

Legislative Council

Tuesday, the 5th September, 1978

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 4.30 p.m., and read prayers.

BILLS (12): ASSENT

Message from the Governor received and read notifying assent to the following Bills—

1. Land Drainage Act Amendment Bill.
2. Architects Act Amendment Bill.
3. Agriculture and Related Resources Protection Act Amendment Bill.
4. Security Agents Act Amendment Bill.
5. Stock (Brands and Movement) Act Amendment Bill.
6. Poisons Act Amendment Bill.
7. Small Claims Tribunals Act Amendment Bill.
8. Limitation Act Amendment Bill.
9. Auction Sales Act Amendment Bill.
10. Health Act Amendment Bill.
11. Censorship of Films Act Amendment Bill.
12. Northern Developments Pty. Limited Agreement Act Amendment Bill.

QUESTIONS

Questions were taken at this stage.

BILLS (2): THIRD READING

1. Abattoirs Act Amendment Bill.
Bill read a third time, on motion by the Hon. D. J. Wordsworth (Minister for Lands), and passed.
2. Suitors' Fund Act Amendment Bill (No. 2).
Bill read a third time, on motion by the Hon. I. G. Medcalf (Attorney General), and passed.

ACTS AMENDMENT (CONSTITUTION) BILL

Second Reading

Debate resumed from the 23rd August.

THE HON. R. F. CLAUGHTON (North Metropolitan) [4.58 p.m.]: The Hon. R. Hetherington indicated that the Labor Party is opposed to this legislation, and he very capably covered the grounds for our opposition. It is not my intention to repeat his arguments.

The preamble to the Bill covers three pages, and it is difficult to understand the necessity for this long preamble. Why did the Government feel it was necessary to include what amounts to a history of the constitutional changes that have taken place since the State was first settled? I would have thought that the Government takes pride in the fact—as members of the Labor Party do—that in 1890 this State gained its independence from England and was able to stand alone.

However, there seems to be some sort of lingering attitude of servitude or docility or lack of a sense of security on the part of members of the Government in that they must refer this legislation back to events which are long past. Whilst these events of our past were not unimportant, they occurred in an era which Australians generally would be pleased to have ended.

The Opposition does not wish Western Australia to be seen as remaining in a lesser status to people in the United Kingdom. I am sure there is no-one in the United Kingdom who would feel he needs to make obeisance to a monarchy in a foreign land, as seems to be the case among some influential members of the Liberal Party in this State.

I am born and bred a Western Australian. I have some cultural links back to the United Kingdom, from whence my ancestors came, and that is an element in shaping my view of the world and is something I would not want to forget. Nonetheless, I am an Australian and I am sure my parents both were proud to be Australians and would not wish any longer to come under the rule of a Government over which they had no control in any shape or form.

This legislation shows the most pathetic unwillingness to let go of the petticoats or untie the apron strings of the mother country. The Government seems to want to clutch onto those frills; it is not prepared to stand up and say, "We are Australians in our own land. We are in control of our own destiny and no longer need to bow ourselves before a foreign monarchy."

The Labor Party is not going to get itself tied in knots over this piece of legislation. It feels some pity for members opposite who have been obliged to bring this legislation before the Parliament. One wonders what are the motives of members opposite for bringing forward this legislation. There is no doubt that, in time, it will be looked on as some sort of weak joke. Believe it or not, eventually the people of Western Australia will come around to the view that these old ideas have outlived their usefulness. In fact, I believe that point has arrived, even if people are not actually saying so.

Our ties with the United Kingdom represent an important part of our background. In fact, the Australian Labor Party adheres to the principles of the Westminster parliamentary system. Members on this side, including myself, have argued very strongly for the principles of democracy which are part and parcel of such a system.

However, to say that we must enshrine again into our Constitution matters that belong to the past, in the way that this Bill proposes, instead of living in the present and looking to the future, brings no value to our State. The whole thrust of this Bill seems to be to write into our Constitution the British monarch's part in the Constitution of Western Australia.

I might add that the Constitution of Western Australia is not something with which the electors of this State have ever had a part in saying what should be there. We have never asked them what sort of Constitution they want, what sort of things they would want to have placed in it, and they are not going to have a say as a result of this Bill. From this point on, the electors are going to be asked whether they want to take something out, but they have never been asked whether they want to put something in which is not there—such as things which protect the rights and liberties of individuals in this State, a provision which could very well be placed in our Constitution.

I am very concerned about the impact of some of the terms used in the legislation, in that there are matters which are implied in any piece of legislation which may come into conflict with the legislation now before us. The last changes to the

State's electoral laws could very well come into that class of legislation in the matter of whether it reduces the number of representatives who may be in Parliament. The previous legislation provided for an automatic growth in the number of voters in the ratio of 2:1, city seats as opposed to country seats. The present system is that the numbers in Parliament cannot be changed without an Act of this Parliament. We have no basis just now for assessing what sort of legislation may be affected by the terms used in this Bill.

I believe this legislation is badly conceived. It is badly conceived in again writing these things into our Constitution; it is badly conceived in that it makes these matters ones only for referendum, without first going to the people to see whether they want them included by way of referendum. It is something which is to be imposed on them, not something that has grown from public demand. The types of matters covered by the legislation are those which have lost a lot of force over the years and which will lose even more force as time goes by.

I reassert the opposition of the Australian Labor Party to this piece of legislation. It lacks imagination and does little to enhance the standing of our opponents as men of independence. They are people whose hearts and minds are founded within Australia but who still owe some sort of allegiance to another country.

I would like to see some way by which this Chamber used its independence—its "rumoured" independence, because I have never seen it here—to ensure this sort of thing does not continue. The fortuitous absence of a member which prevented the passage of a similar Bill last year would, I think, be welcomed again by members opposite. I cannot think that the ordinary, back-bench members of the Liberal Party would be all that wrapped up in this Bill. However, I would think that on this occasion, they have been properly disciplined, and we are not likely to see that sort of thing recur. With those remarks, I oppose the Bill.

THE HON. G. C. MacKINNON (South-West—Leader of the House) [5.10 p.m.]: I thank members for their comments on the Bill. One or two of the statements made were not quite correct. Mr Hetherington gave the impression—he would not have meant to do it, but he still gave the impression—that, hereafter, any alteration to our Constitution must be a matter for referendum. That is not the case, as I am sure Mr Hetherington is fully aware.

The situation was more accurately stated by Mr Claughton. However, Mr Claughton made the error of saying that we did not put this matter to the public. In fact, we did; it was on the occasion of the last election. The following appears at page 24 of our policy booklet—

*We will legislate to block any further attempt to damage or destroy the rights and status of the Parliament of Western Australia, without the consent of the people.

The Hon. D. K. Dans: Read the bit about the 100 000 jobs.

The Hon. G. C. MacKINNON: I would like to. I noted that Mr O'Connor pointed out the other day that Western Australia had created 27 000 jobs, which was far more than any other State. However, we are not discussing that matter now; we are discussing a constitutional amendment. I do not want to be sidetracked; I know how skillful Mr Dans is at doing that.

More than a week has passed since Mr Hetherington made his speech. I wrote down on that occasion that it was a somewhat emotional outburst. I suppose I wrote that because, perhaps, he raised his voice more than he normally does. I cannot really see why because, despite the camouflage the honourable member puts up, I feel sure that, at heart, he is quite a conservative person with regard to the forms and nature of institutions such as Parliament.

All this Bill proposes to do is enshrine into the Constitution those matters which are done by practice. That is not an unusual thing. When I was in Honolulu recently I was interested to find that, every 10 years, they conduct an examination of their Constitution, and those matters which have become practice are written into their Constitution. Perhaps that is an idea to which we could give some thought.

Mr President, I do not think there are any other matters which need elaboration by me. There are some party differences in relation to this matter and, although these are difficult to understand, nevertheless they are understandable. I believe that in their hearts, most loyal citizens of Western Australia would be glad to have these amendments passed by Parliament and enshrined in our Constitution; and in order to ensure that happens, I commend the Bill to members.

The PRESIDENT: This Bill requires the concurrence of an absolute majority and, in accordance with Standing Order 308, a division must be taken.

Question put and a division taken with the following result—

Ayes 19

Hon. N. E. Baxter	Hon. O. N. B. Oliver
Hon. G. W. Berry	Hon. W. M. Piesse
Hon. V. J. Ferry	Hon. R. G. Pike
Hon. T. Knight	Hon. I. G. Pratt
Hon. A. A. Lewis	Hon. J. C. Tozer
Hon. G. C. MacKinnon	Hon. R. J. L. Williams
Hon. Margaret McAleer	Hon. W. R. Withers
Hon. N. McNeill	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. G. E. Masters
Hon. N. F. Moore	(Teller)

Noes 9

Hon. D. W. Cooley	Hon. F. E. McKenzie
Hon. D. K. Dans	Hon. R. H. C. Stubbs
Hon. Lyla Elliot	Hon. R. Thompson
Hon. R. Hetherington	Hon. R. F. Claughton
Hon. R. T. Leeson	(Teller)

The PRESIDENT: I declare the Bill carried with the concurrence of an absolute majority of the House.

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. G. C. MacKinnon (Leader of the House) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Part IIIA added—

The Hon. R. HETHERINGTON: I oppose this clause for the very reasons the Leader of the House suggested that I might have supported the measure earlier when he referred to me as being basically conservative. On this matter I believe we should follow the conservative ways of the British Parliament.

One of the strengths of the Westminster system is its ability to adapt to its development by convention, and I think it should continue to do so. As honourable members know, it is only a convention that the Premier of the State is appointed by the party with the majority in the lower House. As far as the legal powers of the Governor are concerned, he could still appoint anyone to the Executive Council at his pleasure, because that is his legal power.

To write in proposed new section 51 is to backtrack on a convention and say that the Governor must take instructions from the British Foreign Secretary or whoever happens to be the relevant Secretary of State in the British Government at the time. The forms are gone through and I mentioned in my second reading speech that Her Majesty does act on advice from the Secretary of State in the British Parliament, which advice is from the Government here. I think it is a retrograde step for this section to be written into our Constitution stating that Her Majesty must act on advice in instructing the

Governor, and the Governor must act on advice of the British Minister.

Who is to be right if the Governor does not act on advice from the British Minister or the Premier wants to do one thing and the British Minister, who happens to be of a different political complexion, wants to do something else and they come into collision?

I think it is unrealistic to expect that members of the British Government will act in any way other than they have acted before—in which case we are writing in something which is unnecessary. What would happen if the Labor Party became the Government and asked a friendly British Labour Government to intervene? What would happen if we said proposed new section 51 had been written into the Act by our opponents? What would the present Government do if the British Parliament gave the Governor instructions that did not appeal to members opposite? What an outcry there would be, and very properly so. To write into the Constitution that the Governor will act in obedience to instructions from the Queen is to take us back in time and turn us once more into a colony. This is against the spirit of the Westminster system.

I remember talking some time ago in this Chamber about conventions and how the British Parliament behaved, and the Leader of the House said it was all very well for me to talk about what Britain had done in the past but we did things differently here. The Leader of the House did not say how or why we do things differently here.

We do things differently here but that does not mean to say we are right. It seems to me that the Leader of the House was at the time guilty of the fallacy of passing from what is to what ought to be, in suggesting we cannot learn from our origins. It would be a good idea if we did learn from our origins and did not write proposed new section 51 into the Constitution. Rather, we should let ordinary conventions carry on. No member from this side is suggesting any convention should be changed and therefore I oppose the clause.

The Hon. G. C. MacKINNON: I think we ought to be grateful to the honourable member for the information he gives us with regard to constitutional and historical matters which come up in this Chamber from time to time. When he talks about the situation in the Westminster Parliament we are aware he is quite correct and in that regard Mr Dicey makes interesting reading.

The situation Mr Hetherington forgot to mention, as he does frequently, is that there is no

aspect of British conventions, habits, and practices which is written into anything but Acts and which has any force other than habit or tradition. This simply does not apply here in that the bulk of our usages are already enshrined. That does not make them better or worse.

I take it when the honourable member used the word "right" he meant no political connotation; he meant correct rather than wrong.

The Hon. R. Hetherington: Not necessarily; any moral force.

The Hon. G. C. MacKINNON: I disagree on that, because if we do it here and it has the force of this Parliament it is correct. It does not matter that it may be different from what is done in Westminster, Canada, or Uruguay because what they do in their Parliaments is correct for them. To say it is wrong, which is what the honourable member said, is incorrect. Nevertheless I am grateful the honourable member brought that point forward as it highlights the fact that there are differences, and those differences do not make the one wrong and the other right; they make them different.

The Hon. R. F. CLAUGHTON: One of the differences between some countries and the Western Australian Parliament is that we do have a Constitution of sorts. It was not written by Western Australians but by some long dead personages in authority in England in consultation with some Western Australians.

The Hon. G. E. Masters: Are you being cynical?

The Hon. R. F. CLAUGHTON: With regard to section 51, I believe a cynical view would be a correct one to take, because I think there was a good deal of cynicism in the writing of the Constitution at that time as far as the bulk of the population was concerned. Very few of the population had a right to vote; there was a property franchise in regard to this Chamber.

