—a future government, potentially of a political persuasion that is not theirs, can impose a police charge because they will have passed this bill. When people are sitting around the table with them and saying that it is outrageous that a government can do this, they need to sit there and say, “They can because I voted for it. I wrote that blank cheque that now allows the evil Ken Travers, who is the new Minister for Finance, to say to the police commissioner that he needs a bit of extra money and so you guys can go and get it out of the race clubs of WA.”

I will not do that, of course, but that is what members opposite are doing. They are giving me, as the future minister, that blank cheque. In two years I will be the Minister for Finance and members opposite will have given me that power. They have to ask themselves whether they want to trust me with that power.

Several members interjected.

Hon KEN TRAVERS: I did not think they would! I do not want members opposite to give me that power, because I do not want a Premier telling me as the Minister for Finance that I have to do it. I would not want to do it! I urge members not to give me that power! Whatever members opposite do, they should not trust me with that power! That is why, as a chamber, we have to collectively find an amendment to this bill that will stop that. We need to come to some sort of compromise around the chamber on the types of events that we are prepared to say that the executive can charge for police attendance. Can we find that compromise and know that we cannot charge for these events? The minister is saying to us—it is not what I want, because I can vote no to the whole bill—that we have to find that wording. I have some amendments to move as we debate this bill further that I suspect will potentially provide the protection so that we do not give Hon Ken Travers, Minister for Finance in 2013, the power to impose those charges on race clubs, football clubs and a range of other clubs and societies across Western Australia, which are the groups that make up the absolute fabric of our society. If I become Minister for Finance in 2013, by 2017 the clubs that are going to be impacted will be gone. It would not even be an election issue because those clubs would already be gone by then; those clubs would be wiped out because the minister would have made the cost of holding events too expensive.

Yesterday the minister tabled a list of the events that the government’s financial modelling is based upon. Do we accept that the Australian Football League should be paying for policing even though we know that the profits from the AFL games in Western Australia do not go to Melbourne but to the West Australian Football Commission, which then spends the profits on junior footy development across Western Australia?

Perth Glory is a privately run soccer team that makes a loss every year. We could argue that Perth Glory should have to pay for event policing, but whilst it is making a loss, we run the risk of Tony Sage and the A-league basically saying that it is too hard and too expensive to do business in WA. Then we will not have an elite soccer team in Western Australia. That would be a great outcome for Western Australia!

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Hon Norman Moore: After this season I am looking forward to getting one!

Hon KEN TRAVERS: What is that?

Hon Norman Moore: An elite team in Western Australia.

Hon KEN TRAVERS: If we suddenly charge Perth Glory an extra \$22 000 a year, it might be the final tipping point and we will not have any team at all. Turning to rugby union, the government had to lend Western Force \$3 million not very long ago. As I understand it, Western Force is owned by RugbyWA and the profits from Western Force games go back into RugbyWA and are spent on junior development and local clubs. It is the same story for international cricket test matches and one-dayers.

Big Day Out is a commercial operation. Someone comes over from the eastern states, runs the event and makes money. The minister might say that the Big Day Out is an event for which the event organisers can pay for policing. The end result is that the price of tickets will go up and kids in Western Australia who want to see international bands will pay more. However, the minister may be of the persuasion that says that those kids should have to pay for it. The government will up people's electricity bills; why not make people pay a bit more for their Big Day Out tickets? That seems fine to the minister; that may be fine to people. Why does the government want to charge the City Muster? Maybe it is a commercial operation and people make money out of it—the same reason as the Big Day Out. Does the government know who it is charging for the Rock-It concert at Joondalup? Itself! The Rock-It concert at Joondalup is run by VenuesWest and the profits go back to the state government and to the West Perth Football Club. The West Perth Football Club provides the labour for the Rock-It concert at Joondalup.

Hon Max Trenorden: Hon Ken Travers supported that in his speech yesterday—East Perth versus West Perth!

Hon KEN TRAVERS: No, I have always said that I like to keep West Perth financially viable. I do not want West Perth falling over because there is nothing better than when East Perth beats them! We can beat any other team in the Western Australian Football League and it is fun. Beating the Claremont team is particularly enjoyable because I have one over the opposition Whip. However, as an East Perth supporter, there is nothing better than beating West Perth. I have always said to the West Perth Football Club that I will do whatever it takes to maintain the team's financial viability so that we can continue to beat them. The Rock-It concert at Joondalup means taking money out of VenuesWest—a circular argument of government—and the West Perth Football Club. Fantastic! Great work!

The Perth Royal Show is an iconic event in Western Australia and is now sponsored by Healthway. Under this legislation, we will say to Healthway, "Great, and we will take money off you!"

Hon Peter Collier: We have already said that we are not including the Royal Show.

Hon KEN TRAVERS: That is what the budget is based on.

Hon Peter Collier: I also said that it is between 5 000 and 7 000.

Hon KEN TRAVERS: Why are those events exempt?

Hon Peter Collier: Again, that is at the discretion of the commissioner and the minister.

Hon KEN TRAVERS: Are they exempt or are they not? Those events are exempt, but we will not talk about specifics today, even though the Royal Show is on the minister's list.

Hon Peter Collier: I said it about five times.

Hon KEN TRAVERS: I know the minister has said it about five times. I might highlight to the minister five times the complete contradiction in what he has told the chamber. The minister tells us that we cannot talk about specific events.

Hon Peter Collier: No, that is not what I said at all. The member was talking about a generic thing—"race meetings", plural. If the member wants to say a specific event —

Hon KEN TRAVERS: I will sit down and the minister can get up.

Hon PETER COLLIER: I want to clarify this because the member said, "Let us talk about race meetings" in a plural sense; that is, all rural racing meetings as opposed to the Northam races, which would be a single identifiable event. They are two separate things. The Perth Royal Show is just one event; it does not mean that other community events, such as the Kalgoorlie–Boulder Community Fair, fall into the same criteria.

Hon KEN TRAVERS: We can talk specifically about the Perth Royal Show, but can we talk about all Royal Agricultural Society of WA shows?

Hon Peter Collier: No.

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Hon KEN TRAVERS: We cannot talk about the Wanneroo Agricultural Show? I am pretty sure it is on my disclosure of interests that I am a member of the Wanneroo Agricultural Society (Inc). I say that so there are no complaints about it. We cannot talk about the Wanneroo Agricultural Show, the Osborne Park Show, the Dowerin GWN Machinery Field Days or the Wagin Woolorama. We cannot talk about that cluster of events. Even though the Royal Show is not currently written into the bill as being exempt, it will be, because I will write an amendment for us in a little while to specifically exempt the Royal Show. The reality is that if we pass this bill, the Royal Show will not be exempt. The Royal Show will not be exempt unless we put it into the legislation that the Royal Show is exempt. I am trying to work out why yesterday the Royal Show was on the minister's list of events but now it is not. The minister can give us a categorical assurance that it will not be covered, which I agree with. I am not complaining about that; I like that idea. I do not want to see the little kiddies of Perth having to pay extra to go to the Royal Show to pay for the police who should be there as part of their taxes and charges anyway. I am not arguing against the Royal Show being exempt.

I will get the amendment drafted. I suspect that if I can get some assistance from the Clerks, I can draft a little amendment that says that the Royal Show is exempt and that can be added to the clauses once we get to them. I will not even try to extend the amendment to cover the Dowerin GWN Machinery Field Days or any of the other events that need to be protected. The minister has told us that the Royal Show will be protected, but that is the contradiction in his argument. The minister sits there and gives us a categorical guarantee that the Royal Show will be exempted even though it was part of the original modelling on which the budget was based, but all these other events will not be exempted. It is also fascinating that we have the Rock-It concert at Joondalup and money will potentially come off the West Perth footy club and VenuesWest, but is there any mention of Summerdayze Perth or A Day on the Green?

Hon Peter Collier: Does the member want all those events put into the legislation?

Hon KEN TRAVERS: We have to debate this on the short title because of the way this bill is written. It is about working out and understanding exactly how the details of this bill will operate.

Hon Peter Collier: Is the member going to move an amendment to put the Royal Show in the legislation?

Hon KEN TRAVERS: Yes.

Hon Peter Collier: Why does the member not also put all the other events he has mentioned in the legislation?

Hon KEN TRAVERS: The moment the minister gives me a categorical commitment in this place that those events will be exempt, I will add them into the legislation one by one. The only event for which I have been able to get a commitment from the minister is the Royal Show. I would hope that because the minister has given the commitment that the Royal Show will be exempt, he will support my amendment. My attitude is that I would prefer to see this bill defeated, but I lost that debate at the second reading. When we get into the detail, I will do my very best to ensure that the minister's words are honoured forever and a day when he tells me of every event that the government is not going to charge.

Hon Peter Collier: Are we going to have amendments for every event?

Hon KEN TRAVERS: No. I think we should go for amendments by classification.

Hon Peter Collier: That is why the bill is written the way it is—to ensure it has the opportunity to capture those events.

Hon KEN TRAVERS: The minister is absolutely right. Once they are captured —

Hon Peter Collier: They will be in the regulations.

Hon KEN TRAVERS: No, minister. This is what you do not understand.

Hon Peter Collier: Yes, I do understand.

Hon KEN TRAVERS: You do not.

Hon Peter Collier: How patronising can you be?

Hon KEN TRAVERS: This is the absolute crux of this debate. The Parliament has said to the executive of Western Australia that the government cannot charge for police to attend. It cannot go out there and charge people to provide police services because the police are part of the executive. The minister is now asking the Parliament, as a member of the executive, to give that power to the executive. The difference between the minister's approach and mine is that he is saying, "Give us a blank cheque and we as the executive will then determine whether we grant an exemption and we will add it into regulations." If it is added to regulations, there is some potential protection down the track from a future government doing it because to get that regulation

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removed, it will need to come into this Parliament and table that regulation and it would be a disallowable instrument. A protection would be provided at that point. If the current government never puts those exemptions into the regulations, a future government will be able to do what it likes. The government will be handing over to Hon Ken Travers the power to charge any event.

Hon Col Holt: And you would have the power of the executive, would you?

Hon KEN TRAVERS: I would have the power but the honourable member would not. At the moment we do. At the moment he and I can stop it. Once we pass this bill, only me when I am a member of the executive or someone else who is a member of the executive can do it. Hon Col Holt, as an ordinary member of Parliament, will have waived his rights. As an ordinary member of Parliament, as I am today, I would have waived my rights to have that say. That is my key point. I think we should be saying to the executive, "If you want the power to charge for this event, this event and this event, we will give you that power. We can work out what those events are today and you can have that power to charge for those events but nothing more. That is where it stops."

If we accept the argument put to us today by the executive that we should just give those events a blank cheque, we will have given them that blank cheque. We will have said that we are happy to waive it. When we are sitting on the Northam race club committee in 10 years and that evil Ken Travers as Minister for Finance says to the police commissioner to charge them because it will not get any more money in its budget, I will not do that. That is what a future finance minister could do to the Minister for Police. If Hon Col Holt is still sitting in Parliament, there is nothing he can do about it if a future government has not made it an exemption. I suspect that we will find the current government will exempt only those events. It will keep it to the minimum to keep its options open for the future. We need to get an absolute iron-clad guarantee from the government that it will provide broadbrush exemptions to a range of events. The minister is right in saying that we could spend days going through all the events. That is why I think we need to provide a classification of events. When we get to clause 4, I will move some amendments that give some options for different types of events, whether it is an organisation incorporated under the Associations Incorporations Act 1987 or whether it is a sporting body that gets money from the state government of Western Australia. I cannot for the life of me think why the government would want to take out money and say, on the one hand, to the West Australian Football Commission, for example, "You do a great job. We want you to continue to do that great job so here is \$400 000. Go out and spend that on promoting and developing junior sport in Western Australia." On the other hand, we will say, "You make money out of running the AFL in Western Australia, but we are going to take that \$400 000 straight back from you." That is the crux of the matter. I apologise to the minister if I sound patronising but, listening to his answers, I do not get the sense that he understands exactly what this bill does. That is the key philosophical question: do we give a blank cheque or do we narrow the blank cheque down? We have agreed to the philosophy. We are going to allow the police to charge for events. The will of the house has spoken and we have to admit and accept that. The question we now have to ask is: how big is that chequebook? What is the expanse of the chequebook? How much latitude do we want to give to what the government can charge, who it can charge and when it can charge?

