

Legislative Council

Tuesday, the 16th October, 1979

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

BILLS (3): ASSENT

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

1. Salaries and Allowances Tribunal Act Amendment Bill.
2. Censorship of Films Act Amendment Bill.
3. Judges' Salaries and Pensions Act Amendment Bill.

QUESTIONS

Questions were taken at this stage.

SECURITY AGENTS ACT AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. G. C. MacKINNON (South-West—Leader of the House) [4.54 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to strengthen existing provisions for the regulation of security agents and persons employed as guards and to bring within the scope of the law such other persons who are associated with the installation and maintenance of security equipment.

In the first instance, it is proposed to amend section 13 of the Act to place an obligation on all applicants for a licence to advertise their intention.

Currently, this obligation applies only to applicants for a general licence and does not include those for other classes of restricted licences, such as patrol guard, armed guard, electronic surveillance, consultant or investigator, nor to specially restricted or temporary licences.

An amendment to section 30 provides that all classes of security agents shall not knowingly employ a person who has been refused a licence or whose licence has been suspended, unless the licence has subsequently been granted or restored.

At present, this applies only to holders of a general licence.

Section 41 is to be amended to bring within the provisions of the Act those persons who install and maintain safes, vaults, and mechanical or electronic equipment, which is designed to enhance security which, at this stage, can be carried out by any person irrespective of character.

Other changes proposed to section 41 include provision for security agents being obligated to advise the licensing officer of guards terminating or transferring their employment and for guards to deliver their identification card to the licensing officer upon ceasing to be employed as a guard.

There is provision also to prohibit the use of uniforms and vehicle markings that are considered by the licensing officer to be confusingly similar to those in use by the Police Force. The penalty for such an offence is to be \$200.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. W. Cooley.

GOVERNMENT SCHOOL TEACHERS ARBITRATION AND APPEAL BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [4.57 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to reconstitute the Government Teachers' Tribunal under its own Act.

The present Teachers' Tribunal was established in 1960 by amendments to the Education Act. Prior to that time, appeals by teachers were heard by the various appeals boards of the Public Service. Since 1960 teachers have had immediate access to their own appeal board in matters relating to salaries and allowances, promotion, discipline, and interpretations of regulations.

During this period, the Teachers' Tribunal, under two chairmen (the late Mr Alec Ball and magistrate Nott) has gained the confidence and respect of teachers and of officers of the Education Department. Every decision it has made has been accepted by all parties and on no occasion has any party seen the need to appeal to a higher court in respect of any tribunal decision.

This, of course, raises the question as to why there is a need to change the existing position.

In recent years, the teaching profession has felt that the tribunal's jurisdiction has not truly reflected the industrial climate of today, especially where salaries and allowances are concerned.

The present tribunal is an appeal body only. This means that teachers may not initiate any action before the tribunal, but can only appeal when the Minister or the Director General of Education by delegation makes a decision. Also, the matters on which teachers may appeal are set out precisely in the Education Act and are restricted to those matters.

During the latter part of last year, the Teachers' Union called upon teachers to stop work for a day over the issue of changes in the holiday pattern for primary and secondary schools. In discussions with the union at that time, the Minister for Education offered to be a party to any appeal that the union might bring to show their working conditions had deteriorated. Although that offer has not yet been utilised, the union did accept the Minister's assurances that he would have the tribunal machinery examined with a view to providing wider and more direct access for teachers to arbitration over matters relating to their conditions of employment.

One stipulation the Minister did make was to reject any possibility of an appeal against regulations as such. The Education Act and its regulations are determined by this Parliament and, as such, should not and are not in this Bill, to be subject to appeal in any other place.

Although the Government was prepared to consider legislative changes earlier, in order to make changes to the tribunal arrangements, the Teachers' Union, realising that these alterations could involve a major change in the existing pattern, sought a delay while it gathered information and advice. The Minister for Education agreed to this course of action and consequently this Bill has had the benefit of considerable scrutiny by all parties concerned.

Representatives of the Education Department and the Teachers' Union began discussions on the proposed legislation in November of last year. The union sought to retain the tribunal and have access, as well, to the Industrial Commission. The Government has declined this approach, in the belief that the Teachers' Tribunal had served teachers well, was fully aware of teachers' duties and responsibilities, and was well equipped to determine appeals on industrial or legal matters. It is believed that most teachers will agree on this

and would prefer to have their own tribunal look after all their interests, rather than appeal to a body on which they were not represented.

The Government decided to enhance the Teachers' Tribunal by establishing it under its own Act and this Bill seeks to do that. Of necessity, there will be some consequential amendments needed to the Education Act, which will be brought before Parliament in due course.

As already mentioned, there have been discussions between the Education Department and the Teachers' Union on matters included in this Bill. Senior officials of the union have been through the draft Bill clause by clause and, as a result of these discussions, a number of amendments to the original draft were submitted for consideration. The Government has accepted most of these and the suggested amendments are included in the final draft of the Bill as it now appears before the House.

The Bill retains the power and authority of the tribunal as presently constituted, but widens its functions so that it will no longer be an appellate body only, but a body of original jurisdiction. This means that the Teachers' Union, on behalf of teachers, may directly approach the tribunal on industrial matters and not have to wait until it has the opportunity to appeal against a ministerial decision.

For example, at present the Education Act empowers the Minister to determine salaries and allowances for teachers. He may do this when he wishes, but must make a new determination at least every three years. Only after a determination has been made may the union appeal.

This Bill provides that the union may approach the tribunal to seek a variation of an award, without having to wait upon the Minister first making a determination, or giving approval for an approach.

The provisions at present in sections 37 to 37AJ of the Education Act, which refer to the tribunal, are all included in the same or similar form in this Bill. Some streamlining and alteration of wording has occurred in places, but the power and authority has been retained.

It is in part III of the new legislation, which deals with conciliation and arbitration, that this Bill differs from the existing Act.

In this regard, provision is made for teachers to have a different approach and greater access to arbitration. The definition of "industrial matter" is wide enough to allow the Teachers' Union to approach the tribunal on matters relating to conditions of service of teachers.

As mentioned earlier, the union may make application to the tribunal to vary the whole or part of the salary and allowances awards, or to determine a particular issue concerning conditions of service. The procedures to be followed then are outlined in the Bill.

They are—

Firstly, the application is served on the department, which must respond by conferring with, or by writing to, the union within the prescribed time, which is one month. If the department agrees, the agreement is filed at the office of the tribunal and becomes effective.

Secondly, if the department does not agree with the application, the matter is referred to the tribunal for arbitration and the department must reply to the union in writing within the prescribed time, which is a maximum of three weeks.

Thirdly, if the chairman of the tribunal believes that the matters in disagreement can be resolved by conciliation, he may call the parties together for this purpose. Any matters on which agreement is reached shall be recorded and become effective.

Fourthly, matters then still in dispute are referred to the full tribunal for hearing.

The decisions of the tribunal are final and binding on all parties, although the Bill allows for an appeal by any party to the Industrial Appeal Court against a tribunal decision on the grounds that the award is erroneous in law or in excess of jurisdiction.

As already indicated, the Bill had been discussed in detail with senior executives of the Teachers' Union, who requested some changes. It is fair to add that some of the union's proposals have been rejected and to which I will now refer.

Section 4 contains the important definition of "industrial matters". The union sought to have paragraph (h) of the definition of "industrial matters" as shown in the Industrial Arbitration Act, 1912-1977, included in this Bill. Paragraph (h) reads, "what is fair and right in relation to any industrial matter, having regard to the interests of the persons concerned and of the community as a whole". However, legal advice is that this paragraph would have added nothing to this legislation. The Industrial Arbitration Act has reference to a multitude of industrial and worker groups and paragraph (h) has some relevance in that context. This Bill is confined to teachers only and the procedures provided in it ensure a fair and equitable hearing for them.

In section 21, during the conciliation process the chairman may ultimately refer matters upon which agreement is not reached to the tribunal for arbitration, or decline to do so. The Teachers' Union requested that reasons for which the chairman could decline should be spelt out in the Bill, but the Government believes that this should be left to the discretion of the chairman. At this stage in the proceedings, the issues are being discussed in private with the chairman of the tribunal and the parties concerned, in the hope that agreement can be reached without the need for formal arbitration. The chairman, therefore, should be left unhampered in reaching his conclusions.

In section 29, dealing with discipline appeals, paragraph (e) of subsection (1) excludes appeals against reprimands and fines under \$50. The Teachers' Union questioned these limitations on the grounds that a penalty of under \$50 precludes an appeal and therefore the teacher does not have the opportunity to clear his name. The present provisions in section 37AE(3)(i) have a monetary restriction, although expressed in the present Act at 1959-60 prices, so this possibility is not a new imposition. It is worth noting that the present provisions were drafted by representatives of both the union and the Education Department originally and this circumstance would not have been overlooked.

In summary, the Bill provides for the continuation of the Government School Teachers' Tribunal in a revised and updated form, which better reflects the aspirations of the teaching service and the present-day industrial climate.

For the information of members, there were two matters raised by the Minister in another place which are currently being examined to ascertain whether certain changes to the Bill may be desirable.

In view of the undertaking given by the Minister in this regard, it is intended to hold the Bill over until such time as those matters have been resolved and, if necessary, appropriate amendments placed on the notice paper.

Subject to further advice in that regard, I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. Hetherington.

LEGAL AID COMMISSION ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by the Hon. I. G. Medcalf (Attorney General), and read a first time.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by the Hon. D. J. Wordsworth (Minister for Lands), and passed.

STAMP ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly notifying that it had made the amendments requested by the Council now considered.

In Committee

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

The CHAIRMAN: The Assembly has made the following amendments requested by the Council—

Clause 43.

Page 30, lines 3 to 18—Delete the proposed new subsection (2) of section 67 and substitute the following subsection—

(2) When any instrument chargeable with *ad valorem* duty under subsection (1) of section seventy-four of this Act (in this subsection called "the main instrument") or any instrument or contractual arrangement, whether oral or in writing, executed or made in connexion with the main instrument contains any provision for the vendor or transferor of the property concerned or an associate of that vendor or transferor to erect on that property any improvements and the purchaser of that property is not entitled to have that property conveyed to him—

- (a) at the time of entering into the contract or agreement concerned; or
- (b) at any time prior to the commencement of the erection of the improvements,

ad valorem duty is chargeable on both the value of that property and the value of the improvements.

Clause 50.

Page 34, line 25—Insert, after the words "property concerned", the passage "otherwise than as lessee or licensee and whether or not any rent or fee is paid or payable,".

Clause 63.

Page 49, line 7—Insert, after the words "amount is made", the words "or the indebtedness thereby secured is increased".

Page 49, lines 10 and 11—Delete those lines and substitute the words "excess or increase and the additional advance or loan or indebtedness is deemed to be a new and separate".

Page 49, line 14—Insert, after the word "made" the words "or that indebtedness is increased".

Page 49, line 21—Insert, after the words "advance or loan", the words "or indebtedness".

Page 49, line 28—Insert, after the words "loans are made", the words "or as indebtedness is further increased".

Clause 108.

Page 98, line 26 to foot of page, and page 99, lines 1 to 19—Delete subitem (2) of item 19 of the proposed new Second Schedule and substitute the following subitem—

(2) On the amount or value of property referred to in subitem (1) of this item, the same duty as that set out in item 4 of this Schedule, references to consideration in that item being construed for the purposes of this item as references to the amount or value of the property concerned.

Clause 109.

Page 100, line 10—Insert, after the words "time amended" in the last line of paragraph (b) of subitem (4) of item 1 of the proposed new Third Schedule, the passage "or with the Savings Bank Division of the Rural Department of The Rural and Industries Bank of Western Australia constituted under the Rural and Industries Bank Act, 1944".

See item
4 of this
Schedule

Title—

The Hon. G. C. MacKINNON: During the Committee stage of the Stamp Act Amendment Bill in this Chamber certain amendments were considered and recommended for adoption in another place. Members well know that Message No. 46 as detailed on the notice paper acquaints this House that the Legislative Assembly has made the amendments requested.

Members will recall that during debate on the Bill I undertook to have certain matters examined. The first matter was that raised by the Hon. Neil Oliver in relation to clause 17, when he expressed concern that the Bill provides for only one month in which to stamp a document. At the time I mentioned that the principal Act currently allows 28 days.

Although perhaps there is no real need for further comment, because of my earlier explanation regarding the late stamping of documents, I would like to add that the Bill provides for a fine to be remitted in whole or in part. In addition, I am advised that in actual practice a fine is rarely imposed for late stamping if a reasonable excuse is proffered, especially if the period has expired by only a few weeks.

The next point for comment was one relating to cheques and credit cards and the possible effect on revenue. This matter was brought to my attention by the Hon. R. Hetherington and I am happy to advise that the Treasury Department is aware of and is monitoring the situation.

The Hon. G. W. Berry commented upon three clauses in the Bill, all of which relate to the same matter; that is, the use of the word "stamp" where it appears in those clauses in the expression "stamp duty". It is quite true that the word "stamp" has been removed from the references in the various sections of the Act; it is now covered by the definition "duty" in clause 4 of the Bill.

However, the three cases cited by Mr Berry apply to "endorsement" on instruments of one type or another. In these instances, as there are other types of duty in existence, it is necessary to indicate to members of the public and the commercial world, other Government departments, and inspectors of the State Taxation Department that the duty paid is stamp duty.

Both Mr Hetherington and Mr Oliver commented upon clause 43, which deals with the duty payable on the transfer of house and land under a "package deal" arrangement. The statement was made that the amended provision will be harsh on young people. I advise members, however, that at the present time the majority of these young people are paying the proper amount

of duty on this type of purchase, but a number of home buyers are paying a much lesser amount because of the weakness in the law. The proposed amendment will overcome this inequitable situation by ensuring that purchasers of a house, whether it be already erected or under the package deal arrangement, will pay exactly the same amount of duty.

Another point made while this clause was being discussed was the possible question of relief from duty for first home purchasers on improvements. This particular provision has been examined by the Government on several occasions over the last few years and as recently as early this month. I am advised that the type of concession Mr Hetherington had in mind would be extremely difficult to administer and would tend to slow down the processing of these documents, as each claim for relief would have to be substantiated. From the revenue point of view, although proper statistics are not available, it appears that a concession of this nature could cost up to \$10 million a year. I also understand it has been tried, in one form or another, in other States and has created many problems.

The last matter upon which I wish to comment is one raised by Mr Oliver in relation to clause 87 of the Bill, which deals with credit and rental business. Mr Oliver considers that the rate of interest payable to finance companies is too high, and he requested that the matter be referred to the Treasurer. The Treasurer has advised that the matter is continually under examination by the Treasury Department.

I trust these brief explanations will satisfy members' queries.

The Hon. R. J. L. WILLIAMS: The business world, whilst welcoming these amendments, is quite concerned about some of them. I ask the Leader of the House to reassure the business world by repeating his statement that the Treasurer has advised that the matter is constantly under review. I think many people in the commercial world in the city would be a great deal happier to know the legislation was not just left to vegetate.

The Hon. G. C. MacKINNON: I can assure the honourable member that all matters pertaining to revenue are under review practically daily. I will certainly do as he asked and repeat: the Treasurer has advised that the matter is continually under examination by the Treasury Department.

Title put and passed.

Report

The Chairman reported that the Bill had been agreed to as amended by the Assembly, and the report was adopted.

Third Reading

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Leader of the House), and passed.

ELECTORAL ACT AMENDMENT BILL (No. 2)

Third Reading

THE HON. G. C. MacKINNON (South-West—Leader of the House) [5.21 p.m.]: I move—

That the Bill be now read a third time.

Members will recall that the Hon. R. Hetherington asked me to arrange for certain matters in relation to the proposed new section 129 to be looked at, and I gave the undertaking that I would do so. I now advise that submissions were made to Judge Kay that reference to illiterates should be removed. A fair amount was said about that during the debate. Section 129 of the parent Act currently differentiates between blind and physically handicapped electors and illiterate electors, and it describes how assistance may be granted for each class.

The present section 129 was enacted in 1976 by Act No. 129 of 1976. That Bill was introduced into this House and the Minister's second reading speech was delivered on the 14th October, 1976. The Minister in charge of the Bill stated—

The Bill is designed to obviate the possibilities of irregularities occurring in the voting of illiterate voters.

