

Legislative Council

Thursday, 26 October 1989

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

PETITION - LOCAL GOVERNMENT

Principles and Issues Paper - Proposals Opposition

The following petition bearing the signatures of 47 persons was presented by Hon P.G. Pental -

To the Honourable the President and Members of the Legislative Council of the Parliament of the State of Western Australia in Parliament assembled.

THE PETITION of certain Citizens respectfully sheweth:

WE OPPOSE the proposals in the Principles and Issues Paper published by the Western Australian Local Government Department in June 1989, because the main trend of the proposals are to:

1. CANCEL the people's powers to have petition-triggered referenda on council loans.
2. CANCEL the people's powers to have referenda about amalgamations of councils, or transfers of council territory.
3. DEREGULATE QUALIFICATION requirements for senior staff.
4. TAKE POWER to make by-laws away from councils, and give nearly all lawmaking and administrative power to the State Government, which may in turn later pass this power into other hands, such as to the Federal Government.
5. REDUCE ELECTORS' POWERS by having elections every four years instead of each year.
6. ATTACK THE RIGHT TO PRIVACY of Councillors and Staff, by compelling them to list prescribed interests and assets in a public register.

INSTEAD of the proposals in the Government's Paper, we ask Parliament to consider giving more power to Electors through giving Electors the right, if five per cent request a Policy change by Petition, to a Referendum, whose majority decision shall be Law.

AND your Petitioners, as in duty bound, will ever pray.

[See paper No 498.]

PETITION - VIDEOS

X Rated - Ban Maintenance Request

The following petition bearing the signatures of 204 persons was presented by Hon P.G. Pental -

To:

The Honourable, the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled:

We, the undersigned, being concerned that X rated videos may be allowed again in W.A. in response to a self-interest survey using methodology that is uncertain and inaccessible to the public, do ask that Parliament maintains the ban on X rated videos. Because Parliament has a strong obligation to protect women and children, and because Parliament exists to create an environment, by rules, in which the human personality, the human dignity and the human spirituality burgeons. Your petitioners, as in duty bound, shall ever pray.

[See paper No 500.]

A similar petition was presented, by delivery, by the President (294 persons).

[See paper No 501.]

STANDING ORDERS COMMITTEE - MINISTERIAL RESPONSIBILITY

Answers to Questions - Report

HON J.M. BROWN (Agricultural) [2.35 pm]: I am directed by the Standing Orders Committee to present its report on ministerial responsibility and the application of the convention of providing answers to questions in a representative capacity. I move -

That the report do lie upon the Table and be printed.

Question put and passed.

[See paper No 502.]

STANDING ORDERS COMMITTEE - ORDER OF THE HOUSE

Requirements - Non-compliance

HON J.M. BROWN (Agricultural) [2.36 pm]: I am directed by the Standing Orders Committee to report to the House that the committee is not in a position to comply with the requirements of the Order of the House relating to the repealing of Standing Orders Nos 15, 16 and 52, and the substitution of new Standing Orders, together with the addition of new Standing Order No 63A. The reasons for this non-compliance are the many time restraints placed on members, and the reference dealing with ministerial responsibility has taken longer to complete than anticipated. Accordingly the committee seeks an extension of time within which to report until Thursday, 23 November 1989. I move -

That the report be tabled and agreed to.

Question put and passed.

[See paper No 503.]

BILLS (3) - REPORT

1. Acts Amendment (Remuneration of Governor) Bill
 2. Justices Amendment Bill
 3. Heritage Enhancement and Preservation Bill
- Reports of Committees adopted.

CRIMINAL CODE AMENDMENT (DECRIMINALIZATION OF HOMOSEXUALITY) BILL

Second Reading

HON JOHN HALDEN (South Metropolitan) [2.41 pm]: I move -

That the Bill be now read a second time.

This will be the fifth time this Parliament has considered legislation to eliminate the intrusion of the Criminal Code into the private bedrooms of our citizens. Previous Bills were introduced by the Tonkin Labor Government, by the late Hon Grace Vaughan in 1977, and by Hon Robert Hetherington, who last introduced such a measure in 1987. Some members will recall that the Bill introduced by Hon Grace Vaughan was passed by a substantial majority in this House but was defeated in another place.

For quite a number of years properly conducted public surveys have indicated majority public support for the view that the sexual activities of consenting adults should not be regulated by the criminal law. A recent independent poll has shown a striking elevation in the level of community support for this position. *The Bulletin* published the results of a nationwide poll on the issue on 3 October this year, in which 74 per cent of Western Australians surveyed expressed support for decriminalisation. In fact Western Australia demonstrated the highest level of support, but in no State was the level of support below 50 per cent.

I have not introduced this measure because of the result of any poll or simply because it is supported by the vast majority of Western Australians. It is true that the level of support by the public and by the medical community, and resolutions by such groups as the Anglican Synod and even the Young Liberals' organisation indicate a groundswell of recognition that this measure is overdue. The reason I introduced this Bill is simply that I believe the present law is wrong. It is a violation of our civil liberties, a corruption of the Criminal Code and a blot on the Statutes of this Parliament. I take the view, which I hope will be shared, that this is not a political issue. Both the Government and the Opposition claim to be forceful advocates of individual and civil rights. Indeed the Opposition has gone so far as to establish a shadow minister for individual rights. I hope that he, with his keen eye for the defects in the criminal law, will encourage his colleagues to support this Bill.

I realise that some members hold strong religious or moral views which engender such distaste for certain sexual acts - not necessarily homosexual - that they believe the Criminal Code should continue to prohibit them. I ask such members to reflect upon the range of human activity, including other sexual acts, they regard as repugnant and ask: What unique feature is it which constitutes the criminality of the narrow range of sexual acts under consideration? In his very moving reply to the second reading debate on his 1987 Bill, Hon Robert Hetherington gave an account of an exchange with a woman protester, which starkly illustrates my point. He said -

Last time this Bill was before the House I had a discussion with a woman on the steps of Parliament House. She told me about her sister who was a lesbian and who had suffered a nervous breakdown and had experienced trouble getting over it. She said how terrible it was for her. I asked her whether, if I introduced legislation that would make lesbianism a criminal act, that would help her sister. I did not receive a reply. I do not get a reply from people who say that this is immoral and, therefore, it should be banned.

The historical origins of the homosexuality provisions of our Criminal Code are to be found in medieval church law. In fact in those times it was not uncommon for homosexuals to be executed. Following Robert Peel's reforms in the early nineteenth century the criminal law largely retreated from the bedrooms of the nation. The reprieve was short-lived, however, as an arbitrary and somewhat irrelevant Committee stage amendment to a criminal law Bill in 1885 extended the scope of the law to a range of private sexual activities. This amendment soon become known as the "blackmailers' charter" and there was ample evidence of its use for that purpose well into this century. By the 1950s prosecutions reached 2 000 per year in Britain; in the United States Senator McCarthy expanded his anti-communist witch-hunt to include homosexuals. A certain irony attaches to this in the light of the fate of his notorious counsel assisting.

The level of prosecution of homosexuals under the Criminal Code in Western Australia is low. About half a dozen public indecency cases are prosecuted each year, but it is many years since a conviction was secured under the private bedroom offences in sections 181 and 184. In general police tend to prosecute homosexuals under various public order offences in the Police Act; of course my Bill makes no attempt to deal with that area. There are a number of good reasons the Criminal Code would be better off without the provisions I propose to delete. Firstly the private bedroom offences are simply not prosecuted and the provisions are very difficult to enforce. In practice there are only two ways to obtain evidence to sustain a charge. One is a particularly sordid form of entrapment - for which I am assured the police have no enthusiasm - and the other is blackmail. Members who have read the Wolfenden report will recall the detailed discussion of cases of men who complained to police after years of blackmail and were themselves ultimately charged and gaoled for sodomy. The difficulty with offences like these is that they bring the law into disrepute and can even act as an aid to corruption in the Police Force. A discussion of this phenomenon may be found in the report of the Fitzgerald Royal Commission which in fact recommended that Queensland review its homosexuality and prostitution offences with a view to decriminalisation. Members may not be aware that the Western Australian Criminal Code is closely based on that of Queensland.

Clause 1 of the Bill is the short title, which is self-explanatory, although members should be aware that the offences contained in sections 181(1) and 181(3) of the Criminal Code are committed by more heterosexual than homosexual couples. Clause 2 is a standard provision

which allows some flexibility in bringing the provisions of the Bill into effect. This is desirable because, as I understand, a number of other Criminal Code amendments are currently being drafted, and at least one of them is likely to be introduced during this session of Parliament. Clause 3 simply sets out what we are talking about when we refer to the Criminal Code. Clause 4 clarifies the definition of carnal knowledge in the Criminal Code to ensure it covers anal penetration. This is important because the Bill extends a number of offences which currently apply only to women and girls to male victims. Clause 5 is the first substantive provision of the Bill. It repeals the offences of sodomy or permitting one's self to be sodomised, but retains the offence of bestiality. Members will note that the penalty for the offence of bestiality is reduced from 14 years to seven years of imprisonment. I am advised by those professionally concerned with the criminal law that seven years' imprisonment is more consistent with the structure of the penalties in those parts of the Criminal Code that have already been modernised. Frankly, I think the matter is somewhat academic, as offenders are much more likely to be dealt with under other legislation relating to cruelty to animals.

Members will also note that the revised penalties do not refer to hard labour or whipping. Again, this is academic, as both hard labour and whipping have not existed in practice for many years. Clause 6 of the Bill repeals section 183 of the code which deals with the indecent treatment of children under 14 years of age. The subject matter of this offence is dealt with under new sections 185 and 187 proposed to be inserted by this Bill. We will come to that shortly. Clause 7 repeals section 184 of the Criminal Code, which prohibits the public or private commission of any act of gross indecency between male persons or the procurement of a male person to commit such an act. The purpose of this Bill is to remove reference to private acts. Consequently, it is intended that indecent acts between males in public be dealt with under section 203 of the code, which addresses indecent acts in public generally.

This Bill increases the penalty for indecent acts in public from two years' to three years' imprisonment. Section 203 of the code contains the offence used to cover indecent stage shows and I am sure members will have no objection to the penalty increase. Section 7 of the Criminal Code already provides for an offence of procuring another person to commit an indecent act in public, so sections 203 and 7 together effectively take over the public order aspects of the repealed section 184.

In summary, all that is lost is the prohibition on indecent acts committed in private, and what is gained is a 50 per cent increase in the penalty for public acts. Clause 8 redrafts section 185 of the code in non-sexist language. The present provisions protect only girls. The proposed amendment extends that protection to boys. Clause 9 is the "age of consent" provision. The amendment redrafts section 187 of the code in non-sexist language - except in relation to proposed subsection (2), which ensures that the age of consent for homosexual activity is 18 years of age. Clause 10 amends section 189 of the code, which relates to indecent dealing. It redrafts the section in non-sexist language so that the protection offered is applied equally to males and females except in relation to proposed subsection (2) which is necessary to maintain an age of consent for homosexual activity at 18 years of age.

Clause 11 extends the offence of conspiracy to defile so that it applies to male victims as well as female. Similarly, clause 12 ensures that the defence of consent is unavailable to male victims as well as female victims. Clause 13 increases the penalty for offences under section 203, to which I referred earlier. Clause 14 amends section 205 of the code to ensure that it applies to male victims as well as females. Section 205 of the code states that it is immaterial that a person accused of a sexual offence against a juvenile was unaware that the victim was under age. Clauses 15, 16 and 17 are consequential amendments to sections of the Criminal Code that set out rules for the conviction of offenders with offences other than those with which they are charged.

This Bill is a morally and politically neutral one; it simply seeks to repeal a handful of anomalous offences relating to victimless crimes. It is not a Bill to encourage homosexuality - it expresses neither approval or disapproval. Regardless of whether the Bill is passed, the homosexual and heterosexual acts which it seeks to decriminalise will continue. It is far better that the practice of homosexuality occur within the proper legal constraints which this Bill preserves and which are consistent with community attitudes and the correct function of the criminal law. I do not believe that anyone in this House would

disagree with the very fundamental principle that the business of the criminal law is to maintain public order and to ensure that all citizens can live their private lives without hindrance or harassment.

I commend the Bill to the House.

Government members: Hear, hear!

Debate adjourned, on motion by Hon George Cash (Leader of the Opposition).

STAMP AMENDMENT BILL (No 4)

Second Reading

Debate resumed from 19 October.

HON MAX EVANS (North Metropolitan) [2.54 pm]: The reason for this Bill coming on before the Stamp Amendment Bill (No 3) may be that this Bill was rushed through the other place late in the afternoon after a long debate was held on Bill No 3. To considerable embarrassment for the Government, after the Bill had passed the third reading in the other House, it was found that the rate of stamp duty should have risen from 25¢ to 40¢, but the Bill was found to contain a figure of 4¢; therefore, it was a big reduction. The Government tried to rescind the motion to correct the error, but this could not be done and must be done in this House. It was a simple error, but the whole matter of rushing through legislation is very important. I realise that the Government has a 1 November deadline and desperately needs the revenue, but this deals with a large amount of money, although the Minister for Budget Management referred to the amount as very small in itself - when referring to the financial institutions duty - but the rate of 40¢ per \$100 is relevant over a lot of transactions.

The second schedule of the principal Act lists the range of items which come under it. It states -

MORTGAGE (LEGAL OR EQUITABLE), BOND, DEBENTURE, COVENANT, BILL OF SALE, GUARANTEE, LIEN OR INSTRUMENT OF SECURITY OF ANY OTHER KIND WHATSOEVER:

During the debate on the FID and tobacco Bills the Minister told the House what the increases in revenue would be with those Bills. However, we were not given a relative amount to compare with what would be raised by this Bill, apart from my reading of the amount mentioned in debate. The Minister did not even tell the House how much extra revenue would be raised by an increase from 25¢ to 40¢. The House should be given the courtesy of that information to gain a proper understanding of the second reading speech. I acknowledge that the speech had been written for a Minister in another place and copied by the Minister for Budget Management, who probably has not had time to refer to my recommendations yesterday; nevertheless, we should have proper figures to refer to. I hope the Minister will tell us in his reply how much revenue will be raised.

The Stamp Amendment Bill (No 4) is all about the rates and has nothing to do with the things done in the Stamp Amendment Bill (No 3). Looking at the rates, we should examine a letter dated 12 October sent by the Minister to the business community. This was obviously produced on a word processor and sent to many businesses. It does not carry the Minister's usual letterhead and looks as though it has been hurriedly typed on a computer to quickly inform the business community that this Bill would not hurt it and ask for comments. I quote from the Minister's letter as follows -

The State Government proposes to conduct a review the Stamp Duty Act, in respect of the imposition of duty and the administration of its collection.

I am writing to invite any submissions or comment from your organisation would like to have taken into account by the review.

The Minister has asked about the views of the community, but what about the magnitude of the problems raised in the debate in the other House on the Stamp Amendment Bill (No 3). The Minister does not mention in his letter the changes to the chattels, goodwill and exemptions involved in clause 33 of that Bill.

Hon J.M. Berinson: I did not memorise the letter, but I thought I asked people to take into account the other stamp duty legislation.

Hon MAX EVANS: I will come to that in a minute. The letter continues -

The State's narrow taxation base requires that any amendments to the rate and application of stamp duty should, for all practical purposes, be revenue neutral. This does not preclude the possibility of changes to the Act to remove anomalies, or to discontinue the collection of duty which is not justifiable on a cost benefit basis. It would also not preclude significant changes in some areas, provided that these can be matched by proposals that would balance any major revenue loss.

