

APPROPRIATION (CONSOLIDATED FUND) BILL (NO. 1) 2003

Second Reading

Resumed from 12 June.

HON GEORGE CASH (North Metropolitan) [10.28 am]: This Bill is described as a Bill for -

An Act to grant supply and to appropriate and apply out of the Consolidated Fund certain sums for the recurrent services and purposes of the year ending 30 June 2004.

The money required by way of this Bill is made clear in clause 3, which states -

- (1) The sum of \$9 337 110 000 is to be issued and may be applied out of the Consolidated Fund as supply granted to Her Majesty for the year from 1 July 2003 to 30 June 2004.
- (2) The sum referred to in subsection (1) is additional to supply granted by the *Appropriation (Consolidated Fund) Act (No. 2) 2003*.

An additional amount of \$896.831 million is permanently appropriated by special Act arrangements. Further information is provided in respect of that in the explanatory document to make up the amount of \$9 337.110 million. I should have said that the amount of \$9 337.110 million and the amount of \$896.831 million provide for recurrent expenditure from the consolidated fund for the next financial year, amounting to \$10 233.941 million.

Schedule 1 provides a breakdown of the various items by division and makes reference to the various amounts making up the amount stated in clause 3, namely, \$9 337.110 million. The Opposition will not oppose the Bill, but expresses its concern at the course of action this Government has taken, which has resulted in a very significant increase in additional taxes and charges that are being applied in contradiction of the promise by the Premier prior to the last state election. Members will be aware of the catchcry "no increases in taxes". The catchcry should have been "no increases in taxes; ho, ho, ho!", because the Government made a commitment that it would not increase taxes but has turned around and done exactly the opposite. Talk about giving members of Parliament a bad name! The Premier promises one thing, then does the opposite without any justification whatsoever. All we seem to get from this Government is an increase in taxes and charges which in themselves, because of their quantum, are now imposing a significant burden on every man, woman and child in Western Australia. The State Government's record shows a continuum of increases in taxes and charges. The federal coalition Government's record in Canberra shows that the legislation just passed by the Senate will mean Australian taxpayers sharing personal income tax cuts worth approximately \$10.7 billion over the next four years. I refer to a statement by Hon Peter Costello MP, Treasurer of the Commonwealth of Australia, which states -

From 1 July 2003, Australian taxpayers will share in personal income tax cuts worth \$10.7 billion over the next four years.

These tax cuts are additional to the significant reductions in income tax introduced as part of The New Tax System on 1 July 2000. They strike a balance between the Government's goals of maintaining a sound budget position, meeting the higher costs of defence, education, health and other priority programmes and the desire to provide lower taxes for individual taxpayers.

Those two statements alone - the increase in taxes and charges from the state side and the tax rebates from the federal side - show a significant contrast in the way in which the federal Liberal coalition Government and the ALP State Government deal with taxes and charges. The message is very plain: in 2000 the federal Government gave Australians a large tax cut following the introduction of the new tax system, following which more than 80 per cent of the Australians who pay income tax will pay no more than 30c in the dollar. On the other hand, since the Gallop State Labor Government came to office, it has been clawing back those tax cuts that were granted by the federal Government by increasing state taxes and charges in every state budget it has brought down so far. The federal coalition Government is giving money back to the taxpayer and the State Labor Government is ripping more out of the taxpayer's pocket every year. The clear message is that the State Labor Government is stealing our tax cuts.

Hon Nick Griffiths: I admire the way you say that with a straight face.

Hon GEORGE CASH: I have the opportunity of moving around the State and talking to taxpayers, who are very aware of the good work being done by the federal coalition Government in Canberra. They are aware of the significant decisions made by the federal Treasurer to ensure that taxpayers in Australia are getting better value for their money - tax reductions - but also they are aware of the increased taxes and charges that continue to be

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applied by the State Labor Government. I make that statement with a straight face as I know it to be true, because it is represented to me on a regular basis. I hope that at some stage the state ALP will wake up and work out that the people in Western Australia have not forgotten the promise that was made prior to the last state election by the state ALP that there would be no tax increases during its term of office.

Hon Alan Cadby: Was that just a promise or a core promise?

Hon GEORGE CASH: We must distinguish between promises and core promises.

Several members interjected.

The DEPUTY PRESIDENT (Hon Barry House): Order!

Hon GEORGE CASH: This Bill allows us to speak on a wide range of issues. As the lead speaker for the Opposition, I am given the opportunity of unlimited time in this debate. If Hon Ed Dermer wants to encourage me to answer his unruly interjections, I will use my unlimited time.

Hon Ed Dermer: I appreciate the timely reminder.

Hon GEORGE CASH: I note that as Hon Ed Dermer said he appreciated my timely reminder, the Leader of the House actually had his hand on his shoulder. I do not know whether he was congratulating him for something or whether he was demonstrating his affection.

The Appropriation (Consolidated Fund) Bill (No 1) is an annual Bill that deals with the Government's recurrent services. It is introduced in a format similar to that of previous Bills for their respective years of operation. Recent Bills show that in 2001 an amount of \$8 449.552 million was appropriated; in 2002 the amount appropriated was \$8 767.393 million, an increase of \$317.841 million, or 3.76 per cent over the previous budget. As already stated, this year the Appropriation (Consolidated Fund) Bill (No. 1) seeks to appropriate \$9 337.110 million. That represents an increase of \$569.717 million, or 6.5 per cent, over last year's budget. That indicates that over the past few years there has been a massive increase in spending by the ALP State Government. The bad news is that, in addition to the appropriation Bill, the Government still comes to the Parliament and asks for more money each year to cover its departmental budget blow-outs, which clearly happen on a regular basis. The massive increases in spending have been possible due to the massive increases in revenue that the Government has enjoyed since it took office. This fact has been pointed out on a number of occasions, and I hope that the message flows out to the community so that it knows just how much additional money has flowed to this Government in recent times.

I have said on a number of occasions that since the Treasury released its pre-election financial statements, to this date the Labor Government will have enjoyed more than \$4 billion of additional revenue in its four years in office as a result of various revenue growth items. For instance, a significant amount of that additional \$4 billion will come from Labor's tax increases, some will come from increased oil and gas royalties, and some will come from mineral royalties. Given that the property market has been significantly hot, so to speak, almost to the point of being overheated, the Government has enjoyed significant additional revenues in that area. Notwithstanding some of the comments made by the State Treasurer, commonwealth funding has increased during the first two and a half years of this Government's time in office and is anticipated to increase through the full four years. I say the "full four years" on the assumption that the Government lasts those four years.

Hon Kim Chance: But below the rate of inflation in that case.

Hon GEORGE CASH: Yes; the Leader of the House talks about the rate of inflation. I do not like referring to people as ordinary taxpayers because that denotes that they are ordinary people. The taxpayers do not have a lot of consideration for inflation. They know how much they get, and they know how much goes out. When the State Government charges them more through increases in taxes and charges, the rate of inflation - which obviously interests economists and other people closely involved in the financial industry - is not of great interest to the poor old worker, who is battling to keep his wages in tune with inflation. In the past 10 years, not just the past two years, taxpayers in Western Australia have paid more per head in real terms than they have enjoyed in increases in wages and, if they receive it, government assistance generally. In fact, notwithstanding the massive revenue gains from oil and gas royalties, other mineral royalties, the property market fees and increased commonwealth funding that the Labor Government has enjoyed, this year taxes and charges will rise by \$162 million. The total increase in taxes and charges alone for the first four years of the Gallop Labor Government is estimated to be in excess of \$700 million. When I say "four years", members will be aware that I am using the projections of the budget papers, which indicate the anticipated financial position in the out years.