Debate was resumed on the 19th October. One Opposition speaker, the Hon. Grace Vaughan, supported the proposal, and her speech appears on page 3208 of *Hansard* for 1976. The Bill passed through all stages, including the Committee stage, in about three minutes. It was agreed to by both sides of the House without demur.

Debate on the Bill in the Assembly took place on the 25th November. There was one Opposition speaker, Mr Bertram, who also supported the Bill, and his speech is to be found on page 4540 of *Hansard* for 1976. The Bill passed through all stages, including the Committee stage, in approximately four minutes in that House.

The Hon. Lyla Elliott: Little did we know what you had up your sleeve for the 1977 State election.

The Hon. G. C. MacKINNON: We did not have anything up our sleeve. We did not create any of the trouble.

The proposed new section 129 removes the reference to illiterates by defining how any elector may request assistance, and it applies the current procedures applicable to illiterate voters with the exception that, in addition to presiding officers, assistant presiding officers and poll clerks are named. The balance of the provisions are precisely the same as those in the present law, which was supported by the Opposition in 1976.

It is of interest to note—members will recall that last week there was some lack of precision about this particular point—that the declaration made by a scrutineer in respect of secrecy is in the same terms as the declaration required to be made by electoral officers at a poll. The declaration made by electoral officers is—

... I will not attempt improperly to ascertain or discover, or directly or indirectly aid in discovering, the person for whom any vote is given, and that I will keep secret all knowledge of the person for whom any elector has voted which I may obtain in the exercise of my office, unless in answer to any question which I am legally bound to answer.

The declaration made by a scrutineer—form No. 37 under section 114—reads—

... I will not attempt to improperly discover, or directly or indirectly aid in discovering, the person for whom any vote is given; and that I will keep secret all knowledge of the person for whom any elector has voted, which I may obtain in the exercise of my office, unless in answer to any question which I am legally bound to answer.

In regard to another matter to which oblique reference was made, the scrutineer, no more and no less than the presiding officer, can be a local person. As often as not, the presiding officer is a school teacher or some such person in the district. The scrutineer might be another school teacher, for that matter. Both sign the same document in relation to secrecy and the like.

For these reasons, after careful examination it has been decided not to recommit the Bill for reconsideration of that clause.

THE HON. R. HETHERINGTON (East Metropolitan) [5.27 p.m.]: I am disappointed on two grounds. Firstly, the Minister is not doing anything about changing clause 21 of the Bill; he has not seen fit to do anything at all to ensure scrutineers are not within earshot. Secondly, the Minister has used specious arguments in explanation in this third reading debate.

It is all very well for the Minister to point out what members of this House did or did not do when the present section 129 was inserted in the Act. On that occasion the Labor Party made a mistake, but, as the Minister pointed out a number of times, since then we have had a previous Bill, the Kay report, and now this Bill to change the Electoral Act. The Kay report which perturbed the Minister the other night—and I still agree with the part of the Kay report to which the Minister referred—says on page 40—

Secondly, most witnesses before this Inquiry were of the opinion that scrutineers present when the handicapped elector fills in the ballot paper and, in effect are breathing down his neck, are not only embarrassing to the elector but also create a breach of the principle of secrecy of the vote. Once the scrutineers are satisfied that the administrative arrangements are in order and that a person who claims to vote is enrolled and entitled to be handed a ballot paper, then there can be no reason to insist that the vote of a handicapped person must be made in the presence of scrutineers. If we cannot trust the Presiding Officers to fill in the voting paper of a handicapped person according to the desires of that person then we may as well scrap the whole system.

Having had the Kay report quoted to me *ad nauseam* as a reason for the Government's taking certain action, I find it rather odd that on this occasion, when the Kay report is quite clear that scrutineers should not be present, the Government can see no reason to change the provisions of the Bill. This will give joy to no-one.

I want to make two points. Although at times it has been stated that they are bound to secrecy, scrutineers are not, after all, employees of the Government. They are not employees of the Electoral Department. They are people who are acting in the interests of political candidates. Some scrutineers have been noted as marking the way people have voted so they can transmit this information to people within their party. If it has happened once, I presume it could happen again.

The Minister's reply completely ignored the point made by my party in the Committee debate; that is, that it can be embarrassing for people to have scrutineers standing over them, watching what they are doing.

Let me illustrate by a simple example. Were I standing for election I could appoint as a scrutineer my friend behind me (Fred McKenzie) who, everyone knows, is as open and honest as a person could be and he would never commit an

impropriety. Supposing there was a person known to both of us and he was voting with Mr McKenzie acting as scrutineer for me, and supposing that person wanted to vote against me; this could be very embarrassing and might, in fact, cause that person to vote differently. It depends on the kind of person who is present. It might not be another school teacher, but it could be someone known to the voter and of whom the voter is frightened. This could happen, particularly in the north.

The Minister's explanation has not satisfied me in the least. I had hoped he would come with some kind of assurance that directions would be given by the Chief Electoral Officer to ensure that scrutineers, although observing, were at least out of earshot when people were asking for assistance.

I am quite disappointed at what has happened here, and the Bill remains as obnoxious and objectionable as it has been all the way through the debate. It has disadvantaged people I said it would disadvantage when I opened the Opposition's debate on the Bill; and we totally and utterly reject it and so, of course, will vote against it.

THE HON. W. R. WITHERS (North) [5.32 p.m.]: All members in this House at times have had the experience of considering those around them and looking at friends, acquaintances, and colleagues and regardless of the intellect of the people around them, saying that they feel they are travelling on a ship of fools. At this moment I have that feeling because during the debate in this Chamber—and particularly during the debate on my amendment, when I tried to remove racism from the Bill and the Act—the only persistent argument I seemed to hear against the amendment was that Aborigines had insufficient education as yet to be forced to vote and to be brought into our system the same as everyone else is brought into it. However, I pointed out during that debate that an illiterate is a person who has insufficient education to vote and who should be allowed to make a choice as to whether he or she votes.

I still persist in saying that the amendment would have removed racism and I hope that in my time in Parliament racism will be removed from every Act, not only of the State, but also of the Commonwealth.

I also said—and I wish to reaffirm it—that I considered the Bill was a reasonable Bill except for its racist content; but because of that racist content, I will vote against the Bill at the third reading stage.

THE HON. TOM McNEIL (Upper West) [5.35 p.m.]: During the second reading debate I also expressed some misgivings about clauses in the Bill. I found particularly objectionable clauses 8 and 18 to which no amendments were made in this Chamber. It is my intention also to vote against the Bill at the third reading stage.

Question put and a division taken with the following result—

Ayes 17

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

(Teller)

Noes 10

Hon. D. W. Cooley	Hon. Tom McNeil
Hon. D. K. Dans	Hon. R. H. C. Stubbs
Hon. Lyla Elliott	Hon. R. Thompson
Hon. R. Hetherington	Hon. W. R. Withers
Hon. F. E. McKenzie	Hon. R. F. Claughton

(Teller)

Pairs

Ayes	Noes
Hon. R. G. Pike	Hon. R. T. Leeson
Hon. I. G. Pratt	Hon. Grace Vaughan

Question thus passed.

Bill read a third time and passed.

PAY-ROLL TAX ASSESSMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th October.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [5.39 p.m.]: The purpose of this Bill, introduced on the 20th September, is to make good the promise of the Treasurer when he introduced the Budget.

The proposals are to increase from \$62 000 to \$72 000, the annual pay-rolls which are exempt from pay-roll tax and to reduce the total amount of pay-roll tax payable by business with annual pay-rolls of more than \$72 000.

Pay-roll tax liability will be reduced by \$2 for every \$3 that the annual pay-roll exceeds \$72 000 up to a maximum of \$131 400 and employers with annual pay-rolls of more than \$131 400 will be able to deduct \$32 400 before calculating the pay-roll tax they must pay. At present the amount of deduction is \$27 000.

The Opposition welcomes the Government's proposals, but in the current economic climate we do not believe they go far enough.

It would be an understatement to say that no-one likes pay-roll tax. It is an unpopular tax.

It is a tax on employment, and at times of high unemployment that is bad. It imposes a financial penalty on an employer who hires additional labour.

As I have already said, pay-roll tax has been a bone of contention for many years.

It was first levied by the Commonwealth Government at a much lower rate than that at which it is levied today. Putting it another way, I could say it was earlier levied at a much lower rate than that to which we have been accustomed in recent years.

During the 1960s, the States were feeling the financial squeeze caused by growing responsibilities and only low-growth sources of income. The States in those days pressurised the Commonwealth to give them a growth tax, something that could be expected to grow in rough proportion to the population.

The **PRESIDENT**: Order! Would members refrain from their unruly audible conversation and allow the Leader of the Opposition to make his speech in silence?

The **Hon. D. K. DANS**: Thank you very much, Sir.

Eventually, the Commonwealth Government—I think it was the MacMahon Government—in about the year 1971 offered the States a growth tax. It handed over the pay-roll tax to them.

In recent years, the rate of pay-roll tax has increased rapidly, imposing a greater burden on business and increasing the cost to employment. There is not much doubt that the hardest hit by the tax are those involved in small businesses. I do not want to knock big businesses, but it is obvious to most people that it is small businesses rather than medium or large businesses that feel the effect of pay-roll tax by eroding profits thereby affecting business viability; retarding the accumulation of internal funds to finance expansion; acting as a disincentive to expansion through the employment of additional labour; and making the retrenchment of labour the easiest option when times are hard and costs have to be cut.

I am very much aware of the fact that it is not possible for a tax to be abolished without replacement revenue being gathered from somewhere else. However, Governments should be studying some other form of tax revenue. I have said that companies like Mt. Newman and, maybe Hamersley, carry pay-roll tax as a matter

of course, but it would be untrue to say that it is not a burden on companies as large as those. However, when the tax is imposed on small businesses, and when we realise that the great bulk of the Australian work force—and the situation does not vary in Western Australia—is employed by small businesses, we realise that it becomes almost disastrous, particularly in times of a tight economy such as we have now.

As members have probably noticed recently, the Australian Labor Party—that is, my party—brought down policies designed to assist small business in this State. Our six-point plan to assist small business represents the most comprehensive programme ever proposed in this area in Western Australia. We brought it down quite openly in an earnest and sincere endeavour to try to generate some interest, incentive, and hope for small business.

The plan aims to provide a greater role for small business in Western Australia's economic development, and more business opportunities and a greater share of the State's wealth for employers and employees.

The six points in our plan for small business are—

- (1) The creation of an establishment and expansion incentive scheme.
- (2) The provision of Government guarantees for loans to small business.
- (3) The establishment of a country industries assistance fund.
- (4) The holding of the first comprehensive study of the Western Australia small business sector.
- (5) The establishment of a small business development corporation.
- (6) The increasing of pay-roll tax exemptions.

The small business sector needs help. Since 1974 the number of manufacturing establishments in Western Australia has fallen by more than 800. It needs help because the manufacturing sector continues to operate at substantially less than its full capacity. A total of 97 per cent of manufacturers in the State are classified as small businesses. That is a very large sector of the community.

We lend our support to this Bill; but sooner or later we must find other ways of raising revenue. After all, when we have reduced probate and death duties, it stands to reason that the revenue lost through that exercise has to be gathered from another source.

Using the best description, particularly in relation to small businesses, this is a tax on

employment. If we are to continue with that tax, we are penalising one section of the community and we are penalising the section of the community which employs the biggest section of the work force.

I tried to make one point in my Budget speech, and I will repeat it: we have to be innovative. I am not suggesting we should tax people excessively. However, if we gave it consideration, we could spread the tax burden much more evenly through the community. We could do that in tiny amounts, and we would give small businesses a chance to operate.

No-one can deny that small businessmen are feeling the pinch. When that happens, they go for the easy option, and that is to reduce the labour force and try to cut expenses. In practical terms, it just rolls along. I do not want to sound repetitive, but unemployment is like a snowball running downhill. It starts off as a small size, and before it reaches the valley floor it is an avalanche that may wipe out whole villages.

If we—the present Government, or whatever Government—applied our skills and the expertise at our disposal, I do not know whether we could eliminate pay-roll tax completely, but we could abolish pay-roll tax in many areas. We should bear in mind we could devise some scheme to “pick up” some of that money we have lost. It would not be a bad idea for the Federal Government to assist in these areas. That may be one way, but it seems an impossibility. If we could not generate more employment, perhaps we could “stop the rot”, if that is the term one could use.

Pay-roll tax is one of the most inhibiting factors in the expansion of small businesses. Certainly it is one of the factors contributing to the collapse of 800 small businesses. The abolition of the tax would assist, in the city and in the country areas, in providing employment and stabilising employment; and in the case of country areas it could prevent the drift to the cities. In the country, because of drought conditions, businesses cannot carry on, and the people drift to the cities.

We support the Bill

THE HON. J. C. TOZER (North) [5.49 p.m.]: In supporting this Bill, I would like to speak in general terms, and then I will discuss the specific impact that pay-roll tax has in certain areas.

In summary, the Bill, or the result of the proposals contained in the Bill, will give a form of relief to all payers of pay-roll tax; that is, employers big and small. Not a large amount is involved. The relief to be given, as quoted by the Minister in his second reading speech, will range up to \$1 000 per annum. The Minister stressed

also that a further 820 small businesses will become exempt from the payment of pay-roll tax this year.

Obviously we should welcome this legislation; but we have to look at it a little more closely. In the Minister's second reading speech we were told that the cost to revenue in the current financial year will be of the order of \$900 000 as a result of the changes proposed in the legislation. For a full year the loss to revenue will be \$2.2 million.

With those figures in mind, we should consider the revenue the State has received from pay-roll tax. I quote these figures from the annual report of the State Taxation Department for 1978-79. In the year 1976-77, the figure was \$127 912 521; in the year 1977-78 the State received \$142 122 344 by way of pay-roll tax. From the Consolidated Revenue Fund Estimates of Revenue and Expenditure currently on the Table of the House we find that the revenue received from pay-roll tax in the year 1978-79 was \$152 676 587, and that the estimated revenue for 1979-80 is in the order of \$164 100 000. No doubt it would have been \$165 million if it had not been for the \$900 000 we are expected to lose as a result of the passing of this legislation.

Members will note that over the last four years pay-roll tax has grown consistently. It has grown at a rate that outstrips the rate of inflation, but not by a great margin.

To return to what I said a moment ago, in the next year the provisions of this Bill will relieve employers of the necessity to pay \$2.2 million by way of pay-roll tax. On the figures I have quoted, we would have expected that the increment in pay-roll tax receipts would be in the order of \$15 million, and perhaps up to \$20 million.

I believe we are playing with the problem. With the amendments in 1976 and again in 1977 we made tiny improvements. With the Bill before us we will improve the position to the extent of \$2.2 million; but with the knowledge that we will increase our total pay-roll tax income by something in excess of \$15 million, it is not a big concession that we are making.

I am delighted that we are relieving 820 people from paying pay-roll tax. That is tremendous. I am delighted that we are reducing the pay-roll tax payable by every employer by up to \$1 000. However, it must be admitted that while we are moving in the right direction, we are moving with slow and halting steps.

It is of interest to note that when the Commonwealth Government handed the right to levy pay-roll tax to the State in 1971 it was an unpopular tax. That is why the Commonwealth

was glad to be rid of it. Premier Tonkin had no option but to embrace the idea and incorporate the tax as a means of raising State revenue. It was too costly to abandon such a tax.

It is interesting to note that in 1971 the tax was levied at the rate of 3.5 per cent of wages; in 1973 it was 4.5 per cent; and in 1974 it was up to 5 per cent. In the years following that, 1976, 1977, and 1979—one year missed out—we progressively reduced the percentage of wages on which pay-roll tax was paid. We made these small concessions by increasing the bottom margin upon which pay-roll tax was not paid.

Premier Tonkin could not afford to let this source of revenue slip from his hands. In the same way, subsequent Premiers and Treasurers have not been able to relinquish a source of revenue that returns something in excess of \$150 million. What source would provide the revenue if we lost pay-roll tax?

The Hon. F. E. McKenzie: Is that in this State—the \$150 million—or everywhere?

The Hon. J. C. TOZER: I quoted figures from the State Taxation Department and the Consolidated Revenue Fund Estimates of Revenue and Expenditure for the State.

