

Legislative Council

Thursday, 16 September 1993

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 2.30 pm, and read prayers.

STATEMENT - BY THE PRESIDENT

Kirk, Margaret, President's Representative

THE PRESIDENT (Hon Clive Griffiths): I am delighted to inform members that this afternoon the student who has been selected to represent me in the student Parliament next week, Margaret Kirk, is in the President's Gallery, with her mother Kate. I welcome them to our Parliament.

[Applause.]

MOTION - URGENCY

Industrial Relations Legislation

THE PRESIDENT (Hon Clive Griffiths): I have received the following letter -

Hon Clive Griffiths MLC
President of the Legislative Council
Parliament House
Perth

Dear Mr President

At today's sitting, it is my intention to move *That the House at its rising adjourn until 9.00 am on December 25 1993* for the purpose of discussing:

- (a) the apparent inability of the Government to express its policies in legislative form, evidenced by today's statements by the Minister for Industrial Relations about the *Workplace Agreements Bill* and related legislation;
- (b) the Government's ineptitude in handling its industrial legislation, particularly so far as it relates to what the Minister has described as "unintended consequences";
- (c) the representative Minister's high-handed and erratic decisions about the way in which this legislation was to be dealt with in this House; and
- (d) generally, the obvious incompetence of this Government and its Ministers in dealing with sensitive policy issues, their legislative expression, and the apparent inability of the Government to understand or appreciate the consequences of its acts.

Yours sincerely

John Halden MLC
Deputy Leader of the Opposition

16 September 1993

The member will require the support of four members in order to move the motion.

[At least four members rose in their places.]

HON JOHN HALDEN (South Metropolitan) [2.37 pm]: I move -

That the House at its rising adjourn until 9.00 am on 25 December 1993.

It is probably appropriate that I read two press statements that have appeared in *The West Australian* so that members understand the remainder of my speech. The first article entitled "Kierath offers TLC work law changes" was published in *The West Australian* on 25 August. It states -

Labor Relations Minister Graham Kierath has agreed to make some changes to his controversial industrial relations legislation after meeting unions yesterday.

Mr Kierath said last night that he would consider addressing "about a third" of the points raised by the Trades and Labor Council in the first serious talks between the Minister and unions since draft legislation was announced.

Unions have condemned the legislation, which paves the way for individual agreements between workers and bosses outside the award system, saying it hands all the bargaining power to employers.

Late yesterday, Mr Kierath said he would make some changes to the legislation to accommodate union worries.

"About a third of the points raised I cannot agree to because they seek to change the principles of the legislation," he said.

"Another third show they simply do not understand it. The rest I am prepared to consider."

New rules concerning unfair dismissal of employees and strict guidelines within the legislation on the appointment of bargaining agents for employees were two areas Mr Kierath suggested could be amended.

Amendments on these points would be considered because there were consequences that were never intended, he said.

Mr Kierath said the meeting was a refreshing change from the confrontationist approach taken by unions towards the legislation so far.

"For the first time they are making some constructive comments," he said.

"It is a fresh start to have some co-operation rather than confrontation."

"They have realised that we mean business."

However, TLC secretary Rob Meecham said unions would adopt a wait-and-see approach after the meeting.

"It is one thing to say you will change it and another actually to make the changes," he said.

Mr Meecham said Mr Kierath was present for 75 minutes of the four-hour meeting.

He rejected Mr Kierath's claim that the TLC did not understand parts of the legislation.

"He claims we do not understand the legislation but it is a simple difference in opinion - we believe his advice on those points is wrong and we have asked for a legal opinion on them to see who is right," Mr Meecham said.

Other amendments he believed might be acceptable included clauses ensuring that:

- Workers could be represented by an agent at all times and that the employer must recognise such an agent.

- Employers could not sack employees for taking legitimate industrial action during negotiations on a workplace agreement.

In an article in today's *The West Australian* headed "Deadline on changes to Bills" it is reported that -

Labour Relations Minister Graham Kierath will decide this week whether to change his controversial industrial relations Bills.

I do not intend to read the entire article, but it went on to state -

Mr Kierath, also outside the Parliament, said he had not made a decision about whether amendments would be made because talks with the TLC were continuing.

In the other place we witnessed the spectacle of the Government brutally using the guillotine motion to conclude the debate on three pieces of industrial relations legislation. That manoeuvre was so outrageous that when the last of the three Bills was debated Government members were pencilling in amendments just prior to all the clauses being put and carried without debate.

I now refer to Hon Tom Helm's profound comments last night in the debate on the Workplace Agreements Bill. He said -

As I cannot address the Bill I will refer to the Minister's second reading speech, which is the basis of what the Government is trying to do.

He went on to say that there would be more amendments to the Bill from the Government. We all know that, because the Minister said so. The last time I inquired there was not one Government amendment on the Notice Paper, yet it could amend up to one-third of its legislation. The Opposition does not know what it is really debating. Where are the Government's amendments? Members on this side of the House have not seen them. It may well be that members of the Government side have been given the privilege of seeing the amendments, but the industrial relations Bills are before the House and we have reached the Committee stage on the Workplace Agreements Bill. The Government, with its magnitude of resources, has not paid the Opposition the courtesy of putting its amendments on the Notice Paper.

The most disturbing thing about all this is the comment of the Minister for Labour Relations which was published in *The West Australian* on 25 August in which he freely admitted that these Bills have unintended consequences, and he identified two areas. However, where are the amendments? Last night in this place the Minister for Health, representing the Minister for Labour Relations in this place, said that the Government had amendments to the industrial relations legislation and that he accepted that the Opposition had concerns about the legislation. We did not hear one courteous word from the Minister for Health. All we heard from him was claptrap and that is all he is capable of delivering. He was quite deliberately deceiving the Opposition. As a member of Cabinet, he knows that the Government is considering amendments to the Workplace Agreements Bill and the other industrial relations legislation.

Withdrawal of Remark

Hon PETER FOSS: The member said that I was deliberately deceiving the Opposition. That is a reflection on me and I think it is unparliamentary. I ask that the member be requested to withdraw the remark.

The PRESIDENT: The member will withdraw his comment.

Hon JOHN HALDEN: Mr President, I will withdraw my remark. We have a sensitive Minister, who last night berated the Opposition, asking for a withdrawal of a frivolous remark, but I withdraw it quite graciously.

Debate Resumed

Hon JOHN HALDEN: The Minister for Labour Relations acknowledged these unforeseen consequences, but the Opposition has not seen the amendments to the industrial relations legislation. Does the Minister for Health intend to address this problem? It is obvious that he does not. He is simply playing games with the House and the Opposition. Even as recently as last night the Minister for Labour Relations said he would decide this week whether to change the controversial industrial relations Bills. He has not yet decided whether amendments will be made because talks between the Government and the Trades and Labor Council are continuing. While these talks continue and the Government considers whether to amend these Bills, the Opposition is debating the Workplace Agreements Bill, a third of which may not exist by the end of this week.

Hon Peter Foss: If it is agreed to it will be changed.

Hon JOHN HALDEN: We do not have the numbers.

Hon Peter Foss: It is this House which makes the changes.

Hon JOHN HALDEN: The Minister for Health should not drivel on; he will have his turn in a moment.

Hon Peter Foss: You forget the constitutional basis - we make the changes.

Hon JOHN HALDEN: I know the Government makes the changes. It is quite clear from the words of the Minister for Labour Relations that the Government is considering changes to the industrial relations legislation. This House is debating a Bill which may not exist in its present form and may be significantly modified by the end of this week and that is a disgrace. It is an insult to this House and principally to the Opposition, which takes great umbrage at that and also at the comments made by the Minister for Health last night.

Last night the Minister for Health led me to believe that instead of dealing with the Committee stage of the Workplace Agreements Bill the House would debate the next Bill on the Notice Paper. He said this without any consultation with the Opposition. We did not do that because of the good sense of the Leader of the House. The Opposition will not accept this sort of thing, especially when it had been advised that the Committee stage would be debated. The Minister, in a fit of temper because he did not get his own way, decided, without any consultation, to debate the next Bill on the Notice Paper. That is not the way the House should be run. If the Minister wants cooperation from the Opposition he must behave in a humane way. In essence, the sort of impetuous, childish behaviour which he displayed last night will not be tolerated. I assure him that I will not tolerate that sort of behaviour for one second. The Minister thought he would be successful in implementing his plan last night, but he was not. The Opposition would have debated the Committee stage. If he wanted to do that for three or four hours the Opposition would have obliged him.

Several members interjected.

The PRESIDENT: Order!

Hon JOHN HALDEN: The Opposition will not in any way be intimidated by the tactics this Minister wants to use. If he thinks his actions are appropriate when this House is debating such controversial, draconian and revolutionary legislation, he is wrong. The Minister for Health should treat the Opposition in a reasonable way or be prepared to cop every possible obstruction available to the Opposition under the standing orders.

Hon Peter Foss interjected.

The PRESIDENT: Order! I will say this once: I will not tolerate these constant interjections. The member has the floor and has the right to be heard. The people in the Public Gallery have the right to witness their Parliament operating in a dignified manner. While I am sitting here, that is the way it will be.

Hon JOHN HALDEN: The Minister for Health made a pathetic attempt last night to criticise the Opposition for preventing the Bill from being referred to the Standing Committee on Legislation. The Opposition would like to know the content of the Bills that the Government wants it to refer to that committee. The reality is that by the end of this week the content of the Bills might be totally different from what they are now and the Opposition's attitude to them could be totally different. We now want to see the totality of the Bills. This tactic by the Government is another attempt to curtail sensible and honest debate by the Opposition. We have seen the blunt instrument used in the other place, and what we are now seeing is this Minister, probably in cahoots with the Minister for Labour Relations, playing little games with the Opposition. We will not accept that.

I want to put on record our side of this matter, rather than the Minister for Health's distorted version of events. We discussed the possibility of these Bills going to the Standing Committee on Legislation but we were advised that the finalisation of these Bills to the third reading stage would have to conclude by 21 October. Assuming that there will be a serious attempt by that committee to review these Bills - and I do not

suggest that that committee will not do that, because I am confident that that committee, on its record, will look seriously at these Bills and do the best job that it possibly can to address the problems within these Bills - that will take at least five weeks, and probably more. On that time frame, that means that we will be given one week to debate the Bills through the second reading, Committee and third reading stages. Although that is not a guillotine, that is not appropriate or acceptable to the Opposition or to the community.

The Opposition is well aware that the Government has the numbers on the Legislation Committee and that it has the Chair of that committee. Therefore, the Government can choose to do what it likes on that committee. It can choose whether to have public or private hearings and whether to accept or ignore evidence. I am not suggesting the committee has done that traditionally, but bearing in mind the history of this legislation, one must be very careful. The situation with the Legislation Committee applies to all the committees of this House: They are dominated by the Government and are chaired by a Government member. As a result of those concerns, the Opposition wanted to have this matter debated publicly. It is not surprising, as was stated by speaker after speaker, that not one member opposite, with the exception of the Minister, rose to his or her feet to defend the Government's position on these Bills. I wonder whether the backbench members of the Opposition know what the final Bills will be. I do not think they do. That is a disgrace to this House.

Point of Order

Hon PETER FOSS: Mr President, when I originally looked at this motion, I wondered whether it in any way infringed on the rule that does not allow a motion to anticipate another motion. I took the view initially that it did not do so, but unfortunately I believe that the member is now canvassing another debate which has already taken place. He is either within the motion, and therefore it is anticipatory, or he is not within the motion and should not be canvassing another debate.

The PRESIDENT: Order! I had a look at it too and I reached the conclusion that you did initially, and I still hold that view.

Hon PETER FOSS: In that case, I ask you to deal with it accordingly.

Hon John Halden: He agrees with me, not you, surprisingly.

The PRESIDENT: Order! What I said to the Minister is that I reached the conclusion that he reached originally; that is, that the motion was in order. I am still of that opinion.

Hon Graham Edwards: Hear, hear!

The PRESIDENT: I do not need people to barrack for me.

Hon John Halden: It is only support, I am sure, Mr President, for yet another just ruling.

Hon Graham Edwards: I just like to see a lawyer done from time to time!

The PRESIDENT: Order! I know that every time I make a ruling one side thinks I am a genius and the other side thinks I am a lunatic, and the sides swap from time to time.

Debate Resumed

Hon JOHN HALDEN: I do not believe members on the Government back bench, and probably also some Ministers opposite, know what the final Bills will look like, we do not know, and I do not think the Minister representing the Minister for Labour Relations knows, yet we have passed the second reading stage of a massively controversial piece of legislation, one-third of which could be changed. That is an insult to this House. I now perhaps understand clearly why members opposite have not spoken on this Bill. They may have some knowledge that it is about to change and have decided to wait until they are in the privileged position of being able to see the legislation.

It is interesting that Mr Foss, in his response to the concerns which I raised, did not respond to my concerns about parts 4 and 5 of the Workplace Agreements Act - the very parts which the Minister suggests may be changed and the very parts which the Minister suggests may have unforeseen consequences. The Minister said not a word about my

claims and did not answer the questions I asked about those parts of the Bill. The Minister did not want to comment because he knows and the Minister for Labour Relations knows that those parts are likely to be changed. The Minister did make some comments; namely, that the Opposition was a joke, that it had put forward rubbish, and that it had practised an incredible deception.

Hon Peter Foss interjected.

Hon JOHN HALDEN: The Minister should just be quiet because he has made enough trouble for the Government today.

The Minister stated that the legislation will provide a choice. The unfortunate situation is that we do not know what is in the legislation. That is absolutely diabolical. The Minister stated also that he will show up how little members understand the Bill. That is not surprising when we do not know what is in it and when one third of the Bill may not exist on Friday, in the words of the Minister for Labour Relations. I understand that the Minister may even be considering sending this legislation to the Legislation Committee. Despite what I said earlier about our negotiations, do not forget that it is always within the Government's power to do that; it has the numbers. Do members remember the words of Hon Phil Lockyer: "You can keep your arguments; I'll stick with the numbers"? Use them if that is the case, but before the Government sends the legislation to the Legislation Committee at least pay us the courtesy of telling us what will be sent there. We might like to know about that. We might like to come out of the dark and be provided with the legislation.

Hon P.H. Lockyer: You have got to earn courtesy.

Hon JOHN HALDEN: We have got to grovel and pull the forelock! I now understand members opposite. Members opposite won an election, and they now think they can grind us into the dirt. However, they are wrong. They cannot treat us and this Parliament in the contemptuous way that they have in the past few days. Mr President, the future of this House is in our hands, as you have often said, but whether we make ourselves relevant or kill ourselves off is in the hands of the conservatives, who are in Government today. They are the great defenders of the bicameral system, but they are the very people who are being watched by all Western Australians at this moment to see whether this House is actually superfluous to the processes of government.

If we are not superfluous and irrelevant by virtue of the fact we are not even provided with the proposed amendments while negotiations continue that could significantly and dramatically alter that legislation, then what does make us superfluous? It is a disgrace. We sat here this morning until between 2.30 and 3.00 debating a Bill that may not exist in its present form by the end of the week. Why did we go through that exercise when the Minister is saying this legislation may not be the same by Friday? What it might be I do not know. None of us here knows.

Hon Doug Wenn: Neither does he.

Hon JOHN HALDEN: The Minister may not know either. Hon Doug Wenn is wrong. He should have learnt that in the last four years. The Minister tells us all the time he knows all. We will accept that total arrogance, but we will not accept the devaluation of the processes of this House in this way. This debate could engender considerable acrimony, bitterness, heat and concern, but the reality is that may not need to occur by the end of the week. It would not occur had this Government decided at the beginning of this week to wait a week and present us next week with the legislation in its totality. After my dealings with the Minister last night I can envisage what will happen -

Hon Peter Foss: Have I upset you by any chance?

Hon JOHN HALDEN: Yes, the Minister has. If he deals with me like that again in that high handed fashion, he will get more of it. I will not be treated like that and this Opposition will not either.

Hon P.H. Lockyer: What will you do then, boofhead?

Hon JOHN HALDEN: I will not respond to that. The member will sit there for the rest of his life -

Hon P.H. Lockyer: On the Government side.

The PRESIDENT: Order! I want two things to occur: I want members who are interjecting to stop and I want the member who is addressing the Chair to continue to address the Chair and ignore those who are interjecting. Turning around and talking to them especially is asking them to continue the same barrage of cross talk. You will facilitate better progress of your own motion if you direct your comments to me, because I am not making interjections and other members will.

Hon JOHN HALDEN: Thank you, Mr President. I was saying that I could imagine the situation, after what occurred last night, of the Government amendments to this Bill being presented at the Committee stage, giving the Opposition no opportunity whatsoever to consider them in a general sense or a specific sense. In regard to this or any other form of legislation, I do not believe that is the way we should go. How can we possibly draft, pass and debate reasonable legislation when it could be sprung on us like it was last night, where we were almost going to the next reading of another Bill without any notice whatsoever? The Minister has established that precedent as to how he will handle matters in this House and, therefore, we will expect the worst case scenario on every opportunity until we see some improvement.

Hon Peter Foss: You have already.