With the inclusion of new section 50 the Government claims it will enshrine the position of Governor. In fact, proposed new section 50 (3) (a), (b), and (c) covers situations where we might have a Governor or someone who is merely fulfilling the functions of Governor. The Government need not appoint a Governor and that is the point Mr Hetherington spoke of during the second reading debate.

In proposed new section 51, not only is reference made to matters described by Mr Hetherington, but also to the Privy Council. Here again we see the lack of ability by members of the Liberal Party to keep up with the times. They would prefer to have references to institutions of

foreign lands rather than institutions that are Australian in origin. While Mr MacKinnon makes a lot about the fact that in England things are done in one way and in Australia they are different, his party has a marked reluctance to give recognition to these differences. Here is an area where we should be stridently and proudly different. But it seems members of the Liberal Party do not feel this way.

The Hon. R. HETHERINGTON: Another point has occurred to me, and I am not quite sure just where it leaves the Governor in regard to discretion in the exercise of the royal prerogative and it is something about which the Attorney General might exercise his mind. I recall that when the former Governor General dismissed the Whitlam Government in 1975, many journalists asked various Governors how they would have behaved, but those journalists did not get any answers, which is what we would expect. However, the question of how much discretion a Governor had in those circumstances remained and exercised many minds. Certainly this Bill will mean he will have none. If a Governor disagrees with what a Government or Premier does, he will have no recourse but to write to England to find out what he must do. This of course may be an advantage in that discretionary powers under the royal prerogative may be in the hands of the British Foreign Minister. However, I am not sure that that would be an advantage. I do not know whether the Government has thought about it. If it has not, I wonder whether it should.

Clause put and passed.

Clause 6: Section 73 amended—

The Hon. R. HETHERINGTON: I move an amendment—

Page 7, line 17—Insert after the word "Act" the following proviso—

Provided that if a Bill is passed by the Legislative Assembly in accordance with the provisions of paragraph (f) of this subsection, but is then rejected or not passed by an absolute majority of the Legislative Council pursuant to those provisions, or is passed with any amendment to which the Legislative Assembly will not agree, and if after an interval of three months from the date of such occurrence the Legislative Assembly in the same or next session again passes the Bill by an absolute majority in accordance with those provisions, with or without any amendment which has been made or agreed to by the Legislative Council, and the Legislative Council again rejects or fails to pass the Bill in accordance with those

provisions or passes it with any amendment to which the Legislative Assembly will not agree, then the provisions of paragraph (f) of this subsection shall be deemed to have been complied with in full and the question for the approval or otherwise of the Bill shall be submitted to the electors in accordance with the provisions of subsection (3) of this section.

Before I deal with the amendment I would like to make a reference to words used earlier in the clause. On page 6 the words "expressly or impliedly" are used five times. I suggest the Government should think seriously about these words because I am not quite sure what "impliedly" means and I am not sure the Government knows. It may be that one of the ordinary and quite innocuous amendments to the Constitution which a Government is moving, and which seems acceptable, will be found to be unacceptable.

By using the word "impliedly" we would be giving lawyers a heyday, and stirring up a great deal of trouble for Governments of the future, and a great deal of litigation over whether or not an amendment is, impliedly, one of those which comes under the Bill.

The Hon. I. G. Medcalf: You do not need to say it, you know. It is already there in our law. You do not have to express it.

The Hon. R. HETHERINGTON: In that case we do not gain anything by adding it.

The Hon. I. G. Medcalf: If you do not say it, it will be taken to have been omitted.

The CHAIRMAN: I draw the attention of the honourable member to the fact that the question before the Chair concerns the amendment.

The Hon. G. C. MacKinnon: A highly desirable statement from the Chair.

The Hon. R. HETHERINGTON: Thank you, Mr Chairman. If this amendment were carried it would make the Bill a good one and I do recommend it to members. I suggest that all those members who have told me at various times they are independent should consider the amendment because some of them might find it is acceptable if they give it their unbiased attention. Under the amendment we would be taking a democratic step forward. If the Government wanted to amend the amendment to make it a little more conservative, I may not object.

Let us assume that the Government, which has a majority in the lower House, has a majority of the electors in the State. If the Government then decides that, in order to carry out its policy, it

must amend the Constitution in some way which is covered by the Bill, then this could be held up by the Legislative Council which would have an absolute veto. However, under the proposal in the Bill the Government could get the Legislative Council to carry out its role as a House of Review as set out by Alfred Deakin, whom I keep quoting, and who was the first Liberal Party Prime Minister of this country, and act with a veto limited in time. In other words, it could hold up a measure for three months and send it back to the lower House for reconsideration. There would then be three months for debate throughout the community so that the contents of the proposed change could be canvassed back and forth and by the Press. In that way people could become aware of the proposal. If the two Houses were still not in agreement, the proposal could be put to the democratic umpire—the people.

The Hon. G. E. Masters: I am glad you said that. I will remind you of that in a few moments.

The Hon. R. HETHERINGTON: This is one time when we could well go to the people. The amendment is a good one. It would allow any constitutional changes to be debated adequately. It seems such an eminently sensible proposal that if it is not accepted I will find it difficult to understand the reason. The Leader of the House, and his leader in another place, talk about democracy. This is an opportunity to practise it because the amendment would enable the will of the people to be ascertained.

Some members may consider there is one drawback, but I hope they will not do so. They may consider that they would have a better chance of changing the Constitution because one step could be bypassed. However, this would not be easy. The upper House should not be treated in a roughshod manner. If the two Houses were in basic conflict over a constitutional amendment it would be difficult to have the amendment accepted by referendum. However, if the people in their wisdom decided to accept the change, this would be highly desirable.

I am sorry I have not heard more members opposite debating this measure. I hope it is not similar to the situation as expressed by one conservative leader in the House of Commons who indicated that the argument of his Government was a bit poor and so it would have to use its majority. I trust this amendment will receive more consideration. I had hoped to hear Mr Pike on this subject. I would have listened to his words with a great deal of interest and I may have learnt something from them.

I hope members will accept my amendment. If they do so I would then be happy to vote for the Bill as a whole. Instead of its being a dubious Bill, it would become a good piece of legislation. Therefore I commend the amendment to members.

The Hon. G. E. MASTERS: I must make a few comments on the amendment which I note was moved in a frivolous manner by the honourable member. Naturally the Committee will reject the amendment. The honourable member should be consistent with the remarks he made during his second reading speech, when he bitterly opposed the Bill.

The Hon. R. HETHERINGTON: The unamended Bill. I was quite consistent all the way through.

The Hon. G. E. MASTERS: He was not consistent because he opposed the idea of a referendum. He said it was not necessary and would add a further procedure to the process of changing the Constitution. If he were consistent in his argument, not only would he not have moved his amendment, but also he would have moved to delete the referendum clause in the Bill. On the one hand he said a referendum was not required, and on the other hand it appears he is accepting such a proposal. He should be consistent. Does he or does he not want a referendum clause in the Bill?

The Hon. R. HETHERINGTON: I want it amended as I am suggesting.

The Hon. G. E. MASTERS: It is interesting to hear the honourable member raise the question on the word "impliedly". It is curious to me that the honourable member who is trained in words and who is a very able man with words should question the word "impliedly" and the reason for its inclusion. According to the dictionary, the word means that the true intention is not expressly stated. If we want a good example, we have one in the amendment itself. The honourable member glosses over the amendment by saying it is something which would be extremely helpful and acceptable. The meaning of the word is quite clear. With reference to the amendment, the honourable member said the Assembly could deal with a particular Bill which it then submits to this Chamber. If it were refused it could be reintroduced three months later into this Chamber. If it were again refused, it would go to the people.

The Hon. R. HETHERINGTON: There is nothing implied in my amendment. I am open about what I want to do.

The Hon. G. E. MASTERS: The implication is that the powers of the Chamber would be

negated. If we want the word "impliedly" adequately demonstrated, we find it demonstrated in the amendment. The honourable member has answered his own question, but I wish he would make up his mind as to whether or not he wants a referendum.

The Hon. G. C. MacKINNON: One would be sorely tempted to accept the honourable member's amendment just to get his support for the Bill.

The Hon. R. Hetherington: I am sure the temptation is not very great.

The Hon. D. K. Dans: You know what Oscar Wilde said about temptations don't you?

The Hon. G. C. MacKINNON: It is interesting to witness Mr Hetherington playing Delilah to our Samson. The trouble is he lacks one or two of the persuasive characteristics of Delilah! He is asking us to divest ourselves of that which gives us our unique authority. We would be fools to do so and I sincerely hope the majority of members will side with me in this matter, and not with the honourable member. He is asking us to cut off all our hair or divest ourselves of our power.

The Hon. R. Hetherington: That is not true. I am not asking you to divest yourselves of all the power.

The Hon. G. C. MacKINNON: He certainly is and he knows it full well.

The Hon. R. Hetherington: I am not, and I know that full well!

The Hon. G. C. MacKINNON: It is another way of his achieving the objective of the party to which he belongs.

I want to refer to two other matters. One is that no discipline is applied. This is a matter of deep and real conviction on the part of members of the Government, and had the Government not brought the Bill forward it would have been requested to do so. Indeed, it is mentioned in the policy statement that the Government was requested by members to bring the legislation forward. I repeat that this matter has been before the public. It was quite loudly proclaimed during the election, and the result of that election was fairly clear-cut.

The Hon. R. Hetherington: If you are talking about mandates, when our positions are reversed I will remember that statement.

The Hon. G. C. MacKINNON: I hope the honourable member noted I did not use the word "mandate". I said quite clearly that the matter had been voiced before the public. I hope members will realise the sense in rejecting this amendment and vote against it.

The Hon. R. F. CLAUGHTON: The remarks of the two members of the Liberal Party—the Hon. Gordon Masters and the Leader of the House—really reinforce the speech the Hon. Gordon Masters made in attempting to explain the word "implied". Both speakers made quite plain for the public—if only the public were here to hear them say it or the Press were prepared to report it—the whole basis of this legislation, which in other words is to further entrench the Legislative Council for the benefit of the Liberal Party.

The Hon. I. G. Pratt: That is not so.

The Hon. R. F. CLAUGHTON: If Mr Pratt wants to speak, let him get to his feet instead of prattling away in interjections. Had he listened to the words of previous speakers, he would understand what I am saying about them. They have said they will not accept the very reasonable amendment proposed by Mr Hetherington because they believe it would cut across their purpose of entrenching their position in the Legislative Council. That is quite an understandable position from a party point of view.

The Leader of the House made the further claim that Mr Hetherington had moved the amendment because it puts forward the Labor Party's point of view. I deny that, as I am sure other Labor Party members would deny it. But it is consistent with the stated purposes of the Government in bringing the legislation forward, although perhaps not with its implied purposes. The Government has made the claim—and the Leader of the House has quoted from an election pamphlet of the Liberal Party in support of it—that it would be introducing legislation to try to save its conscience by entrenching its political power in this Chamber.

The Hon. G. E. Masters: I would like to see your platform.

The Hon. R. F. CLAUGHTON: The Labor Party's platform is readily available.

The Hon. G. E. Masters: It is very difficult to get.

The Hon. R. F. CLAUGHTON: It is available in the library. If the honourable member wants an up-to-date copy he will have to wait until all the conference papers have been processed and published.

The Hon. G. E. Masters: It is being changed every week.

The Hon. R. F. CLAUGHTON: Our conference changes policy once every two years.

Despite the efforts by the Leader of the House and his colleagues to try to salve their consciences by drawing attention to that rather obscure portion of an election platform, the Government cannot justify rejecting the amendment proposed by Mr Hetherington because it is right in line with its stated purpose—that the people should have the right to decide.

The Hon. G. E. Masters: Mr Hetherington, in his second reading speech, did not seem to agree with that.

The Hon. R. F. CLAUGHTON: I am speaking about the Government's intention. It is the Government that wants this legislation, and I hope the Government wants to be consistent in its stated purpose that it wants the people to have the opportunity to decide.

The Hon. G. E. Masters interjected.

The Hon. R. F. CLAUGHTON: I am glad the honourable member is agreeing with me. Will he agree to the amendment which carries forward that purpose—that in the event that a Government introducing constitutional amendments faces a hostile upper House the people will still have an opportunity to express their view upon it? Surely it will not be only in a situation where both Houses agree that the people will have an opportunity to comment. Whenever a Government is moved to bring forward legislation to change the nature of the upper House the people should be given an opportunity to decide the issue.

The Hon. G. E. Masters: They have an opportunity at elections, do they not?

The Hon. R. F. CLAUGHTON: Mr Hetherington's proposal would enable it to be done at an election.

The Hon. G. E. Masters: In his second reading speech he did not seem to think a referendum was necessary.

The Hon. R. F. CLAUGHTON: Does the honourable member believe there should be a referendum?

The Hon. G. E. Masters: In line with the Bill before you, of course.

The Hon. R. F. CLAUGHTON: Now the Government wants to change the system. It wants referendums to take place only under its terms. Blow the people and what they might want! A referendum can take place only under the Government's terms, and that is the objection to this legislation. We have a chance to give the people a real opportunity, not only on the occasions when the conservative majority in this Chamber agrees but in all circumstances where a

Government faces a hostile majority in this Chamber.