It seems we will have to live with pay-roll tax as a source of revenue. It is hard to imagine that we will see the time when we can dispense with it, although it is acknowledged generally that it is not a sensible or a desirable tax. However, it is a rather special tax in Western Australia. It is the only major source of revenue that is left solely in the hands of the State Government. All the other major revenue-raising sources seem to have been handed over or gobbled up by the Commonwealth Government.

As Mr Dans said, it is not only in the hands of the State to control this tax; but it is also the only tax that can be, and is, related directly to growth in this State. The figures I quoted a while ago indicate the real growth that is occurring in Western Australia. Thus we have growth in pay-roll tax, even when we make small concessions year by year.

The fact that this is a growth tax, and the fact that its control is solely in the hands of the State, not the Commonwealth, puts it in a rather special category. It enables the State to use it in the interests and for the benefit of our State. It provides a measure of flexibility which we could not find in any other source of revenue. It enables the State to reach specific aims.

If the Government of Western Australia believes in decentralisation, this pay-roll tax is an ideal instrument for that purpose. It could provide

an incentive that will help in the total programme of decentralisation and in other things. Mr Dans referred to the support it could give to small businesses.

Unfortunately pay-roll tax also introduces grave inequities. These are inevitable when a common tax is to be applied throughout the length and breadth of a State which covers a huge area and has a great diversity of activities. For this reason I would like the Government to consider certain matters. I have placed these matters before the Government before tonight, and I have made certain specific recommendations. I should like to allude to them briefly.

Primarily I want to use the tax to remove the disparities which occur in various parts of the State. Naturally I am referring to remote areas, particularly to areas such as the North Province which experience problems as a result of climatic conditions, distance, and area.

Sitting suspended from 6.01 to 7.30 p.m.

The Hon. J. C. TOZER: Before the tea suspension I was explaining that an amount of revenue in excess of \$150 million was too great a sum for the State to relinquish. I was explaining that this particular source of revenue was the only major source which the State could raise, which was State controlled, and which was associated essentially with the growth of the State. It seemed to me that this made it capable of being used by the State in a very flexible manner—in fact, in any manner that would achieve some particular State aim.

I was about to move on and say that in a State as vast as Western Australia, and with our diversity of activities, some inequities were introduced with the application of pay-roll tax.

I have found these inequities arise in three main areas. For example, in the North Province every single worker—whether he works under a Commonwealth or State industrial award—has a district allowance built into his wages. It is there, ostensibly, to offset the difference in the cost of living and other difficulties brought about by climatic conditions and remoteness. Every employer in the North Province has to pay every worker that district allowance, and pay-roll tax is levied on that allowance. However, there is no way that the employer can get additional productivity. In fact, he will get less per hour than the employer in the southern area. The employer in the northern area, where the district allowance applies, is penalised by having to pay additional pay-roll tax on the district allowance which is paid to a worker.

I want to make a clear recommendation to the State Government, and I would like the Leader of the House to undertake to bring the matter to the attention of the Treasurer to see whether, at a later stage, the Bill could be further amended to provide that the wages paid to employees in the northern areas could be exempted in the assessment of pay-roll tax.

There is another factor involved. In the north—which is a fast-growing area—we do not have a pool of Housing Commission houses. We have virtually no rental houses erected by private entrepreneurs as investments. That means that any employer who sets himself up in business in the north is obliged, virtually, to provide housing for any key employee. The cost structure is so great that it would be almost impossible to charge the employee what could be described as the "economic rental" for that house. So, irrespective of whether a man works for a public authority, a major company, or a small business employer, he will find his rental is subsidised in some way or other. Thus, the employer—large or small—in fact is paying pay-roll tax on what is a subsidy on the rental paid his employee.

My second recommendation, which I would like the Leader of the House to take to the Treasurer, is that wages assessed for pay-roll tax should be reduced by the difference between the amortisation figure on such premises provided by the employer and on rental paid by the employee. That should not be hard to implement, and I think that such a provision should be incorporated into our legislation as soon as possible.

Many general disabilities exist in the north, and members have heard me talk about them on many occasions. Members have also heard my colleague, the Hon. Bill Withers, talk about the disabilities that are associated with living in the remote areas of Western Australia; in particular, in the remote northern semi-tropical areas.

The Hon. D. J. Wordsworth: Are you suggesting this concession will apply only north of the 26th parallel? What about farmers, and other similar people?

The Hon. J. C. TOZER: I am putting forward my argument as I see it exists in the North Province. I hope the State Government using the ability of our clever Ministers will apply any such concession in an appropriate manner.

The Hon. D. K. Dans: I agreed with you, up until that statement!

The Hon. J. C. TOZER: The Hon. Bill Withers and I have canvassed considerably the general disabilities which apply to the north and I do not want to go over that ground in detail tonight.

The areas in which we see the disabilities at their worst come under the headings of freight; comfort-cooling for the home and work place; a need for every businessman in every type of enterprise to have additional storage for dry goods or refrigerated goods; inventory costs the businessman in the north a great deal of money; depreciation on plant—on motor vehicles that could be double what it would be in the southern area; and then, of course, a weighted wages and salaries scale. I have already covered district allowances, and I am now referring more to the fact that an employee cannot be held in the north in either a big or a small establishment unless he has access to some overtime which is paid at penalty rates. So, built into the business structure—the commercial and economic structure—in the north we have high wages and salaries. The problem is compounded by the imposition of pay-roll tax.

The dollar has less value in the north. I believe it should be possible in these days of computers—from the vast experience gained during the last decade or two—to calculate a “dollar effectiveness” factor. For the purpose of discussion only, I suggest that if, in fact, the purchasing power of a dollar in Perth is 100c then, perhaps, in Karratha and Port Hedland the purchasing power of the dollar might be 65c; perhaps at Broome and Derby it would be 55c; perhaps at Wyndham and Kununurra it could be 50c; and perhaps at Halls Creek it could be 40c.

I suggest that where the disabilities are greatest or where the “dollar effectiveness” is least, we should be able to use pay-roll tax to compensate for the lack of effectiveness of the northern dollar. Pay-roll tax is a State tax, and the State Government can manipulate it to meet its aims.

I suggest that the level of pay-roll tax should be scaled down to offset the disability of remoteness. As the starting point of a scale range I might visualise—and obviously my comment is just a guide and not necessarily what I would expect to be implemented—zone A would be the Perth metropolitan area, and within that zone I would expect pay-roll tax to be levied at the rate of 100 per cent.

I suggest the South-West Land Division could be zone B, and perhaps, outside the metropolitan area but within the division, the pay-roll tax might be levied at the scale of, say, 85 per cent. In the pastoral and mining areas below the tropic of Capricorn, zone C, it might be equitable to levy pay-roll tax at a scale of, say, 75 per cent and north of the tropic, in zone D, the pay-roll tax could be at a rate of, say, 60 per cent or even 50 per cent.

My recommendation to the Government—and, again, I would like to think that my suggestion will be passed on to the Treasurer—is that pay-roll tax be levied on a range of scales which would be designed to compensate for disabilities caused by geographic and climatic conditions.

I believe the Government genuinely is trying to offer something of a concession with the introduction of this Bill, but I believe the efforts are pitifully weak, really. I do not think the Government is using the instrument it has in its hands.

I will support the Bill, because something is better than nothing, but I do ask the Leader of the House please to take to the Treasurer the recommendations I have put forward tonight. I ask the Treasurer to make use of the flexibility provided by this growth tax—this State growth tax. I ask that next year—perhaps during the next session—the Treasurer introduce another amending Bill which might include clauses which would exempt the district allowance from pay-roll tax; make allowances for the cost of providing employee housing when assessing pay-roll tax; and provide a scale of pay-roll tax rates designed to compensate for regional disabilities. I support the second reading.

THE HON. W. R. WITHERS (North) [7.43 p.m.]: My colleague, the Hon. John Tozer, has spoken very well and I agree with what he has said during his contribution to the second reading debate. Possibly, I would not have accused the Government of being too weak in the application of the powers contained in the Bill. However, I cannot disagree with what the Hon. John Tozer has said.

If members refer back to the debate which took place in 1976, they will find I said much the same sort of thing about pay-roll tax on that occasion. That situation has not changed. We find that any person who tries to establish a business in a remote area, and who has to employ people as settlers who will build our nation in these remote areas, is penalised because the employees receive a district allowance and the employers pay additional pay-roll tax on that district allowance paid to the employee under the conditions of an award.

The employee is doubly taxed because he must pay income tax on that district allowance which is given to him to cope with the higher cost of living in a remote area. So Governments, both Federal and State, are actually denying decentralisation in the true sense.

Members of Parliament—well-intentioned people, based in the city mainly—talk about

decentralisation, but frankly they do not even know the true meaning of the word.

The Hon. D. K. Dans: Governments do not know anything about it.

The Hon. W. R. WITHERS: A provision is made in a Bill such as this to ease the situation a little, and one cannot deny the worth of this particular Bill. What my colleague (Mr Tozer) has said, and what I am saying, is that the Bill does not go far enough. It does not abide by the principles of decentralisation which we all espouse. I think the Liberal Party espouses them a little more than does the Labor Party, but I do not think we do enough about them.

The Hon. D. K. Dans: We decided to get Albury-Wodonga under way, and you people have been dismantling it ever since.

The Hon. W. R. WITHERS: It is just one of those things that people do not understand.

On the 30th March, 1976, I made a similar plea in this House, and as yet, nothing much has happened. Again, Mr Tozer covered that matter adequately, and I will not dwell on it any longer.

However, I would like to deal with one other point; that is, the preparation of legislation by the Parliamentary Draftsman. The Leader of the House mentioned this matter in regard to other legislation last week. The Parliamentary Draftsman writes in "legalese", as he must do, because his words must be interpreted by judges and solicitors. However, what he writes must be interpreted also by simple people like us, as I stated in a previous debate.

I would like members now to turn to subsection (7) of proposed new section 9D. I am afraid that although I have read this subsection several times, quite frankly, I cannot understand it. I get lost somewhere around the middle of the sentence. Possibly I have a weakness in mental retention.

The Hon. D. K. Dans: Not really.

The Hon. W. R. WITHERS: I would like to know the meaning of this provision. How can we vote on something we do not understand? I would like to read this subsection, for the benefit of *Hansard* and the Press. I intend to read it—

The Hon. D. K. Dans: To prove you can read!

The Hon. W. R. WITHERS: —in the hope that the Leader of the House can explain it to me. We all know that he is a brilliant debater, and he has been around the House a long time.

The Hon. G. C. MacKinnon: You'll get on!

The Hon. D. K. Dans: You were doing well up until then.

(113)

The Hon. W. R. WITHERS: The Leader of the House has a great understanding of legal terminology and if he can give me an explanation that I find to be reasonable, and one that I can understand, I will vote for the Bill. However, if he cannot do that, where am I?

The Hon. D. K. Dans: We are doing the thing we always do—voting for Bills we do not understand.

The Hon. W. R. WITHERS: I will endeavour to read this passage with the correct inflection on the words, and the correct punctuation. Proposed new section 9D(7) reads—

(7) The Commissioner may, on an application made to him in writing by an employer who pays or is liable to pay taxable wages and interstate wages during any return period or of his own motion in relation to such an employer, at any time, make a determination specifying an amount, not exceeding the prescribed amount that may be deducted for any return period specified or referred to in the determination (being a return period commencing before, but not before the first day of January, 1980, or after, or the return period in which, the determination is made) from the taxable wages included in a return made by, or an assessment relating to, that employer (being a return or an assessment relating to any such return period) and there shall be deducted, for any such return period, from the amount of the taxable wages included in a return made by, or an assessment relating to, that employer (being a return or an assessment relating to any such return period) the amount so specified.

The Hon. D. K. Dans: Can't you understand that?

The Hon. W. R. WITHERS: As I said, Bills should be in a form relating to the law, but also they should be written so that people can understand them. If someone said to me, "What does that provision mean?" I could not explain it.

The Hon. V. J. Ferry: Can't you explain that?

The Hon. W. R. WITHERS: If one were to read that subsection to someone by way of explanation, one's sanity could be questioned. It is the greatest amount of gobbledygook I have ever read. I think I have everything clear in my mind until I am about half-way through it, and then everything goes haywire. When I get to the part, "being a return period commencing before, but not before the first day of January, 1980," my mind goes blank.

The Hon. R. F. Claughton: Keep going for five minutes or so to give your leader a chance to work out an explanation.

The Hon. W. R. WITHERS: If the Leader of the House, with all his brilliance in debate, will explain that provision to me in simple terms, I will be very appreciative.

The Hon. R. F. Claughton: You had better give him more time.

The Hon. W. R. WITHERS: I support the Bill.

THE HON. G. C. MacKINNON (South-West—Leader of the House) [7.53 p.m.]: I thank members for their contributions to this debate. It has been extremely interesting, and we can do nothing but agree with most of the comments. Indeed, it is axiomatic, I suppose, that there has never been a good piece of taxation legislation.

The Hon. D. K. Dans: Never!

The Hon. G. C. MacKINNON: However, the chaos that would occur without taxation should be contemplated. Certainly any person who has experienced life in a country which does not have a fair and enforced taxation system would know exactly what I mean. Corruption is rife in such cases, and unfortunately there are still a number of countries in the world that operate in such an environment.

When I heard Mr Dans' comments, they brought to mind the revenue taxation system introduced by the late Sir David Brand. Had we been successful in that move, I believe we would have gone a long way towards achieving all the aims to which the Leader of the Opposition referred. I know at one time we lived in hope that that particular form of taxation would gradually become the one and only method of State taxation. Perhaps in the fullness of time it could have become the only tax.

It had certain prospects. At the time it seemed to be a very fair and equitable method of taxation. However, the Constitution did not allow it, and the system fell by the wayside for that reason. Nevertheless, that scheme would have been a means of dispensing with a great many licensing fees and subsidiary forms of taxation, and certainly we would have been a great deal happier without those taxes.

We tend to forget that taxation is really the other side of our wage fixation structures, both aspects of which are designed for the one purpose; that is, to create a more egalitarian society. Whatever people may say about our wage fixation and taxation processes, they cannot but agree that the end product has been extremely successful.

I would hazard a guess that no country on earth is as egalitarian in terms of net income as is Australia, and that is the product of a system of wage fixation added to an across-the-board reasonably equitable taxation system.

Although I say that, I must admit that pay-roll tax has some drawbacks. Those drawbacks were enunciated in this House when we first ratified pay-roll tax as a State tax. I well remember that debate.

The Hon. D. K. Dans: It was originally a tax to pay for child endowment.

The Hon. G. C. MacKINNON: Originally, yes. Like most other forms of taxation, it has become a little twisted along the way.

Mr Tozer was quite right when he spoke about the difficulties in regard to this tax and the fact that we would find it a great problem to do without the \$142 million it raises.

A moment ago I referred to the late Sir David Brand, and I well remember his comments at a Liberal Party political conference. I have no doubt that Mr Tonkin said similar things at Labor Party conferences, and probably they have been said at every political conference ever held. Sir David Brand commented that there are only a certain number of motions before any political conference. About 20 per cent of the motions deal with a variety of subjects; of the other 80 per cent of motions, 40 per cent deal with cutting down taxation and 40 per cent deal with increasing benefits. Of course, the last two categories cancel each other out; we cannot reduce taxation and increase benefits at the same time. If we want to increase benefits, we must increase taxation.

So Mr Tozer is quite right; nevertheless, we must continue to look for a better system of taxation. The only trouble is, in my experience, it does not matter how much better a system is, if it means change, 80 per cent of the people will be against it. By nature, man is such a conservative creature that he abhors change. Even the most radical among us—and there are not many real radicals among us—does not really like change for the sake of change. This is perhaps why the Labor Party governs so rarely—

The Hon. D. K. Dans: In this State.

The Hon. G. C. MacKINNON: —in many places. My experience has been that when the Labor Party does govern, it becomes very conservative because it learns quickly that the ordinary citizen is not rapt in change.

With his usual penchant for being difficult, Mr Withers has given us a semantic problem. As Mr Withers is well aware, frequently we find clauses

such as this in legislation. A draftsman must be explicit when preparing legislation because of its legal implications. The only way to handle such a clause is to leave out the explanatory phrases. It commences, "The Commissioner may"; we then forget about "on an application made to him in writing by an employer, etc." and it then becomes, "The Commissioner may make a determination specifying an amount." We can then leave aside, "not exceeding the prescribed amount that may be deducted for any return period", because that also is explanatory. So that portion becomes, "an amount from the taxable wages included in a return made by"—

The Hon. D. K. Dans: This is explanation by decimation.

