

LEGISLATIVE COUNCIL
Thursday, 23 November 1989

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 11.00 am, and read prayers.

PETITION - WESTERN AUSTRALIAN OPERA CO INC

Dissolution - Opposition

Hon P.G. Pandal presented a petition from 24 citizens of Western Australia rejecting any Government action that would lead to the dissolution of the WA Opera Company as a pioneering and successful performing arts group; and concerned to see that -

1. The company remains financially and artistically strong and independent; and
2. Co-operation with the Australian Opera Company continues without threat to the existence and growth of the WA Opera Company.

[See paper No 652.]

PETITION - VIDEOS

X Rated - Banning Maintenance

Hon Derrick Tomlinson presented a petition from 843 citizens of Western Australia expressing concern that X rated videos may be legalised in Western Australia and requesting that Parliament maintains the ban on X rated videos as it has an obligation to protect women and children.

[See petition No 653.]

PETITION - CRIME

Child Sex Abuse - New Legislation

Hon Derrick Tomlinson presented a petition from 22 citizens of Western Australia requesting Parliament to bring in legislation to deal with all cases of sexual and other crimes against children so that -

1. Sentences imposed on adult child-sex offenders reflect the seriousness of the crime.
2. Mandatory therapy for offenders be a condition.
3. Magistrates have discretion to accept the evidence of a child irrespective of the child's age.

[See paper No 655.]

A similar petition was presented, by delivery, by the President (52 persons).

[See paper No 654.]

STANDING ORDERS COMMITTEE - REPORT TABLING

Address-in-Reply Debate, Time Limits on Speeches, Adjournment of the House Report

HON J.M. BROWN (Agricultural) [11.05 am]: I have pleasure in presenting a report from the Standing Orders Committee relating to the Address-in-Reply debate, time limits on speeches and sitting and adjournment times of the House. I move -

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

Question put and passed.

[See paper No 656.]

STANDING ORDERS COMMITTEE - EXTENSION OF TIME

Introduction and Passing of Bills Report

HON J.M. BROWN (Agricultural) [11.06 am]: I am directed by the Standing Orders Committee to report that the committee has yet to complete its consideration of references

relating to the introduction and passing of Bills; accordingly, the committee recommends that the House extend the time within which the committee must report. I move -

That the report do lie upon the Table and be adopted and agreed to.

Question put and passed.

[See paper No 657.]

SELECT COMMITTEE ON BILL - EXTENSION OF TIME

HON D.J. WORDSWORTH (Agricultural) [11.10 am]: I am directed by the Select Committee on Bill to report that progress is being made, but important information which will greatly assist the committee will not be available for several weeks. The committee, therefore, seeks an extension of time until 7 December 1989. I move -

That the House grant the extension sought and that this report do lie upon the Table and be adopted and agreed to.

Question put and passed.

[See paper No 658.]

BILLS (3) - INTRODUCTION AND FIRST READING

1. West Australian Trustees Ltd (Merger) Bill

2. Criminal Law Amendment Bill

Bills introduced, on motions by Hon J.M. Berinson (Attorney General), and read a first time.

3. Racecourse Development Amendment Bill

Bill introduced, on motion by Hon Graham Edwards (Minister for Racing and Gaming), and read a first time.

RESERVES AND LAND REVESTMENT BILL

Second Reading

HON KAY HALLAHAN (East Metropolitan - Minister for Lands) [11.15 am]: I move -

That the Bill be now read a second time.

This Bill is similar in intent to many others which have been brought before the House to obtain Parliament's approval to vary Class A reserves, to remove trusts over freehold reserve land and to close certain pedestrian accessways and rights-of-way. Apart from the final clause dealing with the closures of pedestrian accessways and rights-of-way, the majority of clauses in the Bill deal with A Class reserves.

Class A Reserve 24063 is set apart for the purpose of recreation and is vested in the Melville City Council. It lies within the electoral district of Melville and the South Metropolitan Region. The Water Authority of Western Australia has a sewage pumping station located on the reserve and is seeking separate reservation to protect it. The City of Melville has no objection to the proposal and this clause seeks Parliament's approval for the excision from the reserve.

Class C unvested water and pipe track Reserve 9041 is no longer required and was recently cancelled with the intention of including the land within surrounding Class A Reserves 13404 and 15633. Reserve 15633 is set apart for national park and is part of the Leeuwin-Naturaliste National Park. It is vested in the National Parks and Nature Conservation Authority and lies within the Shire of Busselton. It is in the electoral district of Vasse and the electoral region of South West. Inclusion of the remainder of the former Reserve 9041 in Class A Reserve 13404 will be dealt with in a future reserves Bill, when certain issues have been resolved. This clause seeks approval to add the land to Class A Reserve 15633.

The Busselton Shire Council is planning to rationalise the boundaries of a number of contiguous reserves situated within Busselton. Two reserves involved are Class A -

- (1) Class A tennis court Reserve 28535 comprising 9 717 square metres, which is vested in the Busselton Shire Council with power to lease.

- (2) Class A tennis and/or squash Reserve 28536 comprising 888 square metres, and which is also vested in the Busselton Shire Council with power to lease.

The reserves lie within the electoral district of Vasse and the South West Region. Cancellation of Class A Reserve 28536 is necessary to achieve amalgamation together with a redescription of Class A Reserve 28535. This clause seeks approval for these changes.

Members would be aware that Woodside Offshore Petroleum Pty Ltd is to proceed with development of the Goodwyn gas field on the North West Shelf. This will involve construction of a second large production platform costing about \$1.7 billion to be located 22 kilometres south west of the North Rankin A platform. Completion of the new platform is scheduled for October 1993. It is of great importance to Western Australian and other Australian industry that the substructure of the platform - the jacket - be fabricated locally. The jacket has an estimated cost of about \$150 million. As a result of an investigation commissioned by the Department of Resources Development, the Industrial Land Development Authority's offshore construction yard at Jervoise Bay was identified as the preferred Australian site for the Goodwyn jacket construction. Although Australian companies are facing intense overseas competition in offshore construction a number of measures are being actively considered or implemented to help counter this, quite apart from any Government financial assistance which might be granted. Overseas costs of constructing the jacket have been estimated at between 25 and 40 per cent lower than Australian costs and intense competition is anticipated, particularly from South Korea. It is likely that an Australian-based organisation tendering for the Goodwyn jacket contract would submit its bid based on construction being undertaken at Jervoise Bay.

State Cabinet has endorsed funding of the redevelopment work, part of which involves the establishment of a car park capable of accommodating 800 bays. A site has been identified immediately adjoining the offshore construction yard and land affected comprises portion of Class A recreation and camping Reserve 24309 which is vested in the City of Cockburn with power to lease. The reserve lies within the electoral district of Peel and the South Metropolitan Region. Excision from the reserve is necessary so that the land can be properly secured to support a bid to be submitted by an Australian-based organisation. Should such a bid be unsuccessful, the land will be re-included within Reserve 24309. This clause seeks Parliament's approval to exclude the land from Class A Reserve 24309.

The Mundaring Shire Council is seeking, on behalf of the Darlington Retirement Accommodation Association Inc, to establish a site for an aged persons' home site on portion of Class A Reserve 18731 in Pine Terrace, Darlington. The area required is 3 083 square metres. Class A Reserve 18731 has a purpose of recreation and is vested in the shire. It lies within the electoral district of Darling Range and the East Metropolitan Region. The shire totally supports the proposal and parliamentary approval is required to excise the required area from Class A Reserve 18731. This clause seeks such approval.

As part of System 3 Red Book recommendations, the Department of Conservation and Land Management has acquired land now identified as Esperance Location 2049 with the intention of having the land included within Class A Reserve 22795. The reserve has a purpose of national park and is more commonly known as the Cape Le Grande National Park. The reserve is also vested in the National Parks and Nature Conservation Authority and lies within the Shire of Esperance, the electoral district of Roe and the Agricultural Region. This clause seeks approval to include the land in Class A Reserve 22795.

In the 1986 Reserves and Land Revestment Bill (No 2), Windell Location 84 was excised from Reserve No 30082. This reserve has a purpose of national park - Dales Gorge, is vested in the National Park and Nature Conservation Authority and is more commonly known as the Hamersley Range National Park. The reserve is located within the Shire of Ashburton, the electoral district of Pilbara and the Mining and Pastoral Region. Windell Location 84 was excised and subsequently released to provide a tourist facility site. The developers of Windell Location 84 now wish to use additional land within the national park to allow the development to proceed to best effect. The Department of Conservation and Land Management has agreed to the additional land being excised and this clause seeks Parliament's approval for the excision.

Class A Reserve 18698 at Jilakin Lake is set aside for the purpose of national park but is not vested. It lies within the Shire of Kulin, the electoral district of Roe and the Agricultural

Region. The Department of Conservation and Land Management has requested the change of purpose of this reserve to conservation of flora and fauna with vesting in the National Parks and Nature Conservation Authority. The area is of value to conservation and is not suitable for a national park. This clause seeks Parliament's approval to endorse the change in purpose and reference to section 7(2) of the Conservation and Land Management Act will satisfy legal requirements to ensure the reserve comes under the provisions of that Act. Throughout the Bill, similar references have been made where necessary.

Class A Reserve 20769 is set aside for parklands and lies within the electoral district of Merredin and the Agricultural Region. The reserve is vested in the Shire of Kondinin. Adjoining the reserve is an A Class Reserve 20768 which has a purpose of parklands and is also vested in the Shire of Kondinin. Increasing grain harvests within the district require the enlargement of existing rail facilities within the town. Portions of Class A Reserve 20769 and Class C Reserve 20767 are required for this proposal. It has been agreed that the remaining portion of Class A Reserve 20769 and Class C Reserve 20767 should be amalgamated with the adjoining Class A Reserve 20768. The amalgamated reserve would have a purpose of parklands and recreation and be vested in the shire. However, the A classification for the reserve would not be required and the shire has agreed to C classification. This clause seeks to cancel the A classification of Reserves 20768 and 20769.

The Kondinin Shire Council has a requirement to establish a cemetery to serve the towns of Hyden and Kalgarin. Land affected by the proposal comprises portion of Class A conservation of flora and fauna Reserve 21253 - the Lake Gounter nature reserve - and the controlling body, the National Parks and Nature Conservation Authority, has no objection to the excision. The reserves all lie within the electoral district of Merredin and the Agricultural Region. This clause seeks approval to excise the land from the Class A reserve so that the area can be appropriately reserved under the Land Act.

Clause 17 of Reserves Act No 67 of 1988 contained an error in the area which should have been excised from Class A Reserve 8731 at Lake Monger. The reserve is held as a Crown grant in trust by the City of Perth and lies within the electoral district of Glendalough and the North Metropolitan Region. The clause concerned land being included within the adjoining speech and hearing centre Reserve 34689, and a related access road. It provided for the excision of 8 549 square metres from Reserve 8731. However, this should have read 7 012 square metres, the difference of 1 537 square metres being the area of the access road. Corrective legislation is required to validate the existing clause and this clause seeks Parliament's approval for such action.

Clause 47(2)(b) of Reserves Act No 6 of 1984 authorised the inclusion of Sussex Location 4750 within Class A Reserve 8428, which has a purpose of national park and is more commonly known as the Leeuwin-Naturaliste National Park. However, at that time the land was still held in private ownership, but has since been acquired for inclusion in the national park. As a result, corrective legislation is necessary to finalise its inclusion. There is also a need to include Sussex Location 4863 within the national park. This land has been acquired by the Department of Conservation and Land Management and adjoins Location 4750. This clause seeks to achieve the purpose of the section in the 1984 Act in relation to Location 4750 and to authorise the addition of Location 4863.

Class A Reserve 9633 is set apart for the purpose of recreation and is vested in the Mandurah Shire Council. The reserve lies within the electoral district of Mandurah and the South West Region. A multi-million dollar cultural centre is planned for development on part of the reserve. There is concern that some of the activities envisaged will overstep legal constraints applicable to usage and leasing of recreation reserves created under the Land Act. The most expedient way of overcoming these problems is to declassify Reserve 9633 from A Class to C Class so that the land can be dealt with under less restrictive circumstances as a C Class cultural centre reserve. The portion of the present recreation reserve not required for cultural centre development can then be included in the adjoining C Class recreation Reserve 14004. The declassification would also allow the excision of a minor portion of the reserve which is required to accommodate construction of council office extensions being undertaken on the adjoining administration and civic centre Reserve 28472. An area of 16 square metres is involved and council will relinquish an equal area in exchange for inclusion in Reserve 9633. Parliament's approval is therefore required to declassify Reserve 9633 from A Class to C Class and the clause accordingly seeks that approval.

Over the past few years there have been a number of road and reserve boundary modifications at the entrance to Peel Inlet, Mandurah, which have affected C Class Reserve 25588 and A Class Reserve 21231. Both reserves have a purpose of recreation, are vested in the town of Mandurah and lie within the electoral district of Murray and the South West Region. As a result of these modifications, Class A Reserve 21231 requires redeclaration to now show its true boundaries and area. This clause therefore seeks Parliament's approval to amend the area of the reserve accordingly.

Class C Reserve 33967 is set apart for the purpose of recreation and is vested in the City of Stirling with power to lease for periods up to 21 years. It lies within the electoral district of Maylands and the East Metropolitan Region. The reserve is virtually surrounded by Class A parkland and recreation Reserve 33966, which is also vested in the Stirling Council with power to lease. The two reserves are located within the Maylands Peninsula and comprise land purchased from the Commonwealth in 1963 for recreation purposes. Reserve 33967 was subsequently set aside for the Swan River Drive alignment, but is no longer required for this purpose. To assist the City of Stirling in arranging the construction of a golf course, the amalgamation of the two reserves is required. In addition, the cancellation of Reserve 33967 is also required to prevent any administration difficulties arising when issuing a lease for the golf course. This clause seeks Parliament's approval for these changes.