Hon JOHN HALDEN: Yes, indeed, and we have precedent to establish that. We believe that until the Government comes forward with either a redrafted Bill or with all the amendments, so that we can properly consider them, this is an inappropriate way to deal with this legislation. We believe that either the Government should stop for the rest of this week until those negotiations cease and put the amendments on the Notice Paper or withdraw these Bills. We have already gone past the second reading of one Bill and yet we expect at this stage one-third of that Bill to be altered. As I have said before, the acrimony, the bitterness and the insults we endured from the Minister for Health last night about our conscious decision to believe in what we say and not to say it in an insulting way -

Hon Peter Foss: I have hurt you!

Hon JOHN HALDEN: The Minister is irrelevant as far as I am concerned. He stands for the worst examples of conservatism I have ever seen. The arrogance that he personifies is unbelievable. The situation need not have happened had the Government handled its legislative program in a responsible way and involved the Opposition. I hope members will support this motion. I took the opportunity to present this matter to the House because it is of enormous importance.

HON PETER FOSS (East Metropolitan - Minister for Health) [3.05 pm]: Before commencing to reply to the Deputy Leader of the Opposition I would like to raise one point. The first I saw of any notice of this motion was when it was distributed in the House after the letter had been read out by you, Mr President.

Point of Order

Hon JOHN HALDEN: I think the Minister is implying I have not conformed with standing orders. I seek your clarification, Mr President. Did I in fact do that?

The PRESIDENT: There is no point of order, because while there is a convention that members may inform other members of the fact that they want to introduce a motion, there is certainly no requirement. You have certainly not breached standing orders, and there is no point of order.

Debate Resumed

Hon PETER FOSS: The point I am trying to make, talking about high handed behaviour, is that Hon John Halden did not choose to advise of the Opposition's intention to move this motion. He had at least two hours' opportunity to do so because it would have taken that to comply with standing orders. What really makes this quite offensive is that the Deputy President (Hon Barry House) recently brought the attention of the House to a ruling that you gave, Mr President. This is the ruling referred to by the Deputy President

in your absence. You said this, Mr President, on 28 August 1991 -

... it has been brought to my attention that some dissatisfaction has been expressed about the way in which letters addressed to me and containing a member's intention to move an urgency motion have not found their way to other members before I read the letter in the House. It is said that in recent times I have somehow departed from established practice whereby, on receipt of a letter, the clerk would arrange for a copy to be sent to the Government or Opposition leaders. To clear up any misunderstanding on this matter, the rules are as follows -

- (1) The letter required by Standing Order No 72 is sent to me;
- (2) neither I nor the clerk has any authority, without the writer's consent, to copy that letter to any member or other person;
- (3) as a matter of convenience, and where so authorised by the member submitting the letter, the clerk has copied the letter to other interested members soon after receipt;
- (4) receipt by the clerk within the two hours prescribed by Standing Order No 72 is not receipt by the President; that is, I must receive the letter before that time limit expires;
- (5) it is for the member intending to move the urgency motion, at the time the letter is delivered, to request that it be copied to other members or parties.

I trust that clarifies the matter. There can be no suggestion that I have abolished a non-existent practice. I have supported always, and will continue to support, the principle that, as a matter of courtesy, urgency motions be copied by the member to the opposite side before the debate occurs.

In fact, Hon Nick Griffiths did that with his urgency motion, with which we could work. I know that Mr Halden has complied with standing orders, but he has failed to observe the courtesies of the House. Whether the omission on his part - despite the fact that the Deputy President recently reminded us of the President's ruling - was sheer petulance, because the member felt he had been badly done by or omission, I do not know. However, I suspect it was petulance given the way the speech was delivered. The member today gave a wonderful display of petulance and of prancing up and down for the benefit of his electors. It was one of the most pathetic performances I have seen for a long time.

Several members interjected.

Hon T.G. Butler: You should stand in front of the mirror some time, you fool!

The PRESIDENT: Order! When Hon John Halden was introducing his motion, I said that I would not tolerate interjections while he did so. The rules do not change because the Minister is responding. I do not want any interjections so that this matter can be expedited. As I have often said, members do not have to like, or believe, what members say, but while I sit here they will listen to it.

Hon PETER FOSS: I shall clarify the situation regarding the Government's attitude on the offer of this Bill going to the Standing Committee on Legislation. When this offer was discussed, I suggested that the Bill be referred to the committee immediately after I had moved the second reading. Importantly, I also proposed that debate in the House should continue, notwithstanding the Bill's referral to that committee. This would have provided the opportunity for the House to debate the principle of the Bill while the general public made beneficial submissions to that committee on the legislation.

As Hon John Halden amply explained today, the Trades and Labor Council is keen to put its message directly to Parliament. The Legislation Committee would have been an effective method by which the public could democratically make submission to the Parliament, and not just to the Government. I support that process; it is a good thing for

the public to have direct access to Parliament. In fact, I was instrumental in writing a Legislation Committee report which indicated that a benefit of the committee was that people could express views which are filtered by neither Government nor Opposition. These views can be put directly on the parliamentary record to be available for all members to consider. We were keen on the idea of this forum with this Bill to enable the principal issues to be drawn out.

We have 28 pages of Opposition amendments, apparently, for some reason, that situation is different from some Government amendments; I am unsure of the distinction.

Hon John Halden: You can see our amendments, but we cannot see yours. That is the difference.

Hon Kim Chance: You're incompetent!

Hon PETER FOSS: No suggestion has been made that it makes no difference that the amendments are to the same Bill. When the Opposition places amendments on the Notice Paper, that does not suddenly change the character of the Bill we are debating. It merely indicates the issues to be raised during the course of the Committee debate.

It is perfectly proper for the public to be heard on this legislation. The whole idea of the parliamentary process is to allow debate by not only members here, but also the public in expressing views to Parliament. We have two Houses, three readings and a Committee stage to allow that process to occur. The suggestion by Hon John Halden that we cannot debate the second reading because amendments may be made during the Committee stage is a most extraordinary example of his abysmal understanding of the parliamentary process.

Hon John Halden: It is a third of the Bill!

Hon PETER FOSS: I have become used to this situation since I came to this place in 1989. At that stage it was clear that the now Opposition did not know the difference between Government and Parliament.

Hon John Halden: You now know what we think, do you?

Hon PETER FOSS: I recall the previous Government demonstrating that it had no idea of the difference between Government and Parliament - it used the two interchangeably. We managed to bring members opposite around to understand the difference between Government and Parliament. They now understand it perfectly as they are still in Parliament but not Government. Nevertheless, they still fail to understand the parliamentary process.

The whole point of the Committee stage is to allow amendments to be tested. There is no such thing as amendment to a Bill until the legislation reaches the Committee stage. Amendments can certainly be placed on the Notice Paper, but at that stage they have no effect whatsoever; until somebody moves the motion to amend during the Committee stage, the amendments have no effect. It is true that amendments can be made in the Legislation Committee, but the only way an amendment can come before the House is by its being moved during the Committee stage. The concept that we should somehow stop talking to the TLC and must not contemplate making changes to the legislation in Committee is extraordinary! To believe that we should not keep our minds open until we hear debate in Committee, or until we hear from the public, indicates a total and abysmal lack of knowledge about the processes of this place.

Hon Kim Chance: If you are so concerned about the process of consultation, why did you guillotine debate in the other House?

The PRESIDENT: Order!

Hon John Halden: No answer!

Hon PETER FOSS: I know that one is not allowed, especially by interjection, to refer to proceedings in the other House. The Opposition indicates its abysmal lack of knowledge when it criticises the Government -

Hon John Halden: Fancy us doing that!

Hon PETER FOSS: - for its willingness to keep an open mind until the Committee stage. Members opposite do not understand the democratic process. How can Hon John Halden possibly complain, as he did, that there is something fundamentally wrong with the Government's willingness to talk to people who are directly affected by the legislation?

Hon John Halden: We are affected too! We would like you to tell us what you are doing.

Hon PETER FOSS: We are talking to the Opposition, and we are still talking to the TLC - although not me personally.

I am not aware of any proposed amendments, but I imagine they will emerge after we have listened to the TLC. It would have been easier if this matter had been conducted before the Legislation Committee. In that case people could have made submissions to people from both the Government and the Opposition. Perhaps the Minister for Labour Relations, after obtaining the consent of his House, could have come before the committee. All that discussion could have occurred while debate continued in this House. When that offer was made we would have had six weeks to undertake that process. Instead, we have the process by which the Opposition has used every method to obstruct the Government.

Hon John Halden: To obstruct you! We have not been allowed to use the forum of this House.

Hon PETER FOSS: As was clearly indicated by the member for Fremantle, the Opposition's real intent is to hold off debate. If the Opposition had the capacity -

Hon John Halden: The member for Fremantle does not speak for me; don't presume he does!

Hon PETER FOSS: I am pleased that Hon John Halden dissociates himself from the sentiments of the member for Fremantle.

Several members interjected.

Hon Tom Stephens interjected.

Hon PETER FOSS: No I am not referring to the debate. It was a sentiment expressed by the member for Fremantle elsewhere. However, the clear intention of the Opposition is, in this instance, to delay the legislation.

Hon Tom Stephens: That will be a noble goal in itself.

Hon PETER FOSS: I fully understand that the Opposition intends to use every single aspect of the standing orders that its members can find in order to obstruct and delay these Bills.

Hon John Halden interjected.

Hon PETER FOSS: I understand his position; he has made that quite clear. I am not saying the Opposition is not entitled to do that.

Hon John Halden: I am not suggesting we are intending to delay the Bill.

Hon PETER FOSS: Are you not?

Hon John Halden: No.

Hon PETER FOSS: I am very pleased to hear that. One aspect I hoped would be part of the process of the Standing Committee on Legislation, and I hope Hon John Halden acknowledges this, was that we would be able to narrow the points of difference between us. As the member understands, any Bill of this nature is likely to contain principal clauses which differ in principle. I had hoped that perhaps we would be able to ascertain those clauses and make sure they were adequately and properly debated. After clarifying the problems, we would then be able to understand where the difficulties lie. Once we have voted on those, the rest could follow as a matter of course because they would become less significant.

Hon John Halden: You tell us your amendments and we might be prepared to do that.

Hon PETER FOSS: I do not have any amendments. Once I hear the consequences of the quite proper discussions held between the Minister for Labour Relations and the Trades and Labor Council, I will be happy to discuss them with the Deputy Leader of the Opposition. I would heartily endorse that if it presented an opportunity of having a really good debate in this House as opposed to a slogging match.

Hon John Halden: Why are we waiting for what we are debating to be made clear?

Hon PETER FOSS: We know what we are debating; we are debating a set of Bills containing clear principles. We are not dealing with the minor amendments that will take place. That can be done at the Committee stage.

Hon N.D. Griffiths: How do you know the amendments are minor if you do not know what they will be?

Hon PETER FOSS: I know the Government will stick to its policy which it announced before the election and which was endorsed ringingly by the people of Western Australia. The fundamental points of that policy will be in the legislation. However, people may have objections to minor points as a result of the drafting and, in Hon John Halden's term, "unintended consequences". Obviously we will not be moving to take away individual or collective workplace agreements or to ensure that certain people are not obliged to deal with unions. All those basic points of principle are staunchly supported by all members of the Government, not only members in this House. The Government knows it has the endorsement of the people of Western Australia to take that action.

Nevertheless, if there are concerns about unintended consequences, as a reasonable Government, in the processes this House allows for, we will look at those. How on earth can members suggest otherwise? Members opposite know me; I am a reasonable person who is always happy to listen to those arguments.

Hon John Halden: I am not seconding that motion, I assure you.

Hon PETER FOSS: I know, but Hon John Halden knows me and in his heart of hearts he knows I am an eminently reasonable person who always wants to achieve the best possible result with legislation. I say without any criticism, at the suggestion from Hon John Halden, that members in his party do not necessarily consider it an advantage for this legislation to be improved. They may well prefer this legislation to go forward in a form they regard as dreadful.

Hon John Halden: I did not suggest that.

Hon PETER FOSS: I might have misunderstood Hon John Halden. I somewhat mistakenly gained the impression that possibly some members of his party would prefer not to have the problems fixed. I thought I understood that if problems existed they should be left in order to cause some discomfort to the Government. If that is not the intention of any of the members of the Opposition I am very pleased to hear that.

Several members interjected.

The PRESIDENT: Order! Hang on while I make sure members understand that they are not supposed to be interjecting on the Minister. Surely I do not have to say it over and over again. I ask members to respect the dignity of this place by maintaining a little decorum.

Hon PETER FOSS: As I said, I could understand that, quite legitimately, an Opposition could take the view that it is not its role to improve Government legislation to which it is totally opposed.

Hon John Halden: We would be delighted to improve this legislation.

Hon PETER FOSS: That is a very reassuring and positive statement. No matter how much we may disapprove of legislation, even if we think the basic fundamentals of the legislation are anathema, I believe we have an obligation to the people of Western Australia above that to our parties to ensure that it is the best legislation. I see that as the role of this House.

Hon John Halden: Tell us what it is.

Hon T.G. Butler: We think that no matter what form it is in, it will be horrible.

Hon PETER FOSS: I agree that that is the attitude the Opposition will take; that is the point I proposed. I fully understood that the legislation itself was regarded as anathema by at least some of the members of the Opposition.

Hon Tom Helm interjected.

The PRESIDENT: Order! I do not know whether there has been an announcement that there is an early plane leaving to go to the north west, but it would appear to me that at least one member is endeavouring to catch it! If he keeps on interjecting he will be in a position to do that.

Hon PETER FOSS: I can understand that members opposite might take the attitude that their party would be better served by the legislation passing as it is, rather than their making any improvements to it. Although I understand that, I do not agree with it. When in Opposition I took the opposite view, even when I saw legislation to which I was totally opposed. I can think of a number of Bills which I thought were basically flawed. For example, members might recall that I pointed out to the previous Government that the wording in the bicycle helmets law did not achieve the result it wanted and that it would probably not even require people to wear motor cycle helmets. I have had considerable difficulty philosophically supporting both requirements. However, I believed that as the Government and the House indicated their wish to pass that legislation, it should at least be effective.

Hon Graham Edwards: You are rewriting history. Crown Counsel clearly differed with your view. You would not let it through unless you got your way.

Hon PETER FOSS: No, that was not the case; Parliamentary Counsel accepted my points. Hon Graham Edwards was not even there when I was talking with counsel, so he would not know.

Hon Graham Edwards: I was handling the legislation -

The PRESIDENT: Members will force me into doing something I do not want to be forced into doing. I will refrain from doing anything for the next 60 seconds.

Hon PETER FOSS: As I was saying, in that instance I regarded it as my duty to this Parliament to ensure that the legislation was appropriately drafted so that the will of the Parliament was recorded in the Bill. The member opposite indicated that he would be prepared to consider a process to see whether we could narrow the debate. If we are to table some amendments following negotiations with the TLC, I will be happy to contact the member opposite as soon as I have them.

[Debate adjourned, pursuant to Standing Order No 195.]

ESTIMATES OF REVENUE AND EXPENDITURE

Hon Max Evans (Minister for Finance) tabled the Budget papers.

[See paper No 577.]

Consideration of Tabled Paper

HON MAX EVANS (North Metropolitan - Minister for Finance) [3.30 pm]: I move, without notice -

That pursuant to Standing Order No 49(c), the Council take note of tabled paper No 577 (Consolidated Fund Estimates 1993-94), laid upon the Table of the House on 16 September.

This motion enables the Legislative Council to examine and debate the Budget papers associated with the Appropriation Bills which are now before the Legislative Assembly.

This Budget sets about the task of restoring trust in Government management and in repairing the finances and financial reputation of Western Australia. It is a Budget which

abandons the misleading focus on the consolidated revenue fund and its balanced results. In keeping with the rest of Australia, we have moved to a consolidated fund presentation which unambiguously reveals the true financial position. In doing so, we have acknowledged the significant deficit that the State incurs in meeting the totality of its recurrent and capital operations. The Government's budgetary strategy is:

to arrest the growth in the State's \$11.8b debt by eliminating the deficit on the consolidated fund. By the end of our current term in office the net financing requirement on the consolidated fund will be reduced to zero;

to meet the real needs of the community for Government services in the most cost effective way; and

as far as we are able, to provide an environment in the State which will be conducive to supporting business and encouraging new investment projects that are so vital to our future economic wellbeing.

Our principal economic objective is to stimulate economic growth and to secure more long term jobs for Western Australians. Apart from responsible financial management, this is best achieved by limiting the negative impact of Government on the business sector's capacity to perform to its full potential. This is a Budget with no new taxes or tax increases, with the exception of the previously announced increase in the tobacco franchise rate.

Budget Result

The Government in order to provide services receives income from various sources. At present because of the excesses of previous Labor Governments we are spending more on services than we receive in income. Therefore, like any business or family, we are required to borrow to make up the difference. This is known as the net financing requirement which is subject to interest charges like any ordinary loan or overdraft.

A net financing requirement of \$165m is projected for the consolidated fund which is a 26.7 per cent reduction of last year's \$224.9m results. This represents our cash deficit less capital repayments to the Western Australian Treasury Corporation. Effectively, we will need to draw \$60m less from private sector savings than in 1992-93.