That all sounds very nice. We heard about this cost benefit basis when FID was introduced in 1983. It was introduced on the basis that the Government could cut out some of the stamp duty on a cost benefit basis and replace it with FID. That was one of the reasons given for the savings that would be made on stamp duty. As the Minister said, the hidden agenda is that any future change must be revenue neutral. I know the Law Society of WA and Association of Mining and Exploration Companies have been in touch with the Minister and he should realise, as we should all realise, that the legislation introduces major changes and massive increases to stamp duty. Not only do the changes introduce increases from 25¢ to 40¢, but also they affect how the legislation will be interpreted by the Taxation Commissioner.

When people complain about the increases after these Bills are proclaimed, the Minister will tell them that he understands all about their complaints but that the Government can make changes in future only after 31 December, provided those changes are revenue neutral. I believe there should have been far greater consultations with primary industries on clause 33 because it will be impossible in the future to obtain any justice for business groups because of this revenue neutral attitude. The Government must put these provisions through because they will raise a heck of a lot of money which the Government needs. The final paragraph states -

Parliament is currently considering a range of stamp duty amendments in the context of the current budget, and it is planned that these changes will take effect on 1 November this year. These amendments should please be taken into account in any comment that you make. Your response by 31 December 1989 would be appreciated.

If some of those organisations, business houses and lobby groups think they have been hard done by, any changes now would be taking away from the revenue of this State. The Minister has said that we must be revenue neutral because, if benefits are given to them, how will he recoup that money which is so desperately needed? The Minister does not say in the letter whether copies of the amendments were distributed. People should be aware that these amendments are being put through this Parliament. The Leader of the Opposition sent a copy of the amendments to business houses on 9 October, so I presume the Bill was introduced in the other place on 8 October.

Hon J.M. Berinson: We did distribute them widely.

Hon MAX EVANS: The Leader of the House in the other place did not confirm that copies had been distributed. There was nothing in his speech. We have no record of who received copies of the legislation. The Minister might like to tell us what organisations were provided with copies and how much information was given out.

It is not clear, from reading the Stamp Amendment Bill (No 3), what the changes will be. We need a good lawyer to look at the legislation. On last Thursday night, I was at dinner with some lawyers who thought that the debate had finished because the Bills had been completed in the other place. I was under the impression that stamp Bills which are the responsibility of the Minister for Budget Management are introduced in this place first. Those lawyers thought there was no point in going any further. However, I told them that there had been a lot of activity since the Bills had been introduced because many queries had been raised by law and accounting firms.

Hon J.M. Berinson: I believe most of those have been resolved following our discussions yesterday.

Hon MAX EVANS: We have heard of two problems that were resolved. The Opposition does not believe in the resolution becoming a tax ruling. It does not understand why the decision cannot be put into the next piece of legislation that we look at. In his second reading speech, the Minister said -

This Bill amends the second schedule, which contains the charging provisions of the Stamp Act. It gives effect to the increase in mortgage duty rates announced in the Budget speech, and is complementary to the Stamp Amendment Bill No 3, which puts those measures into effect. The amendment increases the rate of duty from a flat rate of 25¢ per \$100 on the sum secured to a differential rate of 25¢ per \$100 up to \$35 000, and 40¢ per \$100 over \$35 000.

That is slight relief to the man in the street. The second reading speech continues -

The Bill also inserts a minor cross reference and makes it clear that duty is payable on the transfer of all types of marketable securities as defined in the Act.

That is very innocent to anybody looking at what the duty will be which is what most people will look at on any taxation raising revenue. The Minister has not given us any figures for the revenue that will be raised by the increase. I will give the House some figures on stamp duty revenue raised on the rate of 25¢ per \$100. I am not able to tell the House what the figures based on secured mortgage documents at 25¢ per \$100 would be, but it would probably be irrelevant. Stamp duty raised in the financial year ending 1983 totalled \$123 million; in 1984, \$158 million; in 1985, \$199 million; in 1986, \$220 million; in 1987, \$223 million; in 1988, \$432 million; in 1989, \$543 million; and in 1990 a huge \$499 million. The crunch has come because we have been on such a high economically.

A lot of revenue has been raised over the last six years because the economy has been extremely buoyant in an extremely reckless market place. We all know that a lot of stamp duty has been raised from wheeling and dealing on the first and second boards of the Stock Exchange since 1983. Good luck to the Government! A lot of that money was raised by the exchanging of shares worth hundreds of millions of dollars. The stamp duty paid on \$270 million, which was the price paid for the Westralia Square deal, totalled \$11.25 million. That was in a year when the total amount raised by the State was \$123 million. Part of that block of land was sold by the Western Australian Development Corporation for \$20.5 million on which stamp duty totalled \$1.25 million. It was transferred to the Superannuation Board for \$33 million, which brought approximately \$2.5 million to \$3 million in stamp duty to the Government. A lot of stamp duty has been raised by the Government in the passing of that block around.

It is interesting to note, and I mentioned it before, that the Government is paying stamp duty when transferring property from one entity to another. Peculiar circumstances surround the \$10 million paid to the R & I Bank in respect of stamp duty on the transfer of the assets of Gold Banking Corporation to the R & I Bank. I cannot understand why that stamp duty would be paid, because the R & I Bank is supposed to be commercially neutral and to pay stamp duty at the same rate as any other business. The Minister did not reply to that question adequately, although his response was better than the answer supplied to Hon Phillip Pendal a few weeks earlier. I have raised the point that last year the revenue from stamp duty was \$543 million, and this year it is estimated to be \$499 million. I ask the Minister what would be the budgeted estimate of stamp duty revenue for 1989-90 had these amendments not been made. These changes will raise a great deal of revenue especially those detailed in the Stamp Amendment Bill (No 3).

Hon J.M. Berinson: Each of those is itemised in that Bill in the second reading speech.

Hon MAX EVANS: The Minister is referring to the anticipated increase, but I would like to know what the total revenue raised would have been.

Hon J.M. Berinson: Do you mean how much less than \$499 million would it have been?

Hon MAX EVANS: Yes. From quick calculations and discussion with certain industry groups I believe a lot of money will be raised in this area. Perhaps the Government does not realise exactly how much will be raised. Perhaps it will become a secret reserve. A Government which indicates a balanced Budget usually has one figure which can be moved up or down. It would usually keep a reserve up its sleeve. If it looks as though the surplus will be \$20 million, the Government can reduce the estimated revenue from stamp duty by \$20 million, and in that way present a balanced Budget. That is an acceptable practice, but the Opposition is entitled to know the facts. Some problems arose some years ago in terms of the financial statements of the Government because the money earned on the short-term investment money market accumulated year after year, and we did not know the true

financial position of the Government. Last year and the year before the Opposition was told there was a reserve of \$119 million, much of which was consumed by the Teachers Credit Society collapse. However, at least that information was provided and we could ascertain the true position of the reserves. Does the Government have any reserves; is this the true figure the Government expects to raise, or does it expect to raise more revenue than estimated because the legislation will bite harder than the Government has been led to believe? No doubt the Government has been given information by its advisers, but they may not give the Government all the facts. I believe the revenue will increase substantially.

The supplementary Budget information of 1985-86 indicates that stamp duty of \$219 million was raised on total taxation of \$728 million, representing approximately 30 per cent. The following year in 1986-87 stamp duty raised was \$273 million of \$833 million, representing 33 per cent. The duty was becoming more meaningful and that is why the revenue is increased now because the Government must continually increase that revenue. In 1987-88, \$432 million was raised on \$1 billion revenue, representing 43 per cent. It came back because of the boom in the economy during that last year, particularly leading to the crash of October 1987. A lot of dealings took place in that six months and many changes were made in rates and interpretations. In 1988-89, \$543 million was raised on \$1.28 billion, representing 42 per cent; and this year \$500 million will be raised on \$1.368 billion, representing 38 per cent. The percentage has dropped away. That is why the Government must consider a material increase in the revenue from stamp duty. Stamp duty and payroll tax are the largest revenue raisers of taxation for the Government. It is no good doubling the bookmakers' betting tax and licence fees from \$2.3 million to \$4.6 million. To do so would upset many people and it would not be effective. Any increases must be applied to the areas of highest revenue.

It is interesting to note the difference between the changes in revenue for stamp duty and revenue for payroll tax. Last year stamp duty raised \$543 million and this year it is estimated it will raise \$500 million; whereas the situation is reversed for payroll tax. Last year it raised \$450 million, and that amount is expected to increase by \$72 million to give a total of \$522 million. That increase is the result of inflation, increased rates of pay, and slight changes to the rate at which it is applied.

This Bill is all about raising money. I wonder where the Government will go next year if, as we are told by most of the financial experts, this country goes into a slight recession next year. The Minister may wish to give the exact figure in this State, but I understand that 70 per cent of the State Government's expenditure relates to wages and salaries of public servants, statutory authorities, etc, whereas at the Federal level between 10 and 12 per cent of the total expenditure is spent on wages. Of course, it is easier for the Federal Government to raise revenue and it spends a great deal on social benefits and the like, which changes the proportion of expenditure on wages. If the salary base is approximately 70 per cent of the total revenue, and that level will be pushed up by pressure from unions, inflation and so on, it will be very hard for the State Government to balance the books in the following year. We know that the reserve from interest earned on short-term investments accumulated over the best part of four years amounts to \$190 million. The Government accumulated a huge amount, but that has been eroded. There is not much this year and it is likely that any interest will be included in revenue as it is earned. I am concerned that the Government is imposing these extra taxes and stamp duty on the free enterprise sector, which is the group from which it expects the most help in the recovery of the economy.

An urgency debate took place in this House last December on the subject of stamp duty, and this related to the interpretations of the Act with regard to intellectual property, the value of a mining lease, or the work done and so on. ACM challenged the Government in court with regard to an interpretation. I do not know the outcome of that case and perhaps the Minister will be able to advise me. An additional \$1 million in stamp duty was involved in the interpretation of the legislation. It is very smart of this Government to be able to pick up an extra \$1 million on the basis of an interpretation. The company had not done anything wrong, and it had paid its taxes. The interpretation has raised a great deal of additional revenue. However, there is a limit to how much the Government can squeeze from the private sector. It can squeeze a great deal more from these transactions and will have the benefit of the additional revenue from the increase from 25¢ to 40¢; but, how much more can that be increased in the following year?

There has been a lot of talk about the rates applied in other States, but I will confine my remarks to Western Australia at the moment. The Government has increased the rate so that no-one will be aware of any disparity between the States. I was happy that the Minister did not refer to the variance on some transfers relating to sales and exchanges of property whereby Western Australia imposes 4.5 per cent tax on amounts above \$500 000 and another State imposes five per cent on those amounts. I hope he does not read that, because that will give him good reason to increase it.

Hon J.M. Berinson: We have read that, and in fact I have it ready to quote in my reply.

Hon MAX EVANS: The Minister is learning my style; I will have to change it. I thought the Minister might have done that; that is why I thought I would get in first. We must be grateful that the Minister has not done much about that.

The Minister for Budget Management is responsible for raising revenue. He has often been referred to as "No Joe". We used to think that was because he would say, "You cannot have any more money." I wish to goodness it was because he had said, "You cannot put up the rates any higher," because he would have done far more for the community, and we would have liked him a lot more.

It has been suggested to me that the base of \$500 000 for conveyancing for the sale and transfer of property should be indexed. I have only been able to trace the origins of that base back to 1982-83, although I have been told by a legal firm that the base originated in 1979. If we look at the application of death duties, the rate payable was not indexed to the rate of inflation, and the rates soon became obsolete because inflation had increased the value of deceased estates. Rather than indexing the base rate for stamp duty, the Government has gone about spending all of its revenue, and it has become caught in a cycle where it has had to increase taxes and charges continually.

Over the past two years it has written off a lot of money from the Consolidated Revenue Fund, and this money has not added to the income earning assets of this State. Huge sums of money have disappeared from the system to pay for the losses incurred by the Government's association with Swan Building Society, Teachers Credit Society and Petrochemical Industries Co Ltd. The Government Budget's surplus would have been more than \$200 million if it had not embarked on this massive spending program to enhance its image, and Western Australia could have been on the soundest financial footing of any State in Australia. This State had a booming share market and real estate market relative to its population.

Hon J.M. Berinson: All the States effectively shared in whatever boom was going on, and the fact is that, on all the major economic indicators, Western Australia remains ahead. It is not that Western Australia alone experienced boom conditions in isolation on the west coast. It is not just a matter of isolating a particular advantage which we had over here.

Hon MAX EVANS: I agree. The Western Australian economy has been a lot stronger than that of other States, for a variety of reasons, some of which I will give the Government credit for. The rural economy picked up; the mining sector improved.

Hon J.M. Berinson: I am saying it picked up everywhere, and the rates of stamp duty in other States have been consistently higher than ours.

Hon MAX EVANS: The Minister is overlooking the fact that this State receives a huge benefit from exports, which produce a higher proportion of this State's income relative to the rest of Australia.

Last night I read an interesting speech which Hon Phil Pendar had - it was one of the first speeches made in this House - on the value of goldmining in this State; and the goldmining industry produced a higher revenue than that from primary production when it first commenced operations in this State. A huge volume of money has been generated in this State, on a small population base. The Minister knows as well as I do that if his Government had not lost a lot of the revenue generated in this State, it would have had a considerable Budget surplus. The Minister should know that we cannot continue to spend up to every dollar which is raised; once we let our wife and children spend right up to our next increase in salary, we can have a lot of problems. That is what this Government has done, and that is why we have problems now.

In 1982 the stamp duty rate was 4.25 per cent, but with inflation in the value of property -

Hon J.M. Berinson: But inflation in costs keeps taking out the money, just as quickly as the inflation in prices might bring it in.

Hon MAX EVANS: Yes, but that sector of the community which is paying stamp duty has contributed more than its fair share in enabling the Government to keep up its level of expenditure. There has been a \$1.8 billion increase in Government expenditure from 1985-1990; a 60 per cent increase. Stamp duty revenue has increased from \$219 million in 1986 to \$542 million in 1988-89; a 250 per cent increase. There is a limit to how much more the Government can charge in stamp duty, because stamp duty is paid by the producers of this country. It is being paid by those people who decide to better themselves. It is not a bottomless pit; if things get tough, there will be a lower rate of turnover of property, and the Government's revenue from stamp duty charges will be reduced accordingly. I cannot see that the Government has any room to drag more and more money out of this sector of the community.

I ask the Minister to explain the differences between the Stamp Act and this amendment Bill in terms of the benefit of the differential stamp duty rate of 25¢ per \$100 on mortgages up to \$35 000, and 40¢ per \$100 on mortgages above \$35 000; it is not clear from the Minister's second reading speech because one has to read into the existing Stamp Act the provisions of this Bill, unless a new paragraph is to be inserted. The \$35 000 threshold has obviously been set to help those people who have a mortgage of less than \$35 000, but I would not have thought that would apply to many people at the moment, because of the average value of a property. Even though people are being encouraged to borrow money - for example, through the Government's Keystart program - I doubt that many people could buy a property with a mortgage of less than \$35 000 and thereby take advantage of the lower stamp duty rate.

This Bill is not just a simple revenue raising exercise; it is a total package, where two Bills have been introduced. The business community has been asked to give a response by 1 November about what it thinks of this legislation; and provided that its comments are revenue neutral, the Government will consider them. However, I know that if the amendments proposed in the Bill by the Government all go through massive injustices will result, particularly in the primary industry sector, as members probably have already heard from many people. The Government will not be able to rectify that if it is looking to its becoming revenue neutral. At this stage there is not much the Government can do now, because it is desperate to get the \$500 million to keep up the very high figure for stamp duty as a proportion of the total revenue of the State.