Hon Ed Dermer: We have a duty to ask.

Hon KEN TRAVERS: We have more than a duty to ask; we have a duty to try to secure those protections for the people of Western Australia. That is why we need to put up as many suggestions and options as possible to try to limit the capacity of this government and all future governments to charge at those events.

Hon MAX TRENORDEN: I rise knowing that I should not because I think we should be debating this issue in clause 4.

The DEPUTY CHAIRMAN (Hon Michael Mischin): Perhaps we ought to do that rather than deal with it in clause 1.

Hon MAX TRENORDEN: I make the point to Hon Ken Travers that my concern is not about the matters he is talking about. When we get to clause 4, I will be interested to know from the minister how one appeals against an exemption. The National Party will not seek to exempt all our favourite events. We will be interested to know how one gets an exemption and how one goes through the process of appealing against an exemption.

Hon Peter Collier: I will take it on board.

Hon KEN TRAVERS: I think we need the answer now. Clause 1 is about understanding the detail of the bill. Unless we understand the provisions for appeal mechanisms within the bill, we cannot wait until we get further down the track. We cannot wait until we get to clause 4 and deal with it solely then. We may need to do it earlier than that. We need to understand how that will fit into the totality of the bill. I agree with Hon Max Trenorden. I think that process of appeal mechanisms and how it will operate is absolutely fundamental to this bill. Before we go further into the detail of the bill, we need to understand, either in this bill or the substantive piece of legislation, how those appeal mechanisms are provided for. I suspect there could be a realistic argument to say

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this matter does not relate specifically to clause 4 and is therefore outside the scope of clause 4. I think now is the time to understand that level of detail. I urge the minister to give us the answers now.

Hon PETER COLLIER: I do not mind responding to the issue at all. I think I identified earlier in today's debate that the application needs to be lodged at least 60 days prior to the event. It will be a determination through discussion or collaboration with the major events coordination unit and the event organiser. They will collaborate and collectively determine the attributes or otherwise of that event and whether they necessitate that event being exempt. If the event organiser is not satisfied with the outcome of that determination at that meeting, it has the capacity to lodge an appeal with the State Administrative Tribunal. Ultimately, it is up to the commissioner or his delegate to make that determination.

Hon KEN TRAVERS: I am sorry; the minister lost me with the last bit. Ultimately, it is up to the commissioner to make that determination. Can the State Administrative Tribunal override the commissioner's decision?

Hon PETER COLLIER: Yes, the commissioner can make the decision and, on appeal, the State Administrative Tribunal can overturn it.

Hon MAX TRENORDEN: We should be debating this matter under clause 4. My understanding is that SAT cannot enforce any of its outcomes. On my understanding, there is no legislation that requires a SAT decision to be enforced.

Hon KEN TRAVERS: I will make one comment and am happy to then move on and wait until we get to clause 4. I am happy to have the debate about whether SAT has the power to force the police commissioner to do anything, but, more importantly, if the commissioner charges for his officers, unless an exemption is included by the minister under the provisions of the bill, SAT will say that there is no exemption for that class of event, therefore the commissioner is within his rights to charge. We get back into the circular argument of unless an exemption is provided by the minister and gazetted—even if an event goes to SAT—it will still be charged. That is my understanding of it. If I can get that point answered, I am happy to leave the detail of the debate to clause 4.

Hon PETER COLLIER: I can only go on the advice we have received and will seek clarification and deal with it in clause 4.

Hon Ken Travers: Can you answer my question?

Hon PETER COLLIER: I am going on the information I have been provided, which is contrary to that; that is, SAT has the determination from the commissioner to overturn. Hon Ken Travers is correct about what the act says.

Hon KEN TRAVERS: To be clear, that means that the commissioner will be able to charge for an event and SAT will not be able to do anything about it unless the minister has specifically gazetted an exemption for either that specific event or that class of events.

Hon PETER COLLIER: Yes, that is correct.

Hon KATE DOUST: I want to canvass an issue that does not appear in this amendment bill. Given this is a radical shift in the way the police will conduct their business, I would have thought that there would be some facility in this legislation for a report to be provided to the minister on how the process is working, what amount of cost recovery is being achieved and the benefit of this legislation. I would also have thought that there might be a review provision in the bill so that in, say, one or two years we could examine the legislation to see whether it is effective or whether the police had given more thought to how they advance their cost-recovery efforts.

Hon PETER COLLIER: It is up to the minister to determine ultimately whether he wants a report on a particular event over a period. Ultimately, of course, the financial returns will be identified in the annual report.

Hon KEN TRAVERS: I want to move to one other general area to understand the detail of the bill before moving to other clauses. I think it was said during the second reading debate—it certainly has been suggested—that organisations will be charged only if the promoter or organiser of the event requests that the commissioner provide police services at that event. Is that correct?

Hon PETER COLLIER: Yes, it is.

Hon KEN TRAVERS: The police can make a risk assessment that the event requires 10 or more police and advise the event organisers that, if they do not request police attendance, the police will refer to other bodies such as the Director of Liquor Licensing, or the local government if it owns the land on which the event will occur, and suggest that the relevant authority make it a condition that the organiser requests police attendance.

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Hon PETER COLLIER: I apologise to Hon Ken Travers; he was on urgent parliamentary business when I went through this. It was a question he asked yesterday to which I gave quite a lengthy response. I will go through it again, if he likes. He asked about the ratio and the situation with liquor licensing. In terms of the ratio of security officers to patrons, the Department of Racing and Gaming has made a recommendation for licensed premises that there should be two security officers for the first 100 patrons and one security officer per 100 patrons thereafter. At a licensed event, the ratio of security staff to patrons is determined by the Director of Liquor Licensing as a condition of the issue of the liquor licence. The Department of Racing and Gaming recommendation is often adopted by the director but the director has the authority to vary this ratio. Local councils may also impose similar conditions on the use of their venues for events that are unlicensed or a mix of licensed and unlicensed areas. Both local council and the Director of Liquor Licensing deal with the attendance of police as a separate condition and do not reduce the number of security officers based on the number of police attending.

Hon KEN TRAVERS: I am a simple lad! My apologies for being on urgent parliamentary business earlier. Does that mean that, if the police are of the view that 10 or more police should be in attendance at the event and the promoter is not requesting it, the police will go to the Director of Liquor Licensing, the local authority or the owner of the building and request that the event promoter be obliged to request police attendance or their request for a liquor licence or use of the venue in which they want to hold the event will be refused?

Hon PETER COLLIER: Police cannot compel the Director of Liquor Licensing or local government to do that; the police can suggest to them that a police presence is recommended. In some instances, the advice may be accepted, but the police cannot impose it on a particular event.

Hon KEN TRAVERS: I can understand that the police cannot impose it. As the bill is drafted, it would be easy for an organiser to think that it will simply not ask for the police and will be covered; if the police turn up, it will not be the organiser's problem because it did not ask for them. However, the minister is telling us that, if the organiser does not ask the police, the police can go to the Director of Liquor Licensing and say, "We recommend that you make it a condition of the liquor licence for the annual Northam Cup that there be at least 10 police in attendance." That would give the go-ahead for the event if the director agrees. If the organiser does not want that, the event could be run without a licence.

Hon PETER COLLIER: If the Director of Liquor Licensing agrees, yes, that will be the situation.

Hon KEN TRAVERS: It is very important. People need to understand that mechanisms will be in place. If that is the case, I wonder why it is not written into the bill that if the police think an event requires more than 10 police, the event must have them and pay for them. That is effectively what will happen. Realistically, it will be a very brave Director of Liquor Licensing who says, "I know you are the Commissioner of Police and you have told me that I should make it a requirement that the event be manned with 10 police, but I will not invoke that on this occasion." If a riot occurred at that event and there were no police present, the police commissioner could say, "Well, there you go; it's the fault of the Director of Liquor Licensing." That will be the reality. We are saying here that the Commissioner of Police will, in effect, make the decision. If he thinks there should be more than 10 police there, the organiser will have to invite the police to be there and he will have to pay for it. If the organiser does not do that, he will not be able to serve alcohol there. If the event is on local government premises, there is a good chance the local government will not give permission for the event to use the facilities. Is that not an unreasonable explanation of how this will operate?

Hon PETER COLLIER: The police can only request that they be required to attend.

Hon Ken Travers: Would the Director of Liquor Licensing ever say no?

Hon PETER COLLIER: All I can tell the member is what I have just said—the police can make a request. That is exactly what the situation is.

Hon MATT BENSON-LIDHOLM: Literally thousands of people attend some of the more remote and regional events such as the Broome Cup, as the minister will know from his Kalgoorlie experience, although at Kalgoorlie there is probably a larger police contingent. Most of the smaller clubs employ security officers on almost a year-round basis, especially clubs such as Bunbury and Northam, because the events tend to go throughout most of the year. I am thinking about what will happen at places such as Broome and Kalgoorlie.

Hon Max Trenorden: They're not as important as clubs in Northam!

Hon MATT BENSON-LIDHOLM: I do not have much time because we have almost finished.

What sort of costs will be borne by WA Police in getting police officers to the more remote communities and back to Perth and for accommodation? Is that an issue?

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Hon PETER COLLIER: The costs will not vary. They will be the same for rural and remote areas as in the metropolitan area.

Sitting suspended from 1.02 to 2.00 pm

Hon KEN TRAVERS: I checked with my colleagues and understand that the minister has not already done this while I was out on urgent parliamentary business. Last night the minister indicated that he would provide us with a list of the people the government consulted about this legislation and the dates on which it consulted them.

Hon Peter Collier: I tabled that.

Hon KEN TRAVERS: It was tabled, was it?

Hon Peter Collier: Yes.

Hon Kate Doust: Which paper was it?

Hon KEN TRAVERS: The list of people consulted and when the consultation occurred.

Hon Kate Doust: Here it is.

Hon KEN TRAVERS: Thank you.

Hon KATE DOUST: I see on the tabled list that on 28 September 2010, a range of people from the events industry were consulted. Pardon, I forgot when this legislation went through the Assembly. Was it prior to that date?

Hon Peter Collier: It went through the Assembly on 15, 16 and 17 September.

Hon KATE DOUST: If it went through at that time, why did the government delay the formal consultation with these groups until after the legislation had been through the Assembly and not prior?

Hon PETER COLLIER: There was consultation prior to legislation coming in in September last year. In the interim between the time that the bill was passed from the lower house to the Council, further consultation took place to ensure that we could identify any policy issues that existed so they could be addressed and any related issues resolved in the Council.

Hon KEN TRAVERS: Yesterday we were told that the minister had consulted with the West Australian Football Commission—

Hon Peter Collier: That the government had.

Hon KEN TRAVERS: The government. But the information that the minister has provided today states that the consultation occurred in May, after the decision had been made to go ahead with legislation, whereas the impression given yesterday was that this had happened previously. In fact, if we look at the lists of consultations previously listed here, they were internal police work and ended up with the events industry meeting with the Minister for Police of the former Labor government, who told them that this legislation was not going to happen. This was back in July 2008. Then there was a change of government and the new government basically made the decision that it was going to go ahead with this legislation. It then met with the Events Industry Association of Western Australia and provided it with a copy of the proposed policy. As a result of that, the government got feedback; that is, organisations were unhappy with what was proposed. That is the only mention of the West Australian Football Commission. That is not consultation with it. When and where did the police or the government meet with people like the football commission to get its views on the legislation?

Hon PETER COLLIER: As per the document that the member has in front of him, feedback was received from the WA football corporation—

Hon Ken Travers: Commission, not corporation.

Hon PETER COLLIER: Sorry, commission. I thought the member had said corporation. Feedback was received from West Australia Football Commission, the Western Australian Cricket Association, RugbyWA and various concert providers. Therefore, feedback was provided.

Hon KEN TRAVERS: Was that feedback from the West Australia Football Commission, RugbyWA and the concert providers supportive of the legislation?