The proposal brought forward by Mr Hetherington is quite reasonable. It is not a Bill which is introduced and thrown out once. It has to go through a process, and a Government would need to be well assured it would receive electoral support before it brought the Bill back again, because a referendum conducted at election time could be a very difficult proposition for a Government and not necessarily in its favour. Any Government considering acting under this kind of proposal would need to be very sure of its ground and be certain the matter was a substantive one and not a frivolous one.

In those circumstances the amendment should be quite acceptable to the Government and I hope it will support it.

The Hon. I. G. PRATT: I would like to thank the Hon. Roy Cloughton for his invitation to say a few words on this clause. It might be as well to have them put down in *Hansard* other than by way of interjection.

Mr Cloughton said the Leader of the House and the Hon. Gordon Masters had stated clearly that they were opposing the amendment in order to entrench their position in the Legislative Council. When I interjected he said I should listen to the speeches. I did listen very carefully and I am quite certain they did not use those words.

The Hon. R. Hetherington: It was implied.

The Hon. I. G. PRATT: That was his interpretation of what they said. I will be very careful to read *Hansard* and if I find I am wrong I will apologise to Mr Cloughton. However, if I find I am right, and the words he was attributing to the two members are not correct, we have a good ground on which to base our opinion of his whole argument. In other words, I do not think his argument is worth considering or debating.

The Hon. R. HETHERINGTON: I must learn to take more careful notice of what the Leader of the House says, and I now take the point he made, that this proposal was before the people; not that they necessarily accepted it, because the Leader of the House does not accept the doctrine of the mandate. If one believes in the doctrine of the mandate one believes what is put in a party's policy speech has been voted on, and if that party is elected it has a right to carry out what is in its policy speech. However, that is a doctrine members of this Chamber would find very inconvenient if we were in Government and members opposite were in Opposition.

The point that interested me in what the Leader of the House said was that if my amendment were carried it would get rid of the unique power of this Chamber. Of course, we know the name of the game is power.

The Hon. G. C. MacKinnon: What did you think it was?

The Hon. R. HETHERINGTON: It all depends where one wants power to lie—whether in Houses which are democratically elected by the people, where power will lie honestly with the people, or whether in the hands of a House—

The Hon. G. C. MacKinnon: We all want it to rest with the people.

The Hon. R. HETHERINGTON: In that case, I suggest the Government put forward legislation to change the electorates of the lower House and the method of electing this Chamber; and if it wants to go even part of the way towards giving power to the people, the Government should accept my amendment. There is nothing inconsistent in what I said.

The Hon. G. E. Masters: In your second reading speech you clearly opposed the Bill as a whole. You said there was no sense in having a referendum because it would be difficult to change the referendum.

The Hon. R. HETHERINGTON: I was talking about the Bill as it stands, not as I would amend it. I suggest the honourable member look at the end of my second reading speech, where I said if an amendment I would put forward were accepted it could be turned into a decent Bill. I still say that. I reject the Bill as it stands because it has to go first through the Legislative Assembly, then through this Chamber, and before we can get anywhere near the people the Government has to get a constitutional majority in this Chamber, which is not a fully democratic Chamber.

What my amendment proposes is that this Chamber may then act not as a House of utter veto, but as a House of Review. I have heard a lot about this being a House of Review. It can be a House of Review as defined by Alfred Deakin, where it has the power of scrutiny and veto, limited in time, so that time is available to have legislation reviewed. There is nothing in that which is inconsistent with what I said when I was speaking in the second reading debate; at that time I was saying that what exists now is a phoney and a sham.

If the Chamber accepts my amendment we will have a process which will take a little longer but at least will be more democratic. It is a process by which the elected Government may after

adequate discussion appeal to the people, and if members opposite really believe in democracy they will support my amendment.

The Hon. G. E. Masters: I am glad you have a grin on your face.

The Hon. R. HETHERINGTON: One tries to find as much humour as one can in this, but in fact I have found none. If the honourable member cares to provoke me, and if he wants me really to speak from the heart and not try to hold myself back on this issue, I could go on for another two or three hours.

The Hon. G. E. Masters: That would frighten me; I agree with you.

The Hon. R. HETHERINGTON: I do not think it would frighten Mr Masters, but it would bore him; and certainly I do not intend to do it. I oppose the Bill as a whole, but I would support it if my amendment is carried.

Sitting suspended from 6.02 to 7.30 p.m.

Amendment put and negatived.

Clause put and passed.

Clauses 7 to 9 put and passed.

Preamble put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

REAL ESTATE AND BUSINESS AGENTS BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. C. MacKinnon (Leader of the House), read a first time.

Second Reading

THE HON. G. C. MacKINNON (South-West—Leader of the House) [7.33 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to repeal the Land Agents Act, 1921-1974, and to provide a new Act which will make provision with respect to the regulation and supervision of certain persons acting in respect of real estate transactions or certain business transactions.

The Bill is the result of a complete review of the present Land Agents Act and has its origin from the Law Reform Commission's report and recommendations which were tabled in Parliament in 1974.

During the interim of the commission's report being released and the preparation of this Bill a great deal of consultation with interested parties has ensued and it is considered this new piece of legislation will be of greater benefit for the protection of both the business operators and the public.

As indicated in the title of the Bill it is intended to substitute the terms "real estate agent" and "real estate sales representatives" for the present terms of "land agent" and "land salesman" respectively.

The Bill also contains certain controls over business agents and imposes obligations upon land developers. Neither group is included in the present Land Agents Act.

I shall now proceed to give a general outline of the principal features of the Bill.

It will be noted that the provisions of the new Act will come into effect on such day and days as are proclaimed. This is to facilitate an orderly change from the old to the new, such as the repealing of the Land Agents Act and the commencement of the new licensing concept which will come into operation on a day appointed by the Minister.

Provision is made for real estate auctions to be conducted by licensed real estate agents or their employees which is not a requirement in the present Act.

The licensing and supervising authority will be the real estate and business agents supervisory board as successor to the present Land Agents Supervisory Committee. The board will consist of five members, one of whom will be appointed as chairman, one a person experienced in commercial practice, one a legal practitioner, one a licensed agent nominated by the Real Estate Institute of Western Australia, and one a licensed agent elected for appointment by licensed agents. None of the first three mentioned members may be a licensed agent.

The board will be assisted in the carrying out of its functions by a registrar and inspectors appointed under the Public Service Act. These officers will have the power to aid in matters under inquiry, subject to suitable safeguards, including the necessity to obtain a warrant prior to entering premises.

Certain protection is provided in instances where possible incriminating information is obtained from a person who is required under the Act to provide such information.

The services of the police may also be obtained in making inquiries in similar manner to the provisions of the existing legislation.

The board will have power to hold an inquiry, summons witnesses, and administer oaths in connection with its duties as licensing and supervising authority.

It will also have the power to cancel or suspend an agent's licence or a sales representative's certificate of registration, or it may issue a caution to, or fine, a person in either category. With the exception of its licensing function, these powers are generally as contained in existing legislation. There is provision for any person aggrieved by a decision of the board to appeal to the District Court against such a decision.

In addition to the licensing of agents, which is at present a function of the Courts of Petty Sessions, the new powers and duties of the board will be as follows—

- to appoint, subject to District Court order, a supervisor of the business of an agent where the court is satisfied there are reasonable grounds for believing that the agent is incapable of properly conducting his business, or has died;

- to fix the maximum amount of remuneration for services rendered by licensees;

- to prescribe a code of conduct for agents and sales representatives;

- to provide to the Minister an annual report on the activities of the board and a statement in respect of the fidelity guarantee fund and deposit trust for presentation to both Houses of Parliament.

The Government is aware that the practice of obtaining a licence and renewing it annually under the present Act is unnecessarily cumbersome and time consuming, and is consequently irksome to licensees. The provisions of this Bill make for simpler processes while at the same time preserving and indeed increasing the standard of entry and continuance in the industry. Renewal will be on triennial basis and not annual as at present.

Applications for a licence are to be made to the board under these proposals, and may be made by an individual, a firm or a corporate body. Once granted, a licence will be continuous and not subject to annual renewal. To carry on business as

such, an agent will have to obtain from the board a triennial certificate by simple application and payment of fees. The board will have the power to attach such conditions as it thinks fit to any licence or triennial certificate.

The general qualifications of an applicant are set out and relate to character, repute, and the like. The more particular qualifications, including reference to prescribed examinations, are contained in the schedule to the Bill.

The present Act is somewhat deficient in the control of a practice commonly known as "dummying" or "ghosting", which is, in effect, the lending of a licence. The proposed legislation will restrict this undesirable use by making it an offence for an agent to permit another person to use his licence or triennial certificate.

The Bill also provides that where a firm or corporate body is licensed, a minimum number of partners or directors will be required to be licensed themselves, and in any event the person in bona fide control of the business must be licensed.

It will also be a requirement for the manager of a branch office to be a licensee. The schedule to the Bill provides for a transitional period of three years to enable presently existing firms and corporations to comply with the last two mentioned provisions.

Sales representatives will be required to register in similar fashion to present land salesmen. However, the board will be obliged to scrutinise applicants more closely than is required now.

The Bill provides that sales representatives may be required to be qualified by experience or otherwise as is prescribed.

This leaves the way open for educational qualification to be required, if deemed necessary.

There are certain requirements imposed upon an agent in his direct dealings with his clients. Some of these requirements are embodied in present legislation but have now been clarified and improved.

An agent will be required to have written authority to act before he can take action for recovery or retention of fees or commission.

Provision is made to require an agent to disclose his position where there is a possible conflict of interest, and this provision is rightly broad. The agent must also ensure that rates and taxes are correctly apportioned between the parties.

The Bill requires an agent to maintain trust accounts and to have them audited regularly. The provisions are similar to those in the existing

legislation, but in certain areas have been altered to remove anomalies or add to the effectiveness of control. One example of change is that an auditor's appointment is continuous unless the board approves a subsequent change.

The Bill provides for the discipline of agents and sales representatives by the board and the courts. Once again the provisions are along the lines of present legislation but have been rephrased and, of course, made consistent with the rest of the Bill.

The main difference is that the board will now have direct power to discipline agents, which the present committee does not have. Offences against the Act will continue to be prosecuted through the courts.

Under this Bill the present Land Agents Fidelity Guarantee Fund is replaced by the Real Estate and Business Agents Fidelity Guarantee Fund. This is a fund built up and maintained largely by contributions from agents and salesmen but increasingly from interest on investments. It is set up to provide protection to clients of agents in the event of pecuniary loss or loss of property by reason of any defalcation by a licensee or those associated in his agency business. The fund will be managed by the board and will be subject to audit by the Auditor General.

Provision has been made for the establishment of a deposits trust. This trust is to be managed by the board and will consist of a certain percentage of licensees' trust moneys. The moneys so deposited will, of course, be deemed to be part of the licensee's trust moneys and may be withdrawn by him at any time.

Pending withdrawal of the moneys deposited by licensees, the board will be required to hold those moneys on specified investment. The interest so earned is to be applied by the board, firstly in payment of administration costs, and then one-half to the fidelity guarantee fund and the other half to the establishment and maintenance of certain prescribed educational facilities.

In the last few clauses of the Bill are included miscellaneous provisions relating to availability of registers to the public, publishing of lists of agents and sales representatives, secrecy on the part of the board and staff, immunity of the board and staff, liability of directors in certain circumstances, and power to make regulations.

There is a very important schedule to the Bill to which passing reference was made a little earlier. Therein are provisions as to qualifications for the grant of a licence, restrictions on certain types of licences, and a method of short-term but immediate relief in the event of the death of a

licence holder. The schedule includes provision for the continuance of licences and certificates of registration issued under the existing Act, and for the automatic issue of licences and triennial certificates to then current firms and corporate bodies.

Provision is made in the schedule in respect of pastoral companies. At present these companies receive certain advantages which were bestowed at a time when their activity in real estate in the main was restricted to pastoral and agricultural land. In view of increasing involvement in metropolitan and country town properties, the Government considers it just and proper that these advantages be modified.

The schedule includes certain savings and obligations in respect of business agents. As indicated earlier, business agents are not presently obliged to be registered or licensed. Many business agents are, in fact, licensed as land agents for practical reasons, but under this Bill all will need to be licensed. The general provisions of the Bill will apply equally to real estate agents and business agents.

In protection of those business agents not now licensed, the Bill affords such persons the opportunity of obtaining a permit to operate for a period not exceeding three years from the appointed day. Qualifications for holding a permit are not harsh, but do require a suitable standard of fitness and competence. Before a permit may issue, the applicant will be required to lodge a bond or guarantee of not less than \$75 000 in protection of trust money depositors.

I referred earlier to land developers. Under the Bill, developers are required to register their principal place of business with the registrar. It will be necessary for their sales representatives to be registered. Developers will be required to keep such records as are approved, of all land transactions in which they are involved.

I wish to inform members that I will be moving certain amendments to this Bill during the Committee stage which are the result of undertakings given by the Chief Secretary in another place.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Grace Vaughan.

ACTS AMENDMENT (LEGALISATION OF BINGO ON LICENSED PREMISES) BILL

Second Reading: Defeated

Debate resumed from the 4th May.

