

# Legislative Assembly

Tuesday, 21 October 1986

**THE SPEAKER** (Mr Barnett) took the Chair at 2.15 p.m., and read prayers.

## BUDGET DEBATE: PRECEDENCE

### *Condemnation: Standing Orders Suspension*

**MR MacKINNON** (Murdoch—Deputy Leader of the Opposition) [2.18 p.m.]: I move, without notice—

That so much of Standing Orders be suspended as will present permit the moving of the following motion:

That the Government be condemned for its failure to observe the well established principle of allowing the Opposition to present its position on the State Budget at the first available opportunity and as agreed between the Leader of the House for the Government and the Leader of the House for the Opposition.

That agreement concluded last week and confirmed on October 20 has now been breached by the Premier insisting that the debate on his own Motion concerning actions being taken by the Legislative Council will take precedence over all other matters before the House and agreements previously concluded.

This House condemns such action for the manner in which it so callously discards the traditions of this Parliament.

The traditions of this House, as you know, Mr Speaker, as you have been here longer than I, are very important in the conducting of the business of the Parliament. Since I have been a member of this Parliament, and I am sure since you have, agreement has always been reached between the two parties to allow a response by the Opposition on the Budget. It is usually a few days later, sometimes four, sometimes five, after the presentation by the Treasurer of the day.

That agreement, to my knowledge, has always been that it is at the discretion of the then Leader of the Opposition, whomever he may be, when he would like that presentation to be made. That agreement was arrived at last week in discussions between the Opposition

and the Government, and it had been agreed that the appropriate time would be today—at this time, in fact.

However, last Thursday, about lunchtime or thereabouts, we received notification from the Government that there was a possibility a motion would be moved by the Government seeking to suspend Standing Orders to debate a motion concerning a debate on a motion in the Legislative Council. That Council motion, as you are well aware, Mr Speaker, was subsequently passed; and the debate in that House then moved on.

The motion was moved by the Premier. It was moved on a matter of debate in the Legislative Council, and the debate continued for the balance of the day. The Premier, of course, put his party's point of view on his own motion, and the Leader of the Opposition took some time to rebut that motion. In fact, he is still in the process of doing so, and has some further points he wishes to put on behalf of the Opposition.

However, we received advice from the Government this morning that it wishes to seek, as a matter of priority, to debate the motion moved by the Premier. In other words, the well-proven tradition of this Parliament, the procedures whereby the Opposition has the right to put forward at the appropriate time its point of view on the Budget, has been discarded by the Premier because he wants to debate his own motion on a matter presently before the Legislative Council.

One must ask the essential question: Why that priority? Is it important that we debate the motion of the Premier? Will that in any way have any effect on the matters before the Legislative Council at the current time?

The answer to that is clearly "No". The Legislative Council has its own forms. It will make its own decision; it will have its own debate; it will make its own decision this afternoon. Anything that this House determines in the meantime, I am sure, will not affect that decision.

Secondly, we must ask why it is the Premier wishes to pursue this course of action; and there are two answers to that question. The first is that I get the impression the Government is rather keen to divert attention from the real issue of the day; that is, the deal involved in the Midland abattoir, and all the nuances pertaining thereto and questioning thereof.

*Points of Order*

Mr BRIAN BURKE: Mr Speaker, the motion is one that seeks the suspension of Standing Orders. Not only has the Deputy Leader of the Opposition now well and truly departed from that motion, but also he is now past even addressing the question of the substantial motion that he wants to move if Standing Orders are suspended, and he is talking about other matters as well. I would respectfully draw your attention to the relevance of his contribution.

Mr MacKINNON: On the same point of order, Mr Speaker, the points that I am referring to are very relevant. I am trying to point out the reason that we want to suspend Standing Orders to allow that motion to be debated, and in doing so it is rather important to point out to the House why it is that the Premier and the Government want to proceed with the motion before the House, which is exactly what my motion refers to.

The SPEAKER: I am going to rule in favour of the point of order raised by the Premier. In doing so, I understand and appreciate the difficulties the Deputy Leader of the Opposition and anyone else may have in debating this motion. However, the actual motion before the Chair is this—

That so much of Standing Orders be suspended as will allow and permit the moving of the following motion: . . .

We then discard the following motion and talk only about the suspension of Standing Orders; so it is not correct for the Deputy Leader of the Opposition to canvass those matters which he was canvassing prior to the point of order.

*Debate Resumed*

Mr MacKINNON: Thank you for your direction, Mr Speaker, but the point of order made by the Premier proves the point I was making. The Premier and the Government obviously are confused at the moment. They want to divert attention from the attacks made upon them, not just inside the Parliament but also outside the Parliament. Of course, we will not have any part of that, particularly when the Premier uses—or should I say abuses—the forms of this House for his own ends when we should today be following the well-proven traditions of this Parliament in debating the most important matter of the Government's Budget. Of course, the most important matter in relation to that Budget is the Opposition's viewpoint thereon, which should be the matter before the Parliament today rather than the friv-

olous motion that the Government wants to debate—a motion that will have no impact on what is happening in Western Australia today, tomorrow, or in the future. That motion refers to matters in the Legislative Council, which will be well concluded by the members of that House today.

MR HASSELL (Cottesloe—Leader of the Opposition) [2.25 p.m.]: I second the motion, and in doing so point out that the Opposition has moved this motion today because it is the only way open to the Opposition to express its disgust at the way in which the Premier is overriding the traditions of Parliament in the conduct of the business of the House.

As I said the other day, the Opposition commends the Leader of the House for the approach that he has taken in seeking to have the business of the House conducted in an orderly fashion on a basis of understanding and agreement between the two sides. That is not to say that the Government concedes anything to the Opposition, nor that the Opposition concedes anything to the Government over the issues. But it is quite clear and has been clear for decades, indeed for centuries, that if an individual Parliament is to operate and survive there must be an understanding and a tradition in those operations between the Government and the Opposition; and indeed, there has been that understanding. Most of what we do in this Parliament is not governed by rules written down—it is governed by the understanding that we should have a Parliament that operates in a fair and balanced way. The Premier has no regard for those rules. Indeed, it is a fact that it is some time since we had a debate of this nature because the Leader of the House has endeavoured to operate the House according to its traditions and according to fair play and fair practice.

All that today has done is recall to mind exactly the same situation that the Leader of the House's predecessor—the member for Morley-Swan—faced when he was Leader of the House. In those circumstances he, too, made agreements with the Opposition relating to the conduct of business, only to have them overruled at the whim of the Premier. The Premier never wants to play by the rules. He wants to play the man, he wants to play rough and ride roughshod over everyone. That is exactly what he is doing today—riding roughshod over his own Leader of the House, as he did the Leader of the House's predecessor.

The SPEAKER: Order! Could I just point out to the Leader of the Opposition the same matter which was addressed to the Deputy Leader of the Opposition; that is, that it is a very difficult motion to address, and I appreciate that. Nonetheless, I think you are straying from it.

Mr HASSELL: Mr Speaker, I am not seeking to stray from the motion. It is my understanding that, within the Standing Orders, it is necessary in moving to suspend Standing Orders to establish the reason for seeking the House's concurrence in doing so, and that is all I seek to do. The reason we seek the House's concurrence in suspending Standing Orders to debate the motion is that we feel so deeply and strongly that we are simply being ridden roughshod over to suit the immediate, short-term, political convenience of this Premier who has no regard, not only for the traditions of Parliament in relation to the upper House but also for the procedures of this House, nor even any regard for his own colleagues and the work they are attempting to do.

We have played it tough in this House in seeking to get our point across. We have not always pleased the Government, and neither has the Government always pleased us; but we have been endeavouring in a conscientious way, as has the Government in many respects, under the leadership of the Leader of the House, to play it fair and straight so that we can argue the issues in Parliament and not argue the procedures of Parliament.

We have before us a debate which is necessarily going to go on for some time because it is not finished. We know the Government and the Opposition have several speakers. That debate—which is about a current political issue—is to be given preference by the Premier as a result of his deliberate action over the traditional response to the Budget. It amounts to this: It is not a fair go to the Parliament and not within the traditions of the Parliament so the Standing Orders should be suspended so that that substantive issue can be debated.

MR PEARCE (Armada—Leader of the House) [2.31 p.m.]: I am embarrassed and a little concerned about the motion moved. I want to explain to the House the circumstances that lead the Government not to agree to the suspension of Standing Orders.

It is the case that last Thursday the Premier gave notice of motion to suspend Standing Orders to debate the question of the Legislative Council's action in calling a businessman—in

our view quite unjustifiably—before the Bar of the House. It is obviously important for that matter to be resolved by this House before Mr Ellett finds himself before the Bar of the Legislative Council. In a range of discussions with people last Thursday afternoon, I sought to bring about a vote on that matter before question time. When that failed—for reasons which I will elaborate—the Government was then placed in this position. I go well out of my way to avoid keeping members and staff members on a Thursday evening because it is a great inconvenience to members to find themselves having to cancel Thursday evening appointments at the last minute and an even greater imposition on staff members who find themselves, instead of going home at an expected time, suddenly called back for an evening session.

I think the Leader of the National Party may well agree because he was involved in these discussions. For about an hour before the conclusion of Thursday's session I tried to organise for the debate to be concluded and a vote taken by 5.30 p.m.

Mr Hassell: It was a pretty important issue. We were not trying to prolong it. It was being debated.

Mr PEARCE: The Premier spoke at much greater length than he intended to because he suffered 12 points of order through the course of his speech, points of order which you, Mr Speaker, subsequently ruled were frivolous. That added about half to three-quarters of an hour to the debate. Before the Leader of the Opposition got up to make his contribution to the debate, I indicated the timing that would be necessary to get to a vote by 5.30 p.m.

The Minister for Industrial Relations and I were both due to speak in the debate but both of us agreed not to speak in order to get it through by 5.30 p.m. We asked that the Leader of the Opposition so alter the length of his contribution to the debate so that the Leader of the National Party would have an opportunity to make his speech before the vote was taken and the Premier would have a brief opportunity for reply. By negotiation, the Leader of the National Party agreed to keep his contribution to 10 or 15 minutes, and the Premier agreed to restrict his reply to five or 10 minutes, in order to cover the points but still get a vote by 5.30 p.m. so I could honour the undertaking I gave to the Leader of the Opposition that he could make his speech on the Budget at the beginning of today's sitting. That fell down because the Opposition dragged out the debate

by frivolous points of order and the Leader of the Opposition spoke for an hour and five minutes—

Mr Hassell: It was a matter of some substance. I was not deliberately delaying the House; I was dealing with serious issues.

Mr PEARCE: I am not saying they are not serious issues.

Mr Brian Burke: You said in your contribution today it was a flippant motion, and now you are saying it is serious.

Mr PEARCE: It is a serious motion. I did everything I could to bring about a vote on this matter last Thursday afternoon. I indicated to the Deputy Leader of the Opposition at the time that if we could not round the debate off on Thursday afternoon we would have to deal with it first thing on Tuesday before the Leader of the Opposition's speech on the Budget, because we believed the matter should go to a vote before Mr Ellett appeared before the Bar of the Council. I made that quite clear to the Opposition on Thursday afternoon.

Today, the Leader of the Opposition has an unspecified, unlimited amount of time to finish his contribution. I promised the Leader of the National Party that time would be made for his contribution, which he agreed to keep brief. The Minister for Industrial Relations and I have agreed not to speak in this debate and the Premier has agreed to restrict his reply to a few minutes. I thought we could round up the debate on the motion in relation to the Council's desire to call Mr Ellett before the Bar of the House, between 2.15 p.m. and 2.45 p.m. The Leader of the Opposition would then have been given the run to make his Budget speech. Admittedly, that is half-an-hour after the start of Tuesday afternoon's session, but it is hardly a matter about which he can complain because the main purpose of his speaking early is to have plenty of time to make an important contribution at a time which is suitable to every avenue of Press coverage. That is fair and reasonable, and he should have that. I have told the Deputy Leader of the Opposition that I have arranged matters on the Ellett motion to conclude very rapidly so the Leader of the Opposition can make his speech.

Mr MacKinnon: You gave me to understand yesterday we would adjourn the motion.

Mr PEARCE: I did say to the Deputy Leader of the Opposition in discussion yesterday that once the Leader of the Opposition finished speaking we would adjourn the debate to allow

the Leader of the Opposition to make his speech on the Budget.

Mr Hassell: You admit you said that because that was requested of you quite deliberately, and I asked the Deputy Leader of the Opposition to find out what the position would be.

Mr PEARCE: It has changed twice. On Thursday afternoon I told the Deputy Leader of the Opposition that if the debate was not concluded by 5.30 p.m. it would be necessary to conclude it on Tuesday before the Leader of the Opposition made his speech. I do my best to accommodate the demands of all sides of the Parliament. In discussion with the Deputy Leader of the Opposition I did agree to the proposition that we would adjourn after the Leader of the Opposition's speech. When I spoke again to my own members, who have an equal right to have a say in how things go, they pointed out something to which I should have given further weight. With the length of speech that the Leader of the Opposition is likely to make on the Budget—quite properly and legitimately—we may not get to a vote on the Ellett motion before he goes before the Bar of the Council. Members on my side thought it was very important to ensure that that vote was taken in the Assembly before that time. I then took the step of making sure the debate on the Ellett motion was curtailed as much as possible—and that meant restricting the rights of members of Parliament, including myself, to speak on the motion—to give the Leader of the Opposition the time he desired and required, to make the impact on the Budget that he wishes.

The Premier has just handed me a note for the information of members to advise that Hon. Mr Justice Lionel Murphy has passed away, which would be a matter of great sadness to all members.

The point I was making is that I have sought to be fair to all sides in arranging the order of business this afternoon. The irony of this debate is that it makes the programme even more difficult to maintain. We have now wasted 25 minutes on this matter and that puts the Leader of the Opposition's Budget speech back further. If the Opposition is happy not to prolong this debate—

Mr Hassell: We have both been very brief.

Mr PEARCE: I know that, but if we wanted to play the game really hard we could talk this motion out all afternoon and half the evening. That is what the Opposition may do under comparable circumstances, but that is not what we are seeking to do.

In my negotiations I admit the situation has changed a little. There has been no unfairness to the Leader of the Opposition in our dealings with him. He has been given, as is his right, a whole afternoon to make his Budget speech at a time when there will be maximum media impact.

**MR COWAN** (Merredin—Leader of the National Party) [2.38 p.m.]: The National Party believes very strongly that we should record our position in relation to the motion moved by the Leader of the House last Thursday, the motion which is the first item on the Notice Paper today. We would have preferred to support his motion to suspend Standing Orders, but we would have then voted against the substantive motion because we want to see a decision made on the Ellett affair prior to 5.30 p.m.

**Mr Brian Burke**: I understand what you are saying, but if we do that, that will put his Budget speech back much further.

**Mr COWAN**: I agree, but that was the decision made by the Leader of the Opposition, and if he wants to become involved in a debate which will prevent his Budget speech from taking place earlier than would normally be possible, that is his problem. It is not the problem of the Government and it is not the problem of the National Party. I said on Thursday that as far as we were concerned, we would always endeavour to support motions to suspend so much of Standing Orders as would prevent a substantive motion from being debated. We made that position very clear. On Thursday the National Party changed its attitude because we felt that some Standing Orders which allowed members to reflect on the Legislative Council would have to be suspended. I thought I made it clear that in this particular case no such situation arises. For that reason, the National Party will support the suspension of Standing Orders.

When it comes to the substantive motion—if this motion is successful—we will give reasons for our opposition to it.

**The SPEAKER**: This motion needs the support of an absolute majority. If when I put the questions there is a dissentient voice, I will divide the House.

Question put and a division taken with the following result—

## Ayes 22

Mr Blaikie	Mr MacKinnon
Mr Bradshaw	Mr Mensaros
Mr Cash	Mr Nalder
Mr Court	Mr Rushton
Mr Cowan	Mr Schell
Mr Grayden	Mr Spriggs
Mr Hassell	Mr Thompson
Mr House	Mr Trenorden
Mr Laurance	Mr Tubby
Mr Lewis	Mr Watt
Mr Lightfoot	Mr Williams

(Teller)

## Noes 29

Mr Bertram	Dr Lawrence
Mr Bridge	Mr Marlborough
Mr Bryce	Mr Parker
Mr Brian Burke	Mr Pearce
Mr Terry Burke	Mr Read
Mr Burkett	Mr D. L. Smith
Mr Carr	Mr P. J. Smith
Mr Peter Dowding	Mr Taylor
Mr Evans	Mr Thomas
Dr Gallop	Mr Tonkin
Mr Grill	Mr Troy
Mrs Henderson	Mrs Watkins
Mr Gordon Hill	Mr Wilson
Mr Hodge	Mrs Buchanan
Mr Tom Jones	

(Teller)

## Pairs

Ayes	Noes
Mr Clarke	Mrs Beggs
Mr Crane	Dr Watson

**The SPEAKER**: An absolute majority was not achieved; the motion is lost.

Question thus negatived.

## SHOPPING: TRADING HOURS

*Motor Industry: Petition*

**MRS WATKINS** (Joondalup) [2.47 p.m.]: I will not read all of this petition as it is quite long, and has been read before. It commences as follows—

We, the Owners and Employees involved in the Motor Vehicle Industry, are totally against the hours of trading being extended—totally against the trial period and the period thereafter.

The petition bears 77 signatures. I certify that it conforms to the Standing Orders of the Legislative Assembly.

**The SPEAKER**: I direct that the petition be brought to the Table of the House.

(See petition No. 52.)

**FISHERIES: SALMON***Non-food Use: Petition*

**MR MacKINNON** (Murdoch—Deputy Leader of the Opposition) [2.49 p.m.]: I have a petition which reads as follows—

We, the undersigned:

- (1) Are greatly concerned that moves are afoot to allow professional fishermen the right to catch seven tonnes each of Australian Salmon every year to be used as pet food and cray bait.
- (2) We are also alarmed that salmon and other species may be taken off the food fish only list.
- (3) We ask the Government to act now to make sure that salmon remains on the food fish only list, so as to conserve this fine fish for future generations.
- (4) Surely if recreational anglers are asked to abide by a bag limit of five salmon only, then to have professional fishermen slaughter salmon by the tonne for cray bait and pet food is most unjust.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 1 422 signatures. I certify that it conforms to the Standing Orders of the Legislative Assembly.

The **SPEAKER**: I direct that the petition be brought to the Table of the House.

(See petition No. 53.)

**LEGISLATIVE COUNCIL***Citizen Called to Bar of House: Motion*

Debate resumed from 16 October.

**MR HASSELL** (Cottesloe—Leader of the Opposition) [2.50 p.m.]: The Parliament should be very clear as to what has occurred in this matter.

One: The Legislative Council established a Select Committee to examine the sale of the Midland abattoir by the State Government. This followed a public controversy as to the propriety of the sale, the adequacy of the price obtained and alternative arrangements for the saleyards.

Two: The Select Committee established was not dominated by any one party. It comprised one Liberal, one Labor, and one National Party member.

Three: The committee advertised for submissions and evidence, and conducted a thorough and extensive examination of the facts. No-one was denied the opportunity to meet the committee or to put his evidence.

Four: Mr Ellett, the purchaser of the property, was asked during the course of the committee's proceedings about his funding arrangements. He refused to answer.

Five: The committee then went into camera so that Mr Ellett could answer the questions within the confidence of an in camera hearing. He again refused to answer.

Six: In accordance with the requirements of the Standing Orders of the Legislative Council, the chairman of the committee reported to the Legislative Council the refusal of Mr Ellett to answer questions.

Seven: As a result of that report a motion was moved that Mr Ellett be summoned to the Bar of the Legislative Council.

Eight: In the course of the debate in the Legislative Council the essential question of the relevance and therefore the lawfulness of the question was debated at length and in detail. The Council determined that the question was relevant and lawful.

Nine: The motion before the Legislative Council was amended to give Mr Ellett the opportunity within 24 hours to indicate to the President of the Legislative Council that he would be prepared to answer the question put to him. He refused.

Ten: Only after this long and careful process is Mr Ellett to be brought before the Bar of the Legislative Council.

Eleven: Were the Legislative Council to ignore his deliberate and repeated defiance of the authority of Parliament it would participate in understanding that authority and destroying the competence and effectiveness of Parliament to determine the truth relating to the actions of the Executive in the Midland abattoir deal.

Twelve: It is the purpose of the Government to undermine the authority and effectiveness of Parliament to protect the Executive and to avoid its actions being questioned in any way.

Thirteen: This is borne out very clearly by the statements of the Premier in a radio programme on Friday last and by the statements of the Deputy Premier reported on Saturday.

Very briefly I will record in *Hansard* some of the things the Premier said in his radio programme on Friday. I quote as follows—

It's all getting very messy, very political, but what it demonstrates is that you can't expect the Legislative Council to set up, or even the Legislative Assembly for that matter, fair and independent and non-political committees of enquiry. It's politicians Howard and—

Mr SATTLER (interrupting): Hang on, you're one of them!

Mr BURKE: Well I know, but at least I'm telling the truth about the Committees.

Mr SATTLER: You reckon they are both farcical because they'll always—pardon—

Mr BURKE: They're dopey.

Mr SATTLER: Aah.

Mr BURKE: Well of course they are. They are political exercises. Everybody knows that.

Here we have the Premier of the State talking about the institution of Parliament and its committees, both of the lower House and of the upper House. How does the member for Mitchell feel about his committee? How does the member for Subiaco and the member for Victoria Park feel about being described as dopey? They are all members of a committee of this House which has been described as dopey, a committee the establishment of which was supported by the Premier and the Government.

Let us measure the sincerity of the Premier. Let us measure the short-term nature of his memory by referring to a document under the name of the Premier which was released when he sought to obtain the trust of the people of Western Australia to govern this State. The document is headed "Parliamentary and Electoral Reform: Restoring Democracy to Western Australia". It was "Presented by Brian Burke MLA Leader of the Western Australian Opposition and David Parker MLA Shadow Minister for Parliamentary and Electoral Reform January 1983". So it was presented a few weeks before the 1983 election. It has a whole section under the heading of "Parliamentary Scrutiny

of the Executive", and it makes very interesting reading. I quote as follows—

Currently, the ability of Members of Parliament to, on behalf of their constituents, effectively scrutinize the activities of any Government, or any Government department or instrumentality is extremely limited. This is partly due to the structures involved and partly to do with resources.

The only two bodies capable of any sort of effective scrutiny are the (Legislative Assembly) Public Accounts Committee and the (Legislative Council) Standing Committee on Government Agencies (the so-called Quaso's Committee).

In fact, the Public Accounts Committee has proven to be a shadow of what it could be (turning away from enquiries into controversial subjects like the Metropolitan Water Authority) and has virtually no research assistance. Additionally it is in recess for up to a third of each parliamentary term because it has no statutory force. The Quaso's Committee has not lived up to early promises made on its behalf.

There is no effective scrutiny of the Budget process.

Then it goes on about the Budget process. This is very significant bearing in mind that these are the words of the present Premier who has moved this motion in relation to the operations of the Parliament in questioning the Executive. I quote as follows—

There is no control at all over public works funding or contract performance on behalf of the State. Many other States have Public Works Committees which oversee contracts, contract overruns and institute checks on the very considerable expenditure in these areas.

It goes on to make specific commitments—

An A.L.P. Government would:

10. Establish a more effective system of Parliamentary committees, including, in particular, the creation, by statute, of a Public Accounts and Expenditure Review Committee making provision for proper research facilities to independently provide information to Committee members, and ultimately the Parliament and the public. The Committee will operate completely independently and present its reports for public information.

Here we have a committee of the Parliament which has operated independently, and the Premier, who spoke these words in 1983, is seeking to condemn it.

Talk about double standards! Talk about dishonesty! Talk about a lack of consistency and integrity! What does the Premier stand for on any of these issues except his immediate, short-term political convenience? He has been found out once again indulging in hypocrisy of the first order.

The second commitment, No. 11, under that heading was as follows—

Continue the Legislative Council Committee on Government Agencies (the Quaso's Committee) with appropriate levels of research support.

That was the policy on which this Government was elected. Now we hear the Premier speaking on a radio programme in one of the most convoluted interviews I have ever heard—I think "slippery" is the only word to describe it. He is talking about the committees of the Parliament and says they are dopey. He makes out that every decision of Parliament is dopey because it is political, and that of course embraces all his own decisions as Premier on behalf of the Government. He went on to say in the interview last Friday—

In fact the Assembly sets up a committee because it's afraid the Legislative Council is going to set up a political kangaroo court, so thinks we'd better make sure that we have a committee so that we can produce an inquiry result that shows that theirs is wrong.

What an admission—that he supported the Opposition move to set up a Select Committee into the Midland abattoir deal so it could have an inquiry result which shows that the Council's decision is wrong. Where does that leave the members for Mitchell, Subiaco, and Victoria Park? Where does it leave their independence and integrity?

Dr Gallop interjected.

Mr HASSELL: Why does the member not tell us where he stands on the statement by the Premier that his job is to show that the Legislative Council committee report is wrong? Why does he not tell the Parliament where he stands on that matter?

Mr Sattler went on as follows—

So the Lower House one on this issue will be just as biased on the other side?

Mr BURKE: Don't know. I mean wait until we see the report come down.

So the Premier is saying the Government will decide whether it is biased when it sees the result, exactly as he has done with the upper House committee. Not a word was said about that committee until it produced its report. Now all hell has broken loose as this Government has sought to denigrate and disparage the committee.

If time was not pressing I would refer to many other parts of the statements made by the Premier in his radio broadcast on Friday, remarks which ought to be put into the record of this Parliament so we have on record for all time the standards and integrity of this Premier who describes his own committee as "dopey", and says the committee has been set up to bring down a report which says that the Legislative Council committee is wrong. What kind of honesty and integrity is that? What a way to run a State!

I will conclude by summarising the principal issues. This motion was moved with five sinister purposes: Firstly, to try to frighten or bluff the Legislative Council to stop its pursuit of the truth in the Midland abattoir scandal; secondly, to enable the Premier to big-note himself with business as the purported protector of commercial confidentiality against one of the Houses of Parliament; thirdly, as a vehicle for the Premier to make an unfounded, unjust, and untrue attack on Hon. Neil Oliver—an attack which he repeated on the radio programme on Friday, notwithstanding that he had heard me read out in this House on Thursday Mr Oliver's statutory declaration in refutation of those unsubstantiated allegations made by the Minister for Agriculture and his political lackey. Fourthly, it is the intention of the motion to put the Legislative Council on trial. It is unprecedented, it breaks the conventions of Parliament, and it could be moved only by the suspension of Standing Orders to permit it to go ahead because it was out of order. Fifthly, the motion was moved to protect the Government from future and other inquiries, because it was the Government's intention to deliberately undermine the authority of committees and Parliament so there would be a meaningless charade in the case of any committee being set up, and so the authority of Parliament would not run to any effective check on the Executive and its actions.

This is a motion which can be described only as monumentally disgraceful in its proportions, its ambit, and its intent, and it ought to be



opposed by every member of this House because it is so bad and wrong. I oppose the motion.

**MR COWAN** (Merredin—Leader of the National Party) [3.06 p.m.]: The subject that was mentioned by the Leader of the Opposition just prior to his sitting down is perhaps one of the critical areas with which this motion deals; that is, that we must always remember that the Government should be subject to the Parliament. The Constitution of this State, and indeed of the Australian confederation of States, makes it very clear that the Government is commissioned from the Parliament, and is subject to the Parliament.

In most cases, because of the party political system—and I recognise we have to have it—there tends to be very little supervision or check on the Government's actions. I suppose there would be no better example of hasty or ill-considered Executive decision than that which was made in relation to the sale of the Midland abattoir site. There is no question of that. To this date not one comment has appeared in any rural journal or newspaper, or been made on rural radio, by the Government in defence of its position in relation to the sale, or to defend itself against the conclusions and recommendations in the report of the Select Committee from the other place. All we have heard is a constant stream of personal abuse against the chairman of the committee and then against the House from which the committee came. In other words, all that was done was an attempt to put into complete disrepute the people who have the power and the capacity to examine the actions of the Government itself.

That in itself is something which we as members of Parliament should seek to protect in the parliamentary system. Having said that, I am aware I have never been in Government, and there is no conflict with me where I have to rubber stamp the activities of the Government. As far as I am concerned, it is my responsibility as a member of Parliament to ensure that this Parliament carries out that function of scrutinising and examining any decisions made by the Executive—by Cabinet—and where Cabinet seeks to legislate, to look closely at the legislation; and where it takes action outside the legislative processes, to examine those actions by way of motions to set up Select Committees or through substantive motions.

That is what has happened. The Government announced that it had sold the Midland abattoir and saleyards complex for a price which

everybody bar the Government and the purchaser believes to be far too low.

**Mr Blaikie**: Even the Government now believes it has made a mistake.

**Mr COWAN**: That may be the case, but it has certainly not been admitted.

**Mr Peter Dowding**: Oh come on! This is a motion about something else. You are dealing with a completely different issue—with an outrageous excess of power.

**Mr COWAN**: I was talking about the question of the power of Parliament. It is the opinion of the Minister for Employment and Training that the power the Legislative Council has used is excessive.

I have the ability to express an opinion, perhaps not as eloquently as the Minister, but I can certainly express it. It is my opinion that the Parliament has the right to examine the actions of the Government.

The Legislative Council has established a Select Committee which has now reported. That committee reached the conclusion that one of the witnesses who appeared before it did not answer a question which the committee regarded as being relevant. In turn, it reported that to the House.

**Mr Peter Dowding**: Do you say, on a plain reading of the transcript, that he was asked a specific question which was thought to be relevant?

**Mr COWAN**: I accept, as members of the National Party accept, that the question of relevancy is a grey area. Notwithstanding that, the majority of our members decided that the question which was put was relevant. On that basis, the fact remains that the Select Committee and the Legislative Council have the power to take the action they are taking.

In many respects the National Party is disappointed that the Legislative Council took the action it took and I will tell the House why. That action has turned attention away from the Minister who was responsible for the poor decision to give away the Midland abattoir site and it has focused attention on a citizen of Western Australia. I will not enter into any debate on the reputation of that citizen. However, I point out that, by its actions, the Legislative Council has diverted the attention of the public away from a person who should be bearing the responsibility for the whole sorry debacle—the Minister for Agriculture. In many instances, the Minister for Agriculture and I have developed a reasonably good relationship.

He has done much to alleviate many of the problems associated with primary industry, particularly in assisting the industry to come through the drought of 1984-85. However, in this instance, the Minister for Agriculture made a mistake. He does not have to believe me when I say that; he should consult with the public and particularly with the people involved in primary industry. They believe it was an unpopular decision and have labelled it a mistake.

Instead of the attention of the media being focused on the Minister and the reports and recommendations of the committee, most media attention is being directed towards the event to take place today, and if the Government does not believe me, it should consider where most members of the media will be at 5.30 p.m. That attention will be directed to one of the parties to the sale instead of being focused on the person who agreed to the sale.

Mr Peter Dowding: That may well be the case; I don't argue with that. However, the real problem is that, on the face of it, some questions were asked which were only thought of as incidental by the chairman. The area of relevancy is grey. The whole procedure is arguably a most serious abuse of power and this Chamber has to be able to express that opinion.

Mr COWAN: Again, that is a matter of opinion. The Minister has expressed his opinion and I respect his right to that opinion. However, I do not have to agree with him or anyone else. We have our opinion which is that the motion which we are now debating reflects upon another House and certainly casts doubts upon Parliament's greatest responsibility; that is, the responsibility of maintaining some checks and balances on the actions of the Executive.

There is no question that the Legislative Council, having made the decision that the question was relevant, had the power to do what it did. Having done that, it ill-behoves this place to question that action or the rights of the Legislative Council.

Mr Peter Dowding: The problem is that that decision was made on the numbers.

Mr COWAN: This House will make a decision on the numbers today.

Mr Peter Dowding: There is no other place where that decision can be reviewed. Surely it is appropriate for this House to express its opinion.

Mr COWAN: This House will make a decision on the numbers.

Mr Peter Dowding: We hope you will support it.

Mr COWAN: We will not support it. We believe that this motion reflects upon the independence of the Legislative Council and we cannot support it for that reason. We believe that, while there may have been some error in its taking that action because it has focused attention away from the person upon whom attention should be focused—the Minister for Agriculture who sold the property—this motion should be strongly opposed. There is no way that we will be a party to a decision of this House which reflects upon the Legislative Council.

MR BRIAN BURKE (Balga—Premier) [3.17 p.m.]: I think the most relevant comment made today was a comment by the Minister for Industrial Relations when, in an interjection, he said to the Leader of the Opposition that, in almost all things, the Leader of the Opposition was excessive. I think that really sums up the situation. It was again reflected in the contribution by the Leader of the Opposition who, at the time he was attacking me for being personal in remarks about him and other people, spared the rod not one second in his flaying of me in a very personal way. I accept that. I have demonstrated that I am quite able to look after myself. I believe that what has emerged very clearly is the excessive nature of the Leader of the Opposition in his character and comments, as has emerged his refusal to face up to the fact that the Legislative Council is a political House and is about nothing more than the propagation of the Opposition's political views.

I suppose that is best summed up by yesterday's column on Parliament in *The West Australian* by Steven Loxley. Apparently the Leader of the Opposition is the only person on earth who does not understand the truth of the position with the Legislative Council or, as far as that is concerned, with the Legislative Assembly and its establishment of a Select Committee. Steven Loxley said that both committees were set up for political reasons, and to extract political mileage from a decision possibly made for political reasons. Who can deny that that is the case? Yet, the Leader of the Opposition has carried on as though the Legislative Council is a court of law, apart and separate from any political consideration. I have news for the Leader of the Opposition: Not even his own members agree with him. Everybody knows that the Legislative Council is simply another political arm used to further the ideology or views of the Opposition. That has

been proved time and time again by the fact that the Legislative Council votes on party lines as it did on the question of calling Mr Ellett before the Bar of the Legislative Council.

It is no good suddenly pretending that everyone in the Legislative Council who belongs to the Liberal Party and National Party is of like mind about a very complex and difficult issue.

They do not simply come to the same conclusion, like a flock of sheep, that they should vote to call this man before the Bar of the Parliament, in the same way as all the Labor members do not suddenly become convinced of the opposite point of view. What is happening is that the Legislative Council is acting in a purely political manner.

Eighty-four years ago, when last someone was called before the Bar of the Legislative Council, it may not have been the case that it was a purely political decision, and the decision may have resulted from the genuine and honest consideration of the issues by the people casting the vote. In no sense is that the case in 1986. Who says that it is? No-one, except the Leader of the Opposition. The Leader of the Opposition wants two things: One is to be able to use the Legislative Council in the harshest possible way at the same time as he denigrates anyone who criticises the Council's role. He accuses me in the severest possible terms of being dishonest, of being hypocritical, of being a dictator—of all those sorts of things because I attacked the Legislative Council.

The Legislative Council, on the face of its own actions, deserves to be dismissed, not simply criticised. If the Leader of the Opposition does not believe that it is acting in a political manner, he is the only person I know who believes that the Legislative Council is a true House of Review inhabited by people who are convinced of the merits or otherwise of the issue. Members know that is not true.