Hon PETER COLLIER: There was a variety of opinions. There was some support and some offers of suggestion; opinions varied.

Hon KEN TRAVERS: Hon Kate Doust said that the West Australia Football Commission had not been consulted and the minister said that she was wrong, that it had been consulted. The reality is that it has not been consulted, because all that has occurred is that the West Australia Football Commission received information

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about the proposal through a third party and then told the government what it thought about that proposal. That process is not government-initiated consultation; it is individuals finding out what the government is up to and drawing it to the government's attention that they are not happy with what the government is doing. It strikes me as a very arrogant approach to then claim that that is consultation.

Hon PETER COLLIER: If I can correct the member, I did not actually say that Hon Kate Doust was wrong, I can assure him. He might like to have a look at the uncorrected transcript of *Hansard* and read exactly what I did say. For his benefit I will repeat what is recorded. The transcript states —

Prior to commencing drafting of this legislation, Western Australia Police did consult with a number of stakeholders, including the West Australian Football Commission, the Western Australian Cricket Association, RugbyWA and various concert providers through the Events Industry Association.

Hon Ken Travers interjected.

Hon PETER COLLIER: No, I am saying that I did not say that Hon Kate Doust was wrong. This is the response that I gave.

Hon Ken Travers: Tricky language!

Hon PETER COLLIER: The *Hansard* transcript continues —

Since this legislation was debated in the lower house, members of the minister's office and police have met with Mr Buswell and a number of events industry representatives, including Jenny Harrington of the Events Industry Association and Brad Mellen from Mellen Events ...

Further dialogue has been entered into with the Events Industry Association, and it has recently been provided with a draft copy of the policy for comment and feedback.

Hon KATE DOUST: Picking up on the point made by Hon Ken Travers, although the minister says that consultation happened with that peak body, Mr Bradshaw is still correct in what he said in his document, that the West Australian Football Commission itself had not been consulted. Given that the West Australian Football Commission is going to be significantly impacted by this legislation, I would have thought that the government would have consulted with the commission directly, and because the West Australian Football Commission is a key player, the government would have paid it the courtesy of putting forward the proposals that are on the table in this legislation, getting feedback and taking it into account. Obviously, the government has not made any effort to have direct contact with the West Australian Football Commission throughout this process. Is that correct?

Hon PETER COLLIER: As per the list that was provided, I can only give the honourable member the information that was provided to me; that is, that it would be very difficult, everyone would agree, to consult with every body that would be impacted upon by this legislation. There was a conjugate there that worked and there was consultation. Perhaps in some people's minds that consultation may have been inadequate, but to say that the events bodies were not consulted, either directly or indirectly, is wrong, because they were given the opportunity to provide opinions one way or another, and those opinions were taken on board.

Hon KEN TRAVERS: Given the way the minister's mind works and the way this government's mind works, the minister might think that people in the football commission were consulted, but they certainly do not believe the government consulted them. They believe that they saw information through the Events Industry Association and they then wrote to the government to tell it what they thought was wrong. But their views have not been heard. If the minister says that their concerns have been taken on board, maybe he can explain to us how the concerns of the football commission have been taken on board by the government.

Hon PETER COLLIER: They may have been taken on board, and I think no matter what happens with the West Australian Football Commission, of course it is going to have concerns with this legislation. It is a policy decision on the part of the government to go down this path and, yes, some people are not going to be satisfied. But the simple fact of the matter is that it is a policy decision of the government.

Hon Ljiljanna Ravlich: Who is going to be satisfied, minister?

The DEPUTY CHAIRMAN (Hon Jon Ford): Is Hon Ljiljanna Ravlich seeking the call?

Hon LJILJANNA RAVLICH: I just want to know who is going to be satisfied because, from what I can see, I do not think anybody is going to be satisfied. So, can the minister let us know who is going to be satisfied?

Hon Norman Moore: Oh, look!

Hon Kate Doust: You don't have to sit in the chamber and listen to this.

Hon Norman Moore: She never stops.

Hon Peter Collier; Hon Kate Doust; Deputy Chairman; Hon Ljiljanna Ravlich; Hon Matt Benson-Lidholm; Hon Ken Travers; Hon Max Trenorden; Hon Col Holt; Hon Adele Farina; Hon Ed Dermer

Hon Ken Travers: You love her and you know it!

The DEPUTY CHAIRMAN: Order! Members, this is not a discussion about love; this is Parliament!

Several members interjected.

Hon LJILJANNA RAVLICH: I am sick of being picked upon. Every time I get up here Hon Norman Moore has a whinge. Calm yourself!

Hon PETER COLLIER: I can say to Hon Ljiljanna Ravlich that I consulted with about 500 training providers.

Hon Kate Doust: We're not talking about that.

Hon Ljiljanna Ravlich: No, no; point of order.

Hon PETER COLLIER: No, it is entirely appropriate.

Hon Ljiljanna Ravlich: For goodness sake!

Hon PETER COLLIER: And I got criticised for not consulting. What I am saying is that, yes, some people will not be satisfied. With regard to who was and who was not satisfied, I do not have that information readily available.

Hon Ljiljanna Ravlich: Just give me the name of one person who was satisfied.

Hon PETER COLLIER: Suffice to say, as I said, that people were consulted.

Hon Ljiljanna Ravlich interjected.

Hon PETER COLLIER: I was nearly hit there!

Hon Ken Travers: His speech is not that bad!

The DEPUTY CHAIRMAN: Members, we have four hours to go.

Hon PETER COLLIER: That is the closest thing to a compliment I have ever heard from Hon Ken Travers. Where was I?

Hon Ljiljanna Ravlich: You can't name one person.

Hon PETER COLLIER: I cannot say who was satisfied.

Hon Ljiljanna Ravlich: At all?

Hon PETER COLLIER: And I do not propose to say who was satisfied. Suffice to say, as I said earlier, that it is a policy decision of government.

Hon Ljiljanna Ravlich: So, no-one was satisfied.

The DEPUTY CHAIRMAN: Order, members! Members, let us go through the rules for a second. Members seek the call. Then they get to their feet, if they are given the call, and ask a question or make a point. Then there is a response, maybe, if the minister wants to respond. That is how it goes. Interjections do not help Hansard and do not help us get through the business of the house.

Hon KEN TRAVERS: One of the questions I asked yesterday was: which documents were provided as part of that consultation? We were given two documents. The first document was titled "Levy of Charges in Respect to Sporting Events and Concerts Based on 2010/11 Salary Rate". The second document the minister provided us with was the February 2011 document titled "Office of the Metropolitan Region Coordinator: Major Events Coordination Unit: Police Cost Recovery and Fee for Service Policy".

Hon Peter Collier: That's correct.

Hon KEN TRAVERS: The difficulty I have is with the time the minister consulted people. According to the table, this is a February 2011 document. The minister is telling us that the consultation, as far as the government is concerned, occurred in May 2009. That suggests to me that the document the minister tabled yesterday is not the document that was provided as part of the consultation back in May 2009. Could the minister, therefore, please help me with that discrepancy; and, if it is not the document the minister provided as part of the consultation, can he now please provide the document he provided as part of the consultation?

Hon PETER COLLIER: This is an updated version of the original document. It has continued to move forward as the legislation has moved forward. It is just an updated version of the original.

Hon KEN TRAVERS: The reason that it becomes really important for me to get a copy of the documentation is that the minister said that the issues were addressed by the Football Commission.

Hon Peter Collier; Hon Kate Doust; Deputy Chairman; Hon Ljiljanna Ravlich; Hon Matt Benson-Lidholm; Hon Ken Travers; Hon Max Trenorden; Hon Col Holt; Hon Adele Farina; Hon Ed Dermer

Hon Peter Collier: No. I said they were taken on board and considered.

Hon KEN TRAVERS: Yes, they were taken on board.

Hon Peter Collier: Yes.

Hon KEN TRAVERS: Accepting that the government has made its policy decision, if it has the numbers, it can ram the legislation through the house; right? That is the way it always works, and that is fine. If the government has the numbers, it can get through whatever legislation it likes. But consultation is still about working through the detail of how those issues will work within the policy framework. I understand that, as a result of those documents that were provided to the Events Industry Association in May 2009, the Football Commission had an understanding that the cost to it as a result of the implementation of this policy would be in the order of \$376 000. However, the document the minister tabled yesterday shows that it will be in the order of \$216 000, yet the Football Commission itself is of the view that the revenue would be around \$85 000. I would have thought they were pretty key issues that would be part of an engaged consultation process to resolve them, both from the Football Commission's view to give it some security on what it will cost it and also from the government's view so that it knows that its sums are right on all this. Therefore, can the minister explain to me why there is that discrepancy and then we can perhaps get into the detail of the difference between the various figures?

Hon PETER COLLIER: The original estimate was based on 44 police; that is, as per the time. After negotiations with the Football Commission and the changes at AFL matches—low-strength beer and limitations et cetera—it has now been agreed that 25 police are all that is required. As a result of that, there has been that reduction. It is not a matter of fudging the figures; it is just that the original estimate was that 44 officers would be needed and now it is estimated that 25 will be needed.

Hon KEN TRAVERS: Can the minister tell me, then, how many police officers were in attendance at Subiaco Oval last year and how many were in attendance in the past, on average, at AFL games?

Hon PETER COLLIER: Around 10 to 15 a week. As I mentioned earlier today, that is always based on the worst-case scenario. It is around 10 to 15 on average.

Hon KEN TRAVERS: So, it is 10 to 15 on average. Certainly, the footy commission's view is that it is actually 10 on average. So we might extend it to make it add up to 15 because Collingwood is playing one week and that is why it needs to be taken to 15.

Hon Kate Doust: What are you suggesting about Collingwood supporters?

Hon KEN TRAVERS: Where do I start about Collingwood supporters? Can I say that Eddie McGuire deserves them, I reckon.

I am referring to Collingwood supporters, not the people who live in Collingwood, as my sister used to live within that area. In fact, when Collingwood won in 1990, she rang me so that I could hear the crowds going off, because she was that close to Victoria Park.

Several members interjected.

Hon KEN TRAVERS: I just want members to be sure that I was attacking Collingwood supporters, not people who live in Collingwood.

I was saying that the government has written into its budget that this bill will produce \$500 000 in additional revenue on an ongoing basis for the police service. That figure was originally based on 44 police. As a result of negotiations, the minister is now telling us that it is agreed to be 25 police. But, on average, there have only ever been 10 and, even on the minister's figures, 15 police attending. If this bill is passed, can the minister explain to us how the government intends to meet its budgetary requirements if the figures on which the bill is based are so inaccurate and based on a worst-case scenario that they will hopefully never occur?

Hon PETER COLLIER: As Hon Ken Travers would be well aware, at the end of the year when the police do their net appropriations, they will balance everything up. They will balance the revenue they made as opposed to the revenue that was anticipated—perhaps higher or lower—and will make the required adjustments. However, for a program such as this, as I am sure Hon Ken Travers understands, there cannot be a definitive figure. There will be constant —

Hon Ken Travers: But you've got to have it accurate, minister.

Several members interjected.

The DEPUTY CHAIRMAN: Order, members!

Hon Peter Collier; Hon Kate Doust; Deputy Chairman; Hon Ljiljana Ravlich; Hon Matt Benson-Lidholm; Hon Ken Travers; Hon Max Trenorden; Hon Col Holt; Hon Adele Farina; Hon Ed Dermer

Hon PETER COLLIER: I have said—the member may not have been present in the chamber—that it is in the order of \$500 000 to \$700 000. It will inevitably vary. No-one will be able to give the member anything more definitive than that. The appropriate adjustments will be made when necessary.

Hon KEN TRAVERS: No, minister, this is a really important part of this legislation. As we were debating before lunch, the Police Amendment Bill is about writing a blank cheque. In fact, the minister is already talking about the \$500 000 included in the budget estimates now being up to \$700 000. That is what the minister has said. What we now have is that the basis on which the \$500 000 was expected to be raised is based on flawed logic; it is based on a worst-case scenario of 25 police officers attending Subiaco Oval, when on average they have had 10 officers attend. It is interesting because 10 is one of the tipping points for the number of officers.