THE HON. G. E. MASTERS (West) [7.46 p.m.]: The Bill before the House does not seem to fulfil the requirements envisaged by the Hon. Grace Vaughan. I imagine she intends the Bill to work in such a way that bingo may be played on licensed premises—that is, in hotels and taverns—and also that it may be played in licensed clubs. Indeed, in her second reading speech, the member indicated that the clubs themselves thought they would be able to use their facilities for bingo and be open to not only their own members, but also the public generally.

If I understand the situation correctly, the Bill does not in any way fulfil this function. The honourable member should have amended the Lotteries (Control) Act which would have enabled her intention to be carried out. At this particular time bingo cannot be played at all on licensed premises. However, it may be played by charitable organisations and religious groups on other than licensed premises; but only with the permission of the Lotteries Commission. I should like to quote the particular section involved which is section 18(1a). It reads as follows—

(1a) The Commission may grant to a religious body or charitable organisation a permit to hold or conduct the game commonly known as bingo, housie-housie or tombola, on specified premises for such length of time and on such terms and conditions as the Commission may think fit to impose.

There is a proviso to the section which the honourable member wishes to delete. It reads—

Provided that a permit shall not be granted to hold or conduct the game at any time on premises licensed under the Liquor Act, 1970, or during the time in which liquor may be sold or supplied in the case of unlicensed premises.

If the honourable member deletes that proviso only it still means the game of bingo can be played only by religious bodies or charitable organisations with the permission of the Lotteries Commission.

I am not absolutely sure if I am correct in my interpretation of the aims the honourable member seeks to achieve; but, as I read the Bill, the results of it are religious bodies and charitable organisations only would be able to play bingo on

licensed premises. I do not believe that is the intention of the honourable member; but it is what the Bill will achieve and it will achieve nothing more.

As far as licensed clubs are concerned, once more because the Lotteries (Control) Act has not been amended correctly, the Bill means religious bodies and charitable organisations are able to play bingo in those premises if they are member of the clubs. The Bill is very messy and in no way achieves the objectives sought. We can do nothing more than vote against it. I do not believe it achieves the aims intended by the honourable member.

I point out again the particular section which should have been amended is section 18(1a) of the Lotteries (Control) Act, and including the first part of the section and the proviso to that section. I urge members to reject the Bill because it achieves absolutely nothing.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [7.51 p.m.]: From my reading of the Bill, I would not particularly disagree with the Hon. Gordon Masters; but the Hon. Grace Vaughan put forward the Bill in good faith and it is up to me to support it. I am in a rather difficult situation. All that can be ascertained from this debate, of course, is the attitude of the Government at present to this very vexed question. Now that the Bill is before us, whilst not disagreeing with the Hon. Gordon Masters to any great extent, it seems to me this is a section of the Lotteries (Control) Act which should be amended very quickly.

Let me give an example. I belong to a club which has a bar and associated facilities. It is a sailing club. It has also a very large hall which, for the purpose of certain functions, is part of a licensed premises. The number of times that particular big hall is used as a licensed premises is very few; but because that hall forms part of a general licensed area, we are not allowed to play bingo there. I do not know what would happen if we tried to delicense a certain area of a licensed premises. It would be to our advantage to be able to do that. We should like to be able to raise funds for a very worthy cause; that is, the young people of the community who wish to sail and do not have the wherewithal to do so. It is rather like a football club. The club wishes to support its juniors.

For those reasons, I have to add my weight to the Bill at present which would allow charitable organisations and certain religious bodies to play bingo on licensed premises. That would be a step in the right direction.

Let me conclude by saying this: I recollect when this particular legislation went through Parliament. I felt the insertion of that particular section was rather pettifogging. I believe the law in this State is quite capable of making the necessary provisions for clubs to play bingo in certain circumstances.

I would not like to see every tavern and hotel on every street corner catering for people to play bingo. However, this Bill would at least deal with the situation I have outlined in the case of a particular club. That is not an isolated instance. You would know, Mr President, from your own experience being associated with a number of sporting bodies in your own area, how frequently this occurs. I suggest to members that even at this late stage it would be a step in the right direction for the Bill to be carried so that it would enable certain charitable organisations and religious bodies, if they deemed it appropriate, to avail themselves of the opportunity of playing bingo on licensed premises. After all, all religious bodies are not against a bit of John Barleycorn. They should be able to avail themselves of the excellent facilities available to engage in the very light gambling game known by many names in civilised conditions.

I recall when I was a young sailor the only gambling allowed on Her Majesty's warships was tombola, commonly known as housie-housie and bingo, because it is a game that men and women can engage in without risking a great deal of money. Indeed, a great number of religious organisations run bingo functions now and, if the private member's Bill introduced by the Hon. Grace Vaughan was carried, I am very sure it would pave the way to enable the activities mentioned by the Hon. Gordon Masters to be carried out. I am sure a number of religious organisations, orders, or rather churches, would not be very opposed to going down to licensed premises to play this game.

This Bill has my support.

THE HON. G. C. MacKINNON (South-West—Leader of the House) [7.56 p.m.]: We all feel a degree of sympathy for the Leader of the Opposition who is tremendously loyal and feels constrained to support the measure which has been so unwisely and carelessly presented; but nevertheless we appreciate his loyalty to his member.

The Hon. D. K. Dans: How about giving the churches a go?

The Hon. G. C. MacKINNON: I point out that religious orders are not usually interested in gambling. Religious organisations sometimes are, but rarely are religious orders interested in it.

The Hon. D. K. Dans: I said "churches". I corrected myself.

The Hon. G. C. MacKINNON: The Government's attitude is this: We believe and have expressed this belief over the years that hotels, clubs, and the like are organisations to which people go for a wide variety of reasons. Some members go to a club in order to play billiards, snooker, or to sit in a corner and sip a beer and talk. People go to hotels for the same reasons. They go to these places for a whole range of reasons. It is quite unfair that they should have thrust upon them by some organisation the need to sit and listen to somebody calling out all the numbers in a bingo game.

The Hon. D. K. Dans: But the club would have the right to determine it among its members. Most of our clubs are very democratic.

The Hon. G. C. MacKINNON: At the time the Bill was introduced, it was considered that a club which wanted to run bingo games should hire a hall and run them. All the people who wanted to attend the bingo game could go there. The Government was not avuncular to it. It did not run the rule over all of the members. It is up to the members to declare what they feel about it. For myself, speaking for the Government, we believe there are too many diverse reasons for people going to a hotel and they should not have thrust upon them the need to sit and listen to bingo being played. It is as simple as that.

If a charitable or religious organisation wants to make some money it should hire a hall, make supper available, and play bingo at those premises.

The Hon. D. K. Dans: What about if a club wishes to raise money?

The Hon. G. C. MacKINNON: It can hire a hall and let the members who wish to play bingo attend for that purpose.

The Hon. D. K. Dans: What about a club which has a hall, as I stated?

The Hon. G. C. MacKINNON: I think the Leader of the Opposition should sit back and keep quiet, and allow Mrs Vaughan to conduct her own legislation.

The Hon. D. K. Dans: Mrs Vaughan has already spoken.

The Hon. G. C. MacKINNON: She can always interject. If we are speaking about a matter involving social welfare—giving away money to Aborigines and that sort of thing—there is always an interjection.

The Hon. A. A. Lewis: I think that is unfair.

The Hon. D. K. Dans: Wait until I circulate that around Mr Lewis' neck of the woods.

The Hon. G. C. MacKINNON: I can only speak for a small group in this Parliament.

The Hon. D. K. Dans: I would not do it to Mr Lewis.

The Hon. G. C. MacKINNON: I cannot speak for the other members. I hope they will agree with the point of view put forward so ably by Mr Masters.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [8.00 p.m.]: I thank the three members who have made contributions to this second reading debate. The Hon. Gordon Masters picked up a technical point on which I would like to enlarge. Again, I bring some pressure to bear on the Government to see that private members, when preparing Bills, can be properly advised on the form a Bill should take.

The Hon. G. C. MacKinnon: Why did you not ask Mr Evans or Mr Bertram? They are both qualified lawyers.

The Hon. GRACE VAUGHAN: The Leader of the House suggested that I should ask advice from a member of my own party.

The Hon. G. C. MacKinnon: Well, they are very helpful.

The Hon. GRACE VAUGHAN: They consider that the Parliamentary Draftsman ought to have been allotted this task. He should be the person to draft the Bill. A member who is involved in the introduction of a private member's Bill ought to be able to bring it to this House in a way that properly covers the desires of a member of Parliament introducing a Bill. In this case, because Mr Gordon Masters has picked up a small technical point, he thinks the Parliamentary Draftsman was outsmarted. But the Parliamentary Draftsman, of course, has to perform this task along with his other duties as a full-time member of the Public Service and nobody would like to see him neglect his duties, as Commissioner of Titles in order that private members' Bills can be properly presented to this House.

I think this is a matter for concern and I hope that you, Mr President, might take up this matter with the Government. It is very important that the Opposition, if it is to bring forward points in

order to change the law, should be able to do so in a proper parliamentary form. The Opposition ought to be able to introduce private members' Bills properly drafted to bring about the result which was in the minds of the people who indicated their intentions that a change should take place.

There was plenty of evidence that there were people in the community who were concerned that bingo could not be played on licensed premises. When the Leader of the Opposition began to speak I thought that if one has friends like him, who needs enemies? However, he pointed out that at least we could make some inroads into the barrier which faced those people who wanted to conduct bingo on licensed premises. It could be the committee of a football club of a country town. I would remind country members that the majority of the replies I received were from country towns. Those people felt they were deprived in that they were not able to run bingo in their comfortable licensed premises, and had to use draughty halls.

The Hon. A. A. Lewis: You have previously made statements about country towns and got into trouble.

The Hon. GRACE VAUGHAN: In this case, I am backed up by 247 replies in favour of bingo on licensed premises. I give an open invitation to all members in this House to look at the 247 replies I received. They will see that many of the letters apply to their own provinces. The people in those country towns have been very vocal, and they are asking that this provision should be implemented. Bingo should be permitted to be played on licensed premises.

I was a bit disappointed that the Hon. Gordon Masters could not think up some sort of argument other than a purely technical one. I would like to know the attitude of the Government to this matter. We have heard the ideas of the Leader of the House.

The Hon. G. C. MacKinnon: No, I expressed the view of the Government. I thought I made that quite clear.

The Hon. GRACE VAUGHAN: It was the opinion of the Government which the Leader of the House expressed. It was very weak. I felt that at least the Hon. Gordon Masters knew what was in the Bill and what was taking place in the community, but the Leader of the House does not seem to understand that it is possible to separate physically people who are making a noise from those who do not want to be involved in the noise. The Leader of the House seems to think that willy-nilly everybody will suddenly be involved in

bingo with people calling out at the top of their voices.

This is not a simple matter. It is similar to another Bill I was successful in having passed in this House, but which was not passed in another place. On that occasion I set out that simply because one does not impose punishment for an act that one will be forced to perform that act. You, Mr President, know what I am referring to there.

I feel the reply from the Government has been very weak. Personally, I am not very committed one way or the other.

The Hon. G. C. MacKinnon: Why did you put the Bill in?

The Hon. GRACE VAUGHAN: I put the Bill in because there have been so many requests from people, particularly those living in the country, for this provision.

The Hon. G. C. MacKinnon: I think if you put in a Bill then you ought to be committed.

The Hon. GRACE VAUGHAN: I explained that we received requests from several clubs concerning the playing of bingo on licensed premises.

The Hon. G. C. MacKinnon: I think you ought to be committed when you take such action.

The Hon. GRACE VAUGHAN: I wrote to 300 clubs and I received answers from 252 of them. A total of 247 said they wanted the right to play bingo on licensed premises. Of that number, 165 were from country towns where they felt the need greatly and expressed their opinion very strongly that there should be an alteration to the relevant Act. Even if we did pass this measure, and there was some amelioration of the present rigid conditions, perhaps we would be on the way to the sort of thing Mr Masters was talking about.

It seems to me the Government saw some merit in my proposal, because Mr Masters has not said there is anything wrong with it. He simply said it was not drafted correctly to achieve fully that which I am out to achieve. In that case, surely he could have consulted the Attorney General and then introduced another Bill.

The Hon. G. E. Masters: It is your Bill.

The Hon. GRACE VAUGHAN: The point is that the matter has been introduced into this House. It has always been said that this is a House of Review and is not divided directly on party lines. All that hogwash is not true. Here we have a case where the expressed will of the people comes before us and because of a technicality we are told it simply cannot be considered.

The Hon. G. C. MacKinnon: You were very careless.

The Hon. GRACE VAUGHAN: It is simply a physical matter of moving people from one room to another. That seems to be the only reason the Government is against the Bill. The Government does not feel that people who go to clubs and hotels should be submitted to the noise associated with bingo. It is quite obvious that the numbers game will apply again in this House, as it always does.

The Hon. G. E. Masters: That is not true.

The Hon. GRACE VAUGHAN: The numbers game will apply because of the malapportionment. The Bill has been introduced in good faith to bring about a change, and to provide some benefit to the community. However, the Bill will be defeated because of the obstinacy and lack of thought on the part of the Government.