So long as the Legislative Council appoints Select Committees that never have a majority of Government members, even when the Labor Party is in Government, it will forever be tainted politically by its own actions and by the charge that its Select Committees are unfair, biased as to their origin, biased as to their parent and incapable of reaching an objective assessment of the facts. Leave aside all those things said about Hon. Neil Oliver and all the other people involved, and leave aside all the questions about Mr New, Mr Ellett, the Minister for Agriculture and all those things, and address simply the question of the origin of the

Select Committee, of its imperfect and distorted birth, and of the way in which the Legislative Council is consistently used by the Opposition to further its own political ends. Then, if members consider those things, convince me if they will that the result of any Select Committee can be a fair one. Of course, it cannot.

No-one has ever said that it can be a fair result. It is a kangaroo court that was established.

Mr Cowan: Would it not be better for someone to show that the report itself and the conclusions and recommendations of the report are fair? No-one has addressed the recommendations of that report.

Mr BRIAN BURKE: I think they have been addressed on a number of occasions. This motion does not go to that point; this motion goes to the excessive use of power involved in calling this man before the Bar of the Parliament.

The Leader of the National Party said that he thought it was unwise because it has distracted attention from the main thrust of the whole argument, yet his members voted to do it. They voted to do something which the Leader of the National Party thought was unwise.

What I am trying to say is that for the Leader of the Opposition to excessively condemn me, for example, does not worry me; that is why the Leader of the Opposition in three years has never exceeded 36 per cent approval in popularity polls. The reason is that he does not show any generosity of spirit whatsoever. If he were to admit the truth, he would agree that what I said on the radio was true; that is, that Select Committees are political exercises. He knows that they are.

Mr Cowan: What about the Public Accounts Committee?

Mr BRIAN BURKE: That is not a Select Committee. I was going to get on to the Public Accounts Committee. It is not a Select Committee set up at some political whim to suit a particular circumstance. It does work because the majority changes as Governments change, but there is no Select Committee in the upper House on which the Government has a majority. We can never have a Select Committee in the Legislative Council that escapes the charge of being politically tainted.

When the Leader of the Opposition stands up and says to me that I am dishonest, that I am a hypocrite and that I am all those things that he says when I deign to use those words; when he brands me as being personal and says that I "play the man", all I can say is that the

Leader of the Opposition must be oblivious to the truth of the Legislative Council's actions, embarrassed as to their nature, or desperate to avoid the responsibility for them.

This motion does not talk about all those things the Opposition has tried to deal with. It simply talks about the dragging of this man before the Bar of the Parliament. It seeks to put it to a vote prior to that happening so that this House is on record as having taken a position prior to the action being pursued by the Council.

It is a serious matter and it is a serious motion. Let me read again what this commentator had to say, and I do not know him as being a Labor supporter. He said that both committees were set up for political reasons to extract political mileage from a decision possibly made for political reasons. Do members know the enormity of that? He is saying that the Legislative Council is possibly making decisions for political reasons—let us drag him before the Bar of the Parliament!

Mr Lewis: That is a nonsense.

Mr BRIAN BURKE: Does the member for East Melville agree with what he is saying?

Mr Lewis: I am not agreeing with what you are saying about dragging a journalist before the Bar of the Parliament.

Mr BRIAN BURKE: The member for East Melville really has failed to answer the substance of the argument right from day one. I really do not think that he has a grasp of the enormity of what the Council is doing, but I suspect too that the member for East Melville would be amongst the first to call anyone before the Bar of the House if he thought it would suit his political purpose.

Mr Lewis: Thank you, Mr Premier. You have moved a motion to do that.

Mr BRIAN BURKE: I did not move a motion to do that.

Mr Lewis: You supported it.

Mr MacKinnon: Did you support it?

Mr BRIAN BURKE: Yes, I did, as I said myself. I have said in this debate that I would not be party to calling Mr New before the Bar of the Parliament for the same offence.

Mr Lewis: What is the offence?

Mr BRIAN BURKE: The member just said for refusing to answer a question.

Mr Lewis: I did not say that.

Mr BRIAN BURKE: The member for East Melville said that I would be party to calling someone before the Bar of the House for the same reason.

Mr Lewis: No, I did not.

Mr BRIAN BURKE: The member for East Melville said, "You would be the first." If the member cannot remember what he says from time to time, it does not matter—he would be a reliable witness, too.

I re-emphasise that for as long as the Leader of the Opposition continues to support the view that the Legislative Council acts other than politically, he will be an absurd and laughable figure in the context of the Legislative Council's political nature and in the criticism of that Council and its Select Committee.

As far as the Select Committee is concerned it was, as Mr Loxley said, one of two political committees established for political reasons. At least I was honest enough to say that; at least when I was asked I said honestly, "Of course it is a political Select Committee. Everyone knows that it is." When I was asked about the Legislative Assembly Select Committee I said, "Of course it is political. Everyone knows that it is."

The Opposition wants to maintain that the Legislative Council is holier than thou and purer than driven snow. I have news for the Opposition: No-one believes that that is the case. No matter for how long the Leader of the Opposition calls me dishonest or hypocritical or a vicious attacker of the Parliament, it will not make his argument right and it will not elevate his standing in the eyes of the public. It will simply make him the propagator of a persistent wrong. In this case, it is a wrong that has been underlined and emphasised by the abuse of power in which the Legislative Council is presently engaged.

Of course that is why we make the point; we want the whole world to know it is a political House, a political Select Committee, and a kangaroo court which is now proceeding to the stage, on a matter incidental to the primary question, of dragging a private citizen before its Bar to mete out punishment to him. I agree with what Mr Loxley had to say in his contradiction of the Leader of the Opposition's view that it is not a political Select Committee.

Question put and a division taken with the following result—

## Ayes 27

Mr Bertram	Dr Lawrence
Mr Bryce	Mr Marlborough
Mr Brian Burke	Mr Parker
Mr Terry Burke	Mr Pearce
Mr Burkett	Mr Read
Mr Carr	Mr D. L. Smith
Mr Peter Dowding	Mr P. J. Smith
Mr Evans	Mr Taylor
Dr Gallop	Mr Thomas
Mr Grill	Mr Tonkin
Mrs Henderson	Mrs Watkins
Mr Gordon Hill	Mr Wilson
Mr Hodge	Mrs Buchanan
Mr Tom Jones	

(Teller)

## Noes 20

Mr Blaikie	Mr MacKinnon
Mr Bradshaw	Mr Mensaros
Mr Cash	Mr Nalder
Mr Cowan	Mr Rushton
Mr Grayden	Mr Schell
Mr Hassell	Mr Spriggs
Mr House	Mr Trenorden
Mr Laurance	Mr Tubby
Mr Lewis	Mr Watt
Mr Lightfoot	Mr Williams

(Teller)

## Pairs

Ayes	Noes
Mrs Beggs	Mr Clarko
Dr Watson	Mr Crane
Mr Bridge	Mr Court
Mr Troy	Mr Thompson

Question thus passed.

# APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

## Second Reading: Budget Debate

Debate resumed from 16 October.

**MR HASSELL** (Cottesloe—Leader of the Opposition) [3.34 p.m.]: The Labor Party is costing the taxpayers of this country very dearly in its Budgets. The level of tax increases in the current year from the Federal and State Governments has been considerable.

In the case of Federal tax increases, the total increase for Australia was \$800 million, the increase per capita was \$50.30. Added to that were State tax increases—a total increase in State tax collections in the current year of \$129 million. This figure takes into account changes in the accounting for departmental payroll tax. It includes also that portion of the State fuel tax which is now restricted for road maintenance and construction. As such, this figure is an accurate expression of the increase in tax between 1985-86 and 1986-87. The increase per capita is \$89.20 and that has to be added to the \$50.30 already charged on Western Australians by the Commonwealth tax increased collections of \$800 million.

Mr Brian Burke: What is the extra tax as opposed to the growth in taxes?

Mr HASSELL: These figures are taken directly from the Budget papers and as I go through them, these things will emerge.

Mr Brian Burke: I do not think they will, I think you will gloss over them.

Mr HASSELL: The Treasurer should not worry about it.

Mr Brian Burke: It is my job to worry about you.

Mr HASSELL: If the Treasurer replies in the Budget debate this year and deals with the issues I raise, it will be the first time in four years that he has done so.

Mr Brian Burke: You have not raised any issues previously. I have dealt with everything you have raised before.

Mr HASSELL: I now turn from that Federal tax increase of \$50.30 and the State tax increase of \$89.20 to the increase in charges. I take the case of a family of five and express the following as a reasonable and probably conservative indication of how State charges and fees have increased in this year.

The weekly bill for the electricity and gas for this family of five has gone from \$9.81 to \$10.98, an increase of 12 per cent. That represents an increase of \$61.33 per annum.

Water rates, including excess water rates, have increased from a weekly amount of \$7.69 to \$8.30, an increase of 7.9 per cent and over the year worth \$31.60. It is common rather than unusual for a family of five to have two cars, and, therefore, motor vehicle third party insurance premiums have increased from \$4.79 to \$5.27 a week, a 10 per cent rise which represents \$24.90 per annum.

Mr Brian Burke: That is the first increase in four years and last year you criticised us for keeping the premium down artificially.

Mr HASSELL: All I am doing is setting out what it costs per capita and per family in Western Australia for the State Government's tax increases and the Government's Federal Labor colleagues' increased taxes and charges.

Mr Brian Burke: I am trying to put it in perspective.

Mr HASSELL: The Treasurer might be stunned by the things said about his Budget by a number of people, but the fact is that I am trying to quantify what it means to ordinary people. As far as the public is concerned, \$3 000 million means about the same as \$1

million in general terms; it is an amount they will never see, hold, touch, or have the disposal of. However, ordinary families know and are concerned about what it costs them.

Before the Budget the weekly bill for public transport for this family of five was \$5 and after the Budget it will be \$5.50, a 10 per cent increase which will cost \$26 a year.

We must make allowance for a small variety of Government fees, licences, or flow-on costs, to have increased by the rate of inflation, and of course, it was far greater in such instances as the Titles Offices fees the costs of which went from \$15.30 to \$16.32 a week and which represents a \$63.64 per annum increase.

We have seen that the weekly bill for that group of items; electricity and gas, water, third party motor vehicle insurance, public transport, and a variety of Government fees, licences or flow-on costs, as a result of this Budget, will increase from \$41.43 to \$45.28 a week or \$207.47 per annum.

As I emphasised, this is not a general state but a simple case example. We then have the total increase in taxes and charges and, allowing for a family of five, those increases are as follows: Federal taxes \$252, State taxes \$446, and State charges \$207, totalling a \$905 increase in Government taxes and charges. And they are only State charges—we have not taken into account any Commonwealth charges. It is a total increase of \$905 per annum in State and Commonwealth Government taxes and State charges in the current year.

The Institute of Public Affairs has publicised the fact that the tax increases in June will cost every Western Australian an extra \$57; that is, \$57 per head. That is based on the extra cost per year of the June tax increases alone—that does not take into account the increased tax collections as well, but just the increases in tax added to by the new rates applicable to the cost of the fuel tax, the liquor tax, and the payroll tax, which produces \$84 million in a full year—and dividing by a population of 1.45 million, which produces a cost per head of \$57.93.

That figure, which has been quoted by Mr McCarrey of the Institute of Public Affairs, represents only the increases in taxes announced by the Premier on 24 June 1986, whereas our figure of \$905 represents the increase in Federal tax collections, the increase in State tax collections and the increase in State charges. They produce a total figure of \$905 a year.

That is a fair bit; a fair and solid slug when one considers that a person on the average wage—about \$20 000 a year—will get about an extra \$350 after tax in the current year, yet the increase in State and Federal taxes and charges will be \$905. What it demonstrates very clearly is that as a result of actions taken by these Labor Governments, Federal and State, the ordinary working people of Western Australia, whether they be wages employees, salary employees, or people who own their own businesses—and there are plenty of small businesses whose owners do not make the average weekly wage—are going to suffer a significant decrease in their standard of living. That will occur not simply because the dollar has gone down or because Australia is not performing well in the world, but because the Governments of Australia have made deliberate decisions to tax the people more and charge them more. So the disadvantages they will suffer in the outcome of the Budget are brought about by the deliberate decisions of Governments.

In referring to the Budget I want to allude to certain specific measures that have been taken by the Government, measures which we believe deserve bipartisan support, and which we believe are proper measures.

The 13 per cent increase in funding of the Tourism portfolio has our support, although we recognise that we must watch carefully how it is spent, having regard for the Government's previous performance in that area and the misconceived activities of the Tourism Commission in some areas. However, it is an important industry and we believe the 13 per cent funding increase is a desirable priority.

Secondly, we support the strengthening of certain provisions for rural relief, particularly regarding the provision of \$42 million in rural loans, although this was made possible principally because of Commonwealth support. But leaving that aside, it is a measure in the Budget that we support.

Thirdly, we support the targeted three per cent reduction in the Government work force by 1 July 1987. That is a measure that we believe is appropriate and I will speak further on the Government work force and its size.

Fourthly, we strongly support the employment of 215 extra police personnel, but I point out—and it may just be coincidence—that the number is roughly the number required to enable a 38-hour week to be introduced, a promise which the Government made in writing be-

fore the election. The then Minister for Police and Emergency Services, now the Minister for Local Government, promised in writing before the election that the 38-hour week would be introduced. Having made that promise, the Government reneged on it. It now seems likely that the Industrial Relations Commission will make the Government fulfil its promise, and as a result of that, more than 170 of those 215 extra police will be used up for that purpose. There is also the fact that when there is an increase in the population, to maintain the same ratio there must be an increase of about 50 to 60 in the number of police. That figure may have gone up a little, but somewhere between 50 and 60 extra police are required just to cover the increase in population. So we see that that increase of police personnel of 215, which is a desirable move, is something that may in fact prove to be a relative reduction if the 38-hour week comes about, as it should, because the Government promised it. However, at least in the meantime, that increase is one that we support.

The fifth Budget measure that we support is the reduction in payroll tax for some smaller employers. That, of course, is a measure that was introduced as part of the Budget but before the Budget, although the total burden of payroll tax after adjusting for accounting changes has increased by over 17 per cent, with larger employers now having to pay amongst the highest rates in Australia. It should be noted that many of these larger employers are the State's main source of apprenticeship training, so while the restructuring of the payroll tax scales may have been politically astute, it will not necessarily help with employment, in terms of apprenticeship at least.

Sixthly, we support the commitment of \$77 million to the construction of Homeswest housing which will provide a partial buffer against the cold economic winds which are being felt at present. Again, the figure sounds impressive but one must take into account the fact that the Government did not spend 20 per cent of what it allocated last year, and in fact this year's allocation of \$77 million is more than 19 per cent less in real terms than last year's allocation.

That is the list of things which I wanted to indicate at the outset are matters in the Budget which have our support and which we believe are appropriate priorities adopted by the Government.

It is not a conclusive list but it demonstrates the sort of specific proposals which, if properly implemented, deserve our support and will receive it.

Yet, while there are specific matters in the Budget which are worthwhile, the broad thrust of the Budget is something that requires analysis and is something about which we would raise more serious questions. Normally, anybody who was interested in comparing the State's finances with previous years would simply turn over the relevant pages in the Budget papers and all would be revealed. Unfortunately, however, we cannot do that any more. Last year we witnessed the first major example of how the Budget papers have been put together by the present Government, not to inform but to mislead the reader, because last year we saw that there was a change in accounting practices which were not explained in the Treasurer's Budget speech and which effectively hid \$60 million of Government revenue and spending, or about two per cent of the Budget.

So the Treasurer claimed an increase in expenditure of eight per cent and said he had gone above inflation by only one per cent when it was found there was an 11 per cent increase. That showed a substantial growth in spending by the Government, but the Treasurer did not reveal this, and even used the misleading figures in some pre-election advertising. He did not explain the change in the accounting practices and even when the matter was exposed, he continued to use those dishonest figures in advertising.

The Opposition was not the only group to notice the fact that the Budget papers were inaccurate last year. In fact, economists from several independent and industry bodies agreed with the Liberals that the Treasurer's figures used in his advertising were wrong. For example, the business and finance director of the Confederation of Australian Industry said—and it was reported in *The West Australian* of 19 October 1985—that—

"The Government's claim is a little misleading. We have checked with the Treasury Department and the accounts of the Budget and it is clear that expenditure growth is more than first thought," Mr Rowe said.

"The difference between 8.9 per cent growth and nearly 11 per cent is the equivalent of about \$60 million. That money could have been used to lessen the

tax burden and create more room for private sector growth."

Mr Rowe's comments come in the wake of a claim by six WA employer groups that the Federal Government's fringe benefits tax and capital gains tax would cost WA business up to \$160m.

So there it was. The Treasurer misled the State in relation to the Budget last year, and it is no wonder that when we took the matter of the Treasurer's Budget assessment to the Advertising Standards Council to judge whether his advertisements were misleading, he refused to co-operate with the council, thereby preventing it from making an impartial judgment. The council was thwarted. Why should the Treasurer refuse to co-operate unless he knew that his financial presentation and his accounting would not reveal the very thing we said they would reveal; namely, a misrepresentation of the budgetary figures?

Even on page 6 of this year's Budget speech the Treasurer referred to the incorrect figures for last year's increase in Government revenue. He did not make a comparison on an accurate basis. Let me point out what was said by a certain Labor Party member who, when referring to the Budget figures, said—

I am sure he would agree that in order to make meaningful comparison between years, allowance should be made as far as practicable, for extraordinary items and changed accounting arrangements. To do otherwise could give a misleading impression.

That statement was made by the Premier and Treasurer himself in answer to question 2016, which was asked on 16 November 1983 by the member for Karrinyup, Mr Clarko. The Treasurer said, "You have got to make a proper comparison on a proper basis", yet when it came to the crunch in 1985 and 1986, he produced Budgets which did not make a proper comparison.

We see as the next stage in this saga of the Government's budgetary strategy this incredible advertisement which appeared in the *Sunday Times* last weekend. It is a four-page spread at the expense of taxpayers which is entitled, "A Guide To The State Budget". It carries a photograph of the Premier and Treasurer and is filled with misleading information—

Mr Peter Dowding: It is not misleading information. It is a very good way for the public to find out what is happening. Why do you

object to that? You are so mean, you don't want people to know what is going on.

Mr HASSELL: The point I am making, which the Minister for Industrial Relations seems incapable of grasping, is that if the Budget were honestly presented, people would be able to work out what was going on. However, in both 1985 and 1986 the Budget has been dishonestly presented with the Treasurer including the Budget comparisons which are not valid with the preceding year, as I will demonstrate.

Let us look at some of the things in this advertisement, published only last Sunday. I wonder whether members know how much money was thrown away on this advertisement? In a Budget where the Treasurer says he cannot fulfil his promises, in a State which is in straitened times, where the Treasurer has increased taxes, this advertisement cost \$16 000 of the taxpayers' money.

Mr Peter Dowding: Don't you think it is important for the public to know what is happening in the Budget?

Mr HASSELL: Let us have a look at some of the things which this Government has tried to tell the public with \$16 000 of taxpayers' money. The advertisement, under the heading of "Industry", reads as follows—

The 1986/87 Budget is balanced and targeted to support employment generating economic activity. Major economic initiatives are:

no increases in State taxation;

The collections of the State's taxes in this State Budget went up by 17.75 per cent! On the Government's own admission, there will be a full year's increase in the taxation collection of \$84 million as a result of the June statement. It is just not honest to say there will be no increases in the State taxation. The advertisement lists one of the major objectives of the 1986-87 Budget as being to—

Ensure that the burden of Government taxes does not increase.

Well, the burden did increase, and by an enormous amount. It goes on under the heading, "Budget Highlights"—

There will be no increases in taxes in the Budget and payroll tax on smaller businesses has already been reduced to help boost economic activity.

How do members like that for an example of dishonesty? The Government, on the one hand, is trying to make out that the June tax increases



were not part of the Budget and then, in the same sentence, the Government claims the benefit for itself of the June tax changes. It is so incredibly dishonest.

Then under a photograph of "Joe Berinson"—I assume that is Hon. Joe Berinson of the other House—we find again a reference to there being no increases in State taxation despite the real reductions in revenue in some areas. It is dishonest and misleading advertising, and what is so incredible about it is that this advertising was taken out at the expense of the taxpayers who have to bear the burden.

It is also interesting to see this incredible situation in which the tax increases, introduced in June so the Government could get a full year's revenue instead of a part year's revenue, are claimed by the Treasurer not to be part of the Budget. I have a letter dated 7 July from one of the Treasurer's Ministers which refers to the liquor fees and says—

The points made in your letter are noted, however you would probably be aware that the Government, as part of its budgetary considerations, has introduced legislation to amend the current fee structure.

So in July a Minister claimed in a letter written to a constituent of mine that the change in the liquor tax was part of the budgetary considerations, and in October the Government advertises and tries to tell us that what was decided in July had nothing to do with the Budget. It is dishonest. I am sorry to have to keep making the point, but it is a fact that the Treasurer is continually dishonest.

Mr Brian Burke: I would not apologise; you keep doing it. You go over the top.

Mr HASSELL: I do so because there are more and more examples of the Treasurer's dishonesty. He is dishonest in the way he presents these things. How does he justify the statement in the advertisement about the State Budget which says there are no increases in taxation? Why does not the Treasurer explain that? If he believes it is honest to say three or four times as he has done that there are no increases in taxation in the Budget, when his own Minister has described one of those increases as part of the budgetary considerations, as of course they were, he should tell us. Here is the letter, Mr Treasurer, signed by your own Minister, Pam Beggs, JP, MLA, Minister for Racing and Gaming, on 7 July. It was written to my constituent in response to a letter to her about the liquor tax, and the Minister said that

the increase in liquor tax was part of the budgetary considerations. A few weeks later the Treasurer said in the Budget there were no increases in State taxation. What does he mean? Is his position that they were part of the Budget, or that they were not? There is no answer, and there is no honesty in the presentation of these Budget papers.

For two years in a row this Treasurer has cold-bloodedly sought to mislead Parliament, the business community and the public, by suggesting the increase in taxes was less than is actually demonstrated by his own Budget papers. In a post-Budget news conference the Treasurer said spending had been cut by up to one per cent in real terms. One cannot doubt the importance of that move; it is important that Government spending be reduced. The economy is in a bad way, and spending at all levels of government must be reduced.

According to the figures printed in the Budget papers and his post-Budget statement, that is what has happened this year in Western Australia. In the light of those claims it seems strange that the headline in last weekend's *The Western Mail*—and the Treasurer was quoting one of the columnists today with great authority, no doubt because he agreed with him in some way—was, "Big government still rules in WA".

It is perhaps surprising in view of the Treasurer's comment about cuts that senior economists in the private sector should be criticising the level of Government spending in the Treasurer's Budget. Even a former head of the Treasury under this Government has branded the Budget as a "lemon". The headline said, "WA Budget a lemon—ex-head of Treasury". It goes on to describe how extra tax will have to be paid, using the figures to which I have referred and which I will not repeat. Mr McCarrey said that on any reasonable test of comparative economic responsibility Mr Burke had produced a lemon. He said—

If the Government had made a real effort to hold down the rise in expenditure instead of coming in with the highest increase of any Australian Government this year, the tax hike could have been avoided.

The article goes on as follows—

Mr Burke's Budget has certainly not been structured for the economic times.

Poor old Les McCarrey copped a blast because he said that about the Budget. He was called "biased". Everybody who disagrees with Brian Burke is biased, according to Brian Burke the

Treasurer. If it is Neil Oliver, he is biased; if it is the Legislative Council, it is biased; if it is Les McCarrey, he is biased.

Mr Brian Burke: In this case it is true. I agree with you.

Mr HASSELL: The Treasurer is not agreeing with me. He should not try his smart word tricks. He is agreeing with what he said. Everyone who disagrees with the Treasurer cops a blast these days—personal attacks on the members for East Melville and Mt Lawley, on Mr Copeman, and on Mr McCarrey and Neil Oliver. The Treasurer goes to person after person. He made a personal attack on the former directors of Fremantle Gas and Coke Co Ltd, and on the Select Committees of the House, which he described as “dopey”—and that includes some of his own members. One is tempted to agree with him, although I do not think all of them are that dopey. I do not agree with him, and I do not think they are dopey; but the Treasurer does.

There is no end to it. We have suddenly seen the Treasurer under pressure, and we have seen his reaction to it. It is interesting to note that the Treasurer described Les McCarrey as being biased because he made some comments about the Budget with which the Treasurer does not agree. If my memory serves me correctly, Mr McCarrey served the Treasurer in 1983 when he produced his first Budget. This is what the Treasurer said in 1983 about the then Under Treasurer, Mr McCarrey, and his colleagues at the end of the Budget speech on 13 October 1983—

Before commending the Bill to the House I wish to place on record my appreciation for the assistance given to me and my Government by officers of the Treasury and other departments who have worked exhaustively compiling the Budget. As most members would be aware, particularly those in the Opposition, I am not always the easiest person in the world with whom to work, and I think the forbearance, patience, and tolerance shown by officers of the Treasury, with their undoubted ability which has been depended upon by previous Governments, have contributed a great deal to the framing and formulation of this Budget.

Their commitment was expressed in a much more detailed fashion this year as the Budget subcommittee took most of those departments within the CRF through a process of explanation and, according to

the Minister for Arts and Ethnic Affairs, torture. It was a very tortuous process and one during which Treasury officers showed tremendous patience and forbearance.

That is what the Treasurer said about Mr McCarrey in 1983. He referred to his ability, his forbearance and his patience, but as soon as Mr McCarrey presumes, in the position he now holds—a position he is entitled to hold—to make an analysis of the Treasurer's Budget and make a criticism of it, he is described as biased, because he has disclosed that this Treasurer has been making the figures look good when, in fact, they are quite different.

Mr Brian Burke: No, because he is wrong.

Mr HASSELL: He has not been proved to be wrong.

Mr Brian Burke: Yes, he has.

Mr HASSELL: All he has been proved to have done is to disagree with the Treasurer.

This very day in its editorial *The West Australian* has summed it up as follows under the heading, “Labels”—

Mr Burke's attempt to link former State Under-Treasurer Les McCarrey with the “extreme right wing”—just because he dared to question Mr Burke's Budget figures—is another symptom of Labor's growing obsession with the political Right.

Nothing Mr McCarrey had to say about the Budget was particularly extreme. On the contrary, he is not the first person to express a view that Australians are being overtaxed by Federal and State government alike.

The Government's obsession with any form of questioning or criticism is displayed not only in its reaction to Budget criticism, but also in its reaction to the questioning of its dealings and its obsessional desire to avoid anyone revealing the full truth about what it is doing.

I want to place on record the fact that I had some dealings with Mr McCarrey when I was in Government and I found that he was pretty forthright in giving his advice in the clearest of terms. If that advice happened to disagree with what the Government of the day was doing or wanted to do, he did not hesitate to say so. If he had been in his present position when the last Budget of the previous Government was brought down, I have absolutely no doubt in my mind that he would have spelt out his view as clearly and as plainly as he did in relation to this Budget.

The fact is that today he is part of an independent watchdog organisation and it is his responsibility to highlight examples of financial mismanagement. God forbid, but if this had been a Liberal Government Budget, I have no doubt whatsoever that the criticism of the Budget would have been no different whatsoever.

How can it be that these different groups have all criticised the Budget when the Budget papers clearly indicate that expenditure has been held down? The reason is simple: There is an extra \$100 million in the Budget small print. This is simply a repeat of what the Treasurer did last year when he succeeded in hiding \$60 million of spending.

In this year's Budget the Treasurer has, of course, used \$50 million from outside the Budget to artificially reduce the deficit of the public transport system. Instead of making the buses run more efficiently the Treasurer has covered the massive \$87 million transport loss by adding 2c per litre onto the State's fuel tax and by diverting funds that would otherwise have been used for road maintenance and construction.

In fact, this now means that every time any Western Australian fills his or her sedan or station wagon with petrol he or she, in effect, will have paid for someone to take a bus trip. Why, Mr Deputy Speaker? It is because the Government's 2c per litre petrol tax increase introduced in June adds about \$1.50 to every tank of fuel and the Government now uses the \$1.50 to subsidise its inefficient transport system. Instead of raising extra taxes to subsidise the MTT—as it is called in the Budget papers, but I understand its name has been changed to Transperth—and increasing the cost of a bus or train ticket, as the Treasurer has done this year, the Government should be examining how to run the public transport system more effectively.

Is it fair that a motorist in Albany, Broome, or Bunbury should pay extra for his petrol because the Government is content to let Transperth operate its buses and trains in the metropolitan area at an ever-increasing deficit? Is it fair that the cost of a bus ticket should be increased to make up for an increase in the Transperth's administration costs of \$2.3 million or 23 per cent? This artificial subsidy of one area of Government spending is not the only reason that the Budget papers do not directly reflect the true increase in overall spending levels. By doing away with the necessity for certain Government departments to pay pay-

roll tax, about \$50 million has been taken off both the revenue and expenditure sides of the Budget. This may be a good thing in itself, although the Treasurer has been reluctant to say how much it will save in seemingly unnecessary paperwork.

The point is that the Budget papers do not make provision for these accounting changes to enable any reader to make a fair and accurate comparison with figures for previous years. In fact, it is becoming harder to find out what is happening to the State's finances under each of this Government's Budgets.

Let me give another example: Up until this year it has always been possible to read the Budget papers to find out how much the Government has put aside for the purchase of Government vehicles. Last year this figure appeared on page 74 of the Estimates of Revenue and Expenditure. This year there is no such figure. The reason is simple: Treasury advises that each department now includes provision for vehicle purchases under its own spending on contingencies, but this figure also includes a number of purchases for a variety of things other than vehicles.

Let me again quote a prominent Labor Party member who, in referring to the 1982-83 Budget handed down by the Liberal Government of the day, stated—

This year's package of Budget measures was reduced to a deficient bookkeeping exercise.

Many of the Budget's figures and claims are of dubious validity.

Further on he said that the Budget strategy should have been to—

Restructure the Budget and Budget processes to make them more comprehensible to the average citizen.

Mr MacKinnon: Who said that?

Mr HASSELL: The Treasurer said that, in the "Political Notes" of *The West Australian* on 4 November 1982 when he was then Leader of the Opposition. The Treasurer said, "The figures are not comprehensible." Yet, the Opposition has given example after example of the changed ways in which these figures are presented without adequate explanation so that genuine comparisons can be made.

The Opposition finds that in both 1985 and 1986 the increase in spending by the Government and the increase in tax collections are far more than is suggested by the Treasurer in his Budget speech.

Mr Brian Burke: That is not true.

Mr HASSELL: It is true.

Mr Brian Burke: It is not.

Mr HASSELL: It is a fact. The increase in spending this year exceeds the rate of inflation. The increase in State tax collection is 17.75 per cent.

Mr Brian Burke: I do not know where you get that figure from. Let us go to the first one. In the Budget speech I said that the increase in expenditure, making adjustments for the transport trust and for the payroll tax accounting change, took the increase over the inflation rate, but adjusted for the growth in population it meant a real decrease.

Mr HASSELL: Adjusted for the growth in population.

Mr Brian Burke: Don't you think we should adjust it?

Mr HASSELL: The Treasurer said on 4 November 1982, in his political notes, when talking about the Budget—

This year's package of Budget measures was reduced to a deficient bookkeeping exercise.

Many of the Budget's figures and claims are of dubious validity.

Mr Brian Burke: That was very true.

Mr HASSELL: Two years in a row the Treasurer has dished up Budgets containing information which has been found to be out of kilter with what has happened. At the very least the Treasurer dishes up a mishmash of facts and figures designed to confuse rather than to present the truth of the situation. When the Treasurer came out of the Premiers' Conference it was reported as follows—

Mr Burke said that the State would be about \$53 million worse off as a result of yesterday's allocations:

"This will see the harshest mixture of expenditure cuts and increases in government taxes and charges that has been imposed on WA for a number of years," Mr Burke said.

"We simply cannot make up all of that with spending cuts alone, and will have to increase taxes and charges."

Let us ask the Treasurer how much was the increase from the Commonwealth. There was a massive increase from the Commonwealth; the Treasurer got the two per cent real increase he was promised, and more. He did not receive a

reduction from the Commonwealth at all. He received a big increase.

Mr Brian Burke: We came in under the expenditure figure you said would be acceptable.

Mr HASSELL: The Treasurer came out of the Premiers' Conference and said that because of the decisions made at that conference his Government would have the harshest mixture of expenditure cuts and increases in Government taxes and charges that have been imposed on Western Australians for a number of years. That was totally misleading and the Treasurer knows it.

I said at the time that the Treasurer's statements on the outcome of the Premiers' Conference were a con. The outcome was not bad; he got what he was promised; and the Federal Government gave him no excuse for the increase in charges which he introduced.

Recurrent funding from the Commonwealth increased by 11 per cent; a very interesting graph is included in the latest Tasmanian Budget papers which clearly demonstrates the great increase Western Australia received.

Mr Brian Burke: What is the point you are trying to make; are you going to talk about the Budget or about Tasmania?

Mr HASSELL: I am talking about what the Treasurer said about the Budget. The graph in the Tasmanian Budget papers shows that Western Australia received an increase in spending of more than two per cent in real terms, an outcome which was in line with the promise given by the Commonwealth. This provided the Treasurer with absolutely no excuse for the massive increases in tax he has imposed on this State.

Mr Brian Burke: Tell us something about the graph you produced. You produced the graph and have not told us what it is for.

Mr HASSELL: Would the Treasurer like to see it again?

Mr Brian Burke: I would like to know what it is about.

Mr HASSELL: It indicates the moneys going from the Commonwealth to the States this year. It shows Tasmania's figures and the increases for the other States, including Western Australia.

Mr Brian Burke: Did Tasmania not get two per cent?

Mr HASSELL: Not according to this graph, it lost nearly 7.5 per cent.

Mr Brian Burke: It got the two per cent.

Mr HASSELL: I do not know. New South Wales got about five per cent.

Mr Brian Burke: What did Western Australia get?

Mr HASSELL: Western Australia, on last year's figure, got an increase of between two and three per cent.

Mr Brian Burke: Tasmania got its two per cent; all the States got their two per cent.

Mr HASSELL: I know what the Treasurer said about the Premiers' Conference. I know that he said he would have to increase taxes and charges because of that conference and I know that is not true. He did not have to make those increases because he got every penny he expected and more.

Mr Brian Burke: You are particularly shrewd. A person less shrewd than you would not know all the things you know.

Mr HASSELL: That is not very good.

Even in the area of Commonwealth funding where there was in fact a cut, on the Treasurer's own admission, there was plenty of money from last year.

Mr Brian Burke: Why did New South Wales get five per cent and still increase its taxes?

Mr HASSELL: I am talking about Western Australia.

Mr Brian Burke: You were talking about Tasmania a moment ago.

Mr HASSELL: I was not talking about Tasmania, I used a graph from its Budget papers to illustrate that quite independently of the Opposition, and from outside Western Australia, there is a document which demonstrates that Western Australia got two per cent. The figures in the Treasurer's Budget papers do it anyway.

Mr Brian Burke: I never denied that we got two per cent.

Mr HASSELL: The Treasurer tried to make out that the Government had to increase taxes and charges. It is a sad reflection on his credibility when he makes those claims.

Mr Brian Burke: Your deputy said, "Don't play the man all the time".