Total recurrent and capital spending from the consolidated fund is estimated at \$6 088.7m comprising recurrent expenditure of \$5 573.4m and capital expenditure of \$515.3m. On the revenue side, total recurrent and capital revenues are estimated at \$5 862m with recurrent revenue forecast at \$5 560.6m and capital revenue at \$301.4m. The deficit on the consolidated fund is projected at \$226.7m compared to \$272m in 1992-93. Accordingly, and on the basis of the adjusted figures, the recurrent deficit has fallen from \$22.1m last year to \$12.8m with capital transactions recording a deficit of \$213.9m compared to \$249.9m in 1992-93.

The consolidated fund does not measure the total impact of the State public sector on the economy. Details of total State public sector transactions are separately provided in the Budget papers. They show that a deficit of \$339m will be incurred compared with a deficit of \$444m last year. The deficit is at its lowest level in real terms since records were first kept in 1961-62. New money borrowings by the State public sector under the Loan Council arrangements are projected to fall by \$106m on the \$526.4m last year.

The deficits I have outlined above do not make any allowance for concurrent funding of the State Government's lump sum superannuation scheme, which is estimated to be about \$150m per annum. As our budgetary position improves we intend to move progressively to full concurrent funding so as to reduce the superannuation liabilities carried into the future. Those liabilities presently stand at \$4.4b.

Many members will be interested in analysing the figures more closely and making comparisons with 1992-93. The introduction of a consolidated fund and some changed accounting arrangements make that difficult and to facilitate this analysis comparative tables and reconciliations have been included in the Budget papers.

Revenue

Any increases in the tax burden on business will adversely impact on the emerging economic recovery and there are no new taxes or increases in tax rates in this Budget other than the previously announced rise in the tobacco franchise rate. There is no increase in alcohol tax. Indeed, we have already introduced a number of measures which will benefit small businesses in 1993-94. Commercial and industrial electricity tariffs have been lowered by up to 10.6 per cent and SECWA's security deposit scheme has been discontinued with a potential to return up to \$20m to Western Australian businesses. Our move towards a user-pays pricing system for water will help the business sector and we will also examine options for a fairer system of commercial sewerage and drainage rating.

Statutory Levy

As the Independent Commission to Review Public Sector Finances has identified, Government trading enterprises should be run along sound business lines and declare a dividend to the shareholders, the people of Western Australia. Apart from the normal review of departmental fees and charges to reflect more accurately the cost of providing services, the only new revenue raising measure included in the Budget is a lift from four per cent to five per cent in the statutory levy paid by SECWA, the Water Authority and country water boards. The levy can be considered as a substitute for dividend payments and will be absorbed without any increase in existing electricity or water charges. The additional revenue generated is estimated at \$21m in 1993-94.

Payroll Tax

To assist small to medium size businesses, which are a major source of employment growth, payroll tax exemption and other thresholds will be increased by 20 per cent. The base threshold will be increased to \$450 000 from \$375 000 exempting an additional 500 businesses. A further 3 500 - almost half those liable for payroll tax - will benefit from reduced assessments. The Government will also extend the current payroll tax exemption for wages paid to first year apprentices to wages paid to all apprentices. Both of these concessions will operate from 1 January 1994 at an estimated cost to Government revenue of \$6m in 1993-94 and \$13m in a full year. Labour oncosts, most notably payroll tax, are a major deterrent to job creation by employers and we would have liked to have done more to reduce this regressive tax on employment as a first step in cutting the State's dependence on this revenue. It is regrettable that the Commonwealth Government refuses to provide additional support to Western Australia to aid in the removal of this regressive tax.

Other Revenue Initiatives

Stamp duty on interstate cheques is a source of irritation to bank customers and staff alike and can be a burden to businesses with interstate customers. It will be abolished from 1 January 1994 at an estimated full year cost of \$200 000, thus improving business efficiency. We will be making major changes to Western Australia's land tax system to eliminate large counter-cyclical increases in some taxable values due to infrequent valuations and their phasing in for tax assessment purposes. Legislation is being considered by Parliament which will allow all land values to be brought up to a common valuation date for 1993-94 tax purposes and for most to be updated annually in subsequent years. So that the new system will operate without a substantial increase in the tax assessments of most taxpayers, a revised land tax scale is to be introduced. It has been struck so as to collect estimated land tax of \$122.5m in 1993-94, \$6m less than last year. Some increases will be experienced by those taxpayers who have benefited in recent years by the application of substantially out-of-date valuations.

The actual increase in our estimated revenue for 1993-94 is 5.3 per cent after allowing for receipts previously paid direct to trust fund accounts and changed accounting arrangements for road grants, the Department of Employment, Vocational Education and Training and the Building Management Authority. That represents real growth of about three per cent against last year's real growth of about 4.7 per cent on a comparable basis,

and after adjusting for redundancy borrowings which were brought to account as revenue in 1991-92. In calculating real increases we believe that a truer result is obtained if the gross State product implicit price deflator is used rather than the consumer price index. In 1993-94 the consumer price index is projected to rise by 3.75 per cent whereas the gross State product implicit price deflator is estimated at 2.25 per cent.

Expenditure

The Government has decided that total expenditure from the consolidated fund in 1993-94 should be held to an underlying increase of four per cent, with recurrent outlays rising by four per cent and capital outlays 3.8 per cent. Expenditure overall will show a real increase of about 1.7 per cent. It has been difficult to contain expenditure to such a low real increase given the impact of debt servicing costs resulting from the decisions of the previous Government. The balancing of competing community demands and Government policies is never easy, even when economic activity and revenue growth are strong. The additional social pressures resulting from the worst recession in 60 years and the slow recovery, as well as the unrealistic expectations generated by former Labor Governments, have made our task of determining expenditure allocations this year even more difficult. So far as possible, priority has been given to areas which will help us maximise our international competitiveness thereby boosting export income and employment growth.

Minerals and Energy

In 1993-94 the Department of Minerals and Energy will spend \$82.1m, an increase of \$12.2m or 17.5 per cent. Highlights include -

- \$2.5m for a range of measures to improve geoscientific information which will enhance the private sector assessment of mineral and petroleum resources;

- \$2.3m for development of a computer database on mining tenements - Tengraph; and

- \$11m for construction of the Mineral Research Centre at Bentley.

Agriculture

Agriculture is our other major base industry and this year's budget for the Department of Agriculture will total \$92.5m, including a \$70.4m recurrent contribution from State sources - an increase of 3.9 per cent. The wool industry will receive support of \$500 000 for the establishment of a wool strategy group to identify and implement initiatives for the long term development of the Western Australian wool industry, \$350 000 will be provided for the Co-operative Research Centre for premium quality wool and \$1.6m is to be spent on a productivity and diversification program directed at providing support to long term wool growers. The department's budget also allocates \$849 000 to provide export support for agricultural industries for market identification and product development. South East and Northern Asia are the prime targets.

The Government has made a major commitment to revitalising the meat industry in Western Australia. As part of this, \$1.5m will be spent this year in refurbishing and upgrading the Midland saleyards to improve operational efficiency and to ensure that they are established as the main centre for livestock selling in Western Australia.

Industrial and Resource Development

The joint operations of the Department of Resources Development and the Department of Commerce and Trade play an important role in building upon our comparative advantages and in promoting other industries associated with our resource based activities. Features of the Department of Resources Development's budget include -

- an allocation of \$800 000 to the Channar fund for joint studies to promote economic cooperation between China and Western Australia in the areas of the development, processing and marketing of the State's mineral resources;

- expenditure of \$250 000 for the finalisation of a feasibility study on the direct reduction iron industry in Western Australia; and

a capital establishment loan of \$2m to assist with the development of the Nifty copper project in the Pilbara.

Programs undertaken by the Department of Commerce and Trade include over \$19m for attracting industry and assisting and supporting industry development.

Regional Development

The economic development of regional areas is strongly supported by the Department of Commerce and Trade through programs costing \$6.9m this year. Additionally, allocations to the nine strategic regional development commissions and authorities will increase by 7.4 per cent to \$10.9m, largely reflecting the first full year of operation of the Gascoyne, Kimberley and Wheatbelt Development Commissions.

Health

In 1993-94 total expenditure from the consolidated fund is expected to increase by five per cent to \$1 388.7m or 22.8 per cent of total expenditure from the consolidated fund. Included is a wide ranging program of capital works costing \$87.7m.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Hon MAX EVANS: Features are -

\$8m to commence construction of a new hospital at Northam;

\$8.8m to continue the construction of facilities at the Swan District Hospital;

\$2.5m for the continuation of the Bunbury Hospital redevelopment conditional upon the outcome of negotiations on the possibility of the St John of God health care system undertaking the project;

\$18m to continue the planned replacement of Heathcote Psychiatric Hospital with new facilities at Bentley and Fremantle;

\$771 000 to complete construction of the \$11.2m secure unit at Graylands Hospital;

\$2.1m to commence the upgrading of the accident and emergency facilities at Fremantle Hospital;

\$4.4m for the redevelopment of the south campus of Royal Perth Hospital; and allocations for the planning of further redevelopment of the Derby Hospital, for new health facilities in the Wanneroo/Joondalup area and for the redevelopment of the Warren District Hospital.

[Quorum formed.]

Education

In 1993-94, outlays by the Ministry of Education will increase 4.2 per cent to almost \$1.2b or almost 20 per cent of total expenditure from the consolidated fund. Funding provides for an additional 356 teachers and support staff to be appointed to primary and secondary schools in 1994 to meet an expected increase in enrolments and to staff new schools and major extensions to existing schools. The ministry is planning expenditure of \$69.5m for primary and secondary school buildings and facilities to meet increasing demands across the State for new schools, major extensions and improvements to existing schools and for improved facilities generally. Major initiatives include -

the completion of an additional stage at Belridge High School to meet increasing enrolments in the area and major additions to Collie and Mt Lawley Senior High Schools to provide permanent facilities;

three new primary schools are to be completed in time for the commencement of the 1994 school year at Canning Vale, East Wambo and South Ballajura;

major extensions and improvements will be completed at Craigie Senior High School; Australind and Tom Price High Schools; Donnybrook District High

School; Pundulmurra College, Cyril Jackson and North Lake Senior Campuses and at Adam Road, Bindoon, Churchlands, Cooinda, Dunsborough, Herne Hill, Inglewood and Woodlupine Primary Schools;

work will commence on stage 1 of the new high school at Ballajura, and four new primary schools; and

construction on additional stages will commence at Coodanup Senior High School and at Clarkson, Gwynne Park, Middle Swan, Mount Tarcoola and Waggrakine Primary Schools. Work will also commence on major extensions and improvements to Margaret River High School; Yanchep and Toodyay District High Schools; Harvey and Narrogin Agricultural Colleges; Meekatharra School of the Air and Tuart College.

Changes in the low interest loan scheme to non-government schools will be made to allow the scheme to become more of an instrument for improved planning and coordination between the Government and non-government school sectors. The interest rates for the scheme will be restructured with the introduction of two new categories of projects - new schools which fully complement the planning and provision of Government schools and refurbishment projects which fit with the criteria for upgrading of Government school facilities. Advances of \$21.9m are estimated in 1993-94.

Vocational Education and Training

Reflecting the heavy demands for vocational education and training, capital and recurrent spending by the Department of Employment, Vocational Education and Training will increase by \$27.4m or 13.7 per cent after adjusting for accounting changes.

Major components of the expenditure include -

\$91.3m for para professional and non-trade courses;

\$45.6m for trade training; and

\$15.6m for the construction of Technical and Further Education facilities at Murdoch, Joondalup, Northam, East Perth and the Kimberley.

Community Development

While the Government's first Budget has given appropriate weight to the wealth generating areas of our economy, it does not ignore needs of the most vulnerable members of the community. In 1993-94 the recurrent and capital expenditure by the Department for Community Development will total \$117.4m, an overall increase of 7.5 per cent. Recurrent outlays will rise by 2.9 per cent. The Budget provides record funding of \$40.2m to non-government agencies including -

\$730 000 for programs to be funded through the Western Australian Family Foundation;

\$14.9m for the supported accommodation assistance program;

\$6m out of a total of \$7.2m for children's services programs which provide a range of quality child care services for children whose parents require access to them for employment, vocational training or other reasons. Included is \$4.4m for the family centre-four year old program, an increase of \$1.3m on 1992-93; and

\$355 000 for programs associated with the International Year of the Family in calendar year 1994.

In the area of assistance to families in crisis \$3.6m will be spent on the family crisis program, \$2m has been allocated for the poverty program, an increase of \$1m on the 1992-93 Budget and \$579 000 is provided for the child family support scheme, an increase of \$400 000 on last year.

Police

Law and order is one of the Government's highest priorities and recurrent outlays by the Police Department will rise by \$17.1m or seven per cent. Capital and recurrent spending

in total is proposed to grow by 5.3 per cent to \$266.8m. Provision has been made for undertaking a number of initiatives designed to enhance the policing service provided to the community, including \$1m for general equipment replacement and upgrade, \$962 000 for the development of the Sunsparc computer system which will enhance the Police Department's computing facilities and \$526 000 to upgrade security and refurbish the Fremantle police complex and lockup facilities.

Other Expenditure Initiatives

Time does not permit me to outline all of the expenditure initiatives included in the Budget and Ministers will provide further information on them when the appropriations are being dealt with in Committee. However some notable inclusions are -

Expenditure of \$121.2m will be incurred by the Department of Conservation and Land Management in 1993-94. Funding is provided for the continuation and development of projects which will increase the State's wealth while contributing to the quality of our lifestyle and our unique flora and fauna.

Included in its overall budget of \$254.3m for the Ministry of Justice are allocations to complete extensions to the Albany Regional Prison, to open the Rangeview Remand Centre, to enable the Joondalup Court to become fully operational and to expand, at a cost of \$500 000, the home detention scheme which will allow for more suitable penalties for minor offenders directed away from imprisonment.

The budget for the Aboriginal Affairs Planning Authority includes provision for -

\$1m for the purchase of specific programs from mainstream service providers and for the monitoring of recommendations arising from the Royal Commission into Aboriginal Deaths in Custody;

\$300 000 in continued funding for the target communities program which attempts to combat incidences of social breakdown in specific communities with high mortality and morbidity rates;

\$170 000 to improve community self-management and enhance local control over law and order issues in four regional communities consistent with the provisions of the Communities Act;

\$1m in continued funding for the town reserves program involving direct assistance to 29 town reserve communities which receive little or no support from local government authorities and which experience significant housing and environmental health problems; and

a renewed emphasis upon planning, monitoring and evaluating whole-of-government programs directed towards Aboriginal people.

Special funds of \$1.5m have been provided to purchase new library materials for the State's public libraries, lifting the allocation from \$5.7m to \$7.2m. Over the last few years, ordering rates for new books for public libraries have been reduced by almost 50 per cent and the Government will progressively redress this problem and make new books available for all citizens through the State's 230 public libraries.

A Mabo unit has been established to address the concerns the Government has with proposed Commonwealth legislation, and to handle the communication and information demands of the public, business and industries. This program is expected to cost \$1m during 1993-94.

In addition there are Mabo style claims to land areas in the Kimberley. The State's defence to this requires detailed definition and examination of records and gathering of evidence and an amount of \$1m has been allocated in 1993-94, indicating the high potential costs the Mabo issue is likely to impose upon the State in the years ahead.

The expenditure estimates include \$1m for the setting up of a Commission on Government and for the special investigation of the coal contract.

Capital Expenditure

One of the Government's highest priorities is to wind down the increase in public sector debt and, in particular, to eliminate as quickly as possible long term borrowings for the provision of all non-income generating general Government services. At the same time, it is through the capital works programs of the Government's departments and authorities - which have traditionally utilised borrowings - that the State makes its greatest direct impact on economic activity and employment. After weighing up these factors, the Government has decided on total capital expenditures of \$515.3m from the consolidated fund compared with \$496.3m last year. New money borrowings of \$183.6m will be required, a welcome reduction on the \$254.7m needed in 1992-93.

The State's total planned capital works outlays - including those of the Government's trading enterprises and loan repayments of \$74.3m - are expected to increase by \$116.3m or 8.2 per cent to \$1 537.4m. Full details of the capital works program are set out in the Budget papers. Apart from the areas I have already described, features include expenditure of \$273m by the State Housing Commission; programs of \$160m, \$180m and \$201m for the State Energy Commission of Western Australia, the Water Authority and Westrail respectively, and outlays of \$31m by the East Perth Redevelopment Authority.

Commonwealth-State Financial Relations

The difficulties the Government faced in framing the Budget were compounded by Commonwealth taxation and superannuation policy decisions and by the Commonwealth continuing to shift an unfair share of the burden of financial restraint onto the States through unilateral reductions in funding. Quite apart from its unfair impact on our more remote communities, Commonwealth fringe benefit tax currently costs the consolidated fund an estimated \$5m in 1993-94, with the cost increasing considerably in future years due to the recent extension of the tax to car parking spaces and the impact of the effective doubling of the tax rate from 1 April 1994.

Over the next 10 years the superannuation guarantee charge requirements imposed by the Commonwealth will add an estimated \$700m to the cost of superannuation for State public sector employees, of which the impact on the consolidated fund is forecast to be \$500m. Whereas the Commonwealth's own purpose spending will rise by 5.6 per cent in 1993-94, the Commonwealth pool of general revenue grants distributed between the States has been maintained at a 2.5 per cent increase. In addition, the financial position of the States has been further weakened by the cessation of special supplementation to last year's grants which will cost Western Australia \$17m.