Question put and negatived.

Bill defeated.

DEATH DUTY ASSESSMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 23rd August.

THE HON. W. M. PIESSE (Lower Central) [8.10 p.m.]: I do, of course, support this Bill. However, because of some of the remarks which have been made I feel I must speak a little about it mainly from the point of view of people running family farms. The iniquitous probate tax has fallen heavily on those people in years gone by, and I am pleased to see that it is about to be removed.

A section of the family-farming people have suffered because of probate tax, and those who have suffered most have been the wives of deceased farmers. It is not a case of having cash in hand to pay probate tax. When one runs a family farm there is not a lot of cash about. A widow, already burdened with the grief of losing her husband, had to face the possibility of losing her farm in order to pay this probate tax. This has occurred on farms where, all through the years, the farmer paid his income tax assessments and other taxes.

It is all very well to say that any person can plan his future business, in order that the farm can meet probate duty. That could apply if a man lived to be 80 or 90 years of age. However, from

my experiences one has to be prepared for the occasion when a husband dies before he reaches a mature age and while his children are still little. Until recent times, no account has been taken of that type of situation and it has been very hard on many women living in country areas.

Another matter which I think is not generally understood by people in the metropolitan area is that when the husband in a farming family dies it becomes immediately necessary to employ labour. That is an added expense which faces the widow. Of course, there is also the education of the children to be considered. In the case where land has been taken up as a commercial investment, by a professional person earning a living in another way, that is different.

I am pleased to see that the Government is moving to reduce this tax. The former legislation which provided some mitigation on spouse-to-spouse bequests was really only a matter of postponing the ultimate tax, because if the surviving spouse died before the children were old enough to take over the running of the farm then, of course, the children paid the extra amount of probate duty. It really was an unfair tax against farming families.

These days, of course, farms are run as true family concerns. Much of the work on the farm is shared by the wife as well as by the husband. In a few cases only, the probate tax applies to the husband and the children. I think the Bill will be gratefully received.

THE HON. M. McALEER (Upper West) [8.14 p.m.]: I indicate my support of this Bill and I would say that many years ago, when I first took an interest in the abolition of death duties, it was mainly because of my interest in the farming community. But since that time, it has always been Liberal policy that any relief granted in the matter of death duties should apply to all sections of the people so that no-one would find his livelihood jeopardised by the payment of death duties, no matter to which part of the community he belonged.

The Hon. Roy Cloughton mentioned, I think, that wage earners are now catered for by progressive abolition. There will always be people who will advocate death duties are a means of distributing wealth, or simply to provide Government revenue. Such people argue that those who are likely to incur death duties normally have time to prepare themselves for the day that may arise.

In my experience it is not really the wealthy or those sophisticated in business practices who suffer through the payment of death duties. It is

those who, like farmers, inherit assets, the value of which far outstrips the income derived from them, and the small businessman whose operations are hindered or sometimes crippled when his small capital is used to pay probate tax. Death duty affects people who lack ready money for expensive provisions and the people who lack the knowhow to set about providing against death duty. It affects people who are victims of family circumstances, perhaps sons and daughters whose parents would not face up to the problem. There are people who are depressed by the thought of death, and to plan for their own death seems in some way to bring it closer. There are other people who will not divest themselves of property; quite rightly, they are reluctant to do so because they need the security for their old age.

I remember during the late 1960s costs were already rising, and there was a rise in the value of farming properties brought about, I think, by a great spate of investors from the United Kingdom and the Eastern States. People who inherited farming properties at that time found themselves with greatly increased death duties because property values had risen suddenly, excessively, and I believe, quite unrealistically. Even the people who had made provision for death duty certainly had not made sufficient provision in view of the rise in value.

In the rural sector today conditions are no better. The increase in farm costs is much greater than the general inflation increase. Incomes have diminished, and yet property values have remained unrealistically high. The farming community is in no better position today than it was then. From either the Labor Party or the Liberal Party point of view there is no point in forcing sales or forcing the breaking up of farming properties. There is no point in crippling small businesses. What we need is a healthy viable farming community to stop flight from the land. What we need also is a healthy independent small business community to give employment and general stability.

The progressive abolition of death duties will aid these things to be done, and it will recompense the Government for the loss of the revenue which it will incur by this abolition.

I support the Bill.

THE HON. N. E. BAXTER (Central) [8.18 p.m.]: I cannot recall how many times I have spoken on this particular subject in this Chamber. I know that on many occasions I have spoken about death duties, and I have advocated always that eventually death duties should be phased out.

While discussing this particular Bill, of course, one cannot help referring to the other measure which is complementary to it. Jointly these measures will do what the Government promised it would do before the election in 1977. The abolition of death duties has been the policy of the National Country Party for many years, long before Senator Negus was elected to the Senate. For many years we have advocated the phasing out of death duties, and if one researched this matter one could find many speeches in *Hansard* to this effect.

The measure before us is a follow-up to the legislation of 1977 where the spouse-to-spouse death duty was phased out. In other words, from last year a widow or a widower who is the beneficiary of an estate is exempt from the payment of death duty on that estate.

The Bill before us will do several things. It will give no relief during 1978, but from the 1st January, 1979, to the 31st December, 1979, the amount of death duty will be reduced by 50 per cent. In other words, some relief will be provided in that beneficiaries will pay 50 per cent of the death duty as set out in the 1973 tables. The Bill then provides that during the following year death duties will be phased out completely.

In my opinion this is a very good move because it will have several consequences. People will not have to seek ways and means to dispose of their estates by giving them away, by forming trusts, or by using the type of devices that have been used over the years to try to avoid the harsh effect of this iniquitous tax. As the Hon. Win Piesse pointed out, estates are built up during a person's lifetime, and the person building up an estate pays tax during his lifetime. It is certainly not fair to apply another tax after a person dies.

Some people work very hard on farms or in their businesses to build up a sizeable asset. Particularly in the case of farmers, usually the wife and children of a farmer have also worked to build up the asset. When the farmer dies, his beneficiaries are taxed on his assets, and frequently properties have to be disposed of to meet the death duties. My party has opposed this tax very bitterly over the years, and particularly so where a property must be disposed of to meet death duty.

If my memory serves me correctly, death duties were imposed initially to raise money for the Government. It was never intended that this tax should continue forever; it was intended as a temporary measure. As we all know, once a tax is imposed, it is very hard to get rid of it. Fortunately it looks as though we will succeed in

abolishing this tax by 1980. There will be many sighs of relief in this State when death duties are finally phased out.

As a National Country Party member I must support the Bill and I must compliment the Government for introducing it. I would have liked the complete abolition of the tax in this year, but we must be satisfied with small mercies. We look forward to 1980.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [8.23 p.m.]: I oppose this Bill. I have taken note of the remarks of National Country Party members, and may I say at the outset I have always been sympathetic to their point of view. However, I have been also very mindful that a number of steps could have been taken without this sweeping reform.

In my opinion the Bill will prove most beneficial to the wealthy in Western Australia and not to the farmers who own some property, no matter to what extent the Commissioner of Taxation may value it. I am aware, of course, that some legislation has recently been passed by the Federal Parliament, but I am not sure whether it related to gift duty or to estate duty. When these measures were first introduced into Parliament, I reminded members that Commonwealth death duties would remain in respect of estates over a certain valuation. This will mean that what we lose on the hurdey-gurdey we make up on the roundabout.

I would like to refer members to some figures. Less than 0.3 per cent of the existing capital in Australia is being taxed each year for estate, gift, probate, and succession duties. So that is not a very large amount of money at all.

Apart from the immorality of the measure, it is an exercise in political irresponsibility. If we take something away, we have to put something in its place. If we reduce death duties, and particularly in this situation of economic belt-tightening, then we must find this money somewhere else. I would like to refer members to pages 1898 and 1899 of *Hansard* of the 6th October, 1977, and particularly page 1899 were the Premier said—

I remind members that when we talk about taking something off by way of taxation and putting something on by way of expenditure, somebody has to pay.

I agree with the remarks of the Premier on that occasion, but they are still applicable today. That is the situation we are faced with, and we do not need to look very far to see who will pay. The pensioners will have to meet increased electricity charges. Motorists will have to pay more to

license their vehicles. More recently, by actions taken by the Federal Government, we will all pay a great deal more for petrol. In the not-too-distant future the State will need to levy further taxation to stay solvent.

The consumers of water from the Metropolitan Water Board have been hit to leg, and no member of this Chamber—and indeed no member of this Parliament—can say that he has not heard a great deal about this. Any member who says he has not heard complaints about these charges would probably be telling fibs. No-one expected that the increased charges would be backdated to the time the water meter was last read.

The Hon. G. C. MacKinnon: It has always been like that.

The Hon. D. K. DANS: I know that, but the average man in the street did not realise it. I have used the same argument that the Leader of the House is using now, although it is not really an argument; it is a statement of fact.

The users of public transport have been affected. Rail and shipping freights have been increased, as have been many other charges in the community. Already in the north-west of this State, in the area that Mr Tozer and Mr Withers represent, State Shipping freights have risen by some 15 per cent between Port Hedland and Darwin, if my memory serves me correctly.

The Hon. D. J. Wordsworth: Port Hedland and Darwin?

The Hon. D. K. DANS: Yes, the increase in the freight charges applied from Port Hedland to Darwin. I know some of the reasons for that, but nonetheless it is an increase.

In this financial year the revenue from death duties will be reduced by \$250 000, and next year by \$4.9 million. At the same time charges have been raised to obtain a huge amount of money for the Government. I suppose this is of academic interest only; it was stated in another place that 1 per cent of the Australian adult population own 22 per cent of the present wealth. I know that percentages do not impress a great number of people, and I do not suppose statistics and percentages impress me a great deal. However, to go further on with this exercise, 5 per cent of the Australian adult population own 46 per cent of the wealth, and 10 per cent control almost 60 per cent of the wealth of all Australians. This is what we are talking about. I hate to disillusion members of the National Country Party and other members who represent country electorates.

The Hon. N. E. Baxter: We are not disillusioned.

The Hon. D. K. DANS: I see the point made by members of the National Country Party. However, if they listened carefully the other night they would be aware that I referred to a quotation, "The Lord giveth and the Lord taketh away".

The Hon. A. A. Lewis: I think the other night you said, "Lead kindly light".

The Hon. D. K. DANS: We know that someone was looking for the other way.

The Hon. A. A. Lewis: You have not seen your way through the gloom yet.

The Hon. D. K. DANS: The Government should stop and take note of all these increases. If death duties are abolished, other taxes must be increased.

The Hon. W. M. Piesse: But while they are alive.

The Hon. D. K. DANS: And the honourable member's heirs would be taxed after she is dead. One of the things which confuses me with the Premier is the way he changes direction. He seems to have lapses of memory from time to time. He says one thing one minute and something quite different the next.

Let me return to the point: I suppose there are many supporters of the Labor Party who are clapping their hands with joy that this tax is to be abolished. However, very few of them realise that they would never be affected by probate duty, anyway, and very few realise the full implication of this legislation.

On his return from a tour of the USA, the United Kingdom and Europe, the Premier predicted something of a taxpayers' revolt. Most members would have seen television programmes relating to the taxpayers' revolt which occurred in California. As members would know, they have a democratic system. When they vote for their State politicians, they have a number of points they vote upon, as they do for many of their public figures. Understandably, the point relating to certain taxes bolted in. The State of California now has a great problem on its hands as to where it is going to get the money to replace these lost taxes.

That is my point, and it is the genesis of my opposition to this Bill: From where are we going to replace the \$4.9 million? I have already told members where some of it will come from. Already in the United States, television programmes reveal that people are getting on the bandwagon and saying they do not intend to pay taxes. This is the start of moral decay which sets in in a country. No country or civilisation has ever

been defeated by its own technology; defeat has always been preceded by a moral decay. I see this as part of that decay.

Yet only nine days after he returned from overseas and talked about a taxpayers' revolt, the Premier was responsible for imposing on the people of this State enormous increases in charges. Perhaps the Premier believes in self-fulfilling prophecies; I do not know. Members opposite are closer to him than I am; perhaps they will be able to tell me if that is the case when they rise to take part in this debate.

One could just imagine what could be achieved if we had that \$4.9 million available which will be lost as a result of this legislation, or even if we had the revenue lost by a 50 per cent reduction. Can members imagine the roads we could build in the Pilbara or the housing we could provide or the pensioners to whom we could give some relief? Can they imagine the jobs we could find for the unemployed and what we could do for our depressed building industry, which would feed money back into the economy?

The Hon. N. E. Baxter: You are spreading your butter pretty thin, are you not?

The Hon. D. K. DANS: Sometimes Mr Baxter does not listen; I did not say all of them. Can members imagine what this money could do for regional development in Geraldton or Bunbury, or for the youth of this State?

The point I am making is that, although I could be on my feet supporting this Bill if it were presented in more favourable economic circumstances, I oppose its introduction now, when we have the Prime Minister of Australia telling us that life was not meant to be easy, and promoting—and, successfully, because he has been winning elections on it—a policy of, "Blood sweat and tears" and saying, "Do not worry about unemployment; when I get inflation down I may be able to do something about unemployment"; when we have the Prime Minister preaching a policy of wage restraint and engaging in a running battle with the Arbitration Commission in trying to influence it to bring down real wages; and when he has introduced a Budget which falls most heavily on the people of this country.