Class A Reserve 7537 - John Forrest National Park - is set apart for the purpose of national park and native game and vested in the National Parks and Nature Conservation Authority. The reserve lies within the Shires of Mundaring and Swan, the electoral district of Swan Hills and the East Metropolitan Region. The Department of Conservation and Land Management considers the purpose of native game to be misleading and inappropriate and requires deletion of the term. In addition, it is also required to amalgamate the adjoining Class A national park Reserve 8164 with John Forrest National Park Reserve 7537 in accordance with System 6 Red Book recommendations. This clause seeks Parliament's approval for these changes.

Class A Pinnaroo Valley cemetery Reserve 25746, which is also held in fee simple in trust and is also vested in the City of Stirling, is located in the electoral district of Whitford and the North Metropolitan Region. The Water Authority of Western Australia has requested protection over proposed water supply and sewerage pipelines which pass through the reserve. The trustees of the Pinnaroo Valley Memorial Park Cemetery have no objection to the excision and have already executed a surrender document transferring the relevant portions of freehold trust land to the Crown. As an additional requirement, this clause seeks Parliament's approval to excise the required land from the reserve.

Class A Reserve 8431 is set apart for protection and preservation of caves and flora and for a health and pleasure resort. A small part is vested in council and the balance, although presently unvested, is ultimately proposed for reservation as national park. The reserve lies within the electoral district of Warren in the South West Region. Council requires that portion of the reserve which has achieved international significance in recent years as a surfing venue. The increasing demand for use of the area has necessitated an upgrading of existing facilities. As a result council has prepared the Surfers' Point improvement plan which aims to improve the environmental aspects to the area, parking facilities, road access and a viewing area for spectators watching surf events. To allow the upgrading of existing facilities, Parliament's approval is required to excise the required land from A Class Reserve 8431. This clause seeks such approval.

Class A Reserve 1704 lies within the Shire of Wagin, the electoral district of Wagin and the Agricultural Region, and is set apart for the purpose of recreation. Although the reserve is unvested under the Land Act, it is controlled by the Wagin Shire Council as a board appointed pursuant to the Parks and Reserves Act 1895. The land is no longer required for recreational use and council considers it is ideally suited for light industrial purposes. Before any action can proceed towards making the land available for light industrial purposes, the reserve needs to be cancelled. This clause seeks Parliament's approval for such cancellation.

The Department of Conservation and Land Management has arranged the purchase of two sections of freehold land for inclusion into Class A Reserve 9838, the Wannamal Lake nature reserve. Class A Reserve 9838 is set aside for the purpose of conservation of flora and fauna and is vested in the National Parks and Nature Conservation Authority. It lies within the

Shire of Gingin, the electoral district of Moore, and the Agricultural Region. In most cases it would simply be required to add the land to the reserve but in this instance it has been necessary to describe the entire reserve because it was not previously defined by survey plan. This clause seeks Parliament's approval to redescribe the reserve.

Class A Reserve 39962 is set apart for the purpose of conservation of flora, fauna and passive recreation, vested in the Stirling City Council and is more commonly known as Star Swamp. The reserve lies within the electoral district of Marmion and the North Metropolitan Region. The land owners adjoining Class A Reserve 39962 have applied for a small portion of it to be included within their properties. The excision from the reserve will regularise the existing long term use of the land for rear access and is supported by the City of Stirling. This clause seeks Parliament's approval for the excision from the reserve so that the required area can be sold to the adjoining owners.

The Department of Conservation and Land Management has arranged the acquisition of freehold land adjoining Class A Reserve 9617 located north westward of Toolibin townsite in the Shire of Wickiepin. Class A Reserve 9617 is set aside for conservation of flora and fauna and vested in the National Parks and Nature Conservation Authority. The reserve lies within the Shire of Wickiepin, the electoral district of Merredin and the Agricultural Region. Parliament's approval is therefore required to redefine the area of the reserve.

The Department of Conservation and Land Management has arranged acquisition of freehold land adjoining Class A Reserve 14398 located north westward of Toolibin townsite in the Shire of Wickiepin. Class A Reserve 14398 is set apart for protection of flora and fauna and vested in the National Parks and Nature Conservation Authority. The reserve lies within the Shire of Wickiepin, the electoral district of Merredin and the Agricultural Region. CALM has also requested that the purpose of the reserve be changed to conservation of flora and fauna. Parliament's approval is therefore required to redefine the reserve and to change its purpose.

The Department of Conservation and Land Management has arranged the acquisition of freehold land adjoining Class A Reserve 24556 located north westward of Toolibin townsite in the Shire of Wickiepin.

Class A Reserve 24556 is set aside for the protection of flora and fauna and vested in the National Parks and Nature Conservation Authority. The reserve lies within the Shire of Wickiepin, the electoral district of Merredin and the Agricultural region. CALM has also requested that the purpose of the reserve be changed to conservation of flora and fauna. Parliament's approval is therefore required to redefine the reserve and to change its purpose.

Class A Reserve 23572 is set apart for the purpose of recreation and lies within the electoral district of Vasse and the South West Region. It is vested in the Busselton Shire Council. The reserve is situated on the foreshore of Geographe Bay about 16 kilometres west of Busselton and is one of five being studied by the coastal management committee of the State Planning Commission. Vesting of the reserve in the shire council is for 12-month periods in perpetuity until the study is completed. In mapping the reserve a large discrepancy has occurred between the official area and the newly calculated area. The discrepancy is the result of natural erosion and of the improved methods of mapping. Owing to the size of the discrepancy, Parliament's approval is required to amend the area of the reserve. This clause seeks such approval.

Class C Reserve 19735 - Albany Lot 833 - is set apart for the purpose of trades hall site and club premises and is held in fee simple in trust for that purpose by the Albany Trades Hall Social and Leisure Club Inc. The reserve lies within the Town of Albany, the electoral district of Albany and the South West Region. Perth Trades Hall Inc has applied to purchase the land outright and has agreed to pay the market valuation of \$8 000 for removal of the trust. This clause seeks Parliament's approval to remove the trust over Lot 833 as there is no such provision in the Land Act to authorise the sale.

Class C Reserves 34923 and 36643 are set aside for the purpose of isolated children's' hostel site and are held in fee simple in trust for isolated children's hostel and hostel site respectively by the Isolated Children's Hostel Inc. Adjoining these two reserves is Reserve 37793 which is set aside for the same purpose but is not vested. The reserves all lie within the City of Kalgoorlie-Boulder, the electoral district of Kalgoorlie and the Mining and

Pastoral Region. The Isolated Children's Hostel Inc is prepared to purchase all three reserves at market valuation free of trust so that it can on sell the land and improvements to the Kalgoorlie College of TAFE. The college is presently occupying the buildings for student residential purposes. This clause accordingly seeks approval to lift the trust over these two reserves so as to allow the sale to proceed.

The Perth congregation of Jehovah's Witnesses Inc holds a Crown grant in trust on Reserve 22107. The reserve lies within the Shire of Kellerberrin, the electoral district of Merredin and the Agricultural Region. Owing to declining numbers, the Jehovah's Witnesses wish to sell the land and improvements to an adjoining owner. There is no objection to the land being sold and the Jehovah's Witnesses have agreed to purchase the lot for \$2 000, free of trust. This clause seeks Parliament's consent in removing the trust so as to allow sale of the lot to proceed.

The latter part of this Bill seeks approval to the closure and revestment of 15 pedestrian access ways and six rights-of-way situated in various locations. These access ways and rights-of-way, as described on the table to the clause, were created from private freehold subdivisions under section 20A of the Town Planning and Development Act and, as a condition of subdivision, are vested in Her Majesty. Passage of time has indicated that in these instances the access ways are no longer required or are causing problems through misuse, vandalism, intrusion into family privacy and antisocial behaviour. In all cases the closure applications have been submitted by the relevant local government authority after adequate publicity and provision of time for submission of objections.

The need for this legislative measure arises from the lack of existing legislation to close these types of access ways. While amendments to existing legislation are being prepared to establish permanent powers to deal with these access ways, this revestment clause is intended as a short term solution to provide the legislative authority necessary to resolve these cases where closure is considered to be an immediate requirement. Existing machinery established under part VIIA of the Land Act will be used to enable disposal of the land to adjoining land owners with reasonable time being allowed for payment for the land.

I commend this Bill to the House.

Debate adjourned, on motion by Hon Barry House.

SUPREME AND FAMILY COURTS (MISCELLANEOUS AMENDMENTS) BILL

Report

Report of Committee adopted.

COAL INDUSTRY SUPERANNUATION BILL

Second Reading

Debate resumed from 19 October.

HON BARRY HOUSE (South West) [11.40 am]: The Opposition supports this Bill. It is the product of extensive discussions between all sectors, of the coal industry, including the union and the management. It aims to repeal the Coal Mine Workers (Pensions) Act and establish a more modern superannuation scheme. I applaud the Government for that.

The fund was originally set up because miners retired at the age of 60 when the compulsory retirement age was 65. It was to provide a pension in the intervening years before they were eligible for a Commonwealth old age pension, but - and this is important - it also included the implication that mine workers were eligible for pensions until death. That was included in section 11 of the original Act which was never repealed. Over the years this has led to problems with a small group comprising approximately 20 people who appear to have legitimate grievances about their financial treatment as the fund changed its character and purpose over the years. Until 1980 all pensions paid by the fund were by way of fortnightly pensions. The Act was amended in that year to provide for all pensions accruing after 1 December 1979, so that retired coalminers would be paid a lump sum in lieu of a fortnightly pension. Another amendment in 1985 provided that for pensions payable prior to 1 December 1979, miners would have to choose between taking a lump sum in lieu of the fortnightly pension or continuing to receive a fortnightly pension at a uniform rate. The 1985

amendment contained a deeming clause which has led to some confusion over the years. This uniform rate of the pension was set at the difference between the full Commonwealth old age pension and the full coalmine workers' pension. This deemed rate was used to determine lump sum payments offered to pensioners or their beneficiaries, and a combination of the Federal Labor Government's assets test and this formula has led to about 20 people being seriously financially disadvantaged.

This situation was clearly recognised by the Legislative Council Standing Committee on Government Agencies in its fourteenth report in June 1987. That committee was chaired by Hon Mark Nevill and its members included Hon B.L. Jones, Hon Garry Kelly, Hon N.F. Moore and Hon Colin Bell, who was at that stage a member of this Chamber. In June 1987 the committee presented a comprehensive report on coal industry agencies; it covered at length the commutation of coalmine workers' pensions in part 5. Paragraph 5.23 - "The Effect of Commutation" - reads as follows -

The commutation of pensions effected by the Coal Mine Workers (Pensions) Amendment Act 1985 produced the following results:

- (a) The Pension Fund's unfunded liability was reduced. The 1985 actuary examination of the Fund disclosed an unfunded liability of \$12,232,373. The Actuary reported that the commutation of pensions in 1985 would reduce this figure to \$7,634,266.
- (b) The Pension Fund's balance was reduced by \$3,895,882 which was paid out by way of lump sum payments.
- (c) The number of persons in receipt of fortnightly pensions (at the deemed rate) was reduced to 13.

Part (d) is relevant to what I am leading up to. It reads as follows -

- (d) Approximately 20 pensioners suffered adverse financial effects. Some examples were provided by persons who made submissions to the Committee:
 Mr A - \$10,000 per annum pension commuted to \$15,084 lump sum.
 Mr B - \$6,200 per annum pension commuted to \$8,000 lump sum.
 Mr C - \$10,000 per annum pension commuted to \$13,849 lump sum.
 Mr D - \$5,000 per annum pension commuted to \$5,000 lump sum.

No-one is identified by name, only by a letter. Part 5.25 reads as follows -

The size of the lump sum received by some pensioners is small compared to their previous coal mine workers' pension because that lump sum was calculated on the basis of the deemed rate rather than the rate of pension which the pensioners were in receipt of at the time of the commutation. In effect, the method of calculation retrospectively applied the deemed rate to those pensioners receiving more than the deemed rate.

The conclusions of the committee are relevant this debate. Paragraph 5.43(f) and (g) are particularly important, and read as follows -

All coal mine pensioners were entitled to expect to receive total pension payments equal to the full coal mine workers pension until death and to arrange their retirements accordingly.

As a result of the Tribunal's actions, certain coal mine pensioners have suffered considerable financial disadvantage.

The committee's recommendation 16 reads as follows -

The Minister for Minerals and Energy should require the Department of Mines to examine, as a matter of urgency, the most equitable way of compensating those pensioners who suffered financial loss as a direct result of the 1985 commutation of coal mine workers' pensions.

As I said at the beginning, the Opposition supports this Bill. However that support is conditional on this situation being cleared up. The Government needs to clarify it and to indicate clearly its intention towards this group of people so that the matter can be resolved

and the new superannuation scheme can do the job it is supposed to do. Along those lines I propose to move an amendment to the second reading. Mr President, I seek your guidance: Should I move my proposed amendment now or at the end of my second reading speech?

The PRESIDENT: The member should move his proposed amendment at the end of his second reading speech.

Hon BARRY HOUSE: Thank you, Mr President. The future of any superannuation scheme in the coal industry depends upon a viable coal industry. The positive future for that industry centred at Collie needs to be defined. It seems that coal fired power stations are under attack from many areas such as the extreme environmental movement and the industry is suffering from Government equivocation on the siting and construction of the State's next power station. That situation needs to be resolved quickly and decisively so that our power supplies will meet our requirements. The Government needs to give more direction to the industry. As recently as a couple of weeks ago Mr Parker was shunting the decision to yet another committee. The Collie coal industry needs more direction so that it can plan its future.