In a most extraordinary and unjust action, the Commonwealth has also reduced this State's grants and those to the other smaller population States to help pay for secret pre-election Medicare funding guarantees to New South Wales and Victoria.

Hon Graham Edwards: Even you do not believe that.

Hon MAX EVANS: The cost to the Western Australian community is \$23m this year and \$35m in each subsequent year until 1997-98.

This State has been particularly hard hit by reductions in Commonwealth road funding. Since 1989-90 this State's share has declined from 12 per cent to 7.6 per cent, equivalent to a loss of \$44m in 1993-94 alone.

Hon John Halden: You don't believe that either.

Hon E.J. Charlton: It is a fact.

The DEPUTY PRESIDENT (Hon Barry House): Order!

Hon MAX EVANS: Given the enormous road distances and the economic development needs of a State which generates almost 25 per cent of the nation's export income, it is ludicrous that the current Federal Government is not even prepared to fund this State's roads at the required level comparable with the other States. It goes without saying that the cumulative impact of these adverse Commonwealth decisions has made this

Government's budgetary task considerably more difficult. In the vital roads area alone - and at a cost to other areas of the Government's Budget - the Government has increased funding from State sources for roads by a massive \$34.7m or 18.6 per cent to partly compensate for reduced Commonwealth support. The additional funding includes \$19.1m from the transport trust fund and a special borrowing allocation of \$10m.

Finally, on this crucial area of Commonwealth-State financial relations, the Government will strongly resist any moves to weaken fiscal equalisation. Such a weakening would have a significantly adverse impact on the Government's capacity to provide public services to the community. The unique difficulties the Government faces in providing these services, including the State's large land area, dispersed population, isolation and relatively small population would not be adequately recognised.

Arguments that fiscal equalisation results in an unjustified subsidy to Western Australia conveniently ignore the high costs we face in providing essential community services and the fact that our economy loses \$1b annually because of tariffs. Treasury estimates show that when all Commonwealth taxes and benefits are taken into account, Western Australia actually subsidised the other States by around \$400m in 1991-92.

Independent Commission to Review Public Sector Finances

The report of the Independent Commission to Review Public Sector Finances emphasises the important role of the public sector in establishing and encouraging an environment for economic development while ensuring Western Australians have access to high quality services. However, in achieving these outcomes the commission points out, and the Government agrees, that this does not necessarily mean that the public sector should be the provider of these services.

The commission has made wide ranging recommendations for change in the financial management and operation of the State public sector. They include: Changes to the way in which the Budget is structured and presented; the introduction of accrual accounting for all Government departments; improved financial management practice through the wider application of inter-agency charging on a full cost recovery basis, the retention of departmental revenue and provision for the carryover of unexpended appropriations from one financial year to the next; the extension of competitive tendering and contracting practices; the increased commercial focus of Government agencies through accelerated corporatisation and commercialisation policies and an extended privatisation program; and a range of reforms to the operations of Government agencies and in Government employee relationships.

The Government has already introduced legislative amendments to implement a number of these recommendations and is in general agreement with the thrust of many of the remainder. Nevertheless, we will be carefully considering the timing and extent of their introduction having regard to a balanced assessment of relevant non-financial factors such as broader Government policy, community expectations and service obligations. Our main objective will reflect the wide acceptance that the public sector, comprising both general Government agencies and public trading enterprises, must become less burdensome on the community by becoming more efficient. Achievement of that objective will also increase our international competitiveness. We have already made a start in that difficult but responsible process by the announcement of the closure of loss making operations such as Westrail's Midland Workshops and the Robb Jetty abattoir.

The separation of SECWA into its component electricity and gas operations will also go ahead, as will more extensive restructuring to promote competition and achieve savings. The Government shares the commission's view that chief executive officers have a major role in the reform processes, including enhanced performance management, to lift public sector efficiency to more acceptable levels. Impending public sector management legislation will demonstrate our commitment to this outcome. The objective of obtaining better value for money from the public sector is not assisted by the introduction of a Budget three months into the financial year to which it relates. To allow our agencies to plan for a full financial year in the knowledge of the resources and Government policies that will apply, we plan to bring down next year's Budget before the end of June with the

cooperation of the Commonwealth Government. I believe this will also improve overall accountability in the public sector, as will our decision this year to show against agencies relevant appropriations under special Acts, where it has been possible to do so. In conclusion, Western Australia is well poised to lead the nation out of the economic downturn. Accordingly the Budget objectives seek to promote the resurgence in business confidence and resultant job creating private investment in the State and to ensure that all Western Australians benefit from this wealth creation through improved and more efficient services. I commend the motion to the House.

Debate adjourned, on motion by Hon Graham Edwards (Leader of the Opposition).

MOTION - OCCUPATIONAL HEALTH, SAFETY AND WELFARE AMENDMENT REGULATIONS

Disallowance

Order of the Day read for the resumption of debate from 15 September.

Debate adjourned, on motion by Hon Muriel Patterson.

MINIMUM CONDITIONS OF EMPLOYMENT BILL

Second Reading

Debate resumed from 7 September.

HON JOHN HALDEN (South Metropolitan) [4.56 pm]: This Bill is the second of the Government's Bills in regard to the industrial relations changes that it is proposing to place before this House and ultimately upon the people of this State. The Opposition is of the view that this is one of three Bills with which the Government is proposing to bludgeon the workers of Western Australia. This Bill is supposed to provide a series of safety nets for workers. The reality is that the safety nets will be so low that all they will do is stop people from falling just prior to their hitting the ground. So low are the standards that they clearly will take us from any reasonable position as a developed nation in regard to what we pay and provide to workers and put us in the realm of countries where the people are far less affluent than we are. They will provide to workers in this State a good deal less than they currently enjoy. The minimums set by this Bill are extremely low by any standards. They are contemptuous of the skills and experience that have been gained by Western Australian workers. They make no provision for particular skills that have been developed to be recognised in a workplace agreement.

Hon P.R. Lightfoot: Tell me, why is everyone on your side reading speeches on this occasion?

Hon Graham Edwards: If you pull that on, we will reciprocate.

Several members interjected.

The **DEPUTY PRESIDENT** (Hon Barry House): Order! We have got unruly interjections across the Chamber, and one member in fact should not be interjecting at all from the seat in which he is sitting. Let me hear from the member on his feet.

Hon **JOHN HALDEN**: There is a convention that the lead speaker can read the speech, but I take exception to the member's remark. If he wants me to table -

Hon Graham Edwards: The member has not even spoken in the last two debates. He should be ashamed of himself.

The **DEPUTY PRESIDENT**: Order!

Hon **JOHN HALDEN**: I am being accused of a breach of standing orders, and if the member wants to pursue it, I am happy to have the papers in my left hand tabled.

The **DEPUTY PRESIDENT**: Order! If the member wants to bring this matter to the notice of the House, he can do it via another means, which he has not done at this stage.

Hon JOHN HALDEN: I would prefer that he did not make that cheap point and insinuate that I was in any way breaching standing orders.

The DEPUTY PRESIDENT: Order! I invite you to address the Chair and the motion before the House.

Hon JOHN HALDEN: I will, Mr Deputy President. It is a tragedy that members have to be put off their speeches by such piffling remarks. This Bill, far from providing a safety net for workers, will send a clear signal to the community of this Government's attitude to their needs and to the needs of their families. It is a clear indication that the standard of living, support and protection which workers can expect from this Government is on the decline. This Government in its rhetoric and propaganda is suggesting clearly that it believes in individual rights and in allowing people to prosper; but God help those who in any way have any disadvantages or hurdles placed in the way of their achieving maximum success, because this Government will give them little in the way of comfort or support. In reality, Governments have given workers little in the way of support. Traditionally, it has been the union movement that has provided workers with support. The necessity for the union movement became clear in the 19th century. It is through the efforts of those organisations that we have principally seen workers' conditions and living standards improve.

Workers saw the necessity to influence the political situation in this and many other countries and for the industry movement to have a political wing. Both directly and indirectly it is implicitly part of the effort of the unions to safeguard on all fronts the working conditions and standard of living of their members.

It is appropriate at this stage to take an overview of the minimum conditions that apply in this Bill. A minimum wage of \$275.50 a week will be set by the Minister. Annual leave loading will be removed; sick leave will be 10 days per year; and non-accumulative redundancy payments will be removed. Even more severe and mean is that, no matter what rate of pay people have negotiated for themselves, under this legislation it will be possible for people on sick leave to be paid at the rate of \$275.50 per week, bearing in mind they will now have only 10 days non-accumulative sick leave. Annual leave loading will not be paid on a pro rata basis. Therefore, if someone works six months of the year, if his employer closes shop after six months' operation, if he is fired or goes to another job after six months, he will not receive his current two week entitlement to annual leave - the entitlement for six months.

Even more mean about this particular piece of legislation, and this is the meanest piece of legislation of the three, is that even the provision for pregnant women to be transferred to a place where they can work safely has been left out. There is no provision for women to take outstanding leave after the birth of a child. There is provision for maternity leave, but there is no mandatory requirement that paid leave can be taken. Casual loading is to be reduced from 20 per cent to 15 per cent but, again, casual loading and the 15 per cent bonus will be based on the rate of pay of \$275.50 per week.

No matter how scanty an employment contract might be or how few clauses it might have, the moment that particular agreement is accepted by the commissioner those award benefits are lost. No matter how little protection a person might have of the written word of the contract, those requirements can be lost. I have seen from New Zealand a particularly brief employment contract for public servants, which contained possibly five paragraphs; and even in that brief example, all the award provisions can be lost, including things like occupational health and safety requirements. That is again an indication of how mean this legislation is.

Are we really talking of agreements here? Agreements generally mean a genuine agreement by both parties. When providing a person with these sorts of minimum conditions, one is not really looking for agreement with him but is providing him with the lowest possible options that are available, hoping he will take a job at any cost. The safety net, so called by those opposite, is not worth having. Employees who enter into individual contracts will see those contracts become secret and will not know what is fair or even the current market value for their work. As I said in the other debate, and I do

not wish to labour this at the same length, those sorts of provisions, where people cannot evaluate in comparison with others what they are going to be paid for doing the same job, perhaps in the same circumstances and on the same work force, are absolutely outrageous. If that is the way the Government wishes to go and the sort of unfairness it wishes to burden average workers with, then so be it.

When we listened to the comments of the Minister for Labour Relations, not just in regard to his comments about this Bill but in his general comments before the election about industrial reform, there was one assumption we could make. That was that we have a market and that labour, like any other commodity, ought to be sold within that market and ought to be influenced by the fluctuations of supply and demand. Here again is something that highlights the absolute dedication by the Minister and those who drafted this Bill to attack workers. One of the great tragedies of this is that even in a perfect market - and those of us like yourself, Mr Deputy President (Hon Barry House), and me who have done even the smallest amount of economics know this - one of the preconditions as advocated by Adam Smith is that there be perfect knowledge. If the workers have no knowledge, comparatively speaking, and no ability to obtain that knowledge by virtue of the terms and conditions of this legislation, what we will have is a non-perfect market.

Who will be disadvantaged? Even if I could accept the Government's, Liberal Party's or coalition's fervour for the market place, what we have here is an example of "we support the market but we will make sure that the prerequisites for a good market do not exist". Who will that disadvantage most? Quite obviously it will disadvantage the workers. When one wants justification about who is in the sights of the Government to be disadvantaged by this legislation, one need go no further than that particular example. The provision of this particular minimum condition of \$275.50 per week, as I said in the other debate, is far below poverty line wages. If the Government had been serious in any way, would it really have set up a wage level so significantly below the established poverty line? That is probably not the case at all.

There are some further implications which are not mentioned in the Bill. One has to extrapolate them, and the worst is the issue for workers under the age of 21 years. This Bill has no recommendation for what the minimum rate of pay for those people should be. I understand that the Minister might want to regulate that, but nothing in this Bill will protect workers' rates of pay. What that could mean is that young workers - and do not forget many are adults over 18 years of age - could be paid \$1.50 an hour.

They could be paid less than that of course. Members opposite would like to suggest that that would never happen and that we are an enlightened society and employers are benevolent. However, when one examines the New Zealand record, examples arise time and time again of young people being paid \$1 or \$1.50 an hour. We have seen some classic examples in Australia of mass employers of young people underpaying or extending the hours worked by young people. This Bill fosters that perception and practice. It makes it legal for employers to offer anything they like, be it \$1, \$1.50 or \$1.75. I am sure even Hon Derrick Tomlinson would have heard of those examples.

Hon Derrick Tomlinson: Yes.

Hon JOHN HALDEN: I am pleased that he has, and I am sure he too finds that situation abhorrent. I will be pleased when he contributes to this debate. Even sadder is the New Zealand experience in which a particularly low minimum wage was set. I visited New Zealand six or seven months after that measure was introduced, and calls were made by a great number of people to lower the minimum rate.

Hon P.R. Lightfoot: It is the second fastest growing economy of the OECD countries.

Hon JOHN HALDEN: It also has a number of other economic problems.

Hon Tom Helm: They need it.

Hon JOHN HALDEN: That is right.

Hon E.J. Charlton: They are leaving us for dead.

Hon P.R. Lightfoot: It has the fastest growing economy of the four nations.

Hon JOHN HALDEN: That is not true.

Hon P.R. Lightfoot: It has the second fastest growing economy of the OECD countries; namely, the 19 European countries and the five countries outside Europe, including Canada, the United States, Australia and New Zealand.

Hon JOHN HALDEN: The member is making his speech in the second reading debate over the top of mine. I will be happy to accept that New Zealand is the second fastest growing country in the OECD. My information is that that is not correct, but I will be happy to be proved wrong.

Hon Graham Edwards: Perhaps when you have finished the member may justify his position.

Hon JOHN HALDEN: I would be delighted.

I think the New Zealand minimum wage was \$120 a week. Five months after that wage was introduced, stories appeared in the New Zealand press about how the rate was too high. People wanted to employ domestic staff, but did not want to pay what was close to the subsistence wage. They wanted to pay less for people to clean their homes. Where is the limit to this situation? The New Zealand Government did not lower the minimum wage, as I hope this Government will not do. We must consider the implications of the legislation and the minimum wage set by a Minister as part of the political process. When will it be appropriate to raise that minimum wage?

Hon Cheryl Davenport: About six weeks before an election.

Hon JOHN HALDEN: Indeed, as an offering!

Hon T.G. Butler: The Chamber of Commerce and Industry would not allow it to be raised.

Hon JOHN HALDEN: That is probably true. The chamber and supporters of this type of legislation will never agree on workers' wage rises. This Government, even when in Opposition, consistently advocated that workers' wages should increase. Setting the minimum wage by political process is dangerous. The American experience is that wages have increased little during the last decade, and their setting mechanism is encapsulated in the political process. Members can imagine a worker who has been at a company for 10 or 20 years and suffers a heart attack. That worker, under this legislation, would have to recuperate within 10 working days - assuming he has 10 sick days left for the year - and after that point no accumulated sick leave could be used. The situation is further complicated because that person will be entitled to sick pay at only \$275.50 a week, regardless of what he was normally paid or what his commitments may be. Again, this highlights the meanness of the legislation.

Professor Quin of the Australian National University has indicated that a reduction in the minimum wage would do virtually nothing for unemployment. He said it would make society a more unfair place, as young people entering the work place would be less equipped to enter into debate with employers regarding what their wages and conditions should be. He also said that if economic conditions changed, demand for labour would increase, but, of course, that does not mean that one can renegotiate one's employment contract. The contract's duration can be from one month to five years. We are now in a time of low inflation, but within the space of five years, even with a modest - I suppose that depends on one's perspective - average inflation rate of eight to 10 per cent the value of the contract in real dollar terms could diminish by 40 or 50 per cent. Nevertheless, the worker will not have the opportunity to renegotiate the contract. The employee can ask the employer to renegotiate all he likes, but there is no compulsion on the employer to negotiate.

Most of the companies to be affected by the measures in this Bill are small businesses which are part of the domestic economy. The domestic economy depends upon demand arising from the surplus money of average people once the basic commitments of their lifestyle are met. They can then purchase goods. If more people are on low wages, there

will be less surplus demand and the domestic economy will contract. Even by the most naive economic thinking, that is a reasonable proposition.

Hon Cheryl Davenport was correct when she said workers on the minimum rate can expect to receive a pay rise every four years - whenever there is an election. That is the only time a Government, clearly as mean as this one is, will grant workers on the minimum scale an increase or will see the necessity to have any conscience. It will be part of a vote buying pre-election mechanism every four years, and the beneficiary will be those workers on the minimum wage who have had to languish at that rate for four years. As a politician I am amazed to hear members opposite say that the average worker can negotiate with his employer. The average worker seemingly has all these skills and the power to place him in that position. It is outrageous when one considers how the Minister and I have our rates of pay determined. We do not negotiate with our employer. A tribunal negotiates with our representatives on our rate of pay. The Government takes the high moral ground, but a tribunal determining the remuneration of members of Parliament suits it fine - particularly so for ministerial incumbents. However, the average Western Australian cannot expect to receive anywhere near the same degree of reasonableness from the Government. A tribunal is okay for MPs, but not for the average worker. Even those who advocate on our behalf at the tribunal are often confronted with a question about the right time to give a pay rise. That is the same question the Minister will be confronted with when he makes that decision about the minimum rate of pay.