I will look at some of the taxes, fees and charges that have increased under the Gallop Labor Government since it was elected to office. These are in percentage terms, because I know that Hon Alan Cadby, as a very highly

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qualified mathematician, often qualifies to us the use of percentages instead of real numbers and says that using percentages sometimes can hide the effect of a given increase. In 2001-02 water, sewerage and drainage charges went up by 3.5 per cent, compulsory third party premiums went up by two per cent, and motor vehicle licensing registrations went up by five per cent. There is now a \$30 levy on all building licences. That has not been charged before; it is a new charge. During the 2001-02 year parking levies for private bays in the central business district increased from \$70 to \$120. Since 1990 the probate fee for estates valued at \$100 000 and more has been \$145. In the 2001-02 financial year the Labor Government increased that fee from \$145 to \$500. That is a heavy whack for the poor person in the community.

We have all spoken about payroll tax in recent times, but that is the payroll tax that has been increased as a result of the most recent Bill introduced to this House; in fact, it was discussed earlier this week. In 2001-02 payroll tax was increased by 0.44 per cent, from 5.56 per cent to six per cent. There was also an increase in the payroll tax base to employee-like contractors; that is, a greater number of contractors will be caught within the net in which payroll tax is to apply. In 2001-02 there was a significant increase in the rate of land tax on properties valued at more than \$2.5 million. In real terms, that hit the commercial property market more than it did the residential property market. In particular, it hit shopping centres. Whether or not we like it, the rentals are adjusted to take into account the outgoings of the major shopping centre owners. The effect of that is that, although they may not be able to directly pass on the land tax charged on a particular shopping centre, they can include in their rental charges a sufficient amount so that they recoup, almost through the back door, the land tax payable.

During 2001-02 there was also a threefold increase in court fees across all jurisdictions for corporations and a twofold increase in court fees across all jurisdictions for individuals. Fortunately, in March 2001 the Legislative Council defeated Labor's attempt to increase business registration fees. Members will be aware that that issue has been raised previously. As I recall, the ALP, when in opposition, voted against the Government on that issue.

Another very significant increase that was promoted and, indeed, proposed during 2001-02 was the premium property tax. The Treasurer came up with a proposition that would significantly increase property taxes on premium properties. As I recall, that meant that a supertax would apply to a residential building valued in excess of \$1 million. The people who would have been affected, and also the people who knew that they would be affected within a very short time, mounted a significant campaign, and within a number of weeks the Government realised that the going was getting too tough and it decided to pull its premium property tax proposal. In political terms, I think the Government made the right decision. Some people in the community believe that had the premium property tax come to fruition, it would have spelt the demise of the Gallop Labor Government at the next election because of the impact of the tax in the year in which it was intended to come into operation, and also as a consequence of the impact on all the other property owners who would have become subject to the tax by the time of the next election. There were many debates in this House about what the real effect of that tax would have been for people who own houses valued in excess of \$1 million. It was clear that the owners of properties in old established areas such as Subiaco, Nedlands and Dalkeith, and in some cases also Peppermint Grove - I use those suburbs because they are relatively close to Parliament House - particularly those whose properties enjoy a river frontage, are not necessarily big income earners. In some cases they are the widows of people who had worked all their lives to build their house and pay it off, and to bring up their children, and they are on a very small pension. It was clear that had that tax been introduced, those people would have had to borrow money to pay the tax, and that would then have been an encumbrance on their title. In the case of elderly people, that would have been a great burden on their minds and would have had a significant detrimental impact on their health. Some people in the community believe Labor got smart by pulling the premium property tax before it could do any more damage. Other people in the community believe it is a pity the premium property tax did not come in because people would then have been reminded on a regular basis that the Gallop Labor Government, which promised not to increase taxes and charges, has not only been increasing taxes and charges but had also proposed to bring in a new tax in the form of a premium property tax.

Another reason that the Government enjoyed additional revenue in 2001-02 is that it brought in a system of double demerit points and much higher fines for speeding and some other traffic offences during particular periods of the year. In the first full financial year that the Gallop Labor Government was in control of the budget it whacked up those taxes and charges as best it could across-the-board. The bad news is that in 2002-03 water rates increased by 2.9 per cent; there was a significant increase in public transport fares of about 2.6 per cent, but that did not necessarily include concessions; drivers licence fees went up by 2.5 per cent; vehicle licence fees went up by three per cent; there was a further increase in the central business district parking levy, which went up by \$30 to \$150, which represented a 110 per cent increase since Labor came to power; and stamp duty increased by between three per cent and 14 per cent across-the-board. The increase in the rate of stamp duty on motor vehicle licences was expected in that financial year to raise an additional \$38 million to \$43 million, or

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\$162 million over a four-year period. During 2002-03 there was also a massive increase in stamp duty on property conveyancing that was expected to raise an additional \$57 million to \$68 million for that year, or \$250 million over a four-year period.

Hon Peter Foss: You dealt with this a bit earlier, but did the Government ever carry out its undertaking to the Greens (WA), which it gave in writing, to review uncontested probate charges so as to reduce the impact on widows and people such as that, and also to reduce some of the Supreme Court fees for poorer litigants? I do not think it actually carried out that undertaking.

Hon GEORGE CASH: I thank Hon Peter Foss, the former Attorney General, for that question by way of interjection. In 2001-02 probate fees increased from \$145 to \$500. There were also significant increases in court fees across all jurisdictions. I recall that Labor gave an undertaking to the Greens (WA) to review that situation. To my knowledge that has not occurred. The probate fee is still \$500. I do not know whether the Greens (WA) have had any opportunity to take up that matter, but to my knowledge that promise has not been kept. That does no more than confirm that the promise that was made to Hon Robin Chapple and me about access regulations for the sustainable energy market -

Hon Dee Margetts: That was a written promise, was it not?

Hon GEORGE CASH: Yes. That promise was given to Hon Robin Chapple and me, because we working together on the matter. That promise, which Hon Eric Ripper as Minister for Energy gave to this House, caused this House not to disallow a regulation, because it believed in good faith that that undertaking would be met. However, that undertaking has never been carried out. Clearly, in the end, the blame rests with the minister. However, I qualify that by saying that Western Power has an enormous amount of influence because of its monopoly situation, and for reasons unknown to me it is able to produce briefing notes that cause the minister to delay taking action in that area.

Hon Peter Foss: It is time for the Premier to step in and show some strength. He has not shown much sign of that recently.

Hon GEORGE CASH: Quite so. In fact, not only has the Premier not been showing strength in recent times but also it appears to me that some of the calamities of the Government are almost overcoming the Premier and are obviously the reason he is somewhat sapped of strength at this stage of the game. Many people in the community think that Hon Geoff Gallop is at least diligent in doing his job. However, it must be extremely difficult when some of his ministers let him down as badly as has been indicated in recent times.

Hon Kim Chance: It is just as well none of them ever does.

Hon GEORGE CASH: I am glad the Leader of the House made that interjection, because it gives me the opportunity of giving him at least one example, which I think is significantly current, because it is only less than two hours ago that the Governor had to swear in another minister to a particular portfolio that has been taken off a state government minister for ministerial impropriety. I do not know whether the Leader of the House has been awake. I know that none of his portfolios has changed, and I congratulate him for that, but the fact is that that portfolio change occurred less than a few hours ago. Therefore, the suggestion by the Leader of the House that all ministers are working to absolute capacity and are not becoming a burden on the Premier cannot be sustained.

Hon Kim Chance: The use of the word impropriety in that context is highly speculative.

Hon GEORGE CASH: I will show in a moment why it is not speculative. I will also show why it would be proper for an affected party who has suffered damages as a result of the actions of the former Minister for Housing and Works to take action, and why the former minister should be subjected to legal action in the form of civil action for the tort of misfeasance in public office. We will deal with that question in a moment.