Hon Bob Thomas: The Opposition is wishy-washy on power stations.

Hon George Cash: Do you want to put one at Collie or at Mt Lesueur?

The PRESIDENT: Order!

Hon BARRY HOUSE: The future of Collie is heavily reliant on the Government's decision regarding the siting of next the power station and whether it should be gas fired or coal fired; also, a decision will have to be made as to whether it will be privately operated or Government operated. The alternative sites at Mt Lesueur and Geraldton are of concern to the people of Collie. The future of coal fired power stations is heavily reliant on the technology available and an environmentally acceptable method for burning coal must be found. I have been to a briefing with a group from Sweden which appears to be making some ground in improving the technology of coal fired power stations. I hope that technology can keep pace, and exceed, the requirements of a more environmentally acceptable power source.

Hon Bob Thomas: What is the name of that technology?

The PRESIDENT: More to the point, is this relating to the Bill? Can the member relate those comments to the superannuation Bill?

Hon BARRY HOUSE: I can relate them easily because the whole future of the superannuation scheme depends upon the viability of the coal industry, and the coal industry at Collie needs more direction regarding its future - at the moment it is in limbo. There is widespread concern and millions of words have been spoken about the greenhouse effect and how it has spread serious doubt on coal fired power stations, and the world as a whole cannot ignore those concerns. However, it is also necessary to examine the matter in a balanced way and realise that the extreme predictions of doom will not happen tomorrow, but the situation must be managed if we are to have a future. While there are no short-term solutions to this matter, the Government must devote more resources to alternative energy sources such as wind, tidal, wave, solar and a few others. Someone has suggested to me that it may be possible to develop a form of electrolysis with saline water which can produce ample supplies of power in very dry, isolated areas of the State - this may kill a few birds with one stone.

I am pleased to see the introduction of this Bill to modernise the superannuation scheme as we move towards the 1990s because superannuation will play an increasing role in Australia as our population ages; it is vitally important for all of us to save for our retirement as the ability of the public purse to do so will deteriorate over the years. As I indicated earlier, my support of the Bill is subject to the Government clearing up the longstanding disputes with a small group of people - approximately 20, although it may be less now - who were disadvantaged by the assets provision and commutations provision of 1985. As it is a small group, the Government should implement recommendation 16 of the Standing Committee on Government Agencies; I understand no action has been taken since that report was presented to this Chamber two and a half years ago.

Hon Mark Nevill: Only on that recommendation.

Hon BARRY HOUSE: I did not mean the whole report; I referred only to the

recommendation. The Government should make an ex gratia payment from the Consolidated Revenue Fund to these aggrieved people because doing it this way will not penalise people in the fund.

Hon Fred McKenzie: Why pay this from the Consolidated Revenue Fund?

Hon BARRY HOUSE: In trying to find a way to approach the matter one has to try to compensate the people, but it would be unfair for other people who had contributed to the fund for many years if the money was taken from the fund. Also, the situation has to be cleared up quickly and it is not really the fault of the other contributors to that fund. The Government is obliged to clarify the situation regarding those people.

With those qualifications, I support the Bill.

Amendment to Motion

Hon BARRY HOUSE: I move -

To add to the motion "That the Bill be now read a second time" the following -
and in reading this Bill a second time, this House -

- (a) strongly recommends that the Government implement recommendation No 16 set out in the 14th report of the Standing Committee on Government Agencies;
- (b) encourages the Government to make provision within the current financial year for ex gratia payments to be made to those persons who are identifiable as having been disadvantaged by the commutation provisions in 1985;
- (c) requires the Government to inform this House before this Bill is passed whether and to what extent it proposes to act in relation to the matters set out in (a) and (b).

HON M.S. MONTGOMERY (South West) [11.59 am]: I second the motion. In so doing I indicate my support for the Bill with that amendment. Superannuation for the coalmining industry needs to be brought up to current thinking to take the fund into the 1990s, and on to the turn of the century. It is unfortunate that sometimes when Acts of Parliament are amended people get hurt. As a result of the amendments to the Coal Mine Workers (Pensions) Act in 1985 a small number of people were hurt and they were not recompensed at the level they should have been. People, regardless of which industry they are employed in, are certainly entitled, provided they pay into a fund, to superannuation or some other type of recompense for their labours.

The miners in the Collie coal industry have worked very hard. Collie is the focal point of the electricity grid of Western Australia and we need to ensure that the people employed in the coal industry create a viable industry. The Government has been procrastinating, for whatever reason, for too long and it is time it made up its mind and said where future power stations will be established in order that the people of Western Australia know that the resources required for the next 10 years are guaranteed.

The coal industry in Collie has certainly provided this State with the degree of continuity in its power supply which it needs. Unfortunately, at one stage there were 20 people in the coal industry who were disadvantaged because of the Government's decision. We must create a situation in which people can be assured of the superannuation benefit for which they have planned and consider to be sufficient for their needs and the needs of their partners. For that reason, the Bill before the House should not contain anomalies.

The National Party supports the general thrust of the Bill and the motion moved by Hon Barry House will clear up some of the anomalies in the Act.

HON R.G. PIKE (North Metropolitan) [12.04 pm]: I rise to enthusiastically support the motion moved by Hon Barry House, particularly paragraph (c) which requires the Government to inform this House before this Bill is passed whether and to what extent it proposes to act in relation to the matters set out in paragraphs (a) and (b), referring to the necessary payment to these people.

As it happens, I personally know every person who has been disadvantaged by the

Government's action. From memory the people who have been most active have been Mr McCluskey, Mr Sam Newall, Mr Ralph Fowler and Mrs Piavanini, who is the widow of a former President of the Shire of Collie. They are people I have known for the whole of my lifetime. I would like the House to approach this matter in a bipartisan way in order to rectify a wrong which is very unfair. All these people have been associated with working in the coalmining industry. It is a fact that the seat of Collie returned a Labor member to the Legislative Assembly from 1890 to 1989, a period of 99 years. It is a fact that coalminers are generally hardworking, reliable and responsible people. I know for a fact that some of these people were the initiators of the work that was done during the fires that occurred in the Boyup Brook area. The coalminers also sacrificed days at work and loss of pay to help the people of Dwellingup.

I recommended to Mr Sam Newall, when I was not a member of this Parliament, that the matter be referred by him to the committee then chaired by Hon Mark Nevill. It seemed to me that only by the proper and constructive use of the committee system of this House could the rectification take place. It is pertinent to know that it has been because of State Government legislation and the Federal Government's dramatic changes to rules in regard to pensioners that has seriously disadvantaged these people, as well as many other pensioners who, when they retired, had plans set out based on the then tax laws. But the rug has been pulled from under their feet in regard to the asset test.

This matter was clearly understood by this Government and it has not been acted upon. It does not represent a massive charge on the fund. Likewise, I am certain the existing contributors of this fund would be more than happy to see that this requirement is met in the longer term, bearing in mind that if this motion is carried it will be in the shorter term. The people concerned have been short changed in regard to their entitlement and it is the proper use of a bicameral system of Parliament that this House should carry the motion which has been moved by Hon Barry House. I place on record that Hon Barry House and Hon Murray Montgomery have done a great deal of work on this matter. I am also aware that Hilda Turnbull, the member for Collie, is cognisant of the real problems that exist and all are working to achieve a proper solution.

I repeat that it is with a great deal of enthusiasm that I commend the motion to the House and the initiative of the people I have named as those who have been working towards trying to achieve fairness in this matter, together with the other approximately 16 people who are massively disadvantaged.

Debate adjourned, on motion by Hon Mark Nevill.

PARKS AND RESERVES AMENDMENT BILL

Second Reading

Debate resumed from 31 October.

HON P.G. PENDAL (South Metropolitan) [12.09 pm]: The Bill before the Parliament is on the surface a very simple one, but as with many Bills that claim simplicity it has actually got a little bit more going for it. We have often been critical in this House of what is said in second reading speeches, and also of what is not said in them. The Minister's opening remarks in the second reading speech for this Bill were as follows -

The purpose of this amendment is to provide for the redevelopment of the Kings Park Restaurant.

I do not believe that statement was accurate. This is not an amendment about the redevelopment of the Kings Park Restaurant but an amendment to permit a more realistic investment opportunity for the Kings Park premises. I have no difficulty with that and in the main neither does the Opposition, but there is, I stress, a difference between saying the purpose of the amendment from the Government's vantage point is to provide for the redevelopment of the Kings Park Restaurant because, to the contrary, it is more to do with creating a better investment opportunity for the person or persons who are ultimately given the task of redeveloping what is arguably one of the most magnificent bits of real estate anywhere in the Commonwealth of Australia.

I have an amendment listed which I do not intend proceeding with in its present form and a

second amendment, which is being circulated presently, which I will come to in due course. It effectively lessens the impact of the original amendment.

The Minister also said during her second reading speech that the Kings Park Board decided a new leasing arrangement would present an opportunity to redevelop the restaurant. I make it clear the Opposition has no difficulty with that idea. It is fair to say that the site at Kings Park is wasted when one looks at the facilities already there. Without any disrespect to anyone involved, I do not think that it is unfair to say that the buildings on that site do not do the site justice. The board has recognised that and conducted what it called "An Ideas Competition" under the auspices of the WA Chapter of the Royal Australian Institute of Architects. It invited people to forward concepts and ideas to determine how best to redevelop the site. The result of that really led to the Bill before the Parliament today. What was the result? We are told by the Minister that tenders were called earlier this year based on the winning idea put forward in that competition. The estimated cost of the redevelopment within the terms of that idea was of the order of \$5 million. We have been told that no tenders have been received for the project and that the reason for that is that there is a statutory limitation of 21 years spelt out in the Parks and Reserves Act in relation to the lease. We have also been told by the Minister that that period is too short a time for the project to become viable. In essence, that is where the argument has arisen since.

Is it true, for instance, that a 21 year lease period for a prime site like that is too little time to allow a person or persons to recoup their investment and make their profits? I was surprised to hear that it is not possible to recover capital costs with a fair and reasonable level of profit in that period. My evidence for saying that lies in another Statute which we dealt with in the past couple of years; that is, the Rottnest Island Authority Act. I recall when that Bill was before the Parliament there was discussion about the period for which leases would be offered. I refer in particular to section 13 at page 6 of the Rottnest Island Authority Act because it has some relevance to what we are talking about here. That section outlines the powers of the Rottnest Island Authority to grant leases or licences and in subsection 3(a) we are told that the power in subsection 2(e) to grant leases does not include power to grant a lease or licence for a term exceeding a period of 20 years. The Act continues to outline certain conditions under which a 20 year lease on Rottnest Island can be extended.

My point is that only two years ago this Parliament passed a Bill limiting the leased period on Rottnest Island to 20 years yet we are now being told that a 21 year lease is not long enough in the case of Kings Park. It is fair, in those circumstances, to compare investment levels because they are clearly central to this argument. If I recollect clearly - and I tried to check this morning but was unable to - in the case of Rottnest Island, Alan Bond's company Dallhold Investments Pty Ltd had a \$5 million or \$6 million investment. If that is true, it contradicts the assertion that people cannot be attracted to Kings Park with a potential \$5 million or \$6 million investment because the present 21 year lease period is not long enough.

I make this point because it is important and because there is a need for the Government to begin to standardise lease periods when dealing with prime Government sites, whether we are talking about two years ago in the case of Rottnest Island, which in anyone's estimation is a prime Government site, or about Kings Park, which everyone would agree is a prime Government site, or about land in national parks where we often invite people to provide amenities.

I do not think it is correct, therefore - a Minister having come into this Parliament two years ago asking us to provide a 20 year maximum period for a lease, albeit, with a chance for an option to be exercised - for a Minister to come into the Parliament today saying that the existing provision for a 21 year lease for an establishment in Kings Park is insufficient. It is that matter which caused much debate in the other House and which has caused much of the discussion I have had with a variety of people, including informal discussions with Ann Cullity, President of the Kings Park Board.

At this stage we are not permitted to go into details of proposed amendments, but in a broad sense I am suggesting a compromise or a way out which would permit the Government to accept in some cases leases of more than 21 years. The central part of the Opposition's suggestion is that leases are arranged in such a way that they do not effectively amount to a freehold basis. If we go down the path of the Minister's suggestion in the Bill as presently

structured, there is a strong argument for saying that we are really granting a freehold lease, because 42 years is very close to being freehold. The Opposition is prepared to recognise that in some circumstances 21 years might not be long enough, but I am not convinced by that argument. The Rottmest Island Board was able to attract an investment from Bond of about \$6 million for 20 years, plus an unexpired portion of an old lease. Our suggested way out is to give the board an opportunity of negotiating a 21-year lease, but give the option of a further 21 years. In the final year of the first 21 years, when the option for the next 21 years becomes due to be exercised, the lease would be brought back to the Parliament and laid on the Table of the House. The renewal would then be subject to disallowance; it would be treated as a normal regulation. That course would meet the objections of the Government, and it would meet the objections of the Opposition and other people. It would also protect the investment of the person who had been involved in the first 21-year period.

Hon Fred McKenzie: It would not really be an option, would it?

Hon P.G. PENDAL: No, it would not. That is why we suggest that all this should occur in the 12 months prior to the option being exercisable. The lessee could opt out at that point, but everyone, including the Parliament, would be put on notice in the 12 months leading up to the second part of the lease. It could be said, "No, we are not going to exercise that option," for whatever reason. Indeed it could be said that the Parliament is prepared to allow the second part of the option to be exercised. It might be said that a 12 months' breathing space would be allowed, whereas that is not provided for at the moment.