Mr HASSELL: I am not playing the man, I am talking about the Treasurer's credibility which is not good on these matters.

Mr Brian Burke: This is a terrible speech, Bill.

Mr HASSELL: The Treasurer does not tell the story as it is.

Mr Brian Burke: Move for this speech to be incorporated and save us the pain.

Mr HASSELL: There are one or two things I want to have incorporated and I will seek leave for that later.

Mr Brian Burke: You can have the whole lot incorporated, and I would include the typewriter that typed it, and we will agree to whatever you want incorporated.

Mr HASSELL: The Treasurer can go on like that. He does not like to hear these things analysed at all. He does not want to hear it.

Mr Rushton: You are hurting them.

Several members interjected.

Mr Brian Burke: The member for Dale is right, you are hurting us; it is excruciating.

The DEPUTY SPEAKER: Order! Order! I do not mind the occasional interjection from the people involved in the debate but in the last minute and a half there have been seven interjections from people having nothing whatsoever to do with the Bill.

Mr HASSELL: I thank you, Mr Deputy Speaker, for calling some order.

The increase in expenditure in the State Budget is nine per cent; that is, above the rate of inflation. This is a substantial figure which indicates that the Government is not exercising the restraint it expects of the rest of the community.

Mr Brian Burke: Could I ask you about the nine per cent figure?

Mr HASSELL: I ask the Treasurer not to keep going on; he has made his speech and I am dealing with the matters I have found in that speech.

Mr Brian Burke: Do you have to get so nasty?

Mr HASSELL: The Treasurer is trying to play around, he is not interested in talking about the Budget.

Mr Brian Burke: I had a serious question about the nine per cent, representing population growth plus inflation.

Mr HASSELL: I think the Treasurer used eight per cent inflation in his calculations, because that is what he said in answer to a question.

Mr Brian Burke: That's right—that's what I did use.

Mr HASSELL: Whether that is the right figure to use is another thing entirely.

Mr Brian Burke interjected.

Mr HASSELL: It still might be the wrong thing, but at least it is one tricky change the Treasurer has not made.

There is no attempt to justify this substantial increase in spending at a time when the rest of the population is expected to take a cut. The Government should go back and look at this Budget in terms of what it does to ordinary people. It should look at it in terms of the impact it has on Western Australian families. It should look at the \$900 it will cost Western Australian families—more than \$900 per family when it is combined with the increases by the Government's Federal counterparts. The Government should have a look at that and measure what it is as a Budget, relative to what it should have been.

There has been a complete ignoring of the need for restraint about which the Treasurer spoke in his June economic statement. All that we have seen is a series of attempts to justify more and more spending and the continuation of higher levels of spending. There has been no attempt to really change the direction of the Budget and to bring about a reduction in the burden on the ordinary people of this State. If, for example, expenditure had been held constant in the past three years, the Budget would be \$334 million less. That sort of long-term saving is enough in itself to scrap payroll tax entirely, with capacity for more tax concessions. In fact, it is enough to reduce all State tax almost by one-half, and that represents a saving of \$1 150 for every family of five in Western Australia.

The effects of reducing the burden on the State's economy and on overall employment prospects are obvious. This could have been achieved by holding spending constant, but instead we have a continuation of growing spending by this Government—growing spending and increases, all the way through. The fundamental difference between the Liberal Party and the Labor Party is the fact that our objective would be to hold expenditure and keep it constant so that there would be a reducing burden on the people of this State, and so that the people would have more of an opportunity.

Take the example of the Government's ambition to generate employment, where it created a department and committed \$12 million to a fund for employment. This method of generating employment lasts only for as long as the Government keeps spending money, and the source of that money is, of course, taxation. The catch 22 is that while the proceeds of the

tax are used to create artificial employment opportunities, the tax itself strangles enterprise and reduces its capacity to employ more young Western Australians. Indeed, I quote from the Treasurer's own Budget speech in this regard. He said—

Increased employment opportunities flow principally from increased activity in the private sector. . .

Accordingly, it follows that if one wishes to do something about employment one must relieve the burden on the private sector, not increase it. For example, for less money than the Government spends on employment schemes which require extra taxes to fund them, it is possible to abolish the payroll tax for all young people under 21 years of age. This has a double benefit: It reduces the tax burden and makes it more cost-effective for employers to take on young people, and that gives them the employment and training which they need; but ultimately it creates a real and secure long-term job, not just a short-term job that lasts for as long as the Government money is available.

But this is not the way that it works; this is just another one of the high taxing Budgets. In fact, as I have said, the increase in taxation this year is nearly 18 per cent, or 10 per cent in real terms, and that, for individual Western Australians, means a lot of money—a lot more money that they will pay out in extra taxes to the State Government than they will get in benefits themselves. Expressed in present-day terms and for a comparable period, the increase in State taxation has been \$124 per head of population under the present Labor Government. That is an extra \$620 for every family of five in Western Australia. The comparable increase under the Liberals was just \$15 per head, or \$75 for every family of five.

These things are very well set out in two tables which show precisely the taxation figures on a four-yearly comparison and in graph form. They show that for 1979-80 the per capita tax burden was \$453, for 1980-81 it was \$471, in 1981-82 it was \$480, and finally, in 1982-83, the last year of the Liberal Government, it was \$467. In the first year of the Burke Government it became \$523, in the second year it was \$567, in the third year it was \$554, and this year it goes to \$591. It is a pretty dramatic graph when one looks at it. It shows very clearly the massive growth in the per capita tax burden in Western Australia, and it indicates the way in which this Government approaches the people of this State in its taxing measures.

The Government has needed this huge increase in taxation to pay for its bad management of Government, its ever-increasing transport losses, the greater administration costs throughout the departments, and the growth in Government employment levels since the Treasurer became the Treasurer. In February 1983 when Labor took office there were 108 000 Government employees; today there are 122 000. That is an increase of 14 000, or 13 per cent. In today's terms this means that the Government payroll is about \$294 million higher than in 1983, and that is equivalent to more than one-third of the State's total tax bill.

And what of the Treasurer's promise to cut public sector employment by three per cent? That promise was made in June when the latest official figures showed there were about 122 000 State Government employees. Consequently a three per cent reduction means a loss of nearly 3 700 positions. If the Treasurer can achieve this—and who can forget how he failed to implement his one-for-two replacement policy in 1982-83?—then he would have brought down the increase in public employment in his Government from 13 per cent to nearly 10 per cent.

Put simply, the Treasurer will still be responsible for increasing Government employment by 10 per cent and for increasing the Government payroll by \$220 million—that is \$760 for every family in Western Australia. Of course, all this has to be paid for in high levels of taxation.

I refer to another graph which shows the levels of State Government employment. In 1980, 105 800; in 1983, 107 800; in 1986, 119 400. If the Treasurer takes his three per cent off, he will have 115 800 in public sector employment in this State.

Mr Rushton: Plus the advisers.

Mr HASSELL: I think that includes the advisers. If we look at it, it is a good comparison to make with the shopkeeper who sticks up all his prices by 25 per cent and then knocks off five per cent and announces to all the world that he has a sale on. The customers think they are paying five per cent less when of course they are paying 20 per cent more. Where does

that leave the Premier's credibility in this matter of public sector employment? Throughout the public debate over the past few months about the State's finances the Premier has referred to a gap between available revenue and the level of spending needed to maintain existing programmes.

In his economic statement of 24 June, the Treasurer blamed this gap on four factors. Firstly, he blamed it on the poor deal he got from Canberra at the Premier's Conference. That has proved to be a completely false explanation. The State, in fact, received a particularly good deal as I have already explained and as the Budget papers reveal.

Secondly, the Treasurer blamed it on the deteriorating mineral revenues. It is certainly a fact that mining royalties are down by \$29 million in real terms, but Commonwealth revenues were increased by \$40 million in real terms and timber royalties were up \$2 million in real terms. The Treasurer also blamed the revenue shortfall on the need to reduce Government borrowings. However, any reduction in borrowings actually reduces the debt burden on the State Budget, thereby alleviating the revenue shortfall, not aggravating it.

Finally the Treasurer referred to structural problems in Government. These were left very vague and no cost was attached to them. That excuse can best be described as gobbledygook.

There were in fact three problems which combined to give the Treasurer difficulties in this year's Budget. To start with, the Government has been responsible for an 11 per cent increase in spending in 1985-86. It was then addicted to high levels of spending—35 per cent more than the previous Government, in fact. Secondly, the economy had begun to turn sour, largely because of the Federal Government's performance and its mismanagement of the national economy. As a result taxation receipts were forecast to be lower than would be the case under a healthy economy. The third reason is that the Government is in real trouble over its Budget, and this reason highlights the Government's total disregard for the most sound principles of management of the State's affairs.

Last year the Government went on a selling spree. It sold land and assets under the glorious title of its so-called assets management policy. On 20 July 1986 the Premier admitted to \$25 million-worth of special land sales last year. This year's Budget papers reveal another \$48.7 million last year from this process of asset stripping. This year the figure is only \$11.5 million and that is a drop of \$41 million in real terms—far greater than the drop in royalties which the Treasurer blamed for his revenue problems.

Obviously, in order to fund its day-to-day or recurrent spending, the Government sold off a huge sum of publicly-owned assets. Those assets could have been used to reduce the State's long-term debt. Instead they were used to pay for recurrent spending. The problem is that if the Government pays a recurring bill this year by selling a public asset, that asset is gone forever but the bill has not. The bill will be back again next year.

Mr Rushton: He is selling off the farm.

Mr HASSELL: He is selling off the farm. Last year he sold the farm to pay for the spend-up and this year he does not have a farm to sell, but he is still committed to the spend-up and he has not been able to make the cuts that are needed. It is no wonder that the Government did not want to draw attention to the \$41 million drop in revenue from this source, but chose to refer instead to the smaller reductions in mining royalties.

I reiterate the Liberal Party's commitment to a no-growth Government, a thorough overhaul of the State's taxation system, a reduction of specific taxes, and the establishment of an independent process for reviewing whether increases in charges are justified. This year's Budget proves that the only way the Labor Government can support the management of the State's finances is to provide funny figures—peculiar sets of figures which vary from year to year and which tend to make the process of comparison more difficult, and attempt to create impressions that are not true about what is going on.

Above all else, this Budget represents an attack on the standard of living of ordinary families. That is how this Budget must be viewed ultimately—in terms of what it does to ordinary Western Australians, whether they are

employed, whether they are in business, or whether they are retired. What does this Budget do? Let us look at that again. This Budget massively increases the collections of State taxation. It does it in two ways. Firstly, it increases the level of taxation substantially—payroll tax, liquor tax, and petrol tax. Extra taxes of \$84 million will be collected in a full year. In addition to that, this Budget allows to proceed the natural growth in the collection of taxes and produces a grand total in the current year of \$129 million in extra tax.

That is what will hit the families of Western Australia when it is combined with the extra taxes being charged by the Commonwealth in its massive increases. When one counts the increases in charges and basic commodities for the community provided by Government with those of the Federal taxes—and I am now talking about a family of five—this will come to \$252 in Federal taxes; \$446 in extra State taxes, and in State charges an extra \$207; a total of \$905 extra. As I said before, a man on the average wage—and many small businessmen get a lot less than that—can expect to get about \$350 extra after tax this year, but a family of five will be paying out \$905 extra in taxes and charges.

That is the true measure of the Budget. This Budget has been a combination of misrepresentations about expenses and charges and of lame excuses for poor performance and poor management. This poor management has been graphically illustrated in a couple of specific cases: The sale of the Midland abattoir saleyards and the purchase of Fremantle Gas and Coke Co Ltd. Those graphic illustrations of mismanagement are merely an extension of what now appears in the State Budget as a continuing level of high spending and high taxing by a Government that talks about efficiency and reducing the burden, but, in fact, on its demonstrated record, has substantially massively increased that burden.

I seek leave to have incorporated in *Hansard* these four papers: Firstly, the indications of the increases of the State's spending; secondly, the taxation figures, the four-yearly comparison, both in figures and in graph form, and, thirdly, the levels of State Government employment.

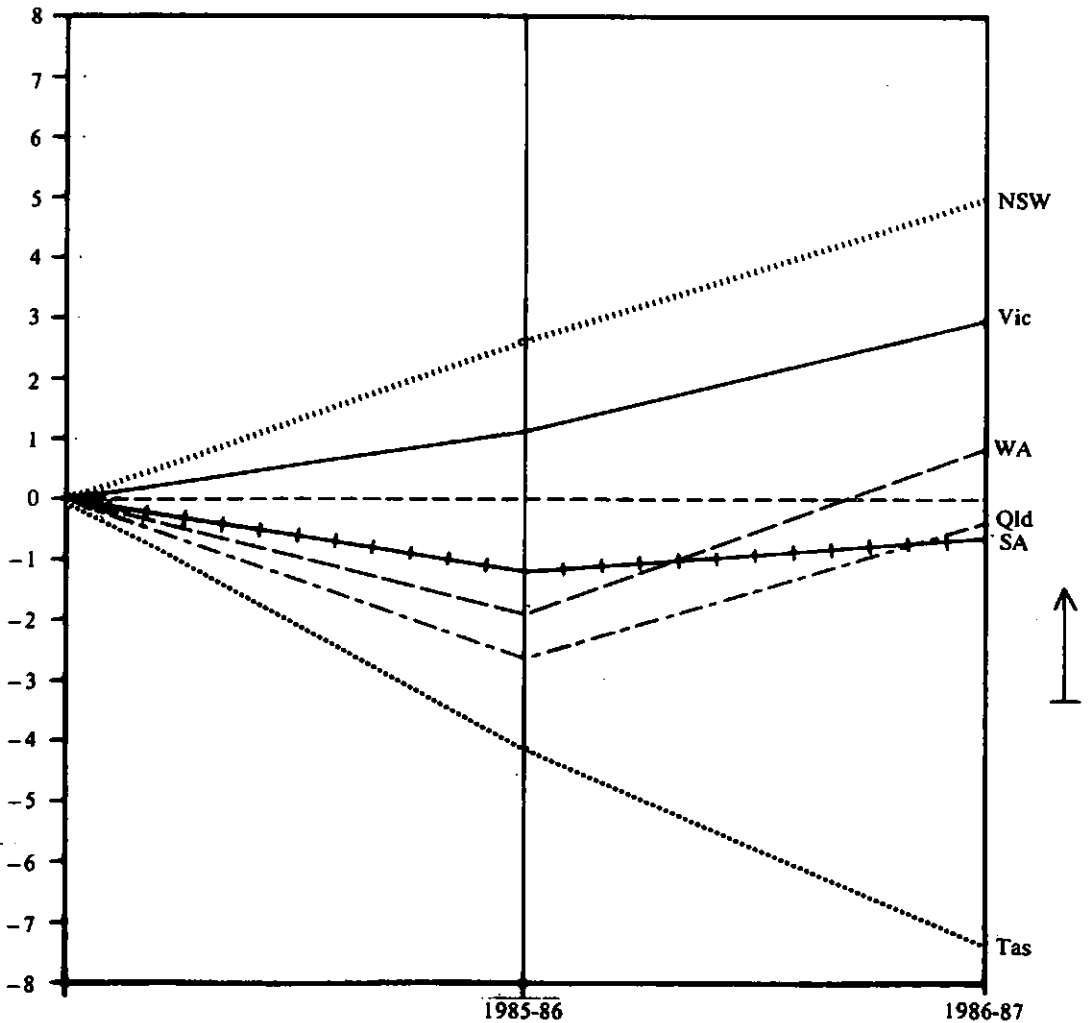
*The following material was incorporated by leave of the House—*



PARLIAMENT OF TASMANIA

# BUDGET SPEECH 1986-87

FEDERAL GOVERNMENT'S ALLOCATION OF GENERAL REVENUE FUNDS  
TO THE STATES SINCE 1984-85  
(% change in real terms)



## TAXATION FIGURES—FOUR YEARLY COMPARISON

Year	CPI Index (1980-81 Base Excluding Hospital Component)	CPI Index on 1986-87 Base*	CPI Inverse Factor on 1986-87 Base**	Nominal Tax Receipts (\$m)	Tax Receipts Expressed in 1986-87 Dollars (\$m)	Population (m)	Tax Per Capita in 1986-87 Dollars (\$)	Increase in Tax Per Capita over 4 Year Period.
1986-87	159.89	100.00	1.000	857.1	857.1	1.450	591	
1985-86	148.05	92.6	1.080	727.8	786.0	1.419	554	\$124
1984-85	136.98	85.7	1.167	677.3	790.4	1.393	567	or
1983-84	129.45	81.0	1.235	584.1	721.4	1.380	523	27%
1982-83	120.25	75.2	1.330	474.7	631.4	1.351	467	
1981-82	109.95	68.8	1.454	431.1	626.8	1.306	480	\$15
1980-81	100.00	62.5	1.600	378.0	604.8	1.283	471	or
1979-80	91.60	57.3	1.746	326.5	570.1	1.258	453	3%
1978-79	84.0	52.5	1.903	293.1	557.8	1.233	452	

\* 100

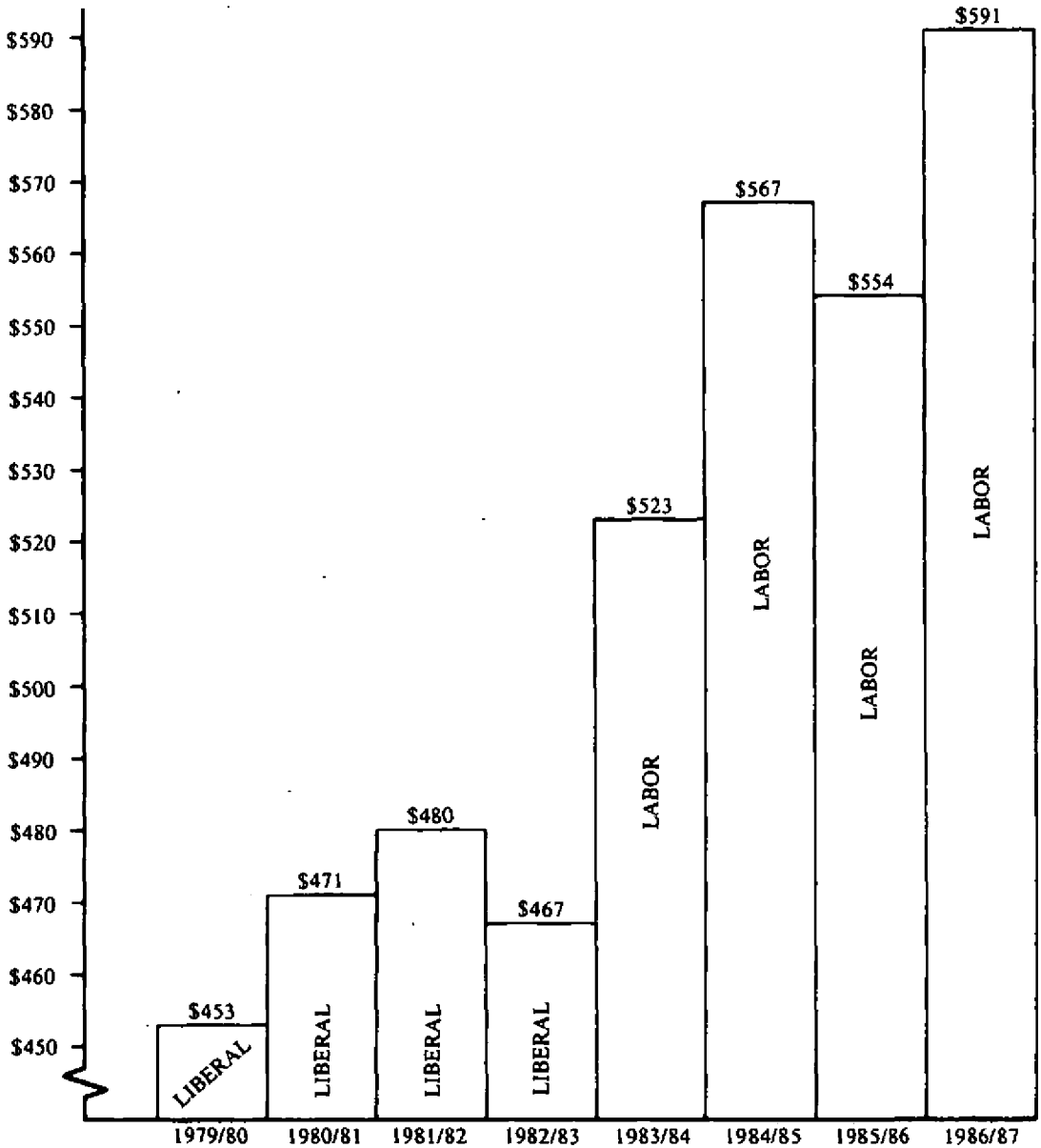
\*\* (Inverse Factor)<sup>1</sup> (100)

100

A.C.P.I. to 1986-87 Expressed  
As an Index Plus 100

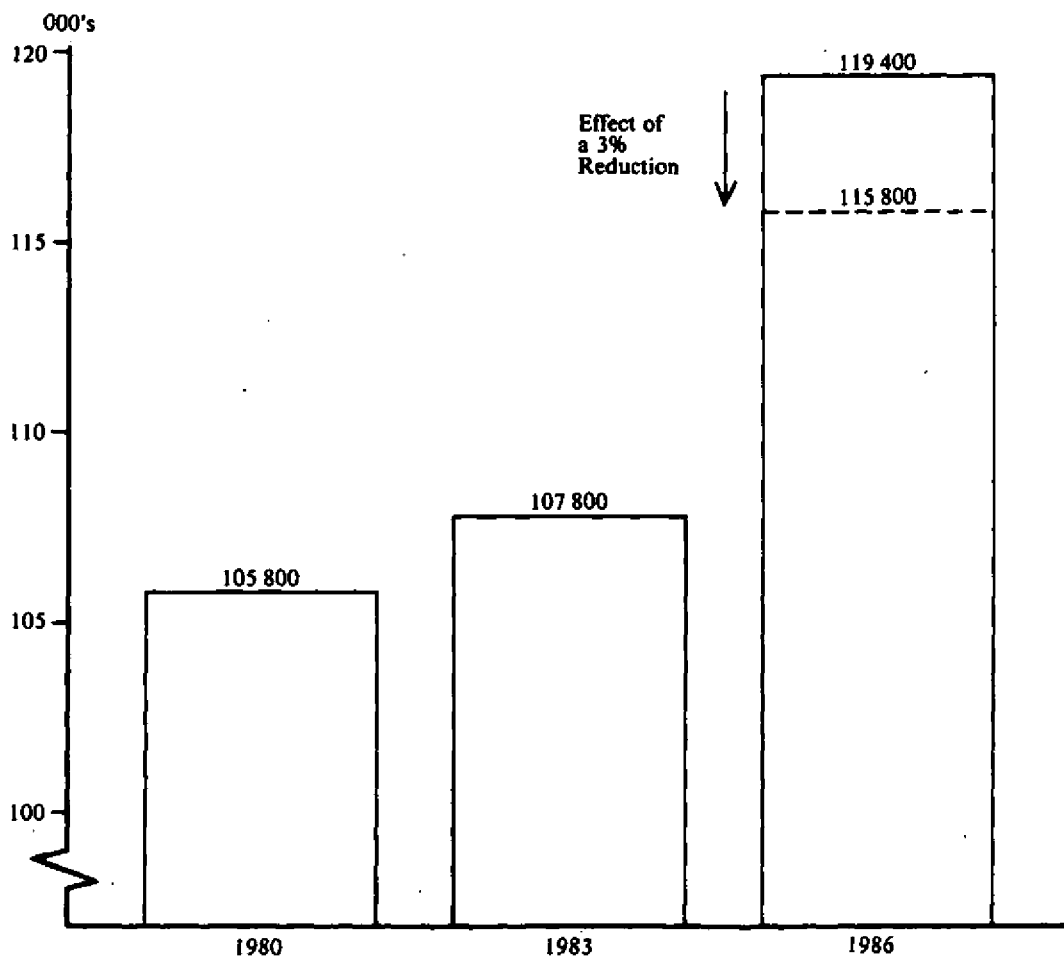
Source: Treasury Budget papers.

# STATE TAXATION FOR EVERY MAN, WOMAN AND CHILD IN WESTERN AUSTRALIA.



Note: All figures are in 1986/87 dollars to enable the most accurate comparison.

## LEVELS OF STATE GOVERNMENT EMPLOYMENT.



Source: Australian Bureau of Statistics.

Note: The month of February was chosen as the basis for comparison as it marked the change of Government.

### Debate Resumed

Mr HASSELL: All in all, the Budget, when it is measured and when it is judged, is a Budget about more spending by Government of the people's money. It is not a Budget about restraint; it is not a Budget about changing di-

rections; and it is not a Budget about reducing the burden and thereby providing a natural and proper stimulus to growth and development. It is a Budget that maintains the tradition of high spending of the Labor Party. It is a Budget that obviously contains some measures, as I outlined, that we would all applaud.

Overall and on balance it is a Budget which represents a failure of good, effective, and sound financial management.

Debate adjourned, on motion by Mr Pearce (Leader of the House).

### AMERICA'S CUP YACHT RACE (SHOPPING HOURS) BILL

#### *Second Reading*

Debate resumed from 7 October.

**MR THOMPSON** (Kalamunda) [4.51 p.m.]: Anyone who has recently been to Fremantle could hardly be untouched by the excitement that is evident there. Things are happening in Fremantle now which I am sure must be a great joy to those people who have been associated with the planning for the America's Cup.

**Mr Blaikie**: Particularly those people who wanted to get the train there on Sunday.

**MR THOMPSON**: Yes, I am sure they will be impressed with the section of the trade union movement which brought about those circumstances. Although there are some people in the community who are America's Cup knockers, by and large I think the Western Australian community is delighted with the way the America's Cup programme is shaping up. I still meet people in the community who express their opposition to the America's Cup, and I saw one slogan painted on the wall of a Fremantle premises the other day, the first word of which I cannot repeat in this place, but the others were "the Cup".

**Mr Pearce**: "Hooray for"?

**MR THOMPSON**: There are some people who are detractors of the Cup, but it is unquestionably a very exciting time for Fremantle, and I believe as the programme winds up it will become a very exciting time for Western Australia.

In my view it was inevitable there would be some suggestion of amending trading hours to apply during the period of the America's Cup. I say at the outset that the Opposition will not oppose this legislation, although we recognise there is a strong body of opinion, particularly among small traders, which has some concern about the impact of this legislation. We understand their concern, and we have sympathy for it. However, it seems to us that we may well incur the criticism of people who will come to Australia from other parts of the world for the America's Cup if there is not some flexibility in trading hours, because Western Australia is very much out of line in terms of trading hours compared with the rest of the world.

People will come here and find shops closed on Saturday afternoon, and think it rather strange. It seemed inevitable to us that trading hours would be relaxed, and indeed legislation passed through this Parliament some time ago to relax the laws with respect to the liquor trade, and I think that is appropriate as well. We stress, however, that the relaxed trading hours should apply only to that special period during which the America's Cup series is being conducted. We certainly do not support the wide-scale deregulation of trading hours in this sweeping way in the future.

The Kelly report certainly contains a lot of food for thought, and the long-term situation with respect to trading hours is one which will need a lot of attention by this Parliament and the community at large. No issue that comes before this Parliament is as volatile as the question of trading hours. Members need only ask my colleague, the member for South Perth (Mr Grayden) who was Minister in the Court Government at the time that Thursday night trading was introduced. He has told me there are people who still spit on him when he goes into a shop because they are still concerned about Thursday night trading. Many people in the community get very heated about trading hours. I can understand that, too, because people have become comfortable with the trading hours, but others for economic reasons need to have some sort of regulation over trading hours. That is brought about by the awards under which most of the people employed in these shops must work.

This is a matter which needs to be addressed by Governments in the future. If trading hours are to be liberalised we also need some relaxation with respect to the conditions under which people are employed. I am sure many traders, some of them small traders, would welcome the opportunity to have more flexibility in the labour market in running their businesses. I am sure a lot of opposition towards relaxing trading hours would dissipate if it were not for the horrific wages bills which people face when they have to open their shop on the weekend. Immediately an employee is required to work after lunch on Saturday he goes onto time-and-a-half for the first couple of hours, and double time after that.

The cost to the employer is exceptionally high. If there were more flexibility in the labour market so that people could work 40 hours—not necessarily from Monday to Friday, and with some of the time over the weekend—there would not be this significant increase in the

cost of running a business. In this day and age, many people in the community would accept working a 40-hour week which would include time on a Saturday or Sunday. I do not think there is the same strong argument for maintaining penalty rates in the present circumstances as there was previously. If trading hours generally are to be liberalised we have to address the question of the labour market so far as those people who are working in these particular organisations are concerned.

This legislation also makes provision to expand the category of business considered to be a small business, and this will enable more small businesses to open on a Sunday. I think that is appropriate as well, because many businesses can take advantage of the increased trade which will be generated by people coming to view the America's Cup and participate in the other events associated with it. More businesses will be open in those areas of the city and State where people will gather for one reason or another.

One thing which I can never really understand is the reason that there is so much opposition to liberalising trading hours when the basis on which that liberalisation occurs is not that businesses are being forced to open, but that it is simply the case that they may open if it suits them.

If there is a particular section of the State or city, or a particular industry in the State for which it would not be of benefit to open, then clearly businesses can leave their doors closed. For instance, in the north of this State there are no trading hour regulations and there seems to be no problems in places such as Carnarvon where shops open at times that suits the proprietors who, I have no doubt, would be conditioned by the wishes of their clientele.

After the passage of this legislation and during the period of the America's Cup a pattern will develop. If it is in the interest of a businessman to open his doors it is clear that he will do so. Where it is not in his interests, I suggest that he will not open his doors.

I could not imagine that shops in some of the more quiet suburbs of the metropolitan area would open on a Saturday afternoon. However, I can imagine that in those parts of the metropolitan area and Fremantle, in particular, where people are gathering for one reason or another, shops will open to service that trade.

Legislation currently precludes service stations from opening on a Saturday afternoon, and I presume that the answer to that is to

resort to a roster system. It is assumed that the system of roster stations is sufficient to service the needs of the community. Those specific business proprietors are excluded from this legislation.

I believe there will be very little demand, because of the things associated with the America's Cup, for people to purchase motor vehicles on a Saturday afternoon. I cannot imagine that a person who arrives here from America, New Zealand, or the United Kingdom, will, in the first instance, want to buy a motor vehicle and, in the second instance, if he does want to buy a motor vehicle, that he will have a burning desire to buy it on a Saturday afternoon.

The Opposition will endeavour, during the Committee stage, to preclude from this legislation the particular traders I have mentioned. I know that in singling out particular parts of the business operations we will tend to open up something of a Pandora's box. I am sure there will be other business operators who will feel they are in the same category as motor vehicle dealers.

It is a fact that the Western Australian Automobile Chamber of Commerce, which represents the motor vehicle dealers, has vigorously opposed the provisions of this Bill which will apply to its members. On the other hand, the rival section of small business, which is represented by the Western Australian Chamber of Commerce, is in favour of the legislation. There is ample justification for excluding the motor vehicle dealers from the provision of this Bill.

I know the Minister and others will say, "What about other categories of business?" The Minister has an opportunity to accommodate other business sections if he is of a mind to do so.

I advise those people in the community who, after the introduction of this legislation, do not want to be obliged to open their businesses, that they need to voice their objection and, indeed, they will need the support of their industry organisation to take a case to the Minister, who will have the power to preclude that type of business.

In the case of motor vehicle dealers, the professional organisation which represents them is vigorously opposed to their conditions being included in the legislation.

I am sure that individual members of this Parliament would have been contacted recently by a number of people involved in the motor

vehicle trade, people who have asked for support for the concept that they not be subject to the provisions of this legislation.

In my view where there is a clear demonstration that, firstly, there is no need for motor vehicle traders to open on a Saturday afternoon and, secondly, where the motor vehicle traders individually, and through their organisation, have said they do not want to open on Saturday afternoons, there is a firm justification for precluding them from the provisions of this Bill.

As I have said already, if there are classifications of business which feel they have a similar case to that which has been mounted and is being mounted by the motor vehicle dealers, all they need do is to present their case to the Minister who will, I am sure, treat their wishes fairly and as appropriately as he possibly can.

The Opposition will not oppose this legislation, but it will, during the Committee stage, endeavour to amend it along the lines I have outlined.

**MR COURT (Nedlands) [5.09 p.m.]:** The issue of trading hours is one of the most emotional issues that I have come up against in the time I have been a member of this House, and certainly in the time I have been in business.

I have been involved in an industry which, over a period of seven years, has undergone the complete ambit of being regulated, deregulated, and reregulated, and I believe that I am reasonably well-qualified to make a few comments about this legislation.

**Mr Peter Dowding:** When you are doing that would you tell members, in the light of the comments made by the member for Kalamunda, how the view of your association changed, because it is important.

**Mr COURT:** I will refrain from running through the history of that particular industry because I am too close to it. Suffice to say, no matter what legislation is in force, those people who want to trade in that industry for seven days a week will do so anyway. When we were able to trade for 5½ days a week only in that particular leisure industry, we would trade off a jetty somewhere for the remainder of the week. At the end of the day public interest always seems to be served.

As the Opposition spokesman has already said, there are bound to be a few changes to legislation during the America's Cup activity. However, in this case it coincides with results of the Kelly inquiry which ran for several years. The Minister, to the Labor Party's credit, was

able to get the inquiry to just go over the election period.

It took some stretching out and finally an overseas trip extended it to the required length. No-one is too sure about what action the Government will take on the Kelly inquiry.

**Mr Thompson:** It has put its toe in the water with this legislation.

**Mr COURT:** As my colleague says, with this legislation the Government has used the idea of the need to free things up for the America's Cup.

There are a couple of things drastically wrong with this legislation. It is one thing to try to extend the hours, but the Government has not tackled the other side of the problem. The retailers are not looking for extended hours; they are looking for more flexibility in the hours they can open and they certainly require a change in the wages and conditions structure to match that flexibility. The Government cannot do one thing without the other.

The result of the Government's experiment will be that in November the retailers will lose money; it will cost them because their trade will not pick up to the pitch that it does in December. They will pay penalty rates to open extended hours on Saturday afternoon and those additional payments will not be justified until December. The retailers get very busy in December and there has always been good justification to have shops trading longer hours in that month to cater for the increased demand.

**Mr Williams:** Especially in the last two weeks.

**Mr COURT:** As the member for Clontarf said, the last two weeks are particularly busy. The whole question of penalty rates will make the experiment a difficult one for the retailers. As far as the public is concerned, I would not be surprised if Saturday afternoon shopping were quite popular. I think it will be found that the hours between 12 noon and 4.00 p.m. will be very busy for retailers. However, if the Government intended to put its toe in the water, it is a pity that it did not listen to much of the advice from the Kelly inquiry and that it did not try to come up with a solution which would be acceptable to all parties.

**Mr Peter Dowding:** That is absolute rubbish.

**Mr COURT:** I know that we shall not get acceptance by all parties, but in this case the Government has done nothing. To my knowledge there has been no negotiation.

Mr Peter Dowding: There is an application before the commission in respect of penalty rates.

Mr COURT: To establish a special rate for the Saturday afternoon period?

Mr Peter Dowding: Yes.

Mr COURT: Does the Minister have details of that application?