Since this Government has been in power it has acted administratively and legislatively to reduce benefits previously available to low income earners, injured workers and motor vehicle accident victims. These pieces of legislation are a continuation of that attack upon the working people of this State. It is evident that people in the general populace see this Government as having little empathy for the aspirations and needs of Western Australians - particularly those who do not earn sizeable incomes. This legislation will make it extremely difficult for an irresponsible employer who is underpaying his workers to be brought to justice in this State. If an employee does not have a workplace agreement or award, the reality is that these minimum condition provisions will apply. The Minister did not have the courage to say what he will pay people under the age of 21. He cannot guarantee a figure below which he will not go; it could be below that already low figure of \$275.

Clause 9 provides for a so-called limited contracting out of the minimum wage entitlement. It states -

- (1) An employer and an employee may agree that the employee is entitled to some other weekly rate of pay instead of the minimum weekly rate of pay within the meaning of Part 3 that is applicable to the employee's age if -
 - (a) the employee is either permanently or temporarily mentally or physically disabled; and
 - (b) the agreement is in writing.

When I mentioned this in the previous debate there was a rather loud interjection to say it was not the case; that an employer cannot pay somebody who is mentally or physically disabled anything below the minimum rate of \$275 a week. Yet if that member had cared to read this Bill and the legislation which this Bill overrides he in his bombastic way would suddenly realise that he is wrong. This Bill allows an employer to pay any amount below \$275 a week to someone who is physically or mentally handicapped if that is agreeable to both parties. Even more disturbing about this piece of legislation is that it contains no definition of what constitutes a permanent or temporary disability.

Hon Tom Helm: The employer can define that.

Hon JOHN HALDEN: It is interesting that an employer under this Act has the power to define who is permanently or temporarily disabled.

Hon Cheryl Davenport: Can they define the level of disability?

Hon JOHN HALDEN: Yes, but there is no scale in the legislation. If one has a headache

at work an employer could offer a lower rate of pay on the basis that one may be permanently or temporarily disabled. How mean, how open-ended, how ambiguous for the Government to draw legislation to cover people who are physically or mentally permanently disabled in such a way that it opens up the potential for exploitation. Even the most sinister, evil effort could not better this attempt. Nick Blane must have sat there for hours trying to work out this piece of nasty legislation! One could not find a more sinister or reprehensible piece of legislation than this in its effect on a disadvantaged group of people in our society. The Minister offers no protection even when dealing with this group of people. He cannot be involved in those arrangements; it is purely a matter of whether the parties agree. Even with the minimum wage, the removal of annual leave, sick leave, the removal of redundancies and so on, the Bill does not provide a specific penalty for non-compliance. Again, one must ask whether the Government is serious. Has it gone down the path of making up the most outrageous legislation possible to suit its political controllers? Sick leave entitlements are non-cumulative and the employee must be able to supply his employer with not just reasonable evidence like a doctor's certificate stating the employee is ill and the doctor thinks he or she should not go to work, but a certificate saying that the employee is sick and unable to do his or her work on that day.

Members should think about the words "Not able to do his or her work". Those words make no allowance for discomfort. One may well have a migraine or influenza and be particularly ill, but that does not render one unable to do a day's work; however, it may make it exceptionally difficult. How petty and mean can the Government possibly be? If an employer says that in his opinion the condition the employee is suffering is as a result of his gross and wilful negligence of his health and welfare he can refuse to pay the employee workers' compensation if that person does not go to work. Who makes the decision in that situation? The employer can decide. One wonders whether, if someone does not turn up for work with a hangover, one can expect any sick pay or anything to do with workers' compensation; but that is not likely in this situation. Again, all the power is transferred to the hands of the employer. The Bill quite clearly leaves the employer in a superior position, able to make decisions about the intention or the degree of suffering of an employee and whether it was caused by wilful negligence. I do not have enough trust in anybody, let alone employers, to give them that amount of power.

It is my understanding also that one's annual leave entitlement, which will no longer be pro rata, can be sold or even exchanged by barter, for example, for a case of apples or a range of other goods in kind. One can also take the money and not have the leave. A person who did not take his four weeks' annual leave entitlement for a number of years would be able to take the accrued holiday pay. That would be particularly attractive to someone earning \$275.50 a week. It could be the difference between the bailiff coming to the door weekly and having a week free of the bailiff. At the end of the day, working continuously without taking leave will catch up and impinge on his and the health of the other workers around him by risking the safety of their work environment.

Hon Tom Helm: Productivity and family stress.

Hon JOHN HALDEN: All of those factors are at risk. Members on both sides of this House have established that annual leave, which is necessary to avoid undue stress and an unsafe work environment which can pose a danger to people, should not be eroded. People should take their leave to allow them to recuperate from the stresses of the work force. The consequences of trading in one's annual leave will eventually take their toll. I am amazed that we have allowed that to be negotiated out of existence by this Bill.

The Minister has said that the Bill protects employees from coercion when signing a workplace agreement. A prospective employee about to sign a contract may well have no knowledge of his future working conditions, but the Bill does not provide that he may demand to see them. The moment a demand is placed on an employer there is every eventuality that the assertiveness of the prospective employee will deny him that job. There is no requirement for him to be told what the company regime or administrative processes will be. In essence, an employer is required to tell the employee very little about the tasks involved in his prospective job. As I said, a prospective employee's

assertiveness in trying to find out about the work may well result in that person's not getting the job. In a medium size or large company, for example, the prospective employee could be faced with negotiating with a professional industrial officer. It is amazing that members opposite believe that the situation will be fair where one must negotiate with a boss in a small company, an industrial officer in a large company or even a lawyer in some companies. How can that be fair? Where is the equity of a 17 year old looking to be an apprentice having to negotiate with an industrial officer? To suggest that is fair is beyond belief; the person who said it is perhaps in need of some psychiatric assessment.

If the Government is to adopt these draconian measures one imagines there must be some justification for them. Are we faced with a huge inflation rate as a result of wage pushes? No. Is inflation rising for other reasons? No; it is currently at less than two per cent. Are we faced with a wealth distribution problem where the wealth is going to the working class to the detriment of the rich? No. Are business bankruptcies going through the roof? No. Are we faced with slow growth in the tourist industry? No. Are we faced with stagnant economic growth? No. The Premier has told us repeatedly and again in the Budget today that we are not.

Hon E.J. Charlton: Not since February.

Hon JOHN HALDEN: The Minister for Transport made more people unemployed than anyone else in as short a period. It is a joke; one could almost fall on the floor and laugh if it were not so serious.

Hon T.G. Butler interjected.

Hon JOHN HALDEN: That is true.

The Premier has made it quite clear - I think any reasonable analysis by a range of economic analysts would also suggest - that we are not in a period of stagnant economic growth. Have we been faced with a groundswell of public opinion demanding these changes?

Hon E.J. Charlton: Yes.

Hon JOHN HALDEN: Of course, it is written on every page of *The West Australian*! Week after week we read letters from all of the residents of Tammin demanding that wages be cut!

Hon E.J. Charlton: No, that productivity be increased.

Hon JOHN HALDEN: Productivity! I am glad the Minister for Transport came into the debate to assist me with productivity. Not a word has been said about it in any of these three pieces of legislation. There has been no mention of the word "productivity". There is a lot of gobbledygook and propaganda in the legislation, but nothing backed up by facts. Perhaps the Minister should work for 24 hours a day. The Government may be more pleased with him then than it is now.

Hon E.J. Charlton: It is pleased.

Hon JOHN HALDEN: Quite clearly, there has been no ground swell of public opinion! I accept that some of the lunatic fringe of the right wing has demanded that change.

Hon Derrick Tomlinson: You did a lot better job with legalising sodomy. Why don't you stick to something you know about?

Hon JOHN HALDEN: The honourable member wonders why he is destined to sit on the back bench. With that sort of wit and talent, it is not surprising. He is probably destined to spend much time there -

Hon Graham Edwards: I think that, with that sort of wit and talent, he is destined for the ministry.

Hon JOHN HALDEN: Yes, the Minister for Transport's spot. Has there been a detailed examination of the economy to support this sort of legislation?

Hon E.J. Charlton: Yes, 11 per cent unemployment.

Hon JOHN HALDEN: If the Government has an analysis which suggests that this sort of legislation is required by Western Australia as a panacea for all of the State's industrial and economic problems, show it to me. I would be glad to see it.

Hon E.J. Charlton: We have a \$12b deficit that you created.

Hon JOHN HALDEN: How much is it now?

Hon E.J. Charlton: Twelve billion dollars.

Hon JOHN HALDEN: Is the Government's industrial relations policy linked with its industrial development policy?

Hon E.J. Charlton: Yes.

Hon JOHN HALDEN: Show it to me.

Hon E.J. Charlton: It is how we will develop Western Australia.

Hon JOHN HALDEN: Prove it; show it to me. That is why the Minister gets into trouble in question time. He opens his mouth and does not think. The reality is that there is no evidence whatsoever that this type of industrial relations regime is in any way connected with an industrial development policy. It does not exist and the Minister knows that or I hope he does.

Hon E.J. Charlton: That is how the Minister for Mines will get all these new mineral developments going.

Hon JOHN HALDEN: He is going to pay people \$275 a week, is he? The Minister is nodding his head.

Has there been a proper examination of industry structures in Western Australia that would suggest that this sort of regime is warranted? I would be delighted to see it. However, I bet it will never appear because it does not exist. The answer is no. Do certain industries in Western Australia need the sort of relief that this industrial relations policy suggests is required? I do not know of any evidence to suggest that and I again suggest the answer is no. Will jobs be created through these measures? The Minister for Transport and Hon Bruce Donaldson in interjections - I think Hon Bruce Donaldson's interjection was the longest contribution to this debate by a Government member - said the legislation was about creating jobs. Where is the evidence of that?

Hon Cheryl Davenport: No-one has told us how.

Hon JOHN HALDEN: No.

Hon E.J. Charlton: You will see it in the next couple of months as soon as you people get on with it and pass the legislation.

Hon JOHN HALDEN: I think this will come home to haunt the Minister because unfortunately there has been a marginal increase in the unemployment rate. I do not think that is appropriate. However, I think it will be a reality for the next month or two and hopefully then it will level out.

Hon E.J. Charlton: I am looking around this Chamber to see which one of the members opposite has run a business or employed anyone. I think Hon Kim Chance is the only one.

Hon A.J.G. MacTiernan: I have.

The DEPUTY PRESIDENT: Order! Hon John Halden has the call. Cross Chamber interjections will cease.

Hon JOHN HALDEN: Will more jobs be created?

Hon P.R. Lightfoot: They have been. Youth unemployment has dropped from 28 per cent under you to 20 per cent under us.

Hon JOHN HALDEN: The member has said that it is working already, but the legislation has not been passed yet! Is that not wonderful? That is the sort of gobbledygook that we have come to expect from members of the Government: The

legislation has not passed yet, but it is working already! As I said before, a number of respected, independent industrial relations people and economists have suggested that this industrial relations legislation will not create jobs. What will create jobs is a range of other issues that I do not propose to go into now. It would be wrong of me to in any way enter into an economics debate. Again, I challenge the Government to present the facts.

Hon P.R. Lightfoot: We gave you the facts.

Hon JOHN HALDEN: The member has given me nothing except a headache. He should show it to me in black and white and I will accept it. I am fallible. However, members opposite will have to provide me with some sort of justification for the legislation. There seems to be a perception that workers are being paid too much. In essence, this is about truck drivers, shop assistants, and cleaners who are earning currently about \$340 per week as their base rate of pay.

I may be out by a dollar or two, and perhaps my colleagues can advise me.

Hon Tom Helm: An amount of \$340 is about right.

Hon JOHN HALDEN: Are people suggesting it is too much? Quite clearly this Government is suggesting that people should be paid \$275.50 a week and, if they are lucky, they can negotiate up from that point. Are working hours too short? Should we, as this Bill states, return to a 40 hour week? Is there any evidence to suggest that is needed economically? No-one has presented me with evidence or an argument along that line. One hears the general prejudice that bosses should work 20 hours a week and workers work 40 hours a week, with bosses being paid more than workers. In essence, I have not heard an argument to illustrate the need for this Bill. Is it being introduced because of concern for the unemployed? That has been raised tonight. I may be wrong, but I think I heard the Minister for Transport comment in this place that some people would be better off financially on the dole than they would be working for a living.

Hon E.J. Charlton: Absolutely, they are everywhere.

Hon JOHN HALDEN: Of course, a married person with three children would be better off on the dole than earning \$275 a week.

Hon E.J. Charlton: That is right.

Hon JOHN HALDEN: The Government is creating a situation that will encourage people not to be employed. According to the Minister, they will be better off financially on the dole.

Hon E.J. Charlton: It will be quite the opposite from what you are saying. People will have more money to take home because they will be able to work longer hours and enter into agreements. The Transperth employees are telling me that is what they want to do. They do not want to be dominated by the union and work only seven or eight hours a day.

The DEPUTY PRESIDENT (Hon Barry House): Order! That is close to a second reading speech!

Hon E.J. Charlton: I am trying to help the member.

Hon JOHN HALDEN: That statement by the Minister for Transport shows the stupidity of this situation, and indicates that he does not understand economics. He suggests that people will be able to work longer hours, but in order for people to have that opportunity the economy must expand and there must be surplus demand.

Hon E.J. Charlton: That is right.

Hon JOHN HALDEN: If people are paid a weekly wage of \$275 a week -

Hon E.J. Charlton: Who said they would be?

Hon JOHN HALDEN: This legislation.

Hon E.J. Charlton: The legislation refers to a minimum wage. Do you think that people will be paid only the minimum rate? Have you heard of people being paid \$1 000 a week and working for it?

Hon JOHN HALDEN: I am not silly enough to suggest that everyone will be paid \$275 a week.

Hon W.N. Stretch: That is the impression you want to give.

Hon JOHN HALDEN: The number of people who are paid that wage will increase because those workers I have mentioned, such as shop assistants and cleaners, are earning just a little more than that rate. I bet that when Mr Kierath was a cleaning contractor he paid the minimum wage of \$232.27 a week. The moment legislation is passed providing for a minimum wage of \$275.50, the wages of those workers will drop to that amount. Therefore, the number of people paid \$275.50 a week - currently 1.3 per cent of workers - will increase because those earning just above that amount will have their wages reduced.

Hon E.J. Charlton: What will you do if you are wrong?

Hon JOHN HALDEN: I will say I am sorry.

Hon E.J. Charlton: And we will probably forgive you.

Hon JOHN HALDEN: Many people are paid the award rate and not a cent more. The moment some employees can legally reduce the award rate, they will do so. Members opposite know that; they have experienced it, although I am not suggesting that any of them have done it. We shall create a situation in this State similar to that in America where the number of people with incomes below the poverty line is increasing. That is the great tragedy of this Bill. I understand the Government's reasoning, although I do not accept it. The minimum wage provision is one of the worse features of this Bill. It will begin the process of reducing the incomes of those people most vulnerable; that is, those earning just above \$275 a week. The market forces will do that and the Minister knows that.

Hon Bob Thomas: That has happened in every deregulated labour market. It has happened in America.

Hon JOHN HALDEN: Not all workers in the 1.3 per cent category earning just above \$275 a week will suffer a reduction in wages, but a significant proportion will. I ask members to acknowledge that \$275 is a little more than half members' weekly electorate allowances. Some people must live on that amount each week. A person earning \$330 a week whose income is reduced by \$55 will suffer much more than members would if their incomes were reduced by \$55 a week. For those people it could be the difference between bread and butter and paying their electricity bills. These are the sorts of issues raised by this part of the Bill. I would like someone - not necessarily someone in this Chamber - to put the counterargument to me.

Hon E.J. Charlton: Do you think they will all go on the unemployment benefit?

Hon JOHN HALDEN: They may well. It may be better for them to make that decision on economic grounds, although I would not advocate it. It may well be that the family would be better off but I do not advocate people leaving their jobs to go on the dole. It is a real bind for some people.

Hon W.N. Stretch: That is happening now.

Hon JOHN HALDEN: I agree but more people will take that step, and that is one of the problems with this legislation. It does not apply to everyone but it will apply to a sizeable group of people. I would be happy if someone could convince me of the counterarguments. I would be delighted if someone would put a counterargument to me. Members in this Chamber are not prepared to present a counterargument. I have gone through a list of items seeking justification for this Bill and I have asked for some empirical or any other kind of evidence in support of it. None has been forthcoming. Why is the Government doing this?

Hon Bob Thomas: Because Australia is living beyond its means and we must fix it!

Hon JOHN HALDEN: That is the catchcry: Australia is living beyond its means and we must fix it up. Of course, attacking wages is not by any means an effective way of

addressing this issue. It will not be solved as simply as that. Anybody who suggests it will be in need of psychiatric assessment. What are the motivators for this Bill? I have asked for the justification and there is none. There have not even been many interjections.