The good news is that in 2002-03 the list of taxes and charges was cut by the Labor Government. The problem is that only two were cut, and those cuts were certainly outweighed by increases. For example, stamp duty on workers compensation was cut from five to three per cent. The Totalisator Agency Board turnover tax was also cut. I have no problem with acknowledging that Hon Nick Griffiths, as Minister for Racing and Gaming, was responsible for seeing that come to fruition. I, as one member of the Opposition - I know my view is shared by most members of the Opposition - believe that the Minister for Racing and Gaming is doing a magnificent job in not only his portfolios but also the other portfolios for which he is required to act in a representative capacity in this House. He is unquestionably the hardest working minister in this House.

Hon Peter Foss: Hear, hear! He is the strongest link in the chain.

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Hon GEORGE CASH: Yes. Two weeks ago I read in a newspaper what I thought was a scurrilous story that suggested that the job of the Minister for Racing and Gaming would be on the line because he was allegedly a weak link. I was astounded. Whoever wrote that story clearly does not know the way in which the Minister for Racing and Gaming works in this House. Even the Leader of the House would acknowledge the very significant workload of the Minister for Racing and Gaming. He carries out his parliamentary duties in a most diligent and competent way. I have no hesitation in saying that. I commend him for the magnificent job he does in that area. I do not always like his answers, but at least he thinks through the question before he gives an answer, and at least I am confident that when I receive an answer it is a considered answer.

Hon Peter Foss: If he is not going to answer a question he makes it quite clear that he will not answer it, instead of doing what others do and blabber on for half an hour and not say anything.

Hon GEORGE CASH: I do not think it hurts from time to time to recognise and give credit to those who, in my view, are doing a very fine job on behalf of the Government, particularly in this House. I will not embarrass Hon Nick Griffiths any more, because by lunchtime he might lose everything that he was given this morning.

Hon Kim Chance: You have already cost him his preselection.

Hon GEORGE CASH: Other taxes in 2002-03 included the new ad valorem tax or rate of eight per cent on motor vehicle third party insurance policies, which was expected to raise about \$25 million per annum, or \$105 million over a four-year period. In the current budget of 2003-04, the first charges on the list are those for water, sewerage and drainage, and they have increased by 3.3 per cent. Public transport fares, excluding concessions, have gone up by approximately three per cent. Stamp duty on conveyances has gone up by 15 per cent. I believe that issue will bite the Government at the next election. For people to have to borrow additional funds merely to pay government stamp duty when they buy a house is most unsatisfactory. To whack that stamp duty up by another 15 per cent is outrageous. To those who believe that the increase of 15 per cent in stamp duty will affect only those with money at one end of the market and not affect those at the other end of the market in a detrimental way, I suggest they have another think. Anyone who has the capacity to buy a house that is worth in excess of \$1 million generally has the capacity to withstand an additional 15 per cent burden in stamp duty. The first home buyer at the other end of the market is suffering the greatest burden, even though the 15 per cent increase is across the board. It seems strange that a Government that claims to represent workers and the less fortunate in the community would introduce a tax that will flatten that end of the market. Hon Alan Cadby has spent some time in this House explaining how much that 15 per cent, when it is borrowed, will turn into over the period of time of a given loan.

Hon Alan Cadby: It triples.

Hon GEORGE CASH: Stamp duty on general insurance policies this year has gone up from eight to 10 per cent, which is a 25 per cent increase. An increase of eight to 10 per cent does not sound much if it is said quickly, but when it is worked out as 25 per cent, the increase is significant. Compulsory third party insurance rates have increased by 2.8 per cent. Drivers licence fees have increased by 2.8 per cent. Licence recording fees have increased by 2.9 per cent.

If ever a Government aimed at getting the business community in Perth it is this one. I often think that it has some sort of vendetta against those who it seems to think have money. It almost seems that the Government believes that if money is taken off the rich and spent, the rich will not have it and everyone will be happy. The Government has put the Perth parking levy up another \$30, from \$150 to \$180. I find that increase almost outrageous, because originally in 2001-02 the levy was \$70 and this year it will be \$180. That is a very significant increase, which is passed onto the community at large whether or not we like it.

Hon Peter Foss: Has it been hypothecated?

Hon GEORGE CASH: No, I do not believe it has been hypothecated. It can be argued that at least people know what they are getting for their money if it is hypothecated, but this money goes straight into the pool, as it were, and is distributed. I believe that it is a state of mind that the Labor Government gets into at times. I am sure that ministers go into Cabinet and ask which rich guys they can get into that day, who they can penalise and how they can take money off the rich, without thinking that those less fortunate in the community may be detrimentally affected as a result of any rises in taxes and charges.

Whether or not we like it - and it is pretty clear that the Labor Party does not like it - profit is not a dirty word. Profit enables companies to keep going. Loss is a dirty word, because after a few years of significant losses, companies go out of business and all their employees are losers. I am always delighted when someone tells me that they are working flat out and cannot do any more. If a company is making reasonable profits, I am also delighted. I am often very concerned when people tell me that they are looking for work, cannot find it or have only a few days work as a contractor each week, or when somebody involved in a company tells me that his

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company is losing significant amounts of money, because I know that is a sure sign that things are not going too well. The effects flow right throughout the community in the end.

I refer only to taxes and charges and not the global increase in revenue that will occur over the four-year period of this Government. The increase in taxes and charges for the four-year period is estimated to be in excess of \$700 million, which is a huge amount of money. Again I say, so much for the Premier's promise before the last election of not increasing taxes and charges. I guess that promise went the same way as the Premier's promise not to change trading hours for shops. This week the Government made a statement that it would not bring anything into effect until after the next election. However, there is a belief in the community that the Government broke its promise. I find it regrettable -

Hon Kim Chance: That's funny, that's not what they are saying to us. They are congratulating us for keeping our promise.

Hon GEORGE CASH: Many people in the community make business and personal commercial decisions based on the good word of the Government that is contained in its various policies.

Hon Kim Chance: And that good word has been kept to the letter. We are not deregulating the private area.

Hon GEORGE CASH: No, the Government will not deregulate now -

Hon Kim Chance: Or in any sense.

Hon GEORGE CASH: The member should not play with words -

Hon Kim Chance: I am not. You are playing with words.

Hon GEORGE CASH: I am not. I thank the member for his interjection because it gives me the opportunity of going through the matter step by step so that everyone understands where we were -

Hon Dee Margetts: Most of us can work out the difference between 5.30 pm and 9.00 pm.

Hon Kim Chance: Can the member work out the difference before and after the election?

Hon Peter Foss: If you sentence someone to death and then put it off for a year, it does not make much difference; that person is sentenced to death.

Hon GEORGE CASH: Quite so. The Leader of the House seems somewhat confused about what was promised by the Labor Party on trading hours prior to the last election. The Premier made an unequivocal statement that there would be no changes to trading hours during the first term - the party hopefully thought there would be more than one - of the Labor Government. People made business decisions as a result of that.

The Leader of the House should not go away; I want him to learn, listen and understand. People made business decisions based on that promise. Within a short period the rumour was that the Government wanted to change trading hours and support the big operators - Coles-Myer and Woolworths. One of the issues that the Government thought it could raise to trigger the changes was the national competition policy; it could say, "Well, it is not us that is doing this dastardly deed. We are being forced into it by the national competition policy." Of course, some people believed that. However, the Government made a fatal error when it said that the national competition policy would cut state funding by \$70 million if trading hours were not varied. For a couple of days people in the community said, "Gee, that is an awful lot of money. Perhaps we had better reconsider our position." Fortunately, members of the Opposition quickly realised that that \$70 million was a throwaway figure. It was a false figure, designed to encourage people to believe that the Government had no option.