Hon Fred McKenzie: There is no security for the option; that is the difficulty. You would have to compensate them.

Hon P.G. PENDAL: We are trying to balance the rights of the lessee against the rights of the people of the State to retain real, effective control over the site. I am not prepared to go over the arguments mounted in the other place, but this seems a sensible way out of what has become a very emotional argument. I can understand why it becomes emotional, because anything to do with Rottmest Island, Kings Park, national parks or any special bits of land, tend to arouse a lot of public debate and dispute.

We are saying that the board is to be commended for trying to come to grips with what is a really magnificent site. I do not think anyone doubts that the site is vastly under utilised. That is not a criticism of the current lessees, neither is it a criticism of the Kings Park Board, but for that sort of site to have those basic facilities is something of an insult to the site.

I am advised of a proposal to reroute the present road which runs between the restaurant and the war memorial behind the restaurant and the proposed redevelopment. Full marks to whoever proposed that plan, because for the first time we are seeing people being treated as being more important than roads and motor vehicles. I have been a constant critic, here and elsewhere, of reserving the best parts of the foreshore in this city for parking cars. Tens of thousands of cars come into the city in the morning and we give them the best spots. Those motor vehicles sit there in the sun all day long.

Hon Tom Stephens: You are advocating knocking down buildings to have a road round the brewery.

Hon P.G. PENDAL: We do not want Mr Stephens to become temperamental about this. The Kings Park Board would have welcomed our proposals. We wanted the Government to keep the stables, because they were listed by the National Trust, but Mr Pearce managed to get his bulldozer out and that was the end of that.

Hon Kay Hallahan: That is outrageous! You indulge in untruths.

The DEPUTY PRESIDENT (Hon J.M. Brown): Order!

Hon P.G. PENDAL: That is not untrue at all. Mr Pearce admitted it.

Hon Kay Hallahan: It is outrageous!

Hon P.G. PENDAL: The only sad thing is that his heritage Bill was not in force when he did it, because we could have had him in gaol by now, and that would have been to our relief. It is not outrageous; those are the facts.

Hon Kay Hallahan: They are not.

Hon P.G. PENDAL: Because it touches on Kings Park, the rest of the brewery proposal was to get rid of the second lot of buildings and incorporate all that land into Kings Park. Our actions would have increased the land holdings of the Kings Park Board, and I am sure the board would have been more than happy about that.

To return to my point, and I think Mr McKenzie was agreeing with it, I deplore the mentality in this State which gives the best riverside spots to eyesores. Who in his right mind - and I have to be critical of this Government - would have given over that absolutely prime piece of land opposite WA Newspapers to a bus station? That is the sort of thing which leaves me cold.

Hon George Cash: It is the wrong edge of town.

Hon P.G. PENDAL: We give that prime piece of real estate to something as boring and utilitarian as a bus transfer station.

Hon Kay Hallahan: I can assure the honourable member that it will not be boring when it is completed; it will be a work of beauty.

Hon P.G. PENDAL: It should not be there in the first place. We should have reserved that land for some sort of cultural pursuit.

I commend the Kings Park Board for its decision, and I commend the Government for accepting that principle. We will make cars go around that development, and the new complex will leave an unimpeded view to the river across what is now the road but will become lawns.

Sitting suspended from 12.30 to 2.15 pm

Hon P.G. PENDAL: Prior to the luncheon suspension I raised the major points I wanted to make and I want to finish on a matter that has been clearly emphasised by the Opposition; that is, whether the lease for Kings Park, or any other lease for a desirable piece of Government land, should be extended beyond a general ballpark figure of 20 or 21 years. I have indicated that an amendment to achieve that end is being circulated. I have since given informal notice that I intend to replace that with another amendment. In the meantime, a proposal has been put forward which may be acceptable to the Opposition. The Opposition does not wish to stand in the way of a redeveloped Kings Park facility; however, we do not believe that there should be a freehold-type of lease for Kings Park. If the Bill were to go through unamended there would be a great deal of disputation. My hope is that when the Bill enters the Committee stage the House can reach some agreement that will not impede a developer's reasonable expectation of profit, but at the same time provide a solution that will not sell out rights of the people of Western Australia.

One part of my amendment may cause some difficulty. That is to give the Parliament the chance to disallow any subsequent lease that may be awarded under the amended Act. There are many good reasons for insisting on that, but I am a realist and it would appear that from the signals we have been getting from other parts of the Chamber this amendment will not be passed. It is not something I would go to the barricades on because it is largely a management problem and one for the Kings Park Board to decide. When Parliament gets into too much detail it takes over the role of a manager, usually the province of a department or a statutory body. The essence of the Opposition's amendments must be retained if we are to give the Bill our support. The Opposition's desire is to see an option for a new lease, but at the same time the contents of that new lease should be tabled in both Houses of Parliament where it is open to public scrutiny and where the Government of the day can be judged according to the quality of that decision.

With those preconditions, we support the Bill.

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

[See page No 5188.]

SELECT COMMITTEE ON DARLING RANGE ESCARPMENT

Appointment

On motion without notice by Hon Derrick Tomlinson, resolved -

That the following members be appointed to serve on the Select Committee on

Darling Range Escarpment - Hon T.G. Butler, Hon Reg Davies, Hon Sam Piantadosi and the mover.

FISHERIES AMENDMENT BILL (No 2)

Second Reading

Debate resumed from 14 November.

HON P.H. LOCKYER (Mining and Pastoral) [2.24 pm]: This is the second time we have debated the Fisheries Amendment Bill. Hon Eric Charlton for the National Party introduced the original Bill to offset foreign ownership of the rock lobster processing industry in Western Australia. We on this side of the House wholeheartedly supported that Bill. The Government and, in particular, the Minister for Fisheries, while agreeing with Hon Eric Charlton's Bill believed that it did not go far enough and subsequently introduced the Bill which is now before this House. Control of foreign ownership in the rock lobster industry is highly desirable as it is in any section of the fishing industry in Western Australia. I am sorry the Government did not tackle the problems that caused concern to the fishing industry when it had the opportunity to do so.

There seems to be no control over the size of fish caught off the Kimberley coast by Chinese trawling boats and I brought this anomaly to the attention of the House during the debate on the original Bill. I have been informed by processing plants and by people in the industry that fish as small as 500 grams have found their way to Perth. This anomaly exists because these fish are frozen and, therefore, outside the scope of the Act. I am concerned that the Government has not addressed this anomaly in the Bill now before the House. The rock lobster industry is concerned about foreign ownership in Australia. The industry feels the problem will increase as the wealth of the Japanese community increases. Because of their good business acumen the Japanese are looking to other parts of the world to make investments to improve their trade imbalance and for the benefit of their investors. Japan is a major importer of our rock lobster products and if it controlled the industry in Western Australia it could control the pricing of that product. This is highly undesirable and the rock lobster industry is concerned that competition must continue. There should be no cartel controlling the industry in Western Australia. Any cartel would control the price of rock lobsters. Rock lobster fishermen are primary producers who are wholly and solely reliant on supply and demand. Fishermen are no different from farmers and want the maximum possible amount for their product. One of the factors keeping this product at the right price is competition. The National Party introduced the original Bill as many people in the rock lobster industry were unhappy when it seemed that Planet Fisheries would sell out control to a Japanese company.

The Government has seen fit to increase the power of the director so that he may alter the rules and regulations from time to time to protect himself. The director cannot be directed by the Minister and conversely the Minister has the right of appeal. It is essential that in the final analysis any section of the industry should be able to come to the Minister. However, in the first instance it is important that the director has the power to alter the rules and regulations for the benefit of the industry without having a major change in the Act and the Opposition supports that.

It is also very important to realise that not only is the rock lobster industry in danger of takeovers, but the prawning industry is too. It is no secret that foreign companies, from not only Japan but also Taiwan are carefully looking at our fishing industry, especially the prawning industry. While this Bill deals only with the rock lobster industry, I hope the Government, particularly the Fisheries Department, is keeping a close eye on possible foreign involvement in the Western Australian fishing industry.

Debate adjourned to a later stage of the sitting, on motion by Hon E.J. Charlton.

[See page No 5193.]

STAMP AMENDMENT BILL (No 3)

Committee

The Chairman of Committees (Hon J.M. Brown) in the Chair; Hon J.M. Berinson (Minister for Budget Management) in charge of the Bill.

Clause 1: Short title -

Hon MAX EVANS: This Bill is the result of much heartache and hard work over a number of weeks, and we are very grateful for the time we have had to look at it. There was quite a crisis when Stamp Amendment Bills No 3 and No 4 were brought up to this Chamber because on the way here it was discovered No 4 had an incorrect duty rate of 4¢ instead of 40¢. We agreed that we would accept it into the Legislative Council that night and speak to it on the following Tuesday. In accordance with the urgency surrounding this Bill we have been ready since last night to debate it. Prior to lunch a number of us got together and created a lot of synergy and energy allowing us to make more changes which are listed on Supplementary Notice Paper No 26G-2.

The business and professional community was most disappointed at not having been advised of the existence of Bills Nos 3 and 4. We were told the judiciary had seen it, which obviously means judges, the Law Society and the Australian Society of Accountants. I am not blaming the Minister for Budget Management, and I hope he has rapped his officials over the knuckles for not making the business community aware of the Bill. Throughout this Bill we are talking about the impact of buying and selling of businesses, we are talking about chattels, and we are talking about the insurance industry, etc. The Minister has listed a number of amendments in his own name. I am not sure whether at some later time he would like to be given the credit for them, but most of those amendments have come because of my and other members' speeches with respect to the insurance industry which wanted some matters clarified. They are now happy with the amendments we are advocating. I am sure the Minister will agree that we came to a happy compromise, but it took a long time to come to this agreement. A lot of exemptions to chattels were given to primary production and this only highlighted many more things that were not exempt. The date of the Bill had to be changed. It was not our fault that it cannot come into operation on 1 December. The delays have been mainly because of pressures put on us by other industries. The mining industry was unhappy with the amendments in respect of valuations and takeover of old leases. Eventually the Minister showed agreement and understanding. I trust he will acknowledge that he has had a lot of good free professional advice from some of the best lawyers in the city on stamp duty over a limited time, particularly in the first few days. At the beginning of that Thursday night the need to make amendments was very urgent and on the Friday, during the weekend, on Monday and on Tuesday everybody worked very hard because we thought it would be discussed the next Thursday. Fortunately the Minister had the wisdom to delay the Bill because of the number of worthwhile matters to be discussed.

At its meeting this morning the Standing Committee on Government Agencies - I am not giving away any secrets - was considering the Bill on statutory powers of directors of corporations, and I was able to see just how much value can come from looking at legislation and bringing in outside people who have done their own research prior to submitting a paper to a committee and who need to be able to understand a subject in simple language. The same thing should have been done in relation to the Stamp Amendment Bill (No 4). We are not trying to block off a lot of avoidances. The inference to be drawn from the Minister's speech was that we were going to put stamp duty on chattels because of the possibility of avoidance. There has been some avoidance in the way people value their chattels, but the commissioner could have always checked valuations, charged offenders with fraud and made them pay double duty. With inflation it is nothing for any normal dealer to be required to pay stamp duty on well over \$500 000 and with stamp duty of 4.25 per cent the figure is high for the Government but even higher for the person paying the money. As we know stamp duty is not tax deductible. No-one minds paying out something if they receive a tax deduction, but stamp duty is not tax deductible; at least I have never been able to make it tax deductible on my return.

Some time has been spent then on looking at what could be done to various parts of the legislation. The feeling around town was that a lot of people became frustrated because they were unable to solve all the problems in relation to the purchase of businesses, acquisition of businesses, business names, franchises and the partnership problems etc. Many of them said it was an indecent act. I asked whether somebody could be sued for an act of indecency for putting forward such legislation. I have not been able to obtain a ruling on that, but I am sure that would be hard. I think the introduction of this legislation was an act of indecency when a free enterprise system like this is highly dependent on businesses. Most of the wealth in

our society comes from businesses that are trying to generate profits and wealth. Mining companies and timber companies generate the wealth and pay their stamp duty. Governments do not create any wealth at all; they consume it. Farmers who are worried about this legislation create wealth. A great fear exists in the community of the Government always wanting to take more money. The rate of stamp duty increases and the Government finds more and more ways of requiring people to fill in forms so that businesses can be assessed.

The Opposition will move to reject clauses 11, 12, 13, 17, 24, 28 and 33(1)(a). There are so many anomalies in the Bill that it is unfair. The rates do not apply across the board. All the big lobby groups have obtained exemptions on chattels. The mining industry, if it did not get its exemptions, would have got them through the Opposition. The fishing industry and the primary producers got their exemptions. However, small businesses, including contractors and people of that sort, were left on their own. Nobody fought for exemptions for them to give the Bill some sort of equity. The Minister might say that the way to solve the problem is to tax the lot. That is his decision in respect of chattels. The exemptions that applied in the first place under this legislation have been extended to include primary production.

The farmers in this place have seen lawyers and accountants attempting to obtain exemptions on valuations of partnerships. That provision was thrown out of the legislation because it was inequitable to apply stamp duty on the net worth of partnerships. The lawyers' lobby is a powerful group and lobbied the Minister and the stamp office. But what about the other groups?

The Opposition is not certain of the interpretation of a lot of these matters. The legislation is one thing, but it will be a huge cost on businesses and on the community as it will be a revenue earner for the State. However, it will impact on the business community without lawyers checking case histories in other States after we were told that the legislation comes into line with what applies in other States. I have never thought that that was a good reason for introducing legislation in this State, particularly when the Government is getting more money from the community.