Hon Peter Collier: But it is more than 5 000 people, so —

Hon KEN TRAVERS: Yes, but it is still an interesting thing that —

Hon Peter Collier: Why is it interesting?

Hon KEN TRAVERS: When we get on to the detail of clause 4, we can debate the argument of 5 000 people versus 10 000 people, because if only 10 police officers are needed for a crowd of 44 000 people, in what other circumstances will an event need more than 10 officers if no more than 5 000 people are attending? It is a very interesting set of figures.

Hon Ed Dermer: It would have to be a particularly troublesome crowd.

Hon KEN TRAVERS: Anyway, I do not want to get into that detail. We should wait for clause 4 to discuss that.

At the moment, I am focused on this issue that the government has already added potentially up to \$200 000 extra that will need to be generated by the police as a result of the policy of this bill. We then read that the minister is saying the number of police officers required at an event is 25, which is the worst-case scenario, not the 10 police officers that attend on average. That is for the Australian Football League. I wonder whether the same would then apply to the international rugby. When the minister gets down to talking to the Australian Rugby Union, I wonder whether 40 officers will be required for that and whether they will argue about how many people currently attend rugby games. However, the bottom line is that what I can see happening after we pass this bill is that all the figures contained in the document to justify the bill today will go out the door, and all of a sudden we will not have \$500 000 or, in 2010–11, \$468 364, coming into the kitty. The question then becomes: how does the government resolve that problem? Does the government turn around to the police and say, “It’s okay that you raised only \$200 000; we don’t mind and we forgive you”? The alternative is that the government says to the police, “No, no, no; you’re expected to get at least \$500 000 and in fact we were hoping you were going to get \$700 000, so if you want your budget increased for next year, you’d better go get us the \$500 000 or \$700 000, otherwise your budget will stay where it is. You’ve got to go find that money.” Why is that important? It is important because we have written a blank cheque today and the police can do that. The Commissioner of Police and the Minister for Police can just say, “Okay; well, we have certain events that are going to be charged but now we will ratchet it down a couple.” If members remember what I said in my contribution to the second reading debate, the history of this type of legislation in Australia is that it starts with everybody saying, “Only certain events will be charged. Don’t anyone panic; it is not going to be the events out in the regions or the smaller events”, but eventually it just cascades. We are already seeing it today with the figures produced by this government. They are flawed figures, so the \$468 000 will not even be made in an average year, unless every game at Subiaco Oval is the worst-case scenario. I suspect that the answer will be that the pressure will go back on to the police service to increase the number of events, so we will see it cascade. What happens when those charges cascade? It goes back into those clubs, societies and organisations that we all deal with on a regular basis in our electorates. That is the history of this sort of legislation in the eastern states, and we will end up with an event like the one I quoted earlier; namely, when the Glory played Gold Coast in a soccer game, 2 000 people turned up and the event was charged \$25 000, which is \$12.50 per person. How will that happen? Because we will have written a blank cheque, and there will be nothing that we as a Parliament can do to stop that. However, we can stop it, even if we accept the policy of the bill, by amending this bill further on.

I think I have made that point. However, it is unbelievable that we are expected to pass a piece of legislation based on a piece of information, when it was not pointed out to us when we were given that information that it was the worst-case scenario. We were told that it was a basic summary of the events that were expected to be charged for a police presence and how much they would be charged. What we have heard from the minister during the committee stage is, “Well, actually, no; that’s only what they’ll be charged in the worst-case scenario.” The minister should have said that the worst-case scenario is an average of 11, because there would be one bad game averaged over the other 24 during the year or something like that. He should not say 25.

Hon Peter Collier; Hon Kate Doust; Deputy Chairman; Hon Ljiljanna Ravlich; Hon Matt Benson-Lidholm; Hon Ken Travers; Hon Max Trenorden; Hon Col Holt; Hon Adele Farina; Hon Ed Dermer

The minister has provided to this house something that is almost misleading. In fact, if the minister is telling us that this is the worst-case scenario, but he provided it to us in the form in which he did, it is actually misleading. I do not think the minister has done it deliberately to mislead us, but I wonder whether the Minister for Police organised for it to be provided to us to deliberately mislead us; or is it just another example of the incompetent bumbling Minister for Police that we have in this state? The Minister for Police is the same minister who refused to accept the recommendations of this house. When people pointed out the failures of other legislation he had put before this house, he refused to accept amendments, and then within six months we had to have the legislation back in this place to fix it up. I suspect that the problem with this legislation, though—as this is about money going into government coffers—is that we will not get a second chance to fix it up. It will not come back; there will not be the yellow Lamborghini incident that will force the legislation back into this Parliament. It will be about money. It will go through the house, it will be gone, and there will not be a second chance.

Hon PETER COLLIER: I did not intend to respond at this stage; I thought that Hon Ken Travers was simply making a point. However, I will clarify a point that the member made when he said that I essentially misled the chamber, which I refute. I did not at any stage say that this was definitive. I will repeat exactly what I did say with regard to the modelling. In response to a question from Hon Ljiljanna Ravlich, I said that the event schedule is the only event modelling. Events change each year and the nature of events change, so we have not worked out exactly what events will be charged. Additionally, it is not known how many police will be needed until a consultation for each event occurs. That is what I said; I was not definitive. And I said it would range between \$500 000 and \$700 000. I just want that clarified.

The DEPUTY CHAIRMAN (Hon Jon Ford): Before I give the call to Hon Ken Travers, I listened to the debate very closely. If I had thought that there was an imputation or an accusation that the minister had misled the house, I would have pulled up the honourable member on that. I do not think that was the case; it is a robust debate after all.

Hon KEN TRAVERS: That is right. If I had breached a standing order, it was not the one the minister was after; it was the other one about members in other places.

What the minister just said is interesting. He said that it is not a definitive list and it will be subject to consultation. However, he told us just a minute ago that as a result of that consultation it has been brought down from 44 to 25, but 25 is still the worst-case scenario incident. The actual average is 10 to 15.

Hon Peter Collier: I said the number of events changes.

Hon KEN TRAVERS: The number of police will change depending on the consultation. What the minister has just told us is that, as a result of that consultation, we are now talking about 10 to 15 officers being in attendance, but the document I am holding still states 25. The document is clearly misleading, minister. I am not saying that the minister deliberately did it; he was acting on his best advice, probably on the advice given to him by the minister he represents—the bumbling Minister for Police. That is a misleading document, because the minister has just told us that at Subiaco Oval the police will charge for 10 to 15 police officers, so the amount of money that the government, can expect to receive as a result of the consultations will be substantially below the \$216 000.

Hon PETER COLLIER: I will just clarify this. I am talking about the consultation for each individual event and not the consultation for the entire policy of the bill.

Hon Ken Travers: Tricky words.

Hon Peter Collier: It is not.

The DEPUTY CHAIRMAN (Hon Jon Ford): Members! The question is that clause 1 do stand as printed.

Hon Norman Moore: Aye!

The DEPUTY CHAIRMAN: I call Hon Kate Doust.

Hon Norman Moore: We've had a very long debate on the first clause.

Hon KATE DOUST: I will take a bit longer now. I want to talk about a slightly different aspect of this legislation. I know we have talked about consultation. As well as talking to the players in the industry, has the union that represents police officers been consulted about this type of change? It appears that this legislation may have an impact upon the working arrangements of police in some situations. If the minister wants to answer the question about consultation, I will then explain why I want to raise this matter.

Hon Peter Collier; Hon Kate Doust; Deputy Chairman; Hon Ljiljanna Ravlich; Hon Matt Benson-Lidholm; Hon Ken Travers; Hon Max Trenorden; Hon Col Holt; Hon Adele Farina; Hon Ed Dermer

Hon PETER COLLIER: As I said before, the number of police attending events will not alter, which I think answers the second part of the question. I have been informed that the union was consulted on the legislation and is supportive of it.

Hon KATE DOUST: I thank the minister for that. I had a look at the document the minister provided to us earlier—the police cost recovery and fee-for-service policy—which was put out in draft form in February this year. Paragraph 9.8 on page 9 talks about how police officers will —

provide their own meals and travel to and from the event including those in Regional centres;

That is very interesting, because it picks up on the issue about the clause we referred to last night on overhead charges. The minister said that the government would never impose those additional costs. I flag with the minister that we will move an amendment to remove those lines from the bill. If what the minister said is correct and those costs will never be imposed, I would like the minister to explain why police officers who are required to travel to a regional area for a large event should have to cover their own costs to and from that event.

Hon PETER COLLIER: Under the enterprise bargaining agreement, police officers can make an application for meals and travel et cetera for any event they attend. It is no different from anything that has happened in the past. They will still be able to make that application.

Hon KEN TRAVERS: I want to go back to this document, which provides us with a list of events and estimated total revenue. This amount concurs directly with the estimated revenue contained in the 2009–10 *Budget Statements*. The document lists only two of the annual circuit of music events that come to Western Australia—the Big Day Out and the Rock-It concert in Joondalup. A few years ago I might have known the names of all the other events, but it is my understanding —

Hon Kate Doust: The blues and roots festival.

Hon KEN TRAVERS: There is the blues and roots festival, which some of us older members probably remember. I think the last outdoor concert I went to was a blues and roots festival. There is Summadayze, Parklife —

Hon Kate Doust: A Day on the Green.

Hon KEN TRAVERS: A Day on the Green is a bit of an older one. There is also the Good Vibrations festival. There are probably 10 or 15 of these events.

Hon Kate Doust: There are a few in Doodlakine.

Hon KEN TRAVERS: I was talking about the metropolitan area. There are a range of events in regional areas. What is the big one in Busselton? It is Southbound. That is a huge event that goes for three days. I imagine that all of those events will be included if this legislation is passed. If we are charging for the Big Day Out, then Southbound, Summadayze, Good Vibrations and all of those will also be counted. Am I correct?

Hon PETER COLLIER: The member is quite correct. I am not familiar with a lot of those events, but probably most of them will be included. It is anticipated that they will be included in terms of those that the police will be required to attend and that will be liable to pay the fee.

Hon KEN TRAVERS: We named five at least that would fit within that category. There were a lot of concerts late last year, such as the U2 and Bon Jovi concerts. I should be able to remember them all because I could hear them from my backyard.

Hon Kate Doust: Leonard Cohen.

Hon KEN TRAVERS: Was that a big concert? There were probably four or five, so we are probably talking about at least 10 events per year that will be added to this list. Based on these figures, that is another \$290 000. The government reckons it will make \$29 000 out of the Rock-It concert in Joondalup, and the Big Day Out will pay \$29 000. We are told that this bill will have an impact of only \$500 000 on the state of Western Australia. By the time we have found out the extent to which other events will be included, we could be talking about millions of dollars coming into government revenue, yet the government is trying to downplay it by suggesting that it will be only \$500 000. What is the real figure the government is expecting to get?

Hon PETER COLLIER: I cannot be any more definitive than I have been. I am not being sinister or clandestine. The information provided to me is that it is estimated that the revenue raised will be between \$500 000 and \$700 000. For the reasons the member has just articulated, and as I have articulated on a number of occasions over the past three or four hours, there are constant shifts and changes with concerts and events. The Good Vibrations concert is on this weekend.

Hon Ken Travers: Is it?

Hon Peter Collier; Hon Kate Doust; Deputy Chairman; Hon Ljiljana Ravlich; Hon Matt Benson-Lidholm; Hon Ken Travers; Hon Max Trenorden; Hon Col Holt; Hon Adele Farina; Hon Ed Dermer

Hon PETER COLLIER: I have just been informed that it is. Apparently, the number of people attending will be much lower than usual. In that instance, the criterion has shifted in terms of the number of police who will be in attendance. That happens with a lot of events. If we could prescribe the number of people who will attend every event over the next five years and how many police will be needed for those events, I would be able to stand here now and give an exact figure. But an exact science in this area is just not possible.

Hon Ken Travers: But you must be able to give us a much more representative figure than this, minister. This is not an accurate figure by any stretch of the imagination.