Hon Paddy Embry: It used scare tactics.

Hon GEORGE CASH: Yes, the member is dead right. Those scare tactics worked for a while, but gradually over the ensuing weeks the community started to wake up. It realised that this Government was backing big businesses like Coles-Myer and Woolworths. The Government was prepared to cast to the wind small business; that is, that area of business that employs a significant number of people. Probably 50 per cent of the employees in the State are employed by what would qualify as a small business under the Australia Bureau of Statistics.

After a period of the Premier making statements about what he was or was not going to do, the employees of many of those small businesses clubbed together and mounted a campaign. Fortunately, the State's Liberal Opposition realised that it had a significant plight. It pledged its support for small business because it recognised that before the last election, perhaps in its previous term of government, it had lost touch with small business and had not been listening. This gave the Liberal Party a great opportunity to listen to what small business was saying. As a result of working closely with small business, and with members of the Liberal Party being better able to understand the effect of deregulated trading hours in Western Australia - that is, its effect on small

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business and on the turnovers of Coles-Myer and Woolworths, the two big companies that were constantly mentioned - we were able to recognise that Coles-Myer and Woolworths had buying policies that indicated that, in the main, they would buy from the eastern States. Therefore, the little people who run the orchards in Roleystone and Karragullen -

Hon Alan Cadby: And Carabooda.

Hon GEORGE CASH: Yes, in that area of Perth that services the horticultural area -

Hon Paddy Embry: And in the south.

Hon GEORGE CASH: Yes. We recognised that producers would not be able to sell their products to Coles-Myer unless they succumbed to the pricing structure that would be imposed upon them once Coles-Myer and Woolworths had gained their monopoly share of the market. Some might say, "So what for the horticulturalist and the fruit grower. Does he really matter?" What we must also recognise is that the transport industry services the horticultural industry. Many truck drivers and others involved in that industry were going to be affected adversely by this decision.

Hon Alan Cadby: It involved families.

Hon GEORGE CASH: Yes. However, many other service industries support those various producers in Western Australia and currently sell to the independent grocers and smaller grocery chains that exist in WA. This State Labor Government was not only prepared to break its election promise on trading hours, but also say in effect, "We don't care about small business. We don't care if all the trade moves to the eastern States." We have seen that occur on a limited basis already because of what I would argue is an unreasonable market share that is currently held by Coles-Myer and Woolworths. Some people have said to me that when I make statements like that at meetings, I am compromising Liberal Party principles that suggest we should have a free enterprise market and be able to make choices on particular issues. I say to them that the very fact that they have a choice today is because of the competition in the market. However, when Coles-Myer and Woolworths have in excess of 85 per cent of trade - that might have increased to 90 per cent had those deregulated trading hours occurred - that impacts significantly on many families in Western Australia.

Hon Paddy Embry: It becomes unfair competition.

Hon GEORGE CASH: It is unfair; the member is quite right. That is why the United States - the capital of capitalism, the home of capitalism - has anti-trust laws.

Hon Dee Margetts: The Liberal Government did not think of that when it deregulated the dairy industry.

Hon GEORGE CASH: Hon Dee Margetts makes an interesting point. I have been in this place long enough to know that it is a pity we do not do a lot of things on a lot of occasions. Political parties and members of Parliament are not infallible. It comes down to whether we have learnt by mistakes and whether we are able to recognise the changes imposed upon us by the global economy in which we now live. We recognise that there is a limit to the amount of business that one group of companies can control without that being detrimental in an economic sense to the rest of the community. We do not have to go through the economic theory of what a monopoly can do. Coles-Myer and Woolworths might not have an individual monopoly, but together they certainly have a monopoly. That is something we must watch on a continuing basis.

Hon Paddy Embry: The sad thing in that case was that farmers were given a choice and voted to deregulate.

Hon Dee Margetts interjected.

Hon Paddy Embry: The majority did, whether you like it or not. They may have been misinformed; nevertheless, farmers voted to deregulate.

The DEPUTY PRESIDENT (Hon Simon O'Brien): Order! This is not interjection time. Hon George Cash has the call.

Hon GEORGE CASH: Thank you, Mr Deputy President. However, I appreciate the comments that have been made, because they sustain the notion that most members in this House would argue - that the state Labor Government has broken a promise that the taxpayers in Western Australia would not be worse off. They are worse off today than they were prior to the 2001 state election.

I move to the question of debt. Without drawing the Deputy President into the debate, because the Chair is not able to be brought into the debate, I preface my comments by saying that during the eight years the Court coalition Government was in office, it was able to reduce state debt by about \$4.2 billion. That was a very significant decrease in the level of state debt. The budget papers provided for the coming financial year show that net debt is projected to rise by \$926 million in the next 12 months. For example, on 30 June 2001 net debt

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was \$4.381 billion. By 30 June 2002 net debt had increased to \$4.491 billion. The estimated net debt for 2003 is \$5.009 billion, and for 2004 it is estimated to be \$5.96 billion. It will blow out in 2007 to \$6.308 billion.

Hon Derrick Tomlinson: What was the debt at the change of government?

Hon GEORGE CASH: At the change of government net debt was \$4.381 billion.

Hon Derrick Tomlinson: So in a single term debt will have doubled?

Hon GEORGE CASH: It certainly will have increased by 50 per cent by 2007, given the forward estimates. That is a frightening situation. Interest must be paid on debts. If interest must be paid, interest payments must be taken from other payments that might have been made for hospitals, schools, railways or whatever. Again, it is a very significant increase. Under Labor, net debt is now forecast to be \$5.96 billion by 30 June 2004, up from \$4.381 billion on 30 June 2001. That is an increase of \$1.58 billion or 36 per cent. Hon Alan Cadby will excuse me for using the percentage by which net debt will rise, because I qualified it by saying that the 36 per cent equals \$1.58 billion. It is a huge amount of debt.

The Government has set a net debt to revenue ratio. It wants that ratio to be below 45 per cent to retain the AAA credit rating that is important to the State. When the coalition came to government in 1993, it inherited a net debt to revenue ratio of 73 per cent. That ratio is now way down in the area of 40 per cent, which is critical, as a result of the good work done by the Court coalition Government. The Court coalition Government met its targets from 1997-98, and the reductions in the net debt reduced the ratio to 34 per cent by 2000-01. That is an important factor that must be considered.

One matter that concerned me about this year's budget was the way in which budget information was selectively leaked to the media in order to put a good spin on what some might have called positive announcements. I have noticed that, over time, Governments - I must be fair and say Governments of all persuasions - have not paid the Parliament the courtesy that it deserves in being informed about such matters before media conferences are held to sell these good propositions. This year, day after day, the State Government drip-fed, by each portfolio, any positive increases in expenditure.

Hon Ken Travers: They didn't leak it, they put out formal press announcements, which is very different from what happened under the coalition Government.

Hon GEORGE CASH: No, the member is wrong. I appreciate Hon Ken Travers saying that, because it may be that his colleagues told him that was the case. Regrettably, he is wrong. Many of the leaks were not accompanied by press statements.

Hon Ken Travers: Do you have an example?

Hon GEORGE CASH: I have lots of examples. Members can go back to newspaper articles published three or four weeks prior to the release of the budget. Speculative stories were written. Information was leaked surreptitiously so that a good story would appear in the newspaper. Those stories were followed by formal press releases when the budget was finally released. It was a piecemeal situation. It was done to buy the Government good publicity. I do not know who organised that policy or the strategic planning behind it. It could be said that the Government received positive press announcements on a number of days; however, by the time the budget proper came round, the announcements were all negative. Articles published after the budget was formally announced in the Parliament include a significant amount of negative comment, because the Government had got rid of all the positive things by selectively leaking them before the event. It is important that ministers give some consideration to whether that course of action is a responsible way of managing the Government or treating the Parliament.