Mr Peter Dowding: Yes, we do not agree with it, but it has been made.

Mr COURT: I think the Minister is aware of the point I have been making. I believe there is a way to introduce more flexibility without changing the number of hours that shops are open. If it is that Saturday is the day on which retailers could do a good day's trading, the hours of another day of the week could be changed so that the total number of hours open in a week remains the same. We need to provide a system whereby the employers pay the same weekly wage. I think that can work to the advantage of all parties concerned.

I was recently in Sydney and talked to some of the retailers who open Thursday and Friday nights and all day Saturday. The population of Sydney is three times that of Perth, but even so the shops did not appear to be busy on those two nights.

Mr Peter Dowding: I believe Friday night is a disaster.

Mr COURT: Central Sydney was quite deserted and I got the distinct impression that the opening hours for the shops were too long. I spoke to one of the retailers in the clothing trade. He has a city-based shop, and he told me they are having problems in Sydney getting the professional staff required to man their specialty shops. The long opening hours create that problem.

When travelling overseas a year or so ago, I looked at the way in which other countries operate and in most cases when shops opened on Saturday or Sunday, they closed one day during the week or opened later in the day. In San Francisco, a busy tourist centre, the shops trade on Sunday between 11.00 a.m. and 4.00 p.m. I spoke to some of the retailers and they said that for some time Sunday trading had been a dead loss. We are talking, of course, about a busy tourist operation.

In the metropolitan area some flexibility could be introduced into the system. If the structure were different from that proposed by the Government, it would be more acceptable.

In country areas the problems are different and we have seen, for example, what is happening in Mandurah. It has a specific set of circumstances as I think many other country centres have. It may be that a busy tourist centre has two peaks during the year; Easter and a couple of weeks during the Christmas holiday. If the local retailers got together they could capitalise on the increase in the tourist trade during those periods and for the rest of the year be quite happy trading regular hours.

I believe the Government will run into problems with this legislation because it does not properly address the second side of the argument. I believe there is a way to improve the opening hours for retailers which would make the retailers, customers, and employees happy. The Government's proposal is not the way to do it and it will create problems if the Government tries to implement some of the other recommendations in the Kelly report.

This is a very emotional issue and I think the Government must listen to some of the genuine concerns expressed by the people involved when they explain, on the basis of their experience, the problems they will have if wage rates are not adjusted to these extended hours. It is not a matter of extended hours, but more flexibility and more convenience to allow shops to open at times to suit both the retailers and the public.

MR LAURANCE (Gascoyne) [5.18 p.m.]: I want first of all to relate the situation in the north-west of the State. This was referred to by previous speakers and it is a fact that there are no restrictions on trading hours north of the 26th parallel and, as far as I know, there never have been.

I have been able to view that situation at close quarters for a long period. I first went to live in Carnarvon in 1961 and I have lived most of the last 25 years in the north of the State where there are absolutely no restrictions on opening hours.

Mr Peter Dowding: You have not lived there for a long time.

Mr LAURANCE: Yes I have.

Mr Peter Dowding: You visit occasionally.

Mr LAURANCE: No.

Mr Peter Dowding: Of course you do; you float in and out. You are probably not there when the shops are closed.

Mr LAURANCE: There have been very few exceptions to, or interruptions to, or complaints about those hours. I know that when the



major shopping centre opened in Port Hedland there were one or two occasions on which there was a little anxiety expressed by some of the traders, but that seems to have been resolved.

During the Kelly inquiry, when Mr Kelly came to Carnarvon he had discussions with the local chamber of commerce. The question was raised as to whether traders would like to see the restrictions that applied elsewhere applied north of the 26th parallel; in other words, going away from the situation that has applied up there for so long. The traders of Carnarvon decided to tell Mr Kelly for his inquiry that they wanted the status quo to remain and that there should be no restrictions on them. That is the position in Carnarvon, and it does not cause any problems.

Where these people are allowed to trade as freely as they like, they seem to be able to make arrangements that suit themselves, and I do not have any representations from people complaining about the fact that there are no restrictions on trading hours. Perhaps it is because they are smaller communities and it has been traditional for them to have no restrictions and to be able to make arrangements satisfactory to all parties. It is hard to impose restrictions elsewhere when the community that I represent, and in which I have owned property and been a member for many years—for 25 years, and my wife's family for even longer, well over 30 years—does not have restrictions, and I do not wish to impose restrictions on other sections of the community. It works in the north and I think it will work in other parts of the State.

However, I agree with previous speakers that the change from the situation we have now in the south of the State to what applies in the north becomes a very emotional issue indeed. The America's Cup has given us a chance to experiment, and I guess that is what the Government intends to do with this legislation. Like my colleagues, I indicate that without flexibility, particularly in relation to penalty rates, it will be very difficult to extend our shopping hours. That is only one side of the equation and it makes it difficult for people who have to try to comply with the new hours without having the flexibility they require in the wages system, especially regarding penalty rates. However, the experiment in relation to Saturdays might just work, and if it can be shown that it is attractive to consumers and does not cause too many problems for retailers, we might find that Saturday afternoon shopping is something that can remain.

It is important also for retailers who are opposed to these restrictions to understand that, despite all the difficulties of opening for longer hours, there are difficulties in not opening. Already we have seen tremendous support for the Saturday afternoon and Sunday markets, and those people who are operating during normal hours are losing more and more trade to these people; and that is a danger. The markets really are satisfying a need, and retailers who are working normal hours now may find that in future they will lose more and more of their trade as a result of the markets operating. Those people who are currently operating on Saturday afternoons and Sundays are probably taking a lot of business from normal retailers, which is a concern for the future.

Motor vehicle dealers have been vehemently opposed to any extension of trading hours. In discussions with a number of them, they made the point that they are opposed not only to Saturday afternoon trading but also to the situation pertaining in the Eastern States, especially Sunday trading. They are totally opposed to Sunday trading and see this experiment with Saturday afternoons as being the first step towards their having to trade on Sundays as well. I can see their point. It is difficult to justify opening up car yards on Saturday afternoons as a result of the America's Cup because I doubt that there will be very much more business for motor vehicle dealers as a result of the America's Cup. However, the dealers are particularly opposed to any extension of trading to Sundays. That is why they have opposed this—they want to stop the rot and do not want Saturday afternoon trading; but especially they do not want Sunday trading.

Mr Peter Dowding: Are you supporting it?

Mr LAURANCE: The amendment?

Mr Peter Dowding: Yes.

Mr LAURANCE: Yes, I am at this time.

Mr Peter Dowding: So you fellows cave in to anyone who does a bit of lobbying?

Mr LAURANCE: No. When we put the amendment we can discuss that.

Mr Watt: Don't you listen to them if they have a logical case? Can't you understand the argument presented by the motor vehicle industry?

Several members interjected.

The SPEAKER: Perhaps we could let the member for Gascoyne in on this.

Mr LAURANCE: The Minister might like to know we are seeking a consensus on something close to his heart. I thought he would be keen to see that that was achieved.

I want to mention briefly the situation relating to the clause in the Bill which will give retailers in shopping centres the option to open if the shopping centre decides to open as a result of being allowed to do so under this experiment. I presume the Minister has been lobbied on this point. I can see it would be desirable for those people who decide not to open for various reasons not to have to do so. However, this is a bit of a two-edged sword. If the centre makes the decision to open and if some people in the centre do not wish to do so, it is very difficult for all parties if the whole centre does not open. Therefore, in giving the individual retailers the opportunity not to go along with the decision of the shopping centre, it really causes a problem. As we know, it is contrary to most of the lease arrangements for shopping centres.

Mr Peter Dowding: It is already in the Factories and Shops Act. It was introduced by your Government in relation to Thursday night trading.

Mr LAURANCE: I am aware of that. What I am saying is that if you try to set up a situation in shopping centres where people are allowed to not open if that is their desire—

Mr Peter Dowding: It is already there, and you introduced it in respect of Thursday night trading.

Mr LAURANCE: The reason for raising it is this: If we try to interfere with the relationship between landlords and tenants, we could have some very undesirable effects.

Mr Peter Dowding: Then why did you do it?

Mr LAURANCE: It impacts on legislation that the Government passed in this Parliament last year.

Mr Peter Dowding: You added it to the Factories and Shops Act.

Mr LAURANCE: I would like to entertain the Minister, but I do not have the time to do that. I want to involve the member for Joondalup, because she has already asked a question in this Parliament about the legislation the Government passed a year ago. Here the Government tries—with our support—to give tenants in shopping centres a bit of a whip hand over the landlords, and of course the landlords are fighting back. The member would know that that has caused other difficulties.

She asked a question in the Parliament recently, and I am trying to relate the two. It is very difficult to indicate that individual retailers can do certain things in shopping centres if those things are against the best interests of not only the landlords but the shopping centres as well, because really they sink or swim together; and it is the merchant associations which have decided this, not the legislation we might pass.

Mr Bryce: That merchants' association is closed shop unionism.

Mr LAURANCE: No.

Mr Bryce: It is. Under the tenancy agreements one is compelled to be a member.

Mr LAURANCE: It is a free association.

Mr Bryce: The lease says he must be a member.

Mr LAURANCE: It says a lot of other things as well.

Mr Bryce: It is not a free association.

Mr LAURANCE: It represents their interests as a group.

Mr Bryce: That is what the trade unions say, but they cop a lot of criticism from you blokes for doing so.

Mr LAURANCE: I would like to entertain the Minister further, but as it is time for questions without notice I think it is appropriate that I conclude my remarks.

Leave granted to continue speech at a later stage of the sitting.

Debate thus adjourned.

## ACTS AMENDMENT (RECORDING OF DEPOSITIONS) BILL

### *Receipt and First Reading*

Bill received from the Council; and, on motion by Mr Peter Dowding (Minister for Employment and Training), read a first time.

[Questions taken.]

*Sitting suspended from 6.03 to 7.15 p.m.*

## AMERICA'S CUP YACHT RACE (SHOPPING HOURS) BILL

### *Second Reading*

Debate resumed from an earlier stage of the sitting.

MR HOUSE (Katanning-Roe) [7.18 p.m.]: The National Party, with some reservations, supports this Bill. The Minister and the Premier have stated that the extension of

trading hours for the period of the America's Cup will be seen as a trial period for the extension of trading hours generally. The National Party certainly has some reservations about extended trading hours becoming a permanent fixture in WA.

This legislation covers the whole of Western Australia, including the country areas.

Mr Peter Dowding: That is not quite right. It does not cover the north, which has never been subjected to trading hours legislation.

Mr HOUSE: From what the member for Gascoyne said, I understand that north of the twenty-sixth parallel will not need such legislation.

Mr Peter Dowding: That is right, so this legislation does not affect that position.

Mr HOUSE: But it does affect the great southern agricultural areas. One wonders what effect this legislation will have in those areas. It is quite evident that smaller country towns are battling to maintain their equity in the shoppers' dollar. The small country towns will be badly affected by this legislation if its provisions become permanent. I cannot support the fact that the legislation covers the whole of Western Australia. The America's Cup applies more to the metropolitan region, and this legislation will not confer much benefit on country areas. This legislation, although an experiment, represents the thin end of the wedge, with the Government using the legislation to give extended trading hours a trial.

In his second reading speech the Minister said that tenancy agreements would be protected and that individual retailers who exercised their option not to trade during extended hours, as provided by this Bill, would be afforded legislative protection from those provisions of tenancy or lease agreements which may otherwise force them to trade. Those words carry no weight because the owners of shopping centres will expect their tenants to perform. Rents are often set on the basis of profit and performance by those people who rent the shops. Although the words are there, the effect of the provision may not be as great as the Government thinks. People who have to compete in any industry cannot afford to stay closed. For example, if a person sells hardware and there is a hardware shop a mile down the road, that person will have to open to maintain his share of the shoppers' dollar.

Mr Peter Dowding: That happens already because small hardware shops can trade seven days a week, but large hardware shops have to remain closed after midday on Saturday.

Mr HOUSE: I take the point the Minister is making. However, if one takes the example of a small country town like Dumbleyung, which is 30-odd miles from Katanning, a trader in that town would have to compete with a large Woolworths outlet in the nearby town of Katanning. Clearly that larger establishment can afford to run at some loss for a period and the small retailer cannot.

I will now turn to something that will interest the Minister for Industrial Relations more than the location of Dumbleyung or Gnowangerup; that is, the question of the deregulation of hours or penalty rates for weekend hours. If we look at the context of deregulating shopping hours, the logical question is why not deregulate the labour market so that Saturday is treated no differently from Monday to Friday. In that context we would be allowing the retailer who has to employ people to compete on a more equitable basis. I am sure the Minister will have some comment to make on that point because it is an important aspect, not only with regard to this legislation but also for any future plans the Government may have to deregulate hours and trading times around Western Australia.

The small retailers in country areas are the basic concern of the National Party. The country areas closer to Perth will be affected by any legislation that allows people in larger centres to deregulate hours. It is beyond question that those larger retailers can afford to trade at a loss until such time as they break the smaller retailers. We think the Government should look at that area very closely.

We have already seen some relaxation in the liquor laws, which follows almost exactly the same pattern as this legislation. Once again, we have had some conflict within the liquor industry whereby the larger retailers are saying they can open 24 hours a day and obviously their volume of trade enables them to do that. I will have more to say about that in the Budget debate.

The basic concern of the National Party is that the deregulation of hours will affect the people we represent; that is, the smaller retailers in the bush.

MR LEWIS (East Melville) [7.25 p.m.]: I have just come from a chamber of commerce meeting at which this legislation was being dis-

cussed. As has been previously stated this evening, the WA Chamber of Commerce and Industry, after a lot of deliberation and debate, has come to the conclusion that in the long term the deregulation of retail trading should be pursued.

I happen to have a similar view because I think in the long term we should primarily cater for the needs of the community rather than those of a small group within the community. To do so off-handedly or in a short-term period would mean disaster for many small retailers and traders because these small traders, who do the majority of their business after hours when the larger centres are not open, have built up businesses and established themselves on the basis of the existing regulated trading hours. It would necessarily follow that to remove those regulations overnight would mean disaster, probably bankruptcy, and certainly great losses to many of those traders.

I welcome this legislation which not only gives tourists the opportunity to make purchases after hours and on Saturdays, but also gives the public, and indeed the Government, an opportunity to appraise the effect it will have on the retail industry generally. In that regard I think a 3½ month period to test the market will give everyone an opportunity to view the debate.

My view differs a little from that of the member for Katanning-Roe regarding the traders in small towns.

Mr House: How many small towns do you represent?

Mr LEWIS: I do not represent many at all.

Mr House: That is probably why we differ.

Mr LEWIS: I believe this 3½ months will provide a trial period during which the effect on smaller towns can be gauged. It may come to pass, as happens above the 26th parallel, that the traders will find their own level and, when it is profitable to open, they will do so and when it is not, they will not. I would like to think that after February those sorts of situations will manifest themselves.

Of course, one of the great arguments against extension of retail hours—I think it is a credible argument—is that it cannot be done without the deregulation of the labour market. I put it to the Minister for Industrial Relations that it is a bit of nonsense to deregulate the one while still maintaining the double-time syndrome for work after one o'clock on a Saturday.

I understand that the chamber of commerce made an application to the Industrial Relations Commission eight weeks ago for an award to be handed down to reduce the penalty rate to 25 per cent of the going rate.

Rather than paying \$8 to \$10 an hour before one o'clock and \$16 to \$20 an hour after one o'clock on Saturdays, they are looking for a 25 per cent penalty which would take it to \$10 to \$14 an hour. The traders and the chamber of commerce believe that can be accepted and their profit margins can be maintained so that they can stay open and service the public.

However, their great fear is that the commission, because of the union representation—which, of course, is there just ready to oppose this, and I do not think that is arguable—might not hand down a decision until well into December. That would mean a *fait accompli*, and after appeal the time of testing would be over and penalty rates would have prevailed throughout the three-month period.

I also understand, although I am not sure whether this is correct, that the Minister for Industrial Relations has approached the three big traders, Woolworths, Coles and Foodland, asking them to back off on the award to bring it down to 25 per cent on the basis that the Kelly report would not be implemented. I do not know how true that is, but if that is the case the Minister should explain to the Parliament and the public that it is the case and give his reasons for making those approaches to the "Big Three", as they are called. It seems to me that it is a nonsense if we are deregulating trading hours and not deregulating the labour market. We in Australia have been criticised by the tourism industry for the fact that people who work in hotels on Saturdays and Sundays are paid up to treble time for their services which, in the normal course of events, should be normal time and part of an employee's terms of employment. I think it is recognised generally that it is a bit of a nonsense that if one's occupation causes one to work odd hours outside the nine-to-five situation, one is paid double or treble time.

It is also interesting to note that a hierarchical system of retailing has been built up within our State. We have major regional shopping centres where, because of the implication that one's lease will not be renewed, or whatever, one's right not to open may be abrogated.

People feel that if they do not open they may not have their leases renewed. They are placed in the situation of having to trade, and they trade for no profit. I think everyone would agree that our society revolves around the ability to make a profit, and if one cannot make a profit and extend oneself it becomes something of a nonsense to have to trade during those times because of the innuendo about lease renewals. It is making a bit of a farce of the whole operation.

Mr Peter Dowding: What would you suggest?

Mr LEWIS: I believe the Minister should be actively pursuing deregulation.

Mr Peter Dowding: I am actively pursuing it. What would you suggest in relation to those leases which affect the situation?

Mr LEWIS: I believe the Minister should be actively pursuing the deregulation of the cost of labour during those hours.

Mr Peter Dowding: Forget the cost of labour. I am talking about leases. What do you suggest about that?

Mr LEWIS: Maybe the Minister should go into the court and put a case on behalf of the Government that it is a nonsense that double time is paid after one o'clock on Saturdays. That is reasonable, is it not?

Mr Peter Dowding: Yes.

Mr Watt interjected.

Mr Peter Dowding: I asked him what he thought about the lease issue.

Mr Watt: He told you.

Mr Peter Dowding: That is not the lease issue, that is the wages issue.

Mr LEWIS: I am not saying there should be legislation which will stop that. That happens to be a fact of the marketplace and the marketplace has operated that way since time immemorial. I do not see that we need legislation to do that. Those traders have to make their own decisions as to whether they stay open—I accept that.

Mr Peter Dowding: And you would not interfere with the leases that require them to open?

Mr LEWIS: The Minister has said already that the legislation does not require them to open.

Mr Peter Dowding: I am asking you for an expression of your opinion.

Mr LEWIS: My opinion is that we should not tamper with the marketplace. It should find its own level, provided the Minister regulates the labour side of it.

Mr Peter Dowding: All right.

Mr LEWIS: As well, a number of petitions have been presented to this House about the concerns of the motor vehicle retail industry. The point those petitions have made—and I accept their argument—is that not one additional motor vehicle would be sold under the proposed trading hours than would be sold during the normal trading hours that exist today. They currently trade 58 hours a week.

Mr Parker: So what? Either you believe in deregulation or you don't. The same can be said of butter, and margarine, and things like that.

Mr LEWIS: I accept that.

Mr Blaikie: Butter and margarine are not the same. One is the real thing.

Mr Parker: Not in terms of the issue we are discussing.

Mr LEWIS: I am making the point—

Mr Parker: It's not a very good one, is it?

Mr Watt: Mainly because he cannot get a word in.

The SPEAKER: Order!

Mr LEWIS: Thank you, Mr Speaker. I am making the point that over this trial period there does not seem any justification for testing the motor vehicle industry.

Mr Peter Dowding: Are you suggesting that the test for deregulation is whether more of a particular product will be sold? Is that your test for deregulation?

Mr LEWIS: No, what I am suggesting is that there are only so many dollars out there for motor vehicles.

Mr Peter Dowding: That is true of a range of products, as the Minister for Minerals and Energy said. Is that your test for deregulation? Do you want limited deregulation only where you can demonstrate that the dollars spent will increase?

Mr LEWIS: No, I do not look at it that way at all. I believe there are retailers out there who have developed their businesses on the basis of a regulated trading system, and I do not think that can be denied. A lot of those people make their income in the last two days of the week.

Mr Peter Dowding: That is not really answering the question.

Mr LEWIS: Yes, but if the Minister totally deregulates and allows the major shopping centres to open and compete against those people, he will disfranchise those people to the extent that they just will not have a business.

Mr Peter Dowding: What about the large, so-called growers' markets that are taking the sales away from the corner delis which were the only shops that used to open on Sundays?

Mr LEWIS: I accept that, and I make the point that the so-called growers' markets are not operating within the major regional shopping centres but in the neighbourhoods and the district centres where the other smaller shops are also open at the same time. They have a complementary effect on trading.

Mr Peter Dowding: You should ask them.

Mr Parker: Look at Subiaco and Fremantle. They are major regional centres, and they have growers' markets.

Mr LEWIS: But they are not located within a Carousal, a Garden City, or a Karrinyup.

Mr Parker: But they are taking trade away from corner stores.

Mr LEWIS: I do not believe they are. I think they are complementing the corner stores.

Mr Peter Dowding: That is nonsense. I would like you to address a very important issue: Are you really about deregulation, or is it just tokenism on your part? Are you only about deregulation where you can demonstrate not that it is an added convenience but that there are greater sales? If that is your idea of deregulation, I think you should say so.

Mr Bradshaw interjected.

Mr Peter Dowding: Can't he answer? He is a big boy.

The SPEAKER: Order! These interjections are totally unacceptable.

Mr LEWIS: I am in favour of deregulation in the long term. I do not think we can accept deregulation in the short term, and I accept that it has to be transitional. I have no argument with that, but one cannot simply turn on a light switch and disfranchise all those small businessmen.

Mr Peter Dowding: But you were talking about the car industry. We are not disfranchising anyone. You are talking about an industry being allowed to trade, if it wishes, for four hours extra a week. You are suggesting that you support a proposition that they should not be allowed to trade those four hours extra a week, and I am saying to you: Surely you are against deregulation.

Mr LEWIS: Not with the flick of a light switch. Can the Minister explain why service stations are exempt?

Mr Peter Dowding: There are no penalty rates in the car industry. Why don't you answer the question?

Mr LEWIS: Why does not the Minister answer my question?

Mr Peter Dowding: There are no penalty rates in the car industry, so why are you against allowing the enterprising operator, if he wants to, to stay open four extra hours? What is your answer to that?

Mr Bradshaw: Quality of life.

Mr Parker: Are you opposed to an extension of trading hours at all?

Mr Bradshaw: Yes.

Mr LEWIS: The motor industry is a unique industry, and I agree with the testing of the market generally. I feel that at present, because of the public response we have received in this Parliament in relation to the motor vehicle industry, we could monitor it over a period of time and see the effects.

Mr Peter Dowding: What can you monitor and see the effects of if you do not extend trading hours?

Mr LEWIS: We are not getting anywhere.

Another point I would like the Minister to respond to relates to a publication put out by one of the major centres. It makes the point that only three per cent of the more than 700 submissions to the Kelly inquiry were in favour of adopting deregulated shopping hours.

Mr Peter Dowding: About three per cent by number received.

Mr LEWIS: Okay. I would like the Minister to explain whether that is a fact. Perhaps he will explain also whether the Government approached the three major retailers and suggested to them that they should withdraw their application to the Industrial Relations Commission for the 25 per cent variation of the award.

They are legitimate questions that have been put to me, and I think the Minister should tell Parliament and the public the facts and why the Government has tampered around the fringes and tried to preserve an award which it has been suggested the Government wishes to remove. I understand the Minister has stated a certain amount of deregulation should be introduced for the purposes of tourism. The Government cannot have a bit of both worlds; it is either for deregulation as part of its tourism policy, or against it.

Mr Peter Dowding: You are not prepared to say whether you are for or against deregulation in the motor industry where there are no penalty rates.

Mr LEWIS: That concludes my speech. I would ask the Minister to respond to the points I have made.

**MR TRENORDEN (Avon)** [7.43 p.m.]: I wish to join the debate on shopping hours and the America's Cup. The Minister said in his second reading speech that this Bill had been introduced to enable industry to contribute to and share in the benefits of the America's Cup. I agree with part of that remark; business will be asked to contribute, but it is doubtful whether many businesses will benefit. Those who will benefit are the large retailers and those in and around the Port of Fremantle.

I would like to quote from that august daily paper *The West Australian*, the most popular newspaper we have in this State. I refer to an article in the edition of 3 September 1986 which was headed, "Govt broke shop deal, says union." It goes on to talk about a lot of things other than the union, and it states—

Representatives of Coles-Myer and Woolworths department shops welcomed the announcement of extended trading.

Of course they welcomed it; they are the only people who unreservedly welcome the deregulation of trading hours through the America's Cup period. The question must be asked, why? The answer is they have little to lose. They have a business which is not service orientated—a customer picks up products off the shelf and walks past a 16 or 17-year-old girl at the checkout. All the other comments in the article are from people who either have reservations or are totally opposed to the idea. I will refer to a couple of comments from the article. The General Secretary of the Shop Assistants Union, Mr Mark Bishop, said the Government appeared to be using the cup period as a test to completely deregulate trading hours. There was no sense in opening shops till 6.00 p.m. on Saturdays from 1 November.

Further on in the article he went on to say that the union was not prepared to permit the jobs of thousands of retail workers to be sacrificed on the altar of deregulation. I think that is a fair statement in terms of the employees involved in the retail industry, because it is their Saturdays and their quality of life which is going out the window.

In the same article the WA Chamber of Commerce and Industry is said to be worried that the deregulation of trading hours might progress too quickly after the cup period. The WA Council of Retail Associations is quoted as saying that experience during previous America's Cup challenges indicated that only service industries would be in demand. The Western Australian Automobile Chamber of Commerce was opposed to any extension. The General Manager of Aherns department stores, Mr John Ahern, said extended trading hours would be helpful but not beneficial unless businesses received Government help. Help would be needed to overcome extra penalty costs and restriction on rostering imposed by the award. The regional general manager of Boans, which is part of the Coles-Myer group, said adjustments would have to be made to penalty rates during the period of the cup.

The only people wildly ecstatic about deregulating shopping hours are Coles and Myers, the big businesses.

Mr Peter Dowding: Are you a deregulator?

Mr TRENORDEN: No, I am not a deregulator—definitely not. I thought the Minister might have worked that out already. I am happy to stand here and say it.

Mr Bertram: In the short term or the long term?

Mr TRENORDEN: Over any period. Deregulation is like the Government's hue and cry about privatisation—there is no such thing as deregulation; no matter what happens in the retail industry there will always be regulation of some sort. The question is the level of that regulation.

Many small businesses will pay more to retain the same amount of business or less because of competition from the supermarkets. I have further quotations here from a recent telex to the Premier by the WA Council of Retail Associations. It contains numerous quotations, and I will read a couple of them for the record. The Premier made a speech a few days ago pointing out how well Western Australia is going, and how well the retail industry in Western Australia is doing. The WA Council of Retail Associations points out that Western Australia has done better with its present trading hours than has the rest of Australia with extended trading hours. There is a message in that. It said that more than 95 per cent of shops opposed opening for longer hours during the America's Cup, but would accept it for a reduced period. However, they strongly

opposed a permanent increase in trading hours in any form.

The facsimile from the WA Council of Retail Associations further states—

... public cannot afford direct and indirect costs of extended trading hours which will mean higher prices and rapid decline in employment ...

... Clearly Coles Woolworths and the oil companies ... are main advocates for extension of trading hours ... Extension of trading hours legislation will facilitate big business market grab from small business by conditioning up to 20% of population to shift buying habits from weekdays to weekends with massive advertising in full knowledge most small businesses will not follow them because they cannot afford the cost and they will lose their weekend family and community sport and recreation free time—

A fact that is substantially overlooked is that in January and February retail trade has 70 per cent plus excess capacity, therefore Saturday afternoon trading is totally unjustified. Obviously, that does not follow the points the Government is putting up.

I reiterate points raised by other speakers. Business will be forced to open and the protection available in the Bill—and there is some protection available—cannot be guaranteed for tenants when a lease expires.

There is no real protection that can be offered by this legislation. The very nature of business is competition. The shopkeepers will be forced to open and compete with the big boys in the market or go to the wall if they do not meet the competition. Circulars are going out already to many of the large shopping centres saying that the centres expect tenants to remain open.

The point has been made by the member for East Melville about the number of submissions put to the Kelly inquiry and the number of those submissions which were against extended hours. That has been overlooked by this Government.

I wish to put a few facts to the Government. In 1985 small business comprised 70 622 firms or 97.3 per cent of the firms registered in the State. Those businesses employed 167 200 workers or 41.2 per cent of the work force. That is a substantial amount of Western Australian enterprise and employees. What is the opinion of these people? They do not want extended trading hours.

Mr Parker: What about the chamber of commerce? It said they do.

Mr TRENORDEN: I will refer to the chamber of commerce in a moment. It says they do and they do not. There may be a lot of laughter on the other side of the House—

Mr Wilson: Some of the Opposition members say they do.

Mr TRENORDEN: Possibly so, but this Opposition member does not. One of the things the Labor Party said when it went to the last election was that it would talk to people. It was a much referred to point that it would listen to all interested groups before it acted. Where has that promise gone?

Mr Parker: There were submissions by members of boards on America's Cup programmes from about April, to my knowledge.

Mr TRENORDEN: But the Government has not listened to the vast majority of them.

Mr Parker: The chamber of commerce has come out and said it is in favour of it.

Mr TRENORDEN: I will quote directly from a submission by the Western Australian Chamber of Commerce and Industry. It was to the Minister for Industrial Relations about the retail trading hours, and dated 4 September 1986. It states—

In fairness to all, it must be emphasised that while the Chamber's position is supportive of the deregulation of retail trading hours, there are many member companies and several individual Chambers opposed to deregulation.

Individual chambers, not individual members.

Mr Parker: It is saying the chambers are in favour of it and some of its members are opposed to it.

Mr TRENORDEN: It emphasised that while the Chamber's position is supportive, it is not unanimous.

Mr Peter Dowding: No-one said it was unanimous. Credit where credit's due: The chamber was supportive.

Mr TRENORDEN: I disagree. I am a member of the Western Australian Chamber of Commerce and Industry. I have been involved with that body for a long time. It would seem that Government members have no knowledge of the make-up of the chamber. The chamber is a loose affiliation of a large number of—

Mr Parker: What it is saying is that, as a chamber by majority decision, like a lot of organisations, it decided it was in favour of



deregulation. We would like you to know that some of our constituent members do not agree with that decision.

Mr TRENORDEN: Has there been a survey done by the chamber of commerce or its members?

Mr Peter Dowding: I do not know. The chamber has said its position is that it is in favour of deregulation. Whether the chamber is right or wrong or whether it ought to put a disclaimer on the foot of every Press release saying that it is not really representative, is a matter for it and you as a member, but it said it is in favour. I really do not see how you can progress that point except by saying that there are many people within the chamber who disagree. We all agree they cannot all agree on the other side of the House.

Mr TRENORDEN: I think the Minister will find many members on his side of the House will not agree.

Mr Peter Dowding: Half the people who have spoken against deregulation put their hands up in 1978 in favour of late night shopping.

Mr TRENORDEN: Fair enough.

Mr Peter Dowding: And there are now platitudes about deregulation when anyone points a microphone at them.

Mr TRENORDEN: To be equally fair, one would have to admit there are many people on the Minister's side of the House who have been strongly opposed to deregulation all the way along. I am concerned with the amount of crime that could come out of deregulation of hours.

Mr Peter Dowding: Four extra hours a week.

Mr TRENORDEN: It is not only retailers who are caught in the net. Night clubs are to remain open until 6.00 a.m. It is all part of the same scene.

Mr Peter Dowding: I am not the Minister for Police and Emergency Services, I am the Minister for trading hours.

Mr TRENORDEN: The Minister for Industrial Relations is the responsible Labor Government Minister who is working on an overall plan in this area.

In the last few months there has been an upsurge in the number of small businesses that have been robbed. A great many chemists and delicatessens have been held up. There have been 37 robberies in pharmacies this year, most of which have occurred after hours.

Mr Peter Dowding: Hang on a second. Which party passed the law which gave pharmacies the right to trade deregulated hours?

Mr TRENORDEN: Good question.

Mr Peter Dowding: Yes, it is. Do you know the answer?

Mr TRENORDEN: No, I do not. I have been a member of Parliament for eight months.

Mr Peter Dowding: I am just telling you.

Mr TRENORDEN: Fair enough. I do not know what I am meant to do about it but I have just been told.

Mr Peter Dowding: You tell me—your party passed it—is it a good thing or a bad thing? Would you like us to shut the chemists down?

Mr TRENORDEN: The sunset clause is very important. Many people will be watching for the date when it will take effect.

When the sunset clause is invoked, will we be faced with a Dorothy Dix question about whether it has been a successful exercise, or will the retail industry and those concerned have the opportunity to have their say? After all, it does concern a lot of people in the community generally.

I have heard a great deal of talk about the needs of the community. If members go back in history they will recall that most people worked on Saturdays, but as a result of the efforts of unions and because of general progression, Saturday has become a half working day. However, because the post office and Government offices do not open on a Saturday, it has now become a day of leisure and, as a result, people are clamouring to open their businesses. We know from statistics that all-day trading on Saturday will affect trading on Tuesday. It is felt that many working people in the community will ask to have Tuesday off and, if that is the case, we will have turned a full circle.

As a reward for their labour people were given Saturdays and Sundays off as leisure time—

Mr Parker: That is the same reason for penalty rates.

Mr TRENORDEN: I accept that. We are now changing the rules.

Mr Peter Dowding: You are saying that the Government should somehow do away with penalty rates.

Mr TRENORDEN: My party is opposed to the extension of trading hours.

Mr Peter Dowding: I understand that you also oppose penalty rates.

Mr TRENORDEN: The Minister has not let me finish what I am trying to say.

We cannot have one without the other. If the other working days are not any different from Saturdays, will businesses need experienced staff to operate? Of course they will.

Mr Peter Dowding: How will they get good qualified staff to operate businesses if the staff have no incentive to work?

Mr TRENORDEN: That is a good point and I suggest that the Minister should think it through.

Mr Peter Dowding: Everyone operates in that environment.

Mr TRENORDEN: Does the Minister mean everyone in Australia or in the world?

Mr Peter Dowding: Everyone in the environment which trading hours covers; everyone operates in the same environment.

Mr TRENORDEN: That means that the Act is operative from Monday to Friday, that it involves a 40-hour week, and that anything over that results in an extension of hours.

Mr Peter Dowding: About three quarters of the shops in Northam could operate for seven days a week, but they do not.

Mr TRENORDEN: They do not.

Mr Peter Dowding: It is the same in Perth.

Mr TRENORDEN: If retailers in Midland operated seven days a week, what would the retailers in Northam do?

Mr Peter Dowding: The growers market, nurseries, bookshops, and other businesses open seven days a week in Midland. Tell me what you cannot buy in Midland seven days a week?

Mr TRENORDEN: People cannot shop at G. J. Coles and Co Ltd and Woolworths (WA) Ltd seven days a week.

Mr Peter Dowding: Tell me what you cannot buy seven days a week.

Mr TRENORDEN: I would like to answer the question, but I have 10 minutes only of my time left and wish to raise other points.

I have observed the habits of the Northam shoppers. They travel to Perth to buy large items such as motor vehicles, and while they are in the metropolitan area they like to shop at Woolworths and Coles.