Hon PETER COLLIER: As I have said, this is the most accurate information that I can possibly give the member. Most of the events that the member has mentioned will fall into this category. But, for the reasons that I have just given, there are constant shifts and changes. There are always events that people think up and that are new. That means that events will change year in and year out. That means that what occurred in 2010 will more than likely be a lot different from what will occur in 2011 and 2012.

Hon Ken Travers: For the event that will be held this weekend, will more than 10 police officers be required?

Hon PETER COLLIER: I am advised that WA Police would usually send more than 10 officers to that event.

Hon KEN TRAVERS: I understand the difficulty that the minister is placed in, because he is a representative minister, and I understand that this document that the minister has tabled was obviously provided by the Minister for Police in the other place for the minister to present in this house. However, with all due respect, minister, we could sit here for the next 10 or 15 minutes and write a document that is far more accurate and is based on far more realistic scenarios about what really happens.

Hon Peter Collier: That is a representative document, though.

Hon KEN TRAVERS: The event that will be held this weekend may be smaller than was planned for, but it will still be charged, because it will be attended by more than 10 police officers. Many events, such as Blues and Roots, and Summadayze, have been going now for five or 10 years. Southbound has also been going for quite a few years. We can be pretty confident that those events will continue for some considerable time. It would have been more respectful of this place if we had been given a more accurate and reflective picture. I understand the minister's problem. We do not have a problem with the Minister for Energy. I am sure that if the Minister for Energy was the minister responsible for this portfolio, we would be given better information in this chamber. But the minister needs to understand our problem. Our problem is that we know the minister who is dealing with this portfolio. We know his incompetence and his form on these matters, and the fact that he has consistently managed to stuff up his portfolio. I understand the difficulty the minister in this place has. He can only give us what he has been given by the minister in the other place. But I suspect that this minister knows in his heart of hearts that the information that he has been given by the minister in the other place is not worth the paper it is written on. Today we have found out that the information about the AFL is incorrect. If the information about the AFL is incorrect, I suspect that some of the other information on this list is also incorrect and not a realistic scenario of what is going to happen. There are events that should be on the list but are not on the list. This is just another example of what we have to put up with from the Minister for Police in this state. I therefore hope the minister in this place can understand why we get frustrated—not with this minister, but with his government and the information that is provided to this place, on behalf of his government, by that clown.

Clause put and a division taken with the following result —

Extract from *Hansard*
[COUNCIL — Thursday, 17 February 2011]
p564b-596a

Hon Peter Collier; Hon Kate Doust; Deputy Chairman; Hon Ljiljana Ravlich; Hon Matt Benson-Lidholm; Hon Ken Travers; Hon Max Trenorden; Hon Col Holt; Hon Adele Farina; Hon Ed Dermer

Ayes (18)

Hon Liz Behjat
Hon Jim Chown
Hon Peter Collier
Hon Mia Davies
Hon Wendy Duncan

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

Hon Alyssa Hayden
Hon Col Holt
Hon Robyn McSweeney
Hon Michael Mischin
Hon Norman Moore

Hon Helen Morton
Hon Max Trenorden
Hon Ken Baston (*Teller*)

Noes (13)

Hon Helen Bullock
Hon Robin Chapple
Hon Kate Doust
Hon Sue Ellery

Hon Jon Ford
Hon Lynn MacLaren
Hon Ljiljana Ravlich
Hon Linda Savage

Hon Sally Talbot
Hon Ken Travers
Hon Giz Watson
Hon Alison Xamon

Hon Ed Dermer (*Teller*)

Pairs

Hon Simon O'Brien
Hon Phil Edman

Hon Adele Farina
Hon Matt Benson-Lidholm

Clause thus passed.

Clause 2: Commencement —

Hon KEN TRAVERS: If this bill is successful, when does the government envisage the bill will be given royal assent so that proclamation can occur?

Hon PETER COLLIER: It is anticipated that that will be around 1 July, or as close to 1 July as possible. As I mentioned last night also, any event for which ticketing has already been done or established will not be charged; and there will be no charges for AFL matches before the end of this year.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Part IVB inserted —

Hon KATE DOUST: Under clause 4, the Commissioner of Police will be given the capacity to charge on a cost-recovery basis when attendance is requested by the promoter or organiser of an event. Is the onus on the event organiser to automatically contact the Commissioner of Police to commence discussions about the event?

Hon PETER COLLIER: Under the cost-recovery component, it must be established within 60 days of the event.

Hon Kate Doust: I know that.

Hon PETER COLLIER: The promoter or organiser will put in an application based on how many police are required.

Hon KATE DOUST: I suppose what I am trying to ask is: is it compulsory for the event organiser to automatically request that assistance, or, going back to the point I made earlier, can the event organiser say, "No; we've got this whole thing sorted. We don't need any extra police"? Is it compulsory for the event organiser to make that contact to start the ball rolling, or is it up to the police to contact the event organiser?

Hon PETER COLLIER: It is not compulsory, unless of course liquor licensing and local government say that police are required. That is basically what I said this morning.

Hon KATE DOUST: So it is.

Hon Peter Collier: Well —

Hon KATE DOUST: I am talking; the minister will get his turn in a minute.

Hon Peter Collier: Sorry.

Hon Robyn McSweeney: Bossy!

Hon KATE DOUST: No, I am not bossy. I get told to sit down and not say anything, so I want to have my say.

My question to the minister is: if this legislation goes through, and given that a diverse range of people are involved in events management in Western Australia and in the eastern states, and possibly some players from overseas, how will they be informed of these changes? How will they know what steps are required of them? At what part of the process will that information kick in?

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Hon PETER COLLIER: The policy will be published on the police website. In addition, liquor licensing and local government will inform prospective event organisers where they can access information on the legislation.

Hon KEN TRAVERS: I was going to suggest that we proceed through each of the proposed sections in clause 4; hence, I will not move my amendment yet. I want to commence with proposed section 39D. The reality of what the minister told us before lunch is that if the Commissioner of Police determines that more than 10 police officers should attend any event which involves liquor or which is to be held in an area that requires the permission of local government, the liquor commission would never say no to that, and neither would local government, because they would be risk averse. They would say, "If the commissioner says that, we'd better approve it, because if we say no and something happens, it will be on our head", so they would agree to it. Why is proposed section 39D written in the way it is? Why does it not just say "where the Commissioner of Police determines that 10 or more police officers are required"?

Hon PETER COLLIER: In this instance, we want to be seen as a government that is being consultative, not necessarily punitive. That is just the way we would like to proceed.

Hon KEN TRAVERS: But the government is being punitive. Unless the government can give us a commitment today that the police will not exercise those powers to go to the liquor commission or the local government, all it will do is create an expectation that will never be realised. It is misleading the public. I would have thought that the bill would be more accurate if we were to delete the words after "where" and add the words "the Commissioner of Police determines that 10 or more police officers are required". That would be a more accurate reflection of what is going to happen. We should not pass legislation that we know will not reflect the way that the system will work. Let us make sure that the bill we pass reflects the reality.

Hon PETER COLLIER: It is almost a contradiction of the argument that was had earlier in the day. We are quite comfortable with that. As I have said, we are trying to be as conciliatory as we possibly can be, and we think that this meets that objective.

Hon MAX TRENORDEN: As the minister probably knows, I have real problems with this bill. I will run through my perception of it and we will go from there. At page 4 of the bill, the definition of "police services" states —

... in relation to an event, means the attendance of police officers at the event in order to do any of the following —

- (a) keep order;

Is that real order or perceived order? Is it because there is going to be a real problem at an event, or is it because the police perceive that there is going to be a problem at an event?

Several members interjected.

Hon MAX TRENORDEN: I am not trying to be difficult; I am just trying to understand how this bill will affect my constituency and how it can work for my constituency. As I said in my speech the other day about the liquor licensing process, the police are using a range of provisions that are perceived, not real. Those perceived provisions are penalising events. I agree that this is not the only legislation that does that, but it adds another layer of activity that might happen. At page 5, proposed section 39G(3)(b) states —

- (i) to consult on the matter with the promoter or organiser of the event;
- (ii) to have regard to the current charging policy published under section 39L;

That is happening now. The current level of consultation with event organisers consists of them being told that they will have security officers at the event whether or not they like it; and, if they do not like it, they will not get a licence. I will put a couple of things on the record. I understand that the Commissioner of Police has said in recent times that he agrees with the point of view that I have been putting forward, so my concern is not with the current commissioner. I have a fair amount of regard for him as an individual, and I believe that the current commissioner is weighing up these matters. I do not have any problems with the current commissioner, because he has spoken publicly on the matter on a couple of occasions, and I will quite happily take him at his word. But there will be another commissioner not far down the track.

I repeat the question: is this about a real problem or is it about a perceived problem? The current application for liquor licensing is about a perceived problem. In many cases it is a real problem. I spoke the other day about the Joint Standing Committee on the Review of the Racing and Wagering Western Australia Acts, which heard case after case of people having to deal with a perceived position. I do not think there is any doubt that that is true. There is certainly no doubt in my mind that it is true. I do not want to speak for members of that committee; they can all speak for themselves. A report has been written from the outcomes of that committee, which people can

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read if they wish. Part of the findings of that committee dealt with this matter as it related to the racing industry. This act does not just relate to the racing industry; it relates to a whole raft of activities that could be happening. Philosophically, I have no problem if Bon Jovi or Neil Diamond comes to town—that is not what I am concerned about. I am more concerned about, once this is law, how it is going to operate. I am very sure, because I have a great deal of confidence in the minister as well, that he is going to tell me what the intent is. I do not doubt him for a second. What I am trying to say is: what is going to happen after this bill has been in operation for a number of years and there is a personnel change? That is where my concern lies. I will not be happy with the bill until I am convinced and have some surety that the things I already see happening are not going to be compounded by this bill.

Hon PETER COLLIER: I thank Hon Max Trenorden for his comments. I say at the outset that nothing will change after the enactment of this bill other than the fact that some events will actually pay for police services that go beyond the police's normal responsibilities. There will not be any more or any less police at any events than there currently are. From that perspective, nothing is going to shift. Police will still attend those functions—I need to emphasise that. It does not mean that events are going to be ordered to have police. That is not the intent of the legislation. It means, for example, that if there is in excess of 5 000 attendees at an event, the 10 police will actually be paid for by the attendees, through the process I have been through on a number of occasions. In terms of the actual role of the police—the member mentioned police services—that is as per usual: to keep order, to provide an immediate emergency management capability and to provide traffic management in the immediate vicinity of the event. That is as per normal. There is no move here to try to extend the powers of the police or to compel people to have police attend their events.

Hon MAX TRENORDEN: Can I just continue the point?

Hon PETER COLLIER: Yes.

Hon MAX TRENORDEN: I thank the honourable minister for allowing me to do that. On page 5, proposed section 39G(3)(b) states —

the Commissioner is the final judge of the number of police officers required to provide police services for an event, but that does not lessen or limit any obligation that the Commissioner has —

And it goes on to other points.

That can be read a couple of ways. I would like some assurance from the minister. I have no doubt of the minister's intent or the intent of the current minister, and I have no doubt of the intent of the current Commissioner of Police. I am worried that we are just putting a piece of legislation on the table. I have been in this place and the other place for approximately 25 years and I have seen bills go wrong on a few occasions, so I have a nervousness in that area. I just want some surety from the minister that some future Commissioner of Police is not going to say, "I am having difficulty with a certain event. What I am going to do is put 30 police officers in there and make it difficult for them." What I am asking is: is that possible under the provisions of this act?

Hon PETER COLLIER: No, nothing will change. A risk assessment will be done on a particular event, and that will be determined in consultation with the event organiser to determine how many police will be needed. That will be based on a case-by-case basis, which is what happens now. One has to determine how many police are needed. As the member would be well aware, as I mentioned this morning, some events shift quite significantly from year to year. I know the Big Day Out was very disappointing this year. I think they have had 40 000 people in attendance in previous years, and that came down to 30 000. That just happens; that is natural attrition at events. Nothing will happen, but that risk assessment will be done in consultation with the organiser and the police to ensure that the management services that are provided by the police are maintained for the safety and wellbeing of those who are in attendance.