Taxpayers are entitled to ask what they will get for their tax dollars under the Gallop Labor Government budget of 2003-04. I will briefly explain what taxpayers will get. Firstly, taxpayers will get a lack of commitment to road safety. The police budget shows that \$1 million budgeted for traffic management and road safety has not been spent, despite the State's horrific road toll. Taxpayers will also receive a cut of \$200 million over the next four years in the budget for road construction works, on top of \$50 million that was promised but not spent on roads in the 2002-03 financial year. The agriculture budget has again been slashed. There has been only a token increase, of approximately \$245 000, in the budget of the Agriculture Protection Board. That is certainly not enough to address the wild dog problem in this State.

Hon Kim Chance: That \$245 000 will be matched by pastoralists, so it is double that amount.

Hon GEORGE CASH: I agree. I am sure that some people in the community are pleased with that token increase. However, it is not enough to address the current wild dog problem in Western Australia. That problem is now quite significant, as the Minister for Agriculture knows. The minister has been - I do not want to say hounded - harassed at the many meetings he has attended around rural Western Australia and in particular in

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pastoral areas. We must acknowledge that problem. Things have changed; there are fewer doggers now than there were many years ago.

There is another interesting issue. Members will recall that prior to the last election Dr Gallop, as Leader of the Opposition, regularly said that the Court coalition Government spent too much on reviews, task forces and consultative inquiries generally. This year we have confirmation, by way of tabled papers, that since the Gallop Labor Government took office in February 2001 it has spent \$13.5 million on 295 different reviews, task forces, committees, inquiries and other tribunal-style organisations.

Hon Peter Foss: Does that include today's tabled papers on consultants?

Hon GEORGE CASH: No. I prepared my notes some time ago and it certainly does not include the additional amounts that would have been tabled today.

I will give some examples. Since February 2001, the Department of the Premier and Cabinet appears to have spent \$1.2 million on at least 20 reviews; the Minister for Agriculture, Forestry and Fisheries spent \$3 million on 13 reviews; the Minister for the Environment and Heritage spent \$819 000 on 19 reviews; and the Minister for Planning and Infrastructure - this will interest Hon Ken Travers - spent \$1.3 million on 39 reviews. I guess what can be said on the positive side is that the planning and infrastructure reviews have cost less than the Minister for Agriculture's reviews.

Hon Ken Travers: There have been some good outcomes from those reviews.

Hon GEORGE CASH: I am not surprised that there have been some good outcomes. I would hope for that sort of money we would get some value for our money and some good outcomes. The point I am making is related to hypocrisy. I believe that the Government should conduct reviews and seek advice from experts in the form of consultants if it does not have in-house expertise.

Hon Peter Foss: It was opportunism as much as hypocrisy.

Hon GEORGE CASH: I say to Hon Ken Travers that before the last election, Dr Geoff Gallop said that it was wrong for the Government to spend so much money on reviews, committees and so on.

Hon Ken Travers: No, he said it was wrong to spend it on consultants. You were employing consultants to do nothing until the cows came home.

Hon GEORGE CASH: Hon Ken Travers is reciting to us what he has probably been told in Caucus. I have never been to a Labor Party caucus meeting but I presume the members sit in rows, as they would do in school, and their leader would stand and say, "This is the way. This is what we have done. We have spent X number of dollars on committees, reviews and inquiries etc." A Labor member would put up his hand and say, "Just a moment, isn't that what we used to complain about with the former Government?" The leader's response would be, "No, we are different, we are the ALP and we think it's okay as long as we are doing it."

Hon Dee Margetts: He is probably better than your leader, who probably doesn't tell you what he is doing.

Hon GEORGE CASH: No; there is a difference between a Liberal Party meeting and a Labor Party meeting. We have great freedom to question our leadership team. Our leadership team - comprising Hon Colin Barnett; Mr Dan Sullivan, the member for Mitchell; and Hon Norman Moore - encourages the membership to seek advice to ensure that it is well informed on various issues.

Hon Ed Dermer: When you advise Colin Barnett, is he more often surprised or more often shocked?

Hon GEORGE CASH: No. I assure Hon Ed Dermer that he regards it as an important part of communication with his members. Some of our meetings last so long that I wish they did not give us all the information that they do.

The DEPUTY PRESIDENT (Hon Simon O'Brien): Order! Hon Ed Dermer can have the call as the next speaker, but now we are listening to Hon George Cash.

Hon Ken Travers: I reckon a Liberal Party meeting would be like going to AQWA and watching the sharks circle, you being the biggest shark of them all, George.

Hon GEORGE CASH: They do not call me a shark, my friend; a smiling crocodile, maybe, but not a shark. All of us in this place have nicknames.

Hon Ken Travers: Do you want to be a belt and a pair of shoes when you finish in this game?

Hon GEORGE CASH: No, not at all.

Hon Ed Dermer: You prefer dirty water, do you?

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Hon GEORGE CASH: Those who say that are mistaken. Members should not ask me to give the nicknames that have been applied to members of the Labor Party, because some are quite defamatory.

Mr Deputy President, I return to the budget. I have spent a fair bit of time going through these budget papers. One point I want to make is that there is an inadequate breakdown of costs associated with the Perth to Mandurah railway. Members will recall that the coalition Government had costed its proposition - that is, the preferred route through Kenwick - at \$1.1 billion. That project would have been completed in 2005 - only two years away. Now Dr Gallop has revised the cost upwards, which appears to have increased by about \$300 million to \$1.4 billion. Notwithstanding the admissions of the Government in respect of those cost blow-outs, huge questions remain to be answered on the cost of tunnelling in the Perth central business district and other city infrastructure works. Also, the completion date has blown out to 2007; the way we are going, it appears that it could be even later than that.

Hon Peter Foss: Especially if there is a 10.8-month delay on the heritage sites.

Hon GEORGE CASH: I am glad Hon Peter Foss has raised that matter, because heritage issues relate also to Aboriginal cultural matters.

Hon Peter Foss: That is the 10.8-month delay I referred to.

Hon GEORGE CASH: Yes. The point is that when the Government commences its tunnelling in the Perth CBD and it hits the Wagyl or some other Aboriginal cultural or heritage material, all I can say is that it is a good thing that Robert Bropho is camped on the steps of Parliament House, Perth. The Government will need his support and urgent assistance to overcome some Aboriginal cultural issues that will arise as a result of this project.

Hon Peter Foss: It was a shame that the minister could not table the agreement with the Aboriginals which the Minister for the Environment and Heritage told the Western Australian people she had but which, in reality, did not appear to be an agreement but, rather, an understanding that would be worked out in time.

Hon GEORGE CASH: Quite so.

In making my comments with the help of my colleagues, I indicate the Opposition's support for this Bill.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon Simon O'Brien) in the Chair; Hon Nick Griffiths (Minister for Racing and Gaming) in charge of the Bill.

Clauses 1 to 4 put and passed.

Hon PETER FOSS: I move -

That the Assembly be requested to make the following amendments -

1. Page 2 - To insert after line 13 the following new clause -

- 5. Appropriation not available for certain purpose**

- (1) Nothing in this Act authorizes any payment or advance with respect to commencing, continuing, or supporting litigation in any court, including the High Court of Australia, if the litigation is for the purpose or brought with the intent of challenging the validity of a written law.