The Hon. G. C. MacKINNON: Mr Withers is well aware that is the method one adopts to find an explanation. Any man who can fly an aeroplane, handle crop seeding, and that sort of thing has brains he has not yet started to use. I am sure Mr Withers does not need me to explain this to him—that is, unless his brain has been frozen in that rarified atmosphere in which he flies. In fact, he can probably work it out quicker than I.

The Hon. R. Thompson: I hope you are not accusing him of telling lies. He said he did not understand it.

The Hon. G. C. MacKINNON: I am just explaining to the House how one works these things out.

The Hon. J. C. Tozer: Did you ever in all your life see a sentence as long as this?

The Hon. G. C. MacKINNON: I have seen a sentence that is longer than this one.

The Hon. D. K. Dans: Where—on a Welsh railway station?

The Hon. W. R. Withers: It contains 174 words.

The Hon. R. Thompson: In summary, what does it mean?

The Hon. G. C. MacKINNON: It means that the commissioner may make a determination specifying an amount from the taxable wages included in a return by an employer.

I accept that the man who drafted this Bill has no desire to confuse us; rather, he has a desire to make things as simple as he can. I accept also that the man who is responsible for this department—that is, the Attorney General—is one of the most intelligent members of this House. If it were possible to make this clause simpler, I am sure the Attorney General would have done so.

The Hon. R. Thompson: I hope he does not leave the Chamber during the Committee; we might ask him for an explanation.

The Hon. G. C. MacKINNON: Under those circumstances, we have no need to start on the kindergarten business of explaining the meaning of clauses to Mr Withers.

The Hon. G. W. Berry: What is the difference between a small business and a large business?

The Hon. R. Thompson: One is bigger than the other!

The Hon. G. C. MacKINNON: We appreciate the fact that Mr Tozer and Mr Withers have particular problems with regard to remoteness. However, in the main we must try to deal with everything on a front, and cope with all the circumstances.

There is no need for members specifically to ask that their suggestions be forwarded to the relevant departments; both I and other Ministers have said on previous occasions that whenever questions are asked or suggestions made during debates in this place, they are forwarded to the appropriate departments. Therefore, Mr Tozer's suggestions will be forwarded for consideration.

I thank members for their real interest in this Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Leader of the House), and passed.

WESTERN AUSTRALIAN POST-SECONDARY EDUCATION COMMISSION ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [8.08 p.m.]: I move—

That the Bill be now read a second time.

The Western Australian Post-Secondary Education Commission has been in operation in its present form for over 2½ years and, as a result

of the experience gained, it is considered desirable to make some amendments to the Act to promote the more efficient operation of the commission.

In November, 1978, the Minister for Education wrote to post-secondary education institutions seeking their views on the effectiveness of the Act and, in framing the present Bill, consideration was given to the responses received from the various institutions. The amendments proposed will not change the fundamental purpose of the commission as a planning and co-ordinating authority, but it will assist the Government and the commission to overcome some difficulties that have become apparent.

Section 6 of the Act dealing with the composition of membership of the commission is to be repealed and re-enacted. This amendment will reduce the membership from the present chairman plus 14 members, to that of a chairman plus 11 members. In addition, the present categorisation of membership by post-secondary education sectors will be abolished. The 11 members will be persons selected for their knowledge of and interest in education, community affairs in the city and country, employment problems, or government. Not more than four of these persons shall be persons actively engaged in post-secondary education as members of staff.

This change is being made because the Government believes that the commission is unnecessarily large and that the categorisation of membership has proved unnecessarily cumbersome. In restricting the number of persons who can be directly engaged in post-secondary education to no more than four, the balance of the commission in favour of members drawn from outside direct involvement in the institutions will be preserved.

The matter of staff industrial conditions in post-secondary education has become increasingly complex. The commission already has the responsibility of advising governing authorities of institutions on the terms and conditions of appointment and employment of staff and on claims related to such terms and conditions.

The Government is of the opinion that the Minister also should be kept informed on these matters and the amendments to subsection (2) of section 12 are designed to require the commission to undertake that responsibility.

The Act has not contained any provision which would enable the commission to delegate its powers to any committee or to the chairman. This has resulted in some time-wasting procedures whereby even some minor matters have had to be

considered by the commission when they could well be handled by the delegation of authority. The Bill therefore seeks to amend section 13 of the Act to give to the commission the power of delegation in the usual terms and with the usual safeguards.

There has been some confusion about the right of the commission to consult with institutions in the various sectors, particularly as the method of operation of the Commonwealth with the sectors differs considerably. Hence an amendment is being proposed to add a new section 14A that will enable the commission to require consultation with any institution on matters that are relevant to the function or duties of the commission.

Difficulties have been experienced in regard to adequate co-ordination of activities at the State level. In part this has been because of the lack of clarity of the responsibilities of the commission with respect to some sectors and, in part again, because of the differing ways in which the Commonwealth Government deals with the various sectors of post-secondary education.

The Government believes that since all institutions are established under State legislation and since all institutions engage in teaching activities of students who are almost entirely within the State, it is reasonable to expect co-operation and co-ordination of developments in all sectors. Section 14B therefore is being added to require all post-secondary education institutions to advise the commission of any submission they propose to make to the Commonwealth Tertiary Education Commission or its agencies and to obtain the views of the commission on those proposed submissions.

In addition, the commission will be entitled to obtain information from institutions that may be reasonably required in the performance of its functions.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. Hetherington.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

Second Reading

Debate resumed from the 30th August.

THE HON. R. HETHERINGTON (East Metropolitan) [8.13 p.m.]: Mr President, I am sorry that I seemed a little tardy in rising to my feet; I thought the Attorney General would reply to the points made by Mr McKenzie in

introducing this Bill, which would have enabled me to deal further with the matter.

The problem we are dealing with in this Bill is that the Act deals with people quite unfairly and, indeed, two parts of the Act as it now stands contradict each other. Section 33 of the Act provides that major amendments to the scheme shall be put before the people, and for appeal to be made by people who consider themselves affected by those amendments.

Section 32 is one of those obnoxious sections we find occasionally in Acts. Sometimes such a section is warranted. This time it does not seem to be warranted. We find a classic Henry VIII clause.

The PRESIDENT: Order! There is far too much audible conversation in the House. I certainly cannot hear the honourable member who is supposed to be talking at the moment.

The Hon. R. HETHERINGTON: We have the classic Henry VIII section, so named because such sections as this gave to the proclamations of Henry VIII the powers of an Act of Parliament so he could exercise arbitrary and despotic power.

These sections sometimes allow authorities set up under Statute to exercise arbitrary and dictatorial power. It seems to me in the case of this particular scheme that this has, in fact, been the case; there has been at least one case of injustice against a gentleman who lives in my electorate who has had land acquired without an appeal being possible.

Section 32(2) of the Metropolitan Region Town Planning Scheme Act indicates that the scheme brought in under the first section and laid before the House can be disallowed by either House of Parliament within six sitting days—

(2) If either House does not pass a resolution disallowing the Scheme, of which resolution notice was given at any time within twenty-one sitting days of that House after the Scheme was laid before it, the Scheme has effect from and after the last day on which the Scheme might have been disallowed, as though its provisions were enacted by this Act, but if the Scheme is disallowed the disallowance does not affect the validity, or cure the invalidity, of anything done or omitted to be done before the disallowance.

The scheme was laid before this Parliament; it was not disallowed.

As I have said before, and as the Attorney General would know, it is not always possible for members of this Parliament to be aware of

everything that is laid on the Table of the House. Sometimes the effects of regulations or the effects of things brought down under Acts are not realised until they have affected someone unfortunately. The effects are not realised until the wearer has found where the shoe pinches, to misquote one of my quotations.

In this case, we on this side of the House found out that the shoe could pinch very severely only when one of our electors approached us because he had been pinched.

Clause 15 of the scheme states—

15. (1) Where the Authority relocates or alters the route of a regional highway or road or railway or the boundaries of any other reservation under this Part the Authority shall prepare copies of a plan showing such relocation or alteration and the land to be excluded from or included in the altered reservation, and the plan shall indicate the zone or zones in which any land no longer required for the reservation shall be included.

(2) Such plan shall be certified and sealed with the seal of the Authority and when the plan is approved by the Minister it shall be certified by him and, subject to subclause (3) of this clause, the plan shall become part of the Scheme without any further action being necessary under the Scheme Act.

So under this clause the authority can relocate and alter routes. Once such an action is published it becomes part of the scheme, without any right of appeal by anyone at all.

This is what happened to a gentleman who probably had been heard of by members, and I refer to Mr Alan Uren. I have here an extract from the draft judgment by Mr Justice Wallace after Mr Uren had appealed first to the master and then to the court. Mr Justice Wallace said—

It has taken me a little time to appreciate the argument. I too have twisted on behalf of the appellant because part of the court's task is to protect the rights of the citizen in his endeavours to combat bureaucracy but struggle as much as I can I do not reach a contrary conclusion to that of the Master.

By s.30 the scheme may be made for all or any of the objects or purposes, provisions, powers or works referred to in s.6 of the Town Planning Act and that section provides for, amongst other things . . . the making of highways and byways. It is true that there may appear an illogicality to the layman in clause 15 of the scheme existing in different form from that of the provisions of the Act itself, giving to the citizen the right to object

to the taking of his land for the purposes of the scheme as a whole, but it is not a court's duty to have regard to moralities. What it has to have regard to is the law and the letter of the law and how it should be construed. I find no difficulty in construing clause 15 in the scheme as being valid and within power and certainly not *ultra vires* the statute.

I am satisfied that the effect of clause 15 of the scheme, valid as it is, was to legally affect the appellant's land by the procedure adopted thereunder. That, being the case, it is my duty to affirm the master's conclusion and short-circuit this litigation for the benefit of the parties generally.

The appeal will be dismissed.

What I am pointing to in this judgment is that although the learned judge had no problem in dismissing the appeal as far as the law was concerned, he did have problems as far as the moralities were concerned. But a judge cannot be there to judge moralities, although sometimes I think some of our learned judges are a little prone to make moral judgments when they should be making legal judgments; however, this was not the case in this instance.

So Mr Uren fought a long, hard battle, but was concerned that other people should have a chance of appealing and that there should not be the apparent inconsistencies between section 33 of the Act and clause 15 of the scheme which seem to contradict what can be done. The Attorney General can assure himself that the list of things which come under clause 15 is long and that a lot of people can be affected by them.

What we are asking of the Government today—and I think what we are asking is reasonable—is to give a landowner affected by clause 15 of the scheme the right to appeal—the right he would have under section 33 of the Act. Mr Uren thought he had the right to appeal under section 33 of the Act, but then found that because the road changes that took away part of his property were made under clause 15 of the scheme he had no right of appeal. Although he went to litigation he had no chance of success.

I am not disputing that this is the law; I am not saying that the judge should have found differently; I am saying the law should be different. I am appealing to the Attorney General to accept this small amendment to the scheme which will give people a chance to appeal when they are affected by clause 15 of the scheme and not just be steamrolled over by the MRPA, which seems to be able to lay down amendments and

changes to roads under this clause without a right of appeal.

It seems that by accident rather than intent—although bureaucrats, and I do not use the term pejoratively, tend to look for the easy way out for themselves and make things as convenient as possible for themselves—what has been done is quite legal under the Act although it is not in accordance with the original intention of the Act. The original intention seemed to be that landowners affected should have some right of appeal. The use of clause 15 of the scheme takes away that right of appeal.

Basically that is all I have to say, because I think it is a case of simple injustice, not deliberate injustice, which can happen under complicated legislation. It has affected at least one person who appealed and found that although the judge seemed to think he had a moral case, he had no legal case. This may have affected many other people who did not have the tenacity and pertinacity of Mr Uren. Despite the fact he fought long and hard and whilst he is not particularly bitter, he would feel the whole thing had been worth while were the Government to accept this amendment.

I think I have set out the reasons the Government should accept this amendment; I believe the Attorney General will understand what I have attempted to put forward. My colleague is not submitting this amendment to score points; he is not being vexatious. If the Attorney General finds there is some fault in the Bill—which sometimes happens when private members present Bills to the House—I hope he will accept the principle and spirit of the measure and introduce a Bill of his own which will achieve the same effect.

Debate adjourned, on motion by the Hon. R. J. L. Williams.

CREDIT UNIONS BILL

Receipt and First Reading

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

Second Reading

THE HON. G. C. MacKINNON (South-West—Leader of the House) [8.26 p.m.]: I move—

That the Bill be now read a second time.

This Bill has been designed to define the objects and powers of credit unions and to set out the

conditions which must be observed prior to the formation and registration of a credit union.

It represents the outcome of several years' consultation between Government representatives of the several States of Australia and incorporates a set of principles which have been endorsed at ministerial level.

These principles are accepted and supported by the Association of Credit Unions which represents the movement in Western Australia.

The Bill is fairly large, but compares with legislation having similar aims which is enacted in other States.

There is interstate agreement that credit union legislation should be uniform as far as possible and, with this in mind, a number of powers proposed will be exercised through regulations which will be authorised to be made. This flexibility should facilitate the achievement of uniformity on the part of this State.

Provision is made for the automatic registration of those credit unions currently registered under the Co-operative and Provident Societies Act. The bodies involved are set out in the first schedule to the Bill.

Registration will be dependent on the adoption of a set of rules setting out the management structure of the credit union and the rights and obligations of directors, officers, and members.

It is proposed that accounting will be subject to strict regulation and a qualified and approved auditor appointed.

Borrowing by credit unions will be controlled.

It is also proposed that registration will be available to credit unions established in other States which wish to set up business in Western Australia.

Each registered credit union will be required to maintain liquid funds at the level of 7 per cent of withdrawable funds.

Those credit unions which do not already have reserve funds will be required to build up a fund by depositing a specified percentage of funds in a reserve account each year until the reserve reaches 2.5 per cent of mean funds.

Provision is made to give the registrar powers of investigation, inspection, and direction of operations, similar to those to which other financial institutions are subject.

Inquiries may be conducted and, where judged necessary, the registrar may suspend the operations of a credit union. The Minister and the registrar will be assisted by an advisory committee.

The Bill seeks to include in the functions of the committee the general oversight of the operations of the credit union industry, to make such recommendations as it thinks fit and to advise on such matters as are referred to it by the Minister or the registrar.

The committee may also advise the Minister on the rate of interest which a credit union may pay on deposited moneys.

No doubt, members will appreciate that the credit union movement has long been established in many countries.

The first credit union in Western Australia was registered in 1960. There are now 37 separate organisations.

At the 30th June, 1978, the total membership of credit unions in this State exceeded 96 000. This means that around one person in 12 of our population is directly involved.

Loans are usually unsecured, but good management and the acceptance of responsibility by members allows credit unions to operate profitably and at interest rates which are lower than most sources of credit.

Deposits during the year ended the 30th June, 1978 totalled \$108 million and outstanding loans amounted to \$96 million, or an average of \$1 000 per member. Assets stood at \$115 million. The overall picture is therefore healthy.

To date credit unions have been registered under the Co-operative and Provident Societies Act. That Act gives no effective oversight of credit union operations.

Because such large sums of money are involved and so many people have savings in these institutions, the Government feels impelled to introduce this specific legislation.

Credit unions must now be seen as one of our important financial institutions along with banks, finance companies, and building societies.

I wish to inform members that it is my intention to move certain amendments to the Bill during the Committee stage as advised by the Chief Secretary.

Because credit unions are co-operatives concerned with serving their members, rather than the general public, their operations are based on a different philosophical approach. Credit unions are also distinguished from other credit houses by the nature of their business. They concentrate almost exclusively on limited short-term financing of commodity purchases.

Having regard to the substantial development of the credit union industry in Western Australia, this Bill is considered to be timely and in

commending it to the House I repeat that there are one or two matters, which the Chief Secretary mentioned in another place, that require amendment. There are one or two amendments which will be put on the notice paper and moved at the appropriate time.

Debate adjourned, on motion by the Hon. F. E. McKenzie.