Just to give members an example of how the Federal Budget will affect the people, a person on \$7 500 in November will pay 10 per cent more tax while a person on \$30 000 in November will pay only 4 per cent more tax. With all this happening in the Federal sphere the Premier has the audacity to come into Parliament and put into operation part of his policy—I wish to goodness he would get to work on the other parts of his

policy—which will have the effect of denuding the State Treasury of some \$4.9 million in a full year.

Of course, already the Premier shrewdly has taken the necessary step to recover that money by imposing on the people of this State massive increases in charges.

We have been told the Premier plans to introduce legislation to provide for State taxation; however, the Premier says he does not intend to use it. Let me return to what Mr Baxter said; namely, that once legislation is on the Statute book, it can be used and it will be used and that once a taxation system is put into effect—whether it is of a temporary or long-term nature—it is very hard to get rid of it. I agree with Mr Baxter.

I oppose this legislation because of the time at which it has been introduced, when our unemployment rate is rising, and when taxes and charges on the people of this country have been increased. I have already pointed out that only 0.3 per cent of the people of this country will benefit from the abolition of death duties, succession duties and estate duties. With that in mind, I would like members opposite who support this Bill to stand and tell me where that \$4.9 million is going to come from.

It has been said there are some people who are going to save an illusory amount but there are a whole number of people who are going to pay very dearly for the abolition of this tax. I am not making a self-fulfilling prophecy; I am quoting the Premier's own words that "if you take something away, you have to put something back". I never said that; the Premier said it. He returned from overseas and predicted a taxpayers' revolt and nine days later, imposed on the people of this State the biggest increase in charges we have seen in years.

It is about time Governments in this country, and Parliaments in particular, became responsible to all the people over the whole of this land, because the ordinary people—and the ordinary people are "the people"—are going to be called upon to subsidise this \$4.9 million. That is the reality of the situation. I oppose the Bill.

THE HON. D. W. COOLEY (North-East Metropolitan) [8.37 p.m.]: Like my colleague, I oppose the Bill. I believe this legislation demonstrates that the Liberal-National Country Party—or Country Party, or whatever they call themselves; let us say the "conservative parties"—Coalition takes the reverse attitude to that of Robin Hood in that they rob the poor to benefit the rich. I agree with my leader in that this is a badly timed piece of legislation at this period of our history. I can sympathise with Mrs

Piesse and Miss McAleer in the situation of family farms; it is quite iniquitous that a person must sell his property for the purposes of paying probate duty. However, surely to goodness legislation could make some provision for that, and not go all the way at this time.

The Hon. A. A. Lewis: What about small business people?

The Hon. D. W. COOLEY: The legislation could make provision for that situation, too. The Minister in his second reading speech said that this legislation represented the remaining two steps to finalise the Government's undertaking to abolish this tax. The Government proposes to abolish the tax altogether to allow the wealthy people of this country to avoid paying this form of taxation; yet the same Government will abolish pensioner concessions for the purpose of increasing its revenue.

The situation which has developed over the past few weeks is quite disgraceful. This Government is almost completely controlled by country people; a look around this Chamber will confirm that statement. The inner Cabinet of the Fraser Government is controlled by wealthy squatters and people in affluent situations. It is a party which is maintained, supported and upheld by the rural section of this community and it has brought down legislation to abolish pensioner concessions in order to reduce Government spending. The Government has increased the prices of all commodities enjoyed by the working people and the less affluent sections of the community, yet we see the State Government bringing in a Bill such as this, which will remove the obligation of wealthy people to pay taxation.

The Hon. A. A. Lewis: What rot!

The Hon. D. W. COOLEY: I am sorry; to pay probate duty, which is a form of taxation. Everybody, regardless of his position, will be absolved from the requirement to pay probate duty. This will be at the expense of people in less affluent circumstances. It would not matter a damn to 60 per cent of the people of this country if probate duty were imposed; this Bill does not mean a thing to them.

The Hon. A. A. Lewis: It is only because this Government has progressively eased it off that those 60 per cent have it so good now.

The Hon. D. W. COOLEY: Ten per cent of the people of this country control 60 per cent of the wealth, and they are the people for whom this Government is catering. I agree that the Government should have made provision somewhere along the line to provide relief to the people Mrs Piesse and Miss McAleer referred to,

but there was no need to abolish the tax completely.

We have seen a Budget brought down recently by a political party which is of the same philosophy as the people introducing this Bill in the Western Australian Parliament that has gone to the lengths of abolishing maternity allowances and removing tax deductibility concessions for young married couples, all for the sake of cutting Government spending. Then we find this Government reducing its revenue by introducing legislation of this kind.

The Minister's second reading speech contained no rationale to justify this legislation, except to say that it was Government policy, enunciated at the last election. It was not Government policy when this Government reduced workers' compensation benefits during the last session of Parliament. That was plucked out of the air, and working people in difficult circumstances had their benefits taken away from them all for the sake of reducing Government expenditure. That has been the policy of this Government, right through.

What is wrong with charging probate duty on realisable assets? Why should that tax be removed at this time? If we were expanding Government spending and there was plenty of money in the Government coffers, perhaps there would be some justification for removing this tax. We could justify it by saying that the Liberal Party is supported by these wealthy people and is carrying out its policy and doing something for the people who put it into power. That would be fair enough.

However, members opposite should be consistent; they should not on the one hand say that there is not enough money in the Government coffers and, on the other hand, introduce legislation designed to reduce the revenue received from a particular source.

Right along the line, from 1975 when there was a change of Federal Government, there has been a tightening up of Government spending and working people have been called upon to pay more taxes. Why is it at this time a small percentage of the population will not have to pay a certain type of tax?

This is an immoral piece of legislation when one considers the charges levied against low and moderate income earners in this State. It is something the Government ought to have a good look at. Someone has to pay for the loss of revenue. Is the Government going to make it up from the pensioners? The means test for people over 70 was reintroduced in the last Federal

Budget to cut down on expenditure, yet this sort of legislation is to be introduced. When this Bill comes into effect everyone, regardless of his circumstances, will be exempt from payment of probate duty.

It is not an appropriate time to bring in such legislation. Mr Baxter has said the farmers pay their taxes and when a farmer dies, and a family farm is involved, part of the farm assets has to be sold to pay the probate duty. Of course that is true, but do not working people pay taxes also?

Working people pay taxes. However, when the Liberals gained power they reduced benefits applying to the working people. Their pensions have been cut back and their concessions eroded. The Liberals reapplied the means test in respect of people 70 years and over; people who have paid taxes for many years. These people will have their income reduced after they have given a lifetime of service to the country.

However, with this legislation, tax relief will be given to people in ultra-wealthy circumstances. Everyone will be affected; not only people with farms but also people like Alan Bond and Fraser who are millionaires and similar sorts of people; people who inherited their money. All these people will benefit from this legislation. It is a disgrace for it to be introduced at this time.

I know it is in line with Liberal Party policy to look after the wealthy, but the Government should not be robbing the poor to give to those wealthy people. When we go out and say that probate duty is being abolished everyone throws his hat in the air, but in fact there are very few people who will benefit from it; very few people in moderate circumstances.

There will be people who have family farms who will benefit, but why was not this defined in the Liberal policy? I know of people in my time in the trade union union movement who had to sell their houses. I know of a widow in Mt. Hawthorn who had to sell her house in order to pay probate duty. She was not a farmer; she was the wife of a worker. Probate was abolished and something was done to rectify the position of people in her situation, which is good. This legislation goes further than bringing relief to people with family farms; it abolishes probate duty for people who are in the position to pay it. Most wealthy people have inherited their money; they have not earned it.

The Hon. N. E. Baxter: Many have.

The Hon. D. W. COOLEY: Not many. Most wealthy people have inherited their money. I repeat: We in the Labor Party when we are in office look after the working people and people in

poor circumstances. That is our job. I know it is the job of the Liberal and Country Parties to look after people who are in wealthy circumstances.

The Hon. G. C. MacKinnon: Rubbish.

The Hon. D. W. COOLEY: I do not blame those parties. If they are elected by wealthy people they must look after them and that is to their credit. I believe political parties should look after the people they represent.

The Hon. D. J. Wordsworth: You must be a lousy representative of the people you represent.

The Hon. D. W. COOLEY: But now is not the time to introduce this legislation when the Federal and State Governments are putting so many screws on under-privileged and low income people. The Federal Government has brought in increased taxes and increased charges and when that Federal Government appears before the Industrial Commission at its next sitting it will say these taxes and charges should be disregarded and should be discounted from movements in the Consumer Price Index.

So workers will not get any benefit from the Consumer Price Index. Furthermore, tonight we are asked to agree to legislation that will absolve wealthy people from large payments of money into the revenue of this State. This legislation is immoral and it is absolutely wrong and inappropriate for it to be introduced at this time.

THE HON. H. W. GAYFER (Central) [8.52 p.m.]: After that tirade from the honourable member who has just resumed his seat I await with some interest to hear how my upper House representative of Parliament is going to speak on this issue, and I refer to the Hon. Ron Leeson who represents my home town of Corrigin. I know he must feel concerned about probate duty and the general inequity of this tax as it applies right throughout the agricultural areas he represents. I will be surprised if he does not vote with the Government on this legislation.

So much has been said about it over many years and I am sure if the Hon. Claude Stubbs was here he could indicate the trials and tribulations that have been inherent in this tax which was introduced as a temporary wartime measure to satisfy a particular need.

Nevertheless, the Hon. Don Cooley stated this legislation was robbing the poor to pay the wealthy; that it did not provide anything for the workers. I was amazed when I heard the Hon. Des Dans talk about the increase in taxes and one thing and another. When I look around this Chamber I do not look at the people who might be from the country. I am more inclined to look at those who worked for the Government, either as

teachers, social workers, or something else, and who have never had to earn anything like a day's pay from hard work except by existing long enough to get automatic promotions as they came along.

So we can look at this matter through two portions of the spectrum. It is quite easy to criticise if one knows what one is talking about.

The Hon. D. W. Cooley interjected.

The Hon. H. W. GAYFER: I know all about the drunken sons of squatters the member talks about. There are not too many who would fall into such a category. The Hon. Don Cooley has a fetish about this sort of thing and he just does not understand what it is like to have a farm and suddenly have the head of the family die. Certainly it is handed down from father to son. It is only ours for a time. We do not wish to realise on our farms; we want to keep them going.

My father said to me, "Mick, you will never have any money unless you sell out or pay probate; then you will know how wealthy you are." When my father died I had to find £20 000; that was the probate I had to pay. I personally owed £1 200. I did not have the money and I wanted to take the case to court because I did not agree with what the probate office said.

I asked what value the probate people put on the land. They valued it at £10 an acre. I then offered to get a truck and bring the land down and dump it in St. George's Terrace.

The Hon. D. K. Dans: How deep were you going to go?

The Hon. H. W. GAYFER: It does not matter. No-one wanted the land. The authorities wanted blood. We had to sell up or get rid of it. It is the blood of what we inherited; of what our people handed down. It is the very thing that made Australia what it is. My father fought for years to clear that land with an axe. It was hard work.

The Hon. D. W. Cooley: Someone had to make the axe.

The Hon. H. W. GAYFER: That is true, but my father knew how to use it and that goes for a lot of other farmers.

The Hon. R. T. Leeson interjected.

The Hon. H. W. GAYFER: It is also true of many prospectors who went out and dug holes and managed to find something. Under this legislation they do not have to pay probate. A few years ago we reduced probate so that we could let the workers off the hook and progressively probate on smaller estates was abolished. The Hon. Don Cooley is now saying we should not go any further as it will affect only the wealthy farmers.

Mr Cooley would be absolutely amazed if he were to have a look at the bank account of what he calls the average wealthy farmer. If he were to look at the accounts of the people who make this world tick he would realise exactly what they are doing for machinery firms and those involved with hire-purchase companies.

The average farmer prefers to be farming; that is all he wants to do and that is what he is entitled to do. There are people other than farmers who have fought like hell for years to get rid of this tax. Mr Leeson has supported this because he fully realises what it is all about.

The Hon. F. E. McKenzie: He has referred to the 10 per cent who own 60 per cent of the nation's wealth.

The Hon. H. W. GAYFER: The member kept bringing up wealthy squatters.

The Hon. Grace Vaughan: You keep bringing up lazy workers.

The Hon. H. W. GAYFER: I said they get it easy, and they do. Do not tell me that Government employees do not get extra wages by promotion or that promotion does not come automatically. Otherwise why did we introduce the Public Service Bill to provide that they have to earn their promotion from now on? That is one of the wisest pieces of legislation to be introduced for some time.

The Hon. D. K. Dans: Some get corns on their hands while others get corns on their brains.

The Hon. H. W. GAYFER: Mr Dans said people are having to dig deep to make up for this \$4.5 million. What do we pay into the superannuation fund for teachers and other government workers? This is a matter that covers the whole spectrum.