Hon MAX TRENORDEN: The minister said a little earlier that there is a review or an appeals process, but I cannot find reference to an appeals process in the bill. We did talk about taking it off the State Administrative Tribunal. I am just wondering how. It is not in the bill that I can see. If the minister can tell me I am wrong and show me where it is in the bill, that is fine, because I have never been the best bill reader. The other point is that, if it is to be decided by SAT, how is that going to work? My understanding of SAT—I have had a little bit to do with SAT—is that it just does not have the sort of authority that the minister was talking about earlier this morning. How is that appeal mechanism actually going to work?

Hon PETER COLLIER: I thank the honourable member for the point that he has made. It was made by a couple of members from the opposition as well. We sought some advice on this in regard to SAT, because the advice that we received at the time was that SAT had the capacity to review it. I intended to bring this up later for discussion in the committee stage. Further advice was sought from the State Solicitor's Office with respect to

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the jurisdiction of SAT to review a decision under the legislation regarding whether an event falls under the definition of an “event”. The advice is that SAT may not have jurisdiction to consider and review the decision. Therefore, the government will be making an amendment to ensure that the event organisers can appeal the decision of the commissioner.

I apologise if there was any confusion. I know I probably gave the wrong advice earlier, but as I said, this is a result of points that were raised earlier today. I can assure the chamber that we will be moving an amendment to ensure that decisions made by the commissioner will be appealable to SAT.

Hon Ken Travers: When will we get that amendment?

Hon PETER COLLIER: I will table it before the next sitting, so it will not be today.

Hon Ken Travers: Do you know what clause it is going into? Surely we will need to adjourn the bill when we get to it.

Hon PETER COLLIER: We can certainly proceed in its current form, but I will not complete deliberations at the committee stage. I will seek leave to sit again.

Hon MAX TRENORDEN: Minister, I would like to be friendly, and I am still friendly and I want to continue to be friendly, but I think this is at the stage where it would be useful to suspend the debate on the bill. Just getting back to the SAT situation, it will not be enough to come back and say, “We will change the bill.” Do we actually know how it is going to work in SAT? I am nervous about this. I want to know what the mechanism is going to be when it goes to SAT. Who is the complainant; how will that process go ahead? How does it get heard? Is it going to be heard with legal entities in there? It is not just a matter of saying, “Okay, we will tick it with SAT.” I understand the intent, but it will take a little more than that. I actually think it is a good time to say that we have debated clause 1. There are a few things that probably the minister and I and others should talk about before we progress with the bill. I have far too much respect for the minister to say that he should do anything, but I am just gently suggesting that maybe now is the time to stop debating this bill and clear some of these issues before we progress.

Hon PETER COLLIER: I appreciate the honourable member’s viewpoint but it will not impact on the other clauses before us. The issue with regard to the appeal to the State Administrative Tribunal will not impact in any shape or form on the rest of the debate. I have given an undertaking that I will seek leave to sit again, which I will. I assure the house that we will deal with that amendment. That amendment will be received in plenty of time.

Hon KEN TRAVERS: It is difficult to debate a bill without knowing what it is we will ultimately debate. I think my question touches on the issues Hon Max Trenorden touched upon: will the appeal to SAT be on the basis of the merit of the decision of the Commissioner of Police or only on whether or not the commissioner has complied with the legislation?

Hon PETER COLLIER: It will be on whether or not the event falls within the definition of the act.

Hon KEN TRAVERS: Again we come back to this issue: in the case of the events we talked about earlier, even if we amend it to have a SAT appeal mechanism, if the government has not made a provision to exempt that class of events and the commissioner determines that it will go ahead, then SAT will also find that the event should be charged as well. It really comes back to that question of whether the minister has given an exemption. On that basis the area that needs to be appealable is whether the minister has given exemptions to the types of events that should be included, not whether the commissioner is trying to charge for them.

Hon PETER COLLIER: If members look at proposed section 39E, it is whether or not it will be the type of event that it is—whether it is a charitable event or a community event, or whether or not it falls into that category. That will be appealable.

Hon COL HOLT: I want to double-check on that particular part. I am not exactly certain I understand the process. Let us say an event organiser negotiates with police about an upcoming event, including how many police are required. If the police are advised that it is a charitable event or a community organisation that should be exempt—that is, it is an event run for the benefit of the local community—who makes the decision that says yes, we agree, or no, we do not agree? What is the avenue for that organisation to appeal that process?

Hon PETER COLLIER: It is ultimately the commissioner’s decision. The appeal to that decision will be through SAT. That will be reflected in the amendment.

Hon COL HOLT: I want to extend that a little further and talk about a government-sponsored event. The definition states —

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government-sponsored event means an event sponsored by a local government or a regional local government or the State or the Commonwealth;

I am not sure what a regional local government is; maybe the minister can shed some light on that. But what does “sponsored” mean? There are lots of different ways that events are sponsored. Does it include funding or naming rights? What does that mean in terms of these exemptions?

Hon PETER COLLIER: The minister makes that decision. The member is quite correct that a government-sponsored event would be a sponsorship whereby a particular government or a government organisation actually provided financial sponsorship. Although in some instances it may transcend a venue or a donation, things like that, it is cases in which the government actually contributes to that event via sponsorship.

Hon COL HOLT: I am not sure the minister answered the first part of my question. Does “regional local government” mean country local government?

Hon Ken Travers: It is a combined local government, such as a regional council.

Hon COL HOLT: There is no such thing. That is why I want to ask the minister. Thanks for your input.

Hon Peter Collier: Thanks, minister!

Hon Ken Travers: You weren’t answering; I thought I would do it!

Hon Peter Collier: I did not have a chance to get to my feet.

Hon COL HOLT: To make it clear: the organisation negotiates with police to say, “This is what we’re running. We want to be exempted because we’re a government-sponsored event.” A final decision is made by the commissioner as to whether it is a government-sponsored event or not and should be exempt. When does the minister become involved in an exemption decision?

Hon Peter Collier: The minister gets involved when he actually sponsors the event.

Hon COL HOLT: I am asking about exemptions. The minister said before that the decision about exemptions is ultimately made by the commissioner. Does the minister ever —

Hon Peter Collier: Not in government-sponsored events. That is for the minister.

Hon COL HOLT: In the section before that, that is the commissioner?

Hon Peter Collier: That is correct. That is non-government.

Hon COL HOLT: An event that will benefit the local community is made by the commissioner?

Hon Peter Collier: Sorry, the last question was?

Hon COL HOLT: It may be my fault for jumping around. The minister makes an exemption decision about a government-sponsored event?

Hon Peter Collier: Yes.

Hon COL HOLT: In the section before that, the exemption is —

Hon Peter Collier: Is that proposed section 39G?

Hon COL HOLT: It is paragraph (b)(iv) under proposed section 39E, which reads —

an event run for the benefit of a local community ...

Some sort of an exemption can be applied for.

Hon Peter Collier: Sorry, what was that?

Hon COL HOLT: It is on page 4, line 13. In the case of an event run for the benefit of a local community, if an organisation has said, “We think it is for the benefit of the local community and they have said we should be exempt”, the minister said before that the commissioner makes that decision—is that right? When does the minister become involved in that decision under that proposed section?

Hon PETER COLLIER: Yes. I am with the member now.

Hon Col Holt: I am sorry; I realise my mistake, too.

Hon PETER COLLIER: That is all right; no problem at all. The government-sponsored event is determined by the minister; right?

Hon Col Holt: Yes.

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Hon PETER COLLIER: The commissioner's determination on whether he can exempt an event is made through proposed section 39E(b)(v)—that is, a government-sponsored event that is exempted by the minister under proposed section 39H and gazetted.

Hon COL HOLT: So, the minister has input through subparagraph (v) of that proposed section.

Hon Peter Collier: Yes; he would have already made that decision.

Hon COL HOLT: I thank the minister.

Hon MAX TRENORDEN: This bill, on my reading, is very much a process of the commissioner. How does the minister find out? Is there a compulsory reporting process? Could the minister tell me how the minister would actually get involved?

Hon PETER COLLIER: I thank the honourable member. Does the member have the cost recovery report?

Hon Max Trenorden: I did not actually pick up one of those.

Hon PETER COLLIER: That is all right; the member can get one, as it was tabled. Page 6 contains the exemptions to cost recovery, and states that an event organiser may apply to the Minister for Police to have a government-sponsored event exempted from cost recovery. It also states that for the event to be exempt under section 39H of the Police Act 1892, the minister must be satisfied about the event. As I said, the criteria are outlined on page 6 of that document.

Hon Max Trenorden: I will get the document and have a look at it.

Hon KEN TRAVERS: On my reading of the way this bill is constructed, the key issue is that the Commissioner of Police can charge for an event if it is a major event. That provision is contained in proposed section 39G. The commissioner would then need to determine whether it was a major event, and that is when the commissioner would go to proposed section 39F, which refers to 5 000 or more attendees or participants or 10 police officers. The commissioner would be able to charge for that event unless it was exempt under proposed section 39E. One of the levels of exemption is a government-sponsored event. The event would need to have been exempted by the minister. If the minister has not exempted it or refuses to exempt it, then it is covered. However, another proposed section comes into play, proposed section 39H, under which the minister can exempt an event as a government-sponsored event only if the minister is satisfied that the event —

- (a) will provide significant economic benefits for the State; or
- (b) will provide significant publicity for the State through media coverage of the event; or
- (c) will contribute significantly to the State's national or international profile as a host of sporting, entertainment or other events.

So, in fact, that is the real key, as an event will get an exemption only if it is, say, the Red Bull Air Race. The way the bill is written seems to be the wrong way around. We should be exempting the lower-level events, or guaranteeing their protection, not the higher-level events. However, with the way this bill is structured, the big events are exempt. I reckon people could pretty much argue that if they do not have Eventscorp funding, they will struggle to get an exemption under this proposed section of the bill. That is how I read it. I would call this the Eventscorp clause. The sorts of events that are sponsored by Eventscorp will meet the test in proposed section 39H. I note that Hon Brian Ellis proposes an amendment to this proposed section to remove “may” and substitute “must”. I suspect in this case that “may” means “must” anyway. I will leave Hon Brian Ellis to read the *Hansard* of Hon Peter Foss to understand the difference between “may” and “must”. I will wait until I hear Hon Brian Ellis's argument for the amendment, but I am probably pretty happy to support it. However, it comes back to the minister being satisfied of all those criteria for the event to be exempt. Therefore, an event that has been sponsored because the local council in Geraldton thinks it is a great idea for Geraldton will not be covered. It is actually only events that the government and Eventscorp think are great that will be covered. To me, that highlights one of the problems with this bill. I think the government has got it back to front. It is actually attacking the small sporting events and lower-level events.

Another question I have for the minister, if I have it correct and he can confirm it for me, is whether the Commissioner of Police may charge for an event. Is this going to become discretionary? Will the commissioner decide that he likes one event and will not charge for it, and that he does not like the organisers or nature of another event and will charge for it? There could be a whole level of discrepancies. Will one set of music concert promoters not be charged and another set charged? Again, that seems to me to be a really problematic area with the way in which this bill is drafted.

Hon PETER COLLIER: The member is talking about the Red Bull Air Race, for example. That will be captured under proposed section 39H logically, as it is government sponsored and is a large event; most events,

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though, are not. Here we are talking about events that have fewer than 5 000 in attendance, or a community event or a charitable event, which can be exempt. A lot of those events will be captured by the terms under paragraph (b)(vi) of the definition of “event” in proposed section 39E, which reads —

any other event or class of event exempted from this Part by regulations made under this Act;

I dare say a raft of different events will be exempt under the regulations.

Hon Ken Travers: Can you give us some examples?

Hon PETER COLLIER: The Royal Show would be a perfect one, as it is a large one.

Hon COL HOLT: I want some clarification, and thanks to Hon Ken Travers for helping me. Can we expect that an event such as the Albany show, which is sponsored by local government and would probably have more than 5 000 attendees, would not be exempt under proposed section 39H because it would not be considered that it would provide economic benefits to the state despite the fact that it is very important for the region? Is the minister saying that it would be included in paragraph (b)(iv) of the definition of “event” in proposed section 39E, which refers to “benefit of a local community”; or in proposed subparagraph (vi), which refers to “exempted from this Part by regulations”? Can the minister say that events run by those organisations will be exempt from this legislation?