CREDIT UNIONS (CONSEQUENTIAL PROVISIONS) BILL

Receipt and First Reading

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

Second Reading

THE HON. G. C. MacKINNON (South-West—Leader of the House) [8.34 p.m.]: I move—

That the Bill be now read a second time.

The provisions of this Bill are consequential to the Credit Unions Bill and involve minor amendments to the Stamp Act, Money Lenders Act, and the Companies (Co-operative) Act.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. F. E. McKenzie.

PENSIONERS (RATES REBATES AND DEFERMENTS) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th October.

Point of Order

The Hon. G. C. MacKINNON: As this Bill, the Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Bill (No. 3), the Country Areas Water Supply Act Amendment Bill (No. 2), and the Water Boards Act Amendment Bill have a great deal in common, I ask under Standing Order No. 248 that they be debated conjunctively. They are related to one another to some extent. They are orders of the day Nos. 5 to 8. Therefore I seek leave for them to be discussed conjunctively.

Leave granted.

Debate Resumed

THE HON. R. F. CLAUGHTON (North Metropolitan) [8.37 p.m.]: The pensioners rates amendment Bill has three objectives which are set out in the Minister's introductory speech. One deals with the problems which have arisen in

relation to purple titles where there was doubt cast about the validity of the granting of the concession under the terms of the legislation. The second objective is to increase the rebate for pensioners from 25 per cent to 50 per cent; and the third deals with the matter common to the three successive Bills; that is the deducting of rates for taxation purposes.

Of these matters, the first and third seem to indicate some haphazardness in the administration of the Government, but the Opposition supports the three proposals because they are justified. Certainly, the question of a 50 per cent rebate to pensioners has been within the Labor Party platform since 1975.

When the Bill was dealt with in the other place, the Leader of the Opposition (Ron Davies) took the Government to task for its tardiness in introducing amendments to the Act which affected the purple titles.

This matter went to Cabinet last October and at that time it was pointed out that the legislation did not refer to the previous rating year. Now, we have to rely on the assurances from the Government that it will not take action in respect of pensioners who were granted a benefit at that time. I think it was 25 per cent. That is, pensioners who paid their rates in full in the current rating year will be refunded the 25 per cent to which they are entitled.

Perhaps the Minister in charge of the Bill in this place can give some assurance that any pensioner who has paid his rates in full, particularly in this current year, and who received advice from the Government that there was doubt about his eligibility for the concession but proceeded to pay his rates in full, will be given a refund. It would be only fair since it is understood that others were able to gain the 25 per cent rebate. All pensioners should be on the same level.

In regard to the increase from 25 per cent to 50 per cent I must say that as chairman of the Labor Party committee I had this written into our platform in 1975. This was done because the 50 per cent concession was allowed in most other States. In fact the people of this State have been deprived of that concession for some time. Since this has been in our platform for some four years, it is quite obvious that the Opposition will not oppose it. The only comment is that the Government has rather tardily come to the view of the Labor Party that that is a desirable concession.

Within the changes to the Act several years ago reference was made to the Social Security Act and the National Health Act and how pensioner

eligibility was ascertained. These changes have obviously affected several people. This matter is represented to me from time to time, particularly by people who are in receipt of a United Kingdom pension as well as an Australian pension. Because of variations in their exchange rate they find, as has happened quite recently, they have a few cents above the limit and they are therefore without the protection or access to the pensioner medical card.

They do not have protection in the case of illness. This is a very important consideration for elderly people. They also lose other concessions for the telephone and water, and they also lose the local government rebate which will now be 50 per cent. They will also lose their travel concession which, added to the other losses, causes them a great deal of anxiety.

It is time we found a way to overcome that particular problem. I have spoken about this matter on previous occasions and the Hon. Lyla Elliott has made strong representations to the Government about it.

I am also advised that the people who are currently affected because of recent changes to the exchange rate will be covered again shortly when adjustments are made to the Federal legislation. So we have this stop-and-go effect in relation to these people. It is most unfair to them and it causes them a great deal of anxiety. It would not be a difficult problem to overcome if Governments sincerely sat down and attempted to find a cure for it.

Very often people have some cash in the bank, if only a few thousand dollars, to give them a feeling of security should something traumatic happen, and to have a reserve of capital so that they know they will not be thrown out on the street. We advise them to put that money into a non-interest bearing account. It helps for a short period, but an alteration of the legislation is what is really required, rather than the temporary action which is being taken. The limits allowed are obviously far too low to cope with the problems with which these people are confronted.

The third matter relates to a deficiency in the previous legislation where it was not clear what proportion of the payment for water, in particular, was allowable as a tax deduction. The Bill states that what had formerly been regarded as the allowance is the amount referred to. So an adjustment has been made to the legislation and I assume an arrangement has been made with the Commonwealth Taxation Department to ensure this matter is attended to.

All the proposals will be beneficial to the people to whom they are directed and we give them our support.

THE HON. D. W. COOLEY (North-East Metropolitan) [8.48 p.m.]: Mr Cloughton has indicated support for these amendments. We are bound to support them because they are taken from the Australian Labor Party's policy which was enunciated some four years ago, and had we been returned to Government in 1977 they would by now be well and truly established and people would have been receiving benefit from them for a considerable time.

The rebate for pensioners is a real advantage to people who are on pensions and who qualify for it. Some people on pensions do not qualify for the rebate. It is accepted by the Government and the community, generally, that the pensioners who are deemed to be in affluent circumstances—Mr Baxter would say they are affluent pensioners if they own a motorcar—should not be eligible for that rebate.

The fixed charge for water and the full amount paid for water used is tax deductible, but it is a discriminatory measure in some respects because it gives affluent people a greater advantage than that received by people on a low income. A person who lives in Nedlands and whose property is valued at \$500 for water rates has sufficient income to take out superannuation or life insurance to the value of \$1 200, and if he sends a couple of his children to a private school he will exceed the concessional expenditure allowed, which is currently \$1 590. He would then qualify for a benefit of something like \$250 a year.

The Hon. H. W. Gayfer interjected.

The Hon. D. W. COOLEY: I could have mentioned rich farmers. Perhaps some poor people live in Nedlands, but I am referring to rich people whose properties are valued at \$500 or \$600 for water rates. If they had to pay 47½ per cent tax, as most of us in this Chamber do, they would receive a rebate of something like \$250. A person who lives in my electorate, say in Bassendean, on a quarter-acre block, who pays \$150 a year for water, and who does not have the wherewithal to send his children to a private school, would receive no advantage from this provision because his allowable deductions would be nowhere near \$1 590.

The Hon. A. A. Lewis: So he is getting a bigger rebate than he should have had in the first place.

The Hon. D. W. COOLEY: So the provision is in some respects discriminatory, but I suppose it is in line with the policy of the Liberal and National

Country Parties that the rich should get richer and the poor should get poorer.

The Hon. A. A. Lewis: Absolute rot! You have just told us that the person is allowed a concession for more than he spends.

The Hon. D. W. COOLEY: In addition, in the life of this Parliament the Government has cut out probate duty for rich people. When a tax is abolished someone else has to pay for it. When the Leader of the House replies to the debate, he will probably say as he always does that we are grudgingly supporting the Bill; but I can assure him we would have introduced these concessions had we been the Government.

The Hon. H. W. Gayfer: Would you have abolished probate as well?

The Hon. D. W. COOLEY: Not with the state of the economy as it is. We would not take that sort of action.

Nevertheless, this is a measure which will give benefit to some who are in affluent circumstances. When the concession for life insurance and superannuation was brought in, the amount was about \$800, which was the amount Federal Ministers paid for their superannuation. It was not a Labor Government which introduced that concession.

Anyhow, we support the Bill. The concession for pensioners will be of advantage, but the tax rebate allowed for water rates will not be of much benefit to people on low incomes; it favours people on high incomes.

THE HON. R. THOMPSON (South Metropolitan) [8.54 p.m.]: This legislation caused a great deal of confusion and concern to pensioners who were the holders of property on purple titles. I was probably the first member of Parliament to be acquainted with this problem. The day someone with a purple title received notification to the effect that he would not be entitled to the 25 per cent concession for water rates began for me the most frustrating two days I have ever had in trying to deal with Government departments and obtain clear answers from them.

On that day I immediately rang the manager of the Metropolitan Water Board (Mr Coonan), who told me, "That has nothing to do with my department. I am not responsible for it. It is a taxing measure. You had better ring the Attorney General's Department." I rang that department. The Attorney General was at a conference in the Eastern States and I spoke to his officers who told me, "We only carry out what the Water Supply Department tells us to do." I went back to the Metropolitan Water Board again, and the ball bounced in this way for two days.

In the meantime, my phone was running hot with calls from various departments, including the Premier's Department, and ultimately I finished up with the Under Treasurer. When I told him this action was unfair and discriminatory towards pensioners who were holders of property under purple title, he said, "There is no way in which we will change it. You just cannot write anything into legislation to change that situation."

After some heated words with the Under Treasurer I wrote to Mr Coonan, who was responsible for the notice being sent out to pensioners, and several weeks later he acknowledged my letter. I noted in the meantime that the Premier had intervened, and the Leader of the Opposition had got on the bandwagon and was also making representations.

The Pensioners League and the Pensioners Action Group were concerned when they heard about the matter, although I must admit that some of their members who rang me asked me what a purple title was, because not many people really know what it is. It is interesting to note that some members of Government departments asked me what a purple title was when I spoke to them about the legislation; so even officers of Government departments did not know what they were dealing with.

This legislation should never have applied to property held under purple title. However I agree with other parts of the legislation, such as that part which raises the subsidy from 25 to 50 per cent.

Although it was brought to the Government's notice by the Under Treasurer last October that it was probably acting contrary to the law or to the intent of the law, the conditions on the back of the rate notices sent out by the Metropolitan Water Board stated that property held under a purple title was not eligible for the rebate. Not one of those departments had the nous to look for a solution. The solution I suggested was probably far more complex than this one, because I had to do things in a hurry. It will probably appear on the files of Mr Coonan and Mr McCarrey that I mentioned a formal lien on properties where the title was in the name of more than one person.

Of course, purple titles are complex; we are all aware of that. The gentleman who brought a complaint to me and who lives in O'Connor, has a purple title duplex property. The adjoining owner does not live on his property, but lets it. In that situation the matter becomes complex at law.

The Government had from October until the following June to look for a remedy. It seems no-one sought a remedy until I wrote to the

department. I honestly think the Premier knew of the matter only when the bubble burst. I think he was quite sincere in saying he would lift the subsidy to 50 per cent, but I do not think he realised the department had taken the action it took which affected some 600 or 700 pensioners with purple title properties.

As Mr Cloughton pointed out, not many pensioners have paid their accounts. I pointed out to both pensioner groups that they should not pay their rates, and the matter was given publicity on television and in the Press. I received numerous telephone calls from all over the metropolitan area, and I advised every person not to pay the rates, and if they got into trouble I would endeavour to sort out the matter for them. The Metropolitan Water Board has not taken action against pensioners who have not paid their rates within the one-month period. I believe anyone who was unfortunate enough to pay his rates will receive a 25 per cent rebate or credit.

I support the Bill. As I said previously, it is unfortunate that the Government departments did not think before they acted. However, at least this legislation remedies the situation, and I am pleased to support it.

THE HON. G. C. MacKINNON: (South-West—Leader of the House) [9.02 p.m.]: I thank members for their contributions to this legislation. I take it that Mr Cloughton was querying the repayment of rates which have been paid. However, the concession clearly applies from the 1st July, 1979; so that answers that point.

I thought it was noble of Mr Cooley to admit that the Australian Labor Party pinched our policy. However, I could not understand why he was complaining that we were putting it into effect. I am afraid I lost him a little, but I thought he should not have raised the fact that his party had written into its policy some things the Government was proposing to do.

The Hon. R. Thompson: He said the ALP wrote this into its policy four years ago, and you had only just thought of it.

The Hon. G. C. MacKINNON: Mr Cooley knows that is a load of nonsense; the ALP copied it from us and wrote it into its policy.

The Hon. D. W. Cooley: We wrote it into our policy four years ago.

The Hon. G. C. MacKINNON: Mr Thompson gave us a succinct explanation of his actions. However, he forgot to mention one or two points; for example, that he phoned to me early in the piece. I thought I put him pretty well on the right track at that time.

The Government did not disregard this matter. The Premier was fairly certain that the legislation was framed in such a way that, even allowing for the extreme difficulty of purple titles, the situation was covered. Indeed, my understanding was that the Metropolitan Water Board had allowed rebates to those pensioners with purple titles who claimed a rebate. However, as is its proper duty, the Crown Law Department found the Act contained no provision to cover purple titles. As it is necessary for a Government to be more meticulous than ordinary citizens in respect of obeying the law, the Crown Law Department properly pointed out it had no authority at law to allow rebates to people holding purple titles, for a whole host of very good reasons, one or two of which were enunciated.

From that time on accounts were sent out in full and payment was expected in full. Mr Thompson was quite right in saying that payment in full was not enforced. The matter was looked at as quickly as possible in order that a solution might be found. However, if members go through the Bill carefully they will find it does not really offer a perfect solution because in some circumstances I doubt very much—

The Hon. R. Thompson: You explained that in your second reading speech and I agreed with you.

The Hon. G. C. MacKINNON: Yes, but it is impossible to find a perfect solution to the problem. When a complete building is held in one title and so many shares are held in it, sometimes quite complex arrangements are involved. Therefore it has turned out to be beyond the wit of man to find a complete solution to the problem.

The Hon. R. Thompson: In North Fremantle there is a whole street with houses on each side which are all on the one purple title.

The Hon. G. C. MacKINNON: That indicates the complexity of the problem. Of course, if only one owner objects to the rebate that is the end of the matter. It is quite impossible to arrange a deferment.

In respect of taxation, the matter was brought to our attention by the Hon. Robert Pike, probably because he shows great interest in income tax matters. He drew our attention to the fact that some people possibly were not receiving a taxation advantage. Those people would need to have an automatic standard deduction entitlement in excess of \$1 590, and not many people qualify for that. I noticed someone suggested recently that it is late days to try to help all the people who are missing out on this income tax deduction; but I would hazard a guess only about 0.1 per cent of

income tax payers would be involved. I doubt anyone in this Chamber would qualify.

The Hon. G. W. Berry: There is a \$300 limit on rates.

The Hon. D. W. Cooley: Did you say no-one in this Chamber would qualify?

The Hon. G. C. MacKINNON: No-one in this Chamber whom the provision would advantage, would qualify for the deduction.

The Hon. D. W. Cooley: Your superannuation takes up \$1 200 of that \$1 590, so you need only another \$390.

The Hon. G. C. MacKINNON: Perhaps I should have said only a few of the more wealthy people in the Chamber, such as Mr Gayfer and Mr Cooley, would qualify. Suffice it to say that few people in Western Australia would qualify. Nevertheless, it was inequitable that those few could not qualify. Therefore, after a great deal of consultation with taxation authorities both here and in Canberra, we were able to frame the necessary legislation.

The three Bills which follow this measure are associated with it. However, under the Pensioners (Rates Rebates and Deferments) Act it is necessary to specify the proportion of the rate and that is included in the measure.

I am extremely grateful for the support and intelligent discussion the measures have received. Strangely enough, these Bills have been difficult to frame.

Again on the matter of purple titles, whilst I think any legislation is less than perfect, perhaps it could be said this measure is much less than perfect. A certain amount of goodwill on all sides will be necessary in order to achieve the maximum benefit from it. It was never the desire of the Government to preclude anyone from receiving benefits the Government saw fit to confer upon pensioners. Quite inadvertently some people were denied a benefit which their fellow pensioners received. That will still apply in a very few cases, as Mr Thompson well knows. However, in the main the Government believes it has corrected the anomaly, and with goodwill on all sides I am sure it will succeed.

In addition, these Bills allow for the proper adjustment of taxation deductions which citizens in other States enjoy. Despite the fact that we have a pay-for-use system in respect of water supplies—the only State to have one—our citizens will now be able to enjoy the benefits that citizens in other States enjoy in respect of taxation deductions.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Leader of the House), and passed.

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT BILL (No. 3)

Second Reading

Order of the day read for the resumption of the debate from the 10th October.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Leader of the House), and passed.