The Minister was right when he said that weekend markets are available to the public. However, a Northam resident who comes to Perth does not usually travel all over the metropolitan area to attend to his business and he would not choose to do this on a weekend. It would not be in his interests to do so because he would be unable to shop at Woolworths and Coles to purchase everything he required at the one time.

I disagree with the member for East Melville—

Mr Lewis: Good.

Mr TRENORDEN: I thought the member for East Melville would like that. I do not agree with him about the country person versus the city person. This question cannot be taken as lightly as he put it. The fact is that if businesses in Armadale and Midland were to operate on a seven-day basis for three months, country businesses might face many problems. Members may not have heard, but businesses in those areas are undergoing bad times.

Mr Rushton: Armadale is feeling it.

Mr TRENORDEN: I am sure Armadale feels the effects.

If it is logical to have a trial period for retail trading hours during the America's Cup, why is it not just as logical to have a trial period for deregulating the labour market and, in particular, penalty rates?

As the Minister pointed out, my suggestion may be a contradiction of my party's stance, but the point is the Government wants one side of the deal and not the other. Why cannot both go hand in hand? If there is to be a trial period in one area, why cannot it be in both areas?

Mr Peter Dowding: Will you support the Opposition's proposed amendment concerning the car business?

Mr TRENORDEN: What is it?

Mr Peter Dowding: They want to exempt the car business.

Mr TRENORDEN: The National Party wants to exempt everyone.

Mr Peter Dowding: There is no penalty rate in that. Where is the logic of it?

Mr TRENORDEN: With reference to the motor vehicle industry, if a person buys a car on a Saturday or Sunday, why should not the Police Department be open in order that the vehicle can be licensed, why should not the insurance companies be open for the vehicle to be insured, and why should not the banks be

open for the purchaser to arrange finance? If it is necessary for people to purchase vehicles on a Saturday or a Sunday, all the service industries should be open.

I wish to raise a serious point which, no doubt, the Minister will answer. I suggest to the Labor Party, particularly to those members of the Labor Party who purport to represent the unions and the working class people of Western Australia—approximately 126 000 people—that many of the people who have voted Labor or for other parties over the years will, no doubt, vote for the National Party in the future.

Mr Peter Dowding: You are an optimist.

Mr TRENORDEN: There is nothing wrong with being an optimist. The Labor Party purports to support those people. I suggest that only a small percentage of those people in the marginal seats north of the river will need to change their voting preference to change the existing situation.

The Government, by this legislation, is taking away people's leisure time and is changing their lifestyle, and they will object strongly to it. I suggest that the Government should take this on board. If it does not, the Government will prove that the answer to the question, "How do you get into a small business?" is "Buy a big one and wait."

**MR BRADSHAW** (Murray-Wellington) [8.09 p.m.]: I oppose the legislation. I certainly do not believe there is any need to deregulate or extend the trading hours of businesses in Western Australia. If the reason is to accommodate the America's Cup visitors, I see no point in passing the legislation. Why should not those people who visit Australia see it as it really is?

Mr Wilson: Are you opposing the legislation?

Mr BRADSHAW: I have already said that I am opposing it.

I see no need to introduce extended trading hours on either a trial basis or a permanent basis. If extended trading hours are introduced on a trial basis during the America's Cup, the result will be false because more people will be in Western Australia and they will be spending a lot more money, as people on holidays tend to spend more money than usual. Thus such a trial period will not give a true indication of the popularity of extended trading hours and any trial should be held at a time when the America's Cup is not being held.

Mr Peter Dowding: Would you mind telling me what hours you think chemists should trade?

Mr BRADSHAW: They are a bit like doctors and ambulancemen. Would the Minister make them work Monday to Friday from 9 a.m. to 5 p.m.? I do not believe they are in the same category.

Mr Peter Dowding: What about when they sell china, gifts, and dolls?

Mr BRADSHAW: It is up to the Minister to decide whether they should or should not.

Mr Peter Dowding: I am asking you. You are on your feet.

Mr Trenorden: They do that because they cannot survive otherwise.

Mr Peter Dowding: Don't let him off the hook.

Mr BRADSHAW: Pharmacies should be exempt because people get sick after hours. It is up to the Minister to decide whether they should or should not sell other lines on the side.

Mr Peter Dowding: They should stay open but the gift shop next door should shut and perhaps go out of business?

Mr BRADSHAW: The Minister will find that with this legislation more gift shops will probably go out of business.

Mr Peter Dowding: I am asking you about pharmacies and gift shops side by side.

Mr BRADSHAW: I have been in both positions. I would not have opened our gift shop after hours.

Mr Peter Dowding: Why not?

Mr BRADSHAW: It would not have paid.

Mr Peter Dowding: And you would go broke if you opened a pharmacy next door.

Mr BRADSHAW: I do not support extended trading hours as proposed in this legislation. I do not believe that overall there will be a great increase in turnover, although that appears to be one of the reasons for people wanting to stay open for longer hours. Retailers certainly do not stay open for the good of the population. If the Government believes that more people will be employed because of extended trading hours, it is wrong. No more people will be employed overall; we may even find that when everything settles down fewer people may be employed during the week and those same people will be put on on a Saturday afternoon.

Extra costs will be incurred and those costs will be met in the end by the consumers. Those costs will come in the form of extra power bills

and possibly extra wages bills with overtime or penalty rates, even though the number of people employed will probably remain the same. I do not believe that there will be a great increase in trade to offset those costs. Therefore, in the long run, the consumer will pay the penalty. Those who have just bought small businesses for a reasonable price and rely on after hours trade could find that their livelihoods are put in jeopardy. They will be penalised if the main shopping centres remain open and take away much of their trade.

I oppose the legislation.

**MR WATT (Albany) [8.14 p.m.]**: Members of the public in the gallery tonight might well be somewhat confused about what this Bill is all about. In order to bring the debate back to the subject of the Bill itself, I reiterate that the intention of the Bill is to extend the trading hours in this State to allow most commercial operations to stay open on Saturday afternoons during the period of the America's Cup.

While there may well be a need for extended trading hours in some of the metropolitan areas of Perth and especially in the Fremantle area, it is difficult to argue for the need to extend trading hours in some of the country areas. As I represent the seat of Albany, I intend in my remarks to put the view for Albany and the great southern. There has been debate for quite a long time about the merit or otherwise of extending trading hours. That is probably why the debate so far tonight has tended to stray into the general area of deregulation as opposed to the strict limits that are contained in this Bill.

There can be no doubt, as mentioned by a number of previous speakers, that some of the larger retailing concerns, the large transnationals, very much want to see a major deregulation of trading hours. I am absolutely certain that the strong consensus of opinion in the Retail Traders Association in the Albany area is that any extension of retail trading hours into Saturday afternoon would be opposed. They see any extension, even for a trial period, as the thin end of the wedge. A few moments ago a previous speaker put the proposition that at the end of the trial period the Government may very well decide that the trial period was such a howling success that extended trading hours should be introduced on a permanent basis. That is why many small businesses have a legitimate concern that the introduction of extended trading hours would jeopardise their businesses.

Much has been said about the situation in respect of motor vehicle dealers. The Minister has said that the Opposition is being selective in supporting an amendment to this Bill which would exempt motor vehicle dealers from its provisions. By his own standard that argument does not stand up because the Government has been selective in choosing to isolate from the legislation petrol filling stations. The Government cannot have it both ways. I would be surprised if Government members had not been contacted by some motor vehicle dealers. I support the amendment because a majority of motor vehicle dealers are small one-man or two-man trading concerns. They are already open for about 58 hours a week and are involved in a fairly specialised sort of business. It is not the sort of business in which they can bring in a shop assistant to look after the shop on a Saturday afternoon or a Sunday. In Sydney, motor vehicle dealers also open on Sundays. Some motor vehicle dealers who came to Western Australia to get away from that are rather fearful that such extended trading hours might creep in here.

**Mr Peter Dowding**: What do you think motor vehicle dealers in the north do?

**MR WATT**: I do not know. I have neither lived nor worked in the north.

**Mr Peter Dowding**: There are no regulations on trading hours.

**MR WATT**: I do not know whether they open or not.

**Mr Peter Dowding**: They survive, don't they?

**MR WATT**: I really do not know. I have already said that I have no knowledge of what happens in the north, but I do know that very many small motor vehicle dealers in the larger towns and in the metropolitan area are sole traders. Such people have much of their knowledge in their minds and are able to give on sight a trade-in price for a vehicle.

**Mr Peter Dowding**: They do not have to open.

**MR WATT**: I know that they do not have to open, but they are in a highly competitive business. Although nobody forces them to open, in a competitive sense they have to do what everybody else is doing.

**Mr Peter Dowding**: You don't believe that market forces should operate in that industry?

**MR WATT**: I do not believe in carte blanche deregulation. I believe some regulations are necessary for the sensible running of this industry.

Mr Wilson: Why are you not opposing the Bill?

Mr WATT: I have not said I am not opposing the Bill.

Mr Wilson: Why do you not say where you stand?

Mr WATT: If the Minister for Consumer Affairs will allow me to make my speech he will know where I stand.

Mr Peter Dowding: You are trying to make up your mind.

Mr WATT: No, I have made up my mind.

Many of the businessmen who contributed to the survey carried out by the Retail Traders Association in Albany were small traders. We are all very well aware that many of those businesses, as small traders, can remain open if they wish to. Those which do, and especially the traditional corner stores, rely heavily on the weekend trade for a large proportion of their weekly trading. Without that weekend trade many of them would simply go broke.

The argument has always been put forward about penalty rates. If the Government is moving towards deregulation, it must go for total deregulation. This point has already been made so I will not labour it, but if we are going to create a situation which will extend trading hours more and more, an increasing number of stores will sack their permanent employees. They will perhaps take those employees back as casuals together with other casual employees to get a spread of staff over the period, given that more people are working 38-hour, 36-hour and 35-hour weeks. In the long term those people will be disadvantaged because they will lose such benefits as public holidays, sick leave, long service leave, and annual holidays. For a party which professes to have concern for the working people, the Government is not showing much concern at all. I do have concern and I think the Government should take this factor into consideration.

The debate is supposed to be about a period of extended trading hours during the America's Cup, yet I cannot understand how anybody imagines that it will produce the need for an increase in trading hours in country areas of Western Australia.

It is interesting to note that the Minister for Racing and Gaming has recently introduced a Bill seeking approval for extended trading hours in the liquor industry. In that instance the applicant must make a very good case before that approval is granted. One of my con-

stituents has complained to me that he made an application and it was knocked back. It is probably a fairer system because at least a person has to justify his position; that is, that by location or type of business for example the public is likely to benefit from increased trading hours during the America's Cup period. That particular person in the liquor industry felt that he could justify his application but the Minister knocked him back.

However, we are saying to retailers that they can go for their lives.

Mr Wilson: If they want to.

Mr WATT: "Go for their lives" automatically implies that it is if they want to.

Mr Wilson: They are not forced to do it.

Mr WATT: I did not say they were. Last year the local commercial radio station in Albany, 6VA, ran a talk-back programme on the general question of extended trading hours. The programme included both sides of the argument for extended trading hours—the chamber of commerce, the Retail Traders Association, some representatives of the larger firms, and others. The radio station decided to conduct a telephone poll to ascertain what the public thought. Most people, including me, automatically assumed that people would ring in droves and say extended trading hours would be tremendous and a great advantage. In fact, an overwhelming number of people rang and said they did not want extended trading hours. It was an interesting reaction.

I do not know whether the Government has conducted a survey among ordinary people to ascertain their wishes, needs or aspirations in this regard. I suspect a large proportion of the population do not want it.

Mr Thompson: Do you think the people who responded were ordinary people who would be classed as shoppers or were a high proportion of people with vested interest?

Mr WATT: I accept the point the member for Kalamunda is making; there can be a big difference in opinion polls when people are invited to ring a radio station, as opposed to genuine opinion polls in which people are randomly selected and their opinions solicited. However, because of the large number of calls—there were several hundred—I am certain that it was not just business people telephoning.

Mr Wilson: If that is the case in Albany, it will be possible for businesses to make a commercial decision that they will not open.

Mr WATT: I think the Minister for Consumer Affairs is missing the point I am trying to make. If this voluntary situation is allowed, Coles, Woolworths and supermarkets in the shopping centres will open, as sure as the sun will rise tomorrow.

Mr Wilson: Why should they not?

Mr WATT: Everybody has to have a turn at making a quid. The reality is that, whether or not the Minister likes it, there are only so many shopping dollars. I guarantee that if the shops are allowed to open additional hours, the Minister will not give his wife an extra \$50 to spend.

Mr Wilson: I will not say anything like that to my wife; she will make up her own mind about that.

Mr WATT: There are only so many shopping dollars and certain types of businesses in certain locations depend heavily on weekend trading for their share of business. I suspect that many of those will be working longer hours to try to get by. As it is, many work 60, 70 or 80 hours a week and when the shop is closed they go into the back room to do their books and pay their bills. Many work for an income which is substantially lower than the average weekly wage, yet they have the pride and satisfaction of working for themselves. They play a very important part in our community.

Mr Peter Dowding: Most of those people will not be affected by the trading hours legislation.

Mr WATT: The Minister for Industrial Relations has been ducking and diving around the Chamber and he has not been listening to what I have said. I have already acknowledged that.

Mr Peter Dowding: You have not addressed the question.

Mr WATT: I have made the point but I will repeat for the Minister that we know they may choose whether to stay open. I made the same argument in respect of the legislation dealing with motor vehicle dealers: If their competitors are open, they are almost forced to stay open to try to attract trade.

Mr Peter Dowding: They can stay open when many competitors cannot.

Mr WATT: About the only time they can do that is night time and Sundays.

Mr Peter Dowding: That's right.

Mr WATT: The Minister and I work seven days a week but the majority of people in the community do not and they like to have their leisure time. Quite frankly, if we cannot get our

shopping done in 5½ days of the week, there is something awfully wrong.

People put forward the argument that the shops in Singapore, New York and other parts of the world are deregulated, but they are not comparing like with like. Hundreds of thousands of people pass through those places; many go there just to shop. That simply does not happen in places like Perth and certainly not in Albany. Some people refer to Rockingham and Mandurah as examples.

Mr Peter Dowding: Do you agree with late night shopping?

Mr WATT: Yes, I agree with late night shopping.

Mr Peter Dowding: You agree with the extension of four hours on Thursday night?

Mr Watt: Yes, I do.

Mr Peter Dowding: You do not agree with four hours, trading on Saturday afternoon?

Mr WATT: That is right.

Mr Peter Dowding: What is the logic of that?

Mr WATT: If I had to come down in favour of one I would come down in favour of some form of regulation. If shops are to open on Saturday afternoon, I would argue that we should do away with Thursday night trading.

Mr Peter Dowding: Do you think it should be optional?

Mr WATT: In some places it is. In Mandurah I think the shops still open on Saturday afternoon and close one afternoon a week.

Mr Parker: They can do that if they want. That is what happens in many places. People decide not to open till 10 o'clock one morning, and close another morning.

Mr WATT: I am aware of that.

Mr Peter Dowding: Do you want that to be regulated by the Government and not allow market forces to determine it?

Mr WATT: I think it is better left to the community. I would prefer to see a situation where local communities make their own arrangements. Take a place like Albany, which is a regional centre. People come in from out of town, sometimes from a few hundred miles away. They may want to bank, make insurance arrangements, or see a specialist doctor, a solicitor, or other professional person. While there, they want to do their shopping also. If they arrive in a town on a Wednesday afternoon and all of a sudden find one area of business has closed down on that day for some

reason—it might be a strangers' golf day or something like that—that is to their disadvantage. There should be some sort of uniformity.

Mr Peter Dowding: Just a second. Are you suggesting Government should regulate when businesses stay open?

Mr WATT: I have just said I would prefer a situation where local communities regulate their own hours. I think that can be done. It already happens in Mandurah. That is a local arrangement where the businesses decide how they want to trade and operate.

Mr Wilson: What is being proposed here would not stop that.

Mr WATT: It would, because the reality of the provisions of this Bill come down, whether one likes it or not, to large, transnational super-markets versus small stores.

Mr Peter Dowding: I have had a request from the shops at Observation City to stay open for extended trading hours. Should I say "Yes" or "No", or should I say that market forces should determine the matter?

Mr WATT: What sort of shops? Little hotel lobby tourist shops?

Mr Peter Dowding: Does it matter if they want to stay open? Do you want to stop them?

Mr WATT: As far as I am concerned—

Mr Peter Dowding: You are not a deregulator, then, or market forces private enterprise man?

Mr WATT: I would have thought the Minister, as a former lawyer, or as a lawyer—

Mr Peter Dowding: Private enterprise lawyers can open whenever they like. There are no trading hours for lawyers.

Mr WATT: I would have thought, as a lawyer, the Minister would be more aware than most that things are not always black or white.

Mr Parker: That is an interesting observation from that side of the House.

Mr WATT: I think it is pretty difficult for the legal profession, where most lawyers can never agree with each other's arguments—

Mr Peter Dowding: At least they are free to open whenever they feel the market will provide an opening for them. They pay all the penalty rates and so on of which you have spoken.

Mr WATT: The Minister obviously opens on Saturday afternoons, does he?

Mr Peter Dowding: I said I chose to.

Mr WATT: The point I was making—I want it to be my concluding point—was that we were debating the question of whether businesses should be open on Thursday nights or Saturday afternoons. The point was well made by the member for Avon. Progressively essential businesses have closed on Saturday mornings. In my time we have seen the Saturday morning closure of banks, most offices, the post office, and a whole range of services.

In many respects that has been a retrograde step. People have adjusted to it and learnt to live with it, and it is for that reason that the community has accepted also that there is a time when shops ought to be shut so that people can pursue leisure activities free of the hassles of weekend shopping.

For that reason the concern expressed that this Bill is the thin end of the wedge is a legitimate concern. I hope that at the end of the period for which this Bill runs the Government will resist the temptation to make it a permanent arrangement.

MR BLAIKIE (Vasse) [8.36 p.m.]: I want to make a few comments on this Bill. It is my intention to oppose it. In due course, when I have the opportunity, I shall explain my reasons for doing so.

This is a Bill for an Act to facilitate shopping during the period of the America's Cup yacht race and associated yacht races and activities. What the Bill proposes to do is to extend shopping hours so that shops can open on Saturdays during the period of the America's Cup. The Act is expected to be promulgated on 1 November or thereabouts and will expire on 15 February 1987.

During the period of the America's Cup the Government proposes that shopping hours will be extended to allow for Saturday trading. But the Government is also being very careful to say that while it is now espousing the principle of private enterprise with socialist overtones, filling stations will not become part of the Government's new edict.

Mr Peter Dowding: Do you know why?

Mr BLAIKIE: I would be interested to know.

Mr Peter Dowding: Because they already have a system of supply to the public which, by an expansion of that roster, will adequately meet any reasonable demands.

Mr BLAIKIE: I can understand why the Minister is now a member of Parliament and not a lawyer, because if he put that sort of case before any reasonable judge, his client would

lose the case. The same argument can be put that the traders who are already trading in groceries are providing an adequate service to the community during the week, and delicatessens cater for the extra demands over the weekend. The same argument can be advanced there, so this Bill is not necessary.

I do not want to spend time on these extraneous matters. Although the Government is very anxious to promote Coles, Woolworths, and the transnationals, it is not moving into the service station area. There is obviously a very good reason why the Government has avoided that area.

There are one or two comments I want to make in relation to the America's Cup. The America's Cup has brought a great deal of most advantageous publicity to Western Australia, and I want to congratulate Alan Bond on his diligence, his fortitude and his tenacity in challenging for and winning the America's Cup. I consider that win will be heralded as one of the all-time great Australian sporting achievements of this century.

I believe that the Government of this State has gone overboard with some of its other actions in relation to the America's Cup. This piece of legislation not only will affect the Perth metropolitan area or Fremantle, but also will have an impact on the whole of Western Australia. While I do not want to take away the advantages that the State is enjoying, I do believe that in some instances the Government has gone overboard.

I want to make a very critical comment about some of the expenditures the Government has made in relation to the America's Cup, and the general nature of the projects.

Mr Peter Dowding: Please can I ask you a question?

Mr BLAIKIE: The Minister can, after I have made this comment: One criticism that I have is that because of the Government's oft-spoken claim of a critical budgetary situation, essential community services may well have been forsaken by not being able to be funded. While schools and hospitals are not being built, the Government has helped fund and has been totally overgenerous to the America's Cup event.

A number of people in country areas would be very concerned about the general nature of what the Government is doing. I will pause for a minute so that the Minister can consult with his colleague and pose a question.

Mr Peter Dowding: Do you represent the area which includes Busselton?

Mr BLAIKIE: And Dunsborough, and Margaret River, and Augusta.

Mr Peter Dowding: Could you tell me what the trading hours situation is in Busselton?

Mr BLAIKIE: That is very interesting, because the local chamber of commerce of Dunsborough and Busselton has sent a submission to the member for South-West Province—

Mr Peter Dowding: Requesting what?

Mr BLAIKIE: They sent a message to the member for South-West Province, who replied—

Mr Peter Dowding: Tell us what they want.

Mr BLAIKIE: Wait for the full story. I am not going to give the Minister an abridged version. If he wants an answer, he will get a full answer. When the member for South-West Province was approached on the question of trading hours his response was, "I will look after my electorate; if my electorate wants extended trading hours I will support it, and if it does not want extended trading hours I will also support that." I thought that was a very statesmanlike comment from Mr Wenn because he will have two bob each way and probably get caught out. It will be interesting to see how he votes on it when it comes before the Legislative Council.

Mr Peter Dowding: What is their request?

Mr BLAIKIE: My understanding is that they do not want an extension of trading hours.

Mr Peter Dowding: What is the situation down there? Do you know? What has it been for the last few years?

Mr BLAIKIE: I want to take this a step further.

Mr Peter Dowding: I take it you don't know what the trading hours are down there.

Mr BLAIKIE: Yes, I do.

Mr Peter Dowding: What are they? Tell the House.

Mr BLAIKIE: They have had extended trading hours over previous years because it is a holiday and tourist area, but it has put the community in a state of flux and concern.

Mr Peter Dowding: And did you support that application?

Mr BLAIKIE: I did not support the application.

Mr Peter Dowding: You opposed it, did you?



Mr BLAIKIE: I am opposing this legislation.

Mr Peter Dowding: I asked you about the position in your electorate, which I understand has special exemption from trading hours because it is a tourist resort.

Mr BLAIKIE: And I supported the legislation—

Mr Peter Dowding: And you supported the legislation which enabled the removal of restrictions on trading hours. You are a hypocrite, that is the truth.

Mr BLAIKIE: As for the Minister referring to me as a hypocrite, the legislation permitting the extension of trading hours gave the local community the right to make its own determination.

Mr Peter Dowding: And it did.

Mr BLAIKIE: The local community made its determination by way of an application by the local governing body. This legislation takes away that right absolutely.

Mr Peter Dowding: It does not take any right away.

Mr BLAIKIE: It takes away that right absolutely.

Mr Peter Dowding: You are on your feet opposing a measure for extending trading hours when your own electorate has had extended trading hours for a long time to the disadvantage, some might argue, of neighbouring towns that have not had the same trading hours. The truth is that you are just having a bob each way. You want to oppose this legislation when you actually were involved with the group that made the request for extended trading hours in your own electorate. Be honest.

Mr BLAIKIE: I am going to be extremely honest. Now that the Minister has started to be personal, it is very interesting to look at the current employment situation in the Minister's own electorate of North Province.

Mr Peter Dowding: Can I bring you up to date with the fact that I am in the lower House?

Mr BLAIKIE: I certainly would not want to talk about North Province.

Mr Peter Dowding: I know you are embarrassed at being found out.

The SPEAKER: Order! Is there some indication that there is a stranger in the House?

Mr Rushton: He escaped from there.

Mr BLAIKIE: That is right. I am opposed to this legislation because I believe that if the Government proceeds with this type of legis-

lation, which provides for an extension to trading hours, it should be done at the same time as, and work hand in hand with, the deregulation of wages. It is all very well for the Minister to say that in 1978 certain legislation was carried forward. This happens to be eight years later.

Mr Parker: What has changed in that time?

Mr BLAIKIE: The burden that small business is having placed on it relating to its being able to trade, and operate, and compete satisfactorily with the transnationals—and I am talking specifically of Coles and Woolworths. It is an imposition on their being able to trade successfully at all. In that eight years there has been a tremendous difference in relation to wages.

By all means deregulate trading hours, but when the Government deregulates it, it should also give employers the opportunity of deregulating wages. I believe the 38-hour week would have to go, as would the 17.5 per cent loading, to allow employers and employees the opportunity of meeting on an equal and fair competition basis. Current wages are running at something like \$7.50 an hour for shop assistants. When one adds time-and-a-half for penalty rates, one is looking at \$11 an hour for Saturday afternoons. The Minister can very easily say that it is up to the operators to decide whether they will operate, but I venture to say that once the transnationals open—which they will—we will see small businesses within their periphery virtually put out of business. That has been the case in the past.

Mr Peter Dowding: That didn't worry you when Busselton applied for extended hours. All the small towns around Busselton could not get holiday resort status—that never bothered you, did it?

Mr BLAIKIE: Tell me the small towns.

Mr Peter Dowding: You know your electorate, don't ask me.

Mr BLAIKIE: The Minister cannot name one town because no such town exists. As to the south-west, a big new hypermarket is proposed to be built in Bunbury. That will not be finished in time to take advantage of this legislation, of course, but the large supermarkets and shopping areas in Bunbury will be able to take advantage of it, I repeat, to the detriment of the small businesses in the surrounding area.

The Government has gone completely overboard with what it is doing for the America's Cup. As I have said before, the Government, without reference to the Parliament, has given

a carte blanche extension to trading hours for liquor outlets, all because of the America's Cup. This Bill is part of the same deal.

While I believe the America's Cup has been of great advantage to WA and Australia, the State Government has gone overboard in the extreme in its decisions involving the event.

I oppose the legislation.

**MR RUSHTON (Dale)** [8.51 p.m.]: The Government could have brought this legislation forward in a more practical way and in a way that was more satisfactory for the public of WA. It has made its decision on the basis that it is doing it for the benefit of the community during the America's Cup. It would have been far more acceptable and practical had it done this in conjunction with a review of the Kelly report and provided the public with an indication of the Government's firm intentions in this area.

**Mr Peter Dowding:** Is it true that the shopkeepers in your area have asked for holiday resort status to benefit from extended trading hours?

**MR RUSHTON:** The Minister seems to have been bitten by a gramophone needle.

**Mr Peter Dowding:** I am sorry that you find the question embarrassing.

**MR RUSHTON:** I will give the Minister my answer in a moment but I wanted to commence my remarks by indicating that the Government should have legislated for this change in a more practical way. Later I will cover the Minister's point about deregulation. The Minister defeated his own intentions on this matter with his comment on the petrol pump trading. He is not really a free trader. The Minister keeps interjecting, but he can make his points when he gets off his bottom and speaks legitimately. He wants to make 15 speeches tonight instead of one.

Several members interjected.

**THE SPEAKER:** Order!

**Mr Blaikie** interjected.

**THE SPEAKER:** Order! When I call for order I expect the member for Vasse to come to order and not to continue his conversation until it is concluded to his satisfaction. I am in charge here, not him.

**MR RUSHTON:** The Government would have removed the doubts the public have about the Government's intentions had it indicated its response to the Kelly report and then introduced that intention through legislation at the same time as making this move to cover the

America's Cup. That is why I do not support what the Government is doing at this stage. The Government is acting wrongly.

Deregulation is related to this Bill and to the Minister's probings tonight. A good indication of how deregulation should be introduced is what we did with transport. That was a copy-book exercise. A Government should not introduce deregulation if it will mean increased costs or if it will mean the services available to people are reduced.

The Americans have tried deregulation and they have found that 24-hour-a-day trading increases costs, so they have retreated from that position. Deregulation must be considered logically. A Government must be able to prove its point of view. As I said, deregulation should be introduced logically and so as not to inconvenience the public, increase costs or go against what the people wish.

To answer the Minister's interjections about what the traders in my area want I will recite from the *Comment News* of 7 October under the headline "Extra hours angers traders". That is pretty clear. I quote as follows—

Local retailers are up in arms at the deregulation of trading hours during the America's Cup period.

Saturday trading will extend to 6pm throughout the Cup period until mid-February.

Industrial Relations Minister Peter Dowding said the extended trading would cover the additional influx of visitors to metropolitan Perth.

But Opposition small business spokesman Richard Court said: "Many suburban centres won't have the customer demand for extended hours."

**Mr Parker:** They won't have to open.

**MR RUSHTON:** The Minister is wrong, because if their competitors open they too will have to open.

I believe in deregulation. I have proved my point about deregulation and I have answered the Minister about what my local people want. I quote again as follows—

Armada Chamber of Commerce president Alex Wood said the Chamber of Commerce and Industry believed deregulation should be phased in gradually.

"During the Cup period tourists won't be in Armadale to use the extended trading," he said.

"If it's good enough for retailers to extend their hours, what about post offices, banks and government offices extending their opening times".

Mr Parker: They don't have to open.

Mr RUSHTON: The Minister must be stupid. He does not understand the retail market or the demands of commerce. He certainly does not understand the tax laws to have made the decision he did on Fremantle Gas and Coke Co Ltd.

### *Decorum of the Chamber*

The SPEAKER: Order! I am not in an angry mood tonight and it is probably as well that I am not, because twice in the last three or four minutes a member has deliberately done what I have said so many times should not happen in this place. Under the Standing Orders it is not satisfactory for members to pass between the member on his feet and the Speaker. Members would have to be blind and deaf not to know that I dislike that act intensely. Quite apart from the fact that our Standing Orders indicate that it should not happen, it is extremely rude. A moment ago the Deputy Leader of the Opposition departed the front bench, moving between the member on his feet and me. I thought perhaps he had done it unthinkingly, so I said nothing. However, on his return he did the same again. I feel he owes me an apology.

Mr MacKINNON: I apologise.

### *Debate Resumed*

Mr RUSHTON: I was commenting on the reported comments of the president of the chamber of commerce in my area. He said—

It's a catch 22 situation—retailers will have the numerous problems coping with family commitments while spending more hours chained to their counters. Any deregulation should be applied slowly.

The article goes on to say that Armadale merchants opposed measures to begin extended Saturday trading. It continues as follows—

Mr Peter Diamond, of Diamond Quality Meats, Kelmscott, said he would be forced into extended hours.

"Armadale doesn't need extended trading. We already have delicatessens and the growers' market for additional purchases.

The article goes on—

Armadale Town Shopping Centre Merchants Association president Geoff Barrett said the managing agents for the centre would make the decision on extended trading.

"The policy has not been discussed in detail, but we will follow the lead of the major tenants at the centre," he said.

Armadale Square Merchants Association president Phillip Faulkner said the shopping centre's policy on the extended hours had not been discussed in detail.

He said his business, Cotton Wool, would not be open for the additional trading.

The WA Chamber of Commerce and Industry feels it will not share in the extended opportunities which will come from the America's Cup. The chamber is entitled to its view. My view is that it is apprehensive about this toe-in-the-door situation. It would like to know what the Government's intentions are beyond 15 February. I have forwarded to the Minister many letters and petitions opposing this move which were sent to me, and the Minister has written to me courteously.

Mr Peter Dowding: I have asked you for your opinion on a number of occasions, and you have declined to give it to me.

Mr RUSHTON: The Minister likes administration by consensus; he wants me to tell him what to do. It is his responsibility. He should lay on the table what the Government wants to do and give supporting reasons, and see whether people agree with it.

Mr Peter Dowding: You mean you don't have an opinion?

Mr RUSHTON: I have an opinion.

Mr Peter Dowding: What is it?

Mr RUSHTON: I believe in deregulation in the same way that I implemented it while I was Minister for Transport; that is, one must relate it to the total need of the public.

Mr Peter Dowding: So what would you do?

Mr RUSHTON: I have already asked the people in my area, the consumers and the traders, what they would like to see happen. The response I have is that up till now the traders—as the Minister knows because I have passed on their views—are very strongly opposed to extending the hours. Not one consumer has been in touch to tell me that he wants extended hours.

Mr Peter Dowding: Don't you have an opinion of your own?

Mr RUSHTON: The Minister has a responsibility to present something which the Government believes in. The Government has had the Kelly report for a long time now.

Mr Taylor: Show some courage and tell us what you think.

Mr RUSHTON: When I was in the Minister's chair I put forward what I planned to do; I did not ask other people what I should do. We then carried through our proposals. Deregulation should take place based on the criteria I spelt out. What cost will be inflicted on people? Will costs be reduced? That is one of the criteria. Will extended trading hours be more convenient for the public?

Mr Peter Dowding: Do you deny you have had a letter from me asking for your opinion?

Mr RUSHTON: I have had one from nearly every Minister on that side of the House.

Mr Peter Dowding: On this issue.

Mr RUSHTON: The Minister has sent one.

Mr Peter Dowding: You have declined to answer.

Mr RUSHTON: I have deliberately not responded because it is the Minister's duty to tell the public what the Government plans to do. The Minister looks very smug, but he is delinquent as a Minister because he is not prepared to put before the public what the Government plans to do. It is a sensitive issue and he will not say what are the Government's recommendations. It is up to the Government to make a decision and tell the public what is proposed. That should take place now so that the public do not become apprehensive about this toe-in-the-door approach. The Government should state its intention to consumers and traders so that they can evaluate what is being offered. The Minister is hiding behind the America's Cup and using it as an excuse for its actions. That is why I oppose what the Government is doing.

I have explained what the situation is relating to the chamber of commerce and other people in my area. I have not had a response from consumers to the effect that they want this extra service. Delicatessens and the growers' markets provide very good service to local people. The local chamber of commerce does not believe its traders will share in the upsurge of trade, but obviously the Fremantle traders do.

Mr Wilson: You really believe we should do nothing?

Mr RUSHTON: I am not saying that. I am saying the Government should present at the same time as this Bill its plans on the trading hours issue. It is a sensitive issue, and it needs to be addressed. The Government has been reluctant to face its responsibilities.

Mr Peter Dowding: What is the Opposition's position? You are all over the place; you cannot agree among yourselves.

Mr RUSHTON: We have been addressing the matter and producing practical solutions. If we were in the Minister's position we would be carrying out our responsibilities. We introduced deregulation of transport, but the then Opposition opposed it. The Labor Party caught on when it came to Government, but it wasted \$50 000 reviewing what we had done and found out that it was successful. I gave the former Minister for Transport the credit for not withdrawing from what we had done.

The trading hours issue has been with us for a long time and the Government must proceed gently in deciding what the changes should be. If it believes an abrupt change should be made, it should put forward its proposals. It should not steal up on people dishonestly; it should go on with its job and not depend on us to tell the Government what to do on every occasion.

Mr Peter Dowding: Have you got a book of these platitudes?

Mr RUSHTON: No, I have not. The Minister is trying to avoid his responsibilities.

Mr Peter Dowding: I brought in a Bill, and you will not state your position.

Mr RUSHTON: The Minister is hiding behind the America's Cup. He should be addressing the question of trading hours; that is what the public want him to do. He should face up to his responsibilities. We will respond to any proposals he puts forward. If the Minister puts forward a set of proposals and adopts a responsible approach which is in the best interests of the public and will not increase costs, we will support it. The Minister has not addressed the problem, and his approach is unsatisfactory.