2. Page 3 - Item 1, Parliament, Legislative Council - To increase the amount \$1 834 000 to \$1 934 000.

3. Page 6 - Item 61, Justice - To reduce the amount \$484 084 000 to \$483 984 000.

I will give members a short explanation of this request. The first request is because the usual rule with Treasury is that if a minister has an unscheduled but reasonable expenditure, the minister's budget be supplemented. It is clear from the budget papers before us that the Legislative Council has not received any supplementation for the action brought by the Clerk with regard to the electoral legislation amendment. I remind members that that expenditure came about as a result of a rather unusual procedure on the part of the Government. It introduced legislation and sought to have it assented to without having complied with the provisions of the existing constitutional arrangements relating to amendments to the Electoral Distribution Act. This concerned the Legislation Committee, which considered the matter and made a recommendation that it be tested in the

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Supreme Court. That was as a result of the Clerk's indication that he thought that was the only way with which the matter could be dealt. He took the matter to the Supreme Court and obtained a majority judgment by - in some ways four and a half members - five members of the Supreme Court. In the end, the result was the same from all the judges. They ruled that it was not lawful for those two Bills to be presented by the Clerk to the Governor. The reason it was important for the Clerk to obtain that information is that he had to present it. Being the person who had to present it, he would have been behaving unlawfully if he had not done so.

That matter would usually have been defended by the Attorney General. An attack was made on the legislation that certain parts of Western Australian laws were invalid by reason of being inconsistent with federal law. I remind members that the usual role of the Government, but of the Attorney General in particular, is to defend its existing written laws, not to try to strike them down in the courts. If the Government does not defend the laws, nobody is left to defend the laws on behalf of the people of Western Australia. The Attorney General chose not to do so. It was left to a group of private citizens to do the job that would otherwise be done by the Attorney General. Unfortunately, the Attorney General took it further. The matter has got to the stage that this House has not received supplementation for that case. In the usual course of events, that would be done. It seems inappropriate to me that a cost that should be borne out of the legal costs of the State is being pinned on this House.

Not content with the ruling the Supreme Court gave, which I would have thought was an appropriate body to make decisions regarding the Constitution of this State, the Attorney General has taken the matter to the High Court at huge expense. He claimed that that would cost only \$200 000. I will debunk that myth. Those who are involved in the Country Alliance have raised in excess of \$200 000 to put the contravener's case. That is on the basis that it does not even build a new case; it is running with the current case. No new work has been done on it at all because it would cost the Country Alliance another \$100 000 or more to do that. The difference between the Country Alliance and the Government is that the Attorney General has briefed the single most expensive constitutional lawyer in Australia, Mr Jackson, QC. I do not doubt that he is very good value for money. Mr Jackson is renowned as a constitutional lawyer. If the Government wanted to pick the best constitutional lawyer to argue its case in the High Court, it would pick him. The Country Alliance would never have contemplated hiring Mr Jackson because he is so far outside its budget. His fees are astronomical. He charges three or four times the amount the top silk in Western Australia would charge. That is the sort of price I am talking about. He is extremely expensive. I am very concerned that the Attorney General is continuing to spend taxpayers' money on something that I regard as a Labor Party argument. Although the Supreme Court has given the Attorney General an answer, he is now pursuing a private battle on behalf of the Labor Party.

The people of Western Australia are not outraged at the Supreme Court's decision. The people are happy for Western Australian constitutional matters to be decided by a Western Australian court. The Attorney General is determined to further challenge state law in the High Court. It is outrageous that the Government should bear a Labor Party cost whereby the Attorney General is sparing no expense. The Attorney General has chosen virtually the most expensive lawyer in Australia. The top lawyers of the Crown Solicitor's Office seem to be totally encompassed with this job. My request is not only to stop money being paid to Mr Jackson, which should be borne by the Labor Party, but also stop using the Crown Solicitor's Office to attack the laws that Parliament assigns money to it to defend.

The first amendment refers to the further use of state money to pursue a Labor Party obsession - in fact, it is not a Labor Party obsession but the Attorney General's obsession. The second amendment is to ensure that this Chamber is not penalised for having the temerity to question whether what the Attorney General was asking the Clerk to do was lawful and to gain an overwhelming decision that he was requiring the Clerk to act in a manner that was unlawful. We are not to receive any supplementation to make up for it. This is not an isolated incident. Under all Governments, the place has been required to function on a budget that is inadequate to cover its extensive review work. This place has a budget of \$1.834 million, whereas the Legislative Assembly has a budget of \$3.170 million. That is a huge difference, although, admittedly, there is a difference in the number of members. However, our committees do extensive work. Everybody knows that this year our committees have been able to do virtually nothing because this place has not received supplementation. I am asking for only supplementation; I am not trying to address the balance in a general way, although I think it is an argument we should have one day. I do not think this place should be punished for having the temerity to seek advice from the court. We should receive a supplementation that enables this place to function properly. We should not be punished for defying the Attorney General, especially as it resulted in a very useful case and an adequate and unequivocal decision of the Supreme Court.

The DEPUTY CHAIRMAN (Hon Simon O'Brien): Hon Peter Foss has moved that the Legislative Assembly be requested to make amendments to the Bill. The questions will be put one at a time. The question now is that the requested amendment to insert new clause 5 be agreed to.

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Hon NICK GRIFFITHS: All three amendments are mischievous.

Hon Peter Foss: This is very serious, and you should take it seriously.

Hon NICK GRIFFITHS: I am taking it seriously. The amendment is almost unprecedented. The honourable member is seeking to have this place carry on like a pre-1911 House of Lords. Governments are elected -

Hon Peter Foss: So are we.

Hon NICK GRIFFITHS: Governments are elected to govern. The role of the Government is to make decisions to allocate money and to get parliamentary approval for that. The budget is presented to the Parliament, and the appropriate course of action for the Parliament is to say yea or nay to it. If the Parliament chooses to say nay to the budget, an election will take place. However, that does not affect this place as its members are elected on fixed four-year terms. I note that some of my colleagues opposite are very pleased about that.

Hon Peter Foss: Can you go over that again?

Hon NICK GRIFFITHS: I will not filibuster.

Hon Derrick Tomlinson: Is the only role of the Parliament to say yes or no?

Hon NICK GRIFFITHS: The essence of an election result is the decision making that is involved in the preparation and presentation of a budget. We were elected as a Government to make those decisions. The budgets are presented to the Parliament for it to scrutinise. It is almost unprecedented and contrary to proper practice for a Parliament to interfere in the finances of the State in the way that the honourable member is proposing.

Hon Peter Foss: Do you remember what you did to my regulations?

Hon NICK GRIFFITHS: Oh, regulations.

Hon Norman Moore: You knocked off \$2 million.

Hon Peter Foss: I notice you put it back as soon as you got into government.

Hon NICK GRIFFITHS: I think those opposite also had a go at knocking off some regulations.

I am pleased the honourable member used the language he did. I note that he is enjoying himself very much with this requested amendment. However, it is not an amendment that will enable the State to progress. He talked about obsessions. Those who call themselves the Country Alliance are obsessed. We on this side of the Chamber represent all of Western Australia, but the Country Alliance seems to have scant regard for the people of the metropolitan area. They do not even represent country people; Hon Derrick Tomlinson represents many country people who live in the East Metropolitan Region.

Hon Derrick Tomlinson: I am very interested in country matters.

Hon NICK GRIFFITHS: I know he is, as we all are. I do not want to spend too much time on this. It is important that we progress this legislation. This amendment is a mischievous last-minute stunt.

Hon NORMAN MOORE: I make a few comments about the second amendment, which relates to the budget of the Legislative Council. I would have thought that as members of the Legislative Council, the minister and his colleagues on that side would support the Legislative Council being given an extra \$100 000 to cover the cost of the court action. This Chamber is being severely disadvantaged by not having that \$100 000.