We are in the unfortunate position of having to support this legislation, much as I wish I could tear it up, like this, and throw it out. That would do a lot of good for the people in our community; but we cannot do that, so we support the legislation.

HON P.G. PENDAL (South Metropolitan) [3.31 pm]: There can be no doubt that the impact of the Bill will be a new tax on middle income earners in Western Australia, at least in one important respect; that is, of course, that these two Bills - the Stamp Amendment Bill (No 3) and the Stamp Amendment Bill (No 4) - will, in combination, introduce for the first time a tax by way of stamp duty on the chattels within a home. The reason that is a tax on the middle income earners is that it will not affect people on low incomes because they generally have access to pretty generous State Housing Commission assistance nowadays, and it will not really impact greatly on people who live in the greener suburbs because they can generally insulate themselves against it. Instead, it will do what taxation is increasingly doing under the Act; that is, making its greatest impact on middle Western Australia. That is the first and one of the most reprehensible impacts of the legislation: For the first time it will introduce a tax on a transaction that until now has been exempted. The justification we are given for the Government's introducing this measure is the rather curious notion that, since everyone else taxes it, we must get into the act as well. That is a particularly poor economic argument and it is an even poorer social argument as to why this Government would introduce a new tax.

In the course of my remarks I want to try to bring home in an overall sense the way in which the taxation system under the current Government has simply got out of control.

Hon T.G. Butler: Oh, not again! You don't even believe it yourself.

Hon P.G. PENDAL: It must be said until members on the Government side have heard this so many times that it will start to impact on even them - they who claim to represent the workers and the middle income earners of this State. If a member makes an interjection of the kind Hon Tom Butler has just made it is clear that he has not read the Bill. I do not know whether that is the case - whether Labor members are actually dissuaded from reading Bills or asked not to read them - but the fact remains that they seem to pick their moments to come in with interjections in a most incredibly inept and ill-timed way, when the facts speak precisely against what the member happens to be contributing to the debate.

Hon T.G. Butler: You have usually got your foot in your mouth.

Hon P.G. PENDAL: In the review that I suggest we spend some time on now, it is worth looking at the sort of growth in the revenues that we have seen in the seven successive Budgets under the current Government. If members look at those seven Budgets as an amalgam, they will note that we are seeing now the rate of taxation revenue in this State running at about three times the rate of inflation. I want to examine that in some detail for the benefit of the people who interject and who seem not to understand, or not to want to understand, these figures.

Hon T.G. Butler: You must admit you make a lot of mistakes with this sort of thing.

Hon P.G. PENDAL: The person who never made any mistakes never did any work, and that is what Mr Butler will never be accused of doing in this Chamber.

Hon T.G. Butler: What a character you are!

Hon P.G. PENDAL: I would prefer, Mr Deputy President, to direct my remarks to you.

The DEPUTY PRESIDENT: Order!

Hon Tom Stephens: Scurrying to the protection of the Chair!

Hon P.G. PENDAL: That is a reflection on the Chair. I think the member would be better off shivering in San Francisco - it is a pity he did not do a better job.

I wish also to direct my remarks to the Minister for Budget Management who is the Minister handling the Bill in this Chamber. For all the faults we find in him, generally he gives some sort of intelligent response, which is an accusation I cannot hurl at Hon Tom Butler and a few of his friends.

Hon T.G. Butler: Oh, you are catty!

Hon P.G. PENDAL: In the 1983 Budget we were looking at a projected State taxation revenue in the order of \$492 million, of which stamp duty in its various components was going to bring in roughly \$132 million. If we take the seven years as an amalgam, this is what we find. The total taxation has risen from the \$492 million to which I have referred already to \$1.3 billion in the year ending June 1990. That is an increase of 178 per cent over that period. The rate of inflation has probably been in the order of 8 per cent or 9 per cent, on average, over those seven years. If members accept that, they are looking at an increase in the Consumer Price Index of something like 63 per cent - or about 60 per cent. That is a level at which we would expect to see total State taxation revenues increasing, unless it is a case of State taxation revenues increasing at a faster rate. But of course, this is exactly what is the case, and I have already mentioned that State revenues have risen by 178 per cent at a time when inflation has risen by in the order of 60 per cent. Therefore the growth in the Government's revenues is continuing at a rate of about three times other costs in the community.

Hon J.M. Berinson: But you really must correct that, because you are talking about the rate of increase in State tax, which is an entirely different thing from the rate of increase in State revenues. This has been an exceptional area and Mr Evans has made that clear, but you cannot jump from one to the other.

Hon P.G. PENDAL: With respect, the Minister for Budget Management should listen to my argument for a little longer. I am confining my argument, but I am quite happy to broaden it to all forms of revenue that the Government has received over that period. Indeed, I did that in the place where it was most appropriate; that is, in the Budget debate. It is an untruth for

the Minister to tell this House that the Government's revenues have increased by six per cent when it can be demonstrated that those increases are of a far higher order.

Hon J.M. Berinson: We have given you chapter and verse.

Hon P.G. PENDAL: We know why it is necessary for the Government to go to the Commonwealth and do deals with it. The Government must pay for its Budget expenditure on its little rich millionaire mates down the Terrace; the Government had no right to make that expenditure in the first place.

Several members interjected.

Hon P.G. PENDAL: I am pleased to hear laughter as it proves members opposite have learnt nothing and forgotten nothing. I will return now to the remarks I made before the Minister's interjection. I refer the Minister to the dissection I was making not of the overall Budget figures, but the actual taxation revenue.

Hon J.M. Berinson: I am sure that is what you meant but at one point you slipped into talking about State revenues as though they also had increased by 178 per cent.

Hon P.G. PENDAL: I am obliged that the Minister picked me up on that because my speech today concerns the 178 per cent increase in State taxation revenues which has occurred under this Government. That 178 per cent increase has to be compared with the CPI increase which is something in the order of 60 per cent. I repeat that the people of this State have seen the Government's revenue increase at an alarming rate.

Hon J.M. Berinson: You have said it again - the Government's revenues!

Hon P.G. PENDAL: All right then, the Government's taxation revenues.

Hon J.M. Berinson: There has not been a huge increase there.

Hon P.G. PENDAL: I am quite happy to talk about that again, but even the Minister hides away from the truth when it is pointed out to him.

Hon J.M. Berinson: I am talking about 30 per cent.

Hon P.G. PENDAL: What is the Minister's 30 per cent?

Hon J.M. Berinson: State taxation is about 30 per cent of the total revenue.

Hon P.G. PENDAL: That is correct.

Hon J.M. Berinson: You have referred to a large increase which you purported to be in State taxation; you continually slip into references to State revenue as though the same rate of increase applies across the board. In fact, in the Commonwealth area it has gone the other way.

Hon P.G. PENDAL: It has gone the other way?

Hon J.M. Berinson: You keep denying it, but you can't change the truth of it.

The DEPUTY PRESIDENT: Order! I am giving a lot of leeway so members will receive the information they are seeking, but continual interchanges across the Chamber are very unfair to Hansard and to those who are listening to the debate. I ask members to desist and allow the Hon P.G. Pendal to continue.

Hon P.G. PENDAL: Thank you, Mr Deputy President. I am sure the Minister will take it as read that if I make such a slip in the course of the next few minutes talking about State revenues, he will know in advance that my analysis relates to State taxation revenues which, as I have already said, have increased by 178 per cent while Mr Berinson has been the Minister. It does not stop there. We are dealing with a revenue measure that specifically centres on stamp duty. Let us look at the Government's record in this respect.

Hon J.M. Berinson: We are talking on the mortgage duty aspect of the Bill. I have not wanted to raise this point but this Bill has a very narrow scope.

Hon P.G. PENDAL: The Bill is to do with stamp duty and whether the Minister likes it or not - and as he well knows - stamp duty has seven or eight different components and they all combine to make one revenue item called stamp duty. Therefore the Minister is not in a position to ask us to limit ourselves to one area of stamp duty income although I know that is what he would prefer us to do.

Hon J.M. Berinson: I would have expected a broad discussion on stamp duty Bill No 3.

Hon P.G. PENDAL: Since this Government has been in office we have seen overall State taxation revenues increase by 178 per cent. We have seen stamp duty revenue increase by 280 per cent; from \$132 million in 1983, to just short of \$500 million in the current financial year. That may well make some sense if the truth of the Government's argument over the years was adhered to. The Government has continually come into Parliament and told us there is a need to rationalise these things and a need to apply them more equitably in order to relieve the burden on the people in other ways. There has been no relief for people in other ways; indeed, the reverse has been the case.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Hon P.G. PENDAL: Before the adjournment and question time I was trying to demonstrate that had we been in a position where stamp duties had, in reality, been rationalised in order to relieve the tax burden in other areas. That would be a justifiable reason for continuing a reliance on stamp duty as a major source of income. Not only has the Government not relieved the pressure arising from any rationalisation, it has actually increased it. In the course of the last seven Budgets, we have seen the introduction of at least three other forms of taxation by the State Government. I refer to the financial institutions duty - and we have plenty to say on that recently - the casino tax and the soccer football tax. By any stretch of the imagination those matters have been tackled with relish and vigour by the Government. FID and the casino tax are now major forms of revenue. The soccer football tax has not reached the same stage. That is a mere \$600 000, but in the fullness of time I am sure the Government will, with some enthusiasm, find a way of jacking that up as well. The argument does not carry much weight and I was sorry to see the Minister, by way of interjection earlier, trying to sustain it. The Government can hardly say that it is relieving pressure on taxpayers when in fact it is increasing the rate of taxation over and above inflation levels. A Government can be forgiven, on occasion, for deviating from what might be normal and average increases. I guess all Governments have done that, and a case might even be made for extraordinary increases in the rates of different taxation sources. However, there is no justification for increasing the rate of various forms of taxation at the horrendous levels which can be shown to be the case since the Minister has been handling financial matters in this State.

During the past seven years, while inflation has risen by something like 60 per cent, land tax has risen by 123 per cent; stamp duty, to which we are now giving attention, has risen by 280 per cent; FID, based on the first year of operation, has risen by 250 per cent; payroll tax has risen by 99 per cent; liquor licences have risen by 210 per cent; tobacco tax has risen by something like 500 per cent, and a combination of betting taxes has resulted in a 178 per cent increase in that area. I hope the Minister will give the House some indication on this point, either in the next few minutes or in his response to the second reading debate. Although it was the Minister who required me to confine my remarks to what this Bill actually does, I understand that the legislation relates specifically to increases in mortgage duty rates announced by the Government in the Budget. The Minister referred to that when I remarked about the steep increases, as though my remarks about that sub item were of less relevance than in other areas he might have been prepared to concede. The facts are even worse when one looks at what happens in respect of stamp duty for mortgages because the rise there has been the highest of any form of stamp duty income over the past seven years the Government has been in office. It has actually risen by 600 per cent. In the 1982-83 Budget the estimate under stamp duty on mortgages was \$7.8 million. Today the Budget now before the House and the Bill now before the House envisage that amount being, not \$7.8 million, but \$44 million. That is a sixfold increase in respect of that tax, which takes on a significance far beyond many of the other taxes we are required to deal with. Even the criticisms the Opposition may have about payroll tax, FID or a whole range of other taxes do not really hold a candle to what has occurred with the increase in stamp duty on mortgages, which have risen from \$7.8 million to an estimated \$44 million this year.

I presume - and I hope I am right in this presumption, although if I am not the Minister will tell me - that this has become a much more lucrative form of income in this financial year by virtue of the fact that such things as the exemption on chattels will all but disappear. One

does not need to go very far to discover how that sort of impost has been introduced. It was introduced into the Budget in a fairly quiet way, presumably because people hoped that it would not get an awful lot of attention. However, members should understand what we are doing: We are being asked to sanction a huge leap of 600 per cent in stamp duties which attach to mortgage documents. To that extent the Government is again milking people who can least afford it. Earlier I said that the removal of the exemption on chattels is more likely to affect people in the middle income bracket and people dealing in medium priced homes and the like. People at the lower end of the scale generally will be assisted by Homeswest, and people at the upper end of the market can generally learn to adapt to it.

For those reasons the time has come for the House to ask the Government to be quite specific about where the promised relief is in some of these imposts. Why have we not seen some form of relief, other than tokenism in the Budget? I am aware the Minister will and does argue that the income from stamp duty this year will be, as I recall it, actually somewhat less than it was last year because of unusually buoyant housing and economic conditions. Given that we are talking about mortgage duty rates, I wonder how it is that the Minister can sit there and bare facedly suggest that a 600 per cent increases in stamp duty on mortgages is something that the ordinary Western Australian can manage without squealing too much. I am not too sure that we should not send the measure back to the other House with some request to look at these things in more realistic terms, but I realise that has been pointed out by Hon Max Evans.

HON E.J. CHARLTON (Agricultural) [4.50 pm]: A great deal of confusion seems to have resulted from the presentation of these Bills, so I will not canvass the points already raised. When a Bill is associated with another complementary Bill, it is very difficult to look at one in isolation. This Bill involves increased rates and a rearrangement of how they apply to valuations, and the whole spectrum involved with this is a little hazy. It is not just me who sees it that way as that seems to be the comment of many people.

These Bills were in the other place for some time yet very few people in professional organisations who will be affected by them seem to fully understand and appreciate the effect the implementation of these Bills will have. Perhaps the Minister for Budget Management could explain why this has happened. Once a Bill has reached the House, and in many cases before it reaches the House, discussions have usually taken place between the Government and various people who will be directly involved in the implementation of the Bills, such as accountants in this case. These people contact members of Parliament to inform members as to what will happen. We have been getting phone calls just today from people starting to realise what will happen, therefore it is difficult to respond to these changes when people directly involved do not seem to fully understand them.

I will concentrate my comments on two areas: One is the matter I have just mentioned, and the other is the effect of this Bill in association with the other Bill. Obviously, I will not be allowed to get too involved with the other Bill because we will have a marathon effort in debating that one. A great deal of detail was provided by Hon Max Evans, which, in these times, makes the measure a little hard to accept. When it comes to increasing charges, no time is a good time - we all acknowledge that.

While a lot of valuations in real estate have levelled out and even reduced, the impact will not be the same as it would have been a couple of years ago; this Bill would have had an unbelievable effect with this sort of increase along with the increases in valuation that were taking place at that time. The Minister for Budget Management will demonstrate to us again that this is not another increase along with others as he knows his answer off by heart by now. He gives the House a run down on how the charges have not increased, and says that Government decisions to increase charges are no worse than anywhere else in Australia and in many cases they are less than elsewhere. I suppose that we have to accept that as correct. The problem is, in acknowledging that, people in our community are brow beaten and seem to carry the burden of these things; it does not seem that the corporations, the large multinationals, or the monopolistic type companies have any trouble riding out such problems as they seem to be able to pass on increases to other people, or to be able to compensate or rearrange their operations to minimise the effect. It is not possible to do that in small family businesses. These small businesses employ the great majority of people in this nation and they have taken a real beating over the last few years; not only have they carried the burden of these charges, but they have also been subjected to variations in hours

of work. We have just seen the butchers in our State subjected to pressure by supermarket chains to stay open longer. The implementation of these increases in charges in business transactions will be carried by those who can least afford the increases.