We have spent a lot of time and effort on this Bill to rectify some of the anomalies. We have appreciated the cooperation of the Minister, the parliamentary draftsman and officers of the State Taxation Department in trying to iron out many of the problems in the legislation. At the end of the day, we feel that the major amendments in the Bill in respect of chattels of businesses must be reconsidered, because once stamp duty has been introduced, it could have very serious ramifications. We will not be able to turn back after the legislation has been enacted. We should look closely at the legislation now in consultation with the community so that everyone understands its impact.

Hon E.J. CHARLTON: The National Party has also considered closely the ramifications of the legislation. That is important, because many people were confused about what its impact would be. We considered also the other option to amending the Bill; that is, simply saying no to it and sending it off to the never-never because it is totally unworkable. We were concerned about the effects it would have on so many people in the community. We do not propose to take that action. We have tried to get the Government to change many of the current aspects of the Stamp Act. The terminology in the Act, for instance, has been used solely for the purpose of attracting stamp duty.

All of that aside, we certainly want to remove some of the clauses included in the Bill. Obviously, our amendments will have consequential effects on other clauses in the Bill. I believe that, when the Committee reaches the schedule of the Bill, it will find that amendments that have been made to the body of the Bill will affect the schedule.

Hon J.M. BERINSON: Some comment has been made already about the fact that the Supplementary Notice Paper which contains amendments to this Bill is marked "G-2". For those of us who know the alphabetical system which applies to the circulation of amendments, that will be an indication of the amount of consideration which has been given to this Bill and the number of amendments which have flowed over the time allowed for consideration. I have to confess that, at one stage, I was beginning to feel thankful that we did not have more than 26 letters in the alphabet. There was also a risk that we would exhaust the gamut of possibilities if the sort of consideration that was being given continued.

On the other hand, I have never complained about the length of time or the continual additions to the list of amendments. In fact, I have contributed to them. The sheer number of them is an indication of the extent of consideration and consultation which has been invested in this Bill. As late as last night, I met with members of the Opposition and the National Party, an industry representative, and with Parliamentary Counsel and a departmental adviser and left that meeting on the understanding that, despite the length of the circulated amendments, the debate need not be all that long and that my agreement to a number of proposals both in advance of last night's meeting and last night as well would reduce the areas of contention to quite narrow questions which we could deal with fairly readily.

At a minute to midday I was surprised to learn that the Opposition did not feel able to commence the debate as planned, and in the last few minutes I have learned its approach over this very short period has changed altogether. The long and short of the amendments which the Opposition has now advised it intends to proceed with will have the following effect: All the new revenue measures will be taken out of the Bill, but all the new concession measures will be retained. That is roughly summarising the position, and it makes almost prophetic my comments at an earlier stage of consideration of this Bill about the easy and cheap popularity of proposing reduced revenues on the one hand and increased expenditure on the other. That is easy and no doubt popular to do, but it is also irresponsible. I assume that the Opposition is still in favour of balanced Budgets, and I would be interested to know how its interest in a balanced Budget can be matched with the proposals it has made. All stamp duty Bills in effect measures to support Budget proposals. If \$15 million is taken off the top of revenue, \$15 million must be taken off somewhere else. Where will it come from? I do not pretend to have any plans in mind.

Hon E.J. Charlton: We could think of a couple.

Hon J.M. BERINSON: In the course of his consideration I wonder whether Hon Eric Charlton will suggest that we should do something about the education grant, which is approximately \$20 million.

Hon E.J. Charlton: For a start you could give the \$50 promised by the Government to the schools instead of the parents and then it will be spent on education.

Hon J.M. BERINSON: In this one fell swoop three-quarters of the allocation for the education grant is lost, and one wonders whether the Opposition has that in mind. If not, what else? This sort of approach on a measure which is so closely related to the Budget is a harassment of the Budget process and it is difficult, if that is what the Opposition has in mind, to understand why it took four to five weeks to develop.

I want to make it clear that in order to meet the objections and representations by various industry groups and by the Opposition, the Government had reached a stage last night of agreeing to all proposals from the insurance industry on its area of interest. It also had the agreement of the finance brokers who had earlier expressed concern; and I indicated in the reply to the second reading debate that the Government would not proceed with the proposed new system of valuation for partnerships, but would leave the status quo intact. With respect to chattels, having been tackled on the extent of the exemptions for primary industries, members will be aware that I listed amendments that would carry those exemptions to the widest possible extent. All that appears to have been in vain, with a sudden inspiration from the Opposition to move away from a sensible and responsible process, which recognises the needs of the budgetary system, to an outright rejection of an important part of the process. We have often heard Hon Max Evans complain about our search for uniformity with other States. Certainly that applies in the case of chattels, where I have indicated before that Western Australia is the only State which does not impose duty on chattels. Every time I say that, Hon Max Evans complains that we should not follow other States. I have talked about my being in the business of prophecy in one respect, and it appears Hon Max Evans was also in that business when the other night he waved a banner headline from *The Age* in Melbourne, indicating that its upper House had knocked back some stamp duty proposals, a number of which are included in this Bill. That is the position we have reached. We should not follow other States when it is necessary to find appropriate amounts to meet our budgetary requirements but, on the other hand, we should be as generous as we can in all areas.

The advance advice of the Opposition's intentions will no doubt also have the effect of abbreviating the discussions. There is no point to lengthy debate on matters which are clear-cut, and on which I have been given the clearest indication of agreement from members on the opposite side. I deplore it because it is an attack on the Budget process; I deplore it as an irresponsible attack on the orderly system of providing balanced revenue and expenditure; and, not least, I deplore it because it follows a process which had every promise of not only meeting reasonable objections, but also of accommodating them to even the satisfaction of those parties who expressed concern with this Bill in the first place. I have reached the stage where it takes a lot to surprise me in parliamentary life and so I suppose I will roll with the punches on this as well. But that does not make it any more acceptable. This is going to the heart of responsible approach to Government and to meeting the needs of the community. I have heard all the arguments about money going to WA Government Holdings Ltd, and that if the Government can afford that money, it can afford not to impose taxes. The Opposition has heard the reply to that argument; that this obsession of theirs represents a part of the Budget requirements, and indeed is a serious part, but in the context of a \$5 billion Budget it is only a small part. It is not to be compared in the slightest with increased expenditure in basic social areas such as education, health, law and order, and welfare. The whole provision of these State services, both standard services and the commitments made by the Government in the recent election, is put in jeopardy if this irresponsible approach to the raising of revenue continues.

Hon GEORGE CASH: There is no question that this Bill has extremely wide ramifications, not only in the business and commerce community but also across the wider community, because if carried in its present form, it will impose a duty on the scruffy curtains, dusty venetians and worn-out carpet. In the past I have made the point that the Government is revenue desperate; if there was ever a clear example of Mr Berinson's admitting that the Government is in financial trouble, it was just then when he made his comments about this Bill.

Hon Fred McKenzie: Don't you want the extra 1 000 police?

Hon GEORGE CASH: Yes, I do. I put it to the member, as a reasonable person - and I believe the debate can be handled in a reasonable way, if that is the wish of all members; if it is not, and if there is to be a brawl, I want to be in there - that this is bad legislation. It was bad legislation when it was introduced; and even after the many meetings which have been held between members of the Liberal and National Parties - represented by Hon Max Evans, Hon Peter Foss and Hon Eric Charlton - and, at times, the Minister for Budget Management, and other industry leaders and Government advisors, the legislation in its present form, even with the amendments, is still bad legislation. If the Legislative Council is to be a House of Review, then the process of simply working through the legislation that is put before it imposes a duty and responsibility on all members, which we should not shy away from.

I was disappointed that the meetings which have taken place to date appear to have been somewhat ad hoc. If there was ever a clear example of the need for an effective legislative committee in this Chamber, this Bill clinches the deal, because had this badly drafted Bill arrived in this Chamber, and been referred to a legislative committee, I am sure that with goodwill prevailing, and with the leaders in industry and commerce having the opportunity to make representations in a fair and reasonable manner, and had those representations been acted upon, it may have been possible to salvage some of the provisions of the Bill. That is not the way the Minister has chosen to deal with it. As I understand the position from my discussions with representatives of the fishing, insurance and mining industries, their attempts to have a meeting with the Treasurer, and - although not necessarily - the Minister for Budget Management, to discuss the likely impact of this legislation have been like trying to arrange a meeting with the artful dodger. It has been very difficult; all that was certain in any of their attempts was that the artful dodger was going to pick their pockets, no matter what. That is what this Bill is all about.

The Minister for Budget Management's most recent comments about this Bill do not reconcile with the answers he gave last year to Hon Eric Charlton and Hon Gordon Masters when they asked him, on numerous occasions, whether there would be any budgetary impact as a consequence of the losses the Government had incurred in its dealings in the WA Inc debacle; time and time again the Minister for Budget Management chose to suggest there would be no budgetary impact. Quite clearly that is not the case because we are now at the

stage where we are seeing the Minister for Budget Management becoming very distressed when he realises that possibly \$15 million worth of revenue may be cut from under him.

Hon J.M. Berinson: I assure you I am not distressed. I just disagree with what you are doing.

Hon GEORGE CASH: The Minister for Budget Management has, for a person who disagrees, given me a very clear indication that he is somewhat distressed; and if he is not, there is something wrong with him because \$15 million is an awful lot of money.

There is no question that in respect of this legislation Mr Berinson will not be a winner. This was bad legislation from the very first minute it entered this Chamber. As far as I am concerned, it remains bad legislation, even after the hours and hours of meetings with senior professional accountants and lawyers, who still have not been able to get the legislation into a form that is acceptable to many groups within the community.

Hon J.M. Berinson: Are you really saying that your main problem is with the technicalities of the Bill?

Hon GEORGE CASH: My main problem with the Bill is that there was not a legislative committee in this Chamber to which the Bill could have been referred so that it could have been considered in a fair and reasonable manner; representations could have been made by the various industry groups; and a general agreement might have been reached.

Mr Berinson raised the question of the search for uniformity. In his addresses on this Bill he has often referred to the fact that Western Australia is only now catching up with various Eastern States capitals. It seems to me that every time the Minister for Budget Management looks for uniformity with the Eastern States it is always in respect of lifting revenue. He probably has agents within his departments who are under instructions - and their actions will be given a big tick - to find out where there may be an opportunity to increase fees in Western Australia so that they are in line with some fees in the Eastern States. I doubt whether anyone in his department is engaged in the task of looking at opportunities for the Government to reduce areas of taxation.

There is a need for this Chamber to reject the clauses earlier mentioned by Hon Max Evans. That does not achieve any great satisfaction for the Opposition, but it does at least allow the community generally to get a better understanding of what this Government is all about, and to be perhaps better prepared, should any of the provisions contained in those clauses which are proposed to be rejected be again introduced, to make full and proper representations, and have them properly considered by this Chamber.

Hon PETER FOSS: The high moral tone which is being adopted by the Minister for Budget Management in respect of the recklessness of the Opposition is a somewhat surprising attitude from a Government which has spent recklessly, and to no benefit whatsoever to the community, \$680 million of taxpayers' money. It is not as if the Government were acting in an honest and well meaning fashion, without any warning as to the likely consequences of what it was doing. At every step along the way the Opposition said to the Government, "You are wasting the people's money. You are spending it to prop up useless investments. What you are doing is dishonest and wrong"; yet the Government went ahead and spent the money; it did the very things which were predicted by the Opposition. The Opposition said that the money which was being spent on Petrochemical Industries Co Ltd was a complete and utter sham, and was wasted. We now know that it has been wasted. We said that the loss of this wasted money would impact on the taxpayers; the Minister had the cheek at that time to say it would not. Blind Freddie could have told him it would have an impact; the Government cannot spend money and still have it.

We have been telling the Government for some considerable time the effect of what it has been doing but it has gone ahead recklessly and spent the money in any event - and has spent it on the most undeserving possible objects it could think of. There is no excuse for the recklessness of this Government. I appreciate that the result of this has been that the Government is short of money and must raise revenue to balance the Budget, but that is what we told it last year, and the Government denied it. If the Government had listened to us it might not be in the position it is in now.

However, whatever the Government does, how dare the Minister for Budget Management adopt a position of high moral tone after the way the Government has behaved? He talks

about this amount of money the Government has wasted as being a small amount. The Government has wasted \$680 million! The Minister should not talk to us about a Budget of \$5 billion, but about the total revenue from taxation, which is \$1.3 billion. The Government has spent more than half of it by just pouring it down the drain. I do not think the people of Western Australia have realised that yet.

Hon P.G. Pandal: But they will.

Hon PETER FOSS: The Government has spent half of this year's taxation income. In terms of last year's income it has spent even more - nearly a year's taxation revenue. That is an awful lot of money, and the Government spent it while being told at every step of the way that it was wasting our money. The Government was told in every instance what the consequences would be but it ignored those warnings repeatedly.

The first admission we heard from the Government that it was wrong and that it had in fact blown the money and would have to raise more was yesterday, when the Minister at long last recognised what everybody should have known; that is, that the Government has wasted the money and now the taxpayers of Western Australia will have to pay for it. At long last it has been admitted in another place too that the money spent on Petrochemical Industries Co Ltd was a sham, and all to get out of Rothwells, and that was wasted too. We all knew that. We told the Government that some time ago but the Government went ahead and did it, and now the Minister for Budget Management has the cheek to stand in this place and take a high moral line just because we say the Bill is a mess. The Minister knows it is a mess.

Hon J.M. Berinson: I know nothing of the sort.

Several members interjected.

The CHAIRMAN: Order! I have been fairly tolerant. I do not intend to have any cross-Chamber chat. I will give everybody the opportunity to speak in the Committee stage, as is their entitlement, and I will allow cross-questions if they are productive, but nothing is being achieved by the sorts of interjections that are being made now.