Hon Ken Travers: How?

Hon NORMAN MOORE: If the member does not know, I hope he never becomes the Treasurer. I do not know how he does his finances if he thinks that he could take \$100 000 from somebody and that it would make no difference to the way he operates. This Chamber has over time been severely disadvantaged by Labor Governments. I remember when there was not enough money in the Legislative Council budget to provide for a clerk to its only standing committee. The Government of the day had decided that until electoral change occurred, it would not provide funds to the Legislative Council.

The Clerk quite properly - I will not argue about that at the moment - asked the Supreme Court to make a determination about the legislative processes in this Chamber as they related to the electoral legislation. That cost money, and that money ought to have been provided to the Legislative Council by way of supplementation. It is an extraordinary item. It was an action that had to be taken. Having been a minister, I know about supplementation. Supplementations have been provided for reasons nowhere near as good as this. Over the years, this Chamber has been consistently short-changed by Labor Governments. It is time that stopped and that

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we collectively said to the Government that we want some money - in this case \$100 000 - so that this Chamber can do the sorts of things it is supposed to do. I would have thought that government members would support that. They are also members of this Chamber. They use the services of this Chamber. They are members of the committees of this place. They know as well as I do about some of the stupid things that have happened in recent times because there is not enough money.

Hon Ken Travers: I do not, which is why I asked.

Hon NORMAN MOORE: I suggest that the member ask some of the people involved in the committee system.

Hon Ken Travers: The committees I am on have been able to do everything they have needed to do. I do not know what you are talking about.

Hon Ray Halligan: Our committee wanted to go overseas -

Hon Ken Travers: Oh, it is travel problems.

Hon NORMAN MOORE: It has nothing to do with that at all.

The DEPUTY CHAIRMAN (Hon Simon O'Brien): Order! The question is that the Legislative Assembly be requested to make an amendment to the Bill. Hon Peter Foss has moved several amendments. The question we are considering now is that the requested amendment to insert new clause 5 be agreed to.

The Leader of the Opposition is dealing substantially with that question, as well as canvassing some other parts of the subsequent question that will be put. However, I am concerned that members are starting to focus too much on a question other than the one that is immediately before the Chair, which relates to proposed new clause 5. For present purposes, I ask the Leader of the Opposition and any other speakers to concentrate on that.

Hon NORMAN MOORE: I thank the Chairman for his advice. I was seeking to expedite the debate a little by being broader in my argument than perhaps I should have been. The minister says that this is unprecedented and that somehow we are acting like the House of Lords pre-1911. This is a legitimate course of action that this House can take. It is a requested amendment. This Chamber is able to do that. In respect of the budget legislation, it can make a request of the Assembly to make changes to the budget. We cannot insist, other than defeat the legislation, and we do not propose to do that, obviously. Because we are entitled to do it, we are doing it, and it is being done for all the proper reasons. The House should agree to this so that this Chamber is provided with the resources it needs and the Government does not continue wasting vast sums of money on legal actions in the High Court, which are in fact legal actions being taken on behalf of the Labor Party.

The DEPUTY CHAIRMAN: Hon Peter Foss has moved that the Legislative Assembly be requested to make amendments to the Bill. His first amendment is on page 2, to insert after line 13 a new clause 5, appropriation not available for certain purpose. The question is that the request to make the amendment be agreed to.

Requested amendment No 1 put and a division taken with the following result -

Ayes (13)

Hon George Cash	Hon Peter Foss	Hon Norman Moore	Hon Alan Cadby (<i>Teller</i>)
Hon Murray Criddle	Hon Ray Halligan	Hon Simon O'Brien	
Hon Paddy Embry	Hon Frank Hough	Hon Barbara Scott	
Hon John Fischer	Hon Barry House	Hon Derrick Tomlinson	

Noes (14)

Hon Kim Chance	Hon Nick Griffiths	Hon Jim Scott	Hon Giz Watson
Hon Robin Chapple	Hon Dee Margetts	Hon Christine Sharp	Hon Ed Dermer (<i>Teller</i>)
Hon Sue Ellery	Hon Louise Pratt	Hon Tom Stephens	
Hon Graham Giffard	Hon Ljiljanna Ravlich	Hon Ken Travers	

Pairs

Hon Bill Stretch	Hon Jon Ford
Hon Bruce Donaldson	Hon Adele Farina
Hon Robyn McSweeney	Hon Kate Doust

Requested amendment thus negatived.

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The DEPUTY CHAIRMAN: Hon Peter Foss has moved that the Legislative Assembly be requested to make the following amendment: at page 3, item 1, Parliament, Legislative Council - to increase the amount \$1 834 000 to \$1 934 000. The question is that the request to make the amendment be agreed to.

Hon PETER FOSS: I have already spoken in general terms on this. However, I will say one more thing to the minister handling this Bill. I can see no justification under any circumstances for the upper House not to receive supplementation for that case. I would have thought it was in the interests of every single member that this occur. I understand the concerns the minister may have if a requested amendment is made. However, I want to know whether the minister would be prepared to give an undertaking that this House will receive supplementation. I would be happy under those circumstances to withdraw this amendment. That may be a better way of approaching it. It seems to me unarguable that this House should receive supplementation to cover the amount of legal expenses that have already been incurred on behalf of the House, with the full accord of the House and, as has been shown by the court, with full justification.

Hon NICK GRIFFITHS: I have noted the debate. I am aware of the views of members in the Chamber and members away on parliamentary business. I cannot give an undertaking in terms of the words used by Hon Peter Foss because that would amount to my literally signing a cheque. It is my intention to, and I will, raise the matter with the rest of the Government with a view to progressing it to ensure the House can function as well as it possibly can.

Hon Derrick Tomlinson: If you can't sign a cheque, get Tom to do it.

Hon NICK GRIFFITHS: No. What is proposed with the amendment is potentially dangerous. I note Hon Peter Foss has offered a way through without chancing a vote, as it were.

Hon Peter Foss: Without your risking it, too. You could miss out.

Hon NICK GRIFFITHS: I intend to raise the matter and to do what I can to address the concerns of honourable members.

Hon Peter Foss: Will ministers in the House undertake to support our receiving the sum?

Hon NICK GRIFFITHS: I have used a form of words that is proper and appropriate.

Hon DEE MARGETTS: The Greens (WA) take a different approach to amendments Nos 2 and 3 from that taken to the first amendment. A variety of Governments have taken legal action, some of which has been very detrimental to the State's finances and reputation. The Greens wish to avoid being associated with that level of hypocrisy. However, there is strong merit in the argument encompassed in amendments Nos 2 and 3 before us; that is, members want to ensure that the independence of the Legislative Council is preserved without its being punished for taking appropriate action.

Hon Derrick Tomlinson: Hear, hear!

Hon DEE MARGETTS: It is not that the Greens (WA) did not vote for the electoral legislation; we did, but we believe in a proper process. The courts of Western Australia believe there was merit in the argument. Therefore, if the action had not been taken, and the Government had chosen not to take any legal action itself, the Legislative Council might not have been doing the job it is meant to do. There is merit in amendments Nos 2 and 3.

Like everybody else in the Chamber, Greens members did not have the amendments in front of us until right now - that is, until after Hon Peter Foss had moved them. That makes things extremely difficult. The Greens are aware that serious potential ramifications arise if the appropriation Bill is not passed. An enormous cost is involved in recalling the Legislative Assembly. Members should be cognisant of the financial cost, because although it is not the be-all and end-all in the democratic process if an action is necessary, we should be aware of it.