Hon PETER COLLIER: They can apply for exemption and more than likely will receive it.

Hon MAX TRENORDEN: I will ask again a question that we might hear a little further on when we debate the difference between “shall” and “may”. On page 6 of the bill, proposed section 39H(1)(a) states it “will provide significant economic benefits to the State”. Can the minister state clearly whether that is a “we” statement, as there are a lot of events that are pretty important for communities? So, if we debate that statement broadly, those events would be of little importance to the state but of substantial importance locally. I know it is the same argument and that we have heard this argument before. However, I want to hear what the minister’s impression is of the word “state” in that proposed section. Does it or does it not include small communities out there that might have an event with more than 5 000 attendees?

Hon PETER COLLIER: No. That proposed section actually refers to large international events that will bring significant dollars into the state to provide significant economic benefits.

Hon Max Trenorden: So, it is not a biblical term!

Hon PETER COLLIER: No.

Hon COL HOLT: That is about the significant events. With those small regional community events, it is really down to local negotiation and the Commissioner of Police’s view of those events when making a decision about whether they are exempt. Are we then left with the Commissioner of Police’s opinion and some sort of appeals process?

Hon PETER COLLIER: Yes, and ultimately, the minister’s decision to prescribe those events in the regulations. This has come up before. As I said, we could put those events in the act, but then if we put them in the act, where do we stop? If they are put in the act, it will potentially contain literally thousands of different events. That is the whole point of putting them in the regulations instead.

Hon KEN TRAVERS: I would argue that if the government goes down the path of regulating individual events and seeks to give the comfort to the chamber that I think it is looking for, there will be potentially thousands of events in the regulations. Instead, the government could put into the bill the classes of events that we do not want touched by the legislation, and that would make a significant difference.

I want to touch on proposed section 39H. The sort of event that we are looking at in that proposed section is one that will provide significant economic benefits. I assume that the sort of event that would be covered by this proposed section would be one that brought 2 000 to 3 000 people from the eastern states into the state to watch it; provided significant media coverage and was broadcast nationally; or contributed significantly to the state’s national or international profile as a host of sporting, entertainment or other events—that is, it showcased the best Western Australian athletes and the state’s ability to put on great sporting events on a regular weekly basis. However, the minister would still be required to grant an exemption. Is that right?

Hon Peter Collier: Yes.

Hon KEN TRAVERS: What is an Australian Football League match? It is an event that provides significant economic benefits. The minister can go and check, but at least 2 000 to 3 000 people come to this state for an AFL game each week. AFL games provide significant publicity every week. The Fremantle Dockers and the West Coast Eagles get national coverage.

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Hon Peter Collier: Do they get government sponsorship to run those events?

Hon KEN TRAVERS: The West Australian Football Commission does and it is the owner of those events; it is the beneficiary of the money generated from that event.

Several members interjected.

Hon KEN TRAVERS: I was just telling Hon Kate Doust about the new process of Healthway. We will not get into the debate about the way Healthway is dealing with the sporting clubs in this state at the moment; we will stay away from that.

The WAFC, which runs those events and is the beneficiary of the proceeds from those events—it is not the AFL—meets all those tests. The WAFC get government sponsorship of \$400 000 a year and they give significant economic benefit. Will they be granted an exemption under proposed section 39H?

Hon PETER COLLIER: As I said, the actual weekly AFL events are not sponsored. They are essentially funded through ticket sales. That is different from the government sponsoring the West Australian Football Commission. A lot of that sponsorship money goes into player and junior player development. Ultimately, of course, it will be up to the minister to seek an exemption.

Hon KEN TRAVERS: If the City of Subiaco comes along and says that in return for keeping the name “Subiaco Oval”, it will provide sponsorship for all the AFL games so that Subiaco is promoted every time a game is played at Subiaco Oval, would that meet the sponsorship requirements from a local government? Will the events be defined as sponsored or will it still come back to the minister not wanting to give the exemption? Even though the events have met all those criteria, the government can still refuse to grant the exemption, and there is no appeal to the State Administrative Tribunal.

Hon PETER COLLIER: Yes, ultimately it is up to the minister to determine whether the event meets those criteria and then if the event will be exempt.

Hon KEN TRAVERS: The key point here is that those criteria are about determining what the minister cannot do, not what the minister will do. Therefore, we come back to my point earlier that this bill is structured in such a way that it is not about providing protections; this bill is about providing a blank cheque with a lot of other words in there to try to give people comfort. But in reality, there is no comfort because it comes back to the executive of the day making the decisions.

Hon PETER COLLIER: This particular component of the bill is essentially designed to ensure that the minister has the capacity to exempt events which may potentially be lost and which may have been of economic benefit to the state. Therefore, he has the capacity to exempt those events.

Hon KEN TRAVERS: That could be done, as the minister pointed out earlier, under proposed section 39E(b)(vi). Why do we need proposed paragraph (b)(v) other than to create an illusion? All that paragraph means is that the minister can exempt events only if they meet these criteria, but it does not require the minister to exempt them if they meet those criteria. In reality, we are being told that the minister could exempt the events under proposed section 39E(b)(vi), but, again, that still comes back to the minister making the choice. If the minister does not grant that exemption, there is no appeal to SAT, there is no appeal to any other body; the events organisers will be charged for a police presence.

Hon PETER COLLIER: The whole point of this proposed section is that the event can be gazetted and the Commissioner of Police must act upon it. The commissioner cannot go against that, because if the minister sees that the event is of benefit to the state, that is exactly what will happen.

Hon Ken Travers: Only if the minister sees it as a benefit.

Hon PETER COLLIER: That is what it says.

Hon ADELE FARINA: I am looking at the events that are not included, and proposed section 39E(b)(iv) refers to an event run for the benefit of a local community. What criteria will be used to determine whether the event is being run for the benefit of a local community? I would argue that all events benefit the local community.

Hon PETER COLLIER: Ultimately, of course, there will be collaboration, as I have said, between the major events coordination unit and the event organisers to determine that. If the organisers do not satisfy that requirement—that is, their event has not been classified as having benefit for the local community—they will have, as a result of an amendment that I will bring in at the next sitting, the capacity and the ability to challenge that through SAT.

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Hon ADELE FARINA: Who makes the decision about whether an event is one that is run for the benefit of the local community?

Hon Peter Collier: The Commissioner of Police.

Hon ADELE FARINA: It does not say that in the bill.

Hon KEN TRAVERS: I will go back and work my way through the different proposed sections, starting with 39E. Can the minister explain to us what is meant by the term “public benevolent”? I understand what a religious institution is —

Hon Kate Doust: Ask him to explain that, too.

Hon KEN TRAVERS: The member can ask him; I am particularly interested in why “public benevolent institution” is included and what the government means by “public benevolent institution”.

Hon PETER COLLIER: This came about as a result of an amendment in the lower house. The term came from the Debits Tax Assessment Act and it is people who are exempt from debit tax.

Hon KEN TRAVERS: That may be what happens when it is applied to the debits tax act in that people who are a public benevolent institution are exempt from that act. I think that legislation has actually been repealed. However, once we pass this legislation, that term will be given a meaning. What does the government intend “public benevolent institution” to mean? Who are we talking about?

Hon PETER COLLIER: It is any charitable organisation. We have been trying to think of a few—potentially like Good Samaritan Industries or The Smith Family.

Hon KEN TRAVERS: If it was a charitable organisation I thought it would be picked up under the definition of “charitable purpose” referred to in paragraph (b)(i) of the definition of “event” in proposed section 39E, which relates back to the Charitable Collections Act 1946. I suspect that this term will be given its common ordinary meaning by the courts; therefore, it becomes interesting for me because it may resolve our problems if we get the right definition. The *Macquarie Dictionary* defines benevolent as “desiring to do good for others” or “intended for benefits rather than profit: *a benevolent institution*”. That would be a benevolent institution. In fact, if we were to delete the word “public” that would cover us completely in what we want to achieve in this bill—namely, the events run in Dowerin and all the rest of it would clearly be for benevolent institutions, as would events run by organisations that are doing it not for their personal benefit but “desiring to do good for others” or are “intended for benefits rather than profit”. My problem is, of course, that the legislation does not use the term “benevolent institution” but “public benevolent institution”. Therefore, clearly the government has some intention by including the word “public”. The *Macquarie Dictionary* defines public as —

... of, pertaining to, or affecting the people as a whole or the community, state, or nation: *public affairs* ... done, made, acting, etc., for the people or community as a whole: *a public prosecutor* ... pertaining to or engaged in the affairs or service of the community or nation: *a public official* ... maintained at the public expense, under public control, and open to the public generally ... open to the view or knowledge of all; existing, done, etc., in public ... having relations with or being known to the public generally ...

Certainly, if we were to simply use the term “benevolent institution” I think that would cover everything. My problem is what the word “public” does to the term “benevolent institution”. Does it actually broaden it; and, if so, how far is the term broadened? I suggest that an awful number of the events we have talked about today meet that test of benevolence in that they are not for profit and they are intended for benefits rather than profit and a desire to do good for others. I still want to get a better understanding of “public benevolent institution”. Otherwise, I think the answer is to simply delete the word “public” because that is the bit that will confuse us. If we simply use the term “benevolent institution” in the legislation, we will be laughing.

Hon PETER COLLIER: If we were just to use the term “benevolent” that in itself would suppose that the society is closed to a particular cohort or grouping. The term “public benevolent” means that it is open to everybody; it is literally a public benevolent group or institution, as opposed to just a select group of people.

Hon KEN TRAVERS: Is the West Australian Football Commission a public benevolent institution; and, if not, why not? It is open to the public and it provides services for the public, not for profit but for benefits. It provides services for kids to enjoy football. It meets the test of a benevolent organisation because it is doing it out of a desire to do good for others—goodwill, charitableness. That is benevolence. Benevolent is defined as “desiring to do good for others” or “intended for benefits rather than profit”. The WA Football Commission is for everybody and it provides Auskick for any kid who wants to turn up to play football, so is it a public benevolent institution?

Hon Peter Collier; Hon Kate Doust; Deputy Chairman; Hon Ljiljana Ravlich; Hon Matt Benson-Lidholm; Hon Ken Travers; Hon Max Trenorden; Hon Col Holt; Hon Adele Farina; Hon Ed Dermer

Hon PETER COLLIER: Some would suggest no, I have to say. I think probably if we were to look at what would be an agreed definition or assumption of a benevolent society, virtually everyone would say that Good Samaritan Industries is. If we were to say the same about the Australian Football League or the WA Football Commission, I doubt that we would get the same response.

Hon Ken Travers: Be clear: the AFL is different from the commission.

Hon PETER COLLIER: Sorry, the football commission, but we would get a different response because it deals with a sectional particular interest group of the community, whereas Good Samaritan Industries deals with a much more generic overall goodwill motivation. That is the distinction between the two.

Hon KEN TRAVERS: Providing sporting services for young kids to encourage them to be active and to do physical activity in our society —

Hon Peter Collier: In a very sectioned group.

Hon KEN TRAVERS: We can think about the services provided by those other public benevolent institutions. For example, Good Samaritan Industries provides services for those who are hard up. Good on it. I congratulate it. A range of other charitable organisations provide services targeted at people who are down on their luck and having a bit of a hard time. They do not provide services for everyone. I do not see the difference. Some of those organisations still charge for their services, but at a low price or the profits they make go straight back into their services. A lot of those organisations now run commercial activities alongside their benevolent activities, but their profits go back into the benevolent side of what they do, which is to provide a service for the greater good.

Hon PETER COLLIER: I understand where Hon Ken Travers is coming from. I have great respect for any sporting organisation that moves and interacts with our community. The more we get youth into sporting disciplines, the better. But at the same time, in terms of the pure definition of “benevolent society”, I genuinely do not think we could put the West Australian Football Commission in that category. Tennis West also cannot be put in that category. Tennis West does an enormous amount for tennis kids right around the state but if it were included under the definition of “benevolent society”, we would be broadening the accepted definition of that term a little too far. I acknowledge the good work that those organisations do, but those sorts of organisations tend to work for a specific section or cohort within the community, whereas The Smith Family or Good Samaritan Industries are much more altruistic in the benefit they give back to the community.