Hon B.K. Donaldson: We are not allowed to interject. Do you not listen to the Deputy President? We are conforming to the rules of this House.

[Debate adjourned, pursuant to Standing Order No 61(b).]

ADJOURNMENT OF THE HOUSE - ORDINARY

HON GEORGE CASH (North Metropolitan - Leader of the House) [6.00 pm]: I move -

That the House do now adjourn.

Adjournment Debate - sittings of the House, School Holiday Recess

HON GRAHAM EDWARDS (North Metropolitan - Leader of the Opposition) [6.00 pm]: Very early this morning during the adjournment debate, the Leader of the House indicated that he might find it necessary to have the House sit during the proposed school holiday recess. I thank him for giving us some notice of that. I understand he is concerned about the build-up of business on the Notice Paper. The Opposition has cooperated well with the Government so far during this Thirty-fourth Parliament, and we will continue to cooperate provided the Leader of the House can keep the Minister for Health in check. However, the Opposition is not able to compromise itself. We intend to fully and properly carry out our role in this House of Review, and to ensure that Government legislation is fully and carefully scrutinised. That will take time. The Opposition can do nothing to circumvent that situation. If we need to sit during the two weeks of the school holidays, so be it; but if we do, that will be on the head of the Government. I do not necessarily blame the Leader of the House for this situation but it seems that Government Ministers in another place are botching the legislative program and creating a problem in this place.

Members are aware that the bulk of the legislation on the Notice Paper has appeared in recent sitting days, and that is a matter beyond the control of the Opposition. I suggest to the Leader of the House that the Government should draw up a reasonable program of business that it wants to get through this year. If that is done and he gives me a copy, I assure him the Opposition will do its best to accommodate the Government. Sitting through the school holidays, at a time when some members on both sides of this House have made commitments to go away with their children, should be avoided. Of course, it was unfortunate recently that the Government had a casualty within the ranks of the Ministry, brought about undoubtedly by work-related stress. Without doubt, it is a stressful job, and I do not say that unkindly.

I urge the Leader of the House to consider the Government's position before deciding to extend the sittings of this House into the school holidays. If we can cooperate, we will; but I reiterate that we will not pull back from fulfilling our role as an effective Opposition in this place. Even if it means sitting through to Christmas Day we will. If we can cooperate, I assure the Leader of the House that we will.

Adjournment Debate - Government's Attitude to the Parliament

HON TOM STEPHENS (Mining and Pastoral) [6.03 pm]: I am concerned about recent developments in this Parliament. One is a consistent theme that has emerged in the behaviour of this Government regarding this House. It is indeed an attitude of arrogance towards this place, an arrogance by this Government that is manifest in a variety of ways. Yesterday we saw the shutdown of question time in the Legislative Assembly. It was a disgusting display of debate being stifled -

Point of Order

Hon PETER FOSS: The member is making a most unkind reflection on the Chair of another place. It is entirely uncalled for.

The DEPUTY PRESIDENT (Hon Barry House): It is out of order to reflect on the proceedings in the other place. I ask the member to withdraw.

Hon TOM STEPHENS: I understand the sensitivities of members opposite and I withdraw in deference to those sensitivities.

The DEPUTY PRESIDENT: Order! You must withdraw unequivocally.

Hon TOM STEPHENS: I withdraw.

Debate Resumed

Hon TOM STEPHENS: It is not just simply the stifling of debate and the flow of information in that way -

Hon George Cash: If you keep this up you will not have to worry about it.

Hon TOM STEPHENS: We have seen information cut off in other ways. Take, for instance, the availability of the Budget papers today in this place. It was a most disgraceful display on the part of the Government relating to the presentation of the Budget papers. It included the locking up of the Press Gallery with the Budget papers at a time which coincided with question time in the Legislative Assembly. It removed the effective scrutiny of Government by the Press Gallery at question time. Then, as it got closer to the presentation of the Budget papers in the Legislative Assembly, the papers were not made available in that House until they were almost pilfered from the Premier's office at 2.30 pm when the Premier had been on his feet for half an hour.

Also, I went to the Parliamentary Library today to try to obtain media releases relating to the Budget's delivery today - the media releases which outlined the Government's analysis of the Budget. I wanted to see the Government's analysis which was churned out to the wider community. I asked a Parliamentary Library officer to obtain the press releases. While I was there, an officer of the Parliamentary Library rang the Government Media Office - about which we heard so much from members opposite while in Opposition, and from the royal commission at the end of our time in Government. In the context of what both the Government and the royal commission had to say, the response from the Government Media Office to an inquiry from the Parliamentary Library - not from a member of the Opposition wanting the Government's analysis of its Budget papers which were made available to the media but not to the Parliamentary Library - was that the media releases were not available to the Parliamentary Library and would not be made available today. That was an absolutely disgraceful display of arrogance on the part of the Government through its media office. Members are aware of what has been said by the royal commission about the Government Media Office and the role it should play in the flow of information to the community. I do not complain about the cut-off of information to me, as a member of Parliament; I complain about the cut-off of information to the wider community.

The Budget contains an interesting allocation of additional resources to this Parliament. I do not criticise that, but if this Parliament is to become nothing more than a plaything for this Government, why would it allocate any more resources to this area? Is this place to become a fiefdom in which the Government can set up a back bench with various roles on parliamentary committees without using the Parliament in the proper way - that is, to scrutinise Government while in office? The great lessons of the last 10 years should have been for the Liberal Party while in Opposition. Now it has reached the Government benches it has taken a totally hypocritical stance. It is a disgrace. Members opposite should hang their heads in shame, and mend their ways. As they reach their final days in office they will be treated with the contempt they deserve by the people of Western Australia. Not only are members opposite hypocrites in the way they have dealt with discussions, and paraded themselves as champions of civil liberties and of the Parliament, but since they have attained the Government benches they have adopted a totally different stance. It is an arrogance that is unparalleled on the part of almost all Ministers.

Hon E.J. Charlton: Where were you in the past 10 years?

Hon TOM STEPHENS: The Parliament learnt a lot in the past 10 years. In the last few

years when we were in office a whole raft of changes and reforms were set in place aimed at ensuring -

Several members interjected.

Withdrawal of Remark

Hon T.G. BUTLER: I wonder whether we could have a withdrawal of the comment made by Hon Phil Lockyer that the Opposition is made up of thieves and vagabonds and all should be in gaol.

The DEPUTY PRESIDENT: Order! There were many interjections and I did not hear any particular interjection. If Hon Phil Lockyer claims ownership of those comments and would like to withdraw, I invite him to do so.

Hon P.H. LOCKYER: I would have to seek your guidance, Mr Deputy President, about whether I must withdraw based on the statement being unparliamentary or untrue.

The DEPUTY PRESIDENT: Order! It is unparliamentary.

Hon P.H. LOCKYER: I withdraw.

Debate Resumed

Hon TOM STEPHENS: It is time that this Government mended its ways and looked to itself. It still has time to try to parade itself as a respecter of the democratic process that it championed while it was in Opposition, and not just adopt the attitude that it seems to be proud of. Now that those members are in Government they will do anything; they will ride roughshod over the Parliament; they will use the Government Media Office to stifle the flow of information to the Opposition and to the Parliament; and they will churn out their own version of the Budget through the media office and not allow that version to be subjected to the scrutiny it deserves by this Parliament, by the parliamentarians who are on the Opposition benches and the Independent crossbenches. They should ensure that instead of this charade that they are hell-bent on taking us all through, they see -

Hon Peter Foss interjected.

Hon TOM STEPHENS: Listen Foss, shut up until you hand back that egg!

Several members interjected.

Withdrawal of Remark

The DEPUTY PRESIDENT: Order! That remark is unparliamentary and I ask the member to withdraw it.

Hon TOM STEPHENS: Which one was that - the one about his having to hand back the egg?

The DEPUTY PRESIDENT: Order! The whole context of the member's statement was unparliamentary.

Hon TOM STEPHENS: I withdraw that which was unparliamentary.

Debate Resumed

Hon TOM STEPHENS: It is time that this Government mended its ways and did not misuse the Government Media Office in the way that it has today. The Government has not even made its Treasurer available today for a press conference in which the *The West Australian* newspaper could interview him about its own Budget. I hope that before the end of today Government members will show the courtesies to the media that have always been displayed by Treasurers in the past.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon TOM STEPHENS: I hope that the Treasurer will be available for an interview to enable scrutiny of this Budget in the same way as we have had the confidence to do in the past. Even the current Treasurer's daddy at least had the fortitude to face a press conference at the end of the Budget presentation to this Parliament. What this Government is doing is an extraordinary disgrace.

Hon Peter Foss: He was down there.

Hon TOM STEPHENS: The Treasurer was doing media grabs and doorstep interviews on his way through the Parliament; he was not making himself available for in-depth analysis of the Budget. That is why members on the Government benches should hold their heads in shame.

Adjournment Debate - Parliament House, Student Rally, Members' Behaviour

HON A.J.G. MacTIERNAN (East Metropolitan) [6.14 pm]: I bring to the attention of the House the appalling conduct of certain members of the Liberal Party of Australia at the rally that was held by opponents of the voluntary student unionism program.

Several members interjected.

Hon A.J.G. MacTIERNAN: The behaviour I am talking about is the physical threats that were made to various female members of the student protest group. In particular, Senator Ian Campbell was not exemplary in his conduct. He continually threatened and harassed people who had obtained permission to conduct this rally on the steps of Parliament House. He was continually trying to block them from having access to the microphone, access to the steps -

Hon P.R. Lightfoot: He got all the service people there.

Hon A.J.G. MacTIERNAN: He was there at the outset attempting to stop the proper conduct of that rally for which permission had been obtained. I might add that his highly offensive, sexist statements to the women who were in attendance were recorded and will be the subject of further inquiry. Bearing in mind the provisions of Standing Order No 97, the conduct of the Minister for Labour Relations was no better. Perhaps he did not make the sexist remarks, but he was threatening quite a number of women, intimidating them and threatening to push them off the steps physically. I saw and heard that. Other members of the Liberal Party who were there were acting as bodyguards for the very small number of students who were opposed to the subject matter of the rally. A generous estimate of the number of students who were supporting the Government position would be five and those people had six parliamentary bodyguards attempting to push them forward and to protect them from the crowd. It is absolutely appalling conduct -

Hon P.R. Lightfoot: It was your rabble.

The DEPUTY PRESIDENT: Order!

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon A.J.G. MacTIERNAN: These members -

The DEPUTY PRESIDENT: Order! The member will stop speaking when order is called and she can start speaking again when the interjections cease. Let us have Hon Alannah MacTiernan finishing what she has to say, without interruption.

Hon A.J.G. MacTIERNAN: I have one final comment: It is particularly distressing to see that the Senate of Australia - a House that has a noble tradition - is peopled with the likes of Ian Campbell. A number of people in the Liberal Party know the standard of Senate representation that Western Australia has had in the past, Liberals of the calibre of Peter Durack and Fred Chaney, and realise they are being replaced with Crichton-Browne clones, such as Senator Ian Campbell.

Question put and passed.

House adjourned at 6.18 pm

QUESTIONS ON NOTICE

HOMESWEST - HOMES BY BEDROOM CATEGORY, APPLICATIONS
Como, Manning, Karawara, Kensington, Victoria Park, Carlisle

405. Hon CHERYL DAVENPORT to the Minister for Finance representing the Minister for Housing:

- (1) What are the number of applicants for Homeswest homes by bedroom category, in the suburbs of -
 - (a) Como;
 - (b) Manning;
 - (c) Karawara;
 - (d) Kensington;
 - (e) Victoria Park; and
 - (f) Carlisle?
- (2) How long have those applicants required accommodation in these suburbs?

The answer was tabled.

[See paper No 579.]

MINISTERIAL PORTFOLIOS - MINISTER FOR THE ENVIRONMENT
Taxes, Charges, Licences, Fees, Levies, Fines or Rates, Increases

445. Hon TOM STEPHENS to the Minister for Education representing the Minister for the Environment:

- (1) For all of the Minister's portfolios, what Government taxes, charges, licences, fees, levies, fines or rates have been increased since 6 February 1993?
- (2) By what dollar amount and percentage has each tax, charge, licence, fee, levy, fine or rate been increased?
- (3) When was the most recent previous increase in each tax, charge, fee, levy, licence, fine or rate?
- (4) What was the amount and percentage of the most recent previous increase for each tax, charge, fee, levy, licence, fine or rate?

Hon N.F. MOORE replied:

The Minister for the Environment, Aboriginal Affairs and Disability Services has provided the following reply -

- (1) Environmental Protection Authority: There have been no changes in fees charged by the EPA since 6 February 1993.

Department of Conservation and Land Management:

Rent for sawmill sites; transfer of lease or permit; Windjana Gorge National Park camping fee; Geikie Gorge National Park boat fee.

Waterways Commission and Swan River Trust: None.

Kings Park and Botanic Garden: Kings Park and Botanic Garden does not charge fees, licences etc. However, fines are issued for breaches of the by-laws but these have not increased since 6 February 1993.

Perth Zoo: The Perth Zoo has not increased any charges since 6 February 1993.

Aboriginal Affairs Planning Authority: Not applicable.

Department of Aboriginal Sites: No increases.

Authority for Intellectually Handicapped Persons: Board and lodging charges of the Authority for Intellectually Handicapped Persons.

- (2) EPA - Not applicable.

CALM -

	Old	New	%
Rent for sawmill sites	\$51	\$60	17.6
Transfer of lease or permit	\$26	\$30	15.4
Windjana Gorge National Park camping fee	\$5 for 2 persons	\$5 per person	100
Geikie Gorge National Park boat fee	\$10	\$12	20

WWC/SRT - not applicable.

KPB - not applicable.

Zoo - not applicable.

AAPA - not applicable.

DAS - not applicable.

AIH - 1.6%

- (3) EPA - Pollution emission charges were last amended in October 1983.

CALM - CALM imposes fees and charges for a wide range of services. The schedule which is reviewed annually is 34 pages long. I will ask the Minister for the Environment to forward a copy to the member.

WWC/SRT - Not applicable.

KPB - The schedule of fines for breach of Kings Park by-laws was last amended on 3 June 1988.

Zoo - The last increase in Zoo admission charges occurred on 14 September 1992. Previous to that the increase date was 15 October 1990.

AAPA - Not applicable.

DAS - The Aboriginal Heritage Act was promulgated in 1972 and set the fine for an offence against the Act as \$500 for a first offence and \$2 000 for a subsequent offence. Other penalties include entering or remaining on a protected area \$100, and damaging a site \$50.

AIH - Board and lodging charges of the Authority for Intellectually Handicapped Persons are index linked to the disability support pension and associated allowances and benefits. The most recent monetary increase was 20 March 1993. The most recent increase in the rate applied was July 1981.

- (4) EPA - Not applicable.

CALM - CALM imposes fees and charges for a wide range of services. The schedule which is reviewed annually is 34 pages long. I will ask the Minister for the Environment to forward a copy to the member.

WWC/SRT - Not applicable.

KPB - The increases ranged from \$5 (33 per cent) for entering or being where closed by notice to \$30 (50 per cent) for exceeding 40 kmph by 36 kmph or more. I will ask the Minister for the Environment to forward to you copies of extracts from the *Government Gazette* which show the actual increase for each penalty.

Zoo - No recent increase; however, the last increase in 1992 was -

	15.10.90	14.9.92	% increase
Adult persons	\$5.00	\$6.00	20
Adult concession/ students	\$2.50	\$3.00	20
Child (4-15yrs)	\$1.50	\$2.00	33
Pensioners/ Senior Citizens	\$1.50	\$2.00	33
Family Pass	\$11.00	\$14.00	27

AAPA - Not applicable.

DAS - Not applicable.

AIH - The 1981 rate changed from a flat charge of 66.66% to a three level arrangement (87.5%, 77% and 66.66%) based upon the level of support provided by AIH to each residential facility. This has been reduced subsequently to a sliding scale between 75% and 25%, depending upon the degree to which residents are self-sufficient.

HOMESWEST - HOUSES BY BEDROOM CATEGORY, CONSTRUCTION
Kununurra, Wyndham, Halls Creek etc.

495. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Housing:

What number of houses will be built by Homeswest by bedroom category (one to six) for each of the following towns in 1993-94 -

- (a) Kununurra;
- (b) Wyndham;
- (c) Halls Creek;
- (d) Fitzroy Crossing;
- (e) Derby;
- (f) Broome;
- (g) Port Hedland;
- (h) South Hedland;
- (i) Karratha;
- (j) Onslow;
- (k) Newman;
- (l) Meekatharra;
- (m) Cue;
- (n) Mt Magnet;
- (o) Wiluna;
- (p) Yalgoo;
- (q) Carnarvon;

(r) Shark Bay/Denham; and

(s) Exmouth?

Hon MAX EVANS replied:

The Minister for Housing has provided the following reply -

TOWN	DWELLINGS				
	1brm	2brm	3brm	4brm	5brm
(a) Kununurra		2	5		
(b) Wyndham					
(c) Halls Creek					
(d) Fitzroy Crossing		2			
(e) Derby	4apu		6	4	1
(f) Broome	3s	12	14	3	
(g) Port Hedland	8s	2	1	1	
(h) South Hedland					
(i) Karratha					
(j) Onslow					
(k) Newman		4	1	1	
(l) Meekatharra			2		
(m) Cue					
(n) Mt Magnet					
(o) Wiluna					
(p) Yalgoo					
(q) Carnarvon		8	3		
(r) Denham			2		
(s) Exmouth					

These figures exclude dwellings for the Government Employees Housing Authority, the Industrial and Commercial Employees Housing Authority, Remote Area Aboriginal Housing (village program) and community housing.