MR WILLIAMS (Clontarf) [9.09 p.m.]: I am entering this debate at a late hour because certain points have been made and some have been overlooked. What is this Bill about? It is about the America's Cup, and I believe the object is to allow the tourist influx to be given an opportunity to see what happens in Western

Australia and to enjoy to the full extent the hospitality offered in this State.

Most of the activity is to take place in the Fremantle area. We should concentrate on the Fremantle area. I understand we have to give a service through restaurants, hotels, and souvenir shops around Fremantle. They must give that service. I commend the Government for increasing trading hours, particularly with respect to restaurants and hotels.

Mr Peter Dowding interjected.

Mr WILLIAMS: The Minister for Industrial Relations has been carrying on all night. I am going to have my say. I would ask for the support of the Chair if he keeps interrupting me. I will not tolerate it.

The DEPUTY SPEAKER: While I am in this Chair I do not need help from the back bench or the front bench of either side to tell me how to control proceedings. I will no longer tolerate interruptions from either side. The only voice I want to hear is that of the member for Clontarf.

Mr WILLIAMS: I understand that Fremantle must play a very important part in acting as the hospitality centre for the America's Cup. It is the image we are trying to create throughout the world. These hotels and restaurants will be given extra trading hours and, if need be, so will the souvenir shops. That is fine, let them be open; but if the Government is expecting everyone else in the State to be open because the tourist requires extra trading hours, I think it is miscuing.

The Government, in bringing this Bill before the Parliament, has taken far too much notice of the multinationals and the chamber of commerce. The Minister should reflect and take note.

Mr Peter Dowding: Of whom?

Mr WILLIAMS: Take note of what I am about to say. I ask him to make his own inquiries when he refers to what the chamber of commerce has recommended? How many small businessmen are members of the chamber of commerce? How many small businessmen can afford to be members of the chamber of commerce in light of the way the Government fleeces them with its taxes? How many small businessmen are involved in the Confederation of Western Australian Industry? I am sure members will find that the number is minute.

Mr Peter Dowding: What organisation do you think we should listen to?

Mr WILLIAMS: I think the Minister should get out and talk to the people. We have discovered for ourselves what the small businessman is thinking. Furthermore it amazes me that the Labor Party has not discovered what the employees want. It is not concerned with what the employees want. The employees do not want extended trading hours, nor do the small businessmen of this community. They do not want it and they cannot afford it.

I heard the Minister for Minerals and Energy say earlier, when talking about the so-called extended shopping hours that are to be invoked as from 1 November—and I remind the Minister that there are many multinationals already organised to take this on as from 1 November—that people have already been rostered and are going to work very disjointed hours. They do not know where they are. They are working 20 hours a week part-time or 38 to 40 hours a week, and they will be rostered an extra four hours a week every second or third week, and working Saturday afternoons and Thursday nights.

I can assure members that a great number of small businesses would love to close their doors between May and September, because they do not cover their costs. If members think that Saturday afternoon trading for the small businessman will make him a profit, they should think again. When summer comes what do the majority of Western Australians do on a Saturday afternoon? They play cricket, go sailing, go to the pub, or generally relax and enjoy themselves. The last thing they want to be doing is shopping, because they have done it on Saturday morning, Thursday night, or within the normal trading hours. Saturday afternoon trading will be the greatest fizz of all time. Who wants it? The multinationals—Myers, Coles, and WA Newspapers.

Mr Peter Dowding: Do you want Thursday night trading?

Mr WILLIAMS: I could not give a hoot.

Mr Peter Dowding: You voted for it in 1978.

Mr WILLIAMS: The Minister should not point a finger at me because I did not vote for it. I opposed it. Members on this side will tell the Minister I opposed it. I also believe in an orderly market.

The DEPUTY SPEAKER: I believe in orderly debate. Chop out these interjections. Member for Clontarf, do not encourage them.

Mr WILLIAMS: Saturday afternoon trading will cost the small shopkeeper money because of the staff he has to keep on. The small shopkeeper cannot work day and night and the fact is that a great number of these small shopkeepers also work on a Sunday because they have to replenish their stocks; and Sunday is the only day they can do that. If members go to Foodland in Balcatta they will find it hard to get a parking spot because the small shopkeeper is out there buying his goods for next week's sale. He is working long hours, and it is unfair of this Government to expect him to work longer hours. Above all, it is very unfair of the Government to expect employees to work longer hours. The Government has a cheek when it says, "Why don't you believe in deregulation?" and "if this thing is to work, you must deregulate the dollars and cents", but the small businessmen and employees will not have a bar of it. The Government says, "Deregulate on the part of the small businessman", but no way. Businesses would have to stay open on Saturday afternoon, and most of them would have to employ staff. They would have to pay double time, and the employees do not want it because they do not want to work.

If members opposite do not believe me, they should go out and walk around these places and find out for themselves that the employees do not want to work. I heard the Minister for Minerals and Energy state, "If you do not want to open, you do not have to." Where did he get that ludicrous idea from? Can members imagine owners of shopping centres like Karrinyup or Booragoon allowing a small shop—for example, a frock shop—to close on a Saturday afternoon? Not on your sweet nellie! So it will supposedly override any lease and give the owner the right to close. That is fine if it is done in the right spirit, but it will not work because the owner will say, "Unless you are prepared to open when we want you to open, we won't be giving you a lease." It is as simple as that. Let me assure members that some shopkeepers have already come to me and said this very thing has happened.

Mr Peter Dowding: Do you feel strongly about his issue?

Mr WILLIAMS: Don't be pathetic! Is the Minister listening to me clearly?

Mr Peter Dowding: Yes.

Mr WILLIAMS: Then he can work it out for himself.

Mr Peter Dowding: You did not make a submission to the Kelly report.

Mr WILLIAMS: Of course I did not.

The facts of the matter are that Western Australia cannot afford shopping hours of any greater length. Some shops, like the corner delicatessen and the greengrocer, are open from Saturday lunchtime and Sunday, but traditionally they have been allowed to stay open because they serve perishables, which cannot be kept in one's home for a long time and are particularly required on the weekend. Delicatessens and greengrocers have traditionally been able to provide such goods.

Even today one notices that fewer and fewer greengrocers open after Saturday lunchtime because of the large freezer units which are able to keep perishables fresh. Once the milkman came twice a day, but now people buy their milk supplies once a week from the corner shop because it is easier to keep. Things are changing. I might be digressing a little but I want to say that there is no need—and we cannot afford it in the way a place such as New York, with a population of eight million people, could afford it—to have these longer hours. Rest assured, a city would need a population the size of New York's to be able to afford such a situation.

However, let me state that in New York more stores close now on Saturday evening and are not open on Sunday because, as was said earlier, there are only a certain number of dollars to go around per week. Last year in this House I warned that when the casino opened there would be a drain of moneys away from commerce. What is the end result? Each day \$1 million is taken out of turnover, money which normally would go to retailers or to commerce. Do not tell me that this is not having an effect on commerce, which really has not recovered from the opening of the casino. Everybody's figures have been down since that opening.

If people are given more hours for shopping, they will not have more money to spend. The costs to the small retailer are increasing and his net profitability is being reduced.

I oppose the Bill.

MR PETER DOWDING (Maylands—Minister for Employment and Training) [9.23 p.m.]: I have never heard such a progression of hypocritical speakers in my short parliamentary career in this place and my slightly longer parliamentary career in the other place.

Let me take the last speaker first. I believe him to be Rex Geoffrey Williams, AFAIM, JP, the member for Clontarf, who was in that august position in 1978 when, according to

page 1831 of the relevant *Hansard*, he voted in support of Thursday night trading when there was no America's Cup or similar event.

I do not blame him for running out of the Chamber the instant he finished. I would frankly be embarrassed if I had such difficulty remembering back. He actually said that he had not voted for it, but *Hansard* is there and I would assume him to be one and the same person.

Mr Taylor: Perhaps he opposed it in the party room.

Mr PETER DOWDING: Perhaps he did. The member for Clontarf really exemplified what is extraordinary about the Liberal Party members opposite. They are prepared to get up and talk about deregulation of the labour market and they are prepared to get up and talk about deregulation of government. They want to remove the big hand of government; they want smaller government; they want only so much bureaucracy, yet when it comes to the question of whether some sectional interests should be protected, oh well, that is different.

Here we have a situation where clearly dry cleaners ought to be able to have a little monopoly over trading. With all due respect to the member who just sat down, he did not know what he was talking about. He suggested that the *raison d'être* for trading on weekends was that one needed to be able to buy perishable goods and that justified trading for longer than normal—that is, from Monday to Saturday lunchtime. I ask him: Does he think antiques are perishable goods? If they are not, why on earth can one buy antiques on Sunday? He has just come back into the Chamber. Perhaps he would like to correct his mistake? Speechless again!

Here we have a situation where one can buy antiques on Sunday. The member for Murray-Wellington was quite happy to oppose this Bill, but, of course, he belongs to the fraternity of chemists and they have a nice little market niche selling everything under the sun through extended hours, including seven-day a week trading. Then we had the member for Vasse who had the temerity to get up and not declare to this House that his own electorate had sought and obtained seven-day-a-week trading. For goodness sake!

Mr Evans: Was he pressed for that?

Mr PETER DOWDING: The member for Vasse was supportive of a local businessman's application.

I do not mind people having positions of principle. What I find very difficult in a debate as important as this is that people can take such utterly hypocritical positions. I am embarrassed for the member for Kalamunda. I feel sorry for him. I am sure that members on this side would not treat a colleague as harshly as members of the Liberal Party treated the member for Kalamunda. There is no loyalty on the Opposition benches, and we have seen that. Even the poor old Leader of the Opposition has to keep getting his suits invisibly mended because of all the stab wounds!

Mr Thompson: I am not all that concerned.

Mr PETER DOWDING: The member for Kalamunda must have been practising yoga then.

Let me take it further: The member for Dale got up and delivered a homily about how we ought to be strong and upfront, and understand issues and express our opinions. He conceded that I wrote to him after receiving a letter from him which informed me that he had received a letter from a local business organisation. He asked me whether I would consider it and let him know what my position was. I wrote back and asked him what his position was, and he has not yet replied. I never knew the member for Dale, when he was a Minister, not to be able to produce a three-page telex. He did so frequently. In fact the journalists used to clothe themselves when it rained in the former Minister's telexes; yet he cannot give me a two-line letter explaining his position on this essential issue.

We have former Chief Commissioner Kelly conducting an extensive inquiry into trading hours, and no-one on the Opposition benches could gainsay that man's integrity or his impartiality or his interest in this issue. Not one member of the Opposition made a submission to the Kelly inquiry. All these free enterprise, deregulating members of the Opposition could not put pen to paper—

Mr Gordon Hill: Not even the dry cleaner!

Mr PETER DOWDING: Not even the dry cleaner could tell the Government about his fears for the dry cleaning industry.

Now we have people such as the member for Albany. I know he is an embarrassment for the Opposition.

Mr MacKinnon interjected.

Mr PETER DOWDING: It is very interesting that the Deputy Leader of the Opposition, who is quite happy to run around

peddling whatever smut he is able to pick up on the particular day, is not prepared to make a serious contribution to this issue. He goes around claiming that he has the interests of the business community at heart—that is, when he has got his hand out asking it for a donation—but he is not even prepared to make a contribution tonight as to what he thinks about deregulation of trading hours.

Mr MacKinnon: The debate hasn't finished yet.

Mr PETER DOWDING: The member for Murdoch really is an extraordinary little man. He is not prepared to get up and have a say on an issue as important as this, but he is prepared to go around all the back doors, having his two bobs' worth.

The member for Avon made a genuine and heartfelt contribution from which I do not want to detract in any way, but let me say to the member for Avon that no-one who is dealing with the issue of trading hours can but think there are some extraordinary preferences given to some groups in the community.

Mr Trenorden: I agree with that.

Mr PETER DOWDING: I know that. We have recognised two things in relation to the America's Cup period. The first is that people who are coming to Western Australia for the America's Cup will bring tourist dollars with them. The second is that they will not simply be sitting in Fremantle or Perth. The member for Avon's tourist committee has done a wonderful job.

Mr Trenorden: One of the best in the State. What do you say about the Hotham Valley train ride at the weekend?

Mr PETER DOWDING: I think it was absolutely disgraceful and I am on record for saying that. The member for Avon must understand that there will be an increased demand for shop services in his electorate.

*The following material was incorporated by leave of the House—*

#### **FACTORIES AND SHOPS ACT 1963**

#### **SHOPS (EXEMPTED GOODS) AMENDMENT REGULATIONS 1982**

*MADE by His Excellency the Governor in Executive Council.*

#### **Citation**

1. These regulations may be cited as the Shops (Exempted Goods) Amendment Regulations 1982.

#### **Reg. 3 repealed and substituted**

2. Regulation 3 of the Shops (Exempted Goods) Regulations\*, as amended, is repealed and the following regulation is substituted—

“ 3. For the purposes of the Act the following goods are prescribed to be exempted goods:—

- (a) Dairy Products:—Cheese (including spreads and dips); butter; margarine; fresh and powdered milk; cream and yoghurt.
- (b) Meat and Fish:—Fish (excluding canned); shell fish; poultry; cooked meats (excluding canned); pre-packed fresh meats packed in quantities up to 500 grams weight.
- (c) Bread and Pastries:—Bread; cakes; pies; pastries.
- (d) Foods:—Smallgoods; prepared breakfast cereals; baked beans; spaghetti; dry pasta; sardines; biscuits; tea; coffee; cocoa; sugar; salt; pepper; eggs; sauces; vinegar; cooking oils and fats; meat and vegetables extracts.
- (e) Home and First Aid Requisites:—Prepared invalid and infant foods; analgesic tablets and powders for which doctors prescriptions are not necessary; small first aid requisites; antiseptics; disinfectants; digestive aids; cotton wool; cough and cold remedies; laxatives; medicinal salts; camphor; boric acid; sunburn lotions; rubber gloves; sponges; teething aids including special hygienic infant toys; baby powder; hot water bottles and baby feeding aids.
- (f) Fruit and Vegetables:—All kinds of fruit and vegetables (excluding canned).
- (g) Tobacco, Cigarettes, Cigars:—All smokers requisites.
- (h) Toilet Requisites:—Manicuring appliances; babies protective clothing; toilet and disposable tissues; perfume; cosmetics; facial care; deodorants; talcum powder; toilet soap; hair care; dental care; personal hygiene requisites; bath salts and shaving requisites.
- (i) Garden and Landscaping Requisites:—Flowers; green stocks; seeds; bulbs; artificial flowers and plants; plant containers and ancillary products; shade material; trellis; lattice; garden stakes; watering cans; spades; rakes; secateurs; hand held



cutters, trimmers and garden tools (not power operated); irrigation fittings and sprays (not sprinklers); potting mix ingredients; ground covering materials; decorative garden and landscape products; fertilisers; garden chemicals; applicators and personal protectors.

- (j) Newspaper and Stationery Requisites:—Magazines and periodicals; books; stationery and writing aids; greeting cards; rubber stamps; educational requisites; cardboard games; educational toys; school bags and cases; photograph albums; sheet music; books of music; adhesive tape; twine; playing cards; paper plates and cups; doilies; lottery tickets; party decorations.
- (k) Confectionery:—All kinds of sweets; ice-creams; non-alcoholic beverages (including fruit juices); edible nuts; savouries.
- (l) Pet and Patent Veterinary Requisites:—Pet and poultry foods; pet requisites; patent veterinary requisites.
- (m) Household Cleaning Items:—Laundry requisites; caustic soda; detergents; insect repellents; kerosene; cleaning fluids; polishes; methylated spirits.
- (n) Sporting Requisites:—Small items of fishing gear including lines, hooks and sinkers; drop nets; bait; table tennis balls; darts.
- (o) General:—Photographic films; flash bulbs; electric light globes; torches and accessories; dry batteries; pantyhose; candles; cotton; shoe and boot laces; stamps; coins; needles; pins; sunglasses; vacuum flasks; pocket knives; walking sticks; rain water tanks; original paintings; drawings or etchings, the work of local artists but not prints; original items of hand made pottery the work of local potters; local handicraft products; Australian souvenirs and articles permanently marked so as to be identified as a souvenir of the state, city or town in which sold.
- (p) Antiques:—
  - (i) any article that has qualified for duty exemption as an antique under the Customs Tariff Act 1966 (as amended from time to

time) of the Parliament of the Commonwealth; or

- (ii) any other article made more than one hundred years ago.

- (q) Swimming Pool Requisites:—All swimming pool chemicals and accessories.

#### Addendum to Item 2

The following additional goods may also be sold from registered "small shops":—

#### Drapery

Includes any cloth, textile fabric, towels, sheets, pillow cases, rugs, blankets, eider-downs, quilts, bed covers, curtains, cushions and cushion covers, loose covers for both floors and furniture, linens and dress materials, etc

Includes the accoutrements (e.g. bats, clubs, racquets, foils, rods, reels, etc.) and the accessories (e.g. balls, skis, skates, etc.) used in each sport. It includes canoes, inflatable dinghies and paddles, but does not include dinghies, punts or larger water craft. Similarly, water skis, tow lines, life jackets, boat instruments and accessories, anchors, flares and fire extinguishers are included.

The definition does not include pool and billiard tables.

#### Toys

Generally, includes any object specifically intended for the amusement and/or education of children and capable of being easily transported by a child. It includes pedal cars/trucks/tractors, dolls prams, tri-cycles, dolls, trailers, dolls houses, soft, fluffy, furry, toy animals etc., blocks, rocking horses, childrens tables and chairs, tea sets, toy cars, trucks, tractors, trailers, trains, boats and aeroplanes, puzzles, packet games. It does not include childrens bicycles, trainer bicycles, cubby houses, swings, slides, see-saws, climbing bars, etc.

#### Gifts

Means any article which is not a permanent fixture and which is offered for sale specifically as a "gift" item. All gift items must be capable of display in company with similar and differing gift items on display shelving in the shop in an area specifically designated for such purpose.

**Pool Chemicals and Accessories****Haberdashery**

Includes ribbons, laces, braids, slide fasteners, cottons, buttons, needles, hair goods, wools and knitting accessories, suspenders, handkerchiefs, threads, trimmings, hairbrushes, mirrors, nail files, scissors, purses, rain bonnets, bibs, vanity bags, bias bindings, carpet bindings, coat hangers, daisy wheels, elastics, dress/coat/blanket bags, dressmaker models, face washers, buckles, bra cups, camphor and moth balls, sewing boxes, etc.

**Baby Wear****Art Supplies****Kitchenware**

Includes pots, pans, pressure cookers and other cooking utensils, crockery, cutlery, dish racks, rubbish bins, china bowls, kitchen tidies, gadgets (e.g. can openers, potato peelers, flour sieves, collanders, carrot and cheese graters etc.) kettles, tea pots, tea and coffee sets, tea strainers, tea cosies, rolling pins, paper towels and holders, pyrex and plastic utensils, tea towel racks and airers, dust pans and brushes, picnic sets, thermos flasks, liquid coolers (esky's), canisters, bread bins, etc. but does not include any electrical equipment.

**Hardware****Photographic Equipment****Clothing****Cassette Tapes and Records****Secondhand Furniture**

**This does not include electrical items**

*Debate Resumed*

Mr PETER DOWDING: The first document incorporated is a list from the Shops (Exempted Goods) Amendment Regulations under the Factories and Shops Act and the second a list of additional goods which can be sold from small shops. I hope members will look at these because they set out the sorts of things that shops can open to sell without any changes in their trading hours. Members will note the extraordinary range of goods that can be sold without any extension to trading hours. The difficulty is, however, that one has to own a particular style of shop to meet both requirements. Most of the small shopkeepers who are very vocal on this issue can trade already for seven days a week. Some of them can also trade for 24 hours a day. This Bill, therefore, does not actually affect them. However, it authorises

a number of other shopkeepers to participate in longer trading hours for the period of the America's Cup.

The long-term solution to the shopping hours is probably not the solution contained in this Bill. This Bill is designed to meet a specific need—a demand for increased shopping facilities during a limited period.

Mr Rushton: When are you going to address yourself to the major issue?

Mr PETER DOWDING: I certainly will not be waiting for the member's contribution because I would die in office.

Mr Rushton: You don't need to.

Mr PETER DOWDING: That is true. The member is irrelevant to the process, but I invite him to make a contribution.

The important issue is that not one member opposite has opposed this legislation, nor has he been prepared to stand by what he claims is his philosophy.

Mr Trenorden: What about me?

Mr PETER DOWDING: I left out the member for Avon. I accept that he has. However, the member for East Melville gave us an extraordinary mishmash—

Mr Lewis: Did I oppose it?

Mr PETER DOWDING: We could not work that out; we hope the member will tell us in due course.

The member for East Melville shot himself in the foot by talking about the car industry. His thesis was that we could not move away from standard trading hours for those businesses which presently cannot trade after the normal hours unless we have dealt with the issue of penalty rates. That was the key to his argument. Of course, penalty rates are an issue and the relevant unions and traders have to deal with that issue; I have told them that. We are not like the Liberal Party which runs a bulldozer through one side of the argument, squashing it completely. We have said that we respect both sides of the argument and that both parties should meet to come to some arrangement and not have it forced on them by the Government.

What was extraordinary about the member for East Melville's contribution was that he spoke about penalty rates in relation to the car industry, yet the car industry is one industry that does not have penalty rates. The member cannot accept that ordinary market forces should apply. Members will no doubt be subjected to the same sort of intensive lobbying as that to which I have been subjected over the

last 10 days. That lobbying has included some obscene telephone calls to my home and my electorate office from members of the car industry. They were, I think, very demeaning to that industry and it was quite inappropriate. I am disgusted with the way some people in that industry have conducted their lobbying and I am sure that all member share that view.

My point is that the Opposition says that many people do not like the proposal and that we had better exempt them. There is no question of any philosophy and not one reason has been put forward as to why penalty rates should have any impact on that industry.

Mr Thompson: I have advanced other arguments.

Mr PETER DOWDING: I am not dealing with the member for Kalamunda, I am dealing with the member for East Melville. If the member for Kalamunda wants to pop his head up now, I will deal with him.

I suggest that the member for East Melville, like so many of his brethren, has been carried away with the rhetoric and is not prepared to deal with reality. The reality is that this is an industry which is aggressive, free enterprise, and independent, and an industry in which people work all hours away from their caryards and whenever there is an opportunity to work. It is said that many of them do not want to trade on Saturday afternoons.

Mr Williams: They work long enough, now.

Mr PETER DOWDING: I think the member has sniffed too much of his own chemicals; they must have gone to his head. He should visit the occupational health, safety, and welfare people. Those chemicals do funny things to a person's brains.

Mr Williams: At least I have one.

Mr PETER DOWDING: Does the member not remember where he was on 11 May 1978? He voted with the "Ayes".

Mr Thompson: Where was I?

Mr PETER DOWDING: The member was the Speaker, probably. However, the member for Clontarf carries around his own petard and does the work for us.

The car industry is an active industry with free market forces. One would have thought that a free enterprise party would have encouraged elements of deregulation. What is being suggested about deregulation? Is it that inspectors will go out checking whether car yards are closed every Saturday afternoon?

Mr Rushton: You are being selective. You suggested it should not happen to the fuel industry, but you are suggesting that it should happen to the motor industry. You don't believe in free-market enterprise.

Mr PETER DOWDING: The member cannot make his mind up.

Mr Rushton: I can.

Mr PETER DOWDING: He should tell me what his position is then.

Mr Rushton: I have told you my position. I have been unequivocal—

Mr PETER DOWDING: The member's position is unequivocally equivocal. That should be the beginning of a good Press release.

If we do not deregulate an industry, it needs to be regulated. I know that car-yards currently break the law because I see dealers in their offices on Saturday afternoons talking to people. I would be prepared to bet, although it is not my conduct to bet, that they are trying to sell cars.

Now what is the Opposition saying? It wants to deregulate society which is, nevertheless, completely regulated, and have an inspectorate to enforce the regulation. It cannot have it both ways.

I met with representatives of the car industry and some very sensible and pleasant people made what I thought were valid and interesting comments. I said, "When this Act goes through Parliament I will be prepared to look at your position because proposed section 5 of the Act will give me the power to deal with the situation." I would be prepared to look at their situation sympathetically.

Mr Lewis: You are agreeing with my argument.

Mr PETER DOWDING: I think I have taken 13 minutes to say that I totally disagree with the argument put forward by the member for East Melville. I am not one of those people who gets up and waves the flag about total deregulation as does the member for East Melville, but when it is put on the plate for him he backs away at 100 miles an hour.

If the Liberal Party wants to amend the legislation which deals exclusively with one small section of the overall industry, I can assure it that it will be rightly accused of favouring one small group. The left handed toothpaste squeezer manufacturers will say they want to be excluded! It is that sort of weak-kneed approach by the Opposition, particularly when it

was in Government, that has lead to this situation.

What the Government has sought to do with the America's Cup is to say that for the period of the cup during which it expects a significant number of extra people in the community, it will provide four extra hours of trading per week.

Mr Rushton: Your commitment is to get on with the Kelly report.

Mr PETER DOWDING: In effect, do we want to have sensible submissions from people who want two bob each way? If the member for Dale is suggesting the Government should not give consideration to the Kelly report, I disagree with him. It is fundamentally an important area and the member for Dale cannot make up his mind about the stance he will take.

The truth is that the member for East Melville has possibly shot himself in the foot. He has shown that he is incapable of supporting his own philosophy on deregulation. He cannot support deregulation in areas where there are no penalty rates and where they are inapplicable.

The member for Katanning-Roe asked a question concerning the reason that the great southern region was included in this legislation. The answer is the same as that which I gave the member for Avon. All due credit must go to industries, tourist bureaus, and the communities in the great southern region because they have been working assiduously to encourage tourists to visit that area. My own observations, and the information I have been given, is that they have been quite successful and there has been a remarkable increase in tourism, and frankly, that is the reason for it. Many of the shops in the great southern region can presently stay open seven days a week, but they choose not to do so. Nothing in this legislation will require anyone to stay open—it is an option. Quite often businessmen in small country towns agree not to remain open for seven days a week.

Mr House: I covered that point also. Would you address that question?

Mr PETER DOWDING: The member for Katanning-Roe spoke about the hardware store at Dumbleyung, but I have forgotten what he said. However, in the north of the State there have never been restrictions on trading hours and the small towns in that area do not have any trouble. Roebourne is not far away from Karratha.

Mr Trenorden: Northam is three-quarter of an hour's drive from Midland.

Mr PETER DOWDING: That is a good example. If a person is travelling over a weekend he can buy almost everything he requires. He can go to a growers' mart and buy fruit, vegetables, meat, cheese, and butter.

Mr Trenorden: He cannot buy them in the one place. You cannot call into Woolworths or Coles and buy all the groceries you require.

Mr PETER DOWDING: I suggest to the member for Avon that that is a bit of a red herring. The hardware stores, the chemist shops, and the markets, are side by side and they sell everything under the sun. The only items a person cannot buy after hours are electrical goods.

Mr Trenorden: You cannot buy the goods at the one place.

Mr PETER DOWDING: The shops are within a few metres of each other.

Mr Trenorden: When was the last time you went to the Midland Markets?

Mr PETER DOWDING: About three weeks ago.

Mr Trenorden: You are saying that all things are available at the Midland Markets?

Mr PETER DOWDING: Yes.

Mr Trenorden: You have to seek them out.

Mr PETER DOWDING: The member for Avon is talking about someone who travels from Northam to Midland and he is saying that that person cannot walk 100 metres to another shop to buy the goods he requires. It is not true.

Many towns in the north are situated close to one another and businesses have no specified trading hours, but they accommodate the position which exists. What it really comes down to is that many people do not want market forces to operate for a limited period. That is the truth.

Everyone has his own little niche. The dry cleaners do not want much competition—everyone wants his own closed shop. If everyone in the country agrees to it, good luck to them.

The greatest hypocrisy from a member on the Opposition benches came, once again, from the member for Gascoyne. He asked why the Government has included the provision in the Bill to protect tenants who have shopping centre leases from being forced to open their doors during extended trading hours? All I can say to that is: What an extraordinary position

for him to take. It was his Government which introduced the amendment to the Factories and Shops Act. I do not know whether he runs off at the mouth, does not think, does not do any research, or does not think that anyone will check on his information.

Mr Hodge: All those things.

Mr PETER DOWDING: It is up to members to make those judgments. I am not being judgmental; I am being fair and reasonable in this debate.

The member for Gascoyne represents an electorate where there are no trading hours. As I understand it, he has an interest in or a friend who has an interest in a sporting goods store in the metropolitan area. I am not accepting that the member for Gascoyne did not make a contribution to this legislation when he was the Parliamentary Secretary to the Cabinet which made that decision. I know a lot of people who, when Sir Charles Court was Premier, did not have the opportunity to have their say, but I do not believe that the Parliamentary Secretary to Cabinet was not privy to that decision when it was made by Cabinet. What an extraordinary thing!

The member for Nedlands was in a very embarrassing position. As he recounted, when I was Minister I had to chase him because he was trying to open his shop when the rest of his trade wanted to stay closed. He went around waving the banner of free enterprise and deregulation. It appears that his compatriots on the Opposition benches have simply abandoned him. I know that there is a new guard and an old guard opposite, but what an embarrassment—the member for Nedlands, himself a free enterpriser, being abandoned by the Liberal Party! For a party that accused us of stalling on implementation of the Kelly report, the Liberal Party is in disarray. Its members cannot agree amongst themselves.

The only sensible issue which has been raised with respect to deregulation is that of the hours that people will be expected to work in these various industries. That issue can be dealt with by the Industrial Relations Commission. Many businesses will find—some have already found—that if they do not offer incentives for people to work extended hours, those people will choose not to work extended hours and they should not be made to work them. No business has to stay open. A businessman will stay open if he sees that there is profit in it. What is the position in Rockingham where retailers currently trade on the weekends? What

is the position in Dunsborough where retailers trade on the weekends? What is the position in Mandurah where retailers trade on the weekends? What is the position in the north where retailers currently trade on the weekends? They all operate within the industrial relations environment and I have not heard retailers from those regions squawking for regulated trading hours. Indeed, this afternoon I received a deputation from one of those areas pressing me to allow extended trading hours on Sundays.

Members opposite should not latch onto one tiny facet of an argument when they are not prepared to look at the whole picture. They should go to Rockingham or to Dunsborough and ask business people there how they manage. They would find that the response from those business people would be, "Very well, thank you very much. In fact, we would like to keep those trading hours."

It is a great disappointment to the Government to hear such an extraordinary range of ill-thought through, ill-conceived, muddled submissions on a Bill which has been designed for a short period to facilitate the State's image to the many thousands of overseas and interstate visitors who will come here with money in their pockets to spend in this community. What a retrogressive, conservative mob on the other side to want to restrict that opportunity.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Deputy Chairman of Committees (Mrs Henderson) in the Chair; Mr Peter Dowding (Minister for Employment and Training) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Saturday afternoon shopping—

Mr THOMPSON: As indicated by the vote, the Opposition is not opposed to the legislation.

Mr Wilson: Some of your members were opposed to it.

Mr THOMPSON: Yes, some of our members were opposed to it. Unlike the Labor Party, the Liberal Party has a certain degree of flexibility.

Mr Wilson: But you said the Opposition was not opposed.

Mr THOMPSON: The official line of the Opposition is that we are not opposed to the legislation. Some individuals, however, may be opposed to it.

Mr Parker: You were the only person who took that attitude.

Mr THOMPSON: The vote showed the result. I admit that at one stage of the proceedings I felt a little lonely, but I was confident in the ultimate outcome.

When the Minister ran through the list of members to ascertain how they voted on a Bill in 1978, he could not find my name. He ultimately found out that I had not voted on that occasion. I voted once only during those six years and got into trouble then.

An important provision is enshrined in clause 4, a provision which is absolutely essential to the interests of small traders who lease their premises from major shopping centres. It is absolutely essential that there be protection for them in the event that they elect not to trade, because many of the shopping centre lease agreements have provision for the traders to be required to trade during all the hours that the law says they are entitled to trade. It is against the spirit of the Bill to have created a situation in which people would be forced to open even if there were no commercial advantage in doing so. Many businesses in this State will elect not to open on a Saturday afternoon because the trade in their particular location would not warrant their opening. There will be a commercial reason for traders to open in the areas where tourists will gather, principally in Fremantle and Perth.

Mr Peter Dowding: It is much broader than that. In this context, if you say Perth and Fremantle, you should also include Scarborough, Northam, and the like.

Mr THOMPSON: People will make a commercial decision on whether to open on Saturday afternoons in all places where tourists will gather.

It is essential that there be protection for the individual trader who elects not to open. That is why I am very pleased that this provision is contained within the legislation. Going back to the question of motor vehicle dealers the organisation which represents them has overwhelmingly said something quite different from the organisation which represents the mainstream of small business. The Western Australian Chamber of Commerce and Industry has said it is in favour of this legislation and it is the official voice of small business.

The Western Australian Automobile Chamber of Commerce is opposed to extending trading hours even for this period and it has a very legitimate reason to advance. It has

nothing to do with penalty rates, although I concede that penalty rates are a significant factor with respect to most other traders; it is very strictly related to the fact that it is very unlikely that people will want to buy a motor car on a Saturday afternoon, even during the frenzied activity which will occur during the America's Cup. For that reason there is a need to amend this legislation to exclude them.

The Minister is right, there will be a flood of left-handed toothbrush manufacturers and the like saying that they too should be exempted.

Mr Parker: How do you distinguish between motor traders and others? Is it any different from buying a suit or any number of items?

Mr THOMPSON: An argument may well be advanced for suit traders not to be open. I am saying if there is a clear demonstration that a particular section of industry or commerce is unlikely to generate trade during the time of the America's Cup, there is power in this legislation for the Minister to exempt them. We know from the expression of the Automobile Chamber of Commerce that its members do not want this facility of trading on Saturday afternoon. There is no doubt about it.

Mr Parker: They don't have to.

Mr THOMPSON: I know that they do not have to in strictly legal terms; none of them has to, but because commerce is structured in the way it is, if one opens they are all forced to open.

Mr Peter Dowding: What if you make it illegal and then one opens? You are demonstrating that you do not have 100 per cent behind you.

Mr THOMPSON: Of course the argument the Minister is advancing is that there be absolutely no regulation at all, but he is not going that far. The Minister is saying he recognises that certain items will be in demand on Saturday afternoon during this America's Cup period. I agree there will be demand for certain items, but there is very little likelihood of demand for a motor car on Saturday afternoon.

The premise on which this legislation comes to the Parliament has nothing to do with deregulation for any reason other than the trade generated by the America's Cup. Is the Minister saying that all these visitors will want to buy a motor car on Saturday afternoon?

If other traders feel they should be treated in the same way as motor vehicle dealers, they can put their case to the Minister and he can make

a decision to exempt them under the relevant clause of the Bill.

We are trying to help the Minister in a very constructive way to do something in line with the spirit of this legislation. I move an amendment—

Page 2, line 11—To insert after “station” the following:

or the premises of a motor vehicle dealer, registered under the Motor Vehicle Dealers Act 1973-1982

I urge the Committee to support the amendment.