COUNTRY AREAS WATER SUPPLY ACT AMENDMENT BILL (No. 2)

Second Reading

Order of the day read for the resumption of the debate from the 10th October.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Leader of the House), and passed.

WATER BOARDS ACT AMENDMENT BILL

Second Reading

Order of the day read for the resumption of the debate from the 10th October.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Leader of the House), and passed.

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. G. E. MASTERS (West) [9.22 p.m.]: I move—

That the Bill be now read a second time.

An administrative structure exists under the Agriculture and Related Resources Protection Act to provide for regional advisory committees and zone control authorities. The committees and authorities have the power of advising and recommending on matters relating to the control of declared animals and plants. The members of these bodies are referred to in the Act as "eligible persons", and at present they must be members of a local authority or producer organisation.

Difficulties have arisen, however, in some pastoral areas where no shire members are pastoralists or have a knowledge of pastoral activities. The situation could be remedied by providing for councils to nominate a person other than a council member for appointment to a committee or authority should no council member seem suitable or willing to accept nomination. Similarly, if a producer organisation could nominate a person from outside its membership, flexibility would be given in appointing suitable persons. The proposed new section 34A provides an appropriate means of resolving these difficulties.

Some problems have arisen also in obtaining suitable representation when both the member and his deputy have known they will be unable to attend a meeting. This could be overcome by providing for a member to authorise a deputy of another member to attend the meeting. The amendment to section 15 is intended to ensure adequate representation at meetings.

It is desirable that authority be provided for the Chief Agriculture Protection Officer to determine

the identity of an animal or plant and to determine whether an animal is "feral" or "domestic". This power is needed since problems have been experienced in determining, for example, whether an animal is a dingo or some other breed of dog.

Similarly, it is necessary to provide a legal basis for determining whether an animal is feral or non-feral as, for example, in the case of goats, where the declaration would apply only if the animal is in the feral state. Proposed new section 94A provides, therefore, in the event of legal proceedings, for a certificate signed by or on behalf of the chief protection officer as being evidence that the plant or animal is of the kind specified. This authority will rest with a senior officer of the board.

It has been necessary to gazette some restrictions in the Geraldton area in relation to the use and storage of agricultural chemicals, and it is considered desirable to place beyond doubt the ability to make regulations to store, use, or transport prescribed agricultural chemicals. Appropriate amendments have been included to deal with these aspects.

In addition, regulation-making power is proposed to prevent the entry of persons onto land on which a notice of restriction has been placed. A particular problem in this respect has been experienced in the Kimberley region, due to the entry of persons onto land infested with Noogoora-burr.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. F. Cloughton.

PRISONS ACT AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. G. C. MacKINNON (South-West—Leader of the House) [9.24 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to extend the authority of any person lawfully charged with the custody of prisoners to fire upon any such prisoners in certain instances.

At present the Prisons Act authorises the use of fire power against a limited category of prisoners and only in limited circumstances. Those

circumstances are where an escape or attempted escape is taking place, or where a serious assault is being committed or about to be committed by a prisoner.

The category of prisoners against whom fire power can lawfully be used consists of prisoners under sentence of death, penal servitude, or imprisonment for any term. Prisoners on remand, prisoners detained in strict custody, or detained during the Governor's pleasure cannot lawfully be fired upon. While prisoners from each category are kept in the same prisons the present system is unworkable. An armed prison officer or other lawful custodian could not lawfully fire to prevent an escape or assault unless he knew why the prisoner involved had been committed to prison.

Furthermore, at present the Act authorises fire power only where a serious attack is taking place, or about to take place, on a custodian or another prisoner. Non-custodial staff and visitors to the prison are not within the protected class.

It is intended by the proposals contained in this Bill to cure the flaws in section 74 of the Act by authorising the use of fire power against any prisoner who is escaping or attempting to escape, or who is seriously assaulting or about to assault any person.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Lyla Elliott.

APPROPRIATION BILL (CONSOLIDATED REVENUE FUND)

Consideration of Tabled Paper

Debate resumed from the 4th October.

THE HON. D. W. COOLEY (North-East Metropolitan) [9.26 p.m.]: The introduction of this motion several years ago, during my time in this House, was one of the most progressive actions that has been taken by the Legislative Council in a long time.

It gives to us the opportunity to speak on almost any subject, including the Budget, the economy, and the financial statements which are presented to us from time to time. It gives to the Opposition the opportunity to criticise the Government's actions and to applaud the Government if we feel it should be praised. It also gives to members of the Government an opportunity to indicate to the House the progress which has been made by the Government in the time it has been in office.

The Government has been in office for five years. As this is the last session of Parliament before we go into an election, I would have

thought the Government members in this House would be falling over each other to rise to their feet for the purpose of telling us the wonderful achievements the Government has made and how the State has progressed over the past five years, and to report on some of the things that they said three or four years ago would happen.

The Hon. N. F. Moore: Do not be impatient.

The Hon. D. W. COOLEY: I would have expected an explanation from Mr Masters of all the wonderful things the Government has done. One would think Government members would tell us in retrospect all the things that have happened. One would have thought people like Mr Oliver, who is sitting outside the Chamber, would be on his feet here telling us all the bad things the unions have done. I cannot see anybody at the moment who might fit the category.

This motion has been before us for all these weeks, and there have been three speakers from the nine members of the Opposition. There are 22 members of the Government including you, Mr President; but I do not expect that you would speak, so there are 21 members of the Government. Three of us have spoken, but not one member of the Government has been on his feet justifying the Government's actions.

One would have thought it would be appropriate for a Government member to take some initiative and adjourn the debate; however, it was left to me to do so. One would have thought Government members would want to tell the people in their electorates what has happened over the last five years. The actions of Government members indicate they do not have much of a story to tell, because they have not stood on their feet and spoken about the achievements of the Government.

The Hon. A. A. Lewis: What have you done in the last six years you have been here?

The Hon. D. W. COOLEY: I would have liked to hear some of the speeches made by Government members so that I would be given the opportunity to accept or reject what was said by them.

This is a House of Review so-called and this debate offers us the opportunity to review what has taken place over the last five years. Government members have failed in their efforts so far to indicate what they have done during that period. Perhaps Government members should do their homework between now and next Thursday so that they can stand up and make a few speeches before other members from this side of the House speak. We would like to have the

opportunity to comment on some of the matters raised by members opposite.

I take this opportunity to do what Government members are failing to do; that is, look back in retrospect over the last five years during which this Government has been in office. I should like to go back to the period prior to this Government coming into power. I am referring to the golden year of 1973 when we had Labor Governments in both the Federal and State spheres. Those were the good years.

The Hon. R. J. L. Williams: I think you are wrong.

The Hon. A. A. Lewis: What about all the stuff they had to drop from their notice paper?

The Hon. D. W. COOLEY: Government members look at matters through different eyes and they might mix with people different from those with whom I mix. However, I should like to point out that during the period of a Labor Government the people were far happier than they are now. We did not have nearly as many complaints, industrial problems, or confrontations between the Government and the unions as are taking place at the present time. It was the golden year of 1973. During that time there were confrontations between the unions and the employers; but over the last few years I have not heard of employers being involved in industrial disputation. It is the Government which is involved.

The Hon. H. W. Gayfer interjected.

The Hon. D. W. COOLEY: Mr Gayfer has been involved in a dispute and he has called on the Government to help him resolve it. When there is a conflict between the Government and the unions we see the Minister for Labour and Industry confronting the unions—

The Hon. G. E. Masters: He is not confronting the unions.

The Hon. D. W. COOLEY: I have never heard of a situation in which Mr Atkinson of the employers' federation has been in conflict with the Trades and Labor Council in recent months. However, when I was the President of the TLC and Mr Jim Coleman was the secretary, we were in touch constantly with the employers' federation whenever an industrial dispute occurred.

The Hon. R. J. L. Williams: You are not a Communist, are you?

The Hon. D. W. COOLEY: I am not.

The Hon. R. J. L. Williams: The Communists are controlling the unions now.

The Hon. D. W. COOLEY: I will come to Communists a little later. In those days there is

no doubt a happier atmosphere prevailed. In 1973 welfare payments were adjusted. After 23 years of conservative rule there was an adjustment to the principle of fixing pension rates. The Whitlam Government said, "From now on there will not be an annual handout in regard to pension rates. They will be related to average weekly earnings and they will be a percentage of those earnings. As average weekly earnings go up, so shall pension rates go up. The pensioners will not have to come cap in hand every year to get an increase from us." That was the breakthrough in respect of welfare payments.

In 1973 for the first time we saw a Minister for Labour and Industry go into the Federal commission and advocate an increase in the minimum wage. I know people will say that was the start of inflation; but those were happy years and the people were in a more cheerful frame of mind than they are now. Certainly the people with whom I associate were much happier. I know the insurance companies and the banks were gnashing their teeth. The financial institutions, the multi-nationals, and perhaps the CIA, did not like a Labor Government in office. They wanted the conservatives back in office and the Labor Government removed.

Several members interjected.

The Hon. D. W. COOLEY: When members talk about Communists they should refer also to other outside influences coming into the country.

In those years the horror of Vietnam was behind us. Immediately it came into office the Labor Government withdrew our boys from Vietnam and everybody was happy about that. We abolished conscription and everybody was happy about that also.

Several members interjected.

The Hon. D. W. COOLEY: In the golden year of 1973 the unemployment figures were reasonably low. There was no great unemployment and inflation may have been on the move a little—

The Hon. G. E. Masters: A little!

The Hon. D. W. COOLEY: —but it was at a reasonable rate.

The Hon. A. A. Lewis: What do you call a reasonable rate of inflation?

The Hon. D. W. COOLEY: At that time inflation was between 7 per cent and 8 per cent per annum which is a much more acceptable level than that which exists at the present time. We can criticise the economy of the country—

Several members interjected.

The PRESIDENT: Order! Will honourable members cease their unruly interjections?

The Hon. D. W. COOLEY: When members talk about the economy of the country they should bear in mind that over the last 28 years a Labor Government has been in power for three years only in the Federal sphere. Throughout the balance of 25 years, conservative Governments have been in office in Canberra. Therefore, it is obvious some of the blame for the present state of the economy must be attached to the conservatives for the way they have administered the finances of the country. We have had a Labor Government for only three years out of the last 28 years. Members cannot tell me that all that damage was done in those three years.

The Hon. A. A. Lewis: Why do you not have a look at businesses and farms and the situation there?

The Hon. D. W. COOLEY: If the member will be patient, I will look at farms and make some comparisons on that matter.

Unfortunately, the vested interests went on the rampage and a campaign was started. In 1974 we saw the first step in that campaign with the defeat of the Tonkin Government. No-one in this Chamber can tell me the Tonkin Government was not a good Government and did not deserve another three years in office, despite what may have happened federally.

The Hon. A. A. Lewis: The people decided.

The Hon. D. W. COOLEY: The people decided. When there is a ballot, if the people are silly enough to put the Liberals into power, I accept that.

The Hon. A. A. Lewis: So the people are silly, are they?

The Hon. D. W. COOLEY: Previously a Government member said that everybody who votes for Labor is silly. However, the defeat of the Tonkin Government occurred and following that, in 1975, devious means were used to get rid of the Whitlam Government. We are looking back retrospectively over the last five years.

The Hon. G. C. MacKinnon: Did you see the cartoon which said, "if Labor is the answer, it must have been a silly question"?

The Hon. D. W. COOLEY: Where would we be if we took notice of cartoons? We saw the end of the Whitlam Government in 1975. I do not want to go into all the ramifications of that matter, because it was a black chapter in the history of the Australian nation. The disposal of the Whitlam Government was a black chapter in

our history and I do not believe anybody in this room can dispute that.

The Hon. A. A. Lewis: What about its period in office?

The Hon. D. W. COOLEY: When the Labor Government was in office the people were happy. They were the golden years for the people with whom I associate. We then saw the end of the Whitlam Government, prior to which the Court Government was installed in Western Australia. The reason Liberal Governments were installed in both the State and Commonwealth spheres was—

The Hon. G. E. Masters: It was because the people said so.

The Hon. D. W. COOLEY:—that the people were told conservative Governments are better economic managers than Labor Governments.

The Hon. G. E. Masters: They have proved that.

The Hon. D. W. COOLEY: That has been the claim to fame of Liberal Governments. Liberal candidates went out on the hustings and said, "Look at the golden years we had in the sixties with such tremendous development."

The Hon. R. J. L. Williams: We did do well.

The Hon. D. W. COOLEY: The Liberal Government may have done well; I am not saying it did not. However, the Labor Government did just as well; but in the 1960s the people were led to believe that Liberal Governments were better economic managers than were Labor Governments and the people believed that, despite the good job which had been done by the twin Labor Governments in the State and Federal spheres.

The Hon. A. A. Lewis: Do you claim that the Whitlam Government did a good financial job?

The Hon. D. W. COOLEY: Whether the Whitlam Government did a good or bad job, I have not been able to reconcile myself yet to the way in which the people who were helped by Whitlam—the people on social welfare and who had low incomes—turned against him in that way after three years. Not only was the Whitlam Government defeated, but it was badly beaten also at the election by the very people who had been helped by it. These people virtually bit the hand that fed them.

The Hon. G. E. Masters: They recognised it was a totally irresponsible Government.

The Hon. D. W. COOLEY: Mr Masters may recall the fact that I called those people "poor suckers" after they had turned against the Whitlam Government in 1975.

The Hon. G. E. Masters: You certainly did.

The Hon. D. W. COOLEY: During the years that have gone by since then it has been proven that they were indeed poor suckers. We have all seen the broken promises and the penalties which have been levied on these people by the Fraser Government.

The Hon. G. E. Masters: They are certainly not poor suckers.

The Hon. D. W. COOLEY: Is it not a fact that those people were led up the garden path in respect of the conservative policies? I cannot reconcile myself to the fact that the people were so gullible as to accept the promises made by the conservatives.

The unemployment figures show what sort of managers the conservatives are. These figures were admitted openly in the book *The West Australian Economy* and they were backed up by the *Australian Year Book*. In 1971 when Mr Tonkin came into power a total of 6 680 people were unemployed. At the end of 1972 the figure had risen to 12 076 no doubt as a result of the attempts by the Labor Government to put right the damage done by the previous Liberal Government. By 1973 a total of 8 461 people were unemployed. When the Tonkin Government went out of office there were 7 782 people unemployed. The good economic managers were going to take over the country and cure our economic ills. What is the position now?

The Hon. A. A. Lewis: What was the immigration from other States in those years?

The Hon. D. W. COOLEY: According to this book, over 40 000 people were unemployed—

The Hon. R. F. Cloughton: What was the immigration overseas from this State last year? It was 8 000, was it not?

The Hon. A. A. Lewis: Have a look at the immigration figures and the number of jobs created.

The PRESIDENT: Order!

The Hon. D. W. COOLEY: The number of people unemployed in this State in May, 1979, was 40 156. It has to be remembered that the Federal Government has manipulated those figures. If the true figure were released, it would be something like 50 000.

A total of 7 000 people were unemployed when the Tonkin Government went out of office, but in May, 1979, 40 156 people were unemployed. That is the result of the so-called good economic management. The Government won the election on the basis that it was a good economic manager, but it has failed miserably.

Several members interjected.

The Hon. R. J. L. Williams: Has there been no influx at all?

The Hon. D. W. COOLEY: I ask Mr Williams to be fair.

The Hon. R. J. L. Williams: I am being fair.

The Hon. D. W. COOLEY: There are 41 people in this State for every job which is available.

Several members interjected.

The PRESIDENT: Order! Members, would you please refrain from these unruly interjections? The decorum of the House is deteriorating very badly indeed, and I ask members to refrain. The Hon. D. W. Cooley.

The Hon. D. W. COOLEY: I know that Mr Williams does not realise that the Court Government got into power in this State as a result of its propaganda. The Government said that no matter what happened in the Federal sphere, it would fix the unemployment situation State by State, and within a period of six months it would have the State back on its feet again. How pleasing it would be if that magical situation existed and there were only 7 000 people unemployed in Western Australia. What a wonderful economy we would have. However, we now have a disastrous economy.

The Hon. N. F. Moore: The situation is better in the country.