The Hon. D. K. Dans: Don't talk about superannuation or I will talk about the State paying for ours.

The Hon. H. W. GAYFER: That would be interesting.

Several members interjected.

The Hon. H. W. GAYFER: Members opposite are the ones who are complaining.

The Hon. Grace Vaughan: What about inheritance? What did you do to earn that farm?

The Hon. H. W. GAYFER: We do not get superannuation. We do not get that sort of thing.

The Hon. Grace Vaughan: You do not need it; you have plenty.

The Hon. H. W. GAYFER: The honourable member does not know. This is the stupid thing about it. She would not have a clue. She was in

Greece recently. I would have liked to be there too, but I could not afford to go.

I support the legislation and agree with Mr Baxter that it does not go far enough quickly enough. In my opinion the whole lot should have been lifted at a faster rate than is the case.

It is interesting to hear Mr Cooley and others blame the Liberal Party and NCP for introducing the legislation. It is interesting to note that the first move was by the National Party-Liberal Party Government of Queensland. The same arguments Mr Cooley raised were voiced over there. However, I guarantee that if the Government changed, probate would never be re-introduced. I do not know what members opposite are crying about. This is something which had to go, and as far as I am concerned the sooner it goes the better.

What about people in drought areas? Their farms are still valued, but they have no money. In fact if they are on the breadline the Government gives them \$20 000 a year to keep them going. If someone in the family dies, not only must the survivors pay back the debt, but they must sell the farm to pay probate duty. It is the most iniquitous thing I have ever struck and I am absolutely amazed that the Labor Party is opposed to the legislation. I thought the ALP had enough support in the country to realise this was the very thing the country people wanted them to do.

The Hon. D. K. Dans: I doubt we have the support you reckon we have.

The Hon. Grace Vaughan: All country people are not wealthy; some live in the towns.

Several members interjected.

The Hon. H. W. GAYFER: I do not know why the Opposition is getting excited. Perhaps I have hit a bit close to the mark.

I support the legislation and sincerely hope the elected representative of my area will vote with me when I vote with the Government.

THE HON. V. J. FERRY (South-West) [9.04 p.m.]: I support the legislation and I am quite amazed at the attitude of the Opposition speakers because they are a little narrow in their view of the measure.

The Hon. D. K. Dans: We do not oppose it. We want to know where the money will come from that you are losing.

Several members interjected.

The Hon. V. J. FERRY: The interjections typify the narrowness of the views of members opposite. They do not seem to understand. Mr Gayfer touched on the subject, and he was ever so correct. People are called upon to pay death

duties whether they are in country areas or in the metropolitan area, and whether they are engaged in agricultural or other rural pursuits or commerce. If a business undertaking, of any nature, is viable and flourishing it creates a climate which is beneficial to the community. From those flourishing concerns flow benefits to the community. That is what our philosophy of life in Australia is all about. Those who are able to support the less fortunate in the community do so by paying taxes and dues. However, if a person goes out of business because the payment of death duties takes away the wherewithal and tools of trade—and land or business pursuits can be tools of trade the same as a hammer is to a carpenter—he does not have an income. In addition there is less employment for people. There is less decentralisation in regional areas. I do not like the word “decentralisation”, but it has been mentioned tonight. A snowballing effect follows and that is why I say the Opposition view is narrow. Members opposite cannot see beyond the dollar sign, but there is more to the community than dollars.

When, by the passage of the legislation, death duties are eventually abolished, a great service will be done to the community. Hopefully we will have viable industries creating employment and the productivity which is so important today. Indeed, productivity is the keynote of all successful countries and we need plenty today. If we cripple firms—be they farming or commercial firms—there is that lessening of strength in the community itself. Therefore the Opposition is very narrow in its view when it opposes the legislation.

Mr Gayfer mentioned the drought areas and the fact that the Government has seen fit to prop up some of the people in the communities concerned. So it should, because the strength of the community relies on those people. When they experience better seasons they become active and their farms become productive. They then pay more tax and are in a better position to employ more people. Then there will be increased numbers of children in schools and more teachers will be able to earn a living. That is what it is all about. It is a broad spectrum and does not just involve the narrow view of dollar signs.

I support the measure.

THE HON. G. C. MacKINNON (South-West—Leader of the House) [9.08 p.m.]: Understandably this is a measure which has excited some interest. I am a little disturbed that it has produced the hard-line approach expressed by a couple of members of the Opposition. Mr Cooley, I suppose, was quite predictable because

he has almost a fixation with regard to people who own property.

The Hon. D. K. Dans: The Bill is not about people who own property. Why not tell the truth?

The Hon. G. C. MacKINNON: It is about farmers.

The Hon. D. K. Dans: It is not. Come off it!

The Hon. G. C. MacKINNON: Mr Cooley does not have a fixation about money. He has a fixation about anyone who owns property.

The Hon. D. K. Dans: You did a good job of hoodwinking the NCP.

The Hon. G. C. MacKINNON: Mr Cooley does not object to people owning money. He had no objection to Rex Connor—none at all. He was a very rich man but Mr Cooley had no objection to him. The late Harry Strickland was a very wealthy man.

The Hon. D. K. Dans: His heirs paid probate!

The Hon. G. C. MacKINNON: Mr Cooley has a fixation about people who own property, not money.

The Hon. Grace Vaughan: It is not a fixation.

The Hon. G. C. MacKINNON: He is almost paranoiac. I am glad the Hon. Grace Vaughan interjected because she is nearly as bad.

The Hon. Grace Vaughan: I have not officially said anything.

The Hon. G. C. MacKINNON: The problem with regard to probate and the reason it became a measure which people disliked was that it was so totally selective in regard to those it affected. It really was paid by only a small group of people who found themselves in the position Mr Gayfer described. In other words, they inherited a property.

The Hon. D. K. Dans: No it didn't. I am sympathetic to Mr Gayfer's group.

The Hon. G. C. MacKINNON: Some of us come from big families. We are all fully aware of different members who are farmers, business people, or whatever. We know the ones in our families who have been able to avoid the payment of probate duty and those who have not been able to avoid it. Strangely enough—and I say this for the satisfaction of Mr Cooley, to a lesser extent of Mr Dans, and to an increased extent of the Hon. Grace Vaughan—the wealthy ones do not pay probate duty.

The Hon. D. K. Dans: They are too shrewd for that.

The Hon. G. C. MacKINNON: Anyone with any brains does not die rich. He dies poor.

Several members interjected.

The Hon. G. C. MacKINNON: I wish I was as smart as Mr Lynch. Let us not start on the avoidance of tax. The Federal Government is making a prize ass of itself because that is the wrong line to take, too.

The PRESIDENT: The question before the Chair will not allow you to discuss that.

The Hon. G. C. MacKINNON: I am fully aware of the stringencies applied by the Chair. Mr Cooley's paranoia with regard to rich farmers is quite misplaced. The main worry with probate duty concerns its total iniquitous nature. We all know the sort of situation I have in mind. Let me quote one example, and with this one I may strike a sympathetic chord in our President. Let me take the situation of someone who happened to own shares like the Poseidon shares. Supposing a person had a fair amount of his estate tied up in Poseidon shares which went up to the outrageous price of, say, \$200 at the time of his death, when the shares would be valued for probate. Six months later when he had to sell the shares to pay his probate duty—

The Hon. D. K. Dans: I thought he was dead!

The Hon. G. C. MacKINNON: His wife had to sell the shares to pay probate duty when the shares were worth \$20, but they were valued for probate at \$200.

The Hon. D. K. Dans: You know that is not truthful. You know there are Commonwealth courts to which appeal can be made. The law is not that inflexible.

The Hon. N. E. Baxter: You read the Act.

The Hon. D. K. Dans: There are plenty of cases to prove you wrong.

The Hon. G. C. MacKINNON: There are plenty of practical situations to prove that in principle what I am saying is right. There are ups and downs on the market. It is true that the probate people are not totally hard-hearted and inflexible. The point I am making is valid. Probate is a completely unfair tax.

The Hon. D. K. Dans: I think all taxes are unfair.

The Hon. G. C. MacKINNON: No, they are not. There are a few which are quite equitable.

The Hon. D. K. Dans: Excises I loathe.

The Hon. R. G. Pike: Did you say "exercise"?

The PRESIDENT: Order!

The Hon. G. C. MacKINNON: The kind of person who deals in stocks and shares could in the past, because of his company ramifications, frequently avoid a lot of the problems. One can

argue that probate tax was brought in initially in order to have an effect on bigger estates and ensure they did not accumulate and accumulate. People argued to that extent. Nevertheless, probate as it has applied in recent years has affected in the main people who own a property—the people about whom Mr Gayfer spoke and about whom Mr Cooley has a terrible fixation. Many of the people who are extremely wealthy have found methods of avoiding the payment of full probate.

The Hon. D. K. Dans: Tell me where you are going to get the \$4.9 million and perhaps I will agree with you.

The Hon. G. C. MacKINNON: That is a perfectly valid question and I think it deserves an answer. Let us use Mr Gayfer as an example; everyone knows he has a magnificent property. It is very difficult for anyone in that situation to cover up the assets. One can get a valuer to drive around the property and say what it is considered to be worth at the date of death, and probate has to be paid on that. Let us suppose we strike a period, as has often happened, when the market return for the products from the property has not been particularly good but it is just on the upswing. The property has an appreciable value but the situation in relation to money in the bank is not good. We all know about heartbreaking cases where people have to find \$X to pay the probate, either by raising a loan against the property or selling part of it.

The Hon. H. W. Gayfer: Or get an extension from the probate commissioner.

The Hon. G. C. MacKINNON: All of which means paying interest, and that is really the great killer.

Let me refer to the worker whom Mr Cooley keeps mentioning. He asked, "What about the man who made the axe?" The axe was made by a man who pressed a button, because it was drop forged.

Several members interjected.

The Hon. G. C. MacKINNON: Mr Gayfer is not that old. Axes were not made by blacksmiths in those days.

The Hon. H. W. Gayfer: I would love to help you. My father was 52 when I was born.

The Hon. D. K. Dans: Actually, it was a bronze axe.

The Hon. G. C. MacKINNON: It sounds to me as though it must have been a stone axe.

Let me revert to the question Mr Dans asked. He got up and with great aplomb and conviction said, "We are losing \$4.9 million." What a

profound statement! One might just as well say, "The bucket must be kept full of water, it has a hole in it, so let us put more water in it."

The Hon. D. K. Dans: The Premier said that.

The Hon. G. C. MacKINNON: Of course he said it. There is a method of raising money which is considered to be inequitable. It hits a very small section of the community. Mr Cooley would like to see it continued because he has a fixation about farmers. But it is considered not to be a fair tax, so we want to get rid of it. If people want a continuation of the services the Government provides, the tax has to be made up in another way. There is no argument about that.

The Hon. D. K. Dans: You have already got the money in before you wipe this off.

The Hon. G. C. MacKINNON: If the Leader of the Opposition knows it has to be made up, why make a 20-minute speech about it? He asked me to tell him whether it has to be made up and I have said, "Yes." He quoted the Premier and said there would be a tax revolt. He is talking about proposal 13 and the tax revolt in the south-west American States.

The Hon. D. K. Dans: It will have disastrous results.

The Hon. G. C. MacKINNON: It might well do but we still have a long way to go to reach the situation in the socialist countries about which the Leader of the Opposition speaks so much. Our taxation has a long way to go to reach their levels.

The Hon. D. K. Dans: You have a fixation. I think you are twisted and your thread is to the left.

The Hon. G. C. MacKINNON: The Leader of the Opposition is very clever the way he twists things around. A great deal of thought has been put into the matter of abolition of probate duty. Strangely enough, the only people who have stood up and said they were opposed to it are the Leader of the Opposition, the Hon. Grace Vaughan—

The Hon. Grace Vaughan: I did not stand up.

The Hon. G. C. MacKINNON: No, I am sorry; the honourable member made her speech sitting down. The other member who said he was opposed to it is the Hon. Don Cooley. The Hon. Don Cooley and the Hon. Grace Vaughan we can understand.

The Hon. D. K. Dans: Mr Claughton spoke about this last week.

The Hon. G. C. MacKINNON: I do not want to speak about Mr Claughton because he is not here to defend himself. The point I am making is this is probably the most sectional tax we have at

the present time. Mr Cooley is quite wrong when he keeps on about the rich. His instincts are right, in that it is a tax which affects the property owner; but it is not a tax which really affects the rich because the rich can almost invariably avoid it by one means or another. The people who cannot avoid it are mainly property owners—farmers, not the people who own houses. The people who find the tax almost impossible to avoid are the people who get their livelihood from an area of land which they must retain in order to earn a living. We who live in the country, and those who live in the city and read the newspapers intelligently, know these are the people who are paying probate, and they are almost without exception the only people who are paying probate.

To that extent the Government considers the tax to be unfair and has put to the Parliament the proposal that we should gradually abolish it. That is what this Bill is about and I commend it to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

DEATH DUTY ACT AMENDMENT BILL

Second Reading

Debate resumed from the 22nd August.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [9.26 p.m.]: This Bill is complementary to the one we have just dealt with and contains the rates of duty applicable to estates of certain values. It carries out the intentions of the Death Duty Assessment Act Amendment Bill.