I also agree strongly that the Legislative Council and its members deserve some commitment from the Government that ministers and government representatives in this place will take the message strongly to the Attorney General and indicate that this is not good enough - he cannot simply punish the Legislative Council for taking an action many people believe should have been taken. On that basis, the Greens (WA) support the intent of these amendments, and strongly urge ministers in this place to represent those views to the ministry. Whether or not it is unprecedented for this House to make such a request does not mean it should not be done from time to time. In these circumstances, if the minister takes action that damages the Legislative Council in an unnecessary and perhaps vindictive way, it is right for the Council to respond. The Greens strongly agree with the reasons behind these amendments. However, we have not had sufficient time to take all the advice needed to make a decision in support of these amendments. I know my colleagues Hon Christine Sharp and Hon Jim Scott would like to add a few words on our position on the issue. We are cognisant of the time.

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Hon NICK GRIFFITHS: I have used a form of words. I note what members have said. It is certainly my intention to, and I will, represent the views that have been expressed to my cabinet colleagues. It is my intention to do that at the earliest opportunity. I have no intention of doing otherwise. That is as far as I can go. I am keen to process the matter, noting what has been said, but I cannot guarantee any outcome.

Hon Norman Moore: Are you personally supportive of the intent of the proposal?

Hon NICK GRIFFITHS: I will represent the views put fairly and to the best of my ability. In terms of my personal view one way or the other, it is not a matter for me to state.

Hon Peter Foss: We would rather that you be enthusiastic about it rather than reluctant.

Hon NICK GRIFFITHS: I assure members opposite that the members of the Government and members of the Executive will be made well aware of the position of the Legislative Council.

Hon Peter Foss: Perhaps you could keep in mind that next year we will make sure it goes through. You have been given 12 months notice.

Hon KIM CHANCE: I make clear that I support the position stated by Hon Nick Griffiths. I will certainly provide what level of support is possible for the issues raised in this Chamber. I say that genuinely. I note the concern expressed by the Legislative Council and will take it forward to the Executive.

Hon DERRICK TOMLINSON: This was not a debate I wanted to buy into until I heard a couple of challenges. The first of these was that the Minister for Housing and Works, and Racing and Gaming and I am not sure how many other portfolios -

Hon Graham Giffard: Planning.

Hon DERRICK TOMLINSON: The Minister for Land Information said that a Government is elected and that the role of the Parliament is to say yes or no to its program. The Government is not elected; Governments are appointed. The Government must come to Parliament for approval, which includes matters of detail. Members have the capacity to amend every piece of legislation that comes before this House. I reject this notion that the only right members have is that of censure.

The other matter was the question of vindictiveness. The Government is refusing a supplementation for the cost of a court action, and this has been represented as vindictiveness. I am not sure whether vindictiveness is the correct term to use. However, the budget of the Legislative Council has been inconvenienced by a sum equivalent to the cost of a court action taken not by the Legislative Council but by the Clerk of the Parliaments. He took the action of asking the Supreme Court whether it would be legal for him to present a Bill for the Governor's approval if the Bill were not itself a lawful piece of legislation. The Clerk of the Parliaments did not ask the approval of the Legislative Council to take that action. Only the Clerk can present a Bill passed by this Parliament to the Governor for approval. The Clerk did not come and ask permission; he came into the House and advised that he was taking that action. It was beyond the capacity of the House to do other than take note of his advice. It was quite a lawful procedure. We know the outcome of the case of *Marquet v whoever-it-was*. The Supreme Court, by a very convincing majority, said the law was not valid, and, therefore, had the Clerk presented it, he would have acted unlawfully. Because the Clerk sought that advice, the Government has said it will not supplement the cost of the court action. Against whom is the Government being vindictive? It is not being vindictive against this House, because this House took no action. It is being vindictive against the Parliament.

Hon Peter Foss: On whose behalf the Clerk acted.

Hon DERRICK TOMLINSON: The Clerk is the Parliament in this instance. Now the Executive Government is not simply thumbing its nose at the Parliament, not merely saying that the Parliament is irrelevant, and not merely pretending, as the Minister for Racing and Gaming said, that the Parliament has only two rights - yes or no - but is condemning the Parliament, because the Clerk of the Parliament acted lawfully to ensure the actions of the Parliament are lawful. I suggest that the ministers on the other side of the House, who have taken note of the objections, should now stand and apologise to the Parliament for bringing this measure into the House and acting in such a vindictive way, not against the members of this House, but against the Parliament. The ministers have abrogated their responsibilities for making laws for the good order and government of Western Australia. The budget is nothing more than a law for the good order and government of Western Australia. The Government has not merely thumbed its nose at the Parliament; it has insulted the Parliament. I therefore strongly commend the amendment to the House.

Hon CHRISTINE SHARP: Members are aware of the timing issues in this debate. In endorsing the remarks of my colleague Hon Dee Margetts, I acknowledge that the issues raised in Hon Peter Foss's amendment are very

Hon George Cash; Deputy President; Hon Peter Foss; Deputy Chairman; Hon Nick Griffiths; Hon Norman Moore; Hon Dee Margetts; Hon Kim Chance; Hon Derrick Tomlinson; Hon Dr Chrissy Sharp

important. Ironically, it is a great pity that the Greens (WA) cannot support the amendment. However, the Greens support the gist of the very important concerns the member has brought to the attention of the Parliament as a whole through this amendment. The amendment raises two very important issues. Firstly, it is inappropriate that the cost of the case referred to the Supreme Court by the Clerk of the House, with the support of the House, should be taken from the Legislative Council's normal operating budget and not be supported by additional funds from consolidated revenue. We do not think the Government has behaved properly in this regard. In that sense, we strongly support the intent of the amendment.

Secondly, the Greens have some real concerns about the overall adequacy of the Legislative Council's operating budget, particularly for the committee office. As a House of Review, much of the most important work of the House is done in the committee office. It is under-resourced and understaffed. Legislative Council committee staff are often under pressure trying to deal with an unreasonable number of issues simply because the pressure of business is greater than the resources provided by the Gallop Government for that office. The Greens would like the Government to reconsider that matter, and we are very pleased that this debate has provided an opportunity to air our concerns. We note the remarks of the Minister for Racing and Gaming and of the Leader of the House that it will be drawn to the attention of their cabinet colleagues.

Having said that the Greens support both those views, based on good process in this place, it is impossible for the Greens to support an amendment to a budget Bill at this late stage when debate is almost finished and before relevant members can even get into the Chamber to read the wording of the amendment or in any way to take the Opposition's intention seriously. As the minister suggested, the timing of the amendment shows that the Opposition is being nothing more than mischievous. By taking this step, members opposite are letting down their own side. Although the Greens endorse Hon Derrick Tomlinson's argument that the matters raised go to the heart of this Parliament's powers, if they are so serious we should not be dealing with them at the eleventh hour, because they raise many issues. For example, committee members must use their imprest accounts because there is not enough money in the Legislative Council budget for travel, committee work etc. These amendments raise many important issues that the Greens support, but we cannot support the mechanism by which the Opposition has raised them. If the Opposition wants the Greens' support for these important matters in future, it must give us adequate warning and briefing so that we can get advice and act responsibly.

Hon PETER FOSS: I accept the concerns and the moral support given by the Greens (WA). I accept their position. I give 12 months notice to all members that this will occur again next year. Unfortunately, this budget Bill did not arrive until late yesterday. The opportunity to deal with it has not been that good. Now that the Government has 12 months warning, I am sure it will make certain it deals with the matter.

Requested amendment No 2 put and negatived.

Hon PETER FOSS: The third amendment falls away because of the provisions of the Constitution.

Schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon Nick Griffiths (Minister for Racing and Gaming), and passed.