The Hon. D. W. COOLEY: No, it is not. Let me refer to the situation which applied in 1974-75 when the average weekly earnings increased by 26.6 per cent. I am talking about those people on about \$200 a week and who are supporting a wife and a couple of children. They need every cent they can get. The income of those people increased by 26.6 per cent, but they turned against the Government which provided that increase. What is the situation in 1978-79? According to *The Western Australian Economy*, presented by the Government, the increase in average weekly earnings for 1978-79 was 6.7 per cent.

The Hon. A. A. Lewis: Is that not better for inflation?

The Hon. D. W. COOLEY: I will accept that the rate of increase in real earnings had to go down a little. However, the working people have suffered tremendously. Household income during 1973-74 increased by 30.9 per cent. In 1977-78, it increased by 6.7 per cent.

The Hon. N. F. Moore: Are those figures related to inflation?

The Hon. D. W. COOLEY: I think these figures are based on the Consumer Price Index. I have not been given the exact figure for the current year, but certainly it is higher than 6.7 per cent.

The Hon. A. A. Lewis: What about the 30 per cent?

The Hon. D. K. Dans: They do not understand you, Mr Cooley.

The Hon. D. W. COOLEY: The workers in this State are being robbed, and they are not able to keep up with the movement in prices of commodities made in order to make up for those increased earnings.

The Hon. A. A. Lewis: Even the workers do not agree with you.

The Hon. D. W. COOLEY: The obvious reason is that private industry has let down the Government badly. It is because of the profit motive. One would think that if there had been a decrease in average weekly earnings from 26 per cent down to 6.7 per cent, people would not be silly and claim that increases in wages cause an increase in inflation. However, that is what is happening.

The employers and private industry will not accept the situation. They are still claiming that wages are too high, and they are suppressing the work force on the same basis they did when average weekly earnings rose by 26 per cent. One can go into any shop or any factory and see examples where investment allowances have been fed into private industry, and where a 40 per cent rebate applies on income.

The Hon. A. A. Lewis: On income?

The Hon. D. W. COOLEY: On income tax. I have the greatest respect for the Swan Brewery, but for the last two years it has paid no tax at all to the Federal Government because of investment allowances.

The Hon. A. A. Lewis: How much of shareholders' money was paid in tax?

The Hon. D. W. COOLEY: The Swan Brewery is a wonderful organisation, but it put 300 people out the door. That was the reward which the Government received for its investment allowance. In how many other industries is that occurring in this country? How many employers are cheeseparing with regard to wages for workers, and causing real wages to go down and down? Any trade unionist who knows anything about the industrial scene will tell any member here that present average weekly earnings—since the introduction of wage indexation—have been denied to the extent of something like \$20 a week.

But we still have employers saying that wages are too high, and they continue with their cheeseparing.

The profit motives of private industry are overriding the economic interests of this country. If wages are coming down, the employers should be looking for more people, instead of putting them off. It is time the employers looked at the situation. They are still applying the theory that as the price of a commodity goes higher, there is more resistance to it. The employers are applying that principle with respect to the people they employ. They should open their purse strings and use some of the vast sums paid to them by a sympathetic Government, and attempt to get the nation on the move. They should employ people in a real capacity.

The Hon. D. K. Dans: They are employed in tax-dodging schemes.

The Hon. A. A. Lewis: How many people were employed in the construction force on the Swan Brewery?

The Hon. D. W. COOLEY: I could not say.

The Hon. A. A. Lewis: Was that not worth while?

The Hon. D. W. COOLEY: I am not decrying the actions of the brewery, but how many times has that occurred?

The employers ought to open their purse strings. Whitlam was put out of Government because he gave too much to low-income earners. Their incomes increased by 26 per cent. That is the reason the Whitlam Government went out of office; people on average weekly earnings supported the present Government. There was too much Government spending.

The present Government has gone to the private sector, but the private sector has not responded. It is about time it did because profits are not down. Profits are as high as ever. Let us get back to the old one; let us take BHP and examine the profits that company made this year. It made a profit of something like \$3 million a week for every week of its last financial year.

The Hon. A. A. Lewis: If you were to invest your money, would you take 2.7 per cent? Is that what you are saying?

The Hon. D. K. Dans: And a bonus issue every now and again!

Several members interjected.

The PRESIDENT: Order! Order! Would members please refrain from inciting other members to interject? The Hon. D. W. Cooley.

The Hon. D. W. COOLEY: We have a situation where profits can be increased by 100 per cent, but the company concerned carries along with the theory that wages are too high, and that those wages should be going down. Without doubt, they are going down and the private sector believes they should continue in that vein.

It is about time the Government looked into some of the companies to see why they are not making a greater effort in return for the money which the Government has injected into the private sector. The Government should not knock the unions.

That is a thought of mine and I believe it is one way to get out of the terrible mess we are in at present. The Government got into power on the basis that it was a good economic manager, and it could talk to the private sector.

The Hon. T. Knight: Has not BHP injected money back into this country?

The Hon. D. W. COOLEY: It should have been expanding to a greater extent. My information is that industry is running at about 80 per cent capacity. There is another 20 per cent which could be used. However, we have 400 000 people out of work. Instead of running down the unions, the Industrial Commission, and everybody else associated with the industrial scene, perhaps the Government should investigate the private sector.

The Hon. A. A. Lewis: The workers at Collie sent me here.

The Hon. D. W. COOLEY: Mr Lewis might not know it, but he was sent here by people who support firms such as BHP. He is backed by those firms, in some way or another.

The Hon. A. A. Lewis: In what way?

The Hon. D. W. COOLEY: I am bold enough to say that the overthrow of the Whitlam Government was brought about by people whom Fraser did not even know. In an intricate way, the present Government was put in power by those sorts of people.

Something has puzzled me for some time, and perhaps Mr Gayfer will be able to answer my question. At page 15 of *The Western Australian Economy* it is shown there has been an increase in farm income beyond all expectations. In 1974-75, under the heading of "Livestock", the total was \$845.169 million. In 1978-79, the income increased to \$1 309 499 million. The income from grain increased by \$361 million, in round figures, going to \$527 million. For wool, the increase was not quite so great; it was 7.1 per cent, from \$224.878 million to \$288 million. The figures

published for 1978-79 show a wonderful situation in the rural industry. If it is a good thing for meat prices to go up, grain prices to go up, and wool prices to go up, why is it not a good thing for wages to go up? Can any member answer that? Why is that so? Everybody applauds the increase in farm income. However, wages have increased by 6 per cent only. Why is it a good thing for farm income to go up, but a bad thing for the wage to go up? That is an alarming situation.

The Hon. A. A. Lewis: If you consider it over a decade you will find that most primary producers have had nowhere near the rises that the wage earner has had.

The Hon. D. W. COOLEY: For 23 years, while a Liberal Party Government was in office in Canberra, the real earning power went down. Then it was resurrected by the Whitlam Government.

The Hon. A. A. Lewis: The people do not believe that. They reckon the Whitlam Government ruined jobs and security.

The Hon. D. W. COOLEY: So it is a good thing when farm income is increased, but a bad thing when wages are increased. Just a few months ago the housewife was paying \$1.50 a kilogram for meat, and now she is paying \$3 a kilo. Is that a good thing?

The Hon. T. Knight: The farmer believes that money is made round to go round. While he is making money it is being circulated.

The Hon. H. W. Gayfer: What about all the farmers who walked off their farms?

The Hon. D. W. COOLEY: They were also walking out of their offices in St. George's Terrace. Perhaps I have at least stimulated some members to think about this matter, and perhaps they will be able to give me an answer to the problem.

My theory regarding Budgets is well known. In times of unemployment, we should not be balancing Budgets; we ought to be working on a deficit budgeting system.

I would like the answer to another question: Why is it a good thing for the conservatives in Canberra to have a \$2.5 billion deficit and a good thing for Western Australia to balance the Budget?

The Hon. A. A. Lewis: Nobody has ever said it is good. We are trying to make up the leeway lost by Whitlam.

The Hon. D. W. COOLEY: If the Government ran into a \$10 million or \$15 million deficit, and if it spent some of the \$40 million that is stashed away, it might improve our unemployment

situation. The Government might be able to initiate some programmes to relieve unemployment.

In financial terms the Budget is well managed, but in social and humanitarian terms, it is a tragedy. This is not the proper time in which to balance the Budget.

I have a deep regret that during the past five years no improvement has been made in industrial relations in the State. Another part of the policy of the Liberal Party and the National Country Party was that industrial relations would be improved. However, the situation now is far worse than it has ever been in this State. Tonight a measure has been introduced in another place. I do not know what is contained in that Bill, but there is no doubt in my mind that it will be along the lines of the policy followed by this Government during its term of office; that is, it will worsen our industrial relations. I thought that when Mr Ray O'Connor took over the portfolio of Labour and Industry a big improvement would occur.

The Hon. D. K. Dans: He is only a cipher.

The Hon. A. A. Lewis: You told this House that you had a great regard for Mr Grayden.

The Hon. D. W. COOLEY: I never said that. Personally, I like Mr Grayden, but he was not a good Minister for Labour and Industry.

The Hon. T. Knight: Many rank and file unionists have a lot of time for Ray O'Connor.

The Hon. D. W. COOLEY: I have a lot of time for him also. However, the point I am making is that he is not now guided by his own conscience, but rather by the Cabinet.

I saw a young Turk today with Mr Neil McNeill.

The Hon. Neil McNeill: I was with Mr Harris.

The Hon. D. K. Dans: A lot of people would like to know where he is now because of all the money he owes them.

The Hon. D. W. COOLEY: It was Hanson; it is now Harris.

The Hon. Neil McNeill: The only person I spoke to today was Graham Harris.

The Hon. A. A. Lewis: You ought to be complimented—he called you a young Turk.

Several members interjected.

The Hon. D. K. Dans: I have been reading it—it is another paper tiger.

The Hon. D. W. COOLEY: Perhaps it is stale news. However, the musicians even issued a writ against Mr Hanson for non-payment of \$800 in wages.

The Hon. R. F. Claughton: He really loves the unionists.

The Hon. D. W. COOLEY: No wonder he has no time for the unions—he will not pay the union rates.

The Hon. D. K. Dans: He is paid by the Liberal Party.

The Hon. A. A. Lewis: Now, Mr Dans!

The Hon. D. K. Dans: I believe so.

The Hon. A. A. Lewis: You would not say it outside.

The Hon. D. K. Dans: I do not think I would.

The Hon. D. W. COOLEY: At the conference at Bunbury the young Turks cheered their heads off every time the suggestion was made that the Government would clamp down on the unionists. This was reported in *The West Australian* of the 3rd July.

Several members interjected.

The Hon. D. K. Dans: If members opposite come up north and interview the iron ore managers, they will tell you what the trouble is.

The Hon. T. Knight: You tell us what is behind it.

The Hon. D. K. Dans: I will tell you at a later stage in the debate.

The Hon. R. F. Claughton: It is the Government that is behind it.

The Hon. D. W. COOLEY: It is the naive attitude of the young Turks in the Liberal Party.

The Hon. D. K. Dans: Reds under the beds!

The Hon. D. W. COOLEY: The article in *The West Australian* reads—

The party's State president, Mr Noel Crichton-Browne, said last night that he believed there was a direct relationship between current union blockades and growing Soviet power in the Indian Ocean.

What about that? The growing Soviet power in the Indian Ocean was the cause of the union blockades! People in the Soviet Union do not even know where Western Australia is. The article continues—

Mr Crichton-Browne said that the party had set up a special committee to assess the extent of subversion.

He believed there was an overt participation of communist influence within the executives of the ALP and the Trades and Labor Council.

What a lot of nonsense that is. There may be two or three Communists in the Trades and Labor

Council, but certainly there is none in the Australian Labor Party. To continue—

The iron-ore blockade based on a pretence that the Pilbara wage demands were reasonable.

He said that the party's committee would have three members of the executive, including the senior vice-president, Mr H. Lundy, and two members who were interested in natural resources and the rural sector.

Where is the report of the committee? That is what I want to know.

The Hon. R. F. Claughton: It disappeared with that phantom red fleet.

The Hon. D. W. COOLEY: I am referring to *The West Australian* of the 3rd July, 1979. On the same page there is an article headed, "Shock move on Telecom". Is that union run by the Communists?

On page 3 of the same paper there is an article headed, "Lumpers vote to stay out". The waterside workers have a magnificent record in Western Australia. Are the lumpers in this State controlled by the Communists?

Another article about a looming meat shortage reads as follows—

A wrangle over increased livestock slaughter levies and meat-inspection charges, which came into effect on Sunday, could lead to a shortage of meat next week—and possibly higher prices.

Meat processors have told stock agents to deduct the charges from producer returns from sales.

The Farmers' Union and the Pastoralists and Graziers' Association said yesterday that producers would withhold livestock until negotiations reached a conclusion.

Are Communists in these organisations also?

The Hon. D. K. Dans: Mr Samson—you would suspect him?

The Hon. T. Knight: I suppose next you will be telling the House that there are no Communist members in any of the trade unions in Australia.

The Hon. D. W. COOLEY: I would say the figure would be less than 1 per cent.

The Hon. D. K. Dans: There are members of the Communist Party in all professions in Australia.

The Hon. T. Knight: I have a full list.

The Hon. D. W. COOLEY: In the same paper there is an article headed, "Court rejects Commonwealth move". It reads as follows—

The WA Industrial Commission yesterday rejected a bid by the Federal Government to intervene in an application by State Energy Commission unions for a shorter working week.

Are there Communists in the State Energy Commission? Of course there are not. Every day strikes are brought about by the rank and file members of a union. Here we have the President of the Liberal Party, aided and abetted by the young Turks at that conference, saying there is a conspiracy between the Soviet Union and the workers in the iron ore industry.

The Hon. A. A. Lewis: How did you go with the ALP decision on marihuana?

The Hon. D. W. COOLEY: That is an entirely different subject.

I now turn to the report of Mr Justice Ludeke's comments which appeared in *The Age* of the 25th July.

The Hon. Neil McNeill: Will you also tell us what Mr Street said?

The Hon. D. W. COOLEY: It is all here.

The Hon. Neil McNeill: Mr Justice Ludeke repudiated that statement.

The Hon. D. W. COOLEY: The article states—

Mr. Justice Ludeke warned against conspiracy theories and the hard line statements of politicians.

He said it was difficult for people hit by strikes to have a constructive attitude to their settlement.

"It is much easier to cheer on the Prime Minister when he speaks of enforcing tough legislation, because that gives many people the comfortable feeling that the responsibility has passed from them to him," he said.

"Many others take refuge in the conspiracy theory—that fantasy in which every strike and ban is linked and traced back to a secret cell of industrial bomb-throwers."

This is a member of the Industrial Commission speaking.

The Hon. A. A. Lewis: That was repudiated.

The Hon. D. W. COOLEY: He would sue the paper for libel if it was not correct.

The Hon. Neil McNeill: If you listened to the debate between Mr Street and Mr Hawke, you would know that was repudiated by Mr Justice Ludeke.

The Hon. A. A. Lewis: It is a shocking thing that a man can refute something, and then you quote it in this House.

The Hon. Neil McNeill: Even though that statement was denied, you still quote it.

The Hon. D. W. COOLEY: It was not denied in this paper.

The Hon. A. A. Lewis: Of course it was denied, and you know it.

The Hon. D. K. Dans: Mr Justice Ludeke is a very honest man, and he is very critical of the medical profession in this country.

The Hon. A. A. Lewis: But he said he did not say it.

The Hon. D. W. COOLEY: The article continues—

Mr. Justice Ludeke later said almost every problem in industrial relations involved people and had to be resolved by people.

He said that every problem will have to be resolved by people—not by the Government. The trade union movement will exist long after this Government is forgotten.

The Hon. A. A. Lewis: Does the ACTU have anything to do with the trade union movement?

The Hon. D. W. COOLEY: I would think so.

The Hon. A. A. Lewis: Well, does the leader of the ACTU refute that too? He did so on air.

The Hon. D. W. COOLEY: I just hope the Liberal Party publishes the report showing the association between workers in the Pilbara and the Soviet Union. I hope members opposite let me have a copy when it is finished; it has taken long enough.

I do not believe in the conspiracy theory, either in respect of those workers or, indeed, so far as members opposite are concerned. I am honest in this regard; I have made this statement publicly. When Mr Baxter was speaking to the Police Act Amendment Bill, I predicted that half a dozen workers holding a spontaneous meeting outside their work place could be arrested.