Hon PETER FOSS: We are telling the Government this legislation is a mess, and I say that quite seriously. We spent an hour and a half trying to address some of the problems that have been raised with us recently. Every single day we get two or three more little problems. I got a lawyer from my firm who is an expert on stamp duty to come here, and we tried to work on some amendments, but it is like trying to wrestle with an octopus - every time an arm is squashed down, another one pops up. It is messy legislation. The Stamp Act is messy almost at the starting point, but these amendments are messier than normal. The Bill does not follow the Eastern States legislation exactly - the Government has submitted its own version but it has not been very well done. We have tried to work through it but we keep coming across more and more problems.

We do not believe these provisions are sensible ones. We could have rejected the whole Bill but there are a number of anti-evasion provisions and we have ensured they remain; the Government's obligation under its election undertaking remains as well. We left those things we felt we were obliged to leave and which we could in conscience leave, but frankly, we feel the rest is a mess.

The Government should take our advice this time. We have given it our advice on PICL and WA Inc, and now we suggest the Government should take the Bill away and try again, and do much better next time. We are not saying we will not look at this legislation for all time; indeed, we have tried hard to work on it but it is one of those things that when it goes wrong it continues to go wrong. It would be most unwise at this stage to try to fix up this legislation. The legislation went wrong when it was dealt with in another place, and in this place we have had problems with the accompanying Act. This Bill should have been dealt with a little more cautiously and with a little more public comment than has occurred.

The Government should take this as an effort to indicate to it that we have tried hard and made many amendments but objections continue to be raised by people in the community. We have tried to address those objections but the problem is too large to handle. There must be a proper consultation process, and I think the Bill should go to a legislative committee. However, we propose to allow the Government to get on with the things necessary to allow the legislation to go through to the extent that it is able. That is a responsible attitude, and I certainly will not sit here and have the Minister for Budget Management take a high moral

stand. We agree it is necessary to balance the Budget, but when we tell the Government something is wrong we expect it to listen. The Government and the Minister probably should start listening to us, because if they had done so earlier that \$680 million would not have been wasted.

Hon E.J. CHARLTON: I want to refer to the comments made by the Minister for Budget Management about our now locking the Government into a position where it cannot do its rightful job as a Government and negotiate the changes required to raise revenue. I have two points. Firstly, the Minister knows as well as everyone else that a mass of areas exist where the Government has in the past - and will in the future - increased charges and raised finance because that is its right as a Government. The problem is that the Government brought this Bill - which will increase charges - into the Chamber in such a camouflaged way that even the most highly qualified people in the State have not been able to grasp what will be its effect. If those few highly qualified people feel that is the situation, heaven knows what it will do for the people in the community. We think the Government is getting into innocent individuals - small business people, families and those other people who can least afford the sorts of things contained in this hidden agenda.

Hon J.M. Berinson: It is not a hidden agenda. The items were explained at the second reading. Give me an example of a hidden agenda.

Hon E.J. CHARLTON: The Minister started by bringing this Bill into this place - and that is another point, which I will raise before I answer the Minister's question. This legislation was not properly debated in another place. That in itself was a terrible thing, but that was compounded by bringing it into this place, which is supposed to review legislation after it has been fully debated and amended. I know time was spent in another place on another issue that should have been debated before this Bill, but when the legislation arrived here the fishing industry and other primary industries were still caught by the legislation.

Hon J.M. Berinson: But you could not ask for a broader definition than we have now listed.

Hon E.J. CHARLTON: But it had to be drawn out by our going to these industries and talking to them. I acknowledge it has been dealt with, but if the Minister wants to know who was involved in the last minute activities to which he referred, I was probably the nigger in the woodpile, if I can use that terminology. I will rephrase that.

Hon J.M. Berinson: We know what you mean.

The DEPUTY CHAIRMAN: Order! I suggest the member direct his remarks to the Chair so that Hansard can make a comprehensive report. The cross-Chamber chatter is not helping the recording and not helping the Committee.

Hon E.J. CHARLTON: Yes, Mr Chairman, I will do that. When we consider all the changes which have been agreed to, and to which the Minister has referred, we find many question marks about who will be affected. Will the exemptions apply to the people in the business areas? If we are not convinced, although the best information tells us the legislation will do certain things, the Government should not attempt to raise revenue in this way. The legislation should be done away with altogether. If the Government cannot live with that it should either redraft the Bill or raise the revenue in another area. The initial reason for this change to the Stamp Act was to catch those people avoiding the payment of stamp duty. The amendments achieve that; and that is what the Government wanted. If the Government is having a problem raising revenue, it should attempt to raise revenue in some other area and we can make judgments on the face of that.

Hon MAX EVANS: I have always tried to be very responsible when speaking to Bills. I wanted to be responsible with this Bill; but I was stunned by the incorrect statements made by the Treasurer in the other place regarding goodwill. I do not want to be held responsible for legislation which passes through Parliament which is incorrect. From the start I have fought strongly not to throw out legislation, although some people have said that this legislation is so bad that it should be thrown out. I have fought against that because we should consider legislation and do the right thing by it. I appreciate the cooperation we have received from the Minister and his officers.

I thought I knew quite a bit about stamp duty but I realise I am out of touch with the new provisions; I learnt a lot about the interpretation of legislation from the mining industry last December when considering related legislation. I have learnt a lot about insurance recently,

although I have not heard about duty on duty before; probably the Minister had not heard of that either until Mr Justice Wallace brought down his ruling. As I say, we try to be responsible. As a practitioner I look at legislation in a certain way. In the party room one day I stated that there are two ways at looking at the legislation: We either do something or we do not. If we do nothing, the lawyers will make a fortune, as will chartered accountants. The member for Vasse stated that he has always believed that lawyers do well out of bad legislation. A senior partner of Jackson McDonald spoke to me at an SGIC luncheon recently; he asked me not to change the legislation. He said, "I am an expert on stamp duty; I will make a fortune out of this legislation."

The more we look at the finer detail of the Bill, such as the partnership arrangements, the more we should realise that this is a House of Review. I took over Sir Keith Watson's practice years ago. He was a close friend of mine. He was not a Minister in this place but he gave the advantage of his knowledge and experience. Some of my sole practitioner chartered accountant friends have made comments on the legislation. I believe one has written to the Minister. They are very perturbed about the problems involved with the legislation because lawyers must become involved every time they take some action. As I said weeks ago, great antagonism occurs between business and industry professionals and the department. The Federal Taxation Office is now attempting to rectify its problems; it has become so offside with everybody that people tend to go slow and do not want to rectify the problems because of the way the department has dealt with them over the years. The State Taxation Department has been on a revenue raising expedition over the years and has done very well. However, it has created antagonism. Some people say the legislation should be thrown out; other people say the legislation should go through even if it is bad, and the public should wear it. I will not be responsible for allowing this legislation to pass through this place without doing something about it.

I refer now to the "worn carpet syndrome", where people understate the value of the chattels within their homes. I believe chattels are about six per cent of the value of houses overall. A house valued at \$250 000 attracts stamp duty at four per cent; and one valued at \$500 000 attracts stamp duty at 4.25 per cent. A person cannot buy much of a house for \$250 000 these days. The chattels might be valued at \$10 000, and at four per cent that adds up to a few hundred dollars. A wealthy person's house would attract even more stamp duty. The Government has made concessions in relation to stamp duty on mortgages but it will pick up more revenue on the chattels than it loses. The Minister can probably work that out quicker than I can. The Government will certainly be making a large profit from this legislation if it goes through in this form. The Government gives concessions with one hand and takes them away with the other. These issues should be considered and the public should be alerted to them. The Government's gift in the form of concessions is not a gift at all.

The Minister is anxious to rush through the legislation. However, clause 26 has been left out. We do not know whether the provisions of that clause will be applied from 1 November or 1 December. I presume the provision will come into force some time sooner or later. When checking through the Bill I wondered where the concession clause, clause 26, had gone.

Hon J.M. Berinson: There is a provision that those provisions not specified as having a commencement date operate from the date of assent.

Hon MAX EVANS: The Minister will agree that the clause was left out.

Hon J.M. Berinson: No it was not.

Hon MAX EVANS: Every other clause has been put in place except for clause 26.

Hon J.M. Berinson: Clause (2)(5) says that subject to this section this legislation shall come into operation at the date of assent; it is covered.

Hon MAX EVANS: Your adviser is smiling; he is honest.

The DEPUTY CHAIRMAN: Order! The honourable member will address the Chair.

Hon MAX EVANS: As I mentioned a few weeks ago, stamp duty raised over the last two years is roughly \$212 million over budget; that is a 30 to 40 per cent over budget. The Government had a Budget surplus last year; it holds back assessments for the last week in June, and the funds are picked up in July. I suggest that the Government had a lot up its sleeve in respect of delayed assessments.

Hon J.M. Berinson: I wish.

Hon MAX EVANS: I have seen the over-assessment in the last couple of years, and I have heard the Government's bleeding heart stories about how things are going to be tough and are going over the top. I cannot believe when the Government raised \$542 million last year that it did not squeeze a small percentage off the top and include it for the next year. The Government did not want to bring in a \$20 million surplus last year. The boys will not tell the Minister what they have done. They will not tell the Minister how much they have got up their sleeve; managers never do say they have a secret reserve of stock. It will still be there and they will pick it up this year for the Government.

In December last year I fought very hard to throw out last year's Budget. The Minister introduced a letter referring to an amount of \$85 million payable for the Teachers Credit Society. We had not passed the Estimates when the Minister said that the Government would put \$85 million into Teachers Credit Society, made up of \$30 million from capital works and \$55 million from revenue. Those figures were not even in the Budget. The Minister had a theoretical, notional deficit of \$55 million before we passed the Estimates in December. It was about the second week of December when the R & I Bank decided to take over the Teachers Credit Society. At that time the Minister read out a statement which revealed an interesting way of getting around the deal because it was not an appropriation. The Minister said the Government was spending \$85 million on the Teachers Credit Society to pay it out, which included \$30 million of underspending on capital expenditure - the Minister gave a very interesting explanation about that - and about \$19 million which was interest earned on short-term investments that year and an amount brought forward from the previous year. I said at the time that the Budget should have been changed and that amount should have been introduced as one of the estimates of expenditure. It was known at the time we approved the Minister's Budget. The Government was wrong then. It was down about \$85 million then and it is now down about \$10 million. The Government survived that onslaught of the extra \$85 million which was not in the Budget but which had to be expended. If the Government survived that it will live with this amount.

The Minister has to live honestly with himself. He should not try to introduce legislation that has not been properly thought out or for which the water has not been tested. The amounts of tax on these people were so high that we could not allow it to go through. That is why I said we should dispense with them and get through what we needed to get through. From the start I fought against throwing the whole lot out. When I looked at it there were too many problems with it and the rates of stamp duty were far too high. The people are paying for the Government's mistakes through the antagonistic attitude of the Commissioner of Taxation to raise revenue.

We dealt with the Petrochemical Authority Bill in April this year. I said in the Committee stage of that Bill, after we had pointed out all of the problems in relation to the guarantees and the way the Government was going to borrow money, that I would hold the Minister personally responsible because he should have known better than to allow legislation like that to be put up to this place. The Minister is the smart businessman among Cabinet members. He should have known better and been able to stop the introduction of that legislation. He has a great respect for assets and should have been able to look after the assets of our State and that was not done.

Hon Peter Foss: Hear, hear!

Hon MAX EVANS: I held the Minister responsible then as I hold him responsible now for introducing faulty legislation that contains legal complications to raise \$10 million. I was relieved when the Minister said the amount was only \$10 million.

Hon J.M. Berinson: It could be as high as \$15 million.

Hon MAX EVANS: I thought it could be more just by considering the average house worth over \$250 000 upon which the owners will pay four per cent on the chattels that they did not pay before. I do not have the figures, but it is big money. I hope the advisers have a bit up their sleeve because I think the Government will be down on its dividend from the SGIC. I cannot remember off the top of my head what that amount is. However, I do not believe that it will be able to pay a dividend with all of the Bell Group shares it holds. That is another \$14 million the Government will not get through no fault of ours. However, it will have to

wear that under collection of revenue the same as it will have to wear the loss of this amount until better legislation is introduced. A letter was sent out about the time the legislation was introduced seeking comments.

Where will the \$175 million come from to lend to WA Government Holdings to pay back the SGIC? It is all right while it is not paid back because it is only \$24 million in interest! That does not seem to worry anybody and yet the Government is worried about \$10 million of additional stamp duty in a total collection of \$499 million; it might end up with \$489 million. The Government is not trying to stop tax avoidance; it is introducing ways of obtaining new revenue. We should therefore look at it more closely. It is not only about rates; it is about the whole interpretation that will cost the public dearly now and in the future. As the Minister knows, it is very hard to change legislation after it is enacted, no matter how bad it is. That is what we are getting back to. My main concern is that we have good legislation.

We have seen problems in the last couple of weeks in trying to clear up the obvious errors in legislation. We dealt with the self-interest of the insurance industry because it was aware of the tax on tax provisions of that legislation. I think we came to a good agreement last night on the misunderstanding over the life insurance companies. We put that right and that made it better. It involved a lot of work on my part to fix up that simple misunderstanding which, as the Minister admitted, was clearly a mistake. It took \$26 000 worth of legal fees to prove that. However, we now have good legislation. We have picked up the easy ones. We believed that provisions in this legislation as to who would and would not get exemptions were too much to deal with at that stage and we had to make the reluctant decision and inform the Minister about it.

Hon J.M. BERINSON: I have said already that, as the die is cast, there is no point to extending the debate. I do not want to participate in a way that will extend the preliminary debate on this clause. I think we would all be better off keeping our further comments to any issues which arise through our processing of the Bill.