Hon KEN TRAVERS: What about an ethnic organisation that runs a major multicultural fair?

Hon PETER COLLIER: Being a cultural organisation does not necessarily mean that it is a benevolent organisation. It may well be, but it is not necessarily. It would be wrong to assume that all cultural organisations are benevolent organisations. It would be an accepted norm within the community that a benevolent organisation is a charitable organisation that exists solely for the benefit of the community, particularly in terms of assisting the underprivileged or disadvantaged—those members of the community who are down and out. Good Samaritan Industries definitely fits that criterion, whereas organisations such as the West Australian Football Commission and Tennis West do not. Although some organisations do a good job for their particular cohort or multicultural group, they do not necessarily fit the criteria of being a benevolent organisation.

Hon KEN TRAVERS: The minister said that Tennis West does a great job and that he would not want to be seen to be doing anything to damage it. I agree with the minister. Tennis West, along with a host of other sporting organisations in Western Australia, does a great job. We all support and encourage them, and the government gives them money to assist them. When this bill is passed and those organisations are charged for their events, where does the minister think the money will come from to pay the police? The list is wrong because it includes the Australian Football League. They are AFL games, but if we look at the structure in Western Australia, the profits from a game played at Subiaco Oval by the Eagles or Dockers go back to the West Australian Football Commission and then go into sport development. I am referring to the list of the types of events, which was provided by the minister earlier today. Money going to the football commission goes back into junior football. Profits made from Western Force games go back to RugbyWA and into junior sporting events. Profits made from international cricket matches held at the WACA go back to junior sporting events. The only sporting club for which the profits do not go back into promoting and encouraging junior sport would arguably be Perth Glory. Perth Glory is making a loss, and has done for a few years. I suspect it will continue to make a loss, but hopefully not for too much longer. But it will be a long time before Perth Glory recoups what it has lost. If the minister is telling us that he does not want those organisations to be hurt, where does he think the money will come from and how will those organisations cope with the impost this bill will place on them?

Hon PETER COLLIER: I will just clarify that. My comments were in relation to those sporting organisations that I did not think were benevolent organisations.

Hon Ken Travers: But you said that they were doing a great job and you wouldn't want to hurt them.

Hon Peter Collier; Hon Kate Doust; Deputy Chairman; Hon Ljiljana Ravlich; Hon Matt Benson-Lidholm; Hon Ken Travers; Hon Max Trenorden; Hon Col Holt; Hon Adele Farina; Hon Ed Dermer

Hon PETER COLLIER: They do a great job. I will just clarify my remarks. A lot of the money that goes to Tennis West goes towards taking teams of kids—elite teams—to the eastern states or overseas. That is why I do not regard Tennis West as a benevolent organisation. As I said, a select group of people will benefit from Tennis West, as opposed to Good Sammy, which supports people right across the community.

Hon Ken Travers: The kids are achieving to the best of their ability.

Hon PETER COLLIER: They are. This is a moot point. A lot of these people probably do not need financial support from Tennis West; they could probably afford it, with all due respect. That is no disrespect to the children. I have coached hundreds of them over the years. They work their butts off. But in terms of benevolence, I stick by what I said earlier, which is that it is seen as support, encouragement and assistance in a charitable way and in a much more generic fashion.

Hon Ken Travers: I had moved on and asked you another question.

Hon PETER COLLIER: I know, but I wanted to clarify that point. Hon Ken Travers said that I had made a point and I did not actually mean that. What did the member actually ask?

Hon Ken Travers: I was asking where you think the sporting organisations which profit from events and which are going to be charged this fee will get that money from.

Hon PETER COLLIER: Nothing will change. The money will come from ticket sales. People will pay around an extra 60c on ticket sales for the police at an AFL match. The money recouped will continue to go into junior football and the various football clubs.

Hon ED DERMER: Before the debate moves on from the definition of “benevolent organisation”, I would like the minister to clarify his explanation. Is the minister suggesting that in order to be a benevolent organisation, an organisation must also be a charitable organisation?

Hon Peter Collier: No.

Hon ED DERMER: If that is the case, I would like the minister to explain which organisations would fit within the definition of “benevolent organisation” that do not also fit within the definition of “charitable organisation”. To the best of my knowledge, every example the minister cited was also a charitable organisation. I thought the minister said that he meant a charitable organisation by the term “benevolent organisation”. Can the minister explain which organisations are benevolent without being charitable? I think such an explanation would inform the chamber.

Hon PETER COLLIER: There may be none that are not also charitable organisations, but that is part of the definition so that if an organisation feels that it is a benevolent organisation, it can put in a request for exemption.

Hon ED DERMER: What definition would guide an organisation that is seeking to discover whether it is regarded as benevolent?

Hon PETER COLLIER: The advice I have received is that it will make an application to the commissioner, on the ground that it believes it is a benevolent organisation; and the commissioner will more than likely get legal advice if there is any dispute.

Hon ED DERMER: Is it, therefore, correct to interpret the minister’s answer to suggest that at the time when we are considering whether to advance this bill further, the minister is unable to give us any indication as to what types of organisations will be assessed by the commissioner as being benevolent organisations?

Hon PETER COLLIER: I have already given two examples: The Smith Family and Good Samaritan Industries.

Hon ED DERMER: With all due respect, minister, the minister is not the commissioner. The minister has just explained to me that an organisation would need to apply to the commissioner, and the commissioner would then make a decision. How can the minister be sure that the two examples of organisations that he has given would be assessed by the commissioner as being benevolent organisations?

Hon PETER COLLIER: I cannot give the member that commitment. All I am saying is that we are looking at an organisation that is for the betterment of the community, of society, as we determined earlier, and I have given those two examples as organisations that would fit those criteria.

Hon ED DERMER: It would seem from what the minister has said in answer to the points raised, that no advice has come forward from the government as to what considerations would inform the commissioner when the commissioner is assessing whether an organisation is a benevolent organisation for the purpose of this bill. I feel that on that basis alone, it would be inappropriate for us to support this bill.

Hon Peter Collier; Hon Kate Doust; Deputy Chairman; Hon Ljiljanna Ravlich; Hon Matt Benson-Lidholm; Hon Ken Travers; Hon Max Trenorden; Hon Col Holt; Hon Adele Farina; Hon Ed Dermer

Hon PETER COLLIER: The commissioner will rely on legal advice and the legal definition.

Hon KEN TRAVERS: The charge for an AFL game will be 60c per person. The AFL may be able to squeeze that out of its patrons, but some of the other sporting codes may not. Looking at the figures that the minister has given us about the estimated revenue from events, I suspect that if only 5 000 people attend an event, that figure will start to rise above 60c and may become \$1 or \$2. In fact, it may become a negative process, because that sort of price increase may start to drive people away from events. The minister talked earlier about how these are the worst-case scenarios. I suspect that the 60c might be the bottom end of the scale and that it might in fact be the best-case scenario of the impact on ticket prices. Does the minister have any idea of what the potential scale might be?

Hon PETER COLLIER: For the AFL and every other event, the actual amount that will be paid will be determined exclusively on the number of people who are in attendance and the number of police who will be needed, and that will fluctuate.

Hon Ken Travers: Yes; which could mean that it will be a lot higher than 60c.

Hon PETER COLLIER: There would have to be a significant increase in the number of attendees to have a significant increase in the number of police who attend.

Hon Ken Travers: If an event has 5 000 people and 10 police, that will be more than 60c.

Hon PETER COLLIER: For the soccer, with 10 000 people—this is on the sheet—it is 19c per person.

Hon Ken Travers: Yes, except that I notice that the sheet shows that only seven police will attend the event.

Hon PETER COLLIER: That is right. That is the estimated crowd, so we will need fewer police officers.

Hon KEN TRAVERS: It is probably about time that I move some of the amendments standing in my name. I move —

Page 4, after line 12 — To insert —

- (iv) a sporting event run by or for the benefit of an association incorporated under the *Associations Incorporation Act 1987*; or

The reason I move this amendment is that the Associations Incorporation Act provides that the benefits of an organisation cannot go back to the individual members of the organisation but must go back to the purpose for which the organisation was formed. If we were to exempt sporting events that are not run for profit, that would resolve a number of the events that we have talked about. That would include horseracing and all the other sporting events that are run for the benefit of the association, and not for individuals.

Hon PETER COLLIER: As I mentioned in my closing remarks to the second reading debate, the government will not be supporting this amendment. This amendment will essentially provide a statutory exemption preventing the police from charging under this legislation for sporting events run by, or for the benefit of, an association incorporated under the Associations Incorporation Act 1987. The government does not support this amendment, as it will exclude major events such as AFL football matches run by the WA Football Commission, and international and domestic cricket matches run by the WA Cricket Association. It is considered that if these types of events are to be exempted by the legislation, they should be exempted by the minister via proposed section 39H—that is, government-sponsored event—or via the regulations. This will enable the nature of the event to be considered on a case-by-case basis. An exemption to exclude all organisations incorporated under the Associations Incorporation Act 1987 may create a loophole in the legislation for some event organisers to exploit.

Amendment put and a division taken, the Deputy Chairman (Hon Jon Ford) casting his vote with the ayes, with the following result —

Extract from *Hansard*
[COUNCIL — Thursday, 17 February 2011]
p564b-596a

Hon Peter Collier; Hon Kate Doust; Deputy Chairman; Hon Ljiljanna Ravlich; Hon Matt Benson-Lidholm; Hon Ken Travers; Hon Max Trenorden; Hon Col Holt; Hon Adele Farina; Hon Ed Dermer

Ayes (13)

Hon Helen Bullock
Hon Robin Chapple
Hon Kate Doust
Hon Sue Ellery

Hon Jon Ford
Hon Lynn MacLaren
Hon Ljiljanna Ravlich
Hon Linda Savage

Hon Sally Talbot
Hon Ken Travers
Hon Giz Watson
Hon Alison Xamon

Hon Ed Dermer (*Teller*)

Noes (17)

Hon Liz Behjat
Hon Peter Collier
Hon Mia Davies
Hon Wendy Duncan
Hon Brian Ellis

Hon Donna Faragher
Hon Philip Gardiner
Hon Nick Goiran
Hon Nigel Hallett
Hon Alyssa Hayden

Hon Col Holt
Hon Robyn McSweeney
Hon Michael Mischin
Hon Norman Moore
Hon Helen Morton

Hon Max Trenorden
Hon Ken Baston (*Teller*)

Pairs

Hon Matt Benson-Lidholm
Hon Adele Farina

Hon Simon O'Brien
Hon Phil Edman

Amendment thus negated.

Hon LJILJANNA RAVLICH: I move —

Page 4, after line 12 — To insert —

- (iv) a cultural or entertainment event run by or for the benefit of an association incorporated under the *Associations Incorporation Act 1987*; or

I accept that the government is highly unlikely to accept this amendment, but certainly there should be provision for tourism events. There is no doubt that what is proposed in this legislation will have an impact on tourism and tourism events. That is why I have moved the amendment.

Hon PETER COLLIER: This amendment is similar to the previous amendment and the government will not support it. It is considered that the most prudent way to deal with cultural and entertainment events that may be suitably exempted is by proposed section 39H, “Minister may exempt government-sponsored events”, or the regulations. This will enable the nature of the event to be considered on a case-by-case basis. An exemption to exclude all organisations incorporated under the *Associations Incorporation Act 1987* may create a loophole in the legislation that some event organisers could exploit.

Amendment put and negated.

Hon KEN TRAVERS: I move —

Page 4, after line 15 — To insert —

- (v) the Perth Royal Show; or

The reason I have moved this amendment is that the government has told us that it intends to exempt this event. The only way that the chamber can guarantee that will occur is to support this amendment.

Committee interrupted, pursuant to temporary orders.

[Continued on page 604.]

Sitting suspended from 4.15 to 4.30 pm