It is the Government's right to set these increases, but these increases seem to be continually occurring at a time the nation is deteriorating economically. I cannot understand the financial policy of this nation in that we rely for 80 to 85 per cent of our exports on agriculture and mining and the financial policy of this country seems to be directed against both of them; for example, the dollar is at a rate which is not natural. It is the consequences of the tight monetary policy that are denying the nation the value of those goods. The only things that we are encouraging to be brought into this nation are cash and imported goods, the demand for which is increasing because there is no encouragement for them to be produced in this country. If we go a step further, that state of affairs is being exacerbated by this Bill because stamp duty on all of the articles and transactions that are negotiated every day of the year places an extra burden on the small business operator.

I will not go into a long dissertation about the factors that are affecting our economy. However, when the Bills were introduced in the other place, there was a total lack of understanding about what effects this Bill, and particularly the Stamp Duty Amendment Bill (No 3), would have on business people. The Bills were raced into this Chamber and we now have to try to sort them out and get them back to the Assembly so that they can be quickly enacted. It seems we are always racing the clock to implement these measures. No legislation of this type is ever introduced with information that has been researched or with judgments by professional people that would help us to more fully understand the impact of the measures. These Bills are another example of that. The other night we dealt with the Business Franchise (Tobacco) Amendment Bill. However, we have not seen its associated Bill, the legislation setting up the Western Australian Health Promotion Foundation. I am not criticising the Government's personnel for not getting it here; that is a fact of life.

I am being asked constantly by service station owners and small business people what is contained in these new stamp duty provisions. They ask me what they will be up for now and whether they can do anything in their lives without having to put their hands in their pockets or write another report. They ask me where we are going. Those people come from all parts of the political spectrum with the great majority of them being Government supporters. They are being suppressed -

Hon P.G. Pental: Bled!

Hon E.J. CHARLTON: - by continual changes to legislation, the only excuse for which is that it has happened in Victoria, in Queensland, or somewhere else and we have to fall in line. The Government seems to be looking around and saying, "Let us see where we can get another quid by targeting somebody else" rather than saying to small business people, "We will put in place some economic measures that will encourage you to generate more money so that you and the Government will be better off because of the higher turnover."

Hon Bob Thomas: The Western Australian economy has grown by 34 per cent in real terms.

Hon E.J. CHARLTON: We are always being told about how everything is so good. We all heard today reports about our balance of payment problems. We even smile now when it is \$1.7 billion instead of \$2 billion. We feel good about it. I would not feel good if my balance sheet at the bank at the end of the year showed a deficit of X amount of dollars when I thought that deficit would be substantially higher. There is no joy in that; I am still going down the gurgler!

Hon Bob Thomas: The balance of payments deficit is a reflection of how fast the Australian economy is growing.

Hon P.G. Pental: You have been listening to Paul Keating too much.

Hon E.J. CHARLTON: Mr Thomas could finish up gathering clocks.

Hon T.G. Butler interjected.

Hon E.J. CHARLTON: I am sorry, I did not hear Hon Tom Butler.

Hon T.G. Butler: I was talking to Hon Phillip Pental.

Hon E.J. CHARLTON: I do not want to cut across Hon Tom Butler when he is making a substantial contribution to this debate.

Hon T.G. Butler: It is a pity you are not doing the same.

Hon Garry Kelly: You are a future bush lawyer.

Hon E.J. CHARLTON: I will tell Hon Tom Butler how to get a driving licence once day when I have the time.

The interjections about how well the economy is going are unbelievable. The national deficit is of such an amount that we will not see the end of it in our time. It is not a matter of how we get rid of it but how it keeps on increasing. How anyone can say that the economy is growing and everything is improving when the nation's deficit is getting worse is beyond me. That is the bottom line. Members can raise all sorts of red herrings about how many jobs have been created and the like but the fact is that we are going bust. It is no good Mr Thomas going to his bank at the end of the year and, realising that his account shows a deficit, borrowing another \$50 000, then going home feeling well off because he has \$50 000 in his account. The problem is that he owes that \$50 000 and he has to pay it back.

Hon Garry Kelly: Would you say that the managers of Qintex are "skasing" on thin ice?

Hon E.J. CHARLTON: I will not respond to that interjection, as humorous as it is.

I reiterate that all we seem to do in this place is deal with Bills to implement increases in taxes that will affect the small business people who are the ones generating income for the nation and the State. It seems that it is our objective to continually penalise those people.

HON MURIEL PATTERSON (South West) [5.08 pm]: I have received many letters from firms, businesses, chambers of commerce, retail traders and groups that are concerned about these increases in taxes. Whichever way the Government may present this Bill, the bottom line is that it is simply another revenue raising device. Worse, it is a revenue raising device that should be totally unnecessary. Worse still, as I shall demonstrate, the costs involved in this measure may only be the tip of the financial iceberg as far as imposing additional costs on business and industry is concerned. Through its dismal dealings in business, the Government is in the red; we all know that. The only way out is for it to scrape the bottom of the barrel in its desperate efforts to find revenue.

This measure will impact on the business community, and especially small business, but it will have wider implications. In this measure the Government once again has provided a striking example - I use that word deliberately - of a double standard. On the one hand it vilifies airline pilots for seeking a 30 per cent pay rise and school teachers for seeking a 12 per cent increase, but what do we find in this case? This Oliver Twist Government has its hand out for nothing less than a 60 per cent increase in some mortgage loans. I will not take up the time of the House this afternoon talking about the 75 per cent increase in financial institutions duty. When will the Government and its Federal counterpart realise that continually tightening the screws on business can only achieve the reverse of what this country needs and, I believe, wants? When will the Government acknowledge that its philosophical straitjacket is crippling people, business, and this State? When will it appreciate that initiative, incentive, and encouragement for individual enterprise will yield infinitely more to its coffers than its heavy handed, negative, high tax approach?

This Bill contains four major fundraising areas. Firstly, chattels will no longer be exempt from stamp duty. That will apply whether it is a business or a residence. Where a mining lease or an operating mine is involved it will impact heavily on the mining industry, as moveable heavy machinery such as excavators, bulldozers, scrapers, draglines, and drilling rigs will attract duty when transferred as part of the business transaction. Secondly, all those business intangibles such as goodwill, intellectual property, patents, trademarks, and even general know-how must be transferred via a written document which will be subject to stamp duty. This is another big hidden cost for business, the financial iceberg to which I referred. If business is compelled to make written agreements for the transfer of such properties, those agreements will need to be drawn up professionally. That means solicitors and other professional services must be employed, and that again means higher costs. An increase in appeals due to differences of opinion and valuations will occur along with the probability that many transactions will be abandoned with obvious disadvantage to the State's future development.

There is yet another aspect to this section, and perhaps the Minister for Budget Management will provide an explanation in his reply. According to my information, common law permits the transfer of such property without the need for a written agreement. If that is right, why is

the Government insisting that there should now be one? I trust that the Minister can explain this, without its boiling down to nothing more than some back room Treasury bureaucrat coming up with yet another manoeuvre to get extra revenue from a source that is already well and truly wrung out. I trust also that the Minister will not explain this by saying these increases will bring Western Australia on a par with the Eastern States. If that is his argument, I should point out that the stamp duty on lease transactions in Western Australia is much higher than it is in Queensland. The Government cannot have it both ways or use its case selectively.

Thirdly, the security or mortgage rate will rise from 0.25 per cent to 0.4 per cent for securities of more than \$35 000, with mortgages on principal residences being exempt. It does not sound much - 0.25 per cent to 0.4 per cent, but the translation is a 60 per cent increase. Finally, if partnerships are reorganised, stamp duty will be payable on the gross value of the interest in the underlying assets being acquired by the new partner or partners. Previously stamp duty was levied on the net worth of the interest in the partnership; that is, liabilities were also taken into account. In other words, at the very time a new partner is likely to be stretched, the Government proposes to stretch him, her or them even further. Worse, by changing the base for determining the tax payable, the Government does not propose to be fair. Businesses everywhere - and especially small businesses, farmers, and everyone in the country - are already reeling from continual assaults by Government. We all know how the Federal Government has taken the bludgeon of high interest rates with its one-track approach to our economic problems. We all know the impact of abnormally high bank charges, and the compounding effects of other charges such as financial institutions duty and quarterly corporate tax instalments. Despite all this, the Government remains oblivious to the plight of so many ordinary people struggling to survive without assured wages, assured salaries, assured four weeks' leave - let alone a 38 hour week - and without long service leave.

Of course, this measure cannot be considered in isolation. We are all aware of increases in payroll tax and, as I have already mentioned, in the financial institutions duty. We are talking about jobs and employment. This Government does not look upon business as an opportunity to create jobs, build lifestyles, and develop a State or nation. It sees business as nothing more than financial fodder. Business needs more costs like it needs a hole in the head. It desperately needs the Government to get off its back; by that I mean an entirely new approach that involves less taxation, less regulation and less interference. It needs an approach that offers incentive in place of punishment, encouragement instead of red tape, and individual enterprise instead of the corporate State. When taxes and Government regulation are reduced, and incentive, encouragement and individual enterprise are restored, we shall be on the road to a more productive Australia. That is where we should be heading now.

Debate adjourned to a later stage of the sitting, on motion by Hon Fred McKenzie.

[Continued on p.3910.]

MOTION - SITTINGS OF THE HOUSE

Beyond 6.00 pm - Thursday, 26 October 1989

HON J.M. BERINSON (North Metropolitan - Leader of the House) [5.18 pm]: I move -

That the House continue to sit after 6.00 pm to complete consideration of the Stamp Amendment Bill (No 4).

I understand that this should be possible by six o'clock, but if not shortly thereafter. I do not want to miss the opportunity of completing this measure, which it is important to complete, for the want of a few minutes. I also indicate that before resuming debate on the Bill, I will seek a few minutes - not more than four or five - for the presentation of papers.

Question put and passed.

MOTION - HORGAN, MR JOHN

Government Agencies - Payments

HON J.M. BERINSON (North Metropolitan - Leader of the House) [5.19 pm]: I herewith

table the documents relating to Mr John Horgan, pursuant to the decision of the House on the motion moved by Hon George Cash.

[See paper No 504.]

STATEMENT - BY THE LEADER OF THE HOUSE

Petrochemical Project - Document Tabling

HON J.M. BERINSON (North Metropolitan - Leader of the House) [5.20 pm]: I table certain documents pursuant to the decision of the House on the motion moved by Hon Eric Charlton, as amended by the motion moved by Hon Phillip Pendal. I also seek leave to make a brief explanatory statement.

Leave granted.

Hon J.M. BERINSON: As with a similar case yesterday, I make the preliminary point that while the motion calls on me personally to produce specified documents, the documents in question have not been held by me, and are not within my ministerial authority. Accordingly, the relevant papers have had to be requested from responsible officers, and the following comments are based on their advice. The documents with which we are now concerned are limited to the list of nine items in Mr Pendal's amendment. Those required by Mr Charlton's original motion were tabled on 6 September. I will deal with the nine items in turn.

Item 1: "The 'letter of assurance' from Minister Grill to Bond Corporation - mentioned in the Press statement by Peter Beckwith of 31 August 1989 - issued at the time of the Bond bid for the minorities of Bell Group, to support the loan of \$110 million to Rothwells by Bond Corporation": I am advised that the Government has no record of the existence of such a letter.

Item 2: "Documentation relating to the Government assigning its depreciation and amortisation rights in the petrochemical project to Bond, which assignment was referred to in *The Australian Financial Review* of 1 August 1989": As with item 1, the Government is not aware of the existence of such documentation, nor of any basis on which the suggested arrangement could be based. I am advised that, first, the taxpayer, in respect of the petrochemical project, is its owner, Petrochemical Industries Ltd. Second, the Income Tax Assessment Act grants a taxpayer the right to deduct depreciation of production plant at prescribed rates from the revenue earned on the product of that plant. Third, the right granted by the Act cannot be assigned by the taxpayer to another party. Fourth, given that neither the Government nor WA Government Holdings Ltd has any depreciation or amortisation rights in the petrochemical project, there is no apparent basis for the allegation that one or the other, or both, have assigned such rights to Bond Corporation.

Item 3: "Documentation concerning the Government providing Bond Corporation with a tax effective investment in the petrochemical project, which investment was referred to in *The Australian Financial Review* of 1 August 1989": Again, the Government is not aware of the existence of any such documentation. I am advised that, in any event, the phrase "tax effective" does not make any legal or commercial sense in a written undertaking. Moreover, because the WA Government does not levy corporate income tax, the provision by it of a so-called tax effective investment would not be possible. Documents already tabled in Parliament in fact detail the contractual arrangements entered into by the Government and WA Government Holdings Ltd. They demonstrate that the undertakings given to Petrochemical Industries Ltd were in terms of cash flow support to enhance the bankability of the project. The Government and WA Government Holdings Ltd were not committed to any other support mechanisms.

Item 4: "The affidavit by Ken Judge of Bond Corporation filed in the Supreme Court in opposition to the appointment of a provisional liquidator for PIL and copies of all exhibits thereto": These are tabled as requested. However, it should be noted that this is a Bond Corporation document lodged in opposition to an action taken by WAGH and not the Government. Petrochemical Industries Ltd has now been wound up on the petition of WAGH, and a liquidator appointed.

Item 5: "The notice under the Crown Suits Act in respect of the damages action proposed to

be brought by Bond Corporation Holdings Ltd or companies associated therewith and all related documents": The notice under the Crown Suits Act is tabled as requested. I understand that the notice as served is complete in itself and without related documents. It should again be noted that this is a Bond Corporation document to be considered in the context of Bond Corporation litigation against the State. The general thrust of the Bond argument has been widely publicised, and the canvassing of the detailed argument by Bond Corporation - in isolation from the matters which WAGH and the Government will advance in the course of litigation - can only favour Bond Corporation at this stage.

Item 6: "Any advice tendered by Peter Wiese to the State Government or its instrumentalities in respect of Rothwells during the period 1 October 1988 to 30 November 1988": I am advised that the material requested includes legal advice which is directly related to Bond Corporation litigation against the State and the State Government Insurance Commission. It would clearly be contrary to the interests of the State and the SGIC to make such advice public. In any event, legal advice to the State Government and its instrumentalities has always been regarded and respected as confidential and privileged. Accordingly, this information is not included with the tabled papers.

Item 7: "Details of any support promised by the Government in respect of SECWA in which the price of gas was to be reduced to zero as mentioned in the Beckwith statement of 31 August 1989": All of the documents surrounding this subject have already been tabled in the Parliament. These are tabled again for ease of reference, and are as follows: First, memorandum of understanding dated 28 July 1988; document tabled No 344J. Second, shareholders' agreement dated 17 October 1988; document tabled No 344N. Third, SECWA supply agreement dated 27 January 1989; document tabled No 344C. Fourth, deed of undertaking dated 17 October 1988 - document tabled No 344O - which was discharged by the deed of undertaking dated 27 January 1989; document tabled No 344T. Fifth, cash deficiency agreement dated 27 January 1989; document tabled No 344U. As the documents indicate, the original proposition on support to the project, as contemplated in item No 1, was modified during negotiations with Bond Corporation which led to items Nos 3, 4, and 5. As a result, SECWA had a commercial arm's length contractual arrangement with PIL.

Item 8: "Legal documentation relating to the extension of the Bond/Bell/SGIC indemnity referred to in the 31 August 1989 Beckwith statement and the 29 August statement by the Premier to the Parliament": Again, this is documentation which relates to legal action between a State Government authority and Bond Corporation. The Government would have been most reluctant to comply with this request should its advice have been that the State's position might thereby be prejudiced. On this occasion, the document is tabled as requested. I emphasise, however, that this should not be taken as a precedent.