Mr MacKINNON: I support the motion moved by the member for Kalamunda and I do so not only for the reason espoused by him but also for another good reason. On 30 October 1985, prior to the election, the Premier held an industry luncheon for motor vehicle dealers in his office at the Capita building. Approximately 25 people were in attendance; I do not know whether the Minister was there but certainly the Premier was.

At that meeting one of the dealers asked the Premier his view on the extension of trading hours. The Premier said that if we were going to have extended trading hours, why should anyone be exempt. The industry spokesman said, “Because the industry does not want it”. The Premier said that if there was consensus he would not extend the trading hours. The spokesman at the meeting suggested to the Premier that the feeling of the people at the meeting should be tested. He said that they were industry leaders and would not have been invited if that were not the case; they represented the total industry of this State and he suggested that their opinions be sought. The Premier asked the meeting what the viewpoint was and 100 per cent of the dealers opposed any extension to trading hours. Upon that indication from the dealers, the Premier gave a categorical and unequivocal assurance to the dealers that if his party were returned to Government—which it was—there would be no extension in trading hours.

Mr Peter Dowding: You really were not there.

Mr MacKINNON: No, I was not there, but I have spoken to people from the industry who were present. If the Minister doubts my word, I suggest that he takes the time to ring a few of the people at that luncheon to ask them one simple question: “Do you believe that the Government has gone back on its word?” I’ll

bet London to a brick that the answer would be, “Yes.”

Mr Parker: Do you believe in freedom?

Mr MacKINNON: Does the Minister for Minerals and Energy believe in honouring a commitment? Obviously, he does not because he misrepresents things and tells many untruths in this House, as does his Premier. He will say anything that suits his purpose at the time. The Minister may want to disown the Premier or he may prefer to misrepresent the point of view of the industry people who bothered to take the time to ring us to provide that information. He is free to do that. I am passing on the information which was provided to me and which I have no reason to doubt.

If the Government does not want to honour that commitment, as appears to be the case, it will have to face the electoral consequences. For that reason, as well as the views and reasons put to the Committee by the member for Kalamunda, this amendment is worthy of support, not only by the Opposition but also by the Government which made that commitment prior to the last election.

Mr HOUSE: I raise again with the Minister the question I asked him when I was speaking in relation to the deregulation of hours with regard to labour and penalty rates. It is my opinion that if we are to support deregulating shopping hours to take into account weekend trading, we should make Saturday no different from Monday to Friday within the ambit of the Industrial Relations Commission. I suppose the Minister will say that that is a question for the Industrial Relations Commission, but surely he has some influence with the commission. I guess representation can be made to the commission for that to happen. It seems to me that it is logical for people who are going to work on Saturday to have, say, Sunday and Monday off in lieu. Will the Government consider that position as part of its deregulation?

Mr PETER DOWDING: I have found over the last few months that the Deputy Leader of the Opposition, who seems to have skipped out—

Mr Thompson: He is right there; he has gone close to you in case you say something offensive.

Mr PETER DOWDING: —hands out little stories which sound as though they are based on his own clear information, the sort of information that one would expect, if it were to come before a court, to be something he had seen or heard. But it turns out to be different.

Mr Rushton: You heard what he said.

Mr PETER DOWDING: Are you awake again?

It turns out that in fact the deputy leader is talking about something which was said to him by somebody who may or may not have been present at the meeting—somebody repeating a conversation which took place—

Several members interjected.

Mr PETER DOWDING: I notice that the member is not prepared to get to his feet. He is a great deregulator. Would he like to extend the trading hours?

The Deputy Leader of the Opposition was not present, and he is repeating something which was told him about a conversation which is alleged to have occurred nearly a year ago. Firstly, he does not admit to any potential unreliability in that. Secondly, I was present at the meeting, and what the Premier said was that if the industry were 100 per cent against extensions of trading hours, they would not be required to extend their trading hours. That is a statement of fact.

We are not doing anything to trading hours here. We are dealing with a limited period from November to February in respect of the America's Cup. We do not want to start creating a series of exemptions for every group which claims some particular interest for a limited period. All that means is that one has only to have one car dealer who wants to break the law and every other car dealer will want him prosecuted.

That is not deregulation. If the industry is not in favour of extending the hours, my advice to that industry is not to open.

Mr Rushton: Do you support deregulation of trading hours?

Mr PETER DOWDING: Come on! The member has heard me already.

Mr Watt: You interrupted everybody's speech with a series of questions.

Mr PETER DOWDING: I do not mind the member interrupting my speech; I am just not going to be sidetracked. What we are dealing with here is the issue of the America's Cup period, and that is a completely different issue from tackling the major, long-term issue of trading hours.

Mr Rushton: Are you going to tackle it?

Mr PETER DOWDING: Let me take the issue of white goods. In the markets there are people who are trading in white goods because

the public wants to buy white goods on Saturday afternoons and Sundays. That is contrary to the permits which have been issued to stall holders. My department receives complaint after complaint, and inspectors have to spend their Saturday afternoons, Sunday mornings, and Sunday afternoons jumping in and out of their cars, rushing down to the markets to see whether they can catch stall holders flogging refrigerators. That is an extraordinary situation; it is not one that I am happy with.

Mr Parker: The bastions of free enterprise support that.

Mr PETER DOWDING: They want it. It is a situation which is terribly difficult to police. Secondly, it is very expensive to police. Thirdly, there are groups in the community which constantly want to free up the trading hours, and that makes my point that in respect of a limited period, which is from November to February, we do not want to incur that huge rush of inspectorial activity, because it is not worth it.

If the car dealers are genuine in their claim that 100 per cent of them do not want to open, it is my belief they will not open. There are people already in the industry who are trading illegally; I know it. I am not prepared to authorise my inspectorate to allocate huge resources to going around catching them all the time. It is simply not a matter of high priority. I do not want to create, in the short period from November to February, another set of regulations to be policed.

I am sure members have been subjected to one of the most unusual lobbying campaigns of all time. I have had abusive and obscene telephone calls to my home and to my electorate secretary from people who have actually identified themselves. Quite frankly I do not know what they expect to achieve by swearing into my office telephone, but it seems to me that a group out there, which does not represent the mainstream of the organisation, wants its own little preserve. I wonder how many of those who were prepared to ring up and be abusive are in fact the people who already break the law. They do not want their competitors to feel that they are able to compete with them on Saturday afternoons.

I am talking about the period from November to February. The long-term issue in respect of the car industry is another problem. The long-term issue which relates to agreements with shop assistants might involve wage



structures, and so on. Those are long-term issues.

As I said in answer to the member for Katanning-Roe, Rockingham, Mandurah, Dunsborough, Busselton, and the north are communities—

Several members interjected.

Mr PETER DOWDING: I have not had a request from Widgiemooltha. It has not yet become a major tourist destination, but that will come. For instance, Hyden is just as likely to have a very significant increase.

I ask members opposite who feel this is an issue of concern to think about this: It is a short-term period. I understand the responsible car industry's representations to me. I will certainly give them consideration and I have power, if this Bill is passed, to deal with that issue when the issue is shaken out of it. Frankly, emotion has been running very high and in fairness I do not think we as a Parliament ought to be pressed into making judgments based on that sort of campaign in respect of what ultimately is a very short period of trading—four hours a week from November through to 15 February.

For those reasons, the Government opposes this amendment.

Mr THOMPSON: The Minister's attitude to the amendment that I have moved clearly makes a mockery of clause 5 of the legislation, because the Minister has demonstrated quite clearly that he has absolutely no intention of taking any notice of any section of commerce in relation to its request that it be precluded from the provisions of the legislation.

Mr Peter Dowding: That is not true—I said to the contrary. I said I would consider it after the legislation was passed, out of the emotion of the current situation.

Mr THOMPSON: I have absolutely no doubt from what the Minister has said that he will consider it. He will honour his word, and then he will reject it because he has not given one scintilla of an indication that he is at all persuaded that he should agree to the proposition by the motor vehicle dealers that they be excluded from this provision.

Mr Peter Dowding: We want to see whether in fact it is 100 per cent of the industry, and that will be demonstrated by whether or not they open.

Mr THOMPSON: It is a relatively short period—a few months. If they start off by being subjected to the requirements, that will be it.

That is where they will stay—locked in for the duration of that period. The Minister will simply postpone issuing any order to preclude them from these provisions until this period is over, and he will do it because it is the easy way out. It is easy because it enables the Minister then to treat in the same manner all the other people who undoubtedly will come to us for relief. The amendment moved here tonight will be interpreted as an invitation to all the other people who want to be exempted from the provisions to come to us to get relief for them. We accept that responsibility, but the Minister is ducking the issue and taking the easy way out. He is saying, "You are all staying locked in", and it makes an absolute mockery of clause 5. Look at the member for Geraldton—he knows the score.

Mr Carr: What has it to do with me?

Mr THOMPSON: He knows there is no way in the world that there will be any departure from the hard line that the Minister has already signalled in his response to my motion that this clause be amended. I think it is a pity that the Government is not prepared to be a little more flexible in its approach to this sensitive area. It is clear from the debate that rages in the community, from the debate that occurred in our party room, from the debate which I am sure took place in the Caucus room on this subject, and from the debate that has gone on here that no more controversial issue ever comes before this House than the issue of trading hours.

Mr Parker: You wait until we amend the Bread Act.

Mr THOMPSON: Members should talk to Des O'Neil, or the member for South Perth, or other Ministers for Labour and Industry. Hon. Gordon Masters allowed trading on one day for a very special reason—I think it might have been Christmas—and all hell broke loose.

Mr Peter Dowding: But he did it so late. You flapped around and made up your mind, and then cancelled it, then changed it. You announced it so late that no-one could get ready for it.

Mr THOMPSON: Whatever the score, this facet of our law generates more heat and concern in the community than most other things we deal with. I can understand it, because over the years we have had the situation where there has been a law that says when one may and may not trade, and people have put their life savings on the line on the basis of that legislation.

Mr Parker: The interesting thing that comes out of the debate is that everyone says they have a particular ideological point of view about deregulation or free enterprise, but when it comes down to the wire, all those things go out the window and they are interested only in self-interest.

Mr THOMPSON: They are entitled to be.

Mr Parker: But all the rhetoric you people talk gets thrown to one side when issues like this come up.

Mr THOMPSON: But that is understandable, because it is people's bread and butter you are talking about. It is almost impossible to get unanimity in this situation; therefore we must treat the subject with the utmost caution and a great deal of delicacy. There needs to be tremendous understanding of the problem.

Mr Peter Dowding: Creating anomalies is not the way to do that.

Mr THOMPSON: We are suggesting that it is an anomaly to require them to open because the reason for this legislation coming to the Chamber is to cater for trade that we can reasonably expect to occur as a result of an influx of people from overseas, most of whom will come from places where on a Saturday afternoon they can go and buy an article of clothing, or some sporting goods, or something else. But most of those people are unlikely to come from a place where on a Saturday afternoon they could buy a motor vehicle.

By the compilation of this legislation I thought the Minister recognised that there needs to be flexibility because there will be some sections of commerce which ought to be excluded, and that that is the reason he inserted clause 5. However, from his utterances thus far it is clear that clause 5 is simply a sop. It is something he has inserted in order to say to people such as the motor vehicle dealers, "You come and talk to me after the legislation has been passed. I will listen to you and consider your point of view, but then I will send you on your way because it is easier for me to have nothing to do with trying to look rationally and reasonably at the arguments that will be advanced by other people who want exemption under the powers conferred on the Minister".

Mr TRENORDEN: The National Party does not support the Liberal Party's amendment. The reason for that is not that we do not have empathy with the vehicle traders, and with their employees, because we do; but unfortunately it is the Labor Party which made

the pool and threw the fishes in there to swim. If there is to be a trial for three months, it should be a trial for three months without exemption. I feel sorry for the people involved in the retail industry, but the fact is that we do not have the numbers to pass this today, however we look at the situation, so if there is to be a trial, that is what is going to be.

Mr Thompson: That is not the rationale behind the Bill coming to Parliament.

Mr TRENORDEN: What is the rationale?

Mr Thompson: It is to cater for the increased trade expected because of the America's Cup. It has nothing to do with any trial, if you listen to the Minister.

Mr TRENORDEN: The member is right in making that statement, but I am afraid our party's stance is that it is a trial for the deregulation of trading hours.

We would like to exclude a lot of people from a lot of heartburn, but if there is to be a trial it should include all people. On that basis, although we do have empathy with the people in the industry, we believe the Labor Party should sink or swim on this. We believe it will sink by its own decision.

**Amendment put and a division taken with the following result—**

#### Ayes 14

Mr Blaikie	Mr Rushton
Mr Bradshaw	Mr Spriggs
Mr Cash	Mr Thompson
Mr Hassell	Mr Tubby
Mr Lewis	Mr Watt
Mr Lightfoot	Mr Williams
Mr MacKinnon	
Mr Mensaros	

(Teller)

#### Noes 27

Mr Bertram	Mr Nalder
Mr Terry Burke	Mr Parker
Mr Burkett	Mr Pearce
Mr Carr	Mr Read
Mr Cowan	Mr D. L. Smith
Mr Peter Dowding	Mr P. J. Smith
Mr Evans	Mr Taylor
Dr Gallop	Mr Thomas
Mr Grill	Mr Tonkin
Mr Gordon Hill	Mr Trenorden
Mr Hodge	Mrs Watkins
Mr House	Mr Wilson
Dr Lawrence	Mrs Buchanan
Mr Marlborough	

(Teller)

#### Pairs

Ayes	Noes
Mr Clarko	Mrs Beggs
Mr Crane	Dr Watson
Mr Laurance	Mr Brian Burke
Mr Court	Mr Bridge
Mr Grayden	Mr Bryce

**Amendment thus negatived.**

**Clause put and passed.**

**Clauses 5 and 6 put and passed.**

**Title put and passed.**

*Report*

Bill reported, without amendment, and the report adopted.

*Third Reading*

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Peter Dowding (Minister for Employment and Training), and transmitted to the Council.

**ENVIRONMENTAL PROTECTION BILL**

*Second Reading*

Debate resumed from 16 October.

**MR BLAIKIE (Vasse)** [10.35 p.m.]: We are now continuing the debate on the Government's rewrite of our environmental legislation in WA. Members will recall that the second reading debate began last Thursday. It is completely unsatisfactory for the Government to handle debate on legislation of this nature in such a disjointed way. It is grossly unfair on members of the Opposition for the Government to proceed in this ad hoc way, and the Government is deserving of condemnation. Members are aware that the House will adjourn at 11 o'clock tonight and that we will not have an opportunity to speak on the Bill again until next Thursday. I venture to say that the debate will not be concluded next Thursday but will carry over into the following week. The Government was aware of this when it introduced the legislation, major legislation which proposes major changes. The Government has shown a lack of consideration certainly to members of the Opposition but also to members of the public who may wish to have a following brief on this legislation. I want very clearly to record my great concern for the way the Government has handled the management of the House in allowing legislation such as this to come up as it has.

When my remarks were interrupted last Thursday I was speaking about clause 38 of the Bill which happens to be part IV, which provides for environmental impact assessments. The entire part relates to this new era of environmental law.

If I were a developer or involved with industry in any way I would be quite concerned about the extent of this part of the Bill. I do not believe part IV is necessary. It would certainly

frighten the pants off any would-be developer were this section of the Bill to be passed.

Part IV provides for any person to notify the EPA of his objection to any proposal put forward for commencement. The definition of "proposal" as provided in the Bill refers to any "project, plan, programme, policy, operation, undertaking, development or change in land use or amendment of any of the foregoing".

It means literally anything. Whatever may happen or is proposed to happen, one finds that any party can request an environmental impact assessment.

**Mr Hodge:** That is the present situation, you know.

**Mr BLAIKIE:** For a third party to request it?

**Mr Parker:** Anyone can request it at the moment.

**Mr Hodge:** Even you.

**Mr BLAIKIE:** Under what section of the Act?

**Mr Hodge:** I think it is section 56.

**Mr BLAIKIE:** Is the Minister saying that what he is proposing in this Bill is the same as is in the current legislation?

**Mr Hodge:** Very similar.

**Mr BLAIKIE:** The Minister may say it is similar, but I am saying it is dissimilar and that it is a major variation. This clause contains a number of other factors which will cause developers concern. I want to develop this point further, but I take note of the Minister's remarks.

Any proposal, irrespective of whether it is a project, plan, programme, policy, operation, undertaking, or development or change in land use, or amendment of any of the foregoing—it could be a road or a building on a lot, a requirement for a subdivision, an addition to a subdivision or to a building or a house—will be open to objection by other persons, and a series of steps can then be taken in response to that objection. There will be two outcomes. One is that developers will be frightened and if they do proceed development costs will increase dramatically. The second is that we will finish up with an army of people to deal with environmental impact assessments because any future development or proposal may require a full environmental assessment.

**Mr Hodge:** That has been the position for years.

Mr BLAIKIE: All right. There are some minor variations. The EPA can request an assessment be made, or it can do it itself.

Mr Hodge: That is the present situation.

Mr BLAIKIE: In this instance, first of all a record will be kept of all proposals. Does that happen now? The record will be made available for public scrutiny. Does that happen now?

Mr Hodge: Yes, although it is not as carefully or as comprehensively kept. Certainly if any person goes into the EPA at the moment he can have it.

Mr BLAIKIE: Is it to be as freely and readily available? Of course not. There is a major difference. The Minister is proposing that a register be kept and that people who wish to make a proposal will register the proposal, which will be available to the public at all times.

Mr Hodge: What is wrong with that?

Mr BLAIKIE: That is a variation from the current legislation.

Mr Hodge: No, it is not. Any person who asks for the information at the EPA at the moment can be given it.

Mr BLAIKIE: Any information at all?

Mr Hodge: Any information about the name of a developer and a proposal, and what the EPA plans to do about it or has done about it.

Mr BLAIKIE: Yes, but I believe the procedures for the environmental impact assessment will be a minefield for future developers. We will go into this extensively during the Committee stage. Once a person lodges a proposal and the EPA decides that information is required and a public inquiry shall take place, the person lodging the proposal is obliged to provide copies of certain reports. He will lodge as many copies as the Minister determines, with whom the Minister determines, and at a cost determined by the Minister. Does the Minister now say that this is in the current legislation?

Mr Hodge: Yes. The proponents at the moment are required to publish PERs or ERMPs at their own cost, but they can charge people who ask for copies and recoup their money.

Mr BLAIKIE: But under this legislation the Minister will determine the cost, so there is a difference. The people who make the proposals must make copies available at a charge determined by the Minister. They must also make available the number of copies determined by the Minister. One could have a situation where 300, 400, 500, or 600 copies of a report must be

made available. These are matters which may have some foundation in a theoretical sense, but they will frighten the daylights out of developers when it comes to practical consideration.

Mr Hodge: It has not frightened them for the last 10 years.

Mr BLAIKIE: It will frighten small developers in future because they will have to meet this proposal.

Mr Hodge: They meet it now.

Mr BLAIKIE: If the Shire of Bassendean wanted to give approval for a house to be constructed on a lot within that area—

Mr Parker: Any individual can refer that to the EPA under section 57 of the Act.

Mr BLAIKIE: That certainly may be done, but this Bill gives far greater freedom for that to happen and for the Minister to give a direction if he so determines.

Mr Hodge: The Minister can do it now. I do not think you have read this Bill thoroughly.

Mr BLAIKIE: I have read the Bill. When industry wakes up to what the Government is proposing—

Mr Hodge: Industry has thoroughly examined this Bill, I can assure you.

Mr BLAIKIE: What has industry said?

Mr Hodge: It has asked for certain amendments and they are on the Notice Paper.

Mr BLAIKIE: Is the Minister saying that industry supports the general thrust of this legislation?

Mr Hodge: Yes.

Mr BLAIKIE: I suggest to the Minister that once industry understands the full implications—

Mr Hodge: It is you who do not understand the full implications.

Mr BLAIKIE: This proposal for an environmental impact assessment causes the Opposition grave concern. It proposes to set up a register which will be freely available. I also question the future role of local government because I can see this proposal for an assessment taking away from local government some matters which come under its planning decisions. It is proposed that local government will make its determinations and a person can appeal, and if the Minister upholds the appeal assessments will be carried out.

Mr Hodge: They can do that now.

Mr BLAIKIE: I understand the Local Government Association has already expressed concern to the Minister in this regard. Local government bodies have indicated they believe the provisions of the Town Planning and Development Act should be exempt from the Bill. The LGA is an important organisation and it has a great degree of concern about this legislation.

I have already indicated my concern about the costs that developers will have to meet when the Minister indicates the number of proposals that must be made available and the charge to be made. If the Government wants to ensure copies of reports are made available at some stage along the line, it should come to the party and meet part of the cost.

It gives the Minister an open opportunity and if there are to be many organisations and public authorities involved it will have an effect on the cost of the proposal and frighten away developers.

I refer to clause 43. While an assessment can be carried out, it gives the Minister an opportunity to have the report assessed. It can then be referred by the Minister for further reassessment. There could be a situation where, if the Minister does not receive the answer to an environmental impact assessment that he wants, he can ask that it be reassessed again until he gets the report he wants.

Under the provisions of the clause, the Minister may, during assessment by the authority, refer to it and, after consulting with the authority, direct the authority to assess or reassess, as the case requires. The Minister can send a proposal around in circles until he gets what he wants.

Mr Hodge: The Minister has the final say anyway. I have to accept or reject the amendments and put on the conditions.

Mr BLAIKIE: The Minister certainly does have the final say, but it is pointless for the Minister to bring a piece of legislation like this to the House and say how it guarantees the absolute autonomy of the Environmental Protection Authority.

Mr Hodge: It enhances what the present situation is.

Mr BLAIKIE: On the other hand, under this clause, the Minister then has the power to keep sending back to the authority for reassessment as often as he determines his proposals to be reassessed. One cannot say on the one hand that the authority has absolute freedom and then on the other hand, say that the Minister

has absolute licence. I believe the Minister should have that licence and be publicly accountable, but it does not do him justice to come to the House and say he is introducing a piece of legislation that will enhance the independence of the Environmental Protection Authority. It will not. Under clause 43, it can be assessed and reassessed all over again at the Minister's direction.

Areas relating to pollution control are covered under clauses 49 to 86. Other members of the Opposition will be dealing with those sections in particular detail.

To summarise, I believe this Bill, as it is currently, will be a minefield for developers. It will be viewed with great concern by local government bodies across the State once they understand its implications. It will take away from local government bodies some of their very valuable rights and entitlements.

The Bill will provide for class action by third parties. I have grave concern about the consequences of that. It will provide for a system of referrals. The Minister can request reassessments on environmental impact assessments ad infinitum until the decision the Minister wants is reached.

A further matter that gives me concern is that there is no reference to a commercial judgment when considering issues relating to matters of the environment. That is a very important omission from the Bill. While one is considering issues of the environment, there has to be some regard for commercial judgment.

Mr Hodge: That is not the EPA's role. It is the Government's role.

Mr BLAIKIE: It can be embodied within the Act that the EPA, while it makes its determinations, can have regard for commercial interests.

Mr Hodge: That is a whole new suggestion. It has never been the role of the EPA. I do not think it should be. The EPA does not have the expertise or the role to do that. That is the Government's decision.

Mr Parker: I think you would find industry would generally be horrified at a suggestion like that.

Mr BLAIKIE: It is matter that gives me concern. Local government is not involved in the Act. Primary industry is not involved in the Act. That is a new departure from what is contained in the present Act. We have a Con-

servation Council which was established under the present Act.

Mr Hodge: Which has never worked and never had a role. It has never been successful.

Mr BLAIKIE: If it has not been successful, it could have been revised to make it successful. At least local government and primary industry did have an opportunity to have a voice in environmental matters.

Mr Hodge: It met three times a year and each time it met it had on the agenda what their role and function was.

Mr BLAIKIE: This Bill will be the subject of considered debate during the Committee stage. We look forward to the comments of the Minister.

Debate adjourned, on motion by Mrs Henderson.

*House adjourned at 10.57 p.m.*

## QUESTIONS ON NOTICE

### HOTHAM VALLEY TOURIST RAILWAY

#### *Westrail Hire Charges*

1197. Mr RUSHTON, to the Minister for Transport:

- (1) What has been the Westrail hire charge to Hotham Valley Tourist Railway for the years—
  - (a) 1983;
  - (b) 1984;
  - (c) 1985; and
  - (d) 1986?
- (2) What has been the percentage increase based on 1982 and between each year?
- (3) What has been the total revenue received by Westrail from Hotham Valley Tourist Railway for the years—
  - (a) 1982;
  - (b) 1983;
  - (c) 1984;
  - (d) 1985;
  - (e) 1986 so far?
- (4) What rationalisation of the hire charge by reviewing the staffing arrangements, are—
  - (a) Westrail;
  - (b) the unions;
 prepared to make towards lowering the cost to the Hotham Valley Tourist Railway?
- (5) Is the Government prepared to encourage the Hotham Valley Tourist Railway by assisting it with the 25 per cent above directing operating costs charged by Westrail for contingencies and a contribution to overheads?

Mr TROY replied:

- (1) The charges vary in accordance with destination, etc. However, an indicative example for hires Perth to Dwellingup and return, using 8 coaches as a base is—
  - (a) 1983—\$3 180;
  - (b) 1984—\$4 000;
  - (c) 1985—\$4 650;
  - (d) 1986—\$6 360;
- (2) Percentage increase based on 1982—
 

1982-1983—17 per cent  
1982-1984—48 per cent

1982-1985—72 per cent

1982-1986—135 per cent

Percentage increase year to year

1982-1983—17 per cent

1983-1984—26 per cent

1984-1985—16 per cent

1985-1986—36 per cent

- (3) (a) 1982—\$67 585;
- (b) 1983—\$80 722;
- (c) 1984—\$125 705;
- (d) 1985—\$220 712;
- (e) 1986—\$226 607 to date.

These figures reflect the cost increases and substantial increase in the number of HVTR train hires over the years.

- (4) (a) and (b) These matters are currently under examination between the Hotham Valley Tourist Railway, Westrail, the unions, and me.
- (5) The Government has supported the Hotham Valley Tourist Railway in a number of ways. However, the charges for train hires are subject to commercial negotiation between Westrail and its client.

### WATER AUTHORITY

#### *Depreciating Assets: Funds Generated*

1276. Mr MENSAROS, to the Minister for Water Resources:

Could he please show the funds generated by depreciating assets of the Water Authority of Western Australia yearly from 1980-81—separately for Metropolitan Water Authority and its predecessor until amalgamation—indicating each year the starting value of assets to be depreciated, the rate of depreciation, and the amount of depreciation?

Mr BRIDGE replied:

The approach to depreciation based on replacement costs, now in use for determining metropolitan income requirements, is the same as that used by the former Metropolitan Water Authority. However, the application of the method has been steadily refined to make the determination of asset values and asset lives more accurate. The MWA phased-in replacement cost depreciation over a number of years by progressively increasing the depreciation rate based on the av-

erage life of the pool of the authority's assets. The flat rates used were 1980-81, 1 per cent; 1981-82, 1.25 per cent; 1982-83, 1.5 per cent.

In 1983-84 the authority undertook a comprehensive review of its assets including an assessment of the average useful economic life of assets in a number of categories. The authority determined replacement cost depreciation for 1983-84 using 87.5 per cent of the revised rates for each category. For 1984-85 and 1985-86 the full rates for assets for each category were used.

From 1983-84 a separate percentage of depreciation has been used for each of a large number of asset categories. The percentage used for each category is based on the useful life of the assets concerned. Because of the range of asset lives involved, the depreciation rates vary widely.

For each year the asset values are shown below, valued at historical cost and the estimated replacement cost used for current cost adjustment purposes—

ASSETS (\$ Millions)							
	1980-81	1981-82	1982-83	1983-84	1984-85	1985-86	
	metropolitan operations					Country	Metro
Historical cost	683	757	855	956	1 064	441	971
Replacement cost	1 509	1 687	2 112	2 126	2 231	—	2 442
For periods 1980-81 to 1984-85 the amounts relate only to metropolitan operations. In 1985-86 separate values are shown for metropolitan and country operations.							
Details of the total amount of depreciation generated are shown below—							
DEPRECIATION (\$ Millions)							
	1980-81	1981-82	1982-83	1983-84	1984-85	1985-86	
	metropolitan operations					Country	Metro
Historical cost depreciation	16.03	22.92	31.68	22.544	20.647	12.019	22.803
Current cost adjustment				14.756	24.963	1.000	28.054
Total (Replacement cost) Depreciation	16.03	22.92	31.68	37.3	45.610	13.019	50.857

For periods 1980-81 to 1984-85 the amounts relate only to metropolitan operations. For 1985-86 separate values are shown for metropolitan and country operations.

Note: In addition the following adjustments were made in 1985-86 for fleet assets—

Historical cost depreciation	\$1.783M
Current cost adjustment	\$1.344M

**TOTAL \$3.127M**

Since 1983-84 the MWA had reported the historical cost depreciation as an expense in the profit and loss statement, and the current cost ad-

justment as an appropriation to the asset replacement reserve.

The current cost adjustment of \$1 million in 1985-86 for country operation is a first step towards phasing-in a provision for asset replacement. A replacement cost valuation of country assets has not yet been determined.

## ABATTOIRS

*Lamb Marketing Board: Profit*

1278. MR BRADSHAW, to the Minister for Agriculture:

(1) What is the profit made by the Lamb Marketing Board for 1985-86?



- (2) Is the Lamb Marketing Board taking an option on the Linley Valley abattoir?
- (3) If "Yes" to (2), is the Lamb Marketing Board taking the option to purchase with Smorgons?
- (4) Is the option to purchase running at \$4 000 per day or per week?

Mr GRILL replied:

- (1) The annual report of the Lamb Marketing Board has been tabled in Parliament. A net surplus of \$138 641 was recorded.
- (2) and (3) I remind the member that the Lamb Marketing Board ceased to exist on 30 June 1986 when the Meat Marketing Corporation was created. The Meat Marketing Corporation currently has an option to purchase the Linley Valley abattoir from Smorgons.
- (4) This information is privy to the Meat Marketing Corporation, which has a mandate to act on commercial lines.

## FORESTS

### *Jarrah: Area*

1296. Mr RUSHTON, to the Minister for Conservation and Land Management:

- (1) What is the total area of jarrah in State forest?
- (2) What is the area of virgin jarrah in State forest?
- (3) What is the area of virgin jarrah in State forest that is available for logging?

Mr HODGE replied:

- (1) 1.4 million hectares.
- (2) 0.3 million hectares.
- (3) The present working plans are under review. New management plans for State forest will be available in early 1987.

## INDUSTRIAL DEVELOPMENT: MANJIMUP CANNERY

### *Purchase: Special Conditions*

1312. Mr COURT, to the Minister for Industry and Technology:

- (1) Did Edgell insist on any special conditions being included in its agreement to purchase the Manjimup cannery?

- (2) If "Yes", did these conditions include the ability to pull out in the first three years and a covenant stopping the previous cannery owners from operating in opposition to Edgell for five years?

Mr BRYCE replied:

- (1) Edgell's agreement to purchase the cannery was a normal commercial agreement. It contained no particular elements which would be considered unusual or special in such an agreement.
- (2) Edgell sought an undertaking from the Government that the Government would buy back the existing cannery if Edgell was prevented from proceeding with its proposed potato processing works. An agreement along these lines is presently being developed. It will have a maximum life of one year and will be quite specific to the existing cannery. As soon as Edgell commence work on its potato processing plant the Government's obligation will lapse.

In the context of the purchase agreement between Edgell and the Manjimup Canning Co-operative Company Limited there is a non-competition clause as is usual in such agreements. The clause restrains only the Manjimup Canning Co-operative Company Limited.

## ELECTORAL DISTRICTS

### *Enrolments*

1314. Mr D. L. SMITH, to the Minister for Parliamentary and Electoral Reform:

- (1) What was the total number of electors enrolled in each district of the Legislative Assembly as at 10 October 1986?
- (2) Based on those enrolments, what would be the quota for—
  - (a) metropolitan seats;
  - (b) agricultural, pastoral and mining seats;
  - (c) Pilbara;
  - (d) Kimberley;
  - (e) Murchison-Eyre and Gascoyne?
- (3) (a) How many districts were there more than 20 per cent over quota;
- (b) which ones are they;

- (c) in each case by what percentage do they exceed the quota?
- (4) (a) How many districts were there more than 20 per cent under quota;
- (b) which ones are they;
- (c) in each case by what percentage are they under quota?

Mr BRYCE replied:

- (1) See following schedule which shows numbers of electors following the roll update of 14 October 1986.
- (2) (a) Metropolitan area, 19 626;
- (b) agricultural, mining and pastoral area, 10 229;
- (c) to (e) as these districts stand individually, it is not possible to identify a quota in similar terms to those applicable in the metropolitan and agricultural, mining and pastoral areas. The quota in each of those latter areas is determined by dividing the electoral population of the area by the number of districts therein, being 30 and 23 respectively.

- (3) (a) five;

- (b) and (c)

Dale	20.26
Joondalup	48.59
Mandurah	20.85
Murdoch	52.24
Whitford	24.27

- (4) (a) Nil;

- (b) and (c) not applicable.

Electorate	Quota Variation	
	Total	%
Albany	8 994	-12.07
Armadale	20 850	+6.24
Ascot	16 189	-17.51
Avon	9 602	-6.13
Balcatta	19 721	+0.48
Balga	22 687	+15.60
Bunbury	8 816	-13.81
Canning	18 817	-4.12
Clontarf	16 229	-17.31
Cockburn	22 881	+16.59
Collie	9 183	-10.23
Cottesloe	17 638	-10.13
Dale	12 301	+20.26
Darling Range	10 681	+4.42
East Melville	17 187	-12.43
Esperance-Dundas	10 998	+7.52
Floreat	19 183	-2.26
Fremantle	16 403	-16.42
Gascoyne	4 919	
Geraldton	10 124	-1.03
Gosnells	20 556	+4.74

Greenough	10 269	+0.39
Helena	21 735	+10.75
Joondalup	29 162	+48.59
Kalamunda	10 382	+1.50
Kalgoorlie	10 813	+5.71
Karrinyup	21 405	+9.06
Katanning-Roe	9 371	-8.39
Kimberley	17 540	
Mandurah	12 362	+20.85
Maylands	17 340	-11.65
Melville	19 676	+0.25
Merredin	8 865	-13.33
Mitchell	11 531	+12.73
Moore	11 528	+12.70
Morley-Swan	22 214	+13.19
Mount Lawley	17 674	-9.95
Mount Marshall	8 786	-14.11
Mundaring	10 876	+6.33
Murchison-Eyre	3 760	
Murdoch	29 878	+52.24
Murray-Wellington	11 241	+9.89
Narrogin	9 048	-11.55
Nedlands	16 512	-15.87
Nollamara	17 041	-13.17
Perth	17 279	-11.96
Pilbara	14 581	
Rockingham	21 656	+10.34
Scarborough	16 801	-14.39
South Perth	17 157	-12.58
Stirling	10 078	-1.48
Subiaco	17 085	-12.95
Vasse	10 779	+5.38
Victoria Park	15 753	-19.73
Warren	8 639	-15.54
Welshpool	17 686	-9.88
Whitford	24 390	+24.27
Total all electorates	864 898	
Metropolitan Quota	19 626	
Agricultural Quota	10 229	

## TRANSPORT: RAILWAYS

### Ballast: Tenders

1315. Mr TRENORDEN, to the Minister for Transport:

When will tenders be called for the supply of ballast for the 1986-87 season?