[See paper No 579.]

HOMESWEST - WAITING LISTS, MORE THAN FOUR YEARS

Areas, House Type, Application Dates

521. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Housing:

- (1) In what areas of the State are there applicants for Homeswest accommodation who have been on the waiting list for more than four years?
- (2) Could the Minister please list the -
 - (a) areas and give details for each house type; and
 - (b) date of application for applicants currently being housed in these areas?

Hon MAX EVANS replied:

The Minister for Housing has provided the following reply -

The tables were tabled. Suburbs are grouped by Homeswest branch. It should be noted that if an applicant is not selective in dwelling type or area, allocations can be made at shorter notice. Information provided includes transfer applications and is current as at June 1993. As there is only minimal demand (i.e. one applicant) for six bedroom accommodation, these area/types are not listed.

N/S refers to NO STOCK available. [See paper No 579.]

HOMESWEST - KARAWARA RENTAL PROPERTIES*Fencing, Agreement; Front Fencing; Trespass Prevention*

527. Hon CHERYL DAVENPORT to the Minister for Finance representing the Minister for Housing:

Subsequent to question on notice 172 of 24 June 1993 concerning replacement fencing for Homeswest Karawara rental properties -

- (1) Will the Minister advise if agreement has yet been reached with the City of South Perth for work to proceed?
- (2) What special circumstances need apply for Homeswest to provide front fencing for rental properties?
- (3) Will the Minister answer my earlier question, which was: When will, and what method does Homeswest plan to implement to prevent tenants' properties being accessed and trespassed from cycleways running through the estate?

Hon MAX EVANS replied:

The Minister for Housing has provided the following reply -

- (1) Yes.
- (2) It is not Homeswest policy to provide front fencing to its rental properties; however, in some instances, special circumstances may exist which may indicate reason to depart from policy. This can include particular family situations, houses on some main roads or corner blocks, or where a critical safety issue exists.
- (3) Homeswest has no plans to erect front fences to units at Karawara.

THIRD PARTY INSURANCE - \$50 LEVY*"WA Inc Losses 1988-92", Minister's Direction*

549. Hon GRAHAM EDWARDS to the Minister for Finance:

- (1) Did the Minister supply a written direction to the SGIC or the Police Department to include the wording referred to in question without notice 303?
- (2) If so, will the Minister table this written direction?
- (3) Did the Minister seek the views of the Electoral Commissioner as to the legality of the inclusion of the wording referred to in the question referred to above given its political nature?

Hon MAX EVANS replied:

- (1) I am not in a position to direct the Police Department.

I gave no "written direction" as such to the SGIC. Most communication between myself (or my office) and the SGIC with regard to the proposed wording on licences was verbal, including SGIC advice that there was no statutory reason precluding a Government decision to include on the licence an explanatory message regarding the levy. A number of options regarding the wording of the message were the subject of informal liaison between my office, the SGIC and police licensing and services, which arranged to have "dummy" licences incorporating the options faxed to my office. Once the wording was agreed, the Minister for Police formally arranged to have it included on licences.

- (2) Not applicable.
- (3) No.

LAKE GNANGARA - MINING FOR DIATOMACEOUS EARTH
Environmental Protection Authority Assessment

553. Hon REG DAVIES to the Minister for Education representing the Minister for the Environment:

- (1) Is there a proposal to mine Lake Gngangara for diatomaceous earth?
- (2) Will the proposal to mine Lake Gngangara be formally assessed by the Environmental Protection Authority?
- (3) If no, why not?
- (4) Is Lake Gngangara a System 6 area?
- (5) Does the Government have a commitment to protect all System 6 areas?
- (6) Does the environmental protection policy for lakes on the Swan coastal plain protect Lake Gngangara from mining?
- (7) If yes, will the Minister overrule the legal protection afforded by the EPA lakes policy for the Swan coastal plain?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

- (1) Yes, there is already an approved diatomaceous earth mining operation at Lake Gngangara which was assessed by the EPA and approved by the Minister for the Environment in June 1990. The current operator has now acquired the tenements covering the eastern half of the lake and has applied to mine there also.
- (2) The authority sought to assess this project informally; however, there has been an appeal on the level of assessment. I have yet to determine the appeal.
- (3) See (2).
- (4) Yes.
- (5) The Government is committed to providing for the appropriate protection and management of all parts of System 6.
- (6) Yes, but there is provision in the policy for activities which enhance the values of the lake. The EPA recommended in its earlier assessment of mining at Lake Gngangara that careful removal of diatomite to deepen the lake could enhance the recreation value of the lake provided it was done in compliance with strict environmental conditions including protection of the fringing vegetation.
- (7) See (6).

LIVE SHEEP EXPORTS - FOREIGN PORTS; NUMBERS

568. Hon KIM CHANCE to the Minister for Transport representing the Minister for Primary Industry:

- (1) Which foreign ports have received WA live sheep for the periods 1990-91, 1991-92 and 1992-93?
- (2) What numbers of WA live sheep have been received by each of those ports for the periods 1990-91, 1991-92, and 1992-93?
- (3) Of the total number of those sheep actually unloaded in those ports -
 - (a) what number were accepted by buyers agents as being in good health and fulfilling contract obligations;

- (b) what number of sheep have buyers agents disputed contractual fulfilment on animal health or other ground, but have later renegotiated terms and accepted delivery; and
- (c) what number of sheep were rejected by buyers agents and not paid for,

for the periods 1990-91, 1991-92 and 1992-93?

Hon E.J. CHARLTON replied:

The Minister for Primary Industry has provided the following reply -

(1)-(2)

Official statistics are not recorded for live sheep exports to each foreign port of discharge. I do, however, have the statistics for live sheep exports from Western Australia to each overseas country for the periods requested and am pleased to provide these to the member.

EXPORTS OF LIVE SHEEP AND LAMBS FROM WESTERN AUSTRALIA

Country of destination	1990-91 Number	1991-92 Number	1992-93 Number
Algeria		213 175	
Bahrain	200 691	239 000	226 000
Brunei	1 934	100	
New Zealand		2	
China	438		100
Egypt	71 640		29 994
Jordan	197 662	214 633	419 244
Kuwait	125 166	489 710	628 029
Libya			128 646
Malaysia	9 489	5 566	914
Oman	439 883	433 898	382 918
Other Africa	282 238		
Other Middle East		80 547	264 462
Qatar	323 879	446 830	295 346
Saudi Arabia	99 522		
Singapore	28 745	31 364	34 828
United Arab Em'ts.	770 890	617 213	932 230
Yemen	44 581	116 859	226 195
TOTAL	2 596 758	2 888 897	3 568 906

Source: Australian Meat and Livestock Corporation.

- (3) The information requested would be commercial in confidence to the various live sheep export companies and is not available to the Government.

[See paper No 578.]

ESPERANCE IRON ORE PORT FACILITY - COMMUNITY CONSULTATIONS

610. Hon J.A. SCOTT to the Minister for Education representing the Minister for Commerce and Trade:

- (1) Is the Minister aware that the Environmental Protection Authority is to hand down findings on the Esperance Iron Ore Port Facility, (Assessment No 781), on 9 September 1993 and that despite the Minister's interest in further community consultation it has not eventuated?
- (2) Is the Minister aware that the Local Environment Action Forum conducted two surveys of the townspeople, in which 91.5 per cent and 85 per cent of the community, respectively, were opposed to the proposal?

- (3) Is the Minister going to ensure that "extensive consultation with the local community" will take place before a decision is handed down by the EPA and the Government commences the process of developing its position as contained in the letter to Mr R. Branch, of the Esperance Bay Caravan Park, 22 July 1993?
- (4) How can the Minister suggest that the Goldfields Esperance Development Authority has the primary responsibility for providing independent information to the Government on the local community's views when -
 - (a) the port authority is the proponent in the proposal to ship iron ore;
 - (b) the Chairman of GEDA, Mr Ian Burston, is on the Port Authority Board;
 - (c) Mr Colin Stewart, the Manager of the Port Authority, is a member of GEDA; and
 - (d) the offices of GEDA are in the same building as the port authority on port authority property?
- (5) The Minister stated that GEDA should have "primary responsibility for informing Government on the local community's views", as per the letter to Mr R. Branch, of the Esperance Bay Caravan Park, 22 July 1993, how does the Minister reconcile that statement with Mr Colin Stewart the Port Authority Manager who said in an article in the *Kalgoorlie Miner* on 13 February 1993 that he did not believe that GEDA should be involved in the public consultation process?
- (6) Will the Minister ensure that the social and economic impact of this proposal on the town of Esperance is assessed and considered so that other established industries, like tourism and retirement, are not deleteriously affected?
- (7) Will the Minister carry out his communicated desire that "the community consultation process be taken a lot further before the Government starts the process of developing its position"?
- (8) How will such a survey be conducted given that the social impact unit of the Department of Resource Development has been disbanded?
- (9) Does the Minister intend to address this gap in community participation in development proposals in this State?

Hon N.F. MOORE replied:

The Minister for Commerce and Trade has provided the following reply -

- (1) Before the Environmental Protection Authority released its assessment of the iron ore port facility, extensive community consultation took place. Publication of the EPA assessment does not preclude further community consultation between the proponents and other interested parties.
- (2) I am aware that the local environmental action forum conducted two public surveys. Neither survey canvassed the whole community.
- (3) Yes. Publication of the EPA decision does not preclude the continuation of the public consultation processes.
- (4) The Goldfields Esperance Development Authority will continue to represent the interests of the region. This includes providing advice to the Government on issues such as the Esperance iron ore port facility.
- (5) There is no conflict between the comments made by Mr Stewart in the *Kalgoorlie Miner* and my comments to Mr Branch.

- (6) The social and economic impact of the proposal have been assessed within the terms of the consultative environmental review and the resultant community inputs received following its distribution. The EPA will set any conditions necessary to ensure the new activity does not affect the lifestyle of local people.
- (7) The community has had the opportunity to comment on the CER and now has the opportunity to comment on the EPA assessment.
- (8) There is no proposal to conduct a survey.
- (9) There has been and will continue to be extensive community participation on this matter.

ESPERANCE IRON ORE PORT FACILITY - KWINANA PORT

611. Hon J.A. SCOTT to the Minister for Education representing the Minister for Commerce and Trade:

- (1) Is the Minister aware that -
 - (a) the Port of Kwinana is closer by 75 km to Koolyanobbing than the Port of Esperance;
 - (b) there is a 2.5 km buffer zone between the Kwinana port area and the residential zone, compared with the 100 metre buffer zone;
 - (c) two wharf facilities are available for use, one being BHP Steel Works jetty No 2 and the other being Fremantle Port Authority bulk cargo jetty No 2; and
 - (d) the Kwinana rail line is in much better condition than even the proposed upgraded Esperance line being capable of handling 24 tonne axle loads as opposed to 20.5 tonne axle loads on the Esperance line?
- (2) Given these previous points which indicate that economically and socially Kwinana is a superior option -
 - (a) what studies has the Minister undertaken to compare the cost benefits of the two destinations; and
 - (b) what added cost burden will the use of Esperance have on the taxpayer?
- (3) Does the Government intend to use this port to ship toxic waste to Mt Walton?

Hon N.F. MOORE replied:

The Minister for Commerce and Trade has provided the following reply -

- (1) (a)-(c) Yes.
 - (d) The \$16.5m currently being expended under the One Nation funding on the Esperance rail line will ensure that the track is well suited to handle loads required for the iron ore project
- (2) (a) Portman Mining has had an independent evaluation of the available facilities to assess their suitability for the proposed iron ore project. This study found that the cost of upgrading the facilities at Kwinana to the standard required was prohibitive.

The Esperance port is an efficient port and as such the charges proposed by that port were much less than those proposed by the BHP Kwinana facilities.

(b) Nil.

(3) No.

GARDEN ISLAND - LIMESTONE QUARRY PROPOSAL
Precious Metals Australia Ltd Application

615. Hon J.A. SCOTT to the Minister for Education representing the Minister for the Environment:

In relation to the proposal for a limestone quarry at Garden Island -

- (1) Is the Minister aware that a company called Precious Metals Australia Ltd has applied for permission to open a limestone quarry on Garden Island?
- (2) Is the Minister aware that Garden Island is an area of very high conservation value and that it is listed in the System 6 Red Book?
- (3) Will the Minister take action, in the public interest, to disallow this application in view of the damage it could cause to the ecology of Garden Island and the concerns expressed by the Australian Navy?
- (4) If not, why not?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

In relation to the proposal for a limestone quarry on Garden Island -

- (1) Precious Metals Australia has applied for a licence to explore for limesands on Garden Island. No application to open a quarry has been received.
- (2) Yes, the Minister is also aware that a significant area of the island has already been disturbed by the Navy facilities.
- (3) Pending a determination of the State's jurisdiction over the private property rights of the Commonwealth with regard to the mining of limesands, the Minister will seek the advice of the EPA before considering any proposal for mining of limesands on Garden Island by Precious Metals Australia, should the application for the grant of an exploration tenement proceed.
- (4) See (3).

QUESTIONS WITHOUT NOTICE

STATE BUDGET - GROSS STATE PRODUCT

399. Hon GRAHAM EDWARDS to the Minister for Finance:

What is the Government's rationale for the change to the gross State product implicit price deflator rather than the consumer price index to calculate real increases in the State Budget?

Hon MAX EVANS replied:

The State Treasury, together with the Australian Bureau of Statistics, has changed this because it feels it is more relevant to the components of cost in the State price indicator than what comprises the Federal CPI. For example, with the change of currency in 1983 or 1984 the highest increase in the CPI was the cost of overseas travel, which went right through the whole costing system. They believe it is a better relativity than using the CPI.

STATE BUDGET - GROSS STATE PRODUCT

400. Hon GRAHAM EDWARDS to the Minister for Finance:

Which other States use the gross State product implicit price deflator rather than the consumer price index to calculate real increases in their State Budgets?

Hon MAX EVANS replied:

I ask that the question be put on notice.

STATE BUDGET - PAYROLL TAX, \$60m INCREASE

401. Hon GRAHAM EDWARDS to the Minister for Finance:

In the light of the Government's vocal pre-election commitments to reduce payroll tax, can the Minister explain why there is a \$60m increase in payroll tax revenue in the 1993-94 State Budget?

Hon MAX EVANS replied:

There are two factors here. There is an increase in revenue from increased employment.

Hon Tom Stephens: You did not accept that when we were giving you the answers.

The PRESIDENT: Order!

Hon MAX EVANS: On the apprenticeship scheme and lifting the threshold of the non-taxable figure, there is \$6m virtually in one year. If that \$6m is added to the other there is an increase of more than that figure. There is a reduction for apprentices, but the increase is a result of more people being employed. Because the threshold has gone up there has been less payroll tax paid by a lot of people. If another 10 000 people are employed the Government makes more. If they are employed in large firms we get more payroll tax; if they are employed in firms with lower payrolls of \$40 000 to \$50 000 there is no impact on payroll tax.

STATE BUDGET - BUSINESS TAX, 27 PER CENT INCREASE

402. Hon GRAHAM EDWARDS to the Minister for Finance:

Given the Government's pre-election commitment to reduce taxes on business, can the Minister explain to the House why there is a 27 per cent increase in business taxes announced in the Budget?

Hon MAX EVANS replied:

I do not have time to go through the full exercise here. What the member is asking is that if I have a 10 per cent tax on stamp duty, or because business has gone up by \$100m I get another \$10m, I should have an indicator of the reverse. What he is saying is, as income goes up I must reverse my tax rate down to break even. If we did that as a compensating factor, we would never get anywhere, not even with the CPI. If stamp duty goes up and we have Stock Exchange turnover, as we have, which is greater at the present time, as with building and housing, and there has been no increase in the State's stamp duty -

Hon Tom Stephens: Stamp duty went up \$300 000.

Hon MAX EVANS: Of course it has gone up by \$300 000. More business is being done. The member is saying that we will have to do the reverse and that if the turnover goes up we will need to have a ratchet effect.

Several members interjected.

The PRESIDENT: Order!

Hon MAX EVANS: The member is ignorant.

The PRESIDENT: I beg your pardon?

Hon MAX EVANS: I am just trying to help him, Mr President.

The PRESIDENT: You are not helping at all. When I am calling order to bring a bit of stability into this place, I want even the Minister to come to order. I read in the paper this morning the consequences of some action in another place. If we ever get to that stage, I will disappear from here. Honourable members, you have heard me say before that question time is one of the most important parts of our parliamentary operation. It is my desire to ensure that the Opposition gets the opportunity to ask questions. It is my desire also to ensure that members get the answers to the questions they ask, given whatever capacity I have to do that. Members make my task very difficult when they begin to behave like, as I read in the paper this morning, some other people behave. Members, at least in this place let us endeavour to make the Parliament work, not for your benefit, because I am not terribly concerned about you, but for the people you represent, because I am concerned about them. It is on their behalf that you have the opportunity in this place to ask questions and, equally on their behalf, you are entitled to get answers. It is bad enough the member asking the question interrupting, but when some member who is not asking the question is interjecting as though the question belongs to him I start to get a bit agitated.