Item 9: "The new memorandum of understanding and deed of release which is the subject of the present Bond-Government disagreement, mentioned in the 31 August 1989 Beckwith statement and the 21 August 1989 judgment by Master White in the Supreme Court": I am advised that there is no new memorandum of understanding and deed of release.

[See paper No 505.]

On motion by Hon P.G. Pandal, resolved -

That consideration of the statement be made an Order of the Day for the next sitting.

STAMP AMENDMENT BILL (No 4)

Second Reading

Debate resumed from an earlier stage of the sitting.

HON PETER FOSS (East Metropolitan) [5.29 pm]: The Minister's second reading speech does not give one a great deal of information. The essence of the Bill is contained in the fourth paragraph: "The amendment increases the rate of duty from a flat rate of 25¢ per \$100 on the sum secured to a differential rate of 25¢ per \$100 up to \$35 000 and 40¢ per \$100 over \$35 000." I draw to the attention of the House that perhaps there is a little more significance in it than merely that. There are two points I want to draw to the House's attention. The amendment is made in item 13 of the second schedule. Item 13 provides this -

Mortgage (legal or equitable), bond, debenture, covenant, bill of sale, guarantee, lien or instrument of security of any other kind whatsoever

That is the type of document to which this amendment is making a change in the rate of duty. Reading those words, one would think one had a fairly clear idea as to what is referred to. One thinks it refers to mortgages and instruments of that nature; but the cases have shown that these innocent words at the end, "or instrument of security of any other kind whatsoever" have a significance which is much broader than one would have thought when reading it. It has been interpreted, in cases arising out of the United Kingdom and which have been followed in Western Australia, that it really applies to any obligation to pay money, whether the lending is secured or unsecured. For instance, people in New South Wales do not pay stamp duty on guarantees or unsecured loans but only on instruments that we would know as debentures or mortgages. The breadth of this provision has caused some problems, in Western Australia in particular. One of the effects of that has been that we have put into the further part of the item some exceptions. Let us look at clause 4(2), sub-item (1) of the Bill before the House. That sub-item says -

- (1) An instrument referred to in the heading to this item for the payment or repayment of any sum or sums of money at stated periods, being neither interest for any principal sum secured by a duly stamped instrument nor wages or salary -

When one reads that, one thinks, "How on earth do you get wages and salaries when you are talking about mortgages?" It is quite possible, for the reason that because of the breadth of the terms of this item 13, it would pick up any such regular payment, because it secures the regular payment, and would pick up a service agreement for wages or salary. So it has been specifically put into item 13 to exempt wages or salary because otherwise they would be picked up. It is of slight concern that perhaps a management agreement would be picked up - a management agreement which provided, as indicated in item 13, an instrument of security of any other kind whatsoever for the repayment of any other sum or sums of money at stated periods.

It has generally been accepted in Western Australia that because of the breadth of meaning of item 13 we have a lower rate of duty than do many other States. We have a broader base of tax but a lower rate of duty. So when we compare this State with other States we must not slip into the mistake of thinking that we are necessarily talking about a stamp duty which deals only with the breadth of documents being dealt with in other States of Australia.

Hon J.M. Berinson: I think I am following you, but could I clarify this point: You are not suggesting that this Bill extends the range of what is called mortgage duty?

Hon PETER FOSS: No, I am not, I just want members to be conscious of the fact that we are not necessarily comparing apples with apples.

Hon J.M. Berinson: I am sorry; I was drawn away for a short time and I wanted to make sure of that.

Hon PETER FOSS: I am not suggesting that this Bill changes things, but when we make comparisons between the rate of duty imposed in this State and the rates imposed in other States we should be conscious of the fact that it is not a matter of Western Australia's coming up for the same duty as everybody else, because we are imposing our duty on a wider range of instruments. We cannot say Western Australia has been lagging behind the rest of Australia in this respect. In some ways we have been way ahead because we have been taxing instruments that have not been taxable in other States.

This inconsistency in stamp duties has caused some difficulties in Western Australia. We must be mindful of the fact that business is conscious of stamp duty. Stamp duty can be quite important in businesses deciding where to carry out transactions. All these matters are taken into account in business and in Western Australia we should be conscious of the fact that putting our taxes up will not always bring in more money; sometimes it brings in less and drives away business that we would otherwise have. I think somebody suggested at one stage that it would not be a bad idea to abolish the stamp duty on marketable securities altogether, and we could possibly turn the Western Australian Stock Exchange into the most popular exchange in the whole of Australia. It may very well end up bringing us in a lot more money, rather than less, by bringing money in in other ways. I repeat that we are not

just bringing ourselves up to the same state as everybody else but are in fact passing them, because we are applying this higher rate of duty on a number of transactions that would not be caught in another State. An example is guarantees, which are very important in this State as they figure prominently in very large transactions on a regular basis.

I suggest to the Government that, in view of the fact that it is making a very substantial increase in the amount of stamp duty and that this Bill must go back to another place anyway, perhaps it should consider whether we should bring our head of duty under item 13 into a slightly more limited area than at present so that we are more consistent with other States.

Hon J.M. Berinson: I really think that is a job for the review rather than an attempt to consider it on the run when the Bill is in process.

Hon PETER FOSS: Very well, I accept the Minister for Budget Management's suggestion on that, but I take this opportunity to suggest it because it is something that should have been considered. I admit that I am only new to this House but I have been disturbed by the quality of second reading speeches. I know that people are under pressure but members of this Parliament also are under pressure. We find it extremely difficult to keep up with the flood of legislation that is coming through and trying to understand it, and at least the Ministers have large numbers of staff who can write the second reading speeches for them and who have written the Bills, and who could possibly give us a little more information. The Minister has accused me of wanting to make him an historian but it does strike me that at least he has the staff and the resources.

Hon J.M. Berinson: I have since decided that what you are really trying to make out of me is an old man.

Hon PETER FOSS: I hope I am not having that effect on the Minister.

Hon J.M. Berinson: No, you are not. I just am worried about your intention.

Hon PETER FOSS: Maybe I have an inquiring mind. But when a Bill comes to this House I would like to know not just what the Government is doing but the impact as well. A little bit of proper research and information would have been useful; it does not take a great deal to do this. The second reading speech does not exactly cover itself in glory in terms of explaining to the House what the effects will be.

It is not a matter of comparing apples with apples. We do not have an identical base of instruments which are being taxed, as in the Eastern States. We have a wider base and we have peculiar things. If it were not for a certain amount of discretion and good sense on the part of the State Taxation Department there would be an uproar about some of the things which could be taxed under this heading. It would have been a good time when this change was being made to item 13 to increase the rate for the department to have also looked at reducing the ambit. This is an exercise in extraordinary optimism on my part to think any revenue authority would think of narrowing its tax base as opposed to widening it. It could be said that it would get rid of some problems the State Taxation Department has in having such a broad base and with being inconsistent with other States. It would be justified at the time when it is moving from 25¢ to 40¢ - if it was going to 4¢ I could understand why the Government would not want to make the change.

My second point is to draw members' attention to some of the consequences to people who may be making alterations in their financing arrangements. How alterations work can be seen in section 87 of the principal Act. That section has been amended many times but the amendment with which I am concerned probably is that which took place in 1986. If a person had a property on which he had secured a loan prior to the amendment, and if he then with the same loan substituted a property, the second property mortgage would have been stamped as collateral security. Section 87 now reads -

(1) Where an instrument of security for moneys is duly stamped under item 13 of the Second Schedule (in this subsection called "the stamped instrument") and there are one or more other instruments that are security for the same moneys, the duty chargeable in respect of each of those other instruments shall be reduced -

(a) where each such other instrument is security for the whole of the same moneys, by the amount of duty that was paid on the stamped instrument; and

- (b) where any of such other instruments is security for part of the same moneys, by an amount of equal to the same proportion of the duty that was paid on the stamped instrument as the amount for which that other instrument is security bears to the amount for which the stamped instrument is security.

The net result is if a person secures the same loan over another property he would not pay any more stamp duty. That is reasonable because the transaction is the particular loan. However, the problem now is if a person who currently has a loan for, say, \$100 000 secured over one property and he wants to change it so it is secured over another property, because the duty he has paid to date is at 25¢ and the new instrument is to be taxed at 40¢ - even though he is not refinancing, he is changing his security - that person will have to pay the difference between 25¢ and 40¢ on \$100 000.

The person is still on the same transaction; all he has done is to bring in another property; notwithstanding that, he is obliged to pay the higher rate of duty. That is inequitable. It would be appropriate to amend this section to ensure that the person who does that does not find himself in a position of having to pay the difference in the two duties.

On those bases, I commend the Bill to the House.

HON DERRICK TOMLINSON (East Metropolitan) [5.45 pm]: The Bill amends the Stamp Act schedule but in doing so protects mortgages of less than \$35 000 and maintains the amounts payable on mortgages of less than \$35 000 at the current rate. It increases the rate for mortgages in excess of \$35 000 to 40¢ for every \$100. We are led to understand that the reason for protecting mortgages of less than \$35 000 is to protect home buyers. It is a commendable motive on the part of the Government to protect the home owner, particularly the first home owner. Even so, the measures to increase the rate of stamp duty are estimated to raise an additional \$8 million this financial year from 1 November.

It is essential to understand the financial difficulties that the Government has in framing expenditure for 1989-90. The Estimates of Expenditure are \$4 824.2 million, an increase of \$554.2 million over the previous financial year, or an 11 per cent increase on the previous financial year. Taking into account the change in accounting arrangements relating to hospital funding, that increase is reduced to \$253.3 million or 5.9 per cent. This is an increase in expenditure at a time when in real terms the Commonwealth payments to the State through the general revenue entitlement and the Grants Commission are reduced by a total of \$99 million - a reduction of \$61 million in the general revenue entitlement and \$38 million in the Grants Commission payments. We are told that that three per cent increase represents a real decrease in per capita terms of 6.6 per cent. I do not think we should confuse the three per cent increase in the gross with the 6.6 per cent decrease in real terms in per capita payments because they relate to different figures. It does represent a real decrease in Commonwealth payments to the States through the general revenue entitlement and the Grants Commission payments.

Hon Tom Stephens: Does that mean you agree with the Minister for Budget Management's interpretation of the Budget figures as opposed to Mr Pendal's interpretation of the Budget figures?

Hon DERRICK TOMLINSON: I do not believe that the Minister for Budget Management would deliberately mislead the House.

Hon Tom Stephens: Thank you.

Hon DERRICK TOMLINSON: Of course I would have to accept the advice of the Minister for Budget Management that those are real decreases in Commonwealth payments through the general revenue entitlement of the State and the Grants Commission payment to the States. However, let us not be misled by the interjection, because Mr Pendal was referring to the total Commonwealth payments to the State for 1989-90 compared with the receipts for 1988-89. When those two figures are compared we find that there has been an increase of 21 per cent.

Hon Bob Thomas: Did you mislead the House when you referred to the different accounting procedures?

Hon DERRICK TOMLINSON: I thank Hon Bob Thomas for that interjection because I want to trace that payment to its logical and financial conclusion. There has been an increase

of \$340 million in the Estimates for 1989-90 compared with the receipts for 1988-89. However, from that we have to deduct the changes in the hospital funding grant which, in 1988-89, was paid directly into the hospital fund. This year, the amount of \$300.9 million is paid into the general revenue fund and through the general revenue fund it is a conduit through the Minister for Health to the hospital payments. If we trace that to the Minister for Health's allocation, we find that the hospital fund contribution to the trust fund account in 1989-90 totalled \$815 million. To compare the figure for 1989-90 with the figure for 1988-89, we must deduct the \$300.9 million. When that amount, which is a conduit payment from the Commonwealth through the general revenue entitlement to the expenditure under the health budget, is deducted the total payment for hospitals in 1989-90 is reduced to \$79 million from \$1 000 091 000.

Let us follow the consequences of that. That means that, in real terms in 1989-90, there has not been an increase in expenditure for health in Western Australia; in real terms, there has been a reduction in payments for health. That reduction comes after special allocations have been made; for example, a million dollars for planning the redevelopment of the Swan District Hospital. The Government had to make a special allocation of \$1 million for planning the redevelopment of the Swan District Hospital because in this financial year the Swan District Hospital failed accreditation. If that sum were not allocated, the Government would be confronted with the embarrassing situation of either a downgrading of Swan District Hospital or the ultimate closure of the Swan District Hospital.

I am grateful to Mr Thomas' asking me to explain the difference between the real reduction in Commonwealth payments for the general revenue entitlement and the Grants Commission payments and the figures shown in the Estimates of Revenue which indicate a 21 per cent increase in Commonwealth payments. It is not a real increase; it is a false increase because there is a difference in the accounting procedures that have been adopted in the Budget. In real terms, the consequence of that in terms of health is a reduction in expenditure.

Government members interjected.

The PRESIDENT: Order! I ask members to stop interjecting when they can see clearly that the member is endeavouring to complete his speech.

Hon DERRICK TOMLINSON: Mr President, I will try to reduce the volume and enthusiasm because I am not particularly enthusiastic about what I am saying.

When members recognise there has been a reduction in real terms of \$99 million from the Commonwealth payments to the State through the general revenue entitlement and the Grants Commission payments, and an increase in real terms after the adjustments for the hospital funding arrangements of \$253.3 million in estimated expenditure, members will understand why the Government has had to look at the existing taxes available to it and decide on which of those it can impose increased charges in order to balance its Budget.

There has been an increase of \$88.5 million in revenue from State taxation in 1988-89. Of that, \$72 million comes from an increase in payroll tax. Of that again, \$8 million comes from an increase in the stamp duty on mortgages. There is a beneficial measure in these changes which is restricted to the very few people whose mortgages are less than \$35 000 which is the average minimum mortgage on homes in Western Australia, so the measure will protect very few home buyers. When members understand that the increase is towards an increased revenue of \$8 million and that increased revenue is essential in order for the Government to meet its Budget commitments and return a balanced Budget, only then will they understand the importance of this measure to the Government and why the Government has to continually increase revenue from State taxation. It has to continue to impose greater charges upon the citizens of Western Australia because in the six years that it has been in office it has initiated only one revenue generating enterprise in this State - the Burswood Casino - which will this year generate \$20 million for the general revenue fund. Because this Government is continuing to spend public moneys it must turn to other sources of revenue. Since all sources of revenue are available to the Government, and have been used, it can only do one thing and that is to increase the levy on existing taxation.

Hon T.G. Butler: Do you remember the State of Western Australia in 1983?

Hon Kay Hallahan: Of course he does not.

Hon DERRICK TOMLINSON: Had there been real attempts to exploit the wealth of this

State, to exploit the wealth of energy, and to exploit the wealth of mineral resources, rather than indulge in failed gambling exercises of this Government putting good money after bad money -

Several members interjected.

The PRESIDENT: Order! I remind honourable members of the time, and that this House rises at 6.00 pm. I understand a resolution was passed while I was not in the Chair to extend that time, but I understand it was extended for only a few minutes. I draw to members' attention that within the next five minutes I will leave the Chair to return at 7.30 pm, if necessary.

Hon DERRICK TOMLINSON: I will draw my remarks to a conclusion by pointing out that since the former Premier of Western Australia, Mr Brian Burke, has left office, no person on the Government benches has understood the gambler's code which I understand from the song is to "know when to hold 'em, know when to fold 'em, know when to walk away and know when to run". This Government does not know when to fold them and because of that it is forced to look to taxpayers for increased revenue in order to fund its failed gamblers. The purpose of this increase in revenue is to try to pay for the failed gambling initiatives of this Government.

Debate adjourned, on motion by Hon Tom Stephens.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON KAY HALLAHAN (East Metropolitan - Minister for Local Government) [6.03 pm]:
I move -

That the House do now adjourn.