The Hon. N. E. Baxter: Were any ever arrested?

The Hon. D. W. COOLEY: Yes; it has been going on for quite some time. A newspaper reporter asked me whether the legislation was a Government conspiracy and I told him that I did not think it was. It ill behoves any responsible person to talk irresponsibly about conspiracy. It is

not a contest between the unions and management; it is a contest between unions and the Government.

The Hon. Neil McNeill: I think it is a contest between unions and the Communists.

The Hon. D. W. COOLEY: Mr McNeill is getting carried away by the propaganda of his own party.

The Hon. Neil McNeill: Would you deny the Communists and the socialist left were against the endorsement of Bob Hawke?

The Hon. D. W. COOLEY: They were; that is true. However, I would swear an oath that neither Jack Marks nor Laurie Carmichael set up their arrests; it was a complete surprise to both of them.

The Hon. N. E. Baxter: They set it up.

The Hon. D. W. COOLEY: Why was the legislation silent for two years? Why did a policeman suddenly decide to invoke section 54B, and arrest those two people?

The Hon. G. C. MacKinnon: You are right off the track on that one.

The Hon. D. W. COOLEY: The Act was amended in 1976 and no action was taken under section 54B until recently.

The Hon. Neil McNeill: Because over 500 permits were issued to Mr Peter Cook and his friends during that period.

The Hon. D. W. COOLEY: Yes and at least another 500 meetings would have been held without permission during the same period, yet not one arrest was made.

The Hon. N. E. Baxter: Tell us about 10 of those 500 meetings.

The Hon. D. W. COOLEY: If Mr Baxter would get out into the world, he would realise 10 meetings would be held every day in workshops and around workshop gates.

The Hon. N. F. Moore: They are not public places.

The Hon. D. W. COOLEY: Under the legislation Mr Baxter introduced, if three or more people assemble in a public place without permission, they could be arrested.

The Hon. Neil McNeill: Do you think it was merely coincidence that Mr Hayden was up there at the same time as Marks and Carmichael?

The Hon. D. W. COOLEY: I am telling members I will swear an oath that the two people involved did not orchestrate their arrests.

The Hon. W. R. Withers: The past president of the Communist Party did not have any designs?

The Hon. D. W. COOLEY: Those two people were up there doing a job. Mr Marks was a good soldier in the last war.

The Hon. W. R. Withers: They are committed to destroying our economy.

The Hon. D. W. COOLEY: That is Mr Withers' line of thinking.

The Hon. W. R. Withers: No, that is their line of thinking.

The Hon. D. W. COOLEY: People laugh at that sort of statement today. A couple of years ago there was a person by the name of McCarthy going around making that sort of statement, and he was laughed out of America.

The Hon. Neil McNeill: Why did Mr Carmichael and Mr Marks make the long trip over here?

The Hon. D. W. COOLEY: They came over here to do a job of work. I have not yet heard from the employers; they have not come out in support of the Government's views on this matter. Even moderate unions like the Teachers' Union are being quoted in the Press. Every day we see newspaper advertisements under the name of Mr D. Rowe, of 28 View Terrace, Darlington, drawing attention to these things. I do not know Mr Rowe, but he has spent a lot of money putting these advertisements in the newspaper. The entire State is crying out for more amendments to the Police Act.

The Hon. G. E. Masters: You do not think he might be a member of the ALP?

The Hon. D. W. COOLEY: Mr Masters is only assuming that.

The Hon. D. K. Dans: I thought it was an advertisement for singlets!

The Hon. D. W. COOLEY: I always thought industrial relations were based on unions and employers, with a minimum of interference by the Government. However, that no longer is the case; the Government now is involved in every dispute. I submit it is all brought about by the attitude we have heard expressed here tonight that there is a Communist under every bed.

The Hon. T. Knight: I will check under mine tonight.

The Hon. D. W. COOLEY: I have no doubt Mr Knight will do that.

The last point to which I would like to refer—probably, this is the last time I will speak in a general nature in this place—is the lack of reform in this House. When I first came here, I thought people's consciences would move them to institute reforms, even to the point of

making this House accountable to the people. We do not have a role while members opposite have the numbers in the other place; we are simply a rubber stamp. Of course, we have a role when the Labor Party obtains a majority in the other place, because then members opposite can block legislation. I might add that is the only time legislation is ever blocked in this place.

The Hon. Neil McNeill: Mr Withers did something today that your people would not do.

The Hon. D. W. COOLEY: I do not admire anybody who moves against his own party.

The Hon. W. R. Withers: Yet you want this to be a House of Review.

The Hon. D. W. COOLEY: It is not a House of Review; as Mr Withers well knows, it is a party House. There are members opposite who would cut off their legs before walking across to vote with us. I admire them for that, because I am a party man, and if decisions are made in the party room, they should be supported.

The Hon. W. R. Withers: But that is the way a House of Review should work. You do not believe in a House of Review.

The Hon. D. W. COOLEY: No, not under those circumstances. We are not a House of Review because we are not accountable to the people.

The Hon. T. Knight: First you accuse us of being a rubber stamp and then you say you do not admire people who cross the floor. You do not know what you want.

The Hon. D. W. COOLEY: I want the abolition of this House and a unicameral parliamentary system. I want a situation where it will not be possible for Mr Moore to be elected here by 5 000 people, while I am sent here by 80 000 people.

The Hon. N. F. Moore: How does Mr Dellar feel about that?

The Hon. D. W. COOLEY: He thinks the same way as I do. That is not a fair situation. One vote should rank equally with another. Even the most conservative people in Western Australia, including writers for *The West Australian* newspaper, believe we should be more accountable to the people. If we reject Government legislation in this place, we should be prepared to dissolve this House and go to the people.

The Hon. N. E. Baxter: Reject what legislation?

The Hon. D. W. COOLEY: During the term of the Tonkin Government 23 Bills were blocked by this House; yet not one Bill has been rejected by

this House since the Court Government came to power.

The Hon. A. A. Lewis: One moment you say you have no admiration for anybody who crosses the floor, and the next moment you say we should be a House of Review. You do not know what you are saying.

The Hon. D. W. COOLEY: I am saying we should be a House elected on fair representation, and we should be accountable to the people.

The Hon. W. R. Withers: We are accountable to the people.

The Hon. D. W. COOLEY: The greatest reform we have had in this place in the six years I have been here was when the President gave us permission to take off our coats on hot days! Let

us hope we can bring about a greater improvement to the parliamentary system over the next six years.

I hope in the coming years we will see a better Western Australia, with less unemployment, regardless of which party wins the next election. I hope we get back to the happiness evident among the people in 1973, particularly those people who were underprivileged, and on low incomes due to age, unemployment, or incapacity. Most of all, I hope in the years to come there is a better understanding between the Governments of this country, and the union movement.

Debate adjourned, on motion by the Hon. N. F. Moore.

House adjourned at 10.27 p.m.

QUESTIONS ON NOTICE

MISTLETOE

York District

254. The Hon. R. F. CLAUGHTON, to the Minister for Lands representing the Minister for Agriculture:

- (1) Is the Minister aware of a serious infestation of trees by mistletoe in the York district?
- (2) What study, if any, is being made of this problem and possible solution?

The Hon. D. J. WORDSWORTH replied:

- (1) Yes.
- (2) It is receiving the attention of both the Forests and Agriculture Departments and while there is no easy solution as mistletoe is only one of many associated problems including drought salinity, insect damage, and possibly old age, research is continuing.

EDUCATION: SCHOOL

Wellstead

255. The Hon. T. KNIGHT to the Minister for Lands representing the Minister for Education:

- (1) When is it anticipated the Education Department will construct an additional room at the Wellstead School to provide facilities for a much needed sick bay and first aid post?
- (2) Is the Minister aware that a schoolgirl paraplegic has to have attention administered each day by her mother, in the school book store?

The Hon. D. J. WORDSWORTH replied:

- (1) Replacement toilets are being investigated for funding in the next financial year and provision of a small medical room will be considered at the same time.
- (2) Yes.

RAILWAYS

Wool

256. The Hon. W. M. PIESSE, to the Minister for Lands representing the Minister for Transport:

- (1) What was the total revenue received by Westrail from wool transport for the year ended the 30th June, 1979?
- (2) What proportion of this amount was derived from wool carted—
 - (a) by rail; and
 - (b) by Westrail road transport?

The Hon. D. J. WORDSWORTH replied:

- (1) \$3 495 654.
- (2) (a) Approximately 98 per cent;
(b) approximately 2 per cent.

EDUCATION: HIGH SCHOOL

Albany

257. The Hon. T. KNIGHT, to the Minister for Lands representing the Minister for Education:

- (1) Has planning commenced for the second high school in Albany?
- (2) If so, when is it anticipated tenders will be called?
- (3) When would the proposed school be expected to open?

The Hon. D. J. WORDSWORTH replied:

- (1) Yes.
- (2) and (3) No firm dates have been set, but February, 1982, has been a tentative date.

CEMETERIES

Headstones

258. The Hon. F. E. McKENZIE, to the Attorney General representing the Minister for Local Government:

- (1) Are persons who wish to erect monumental headstones on graves charged a fee at the following cemeteries—
 - (a) Karrakatta;
 - (b) Fremantle;
 - (c) Pinaroo;
 - (d) Guildford; and
 - (e) Midland?
- (2) What is the charge at each cemetery?

- (3) What is the purpose of the fee charged?
 (4) If there is any variation in charges between cemeteries, would the Minister explain the reason?

The Hon. I. G. MEDCALF replied:

- (1) (a) to (e) Yes.

(2) (a)	Karrakatta	
	Fees for permission to erect monumental work—	\$
	New monument with kerbing	50
	New lawn area type monument	30
	Renovations and additions to any monument	20
	Additional inscriptions on headstones	10
(b)	Fremantle	
	Fees for permission to erect monumental work—	\$
	New monument with kerbing	50
	New lawn area type monument	45
	Renovations and additions to any monument	20
	Additional inscriptions on headstones	10
(c)	Pinnaroo	\$
	Monumental permit fee	30
(d)	and (e) Guildford and Midland	
	Monumental fees—	\$
	Right to erect memorials	5
	plus a surcharge of 7 per cent of total cost.	

- (3) The fees are prescribed for revenue purposes in accordance with the by-laws made under section 14 of the Cemeteries Act.
 (4) Variations in charges arise because the fees are determined by the particular cemetery trustees in accordance with their requirements and relevant by-laws are made at varying dates.

TRAFFIC: PEDESTRIAN CROSSINGS

Schools: Guard Controlled

259. The Hon. Lyla ELLIOTT, to the Leader of the House representing the Minister for Police and Traffic:

In Western Australia, over the past 12 months, how many guard controlled school crosswalks have been—

- (a) requested; and
 (b) rejected?

The Hon. G. C. MacKINNON replied:

- (a) 99;
 (b) 84.

EDUCATION: SCHOOLS

Many Peaks

260. The Hon. T. KNIGHT, to the Minister for Lands representing the Minister for Education:

- (1) Does the Education Department intend to establish a dam at the Many Peaks school to provide water for school needs, gardens, and playing fields?
 (2) If so, is the department aware that the Public Works Department has been investigating a water supply for the townsite, at Many Peaks, which at this stage has proved too expensive to proceed with due to small population?
 (3) Would the Education Department be prepared, this being the case, to carry out a joint venture with the PWD to provide a water service to supply both needs?

The Hon. D. J. WORDSWORTH replied:

- (1) to (3) Provision of a water supply for reticulation at the Mt. Many Peaks Primary School is under consideration by the Public Works Department, the local shire and the Lands Department. No costings have been calculated yet, but the possibility of a joint Education Department/shire scheme is one of the issues being discussed.

TRANSPORT: BUS STATIONS

Public Toilets

261. The Hon. R. F. CLAUGHTON, to the Minister for Lands representing the Minister for Transport:

- (1) Is it a fact that public toilets at the Perth bus station will now be open on weekends and public holidays?
 (2) If so, will the Minister advise the time the toilets will be open on these days?
 (3) Will the same arrangements also apply at the Innaloo bus station?
 (4) If not, at what times are the toilets open at the Innaloo bus station?

The Hon. D. J. WORDSWORTH replied:

The Minister for Transport has asked me to preface the answers to the member's questions, as follows—

In common with other public utilities, the MTT faces a severe

problem of vandalism which is accentuated during the hours of the day when bus terminals are not used consistently by the general public.

The restricted hours on opening MTT toilets relate to an earnest endeavour to keep them functioning when the main patronage occurs.

The answers to the member's questions are—

- (1) and (2) No, with the exception of Saturday mornings between 0800 to 1300 hours.
In addition, the toilets are available after hours for emergency purposes by contacting the inspector on duty.
- (3) and (4) Innaloo toilets are generally open at all times except during periods of Friday and Saturday evenings when vandalism is rife.

HEALTH

Speech Therapists

262. The Hon. Lyla ELLIOTT, to the Minister for Lands representing the Minister for Health:

- (1) What is the total number of speech therapists employed by the Government in Western Australia?
- (2) How many of these are located in the city?
- (3) How many are located in the country, and in what towns?
- (4) Is it intended to create more positions for speech therapists in Western Australia?
- (5) If so, where?
- (6) How many students undertaking the speech therapy course at WAIT will be graduating at the end of 1979?
- (7) Are all of these students guaranteed employment by the Government?

The Hon. D. J. WORDSWORTH replied:

- (1) Eight full time plus one sessional.
- (2) Forty-nine plus two vacant positions.
- (3) Six plus two vacant positions.
Albany, Bunbury, Geraldton, Kalgoorlie, Pinjarra, and Port Hedland.
Vacant: Busselton—sessional—and Esperance.
- (4) Yes.
- (5) One for Willetton Special School 1979-80.

- (6) Seventeen.
- (7) No.

HOUSING

Albany, Stirling, and Roe Electorates

263. The Hon. T. KNIGHT, to the Attorney General representing the Minister for Housing:

- (1) How many new housing units does the State Housing Commission intend building in the—
(a) Albany Electorate;
(b) Stirling Electorate; and
(c) Roe Electorate?
- (2) How many pensioner type units are intended for the same electorates?
- (3) What is the estimated expenditure in each of the electorates?

The Hon. I. G. MEDCALF replied:

- (1) to (3) Subject to the availability of suitable land the intended building programme is as follows—

	Albany Electorate	Stirling Electorate	Roe Electorate
Family Units	26	2	28
Pensioner Units	8	—	10
Estimated Cost	\$677 800	\$57 500	\$911 200

TRANSPORT: BUS STATIONS

Public Toilets

264. The Hon. R. F. CLAUGHTON, to the Minister for Lands representing the Minister for Transport:

- (1) Are public toilets provided at the Mirrabooka bus station?
- (2) If not, why not?

The Hon. D. J. WORDSWORTH replied:

- (1) Yes.
- (2) Not applicable.

WATER SUPPLIES: DAM

Denmark River

265. The Hon. T. KNIGHT, to the Leader of the House:

- (1) Is the Public Works Department still conducting surveys on the Denmark River as a potential water source for the great southern comprehensive water scheme?

- (2) If so, are the tests proving the viability of the exercise?
- (3) If "Yes" to (2), when could the Government consider commencing damming the river to avail itself of this guaranteed water source following the severe conditions of the metropolitan dams over the past few years, due to unusually light rainfalls?

The Hon. G. C. MacKINNON replied:

- (1) Stream flow measurements and water quality measurements on the Denmark River are continuing.
- (2) Data collected to date indicate that a dam could be constructed on the Denmark River, but at high cost.
- (3) Because of its distance from the metropolitan area, it is not proposed to utilise this source to augment water supplies to the metropolitan area.

QUESTION WITHOUT NOTICE

HEALTH

Speech Therapists

The Hon. LYLA ELLIOTT, to the Minister for Lands representing the Minister for Health:

Part of my question 262 asked today was as follows—

- (1) What is the total number of speech therapists employed by the Government in Western Australia?

The answer to this was—

Eight full time plus one sessional.

I then asked—

- (2) How many of those are located in the city?

The answer to this was—

Forty-nine plus two vacant positions.

I fail to reconcile the two answers, and I would like the Minister to clarify them.

The Hon. D. J. WORDSWORTH replied:

As I was answering on behalf of another Minister I did not pick up this point, so I will have the matter clarified.