STATE BUDGET - LOTTERIES COMMISSION, REVENUE EXCESS

403. Hon GRAHAM EDWARDS to the Minister for Finance:

- (1) Can the Minister explain why revenue for the Lotteries Commission shows an estimate in excess of \$53m over that of the 1992-93 allocation?
- (2) Is this because the Government has finally got its hands on the lottery sums?

Hon MAX EVANS replied:

(1)-(2)

It is unfortunate that the Opposition has not had time to read the Budget papers properly. If members opposite read page 4, at (a) they would see that it refers to a hypothecation of the metropolitan regional improvement tax, the fuel tax levy and lotteries moneys. Last year there was \$5.8m for arts and sport and approximately \$50m for other expenditure. It has been brought in as hypothecated income and taken out as expenditure, as a contra. That is all it is. The amount of money that went from lotteries through the Government to arts, sport and others comes to about \$69m or \$70m.

The total amount will be about \$90m because we must add a further \$30m which will be distributed by the Lotteries Commission to charitable organisations. That is the hypothetical figure; but actually it is the same amount in as out.

STATE BUDGET - TRANSPORT, SOCIAL WELFARE CONCESSION SUBSIDIES REMOVAL

404. Hon JOHN HALDEN to the Minister for Transport:

- (1) Can the Minister explain why a total of \$90m social welfare and fare concession subsidies has been removed from the Transport budget for 1993-94?
- (2) How will that shortfall be funded?

Hon E.J. CHARLTON replied:

I ask the member to place that question on notice.

STATE BUDGET - ROAD CONSTRUCTION, ADDITIONAL FUNDS

405. Hon JOHN HALDEN to the Minister for Transport:

In the Budget allocation for road construction, \$19.1m from the transport trust fund and a further \$10m of special borrowings will increase road funding by \$34.7m. Where will the additional \$5.6m come from?

Hon E.J. CHARLTON replied:

The additional funds will flow from last year's allocation to the transport trust fund. Those funds were not distributed last year and came from extra income flowing from the fuel levy.

ROAD FUNDING - ARTERIAL ROADS

Transperth Trust Fund, Special Borrowings Funding

406. Hon JOHN HALDEN to the Minister for Transport:

Will any part of the \$19.1m from the transport trust fund or the \$10m special borrowings, fund the Minister's overcommitment to arterial road funding between 1 July 93 and 31 December 93?

Hon E.J. CHARLTON replied:

No.

PAYROLL TAX - ABOLITION COMMITMENT

407. Hon MARK NEVILL to the Minister for Finance:

As the Government has failed to reduce payroll tax takings by \$70m this year, the target for the abolition of payroll tax over eight years -

Hon Max Evans: What was that figure?

Hon MARK NEVILL: Payroll tax amounts by \$66m to \$70m. The Government should have reduced payroll tax by \$66m this year, if it is to abolish the tax over eight years. In fact, the tax went up by \$16m. Does the Government still have a commitment to abolish payroll tax over the remaining seven years, if it is re-elected?

Hon MAX EVANS replied:

The Premier indicated clearly after the wrong Government was elected federally that the situation had changed. We expected a Federal Liberal Government to do something about payroll tax. We stated that if we did not win, this would be undertaken over two Budgets. Our first priority was to get the net financial requirements into a break even situation. The debt increase last year was about \$400m; this year it is about \$165m. We want to reduce that debt, and when that happens we will look to reducing payroll tax. We cannot do that at the moment. Payroll tax affects large businesses, but small businesses are not affected. The situation was outlined clearly by the Premier, and it has not changed.

RAILWAYS - LEONORA-ESPERANCE RAIL LINE UPGRADING,
COMMONWEALTH ALLOCATION

408. Hon MARK NEVILL to the Minister for Transport:

In a recent press release the Minister stated that \$16.7m would be allocated towards the \$20.5m required for the upgrading of the Leonora-Esperance railway line. What proportion of that figure is Commonwealth money?

Hon E.J. CHARLTON replied:

I cannot provide the exact figure off the top of my head. As the member is aware, a significant part of that amount is expected to come from a Federal allocation, but that has not come through. As part of its capital

works program, Westrail has made a commitment to upgrade that line. Those works are current.

**RAILWAYS - KALGOORLIE-FREMANTLE STANDARD GAUGE RAIL LINE,
FUNDING**

409. Hon MARK NEVILL to the Minister for Transport:

My question relates to the \$10.9m upgrading of the standard gauge railway line between Kalgoorlie and Fremantle to allow double stacking of containers. Will the allocation flow from State Government or Westrail sources or from Commonwealth funds through the One Nation statement, or from other Commonwealth funds?

Hon E.J. CHARLTON replied:

The allocation will be from Westrail's capital works program. Use of the facilities were part of the negotiations with the National Rail Corporation. The payment by the NRC to Westrail will incorporate the use of improved facilities as a result of that capital expenditure.

**INTERIM MINES OCCUPATIONAL, HEALTH AND SAFETY BOARD -
REVIEW FUNDING**

410. Hon MARK NEVILL to the Minister for Mines:

I refer to the funding required for the Interim Mines Occupational, Health and Safety Board.

(1) What amount of funding will be set aside for the review?

(2) To which area of the Budget will the allocation flow?

Hon GEORGE CASH replied:

(1)-(2)

It is anticipated that the cost will be met from the general administrative funds available to the department.

**STATE BUDGET - POLICE, OUTLAYS INCREASE
*Salaries, New Police Officers***

411. Hon GRAHAM EDWARDS to the Minister for Finance:

The Government has stated that the Police budget outlays will increase by \$17.1 per cent.

(1) Of that amount, how much applies to salaries?

(2) How many new police officers will the Budget provide this financial year?

Hon MAX EVANS replied:

I suggest that the question be placed on notice.

**STATE BUDGET - RAILWAYS, NORTHERN SUBURBS, ADDITIONAL
WORK**

412. Hon TOM STEPHENS to the Minister for Transport:

I refer to the press release issued with the Budget earlier this afternoon by the Premier indicating an allocation of \$10.5m for work on the northern suburbs railway. What additional work will be carried out on that line?

Hon E.J. CHARLTON replied:

Off the top of my head I cannot supply the detail but ongoing expenditure is required for extensions.

Hon Tom Stephens: It seems as though the allocation is for additional work.

Hon E.J. CHARLTON: Additional work will be carried out. As part of that, there will be extensions this financial year. The extension of the line is one part but I cannot recall the other part. I will provide the information for the member.

LAND TAX ASSESSMENT ACT - AMENDMENT

Revenue Forgone \$800 000

413. Hon A.J.G. MacTIERNAN to the Minister for Finance:

Some notice has been given of the question. In respect of the answer provided to question 388 concerning the estimation of revenue forgone by proposed amendments to the Land Tax Assessment Act, can the Minister explain how the figure of \$800 000 was determined?

Hon MAX EVANS replied:

The residue from discretionary trusts is something like \$897 000, and that figure relates to the number of assessments. Companies have been identified. The calculation resulted from the valuation of land under the current scale.

LAND TAX ASSESSMENT ACT - AMENDMENT

Revenue Forgone \$800 000

414. Hon A.J.G. MacTIERNAN to the Minister for Finance:

Is the Minister prepared to provide some written documentation showing those calculations?

Hon MAX EVANS replied:

I suggest that this question be taken on notice. I will get the information for the member.

STATE BUDGET - ELECTRICITY CHARGES, COMMERCIAL AND INDUSTRIAL, 26 PER CENT REDUCTION

Energy Savings

415. Hon J.A. SCOTT to the Minister for Finance:

The Appropriation (Consolidated Fund) Bill (No 1) second reading speech says that the commercial and industrial electricity charges have been lowered by 26 per cent. Have any measures have been put in place to encourage energy savings in this taxation policy?

Hon MAX EVANS replied:

I ask that the question be placed on notice. This matter does not fall within my portfolio.

WATER AUTHORITY OF WESTERN AUSTRALIA - WORK FORCE SIZE

416. Hon CHERYL DAVENPORT to the Minister for Finance representing the Minister for Water Resources:

I refer to the statement in the Report of the Independent Commission to Review Public Sector Finances, the McCarrey report, that the Water Authority of Western Australia has provided advice that its work force should be reduced by at least 120 people. I ask -

- (1) Has the Minister received advice from WAWA in relation to the appropriate size of its work force?
- (2) If so, will the Minister advise the House what that advice is?
- (3) (a) Does the Minister intend to accept the advice of WAWA or the McCarrey commission; and
(b) how many workers will lose their jobs as a result?

Hon MAX EVANS replied:

- (1) Yes.
- (2) That in meeting its customer needs for water and resource management services efficiently it balance workloads and resources. At 30 March 1993 there were about 130 people additional to work available or projected in 1993-94.
- (3) (a) The authority's advice was accepted.
(b) Nil. Any adjustments are handled through redeployment, retraining and voluntary severance. About 30 employees have accepted voluntary severance in 1993-94.

HOSPITALS - DERBY REGIONAL

Redevelopment Allocation \$400 000, Additional Work

417. Hon TOM STEPHENS to the Minister for Health:

I refer the Minister's attention to a press release that came out this afternoon at the same time as the Premier was delivering the Budget speech in the lower House. It indicated an allocation of \$400 000 for the redevelopment of the Derby Regional Hospital. What additional work is proposed to be done for the Derby hospital as a result of today's Budget?

Hon PETER FOSS replied:

This money is for the planning phase of stage 4 of the Derby hospital.

LAND TAX ASSESSMENT ACT - DISCRETIONARY TRUSTS

Corporate Registered Proprietors, Trustees Determination

418. Hon N.D. GRIFFITHS to the Minister for Finance:

My question follows the answer that the Minister gave to Hon Alannah MacTiernan a few moments ago. How was it determined that the corporate registered proprietors were trustees of discretionary trusts?

Hon MAX EVANS replied:

In 1989 the Government passed legislation which left residences held by family companies subject to land tax but residences held in discretionary trusts not subject to land tax.

Hon Graham Edwards: Passed with your support.

Hon MAX EVANS: I know. We will come to that in a minute. From then on the issue arose as to how discretionary trusts would be defined. There were problems with discretionary trusts. In some, natural persons are the trustees for the discretionary trusts. We will never find those people. There are a lot of them. An analysis was done as to whether every residence in the metropolitan area was owned by a company. The next question was whether the company was a family company or a trustee in a discretionary trust. This process occurred over three years. Retrospective land tax assessments were then issued going back three years. Those people had been given no warning that they were no longer exempt from paying land tax. They received a land tax assessment going back three years. One lady rang me and for some reason her accountant put her residence - she had lived in a block of flats - into a family trust. She received an assessment for \$3 000. She was out of work and on the dole and she had to sell her residence to pay that \$3 000, being a payment of \$1 000 a year for three years.

Hon A.J.G. MacTiernan: Why do they have trusts?

Hon MAX EVANS: I am sorry, I do not know. The lawyers will have to give me a lesson on that. A lot of people use trusts. One reason is in matrimonial matters, to defend themselves from their spouse.

Hon A.J.G. MacTiernan interjected.

Hon MAX EVANS: I do not know. People do it intentionally.

Hon N.D. Griffiths: You will have to check with your legal adviser who is sitting beside you.

The PRESIDENT: Order! Let us not have a discussion about that.

Hon MAX EVANS: The legislation left families to deal with family companies. Discretionary trusts came later. The family company was left intact on the basis that it is considered pro rata to the shareholders living in the house. If mum and dad and four children had lived in the House and then two children left, there would have been only a 66 per cent rebate. The trusts had operated in the same way. The trusts were wiped out on the basis that they were a terrible tax avoidance scheme - using the jargon - not realising what effect it would have. About 900 people were affected by this three years of retrospective tax. They had no warning. About 80 or 90 were able to distribute their assets back to themselves so long as they paid stamp duty of \$5. People could not register the agreement retrospectively for three years; they had to pay land tax. Sometimes the amount was \$10 000 or \$15 000. People had to pay the stamp duty of \$5, and distribute the assets to themselves so that they would be freed of the land tax assessment in the following year.

The wealthy had fewer problems than those who were not too well off. The poorer people had a mortgage on the residence. To put the residence into a different name to avoid the necessity of paying land tax required the payment of high legal costs and stamp duty. That is the complication that has arisen. A person who placed an advertisement in the newspaper had responses from 1 400 persons who were affected by this change. The land tax office advised me that it came up with only 900. I have not tried to match the two lists. This change was made retrospectively. No advice was ever given. People got assessments two, three or even four years later saying that they were up for this land tax, and there was nothing they could do about it. That was the iniquity of it. A lot of lawyers around town had many clients who had this problem, not all of whom were wealthy.

STATE BUDGET - TRANSPERTH, SOCIAL WELFARE CONCESSION

419. Hon JOHN HALDEN to the Minister for Transport:

Is the purpose of the withdrawal of \$90m in the Transperth budget in social welfare and fare concessions to exaggerate the bottom line operating costs of Transperth so as to justify the Government's privatisation policy?

Hon E.J. CHARLTON replied:

No. The whole basis of the change to the financing of Transperth is simply efficiency and management restructuring that will provide an even better service in the months to come.

Hon John Halden: Ninety million dollars?

Hon E.J. CHARLTON: Yes. Incidentally, the deficit of Transperth is expected to come down by about \$20m as a consequence of the changes that have been implemented.

STATE BUDGET - PUBLIC TRANSPORT, MAJOR PLAN ACHIEVEMENTS *Free Transit Zone Abolition*

420. Hon BOB THOMAS to the Minister for Transport:

I have provided the Minister with a copy of page 316 of *Budget Paper No.3*. Under the heading "Major Planned Achievements for 1993/94" it

identifies the potential for innovative and cost effective types of public transport, in particular for public transport within the Perth central area.

- (1) Is that a reference to the free transit zone for bus travel within the central business district being abolished, as has been suggested by a number of Transperth bus drivers in the past couple of weeks?
- (2) If that is so, can the Minister explain what action will be taken to subsidise an increase in the Perth City Council clipper service?

Hon E.J. CHARLTON replied:

(1)-(2)

It is not as a consequence of that. The whole plan will come forward over the next three years, as was announced the other day. The central business district area - as part of the changes to the public transport system - will encompass a service to the public in that inner city area that will allow commuters to come into, and be able to move through, the city and will also incorporate changes to the parking structure, parts of which were introduced in a Bill by Hon John Halden a short time ago. It is not about eliminating free travel; it is about overall restructuring to the public transport system which will incorporate changes to parking regulations and cost structures and will also take into account a parking policy encompassing other public transport measures that will complement the public transport system and will be to the benefit of the people who use the city area.

STATE BUDGET - PUBLIC TRANSPORT, MAJOR PLAN ACHIEVEMENTS

Free Transit Zone Abolition

421. Hon BOB THOMAS to the Minister for Transport:

Is the Minister saying that free transport as we now know it within the free transit zone will finish as a result of that policy?

Hon E.J. CHARLTON replied:

The final decision on that has not yet been made. It is not part of this Budget structure. That decision will be made at some time further down the track. As I said before, in line with Hon John Halden's Bill which he introduced -

Hon Bob Thomas: Just answer my question.

Hon E.J. CHARLTON: I am answering the question. Hon Bob Thomas is asking whether free transport will be cut out. I am saying that that decision is not part of this Budget period. The Government is going to make changes to the Perth central business district. Whether that is a continuation of the city clipper service subsidised by the Perth City Council -

Hon Bob Thomas: It is not subsidised; it is paid for by the Perth City Council.

Hon E.J. CHARLTON: Call it subsidised, call it paid for; the member can call it what he likes. Negotiations and discussions are taking place with the Perth City Council about a total public transport mix in the metropolitan area. That is not done simply as a one-off situation without taking into account the parking policy changes that must go to complement that.

PUBLIC TRANSPORT - CHANGES, TIME FRAME

422. Hon BOB THOMAS to the Minister for Transport:

Given that this is not a part of the Budget, and the Minister is working on this as a part of a larger package, will he inform the House what time frame he expects this process to take? When will he be making announcements about the changes that will be implemented?

Hon E.J. CHARLTON replied:

As I said the other day, the Government hopes to get to the total package dealing with the structure on which the changes will be based, about which members of the House and the public will be advised, in approximately six months.

**STATE BUDGET - SPORT AND RECREATION, DEPARTMENT OF,
EXPENDITURE INCREASE**

423. Hon TOM STEPHENS to the Minister for Finance:

The Budget papers contain an indication of an increase in expenditure being allocated to the Ministry of Sport and Recreation from \$9m to \$18m. Will the Minister indicate whether that represents an overall increase in the funds available to the sport and recreation area, or is it simply a transfer of funds that were previously available to the sport and recreation area from another activity of Government; for instance, the Lotteries Commission?

Hon MAX EVANS replied:

The community sporting fund and community recreation fund have been combined. However, I ask for that question to be put on notice and I will provide the member with the facts.