Adjournment Debate - Local Government Act - New Proposals - WA Inc Reprint

HON R.G. PIKE (North Metropolitan) [6.04 pm]: The House should not adjourn until it pays attention to the following matter. In the ministerial foreword to the Government paper entitled "Proposed New Local Government Act - Principles and Issues - June 1989", the Minister for Local Government states, inter alia -

It has been apparent for some time that we are ready for legislation . . . which reflects the changing role of local government.

She also states -

I . . . look forward to the development of new legislation that consolidates and strengthens the role of local government in Western Australia.

Clause B.6.3 on page 34 of this document under the heading "Finance" states -

The economic constraints of recent years, and the expansion of the role of local government, have led many councils to explore new ways of generating income.

Note that clause. It continues -

There is, for example, a strong interest in entrepreneurial activities and joint ventures with the private sector. The provisions of the existing Act were not designed to accommodate these kinds of proposals and are generally ill-suited to dealing with new initiatives such as these.

Clause B.6.4 states -

The financial provisions of the new Act will be less prescriptive and less restrictive. Rather than dealing in detail with financial procedures, the new Act will establish a framework within which councils will have more flexibility to pursue initiatives such as -

Note well -

- municipal enterprises.

This must be read in conjunction with section 193(1) of the socialist Labor Government of Victoria's Local Government Act, which I have discovered also allows entrepreneurial powers to municipalities. It has created a situation in which local councils in Victoria own

and run municipal business enterprises in competition with private enterprise businesses, such as commercial kitchens for quick-chill meals, agencies for building societies, and land development companies in shared ownership with developers. For example, in the future nothing in that State could prevent them from running their own printing business and newspapers.

To advise members that I have been watching this matter for some time I quote from an advertisement which appeared in *The Australian Financial Review* in December 1987 under the heading "Local Government Department Victoria Guidelines for Municipal Enterprises" which states that applications are invited from consultants for the preparation of guidelines to assist municipal councils wishing to undertake municipal enterprises. It later states to "undertake or assist any business or enterprise" and so on. That Department of Local Government is into business in local government. I predict there will be an almost clear lift of this section into the new Western Australian Act. The mind boggles at what that Act, and the Western Australian Government's local government papers in clauses B.6.3 and B.6.4 promise for Western Australia. It is obvious from these clauses that the Government is planning to pass the WA Inc baton to local government in this State. The local government business powers proposed by the Dowding Government, as listed in these clauses of its paper, will introduce WA Inc style business deals direct into local government authorities in Western Australia.

I ask the House to note that this week the Premier reinforced a statement he made to the WA Chamber of Commerce and Industry when he was attacked with regard to WA Inc, and said there would be no more WA Inc activities in Western Australia. Not much there will not. It is now being done through the Government's paper through local government.

I ask the House to consider what personal temptation exists in Victoria and would exist in Western Australia for local government staff and councillors under this proposal. Would we see WA Inc style handouts and corruption in local government? This Government shows the disposition of a runaway circular saw in its intention to carve up business in Western Australia. Peter Dowding, now known as Captain Titanic, intends this. He is offering Danegeld to local government in this State, and his Government now stands in the front line of third rate governments. The way he is going, Western Australia will soon be wearing "Alberts" and, undoubtedly, his Government is studiously furthering its outer limits of fudging and mendacity.

The Minister's and her department's discussion paper represents the same thinking that Premier Burke gave for setting up WA Inc. I quote Mr Pearce from page 118 of the book entitled "Burkie", written by John Hamilton, where Pearce said of this early emergence of a new approach - for corporatism, read WA Inc - the following -

Corporatism is a significant development to Labor thought. It is very 'user-friendly' to private enterprise but it is also very interventionist because it means the government has a finger in every pie. It is a different kind of socialism. It is the kind of socialism that capitalism can live with.

It has that aspect of consensus which is very important to maintain your position in government and it means that you have a base where rich people are not opposed to you.

We now know, members of the House, what a dismal failure Burke's WA Inc policy was. The first lesson of the WA Inc fiasco is that Governments should be about government, and not business; that Governments should be umpires and not participants; and, that business should be about business. It should be remembered that socialists do not care who owns the cow, so long as the Government gets the milk.

This House must not allow another WA Inc in local government in Western Australia. I accuse the Minister for Local Government, Hon Kay Hallahan, and this socialist Labor Government of blatant hypocrisy. After telling the people of this State that WA Inc was dead they have actively - yes, in their own printed document - promoted its resurrection. The Government is proceeding without wearisome recourse to the promises and undertakings already given to the people of this State. This Government has become a malignant mediocrity. Keeping in mind that the individual political judgment of Hon Kay Hallahan is always subordinated to Labor Party direction, I challenge her to deny that clauses B.6.3 and

6.4 of her department's document as quoted will allow business ownership entrepreneurial powers to local government in this State in fierce and protected competition with private enterprise and the business community of Western Australia.

This is not surprising when one looks at her mentors: Firstly, Hawke, in *Hawke's Boyer Lectures* when he proposed the abolition of the States and a massively enhanced responsibility for local government with the establishment of regional Governments; Whitlam's regionalisation and Australian assistance plan, under which local government would be transformed into an administrative arm of centralist Government; and Dr Michael Wood, who when an academic at the University of Western Australia was allegedly a gung ho supporter of Whitlam's plan and, in particular, in the area of public administration and public policy was always making distinctions between aggressive and regressive local government and allegedly was a leading figure in the ALP network which was at the core of Labor's jobs for the boys. It is alleged that he was an adviser to Burke on how to stack the public service through a technique known as "parachuting".

The PRESIDENT: Order! I know the member would not be reading his speech, but I recommend to him that he assures me that he is not.

Hon R.G. PIKE: No, Mr President I am referring to copious notes. "Parachuting" means parachuting someone down into a position of great influence within the Government sector and leapfrogging and bypassing the normal channel of public service advancement. His parachuting allegedly was between the ALP victory in the February 1983 election - in which he contributed substantial input into policy development and 1 July 1983, when he was appointed as policy adviser, classification A-1-3, with the Department of Premier and Cabinet. On 21 July 1983 he was promoted to A-1-5 Assistant Director, Department of Premier and Cabinet -

Point of Order

Hon FRED McKENZIE: Mr President, I think Hon R.G. Pike is blatantly reading his speech; they are more than copious notes.

The PRESIDENT: If the honourable member is reading his speech, I am telling him to cease doing so.

Debate Resumed

Hon R.G. PIKE: I am referring to a note made on this point, and I guess it is permissible to read that.

The PRESIDENT: It is not permissible for the honourable member to read his speech. In any event, the honourable member's time has expired.

HON KAY HALLAHAN (East Metropolitan - Minister for Local Government) [6.13 pm]: It is difficult for members of the Opposition to understand that Government puts out to the community discussion papers. In my view one is obliged to do that when considering something as large as a new Local Government Act. I must say that we would like the activities of councils to be much more one of decision making about what they do on behalf of their communities.

There are two areas which come under the points raised by Hon Bob Pike. One is the whole question of economic development within council areas and regions and the question of revenue raising. Councils are coming together in order to promote economic development in areas where there is a great need for employment or other activity or where, in fact, they can make money on behalf of their ratepayers and residents. Very often, of course, councils get into such activities because there is no-one else providing a service or activity. That has happened with regard to quarries where material has been needed and councils have, in fact, made money out of activities that they went into for other reasons originally.

The same thing applies to airports, although all councils do not necessarily make money out of them. However, some actually do. They are, in that role, providing services for their community. The Narrogin Shire Council has been worried about stagnation of its town centre and has come up with an innovative plan. I do not know whether the honourable member would be against that council doing this. The Northern Region Promotion Association has a couple of representatives of the town and shire with the Chamber of Commerce and is supporting the generation of tours by operators who can see that this could

bring in more money to their district by promoting tourism activities. I am not sure what the honourable member would say about all this, but it seems he is blatantly opposed to it all.

It will be up to the councils and people like Hon Bob Pike to forward submissions in response to the request of the working party to allow that working party an opportunity to look at papers he would like them to see giving his point of view. I make the point strongly that it is the view of this Government that councils should have greater freedom to do the things needed for their communities and that much more of the decision making should remain with councils on behalf of their communities. I say to Hon Bob Pike, and he may be surprised by this, that some very conservative councils have been approaching me for permission to get into what I suspect Hon Bob Pike would regard as blatant money raising activities because they have a real interest, it seems to me, in their communities and are in a position to generate activity that nobody else would be able to generate in their communities in terms of services or income that could be brought in.

I say to Hon Bob Pike, also, that councils are asking for changes to the Act. He may not want to accept all the changes that they want, but in due course he will have plenty of opportunities to debate that matter in this place.

Hon R.G. Pike: You are giving a retread of WA Inc.

The PRESIDENT: Order! The question is, "That the House do now adjourn."

Hon KAY HALLAHAN: There is one thing I forgot to say.

The PRESIDENT: Order! This place is becoming a circus. The Minister has already resumed her seat.

Hon Kay Hallahan: I tripped, Mr President. If Hon Bob Pike can read copious notes I can fall off my heels.

The PRESIDENT: Order! The question is, "That the House do now adjourn."

Hon TOM STEPHENS: I want to be sure that this House -

The PRESIDENT: Order! The Minister has closed the debate.

Hon GEORGE CASH: I wish to contribute to the adjournment debate -

The PRESIDENT: Order! I cannot believe what is happening. I have already indicated that the Minister has closed the debate. She moved the motion and closed the motion; therefore, the question now is, "That the House do now adjourn," which seems to me to be terribly simple.

Question put and passed.

House adjourned at 6.18 pm

QUESTIONS ON NOTICE

CRIME - VANDALISM
Floreat Area - Police Arrests

475. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) Has there been an increase in the reported number of vandalism incidents in the Floreat area in the 12 months ended 31 August 1989, compared with the previous 12 month period ended 31 August 1988?
- (2) If yes, will the Minister provide the relevant statistics?
- (3) How many offenders have been arrested by the Police Department in relation to incidents of vandalism from this area for the 12 month period ended 31 August 1989?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

- (1) Yes.
- (2) 1.9.87 - 31.8.88 31 reported offences for "damage"
1.9.88 - 31.8.89 42 reported offences for "damage".
- (3) None.

MOTOR CYCLISTS - TRAILER TOWING
New Legislation

589. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

Further to the Minister's answer to question on notice 181 on 29 August 1989, can the Minister tell me when it is proposed to introduce a regulation into the Parliament which will enable motorcyclists to tow a trailer?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

Following recent advice from the department I have approved and requested drafting of appropriate regulations to allow motorcycles to tow trailers and that request is presently with Parliamentary Counsel for drafting.

FIRE STATION - ROCKINGHAM
Non-Permanent Station - Community Concern

597. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) Is the Minister aware of growing concern in the Rockingham community concerning the lack of a permanent fire station in that city?
- (2) Has the Minister received any request from the local authority for the provision of funds for a permanent fire station in the City of Rockingham?
- (3) If yes, when will the Government provide a permanent fire station?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

- (1) I am aware of interest in this issue from some people within the Rockingham community.
- (2) The local authority has contacted me in relation to this matter.

- (3) The issue of a permanent fire station at Rockingham is being examined by the Kwinana integrated emergency management scheme. A permanent station will be provided when it is decided that the present high level of fire protection provided to the community by the volunteers at Rockingham would benefit significantly from the introduction of permanent staffing.

FIRE STATIONS - PERMANENT

Cities

598. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) How many cities in Western Australia have a permanent, as different from voluntary, fire brigade staffed station?
- (2) Which cities are these?
- (3) Are there any plans to provide permanent fire stations at any other city not currently serviced by a permanent fire station and if so, will he nominate the proposed locations?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

- (1) Six have permanent and volunteer brigades.
- (2) Albany, Bunbury, Geraldton, Northam, Kalgoorlie and Armadale.
- (3) Staffing at Rockingham is under review as is the level of fire protection in this State normally kept under review.

DATE PALMS - MILLSTREAM

Removal - Perth Developers, Sale

607. Hon N.F. MOORE to the Minister for Racing and Gaming representing the Minister for Conservation and Land Management:

- (1) Why were date palms removed from Millstream and sold to developers in Perth?
- (2) What price was paid for each palm?
- (3) When were the date palms first planted at Millstream and by whom?
- (4) Are there any date palms left at Millstream and, if so, is it intended that they also be removed?

Hon GRAHAM EDWARDS replied:

The Minister for Conservation and Land Management has provided the following reply -

I refer the honourable member to the answer provided to question 1092. Royalties varied according to the size of the 20 palms removed, which generated \$850 in revenue. There are thousands of exotic date palms thriving at Millstream and threatening the native Millstream palms.

TRAVEL SURVEY - WESTERN AUSTRALIA

Questionnaire Forms - Reprint Changes

610. Hon P.G. PENDAL to the Leader of the House representing the Minister for Tourism:

- (1) Will the Minister examine the possibility of redesigning the WA travel survey/questionnaire forms when reprinting is required in order to emphasise in bold print that the surveys are both voluntary and confidential?
- (2) Will the Minister also examine the possibility of removing information that could indirectly identify respondents, such as the room number of the hotel which is asked for on the envelope?

Hon J.M. BERINSON replied:

The Minister for Tourism has provided the following reply -

- (1) Yes. This will be done in the January 1990 reprint of the questionnaire.
- (2) The room number is no longer requested on the survey envelopes.

**EMERGENCY SERVICES - KWINANA INTEGRATED EMERGENCY
MANAGEMENT SYSTEM**

Current Status - Inadequate Services Claim

614. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) What is the current status of the Kwinana integrated emergency management system?
- (2) Is the Government aware of the claims that the emergency services in the Kwinana area appear to be dangerously inadequate?
- (3) Can the Minister assure the House that current emergency services are adequate to handle all potential emergencies at Kwinana?
- (4) If not, why not?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

- (1) Stage 1 of the KIEMS project is completed and a detailed report has been produced. The Government is committed to the continuation of the project. To this end the KIEMS coordinating committee met on 11 October 1989, to discuss the development of stage 2.
- (2) The KIEMS stage 1 report identifies the need to enhance the existing emergency services within the Kwinana industrial area. This matter forms part of the stage 2 activities whereby an integrated and comprehensive response capability will be addressed.
- (3)-(4) While there is a requirement to improve the current emergency services within the Kwinana industrial area, those that do exist should be capable of providing an effective response to situations which may occur.

FIRE BRIGADE - OFFICERS

Radiation and Hazardous Materials - Safety Policy

629. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) Does the Western Australian Fire Brigade have any policy concerning the safety of WAFB officers who might come in contact with radiation and any other hazardous material during fire fighting and other emergency work?
- (2) If so, would the Minister furnish details?
- (3) Does the WAFB have any contingency plans to ensure officers' safety in the event of the WAFB being called to assist fire fighting activities on board US Navy vessels in Fremantle Harbour, when such vessels may be carrying nuclear weapons?
- (4) If so, would the Minister furnish details?
- (5) What equipment does WAFB have for use in radiation and other hazardous fire fighting situations to ensure that officers are not exposed to unsafe levels of radiation?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

- (1) Yes. The Chief Officer's standing orders give procedures in the event of radiation emergency.

The brigade also has procedures in place for dealing with hazardous material emergencies.

- (2) The brigade is able to call on the assistance of experts, medical and industrial, also the Health Department and the Explosive and Dangerous Goods Division, Mines Department.