I make two brief comments: In response to the suggestion that the whole emphasis in presenting this Bill was on preventing avoidance - there was some mention of the need to overcome avoidance practices - there could have been no doubt in anybody's mind that this Bill fundamentally seeks to increase the State's revenue and that we seek to do that in a way which could be seen to be consistent with the general Australian practice.

The second comment relates to Mr Evans' continuing expectations that the experience in recent years where collections were considerably above estimates can be anticipated every year. That is not so. I have previously indicated that those excess collections came in boom periods and, during those times, the benefits flowing into revenue were exaggerated by the heat in the economy. It is a very different environment today and the projections indicate that things will not be better in the first half of next year. In those circumstances it is possible that the downward trend could become exaggerated and the prospect for collections might be underestimated. The Estimates in this Budget have not been approached on a conservative basis, that is with a view to minimise what is likely to be there, but on a realistic basis, applying the best experience and projections which are thought appropriate in the current economic circumstances.

Hon George Cash: Last year you were \$88 million out.

Hon J.M. BERINSON: I do not have the figures with me from last year but if Hon George Cash is saying we were \$88 million above estimate, that is right. However, last year was a boom year and so was the year before. Nobody is suggesting that this year is a boom year and I have made that point before.

Debate on clause 1 has been quite extensive and I invite the Committee to agree that we should now proceed to the detail of the other clauses.

Hon R.G. PIKE: As we proceed through the Committee stage it will be evident that there has never been such an ill prepared, hotchpotch of improperly considered amendments and alterations to any Bill as important as the Stamp Amendment Bill (No 3). The Leader of the Opposition, Hon George Cash, has said that this Bill will impose a tax on carpets. However, there will be a tax not only on carpets but also on lampshades and curtains. I want to refer to something of paramount importance in relation to this Bill - and I exclude the public servant at the table from these comments. This socialist Labor Party has loaded the Public Service with its stooges such that incompetence is manifest in the way in which Bills are presented.

Hon J.M. Berinson: That is a disgraceful statement.

Hon R.G. PIKE: The Minister is entitled to think that statement is disgraceful. I am quite happy to wait until the Government proceeds with the details of the Bill and then to see the amendments of the Opposition and the professionalism with which they are brought forward. This will make clear the need for extensive amendments which will be necessary to make this Bill practical and acceptable to the people of Western Australia. The Opposition should have sent this Bill back and told the Government to start again. That is how bad it is. The people should be aware of the incompetence in the Public Service brought about by the political infiltration imposed upon it by the socialist Labor Government. There will be more to come.

Hon J.M. BERINSON: I was not going to speak again but the outright abuse and denigration of the public servants involved cannot go unreplied. I defy Mr Pike to name one senior executive officer of either the State Taxation Department or the Parliamentary Counsel's department - and they are the only two sections of the Public Service that could be linked to this Bill - who was not already in the Public Service before the present Government came to office. It was a disgraceful statement and a disgraceful denigration of the service.

Hon R.G. PIKE: I merely want to say, since the honourable member has asked me to make a comment, that I am in the process of collecting names of those who have been appointed to the Public Service - my list is something like 160 -

Hon J.M. Berinson: How many in the State Taxation Department or the office of Parliamentary Counsel? You ought to be ashamed of yourself.

Hon R.G. PIKE: That answers the honourable member's question. The small section of the public who read *Hansard* can make their own judgment on the competence of the Bill and will see that the amendments are necessary. Let those facts speak for themselves.

Clause put and passed.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Clause 2 postponed until after consideration of clause 33, on motion by Hon Peter Foss.

Clauses 3 to 6 put and passed.

Clause 7 postponed until after consideration of clause 33, on motion by Hon Peter Foss.

Clauses 8 and 9 put and passed.

Clause 10 postponed until after consideration of clause 33, on motion by Hon Peter Foss.

Clause 11: Section 40 inserted -

Hon J.M. BERINSON: I will not go into the substantive arguments about the duties on charitable properties, but I take the opportunity to correct some descriptions of the current system as it stood before the recent Supreme Court decision which I briefly conveyed to members previously. I do so by quoting the advice from the Commissioner of State Taxation which was provided to me yesterday. The advice is headed "Stamp Amendment Bill - Charitable Exemptions" and reads as follows -

I refer to the claim which was made in the Parliament last night by the Hon Peter Foss that this Department had allowed stamp duty exemptions for charitable purposes even where it was intended to use the property being acquired for commercial purposes.

I had previously indicated to you that up to the university decision, we had followed a consistent practice of refusing exemptions where a commercial use was intended. You already have a list detailing specific applications which had been refused on that ground and, as I have said, there would be many more instances where charities had not even bothered to apply for exemption because of our well known and long established policy.

However, in view of Mr. Foss' claim I have had a thorough check made of all available papers relating to stamp duty exemptions going back to 1981.

I find that up until 1983, exemptions were allowed even where commercial use was involved, in the case of property acquired by charitable foundations and trusts which did not themselves undertake charitable activities but which distributed their entire funds for charitable purposes. Although this category is unique in the sense that its sole purpose is to raise funds - as distinct from carrying out charitable activities - I have to say that the granting of exemptions in these cases where commercial purposes were involved, was exception to the general policy. I emphasise, however, that there is no record of any such exemption being allowed since 1983.

There have also been two other categories in which exemptions have been allowed but which I believe do not offend the principle that no exemption should be available in respect of commercial purposes.

Firstly, if property were gifted to a charity, an exemption from duty has always been allowed irrespective of how the charity intended to put it to use. Quite apart from the fact that the gift of property cannot be characterised as an "acquisition" by the charitable body concerned, the Stamp Act provides that stamp duty in respect of gifted property is payable by the donor.

Secondly, exemptions have been allowed where projects in the nature of "charity homes" have been undertaken by charitable bodies. Under these projects the charitable body acquires property, usually vacant land, on which a residence is erected through gifts of materials and voluntary labour. The completed home is then submitted to auction with the proceeds going to the charity. Although it might be said that these projects had some commercial aspects, they were based substantially on gifts of material and voluntary labour and would not I think, be generally regarded as a commercial operation.

That is a quote from the commissioner's advice, but both the categories he refers to as exceptions are specifically exempted under the provisions of the Bill as drafted. The commissioner's advice continues -

The only other instances where exemptions have been allowed for purposes which might conceivably be construed as of a commercial nature, were in the case of properties acquired for the conduct of "opportunity shops" for the sale of secondhand clothing, furniture, etc. Exemptions for this purpose have been allowed for the Red Cross, the St. Vincent De Paul Society and the Perth Diocesan Trustees and it seems that at the time, we were satisfied that the conduct of these opportunity shops were more in the nature of a charitable activity than a commercial operation.

Except in the case of the charitable trust and foundations, I can find no instance where exemption has been allowed in respect of a property acquired by a charitable body for the purpose of developing it on a commercial basis - as any private investor might do - to raise money for the charity e.g. for instance, the acquisition of land by a charity for the construction of an office block to be let out on lease to provide funds for the charity, would have been regarded as a purely commercial project and refused exemption.

I wanted to put that advice on record, not for purposes of any current argument, but in order to correct any previous statements which would have given a contrary impression.

Hon GEORGE CASH: I realise we are talking about a proposal to have this clause postponed. In view of the statement the Minister for Budget Management has made to the Committee, will it conflict with section 36 of the University of Western Australia Act which provides for exemption of property from taxation - a matter which we raised the other day?

Hon J.M. BERINSON: I did have a briefing note on this, but I do not have it with me. Perhaps I will summarise it from memory: I did inquire from the Crown Law officer who represented the State in the university case. The position is that section 36 of the university Act was argued by the university in preliminary objections to the State Taxation Department. They were considered by the Crown Law Department which advised that that section would not be a bar to the imposition of stamp duty on land acquisitions by the university. When it came to the appeal decision - again I am relying on memory - in which the university was represented by Mr Darryl Williams, QC that point was not advanced as part of the university argument.

Hon GEORGE CASH: I understand the Minister's answer. I put the question again because his answer indicated that no answer was obtained in respect of the court case. That was my understanding and I thought the Minister would clarify it.

Hon J.M. BERINSON: To put the whole of that in summary there are two points to be made: Firstly, Crown Law advice was that section 36 of the University of Western Australia Act would not be a bar to the imposition of stamp duty. Secondly, that appears to have been accepted by the legal representatives for the university as reflected in the fact that that argument was not raised in the course of the university's appeal.

Hon George Cash: I understand what you are saying.

Further consideration of the clause postponed until after consideration of clause 28, on motion by Hon Peter Foss.

Clause 12: Sections 73F, 73G, 73H and 73I inserted and saving provision -

Hon PETER FOSS: I do not intend to canvass the matters which were dealt with during debate on clause 1. This is one of the clauses which is taken in the general ambit of the remarks made by Hon Max Evans, Hon Eric Charlton and me and for the reasons expressed we will oppose this clause.

Hon J.M. BERINSON: I have indicated before that, accepting the clearest possible indication to me from the Liberal Party and the National Party that they are combined in their opposition to moves to reject certain clauses, I do not intend to proceed with my amendments in such cases.

I take the opportunity to refer members to the amendments to clause 12 listed in my name on the Supplementary Notice Paper. It will be seen that I proposed to move the deletion of proposed new section 73F which relates to the acquisition or increase of a share in partnership property. Many members will have been aware of the interest in that and of the opposition to the move to amend the basis of duty in respect of transfer of partnership interests from a net asset to a gross asset basis. I repeat the advice which I gave in my reply to the second reading debate to the effect that the Government was prepared to accommodate those concerns by deleting the relevant provision altogether and leaving it for consideration, together with other issues, in the general review of the Stamp Act which we have initiated.

What the Opposition is doing, of course, is to cut right across the additional provisions which appear in clause 12, and its rejection of this clause will have the effect that not only will the position in respect of partnerships remain unchanged but the whole proposal of the Bill to have the transfer of businesses dutiable will be rejected. That will have serious revenue consequences which probably constitutes the major deletion from the revenue benefit for which this Bill was designed. It goes without saying that the Government continues to support the provisions of clause 12, other than the proposed section 73F. I propose to call a division on the matter that will have the effect of appearing to demonstrate continuing support for section 73F. However, I want to make it clear that it is not intended to do so; it is just a matter of avoiding the need for a pointless amendment at this stage.

My final comment, is that in the course of debate on clause 1 we heard constant references to the technical difficulties and obscurities of the drafting, the vagueness and the lack of understanding of what is proposed in clause 12 and others. I do not believe there is any misunderstanding, or could be any misunderstanding, of the proposed new sections 73G, 73H and 73I all of which will go with the rejection of clause 12. I have had innumerable submissions in respect of proposed section 73F and, as I have indicated, the Government was prepared to accommodate those submissions to the maximum. I do not recall any serious submissions related to these other sections and one can only question whether the attacks on them are real or actually based on other considerations altogether.

Hon PETER FOSS: I assure the Minister for Budget Management that there are serious objections to them. I do not wish at this stage to canvass them at length. One of these difficulties is valuation, but there are other difficult questions as to the application of these proposed sections. We have tried to work out some of those difficulties through amendments today but found it impossible due to the ramifications of those amendments. I do not wish to take the time of the Chamber excessively other than to put on record to the Minister for Budget Management that we do see serious problems in the application of this section, particularly the valuation part. We would hope that, if the Minister is serious in proceeding

with these amendments, he will seek to bring them forward in a fresh Bill that could perhaps be dealt with in a less hurried fashion and be given greater public consultation.

Hon George Cash: Don't encourage them.

Hon PETER FOSS: I should not. I think there should be public consultation and a Select Committee.

Clause put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN: Before the tellers tell I cast my vote with the Ayes.

Division resulted as follows -

Ayes (15)

Hon J.M. Berinson	Hon Graham Edwards	Hon B.L. Jones	Hon Tom Stephens
Hon J.M. Brown	Hon John Halden	Hon Garry Kelly	Hon Bob Thomas
Hon T.G. Butler	Hon Kay Hallahan	Hon Mark Nevill	Hon Fred McKenzie
Hon Cheryl Davenport	Hon Tom Helm	Hon Sam Piantadosi	(Teller)

Noes (16)

Hon J.N. Caldwell	Hon Barry House	Hon W.N. Stretch
Hon George Cash	Hon M.S. Montgomery	Hon Derrick Tomlinson
Hon E.J. Charlton	Hon N.F. Moore	Hon D.J. Wordsworth
Hon Reg Davies	Hon Muriel Paterson	Hon Margaret McAleer
Hon Max Evans	Hon P.G. Pental	(Teller)
Hon Peter Foss	Hon R.G. Pike	

Pair

Aye
Hon Doug Wenn

No
Hon P.H. Lockyer

Clause thus negatived.

Clause 13: Section 75AA repealed -

Hon PETER FOSS: I ask members to vote against this clause. This is the first of a series of clauses which, if implemented, would have the effect of changing the basis upon which charities are to be assessed for stamp duty under the Stamp Act. During the second reading debate I canvassed the reasons why I believe charities should not be subject to duty under these circumstances, but I should deal also with the remark made by the Minister for Budget Management that it is all very well to try to do nice things for charities - we would all like to do nice things for charities - but the Budget must be balanced. The Minister said we should preserve the status quo; but the status quo is exactly what we are seeking to preserve here.

Hon J.M. Berinson: That is what we argued about last time.

Hon PETER FOSS: I must get this message through to the Minister at some stage!

Hon J.M. Berinson: You have got the message through to me; how about accepting my reciprocal message?