To be consistent, I must also oppose this Bill, and I want to take the opportunity to make some comments about the general tone of this debate. I do not think these Bills are divisible, because they deal with the same matter.

Our opposition to this Bill is similar to our opposition to the previous Bill. Perhaps we could have gone along with the very sweeping reforms the legislation puts into operation had they been brought forward when the economy was in better shape. I am very mindful of the problems faced by the rural community, but I have said by way of interjection that probably the greatest enemy of the farmer is the Liberal Party itself, which very

successfully hoodwinks the farmers and the NCP over and over again, not only on the question of the abolition of death duties but on a whole range of other issues. The Bill will not do a great deal for farmers. It will do something for them, but the bulk of the people in this country are not farmers.

A survey was recently carried out in this country, and I have already mentioned the amount of wealth owned by a certain percentage of the people. The point I want to make in respect of this Bill is that there has been a deliberate attempt to slant it to the farming community, but the survey showed that most wealthy people either inherited their wealth or depended upon family or bank connections for large sums of initial capital, and this money was available only because previous generations had accumulated wealth through exploitation of immigrant groups, women, the labour of those employed, and the meagre savings of those workers who trusted them.

I have not mentioned socialist countries. I believe they have much more stringent methods of taxation. However, I say again that it is very ill-timed legislation. I am aware of what the Premier said in his policy speech, and he is implementing it. Next year the legislation will result in a loss of \$4.9 million to the State's revenue, and that amount has to be made up. Massive increases in charges have already been implemented, and those are the areas where that amount will be made up. No-one denies the right of people who have slaved on the land to accumulate certain assets, but there should have been a cut-off point in this legislation and some regulations covering exemptions. This is the area of our opposition. No-one wants people to become bankrupt from paying death duties. However, when we examine this tax through to its ultimate end we find all the iniquitous inequality it promotes.

For those reasons, I continue my opposition to this Bill.

THE HON. D. W. COOLEY (North-East Metropolitan) [9.30 p.m.]: I rise to oppose this Bill and for the purpose of rebutting some of the statements made by the Leader of the House in the debate on the previous Bill. It does not surprise me greatly that the Leader of the House should be advocating tax avoidance; and it takes one's mind back to the grubby deals done by members of the Liberal Party over a short period of time. One can refer to the bribery and tax avoidance of the previous Federal Treasurer, the bribery of a Minister in the Federal House, the rigging of seats and shady land deals by a person by the name of Dickie in Victoria; and finally to the Withers affair. Therefore, I do not think it is

surprising that we should have the Leader of the House advocating tax avoidance.

The PRESIDENT: Order! I would ask the honourable member to refrain from referring to members of other Parliaments when making his comments in this place.

The Hon. D. W. COOLEY: It is a little surprising, Mr President, to find there are people in responsible positions in Government circles who advocate wholesale avoidance of tax, because we all have to pay tax in some way or other or else the country will cease to exist. It is the responsibility of all of us to pay tax.

The Leader of the House also said I have a fixation about people who own property. For his edification I own property myself and I certainly have no fixation about people who own property. In my remarks on the previous Bill I did not say that I am opposed to this tax not being applicable to family farms, as the Hon. Win Piesse implied.

I have risen to oppose the Bill on those grounds. Like the previous Bill it is an iniquitous measure and it is an inappropriate time to introduce legislation of this nature.

THE HON. N. E. BAXTER (Central) [9.32 p.m.]: As I said in my earlier remarks, this complementary Bill contains the tax tables which will apply from the 1st January, 1979; and they are reduced by 50 per cent compared with those of the 1973 Act.

The comment by members of the Opposition that wealthy people have inherited their money from estates is far from factual. In the time since I was a young chap attending school I suppose not even 5 per cent of all the people I have known from those days would have inherited their estates or their wealth; the rest have all accumulated any wealth they have through years of working. It is so much eyewash to say these people have all inherited their wealth. The majority of farmers whom I know, including some who took over from their fathers, have worked hard on their farms. Those who have taken over from their fathers inevitably have had to take on a heavy mortgage and have had to work hard to build up the wealth they now have. Prior to that they worked on the farm with their parents.

I have known Mr Gayfer since he was a very young man. I know that he worked very hard on his property when his father was alive. He was probably younger than 21 when I first knew him, and he and his father built up everything he has on his property. This applies to many people. I could refer to many businessmen in this city who started off with nothing and who have built up quite large businesses. They are not extremely

wealthy, but they are reasonably well off. Yet as a result of this iniquitous tax when those people pass on their beneficiaries must borrow money or mortgage the business to meet the bill. This talk about such people inheriting all their wealth is so much poppycock.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

House adjourned at 9.37 p.m.

QUESTIONS ON NOTICE

MINING: BAUXITE

Alcoa: Environmental Review and Management Programme

242. The Hon. LYLIA ELLIOTT, to the Attorney General representing the Minister for Conservation and the Environment:

- (1) Has the Environmental Protection Authority's report on Alcoa's Environmental Review and Management Programme yet been printed?
- (2) If not, when is it anticipated that it will be printed and available to the public?

The Hon. I. G. MEDCALF replied:

- (1) and (2) The honourable member is referred to the answer to question 1273 in the Legislative Assembly on the 23rd August, 1978.

TRAFFIC

Road Traffic Authority: Personnel and Motor Vehicles

243. The Hon. MARGARET McALEER, to the Leader of the House representing the Minister for Police and Traffic:

Would the Minister advise—

- (a) the number of personnel employed by the Road Traffic Authority in the country areas; and
- (b) the number of cars and motor cycles currently in use in country areas?

The Hon. G. C. MacKINNON replied:

- (a) 181.
- (b) 120 cars.
16 motor cycles.

DAIRYING

Milk: Quotas

244. The Hon. N. McNEILL, to the Minister for Lands representing the Minister for Agriculture:

- (1) For each of the years 1976/77, 1977/78, how many licensed dairy farmers—
 - (a) surrendered their whole milk quotas to the Dairy Industry Authority;
 - (b) transferred quotas to other licensed dairymen;
 - (c) were allocated whole milk quotas by the Dairy Industry Authority?
- (2) What was the total quantity of quota milk involved in each case as referred to in (1) above?

The Hon. D. J. WORDSWORTH replied:

	1976/77		1977/78	
	Number	Total Litres	Number	Total Litres
(1) and (2)				
(a)	32	15 849	27	12 662
(b)	14	5 770	8	3 621
(c)	89	21 805	14	3 430

NOTE: 106 quotas (total 25 970 litres) were granted during 1975 for supply from January 1, 1976.

CONSERVATION AND THE ENVIRONMENT

System 6 Report

245. The Hon. R. F. CLAUGHTON, to the Attorney General representing the Minister for Conservation and the Environment:

Further to my question No. 203 of the 16th August, 1978, regarding the Environmental Protection Authority report on System 6, in answer to which the Minister referred to Assembly answer No. 949 of the 3rd August, 1978, which however did not answer the question asked by myself, will the Minister advise when the above report will be made available for public comment?

The Hon. I. G. MEDCALF replied:

The honourable member's persistence in this question suggests that there may be some confusion as to the proposed sequence of events. To clarify the situation once and for all the procedure will be as follows:—

- (1) The Environmental Protection Authority is expected to receive a report from the System 6 Committee towards the end of this year.

- (2) The Environmental Protection Authority will seek public comment upon that report as part of its assessment.
- (3) The Environmental Protection Authority will make recommendations to the Government based on that assessment.
- (4) When the Government has made its decision in respect of those recommendations the EPA report will be made public.

ELECTRICITY SUPPLIES

Payment of Accounts

246. The Hon. LYLA ELLIOTT, to the Attorney General representing the Minister for Fuel and Energy:

- (1) Is the Minister aware that many persons on Social Security Benefits and other low income families, are suffering real hardship through disconnection of electricity due to inability to pay their bills?
- (2) If so, will he give consideration to—
 - (a) a rebate scheme for persons on low incomes, e.g. Social Security Benefits; and
 - (b) the introduction of a system of progressive payments of accounts for such persons to obviate the problem of the consumer finding a large sum when the quarterly account arrives?

The Hon. I. G. MEDCALF replied:

- (1) The number of disconnections for non-payment of accounts has not increased markedly in proportion to the number of accounts issued. The social circumstances of those disconnected are not generally known.
- (2) (a) The State Energy Commission is a trading organisation required to produce a commodity for sale and cannot give concessions to one section of its customers without increasing the cost to others.
- (b) The introduction of any system of progressive payment of accounts will cost more to operate and hence will reflect directly in increased energy charges.
An additional charge should not be imposed on customers, the majority of whom prefer to do their own budgeting.

LAND

Market Gardens

247. The Hon. F. E. McKENZIE, to the Attorney General representing the Minister for Town Planning:

- (1) Bearing in mind the increasing transportation costs which will eventually have to be met by the consumer, and the loss of market gardening areas to urban residential development, has the Government, through the Metropolitan Region Planning Authority, set aside suitable land with a cheap and plentiful supply of water solely for market gardens?
- (2) If so, where, or if not, why not?

The Hon. I. G. MEDCALF replied:

- (1) and (2) While the metropolitan region scheme does not specifically zone land for individual uses, there are adequate areas zoned for rural use within the metropolitan region both north and south of the Swan River. New gardens are developing as some of the inner areas are being affected by expanding urban areas.

HEALTH

Fluoridation of Water Supplies

248. The Hon. LYLA ELLIOTT, to the Leader of the House:

Which areas of the State still do not have fluoride added to the water supply?

The Hon. G. C. MacKINNON replied:

All areas of the State with the exception of the Perth metropolitan area, areas served from Mundaring Weir and Wellington Dam, and the towns of Geraldton, Albany, Manjimup, Esperance, Broome, and Derby still do not have fluoride added to the water supply.

RAILWAYS

City Arcade Booking Office

249. The Hon. F. E. McKENZIE, to the Minister for Lands representing the Minister for Transport:

- (1) How much is Westrail paying in monthly rental for the City Arcade Booking Office?
- (2) What other additional annual charges for rates (water, Council, etc.) are incurred, if any?

The Hon. D. J. WORDSWORTH replied:

- (1) \$1 444.
- (2) Approximately \$3 900.

QUESTIONS WITHOUT NOTICE

QUESTIONS

Rules Applicable

1. The Hon. LYLA ELLIOTT, to the Leader of the House:

I would like to ask a question following the reply to my question 242 on today's notice paper. The answer given by the Attorney General referred me to the answer to a question asked in the Legislative Assembly on the 23rd August. As the answer to that question consisted of four lines only, obviously the reason for his reply was not to save space in *Hansard*. I would like the Leader of the House to inform me whether it will be a practice from now on in this Chamber that we are not permitted to ask questions which have been asked already in another place?

The Hon. G. C. MacKINNON replied:

I find it alarming that members who have been here a number of years have not seen fit to find out the rules that apply to the asking of questions. As you would be aware, Mr President, and certainly as Mr Hetherington would be aware because he is very knowledgeable in matters dealing with parliamentary procedures, the system of answering questions in this place is quite generous. However, one of the rules laid down in May's *Parliamentary Practice* is that it is improper to ask a question when the information is available to members within easy access in a printed form. *Hansard* is regarded in Parliament as being a proper printed form and it is quite correct that members should be referred to that source.

I am not singling out Miss Elliott on this occasion, because I have answered members of the Government parties in exactly the same way. The principle is that it is not a proper role for the Government and Government officers to undertake members' research. Properly members should do their own research. If the honourable member likes, I will obtain a copy of May's *Parliamentary Practice* and mark the passages she ought to read so that she can be aware of the principles covering the answering of questions.

QUESTIONS

Rules Applicable

2. The Hon. LYLA ELLIOTT, to the Leader of the House:

I wish to direct another question to the Leader of the House in view of his rather insulting reply to the question I just asked.

The Hon. W. R. Withers: It certainly was not insulting.

The Hon. LYLA ELLIOTT: The question to which I was referred was asked the day before I prepared my question and as *Hansard* was not available at that time I could not obtain this information from a printed source. Will the Leader of the House please answer another question: Are we not entitled to ask questions similar to those asked in another place at the same time as they are asked in that place?

The Hon. G. C. MacKINNON replied:

It does hurt me that I should be so seriously misunderstood. There is no way that I would ever endeavour to be rude in this place, and particularly to a lady member.

The Hon. Lyla Elliott: Answer the question—come on.

The Hon. G. C. MacKINNON: When a Minister answers a question, he uses his own judgment. It is not uncommon to find members asking questions about the same subject, and it is not uncommon to refer members to answers already given. Certainly I imagine that in the case of questions asked on the same day, the common practice would be to give the full answer. However, the question to which the honourable member was referred was answered on Thursday, the 24th August. The questions and answers asked in another place are printed in the *Votes and Proceedings*. I am sorry, but I now find I am not sure of the date on which this question was answered. However, every member receives a copy of the minutes and I take it that they read them.

The Hon. D. K. Dans: Do you read yours every day?

The Hon. G. C. MacKINNON: Of course I do, when I have the time.

The Hon. R. F. Claughton: We do not receive copies of the *Votes and Proceedings* of another place.