Mr TROY replied:

It is anticipated that tenders will be called during December.

## UNEMPLOYED PEOPLE

### Interest Free Loans: Business Establishment

1326. Mr MENSAROS, to the Minister for Employment and Training:

- (1) How many applications were received from unemployed people wishing to benefit from the State-Commonwealth scheme of interest-free loans to establish businesses?

- (2) What decisions have been made as to allocating such loans?

- (3) How many applicants with what aggregate amount of loan moneys have benefited?

Mr PETER DOWDING replied:

- (1) From inception date, 9 May 1984 to 30 June 1986, 209 applications from unemployed persons have been considered by the new enterprise scheme advisory board.
- (2) Business viability is the main criteria considered in determining the success of an applicant; the employment prospects are also relevant.
- (3) 101 applicants have received loan monies for the period 9 May 1984 to 30 June 1986, and a total of \$514 375 has been lent or granted.

#### UNEMPLOYED PEOPLE

##### *Interest Free Loans: Business Establishment*

1327. Mr MENSAROS, to the Minister for Employment and Training:

- (1) Does the State Government contribute financially to the State-Commonwealth scheme to grant interest-free loans to unemployed people wishing to establish business ventures?
- (2) If so—
  - (a) in what proportion to the Commonwealth Government;
  - (b) from which sources of the State Government's 1984-85 or 1985-86 revenue and/or loan Budgets?

Mr PETER DOWDING replied:

- (1) Yes.
- (2) (a) 1984-1985—100 per cent State Government contribution  
1985-1986—100 per cent State Government contribution for loan funds; Commonwealth Government financed training costs and income support for the initial 12-month period for the funded business enterprise.
- (b) From the State employment strategies fund appropriation for both 1984-1985 and 1985-1986.

#### SPORT AND RECREATION

##### *Perth Bikeplan: Report*

1328. Mr MENSAROS, to the Minister for Local Government:

Which of the recommendations of the Perth bikeplan study team in their summary report published May 1985, has the Government accepted?

Mr CARR replied:

The Government has accepted the recommendation that a permanent unit be established to advise the Minister responsible on matters of bicycle policy. These positions will be filled shortly.

The first task of the bicycle unit will be to make recommendations to the Minister for Local Government on the priorities to be followed in the implementation of bikeplan. The implementation of bikeplan will be addressed within the context of the recent budgetary allocation.

#### MINERAL: IRON ORE

##### *Exports: Japan*

1329. Mr MENSAROS, to the Minister for Minerals and Energy:

What was the percentage of the quantity of Australian directly shipped iron ore of that of the total Japanese imports during the periods of—

- (a) January to June 1985;
- (b) January to June 1986?

Mr PARKER replied:

Australian exports of iron ore to Japan in the period January to June 1986 accounted for 40.3 per cent of total imports. This compares with 45 per cent in the corresponding period in 1985. In July 1986 the figure had risen to 48.4 per cent, and in August 1986 it was 46.23 per cent.

#### "WA GOVERNMENT NOTES"

##### *Publication: Cost*

1330. Mr MENSAROS, to the Premier:

- (1) What was the total cost of editing, printing, and distributing the first 60 issues of the *WA Government Notes*?

- (2) What was the revenue received proportionately applying to these first 60 issues?

Mr BRIAN BURKE replied:

See reply to question 1085 asked on 7 October 1986.

## ARTS

### *Alexander Library: Opening Hours*

1331. Mr CASH, to the Minister for The Arts:

- (1) Is it a fact that the opening hours of the Alexander Library have been reduced?
- (2) If "Yes", what are the new hours?
- (3) What are the reasons for reducing the library hours?
- (4) Is he aware that some students are being disadvantaged by the reduced hours?
- (5) If "Yes" to (4), what action does he propose to take to alleviate this problem?

Mr PARKER replied:

- (1) No.
- (2) to (5) Not applicable.

## HEALTH: HOSPITAL

### *Brookton: Facilities*

1332. Mr TRENORDEN, to the Minister for Health:

- (1) Is he aware of the Brookton Hospital's lack of facilities for a staff room, meeting room, waiting room, and an area for visitors to converse with patients?
- (2) Is it the Government's intention to meet this requirement for the Brookton Hospital?

Mr TAYLOR replied:

- (1) and (2) A proposal to upgrade the waiting area at Brookton Hospital has been received and is acceptable to the department. The hospital board has been advised that the proposed remodelling can proceed using its resources.

## CENTRAL WEST REGIONAL DEVELOPMENT ADVISORY COMMITTEE

### *Government Correspondence*

1333. Mr TRENORDEN, to the Minister for Regional Development:

- (1) Is he aware that the Central West Regional Development Advisory Committee is having difficulty getting some Government departments to reply to correspondence within a reasonable period?
- (2) Does he agree that it is difficult for regional development committees to function properly without appropriate support from Government departments?
- (3) Is he prepared to ensure that regional development committees get full support from Government departments?

Mr CARR replied:

- (1) to (3) There have been some unavoidable delays in correspondence when the issues required detailed investigation.

Government departments provide substantial support to advisory committees by way of detailed briefing papers and participation in discussions.

## LOCAL GOVERNMENT RATES

### *No Increase*

1335. Mr CLARKO, to the Minister for Local Government:

Would he list those Western Australian municipal councils which for the 1986-87 financial year did not increase their rates?

Mr CARR replied:

The Department of Local Government has recently completed its annual analysis of rating systems adopted by local governments which shows that the following councils did not increase their general rates in the dollar for 1986-87—

Broomehill  
Bruce Rock  
Canning  
Cunderdin  
Gingin  
Laverton  
Mukinbudin  
Northam Shire

Sandstone  
Trayning  
Upper Gascoyne  
Westonia

Some 20 councils adopted new valuations for 1986-87, and it is possible that several of these have not budgeted to increase their rate revenue. However, the department does not have details of these readily available.

# LOCAL GOVERNMENT: CANNING CITY COUNCIL

## *Investigation: Allegations*

1336. Mr CLARKO, to the Minister for Local Government:

- (1) Was an investigation held into the affairs of the Canning City Council?
- (2) What were the grounds for the investigation?
- (3) Were they upheld?
- (4) Was the council cleared of all negative allegations made against it?

Mr CARR replied:

- (1) to (4) It is not possible from the phrasing of the question for me to ascertain to which investigation the member is referring. There have been several investigations of recent times, ranging from allegations concerning breaches of pecuniary interest provisions through to a petition from ratepayers to His Excellency the Governor for the council to be dismissed.

If the member would care to be more specific I will be happy to let him have the information he requires in writing in due course.

# INSURANCE BROKERS ACT REPEAL ACT

## *Registration Fees*

1337. Mr NALDER, to the Minister for Consumer Affairs:

- (1) With respect to the General Insurance Brokers and Agents Act Repeal Act, what are the provisions for the assessment of the percentage figure at refund of registration fees?
- (2) What provision is there to appeal against the actual amount of refund paid?

Mr WILSON replied:

- (1) The provisions are contained in section 5(3) of the General Insurance Brokers and Agents Act Repeal Act and regulation 2 of the General Insurance and Brokers and Agents (Refund of Fees) Regulations 1986.
- (2) There is no provision for appeal.

# TECHNICAL AND FURTHER EDUCATION

## *Forrestfield: Class Size*

1338. Mr SPRIGGS, to the Minister for Education:

- (1) What reduction if any is being implemented to classes at Forrestfield technical school?
- (2) If classes are to be cancelled, when will this take effect?

Mr PEARCE replied:

- (1) The TAFE directorate has implemented a comprehensive on-going review of expenditure relating to all courses and services. Some changes have been proposed which may affect centres such as Forrestfield, but no decisions have been taken.
- (2) Not known. Adequate notice will be given.

# RURAL ADJUSTMENT SCHEME

## *Loans: Interest Rates*

1341. Mr SCHELL, to the Minister for Agriculture:

Has the interest rate on Rural Adjustment Scheme loans recently increased from seven per cent to nine per cent? If so, could he explain why this rise in interest was considered necessary when the recipients of these loans are facing increasing economic hardship?

Mr GRILL replied:

Interest rates on loans under the rural adjustment scheme have been generally nine to 12 per cent since January 1984.

RAFCOR has recently reviewed the interest rate on most debt reconstruction loans made before that date to nine per cent. I am not aware of this causing economic hardship to any recipient.

# MOTOR VEHICLE LICENCES

## Information Distribution

1342. Mr CASH, to the Minister for Police and Emergency Services:

- (1) Further to his answer to question 1206 of 1986, will he advise of the guidelines established for distribution of vehicle licensing information?
- (2) Is it practical to make changes to the computer programme and the procedural changes within the licensing and services section that would be required to furnish statistical information to the Western Australian Automotive Chamber of Commerce?
- (3) When was the Western Australian Automotive Chamber of Commerce advised that its previous request for statistical data had been refused?
- (4) Was this refusal made in writing?

Mr GORDON HILL replied:

- (1) The 1976 committee of inquiry on privacy and data banks indicated that "information recorded for Government purposes should be regarded as held only for the purpose for which it was supplied and should not be used or made available for any other purpose".
- (2) No.
- (3) 9 May 1986. On 15 April 1983 the Western Australian Automotive Chamber of Commerce was informed by police to make all their needs known to the Statisticians Office, 1-3 St George's Terrace, Perth, who has a statutory responsibility to provide statistical information to service the Government and the community. The Australian Automotive Chamber of Commerce could be again requested to make their industry's needs known to the Statistician.
- (4) Yes.

## POLICE: STAFF

### Additional: Budget

1351. Mr CASH, to the Minister for Police and Emergency Services:

- (1) Will he outline details of the "appointment of an additional 215 Police officers and aides and for administrative staff for the Police de-

partment" as stated in the Budget speech delivered on 16 October 1986?

- (2) In providing such details, will he indicate specific numbers in the areas of—
  - (a) police officers;
  - (b) police aides;
  - (c) administrative staff?
- (3) Was the figure of 215 additional personnel determined after consultation with the Western Australian Union of Police Workers?
- (4) If "Yes", will he provide details of the number of meetings he attended with the union in order to determine this number of additional personnel?

Mr GORDON HILL replied:

- (1) The Government, upon assuming office in February 1983, found police resources to have been seriously depleted and gave an undertaking to increase the authorised strength of the Police Force by 300 in the Government's term of office. That undertaking was honoured and was repeated in respect of the second term of office of the Burke Government.  
The 215 police officers and aides referred to in the question form part of that second undertaking, which is part of the most substantial boost to police numbers in the history of policing in this State.
- (2) (a) 213;  
(b) 2;  
(c) 30, comprising 23 level 1 clerical officers and 7 wages employees.
- (3) No.
- (4) Not applicable.

## MINERALS

*Robe River Iron Associates: Special Inspectors*

1352. Mr MacKINNON, to the Minister for Minerals and Energy:

- (1) When did he appoint the special mines inspectors to work at Robe River Iron Associates?
- (2) How many inspectors were appointed?
- (3) For what purpose were they appointed?

- (4) How was their appointment determined—ie, on what qualification basis?

Mr PARKER replied:

- (1) His Excellency the Governor-in-Executive-Council appointed the special inspectors from 9 September 1986.
- (2) Nine.
- (3) They were appointed on a temporary and honorary basis to make inspections relating to safety within specified parts of the Robe River Iron Associates operations and, in particular, to provide for direct access to workers on site by their elected representatives.
- (4) The basis for their appointment was their local knowledge of safety conditions and work practices in those respective parts of the Robe River Iron Associates operations for which they were appointed.

#### MINING

##### *Illegal: Legislation*

1353. Mr MacKINNON, to the Minister for Minerals and Energy:

- (1) Is the Government planning to introduce legislation which aims to crack down on illegal mining, including the use of metal detectors on pegged mining tenements as reported in *The West Australian* of 12 September 1986?
- (2) If so, when is it likely that legislation will be introduced into the Parliament?

Mr PARKER replied:

- (1) Yes.
- (2) During this spring session of Parliament.

#### LAND: NATIONAL PARKS

##### *Mining: Legislation*

1354. Mr MacKINNON, to the Minister for Conservation and Land Management:

- (1) Is the Government to introduce legislation to ban mining in national parks unless both Houses of Parliament approve, as reported in the *Daily News* of 18 September 1986?

- (2) If so, when is it likely that that legislation will be introduced into the Parliament?

Mr HODGE replied:

This question has been wrongly addressed to the Minister for Conservation and Land Management. It has been referred to the Minister for Minerals and Energy and he will answer the question in writing.

#### MINERAL: COAL

##### *Stockpiles: Power Stations*

1355. Mr MacKINNON, to the Minister for Minerals and Energy:

- (1) What tonnages of coal does the State Energy Commission currently have on hand at each of its power stations?
- (2) How much coal is currently in the Collie coal stockpile in Collie?

Mr PARKER replied:

As at 13/10/86

- |                                  |         |
|----------------------------------|---------|
| (1) Muja Power Station           | 366 663 |
| Kwinana Power Station            | 93 073  |
| Delta rail loading facility      | 156 051 |
| Bunbury Power Station            | 46 384  |
| (2) Reserve coal stockpile, Muja | 742 517 |

#### MOTOR VEHICLE LICENCE FEES

##### *Increases*

1356. Mr MacKINNON, to the Treasurer:

How many times, and by what amount, have motor vehicle licence fees increased since July 1985?

Mr BRIAN BURKE replied:

Once. An increase of 10 per cent applied from 1 July 1986.

#### TAXES AND CHARGES

##### *Financial Institutions Duty: Mortgage Loan Repayments*

1357. Mr MacKINNON, to the Treasurer:

Is financial institutions duty payable on mortgage loan repayments?

Mr BRIAN BURKE replied:

Yes.

**EDUCATION: HIGH SCHOOL***North Willetton: Land Ownership*

1358. Mr MacKINNON, to the Minister for Education:

- (1) Does the Government still own the land which is designated for the North Willetton high school?
- (2) If so, when will that school be constructed?
- (3) Is it a fact that the Government is considering disposing of this site?
- (4) If so, has a final decision been made in that regard?
- (5) If so, when will that site be disposed of?

Mr PEARCE replied:

- (1) The Government only owns approximately 9.3 hectares of the proposed North Willetton combined high and primary schools site.
- (2) No high school is to be constructed on the site.
- (3) Yes, all except 4 hectares which are to be retained as a proposed primary school site.
- (4) Yes.
- (5) The land and property branch of the Department of Land Administration will be asked to dispose of the land for which the Education Department has no further use once appropriate rezoning actions have been completed.

**WA DEVELOPMENT CORPORATION***Equity: Wharncliffe Pty Ltd*

1359. Mr COURT, to the Premier:

- (1) Has the Western Australian Development Corporation had an equity interest in Wharncliffe Pty Ltd?
- (2) If "Yes", does it still have an equity interest in this company and what is the extent of this interest?
- (3) What is the name of the company that Western Australian Development Corporation has taken a 20 per cent interest in which acquires and sells softwood products produced by Wesfi Pine Pty Ltd and marketed by Wesfi Pine Marketing Pty Ltd?

Mr BRIAN BURKE replied:

The answer to the member's question is contained in the WADC's annual report.

**FREMANTLE GAS AND COKE CO LTD***Tariff: Increases*

1360. Mr COURT, to the Minister for Minerals and Energy:

Further to question 1231 of 1986, what will be the extent of the increase to those customers under the Fremantle Gas and Coke Company's home tariff when they switch to the State Energy Commission rates?

Mr PARKER replied:

The change in the monthly account will depend on the consumption, but typically increases will vary from \$4 to \$7.

**GAMBLING: CASINO***Adjacent Land: Responsibility*

1361. Mr SPRIGGS, to the Minister for Education:

- (1) Is the Education Department responsible for maintenance of any part of the land adjacent to or in the vicinity of the Burswood Casino?
- (2) If "Yes", would he outline—
  - (a) what those responsibilities are;
  - (b) what land is involved; and
  - (c) what costs are involved?

Mr PEARCE replied:

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

**MINISTERS OF THE CROWN***Advisers: Reductions*

1362. Mr RUSHTON, to the Premier:

Adverting to my questions 1191 and 1246 of 1986 concerning Ministerial advisers and reductions in public service numbers and the fact that the information sought is not contained in the Budget papers and reports, will he now let me have the requested information?



Mr BRIAN BURKE replied:

The member is referred to the replies to his earlier questions. If he has a specific concern in relation to these matters and raises it with me, I will consider having it investigated.

## HOUSING

### *Land Holdings*

1363. Mr RUSHTON, to the Minister for Housing:

Adverting to question 1308 of 1986, on the understanding that the Homeswest land holdings are computerised, why is it so difficult or time consuming to provide me with information requested in items (1), (2), (3), and (4)?

Mr WILSON replied:

Homeswest's land holdings and land transactions are not computerised. The information requested would involve analysing and collating information from several thousand transactions which would take an inordinate amount of time and effort to extract manually.

I cannot justify supplying an answer at this time. However I would be pleased to respond to any specific inquiry.

## WA DEVELOPMENT CORPORATION

### *Commercial Performance: Information*

1364. Mr RUSHTON, to the Premier:

Adverting to question 1307 of 1986, as the Western Australian Development Corporation has offered and I have accepted its offer to give me information to assist me understand its commercial performance, will he please now let me have the information sought by me on 15 October?

Mr BRIAN BURKE replied:

As previously stated to the member, the information sought is a matter of public record and might properly be sought from the Office of Titles.

## QUESTIONS WITHOUT NOTICE

### MIDLAND ABATTOIR

#### *Sale: Approval*

281. Mr HASSELL, to the Minister for Agriculture:

Having regard to his statement to the Select Committee inquiring into the sale of the Midland abattoir that the completion of the sale was a formality, I ask him—

- (1) Has the Governor's approval for the sale been obtained yet?
- (2) What total payment on account of the purchase has been made by Mr Ellett?
- (3) When is the sale to be completed?
- (4) Has any title to any part of the property been transferred to Mr Ellett?
- (5) Has Mr Ellett possession of any part of the property?

Mr GRILL replied:

This is actually a matter that should be handled by the Minister for Lands, but I will answer parts of it that I have some knowledge of.

- (1) As far as I am aware, to date the Governor has not given formal approval to the sale of the land, but that formality is imminent.
- (2) I may be corrected but I understand that the only payment made has been the deposit on the land, and that once we are in a position to transfer the property, settlement of the deal will be made in the normal course of events.
- (3) I am not sure of the completion date. All I know is that the necessary formalities, of which there are a considerable number, including an array of matters that relate to the subdivision of the land in a way which will allow some of it to go back to the Government—in the hands of the Department of Conservation and Land Management and some to Westrail—and some to the new owner, have to be completed, but this should not take more than a few weeks.
- (4) As far as I am aware, no part of the title has been transferred.

- (5) Formal possession of the land has not been given to Mr Ellett, but he has been given permission to undertake some preparatory work on the land in anticipation of his setting up the brickworks.

**MR PETER ELLETT**

*Financial Backer*

282. Mr MacKINNON, to the Minister for Agriculture:

- (1) Does he know the identity of the financial backer of Mr Peter Ellett in regard to the establishment of a brickworks on the Midland abattoir site?
- (2) If "Yes", when was that information made available to him?

Mr GRILL replied:

- (1) and (2) I am aware that Mr Ellett has a sound financial backer for the land. I am not aware who the financial backer is; and even if I were aware I would not make the information public without his consent.

**MIDLAND ABATTOIR**

*Sale: Documents*

283. Mr HASSELL, to the Minister for Agriculture:

I refer the Minister to the offer and acceptance for the sale of the Midland abattoir signed by him in April this year, and ask—

- (1) Has he now ascertained whether the document is legally binding?
- (2) Has he now ascertained whether he had authority to sign the document on behalf of the Government?
- (3) If "Yes" to (2), under what Act or Acts does he derive that authority?

Mr GRILL replied:

- (1) I have received no advice from the Attorney General's office which indicates that the offer and acceptance is not legally binding.
- (2) Yes, I had authority to act in so far as I did act in respect of the sale of the land.
- (3) I do not know under what Act.

**PUBLIC TRUST OFFICE**

*Estate of Late Mr Viv James: Reopening*

284. Dr LAWRENCE, to the Minister for Employment and Training:

- (1) Has his attention been drawn to an article in the *Subiaco Post* of 7 October 1986 headed "Parliament call to re-open Viv James case"?
- (2) Does he intend to establish a public inquiry into the allegations by Mr John Massam against the Public Trust Office?

Mr PETER DOWDING replied:

- (1) and (2) I thank the member for some notice of the question. The Attorney General has replied in the following terms—

I have seen the article as well as advertisements placed in *The West Australian*, the *Daily News*, and other publications. I do not consider there is any basis to the various allegations of impropriety which have been made by Mr Massam. These allegations have been exhaustively investigated by the Parliamentary Commissioner, the Public Trustee, and me, and have been found to be without foundation. There is certainly no reason to have a Royal Commission or other public inquiry into the Public Trust Office.

The Public Trust Office has my complete confidence and can be relied on to perform its important duties in a fully professional manner. It is entitled to the respect and confidence of the community. I must say, however, that I am concerned about the way in which Mr Massam continues to attack the staff of the Public Trust Office. I am also deeply concerned about the effect which his unfounded allegations might have on people, particularly the elderly, who have nominated the Public Trustee as executor of their wills. All clients of the Public Trustee can act on the assurance that their affairs will be handled properly and professionally by the Public Trustee.

The Public Trust Office has an enviable record of service established over 40 years and this is being fully maintained.

# STOCK: SALEYARDS

## *Metropolitan: Alternative Site*

285. Mr COWAN, to the Minister for Agriculture:

As it appears the Government is intent on proceeding with the sale of the Midland livestock selling complex, would he advise the House whether he is prepared to commission a study into an alternative site for a saleyards complex and also whether the Government would be prepared to contribute to the cost of, firstly, the study, and secondly, any new saleyards which may have to be built as a consequence of the sale of the existing facilities?

Mr GRILL replied:

I indicated earlier, I think in answer to a question from the Leader of the National Party or it may have been one of his members, that it is my belief that the livestock saleyards in Midland have an assured future. There will be no need for them to be relocated in the future.

Mr Cowan: Five years.

Mr GRILL: There is at least six years under the lease.

Mr Cowan: Five years—three years of operation and two years' notice.

Mr GRILL: As I said, it is six years under the lease. The member has simply misread the document or has not read it at all and is going on hearsay.

Mr Bryce: Collusion at best!

Mr Cowan: We just want to make sure we get our 25 per cent of questions.

Mr GRILL: I was really enjoying that.

The situation with the livestock saleyards is that there will be no reason to relocate the stockyards. They do have an assured life of at least six years. Let me say that again—for at least six years. There will be, in my opinion, no need to relocate them at any time in the future.

In respect of looking at alternative sites, I have already indicated to industry, to this House, and to the pub-

lic generally in response to concern expressed by some people—I do not share that concern—that the Government will have a study of alternative sites done. That study will be conducted in due course. I have named the people who will be carrying it out and as far as I am aware, the preparatory work of that study is under way.

In respect of the costs, these will be met by the Government.

In respect of relocation costs, I cannot bind a Government at some far off future date in respect of some imponderable which I do not think is really a likelihood. I cannot bind a future Government to costs at a future date, and it would be at some considerable stage in the future, even on the member for Merredin's assessment of the contract.

Mr Cowan: Let me just tell the Minister how ludicrous the whole thing is.

Mr GRILL: Is the member asking a question or making a statement?

Mr Cowan: Whitemans Brick has an area for clay of four acres. The area designated for claypits is less than one and a half acres. There is no way they will be able to confine the claypits to that area, so the saleyards will have to go.

Mr GRILL: I think the member is being confused by technicalities and the lack of information which has been given to him. The member is completely off track in that regard and he is confusing himself and others. The facts are simply that there will never be, as far as I can see, any need to relocate the saleyards from their present position.

## Mr PETER ELLETT

### *Financial Backer*

286. Mr MacKINNON, to the Minister for Agriculture:

If the Minister does not know the name of Mr Ellett's financial backer, on what basis does he claim the financial backer is "substantial"?

Mr GRILL replied:

I have been informed—without the names having been given—that the people backing Mr Ellett are of a substantial nature.

Mr MacKinnon: Who informed you?

Mr GRILL: I am not going to go into detail.

Mr Peter Dowding: Why don't you say why you want to know? You want to nobble Mr Ellett.

Mr Laurance: He wants to know because it is question time.

Mr Peter Dowding: I wouldn't give you a piece of confidential information.

Mr GRILL: In due course Mr Ellett will make available to the Opposition the name of his backer, but he is not going to make it available while there is the threat that that particular information will be used by people who are quite inimical to his aspirations to build a high technology brick plant in the Midland area. I am not going to name those people who are inimical to those desires—

Mr MacKinnon: Did I ask you to name them?

Mr GRILL: —but I will say that they are very close to the member for Murdoch.

## GOVERNMENT EMPLOYEES HOUSING AUTHORITY

### *Rentals: Increases*

287. Mr COURT, to the Minister for Housing:

(1) Will the increases to be made in the rent payable on Government Employees Housing Authority housing reduce the Government's liability to pay fringe benefits tax in respect of accommodation provided to GEHA tenants?

(2) If "Yes", will the Government rebate those savings to its tenants?

(3) If "No", why not?

Mr WILSON replied:

(1) to (3) The increases in rent which have been announced with regard to Government Employees Housing Authority tenants are increases which have been under consideration for a considerable number of years. In fact, they were increases which were under consideration by the previous Liberal Government—

Mr Laurance interjected.

Mr WILSON: The member for Gascoyne, as a former Minister for Housing, was directly involved with the Cabinet of the day in formulating the policy which is very much in line with the policy being implemented at the present time. If the member wants the Government to bring forth the information from the Cabinet considerations, then we will be able to provide it.

This matter of rent increases has nothing to do with anything associated with any fringe benefits tax. It is a matter that has been considered and negotiated for a long period of time, and over the last three years the Government has sought to negotiate an agreement which would bring about a standardisation of those rents, which would be fair to all tenants.

This is the basis of the consideration that was seriously given by the previous Government. The previous Government hedged on achieving that; it could not find a means of implementing it. This Government has acted responsibly after consultations going back over a number of years, and is bringing about a situation which is fair to all tenants. It has nothing whatsoever to do with the fringe benefits tax.

## GRAIN HARVESTING BANS

### *Broadcasts*

288. Mr HOUSE, to the Minister for Lands:

I hope in view of the Premier's comments earlier to my leader that he likes this, because the Minister was kind enough to give me the question a while ago.

Mr Brian Burke: Did the Minister give you the question? Stand by for a quality question.

Mr HOUSE: Would he inform the House of the response from the Australian Broadcasting Corporation to his telex expressing concern at the recently announced ABC policy decision to limit the broadcasting of harvesting bans?

Mr TAYLOR replied:

The member for Katanning-Roe raised this matter in the House last week in relation to the non-broadcasting of harvesting bans. I thank him for bringing it to my attention.

I contacted the State Manager of the ABC, Mr Arthur Povah, and asked whether they might be able to resolve this issue. I am pleased to advise the member for Katanning-Roe and the House that I have now received advice from the ABC in a telex which reads as follows—

We are finalising arrangements to broadcast harvesting bans immediately after the 10.00 a.m. news bulletin Monday to Friday. Times of broadcast on Saturday and Sunday should be finalised early next week and complete information will then be available to shires and other organisations.

I also understand that the ABC will of course broadcast those harvest bans on the "Country Hour" as well as after that 10 a.m. news bulletin.

To Arthur Povah, in particular, I would like to express my appreciation for the cooperative attitude of the ABC, and particularly to him for his understanding of the needs of country people—an understanding that he has always shown.

#### STATE FINANCE: BUDGET

##### *Expenditure: Increase*

289. Mr THOMAS, to the Treasurer:

Is he aware of criticism by the Leader of the Opposition that expenditure in this year's Budget has increased excessively, and is this claim accurate?

Mr BRIAN BURKE replied:

I appreciate the question being directed to me. I have never heard so much humbug as that which the Leader of the Opposition has been continuing with in respect of the expenditure provided for in this Budget. Do members of the Opposition know that during the period of the Court and O'Connor Governments—nine years—the expenditure increases were, on average, four times the increases provided for during the four

years of the present Government's period in office?

Mr Lewis interjected.

Mr BRIAN BURKE: No, the real increases. No wonder the member for East Melville is making the criticism. The real increase means the increase after one takes inflation into account. Does the member understand?

Mr Lewis: Yes.

Mr BRIAN BURKE: All right, if the member understands, why did he make the interjection?

Mr Lewis: But you did not qualify that.

Mr Rushton: The Minister for disinformation.

Mr BRIAN BURKE: I have told the member for Dale before to put his interjections on the Notice Paper. That is the first thing I want to establish in questioning the credibility of the Leader of the Opposition. How can he accuse the Government of increasing expenditure excessively when, for nine years in Government, his party was four times as guilty, in real terms, of the crime he now seeks to convict us of. He questioned my credibility and my honesty—

Mr Cash: You don't have any.

Mr BRIAN BURKE: I am not sure where that leaves the member for Mt Lawley. In any case, the member for Mt Lawley has long established his credibility, not just through his occupation here, but also previously.

The Leader of the Opposition works from an extremely weak base. When he addresses the specific criticism of an inordinate increase in expenditure and, through his own admission, when we consider the increase to be nine per cent, the rate of inflation to be eight per cent, and the increase in population to be two per cent, by any measure there has been a real decrease in expenditure. How can there have been an excessive increase in real terms? Does not the two per cent by which the population has increased be required to be serviced by policemen, by hospitals, by community services, and by Government generally? The Leader of the Opposition appears to think not.

What sticks in the craw of the Opposition is that, by every objective measure, Western Australia is progressing at a better rate than other States and certainly at a better rate by far than it progressed or languished under the offices of his predecessors. I venture to say that the Leader of the Opposition is not impressed by the fact that per capita tax collections in Western Australia are \$100 less per year than they are in New South Wales and Victoria. That is very significant. I have no doubt that the Leader of the Opposition is singularly unimpressed by the fact that when the aggregate adjustments are made in expenditure budgets, Western Australia's expenditure in this present Budget is less than is the expenditure in other States. I also have no doubt that the Leader of the Opposition is unimpressed by the fact that we have been able to maintain a balanced Budget and that we have been responsible for a prudent and cautious approach to the management of the State's finances. Federally, and in this State, when the Opposition left office, the country was on its knees. Tax evaders were ripping off—

#### *Point of Order*

Mr HASSELL: By no stretch of the imagination can this long-winded speech be equated with a legitimate answer to a question and, Mr Speaker, it is completely out of line with your repeated rulings directed to the Government and its Ministers.

#### *Questions without Notice Resumed*

Mr BRIAN BURKE: I will conclude because I do not want to disrupt the harmony of the House. The House will pardon me for saying that this is the second question that the Government has had addressed to it compared with the number addressed to the Opposition. The Opposition does not like to hear the truth about the budgetary situation. It can hand it out and we have all heard it hand it out. The member for Gascoyne and the member for Mt Lawley are two peas of the same pod.

Mr Laurance: You were going to conclude.

Mr BRIAN BURKE: I am going to conclude. I will wind up.

Mr Cash: Sit down.

Mr BRIAN BURKE: The member for Mt Lawley cannot tell me to sit down.

The SPEAKER: Order! Perhaps if Opposition members stop the interjections, the Premier will wind up.

Mr BRIAN BURKE: They are two peas out of the same pod. They are adroit at dishing it out, but head for the ridges when anyone looks twice at them.

The Leader of the Opposition, in a dismal and turgid speech, not only failed to make the point, but also seemed incapable of stating that which was written for him.

#### HOUSING: RENTAL

##### *Increases*

290. Mr LAURANCE, to the Minister for Housing:

- (1) Is the Minister aware that increases advised to Homeswest tenants in the last few days represent three increases in rents in the next twelve months which total, in aggregate, approximately a 40 per cent increase?
- (2) Does he believe a 40 per cent increase in Homeswest rents to be fair and reasonable?
- (3) Is he aware also that many tenants, particularly in the north of the State, were angered when they received, with the notice of their rent increases, a coloured brochure of a modern, brick home when many will be paying the increased rentals for old, fibro houses?

Mr WILSON replied:

- (1) to (3) The increases do not apply across the board. They are a move by Homeswest to transfer the rent system to what will be known as a cost-rent basis. That will be a basis for assessing rents taking into account the cost of providing rental accommodation. Those who will be paying their rents according to the increases will be people paying rents at the full rate, currently in the order of \$58 or \$59 a week. Those eligible for rebates which, in a large part of the State, represent over 70 per cent of tenants, will not

have that order of increase. They will continue to be subsidised by public funds at a very generous rate. Only a relatively small number of people will be facing the increases which will result from cost rents.

The cost-rents basis for assessing rents has been introduced at the bidding of the Commonwealth, as part of the Commonwealth-State housing agreement. That increase is balanced by the fact that many people in Homeswest accommodation have not been paying rents in proportion to their income if they have been in that accommodation for a long period. Of course, that is out of all proportion to the cost of providing that accommodation, which is a cost to the taxpayer.

In introducing the cost-rents which will apply to those on full rents, there are some balancing features. The first is that, in the south of the State, nobody paying full rents under the increases will be required to pay more than 25 per cent of their income. In the north of the State, nobody paying full rents will be required to pay more than 20 per cent of their income. It is therefore not as simple as the member has tried to make out. Those increases will not apply across the board. They will apply in proportion to people's incomes and in proportion to the cost of providing that housing.

The second point that should be taken into consideration is that, in association with the introduction of these new rental scales, we will be offering to people who have been in their rental accommodation for five years or more a very generous purchase offer which will enable them to make a choice between continuing to pay rents at an increased rate related to the cost of providing the house, or opting to purchase their homes under a generous purchase offer.

The other thing to be taken into account is that, under the new rental scales, the rents will be standard

across the State, in spite of the fact that the cost of providing new houses in the north of the State—in the Pilbara and the Kimberleys—is almost twice as much as providing houses in the metropolitan area and in most southern parts of the State, with a few exceptions.

My last point is that the announcement, which of course did not refer to across the board increases but to increases geared to individual circumstances, referred to the fact that the second stage of moving to cost-rents will occur during the next 12 months when Homeswest will be doing an independent valuation of every property throughout the State. This will be the second stage of the introduction of what is called cost-rents. Consideration will be given to granting concessions to people living in particular locations, the particular disadvantages of those people, and the age of the property. Those disadvantages will be taken into account as part of the second stage of the introduction of cost-rents.

This type of rental assessment will enable us, for the first time, to have a rational way of assessing the rents that people should have to pay. We will take into account the fact that people may have been in Homeswest rental properties for long periods and have had the advantage of that accommodation at very low rental rates, which rental rates have never been related to the income that those people have been earning. Particular cases of hardship will be looked at independently. However, I do not see this being done in an unfair way.

I think all those considerations will be recognised as rational and fair considerations in terms of the very heavy costs imposed on the State and on the taxpayers in making available public housing.

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