The brigade maintains a chemical data base system giving information and procedures for emergency action in case of fire, spills and leaks in 40 000 chemicals - Toxichem, safety, first aid and decontamination procedures are also given. The brigade also employs a full time chemist.

The brigade has protective clothing for use in chemical incidents, gas suits, splash suits, breathing apparatus and decontamination equipment.

- (3)-(4) Naval vessels have first response firefighting crews. The WAFP would only be called as a back up. Firefighting operations would occur after liaison with the ship's captain and harbour master.

- (5) When radioactive material is involved the brigade contacts specialists to deal with the matter and therefore has no need for such equipment.

FIRE BRIGADE BOARD - WIGG REPORT

Recommendations - Report Tabling

647. Hon P.G. PENDAL to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) Has the Minister received the Wigg report from the WA Fire Brigade Board which recommends that a permanent fire station be built and manned in the Kwinana area?
- (2) If the Minister has not received this report, will he seek to obtain it and consider its recommendations?
- (3) Will he arrange to table the report in Parliament?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

- (1) No.
- (2) The Executive Chairman of the Western Australian Fire Brigades Board has discussed the matter with the Minister.
- (3) It is not a public document. It is a Fire Brigade planning report only.

EMPLOYMENT AND TRAINING - "BRIDGING THE GAP" SCHEME

Departmental Funding

656. Hon P.G. PENDAL to the Leader of the House representing the Minister for Employment and Training:

- (1) Does the Minister's department fund or partially fund the "Bridging the Gap" scheme?
- (2) If so, is the Minister aware of the City of Cockburn's concern that funding for the scheme in its area may cease or be reduced?

- (3) Is the Minister further aware that the scheme has assisted, with considerable success, the disadvantaged unemployed in the City of Cockburn area?
- (4) Will the Minister undertake to see what can be done to continue funding for "Bridging the Gap"?

Hon J.M. BERINSON replied:

The Minister for Employment and Training has provided the following reply -

(1)-(4)

Yes.

CRIME - SEXUAL ASSAULT

Pornographic Publications - Crime Association, Case Statistics

660. Hon P.G. PENDAL to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

In how many cases of sexual assault investigated by the police during the year ended 30 June 1989 could an association be established between pornographic publications and the person charged?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

Statistics relating to the direct association between pornographic publications and sexual assaults are not recorded. The information would not become known unless volunteered by the victim or the person charged.

FIRE BRIGADE - LOT 10 BICKLEY ROAD, ORANGE GROVE

Industrial Waste Disposal Area - Coverage Responsibility

664. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) Is Lot 10 Bickley Road, Orange Grove which is utilised as an industrial waste disposal area and was formerly known as the Orange-Grove Brickworks, situated in a gazetted fire district and, if so, will he indicate which permanent fire brigade has responsibility for covering this site?
- (2) If it is not located in a gazetted fire district can he indicate which volunteer fire brigade unit covers this particular site and whether that unit has adequate resources to respond to potential fire calls from both the general area and in particular industrial development in the area?
- (3) If not, why not?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

(1) No.

(2)-(3)

This area is covered by the Gosnells Bush Fire Brigade. In general, bush fire brigades are not structured, equipped or trained to deal with fires other than grass or bush. However, if called, the WAFP Maddington Brigade would turn out to any property fires in the area.

EMERGENCY SERVICES - MANAGEMENT AND FUND REVIEW REPORT

Recommendations - Implementation Delay

665. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

I refer to the Management and Fund Review Report, prepared by Exchequer Consultants and ask when the report was received by the Government, which

recommendations have been put into effect to date, which recommendations have yet to be put into effect and why there has been a delay in implementing the recommendations?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

The report was received in February 1988. A number of recommendations have been put into effect.

These relate to -

- Organisation Structure
- Regionalisation of Metropolitan Operations
- Corporate Planning
- Interagency Liaison
- Morale
- Small Town Community Fire Protection
- Public Relations
- Participative Management
- Rescue Role.

Matters still being addressed relate to -

- Revision of the Fire Brigades Act
- Country Regionalisation
- Merit Promotional System
- Performance Appraisal.

There have been no delays.

POLICE - CHILDREN

Night Curfew

667. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) Is the Minister aware of a report in *The West Australian* on 27 April 1989 in which it was suggested that the State Government planned to introduce a night curfew for children under 16 years, and further, that the Minister for Police and Emergency Services, Mr Taylor, had claimed that the curfew would apply from 11.00 pm to help reduce juvenile crime and make parents more accountable for their children's behaviour?
- (2) What action has been taken to date to introduce a night curfew for children under 16?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

(1)-(2)

It has always been made quite clear that the Government as such will not introduce any curfew. Any curfew would have to be introduced on a voluntary basis between a community and the police. Police have not applied curfews and no action has been taken to apply strict curfews. In some centres police have taken advantage of section 133B of the Child Welfare Act in appropriate circumstances.

At Exmouth, where greater use has been made of this section, there has been a marked reduction in children appearing before the courts and the Children's (Suspended Proceedings) Panel.

TREE TRUST PROGRAM - TREE PLANTINGS
Hectares

694. Hon BARRY HOUSE to the Minister for Racing and Gaming representing the Minister for Conservation and Land Management:

- (1) What was the proposed number of hectares to be planted to trees when the tree trust program was announced for 1988, 1989 and 1990?
- (2) What is the actual number of hectares planted under the tree trust program in 1988 and 1989?
- (3) How many hectares of failed tree plantings from 1988 have been replanted in 1989?

Hon GRAHAM EDWARDS replied:

The Minister for Conservation and Land Management has provided the following reply -

I refer the honourable member to answers to questions 440 and 606.

MOTOR VEHICLES - "FAIR TRADING VANS"
Operations Statistics

697. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Consumer Affairs:

- (1) How many "Fair Trading Vans" are operating in the metropolitan area?
- (2) How many "Fair Trading Vans" are operating outside the metropolitan area?
- (3) Where are the country vans located?
- (4) What is the purpose of such vans?
- (5) How long have the vans been operating?
- (6) What is the projected cost for the financial year 1989-90 to cover the running and associated expenses of the "Fair Trading Vans"?

Hon GRAHAM EDWARDS replied:

- (1) One.
- (2) The Ministry of Consumer Affairs' member for metropolitan based fair trading van can travel to country towns and major country shows. In the mid-west region the ministry has contributed to a mobile unit providing information on a range of Government services.
- (3) See (2).
- (4) Community and trader education. The Ministry of Consumer Affairs targets specific industries or populations to maximise the effect of its education programs. For example, the Perth Auto Expo, Ideal Home Exhibition or areas with a high ratio of rental accommodation - the Residential Tenancies Act.
- (5) Since November 1988.
- (6) Approximately \$8 000.

ROADS - WARRIEDAR ROAD
Main Roads Department - Yalgoo Shire, Grant Application

703. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Transport:

- (1) Did the Main Roads Department receive an application from the Shire of Yalgoo for a special grant for Warriedar Road?
- (2) If so -
 - (a) when was the application received;
 - (b) how much did the Shire of Yalgoo request as a special grant for Warriedar Road;

- (c) when was the road inspected by the Main Roads Department in the department's assessment of the application;
 - (d) were any recommendations made to the Shire of Yalgoo by the Main Roads Department after the initial inspection and assessment and, if so, will the Minister provide details of such recommendations;
 - (e) did the Shire of Yalgoo agree to these requests; and
 - (f) when was the Shire advised that its application was unsuccessful and what were the reasons for this decision?
- (3) Has the Government recently contributed approximately \$1.5 million to a road within the Shire of Yalgoo which will primarily service a mining operation and is he aware that the Shire of Yalgoo is of the view that its Warriedar Road proposal would not only benefit the same mining company but be of great assistance to the community in general?
- (4) Will the Minister request the Main Roads Department to reconsider the application for Warriedar Road and, if not, why not?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) Yes.
 - (2) (a) 26 May 1989;
 - (b) initially, \$235 000;
 - (c) council was assisted by the department with technical expertise to assess an appropriate standard for the road in about mid-June 1989;
 - (d) the assessment referred to in (c) above indicated that it would be appropriate to amend the standard initially proposed;
 - (e) subsequently, the council submitted an amended application for \$145 000; and
 - (f) 8 September 1989. There was a considerable number of projects submitted by local governments seeking special grants and along with Warriedar Road many of these could not be accommodated due to limitation of funds available for such projects.
- (3) The State Government has agreed to contribute \$1.5 million primarily to upgrade the Yalgoo-Paynes Find Road to accommodate the haulage of base metals from the Golden Grove project to the Port of Geraldton. The mining company involved will also contribute \$1.5 million. It is expected that royalties totalling \$35 million will flow to the State as a result of this development. The Yalgoo-Paynes Find Road upgrading will benefit all motorists in the area, as well as increasing the shire's total road assets. Upgrading of any road, including Warriedar Road, would be of assistance to the community in general.
- (4) The Main Roads Department will undertake a further detailed assessment of the needs of this road in consultation with the Shire of Yalgoo.

SWAN BREWERY SITE - REDEVELOPMENT ALLOCATION
Completion Sum - Old Brewery Management Board

704. Hon P.G. PENDAL to the Leader of the House representing the Minister for Planning:

I refer to an allocation of \$5.7 million for continued redevelopment of the old Swan Brewery site and ask -

- (1) What is the projected sum needed to complete the project?

- (2) When will details of the proposed old brewery management board be released?

Hon J.M. BERINSON replied:

The Minister for Planning has provided the following reply -

- (1) The project manager is currently preparing a cost plan statement which will provide an accurate assessment of the sum needed to complete the project to "fit out" stage.
- (2) When the internal uses have been finalised in detail.

MOTOR VEHICLES - DRIVER EDUCATION

High Schools - Community Policing Program, Reintroduction

714. Hon BARRY HOUSE to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) Is it proposed to reintroduce driver education to high schools in WA through the community policing program?
- (2) If so -
 - (a) how many schools are currently receiving driver education;
 - (b) will there be additional schools receiving driver education under this program next year; and
 - (c) is there a practical component to the course or is it all theoretical?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

- (1) Yes. The youth driver education scheme was reintroduced to Western Australian schools in 1988 and expanded at the commencement of the 1989 school year.
- (2)
 - (a) Currently the program is operating in 14 high schools;
 - (b) yes; and
 - (c) the program consists of two sessions of two hours of theory - can be varied according to the requirements of schools - and one hour of practical onroad experience. Successful students are issued with a driving manual.

QUESTIONS WITHOUT NOTICE

NOLLE PROSEQUIS - ATTORNEY GENERAL

Statistics - Answer to Question 340

353. Hon GEORGE CASH to the Attorney General:

I refer to question on notice 340 on Tuesday, 24 October in which I asked for information regarding the number of *nolle prosequis* that the Attorney General or his officers have entered into in recent times, and other subsidiary questions. In his answer the Attorney General advised that he would be happy to take up the matter I raised and seek some elaboration. Has he done so and is he able to elaborate on the matter?

Hon J.M. BERINSON replied:

That question was asked on Tuesday, I referred it to the department on Wednesday but as of this morning, when I left on other business, I had not yet received a response. I certainly expect one to be available early next week.

HEALTH - STATE HEALTH LABORATORY SERVICES

Complaints - Chief Magistrate's Letter

354. Hon PETER FOSS to the Attorney General:

I understand that the Chief Magistrate has written to the Under Secretary for Law in April and July this year regarding complaints about the State Laboratories. Will the Minister investigate whether such letters were written and inform the House in respect of the matter raised by the Chief Magistrate?

Hon J.M. BERINSON replied:

Since the honourable member brought this matter to my attention I have asked for a comprehensive report on the matter. I think that that will deal with any questions raised by any complainant. We have a difficulty in that the laboratories are within another department, but that is no answer to the problem. If there is a problem we need to understand it to the fullest extent and see what can be done to address it. I cannot give a timetable or provide a date when the report I have requested will be available because, to a considerable extent, it will involve consultation with departments directly responsible for the laboratories. Nevertheless, the matter is being pursued.

PASTURE AND TENURE - NEW LEGISLATION

Non-existence - Pastoralists and Graziers' Criticism

355. Hon P.H. LOCKYER to the Minister for Lands:

- (1) Is the Minister aware of the severe criticism by pastoralists and graziers at a conference in Broome about the lack of a pasture and tenure Act?
- (2) Is the Minister aware that the Burke Government gave an undertaking to introduce a Bill?
- (3) Will the Minister inform the House when the Bill will be before the House?

Hon KAY HALLAHAN replied:

- (1) Yes.
- (2) Yes.
- (3) It will depend on the considerations in Cabinet.

WOMEN - PANNAWONICA AND WICKHAM, PILBARA

Ministerial Meeting - Details

356. Hon CHERYL DAVENPORT to the Minister for The Family:

Can the Minister advise members about the meeting recently attended by the Minister with women in the Pilbara towns of Pannawonica and Wickham?

Hon KAY HALLAHAN replied:

The towns of Pannawonica and Wickham were among the towns I visited in the Pilbara. I was accompanied by Hon Cheryl Davenport, Senator Pat Giles and the member for Pilbara, Mrs Buchanan. It was an interesting visit in terms of the problems that the women are having in those two towns. The meetings were very productive as the women explained what their concerns were, and health matters were always high on the lists.

An area which was worrying was the amount of tension between the wives and families of wages staff and the wives and families of salaried staff. It seems that the industrial relations practices of the company in those two towns have had an impact on the social life of families and has an isolating effect on some people - although not all people - and a destructive influence. Some women expressed concern about the safety of their husbands in their employment. They were also uncertain about how long they would be residents in these places if they offended company personnel practices and policies. There was a marked contrast between most social environments in other towns visited and the impact felt on the women and families of the towns of Wickham and Pannawonica.

PASTURE AND TENURE - NEW LEGISLATION

Present Session

357. Hon P.H. LOCKYER to the Minister for Lands:

Supplementary to my previous question, I understand the Minister's answer in that the matter has to go to Cabinet, but I ask the Minister whether, with Parliament ending in December and possibly not sitting again until April or May 1990, the pastoral tenure Bill will be introduced in this session of Parliament?

Hon KAY HALLAHAN replied:

It has always been my hope that that would be the case. I have made that clear at meetings with the Pastoralists and Graziers Association and the Western Australian Farmers Federation. The Cabinet minute is with Cabinet and the outcome of the considerations will soon be clear. It is my hope to have the legislation before Parliament this session, but it will be a Government decision and the outcome of the Cabinet deliberations will make it very clear as to the timing and direction of such legislation.

WOMEN - PANNAWONICA AND WICKHAM, PILBARA

Ministerial Meeting - Davenport, Hon Cheryl, Capacity

358. Hon GEORGE CASH to the Minister for Lands:

My question is supplementary to the question asked by Hon Cheryl Davenport.

- (1) Can the Minister advise in what capacity Hon Cheryl Davenport was attending the function referred to?
- (2) Who will pay the costs of Hon Cheryl Davenport's fares in respect of that meeting?
- (3) Will the Minister give consideration to affording the same facility to members of the Opposition who also have a very keen interest in that area?

Hon KAY HALLAHAN replied:

(1)-(3)

Hon Cheryl Davenport accompanied me on that visit in her capacity as a woman member of Parliament who has had a close involvement in policy development for women and families. She is on policy committees, both within the State Parliamentary Labor Party and the Australian Labor Party and is a very prominent member in policy making decisions.

Hon P.G. Pental: Did the Labor Party pay for her then?

Hon KAY HALLAHAN: Does the member mind buttoning up until I complete my answer. I understand she made arrangements to pay for her own expenses and the member can direct the question to her. I certainly did not -

Hon George Cash: I make the point that I have no objection. I am asking you to extend the same facility to members opposite.

Hon KAY HALLAHAN: The member should ask Hon Cheryl Davenport how she financed it and members of the Opposition can finance similar visits in the same way she did.

Hon P.G. Pental: Fair enough.

Hon KAY HALLAHAN: It would be fair enough.

LOCAL GOVERNMENT ACT - PRINCIPLES AND ISSUES DISCUSSION PAPER

Responses

359. Hon JOHN HALDEN to the Minister for Local Government:

Will the Minister advise the House about the responses to the principles and issues discussion paper on the Local Government Act?

Hon KAY HALLAHAN replied:

I thank the member for his question because it is timely. A petition was lodged in this House today against the discussion paper. It showed that in one area there had been a misunderstanding of the content of that discussion paper. People are being asked to fill in petitions which are not accurate and it is a matter I will have to give consideration to. However, I am pleased to advise the House that more than 250 submissions were received on the proposed new Local Government Act. They were submitted by the Local Government Association, the Country Shire Councils Association, 58 from local councils, 40 from community groups, 32 from educational institutions, 11 from Government agencies and two from interstate.

If members are interested in the percentage of submissions from outside the metropolitan area I will obtain the information for them. Although the closing date for submissions was extended to 13 October, submissions are still being received and are being referred to the working parties which are working on each chapter of the Act. I have assured members before that as those chapters are developed there will be more public consultation.

We are very happy with the response to the discussion paper and no doubt it will help the people working on each chapter of the new Act.

HOMOSEXUALITY - DECRIMINALISATION LEGISLATION

Anglican Church - Government Discussions

360. Hon E.J. CHARLTON to the Leader of the House:

To his knowledge have there been any discussions with the Anglican Church or any other body in connection with the introduction of the Bill to decriminalise homosexuality in this State?

Hon J.M. BERINSON replied:

I am not aware of any such discussions. I assume the member is asking about discussions between the Government and the church. Personally, I have not been involved in any such discussion and I am not aware of any. I cannot take the answer beyond that. If the honourable member wants me to make further inquiries I would be happy to do so.

MINISTERS OF THE CROWN - ELECTORATE VISITS

Rural Members - Notification Practice

361. Hon N.F. MOORE to the Minister for Local Government:

Further to the Minister's answer to the question asked by Hon Cheryl Davenport -

- (1) Is it the practice of the Minister to advise country members of Parliament that she is visiting their electorate?
- (2) If she does not do that, why not?

Hon KAY HALLAHAN replied:

(1)-(2)

It is my practice to notify members of Parliament of my visit to their electorates.

MAGISTRATES - RETIREMENT AGE

Legislation Rescission

362. Hon P.H. LOCKYER to the Attorney General:

Did he give an undertaking, through the Government, to stipendiary magistrates that they would be able to retire at age 55 and is it a fact that that has been rescinded and they must wait until age 60 before they can retire?

Hon J.M. BERINSON replied:

This question arose through some doubt as to whether the general age 55 retirement provisions would apply to magistrates because of the specific provisions in their Act. I did agree to take some initiative to have the Act amended. From memory, the reason that work in that direction has not proceeded is because other work is being done on the Superannuation Act and the idea is to incorporate in those amendments a provision putting beyond doubt that the opportunity to retire at age 55 will apply to magistrates. The difficulty that leaves me with, in case the honourable member now wants to know what stage that legislation is at, is that it is not legislation being drafted within my department. As recently as last week or so I had occasion to check that this matter had not fallen into a hole somewhere and the explanation is as I have outlined.

MAGISTRATES - SUPERANNUATION FUND
Non-contributory - Government Consideration

363. Hon MAX EVANS to the Attorney General:

With regard to superannuation for magistrates, is the Government considering a non-contributory superannuation fund? I understand the Government has been looking at that for some time in order that it will be in line with judges' superannuation.

Hon J.M. BERINSON replied:

No, the only matters under discussion are variations to the current superannuation scheme. Submissions have been made from time to time that magistrates should have benefits similar to those of judges of the superior courts. I think my memory is correct to the effect that the position in this State represents a uniform practice throughout Australia. While there is always room for review and to moving from practices of that uniform kind a change in that direction is not currently under consideration.

MAGISTRATES - SUPERANNUATION FUND
Provision - Concern

364. Hon MAX EVANS to the Attorney General:

The magistrates are concerned about this provision. I ask the Attorney to give consideration to the matter because magistrates do not transfer from one State to another. They are normally employed in the system in this State and their superannuation is deducted from their after-tax income. The rest of the judicial system employees receive higher salaries and do not have their superannuation deducted on their taxable income. It is very much the same as members of Parliament and judges.

Hon J.M. BERINSON replied:

I hesitate to be definite in the period I am talking about because sometimes time passes very quickly and one does not notice how long it has been. At other times, especially around 12.30 am in this Chamber, it passes slowly. I think I am correct in saying that this question has been reviewed as recently as during the last six or nine months. I do not believe a further review at this stage would be likely to produce different results.

I add to that the fact that the whole question of judicial salaries and magistrates' salaries and conditions are linked - and this is currently the subject of intensive review - not only in Western Australia through our own tribunal, but throughout Australia. In some respects the recent decisions on judicial salaries by the Commonwealth have created considerable difficulties, particularly in the way some aspects of it have disturbed well established relativities in a way that is, in my view, difficult to support.

That, however, is by the way. The fact remains that Commonwealth moves have demonstrated the need for a further overall review of judicial salaries

and conditions and the position of magistrates will certainly be considered in the same context.

PRISONERS - PRISON SENTENCE STATISTICS

Members of the Judiciary - Sentence Consideration, Attorney General's Correspondence

365. Hon GEORGE CASH to the Attorney General:

- (1) Has he written to any members of the judiciary inviting them to have regard for the number of persons presently serving prison sentences in Western Australia when considering sentences?
- (2) If so, will he provide details?

Hon J.M. BERINSON replied:

(1)-(2)

I cannot recall any such correspondence. There may have been on occasions in the past, but in the distant past.

Hon George Cash: In the past 12 months?

Hon J.M. BERINSON: I would not think so.

Hon George Cash: It is probably worth checking.

Hon J.M. BERINSON: I am prepared to do that. This matter is simply a part of the whole enforcement system and I am prepared to check that information for Hon George Cash if he would like me to.

Hon George Cash: Yes. It is not a trick question.

SPORT AND RECREATION - TENNIS

Western Australian Lawn Tennis Association - Championships, Current Situation

366. Hon MAX EVANS to the Minister for Sport and Recreation:

Can he inform the House on the current situation with regard to the Western Australian Lawn Tennis Association (Inc) championships and indicate whether the association approached the Government for help?

Hon GRAHAM EDWARDS replied:

Has the member made an approach to the Lawn Tennis Association to find out the position?

Hon Max Evans: No.

Hon GRAHAM EDWARDS: I am chasing some information to ascertain what is the position.

LAND - SUBIACO

Axon Street-Hamilton Street - Minister for Sport and Recreation, Vesting Consideration

367. Hon MAX EVANS to the Minister for Sport and Recreation:

Did the Minister initially consider vesting the land in Subiaco from Axon Street to Hamilton Street, which would not have required the consent of Parliament, as I understand it, because the full amount is vested in Subiaco, or did he consider initially vesting the land from Coghlan Road to Axon Street?

Hon GRAHAM EDWARDS replied:

It is a long time since I have heard Subiaco pronounced as Subi-ar-co, my favourite football team; I think it was pronounced that way by a person whose name I think was Don Juan. It is one of my great sorrows that I never saw the great Hayden Bunton senior play football for Western Australia because I was told he was a champion and would have been a champion in any era.

The matter of the vesting of the land and the amount of land to be vested has been a matter of some discussion. It is now finalised although I am not sure of the delineation. I will be happy to advise the member about this matter as soon as I have the information. Such is the nature of the vesting that it would always be my intention as Minister for Sport and Recreation to bring the

matter to the Parliament because in my view it is a matter that should be discussed and debated by it.

Hon Max Evans would be aware that some members of the Subiaco City Council claim that no opportunity has been given for consultation. That is simply not the case. The period during which they have an opportunity to consult with members of Parliament and put their position ranges from when the notification was given immediately after the Cabinet decision until the matter comes to the Parliament and the revestment has been considered.

LAND - SUBIACO

Axon Street-Hamilton Street - Bowling Club Area Inclusion

368. Hon MAX EVANS to the Minister for Sport and Recreation:

I grew up in West Perth where I went to Thomas Street school and we thought Subiaco was called Subi-ar-co.

Does the land delineated include the bowling club area and car park, is it just the circumference of the Subiaco football ground, or does it square off on the four streets?

Hon GRAHAM EDWARDS replied:

It does not include the Subiaco Bowling Club.

HOMOSEXUALITY - PRIVATE MEMBER'S BILL

Reasons

369. Hon E.J. CHARLTON to the Attorney General:

While respecting the right of members to introduce Bills, what was the reason for the Government's having the Bill relating to homosexual matters introduced as a private member's Bill and not as a Government Bill?

Hon J.M. BERINSON replied:

We have consistently followed the practice with measures of this kind of allowing private members to take the initiative; it is simply consistent with past practice. This measure and a limited number of other measures go very close to the question of personal status rather than the more general questions which normally affect the Criminal Code as such.

SPORT AND RECREATION - WOMEN AND SPORT

Superdrome Function - Purpose

370. Hon MAX EVANS to the Minister for Sport and Recreation:

At a Superdrome function related to women and sport some weeks ago the Minister credited me with being present, for which I thank him. However, I had not been invited and was not at the function; I just happened to walk past and the Minister saw me. I was on my way to see Wally Foreman on another matter.

Can the Minister tell the House whether that function related to women and sport was to help elite women in sport with their coaching and training or was it held for its social benefits? I could not pick that up from the paper and I was not there to receive any handout given in relation to the matter.

Hon GRAHAM EDWARDS replied:

I am pleased that Hon Max Evans has an interest in this important area of women's sport. I obviously did not issue the invitations, they did that themselves. That does not detract from the fact that it was an important function.

Members would be aware that I always recognise members of the Opposition and always encourage their interest in sport. The aims of the Women in Sport Council are many, but what it seeks to do is increase the participation rate in women's sport and improve the quality of that participation. They have a challenging task before them in many areas, but one of the great areas of

challenge for them is ensuring that the many fine women athletes from this State receive due recognition that they deserve from the media so that those high profile elite achievers can fulfil the role model image so important back down the track to adolescent girls who often at the age they should be involved in sport are actually leaving it because of lots of myths about women who involve themselves in sport. I would be happy to obtain the aims and objectives for the member and send them to him if he would be interested in receiving them.

SPORT AND RECREATION - WOMEN AND SPORT

Budget Inclusion - Media Image Enhancement

371. Hon MAX EVANS to the Minister for Sport and Recreation:

- (1) The Minister is saying he will be trying to enhance the high performance athletes in parallel with the aims of the Australian Institute of Sport. Is he taking over the females in his budget?
- (2) How does the Minister intend to enhance the image of women's sport in the media? It is very difficult to see how he will do that without paying for advertisements.

Hon GRAHAM EDWARDS replied:

(1)-(2)

I do not intend to do those sorts of things. It is really up to the institute. The council consists of a very competent group of people. That group includes not only swimming representatives but other members of the sporting community such as Brian Cook, who is well known for his involvement with the Western Australian Football Commission, and Bryan Rourke, the acting Executive Officer of the Western Australian Sports Federation. The task will be difficult because we all know that the sorts of things which receive most coverage in the media are those sports which are able to attract large spectator crowds.

Hon Max Evans: Or if they go bankrupt, like football.

Hon GRAHAM EDWARDS: Football is not bankrupt. The challenge is a real one. The member quite correctly identified that it is not just one in which women are concerned, but it includes minor sports as well. I attended a function yesterday which was co-hosted or co-supported by the *The West Australian*. That was to present the Western Australian Sportswoman of the Year. That trophy was won by Norma Wainwright from the sport of bowls. I am pleased to say that the *The West Australian* had given strong support to the promotion of that event, and I am sure the member has seen the monthly winners published throughout the year. That sort of thing is encouraging. To set aside the real and direct benefits to sport, social benefits such as good health and the wellbeing of a very large proportion of our community go hand in hand with this.

QUESTIONS - UNANSWERED

Question 606 - Answer Concern

372. Hon W.N. STRETCH to the Leader of the House :

With regard to question on notice 694, I was rather puzzled by the answer because it does not really answer the question. It says, "I refer the honourable member to answers to questions 440 and 606." Question 606 was one of the questions I drew to the attention of the Leader of the House yesterday; it was on the list of 54 unanswered questions. Today it is on the list of 42 unanswered questions. We have improved 12 questions but we have had 15 new ones today so we are making negative progress. I am concerned at where the answer to my question 606 may be.

Hon J.M. Berinson: Is that the one you brought to my attention yesterday?

Hon W.N. STRETCH: That was question 628. This is the less important of the questions which have not been answered. I am perturbed that the department

which presumably answered this question on behalf of the Minister for Conservation and Land Management has evidently supplied the answer, but either it has not reached the Minister, or the Minister in the other place is sitting on it, and it has not been transmitted to this Minister. I am concerned about not receiving the information. If the answer is somewhere in the pipeline, could the Minister kindly follow that up and see if we can make progress with the unanswered questions so that members may know where they are?

Hon J.M. BERINSON:

Taking the matters in turn, may I indicate to Mr Stretch that I took up the matter of the question which concerned him yesterday. The only reason the answer has not already been provided is the absence from Perth of the Minister to authorise it. I am told that it should be available next week. The Minister for Racing and Gaming is the correct Minister to answer this question and I am sure he will try to clarify it.

Hon W.N. Stretch: Would the Leader of the House expedite it and make sure that questions are not lost?

Hon J.M. BERINSON: It does not work like that. I cannot undertake to contact all 17 ministries. Each of us has his respective function.

Hon W.N. Stretch: Leadership has its problems.

Several members interjected.

Hon J.M. BERINSON: Do members mind? I am sure Hon Graham Edwards would be happy to take this up and he will represent members' interests at least as well as I could, and very likely better.

LAND - REVESTMENT PROPOSAL

Minister for Local Government - Negotiations Involvement

373. Hon GEORGE CASH to the Minister for Local Government:

In view of the proposed revestment of certain lands, part of which include Subiaco Oval, can she advise what part in the negotiations she has played in her capacity as Minister for Local Government?

Hon KAY HALLAHAN replied:

The Minister for Sport and Recreation has had the major task in the negotiations so far. I have, of course, received expressions of concern from the council.

MINISTER FOR LOCAL GOVERNMENT - WESTERN AUSTRALIAN FOOTBALL COMMISSION

Oval Rentals, Reduction Proposal - Local Authority Approaches, Bassendean Concern

374. Hon KAY HALLAHAN (Minister for Local Government):

On 19 October Hon Barry House addressed a question to me as Minister for Local Government and asked -

- (1) Has the Minister received any approaches from local authorities following the proposal by the Western Australian Football Commission to waive the rental on major WAFL ovals for the next season?
- (2) Does the Minister support these proposals to waive the rentals?

I responded and said -

I have not had direct approaches on the matter, although yesterday I met with WAMA, which is a new body representing three local government associations. During those discussions those bodies raised their concerns about this matter. I do not support the approach to reduce these rentals.

Subsequent to answering that question my staff brought to my attention the fact that I had had expressions of concern in writing from the town of Bassendean, so I misled the House to that degree.

Hon P.G. Pandal: Very commendable!