Hon PETER FOSS: No, because I have another answer for it. Stripped of all of its persiflage, what the Minister is saying is that for some years, we have been ripping off the charities, contrary to -

Hon J.M. Berinson: That is quite unfair.

Hon PETER FOSS: The Government has been taking duty off them, when it was against the law.

Hon J.M. Berinson: Why have you not been advising your clients to challenge that?

Hon PETER FOSS: Many of our clients have not been paying it.

The CHAIRMAN: Order! We are not dealing with clients but with clause 13.

Hon PETER FOSS: It was not me who brought up the issue of clients but the Minister. What has been happening is that contrary to the law - if the Minister would prefer me to use that term - the State has been levying stamp duty when it was not entitled to do so. That is the status quo ante, like it or not.

Hon E.J. Charlton: Do you think they will give it all back?

Hon PETER FOSS: It would be very good if they did, but I would not hold my breath waiting for it. The status quo ante is the fact that for some years the Government has been taking stamp duty off charities when it has not been entitled to do so. The Government has been very lucky to receive that extra revenue; although it is a pity that the people who have had this extra charge levied against them are charities. I can think of other people against whom that extra, unlawful stamp duty charge could have been levied; for example, Mr Laurie Connell, and some of the other beneficiaries of the Government's largesse over the years.

The fact that the Government has been levying this unlawful charge at least since 1983 does not make it any more virtuous, nor does it make it a reason to continue. The law has been applied to raise revenue for the State, to the disadvantage of charities, in a manner which was not correct. It has now been found that the Government has been applying the law incorrectly. I would have thought that at least some display of contrition might have been the appropriate response from a revenue raising authority which has been found to have been taking money off charities for so many years; rather than contrition, not only do we have this Government's seeking to rectify by legislation the behaviour which it has been engaged in for all these years but it is also seeking to extend this behaviour to institutions - universities - which have never paid that charge in that manner.

Those institutions quite rightly protested when the State authorities tried to apply the Act incorrectly, and managed to establish this in such a way that everyone realised the law was being incorrectly applied. The Government now wishes to make the law apply to everyone, even though it was previously wrongly taking money off charities. If the Government wants to have a special way of raising revenue, it should single out institutions other than charities from which to raise revenue. The Government has been lucky because in the past it has raised money from charities, without legal justification. The Government should be thankful for that, rather than seeking to extend that behaviour into the future. We do not see any justification for changing the law. It is philosophically correct that the law should be left as it is; we are certainly philosophically opposed to the concept of the Parliament's being asked to change the law to recover moneys to which the Government is not presently entitled.

It is wrong for the Government to justify its behaviour by saying that it has always been doing things in this way. The fact that the Government has been unlawfully doing something for years does not make it any more correct; the longer the Government has been doing it, the worse it is. I am concerned about the logic of what the Government is doing. I am sure I have not convinced the Minister for Budget Management, but I hope I can now get him to understand that his argument about the length and standing of the Government's wrongful levying of stamp duty is no justification for treating it as the status quo. The status quo is the law as it stands at the moment; that is how it should be left.

Hon J.M. BERINSON: I do not want to get into a competition with Hon Peter Foss about status quo ante and ex post facto. What we have to look at is the revenue base of the State and whether it has been applied unfairly. Mr Foss is right in saying that in the present state of our knowledge, the application of the Stamp Duty Act was contrary to the law; but it has to be said in the same breath that the application of those duties was in accordance with the understanding of the law over those years; and anyone who reads the Stamp Act could reasonably come to that conclusion.

It is not a matter of taking money off charities but of levying duty on the transfer of property which is not to be used for charitable purposes. The original aim of the Government was to extend the exemptions. It was another area in which we would have been amenable to proposals for further extensions of that; but the long and short of it remains that the Act as it was applied over these years, by successive Governments, was in accordance with what the

effect of the law was understood to be. Since we are in a situation where passionate debate is pointless, we should nonetheless not go to the other extreme of taking too many things for granted. At the very least I should point out that what has been done about property being bought by charitable organisations for other than charitable purposes is not to avoid an increase in the revenue but actually to decrease it from the level which it would otherwise have had, given a continuation of the previous understanding of the effect of the Act. So in this clause it is not a matter of protecting people against an increase in the revenue, it is a matter of going to a result which positively decreases what the State would otherwise have had.

Clause put and negatived.

Clauses 14 to 16 put and passed.

Clause 17: Section 75D inserted -

Hon PETER FOSS: This is one of the clauses against which the Opposition will vote, and it is to be read with the amendment to clause 33 where the exemption of goods, wares or merchandise is proposed by this Bill to be deleted. That exemption having been deleted, the proposition by the Government was to substitute a section 75D in which a partial exemption would be given with respect to goods, wares or merchandise. Therefore those two should be seen to be linked one to another because of those amendments.

Hon E.J. CHARLTON: I endorse the comments of Hon Peter Foss. We believe for the same reasons that this clause should not be agreed to, and if it is not, it will be covered again when we come to further clauses in the Bill because they are consequential on this clause. We believe these specified exemptions proposed by the Government are not required as a consequence of our other actions, if they are successful.

Hon J.M. BERINSON: I will take this opportunity to restate briefly the Government's attitude to the levy of stamp duty on chattels. Of all the parts of the Bill which the Opposition is intent on rejecting, this is very likely the most serious single area in terms of its detriment to the revenue, and it is also the least justifiable area to attack. Without repeating myself excessively, I return to the advice which I gave both in my second reading speech and in my reply to the second reading.

I said then, and it is a fact, that Western Australia is the only State that does not have stamp duty applied to the transfer of chattels with other dutiable property. That not only results in our receiving substantially less revenue, but also it is a factor in the considerations of the Grants Commission when it approaches its decisions on Commonwealth grants to the State. It therefore affects us in two ways. Of course, it is easy enough, as I have said in other contexts, to argue the popular line, "Why should people pay more stamp duty than they have before?" Well, why should they pay more income tax than they have paid before, or more of any tax than they have paid before? The reason is that we constantly provide more services than before and we have to provide them for more people. The money must come from somewhere and stamp duty on chattels is probably the least painful way in which some reasonable additional revenue could be obtained. That is the first point.

The other matter to which I should draw attention is the fact that I have listed amendments - which, again, I do not intend to proceed with - which make quite clear the exemption proposed by the Government to primary industry on its widest possible definition. We took the early criticism of the definition seriously, and we moved to accommodate those criticisms. I do not believe the amendments listed by the Opposition to bring in the mining and quarrying industries are justified, again given the pattern throughout Australia and particularly in the major mining States of Queensland, New South Wales and South Australia. This is really slashing across the whole purpose of the Bill and practically deprives it of its ability to make any contribution at all to the revenue. Of all the clauses being rejected by the Opposition, I have to say this is the most objectionable.

Hon MAX EVANS: I wish the Minister would give notice of these outlandish comments so that I have time to get a few facts together. He is worried about the uniformity of tax on chattels throughout Australia but that is not a relevant argument. The rates of stamp duty are not the same.

Hon J.M. Berinson: Ours are lower, mostly.

Hon MAX EVANS: Some of our payroll tax rates are higher than those in some other States -

Hon J.M. Berinson: Most are lower.

Hon MAX EVANS: - and the tobacco tax is higher. If we were to look right across the board there are many ups and downs and we cannot work out today what the difference will be financially, but for the Minister just to refer to chattels in isolation and say the Grants Commission will throw it right out or give the Government problems -

Hon J.M. Berinson: I did not say that, I said it is one factor taken into account.

Hon MAX EVANS: Many abnormal items are involved and the Minister is lucky he has a man from the State Taxation Department beside him with all the facts; I did not have time to research them. There are many variances, and this is just another of them. If the Minister wants to debate the total, overall effect we can do so at a later date but it is not material at this stage.

Hon PETER FOSS: I previously raised this matter with the Minister for Budget Management and I fully endorse what Hon Max Evans has said. We are not dealing with apples and apples here. I drew the Minister's attention previously to item 13 of the second schedule of the parent Act dealing with mortgage duty, and the fact that the scope of instruments caught by mortgage duty in Western Australia is far wider than that in many other States. One can always find respects in which a measure might be more beneficial in Western Australia, and other ways in which it is less beneficial.

Hon Max Evans was quite correct in saying the Minister cannot just take it one way, citing all the ones he sees as being beneficial and criticising us about that, and ignoring the ones that I raised with him when we were dealing with mortgage duty, saying, "We like to have a broader range of instruments covered and we like having a higher rate of duty applying to them, but we will ignore that when it comes to making comparisons between the States." That is not appropriate. One of the reasons we are opposing this clause is that we feel - and again I say it is something that may have to be looked at - that the way the legislation was adopted and was not sent out into the community or properly considered means it cannot go through in its present form.

Hon J.M. Berinson: But in what respect are you talking about that consideration - the technical application of it or the principle?

Hon PETER FOSS: We do not believe the exemptions have been properly considered by the community. As a consequence of the way it has been done, in a short time many people have managed to make proper representations but we suspect many other people in the community who would be affected by this have not seen it. We have tried to make some amendments to account for that. The Government is saying to us, "Take this. You work it out. We have a pretty terrible piece of legislation here. You have done a pretty good job of fixing up some of the exemptions and we will agree to those. If you don't manage to get them all right, that is too bad for the community." We do not take that attitude as being appropriate. We have made a genuine effort to fix up the legislation and make it fair.

Hon J.M. Berinson: Do you accept any areas as appropriate for the application of duty on chattels?

Hon PETER FOSS: Until such time as it has been properly considered in the community and everybody has had an opportunity to make appropriate representation, and we have considered it -

Hon Tom Helm: In the fullness of time!

Hon PETER FOSS: It is the Government's fault. I have never seen a Bill which has been so badly handled as this one. If we had accepted it as it was without amendments together with the No 4 Bill we would have ended up charging people 4¢ in \$100 on mortgages. That is how badly this set of legislation is being conducted. We have tried our best to fix up the Government's legislation; we have done a pretty good job but the time has come to say that enough is enough; it is not a good piece of legislation. We are concerned that the community is not being properly served by it; that is why we reject it.

Hon E.J. CHARLTON: If we had allowed this Bill to go through unchallenged in its initial

form the Minister would not have copped it for not doing his job. The Opposition would have copped it. People would have asked us, "What are you doing?"

Hon J.M. Berinson: The Government always takes responsibility for increasing revenue.

Hon E.J. CHARLTON: That is true, but a number of members on this side have a responsibility as well to ensure that any legislation that is passed can be properly related to a Government decision to tax people for the reasons originally stated. When the Government says one thing but the effect is something else, the Opposition wears it.

Hon J.M. Berinson: Can you give me an example of chattels?

Hon E.J. CHARLTON: All I know is that, due to the changes agreed to by the Government so far, people have asked, "Did you realise these provisions would affect people in this way?" We did not know. How do we know that there are not a number of other areas in the legislation which will impose taxes and result in people ringing up, in a week or in six months' time, saying, "You let this go through. Did you know this was going to happen?" Of course, the Minister will tell us that that was not the intention; he will refer us to his second reading speech. But the poor innocent individuals will cop it. If we do not do what we are sent to this place to do - that is, represent the interests of people, and ensure the effect of any legislation is the intended one - we are not doing our jobs.

Actually we are doing the Government a great service because people will say that the Government has not hit them so hard. They will not thank us, but they will not need to call the Government a tyrant for increasing taxes.

Hon J.M. Berinson: Keep a straight face!

Hon E.J. CHARLTON: It is true. It is a fact of life. As I have said before, when these taxes were announced I was in a service station and a man asked me, "What are we up for now? Why are innocent small business people being subjected to this rot? We haven't done anything wrong."

Hon J.M. Berinson: What would the average garage proprietor be subjected to under this Bill?

Hon E.J. CHARLTON: In its original form the Bill had provisions related to people selling a business partnership; those provisions have been taken out because the Government agreed they were unfair. Initially, if a man sold his lawnmower or anything else in his set-up he would have been subject to tax.

Although the Minister says that the Government has done the right thing and has responded to the problems, we would not have been doing our job if we had allowed the legislation to go through this late because professional people who have been considering it may come up with another problem. I will not go so far as to say that the Minister knew that the dealings of these people would attract stamp duty.

Hon PETER FOSS: I advise the Minister of such an example of unforeseen results where I believe assurances have been given to the community that this would not be the result, because this is what was believed by the Government.

Under the terms of proposed section 75D goods will be dutiable if they are conveyed as part of the same arrangement by which other dutiable goods are conveyed. Livestock will be exempt under proposed subitem (12) of item 2 of the third schedule; implements or other chattels held or used in connection with primary production will be exempt subitem (13). However, both of these exemptions apply only where the acquirer acquires the livestock or implements in the course of or for the purposes of or in connection with the acquisition of primary production business. In the agricultural context people do not usually acquire a business, they acquire land and with the land they acquire implements and/or livestock. Under those circumstances it would not be exempt. The standard method of acquiring land, livestock and implements is on a walk-in walk-out basis. Very seldom in those circumstances is a business also acquired.

I understand assurances have been given by the Government that in those circumstances on a walk-in walk-out basis there would be no tax payable in respect of livestock and implements. Having had a quick look at the Bill it appears to me that if it is not in conjunction with the acquisition of a business, the exemption would not apply. In those

circumstances, the statement was incorrect. I understand why the statement was made: In the time that we have had to examine the ramifications of the Bill, one could come to the belief that under those circumstances the exemption was covered. I do not believe it is covered. That is an example of the sort of problem we are having raised on a daily basis. We do not believe that today is the last day to consider the exemptions, except for the fact that if we voted today it would be the last day because we would not get another chance.

Our concern is that points are being raised with us, even where the Government has given assurances, and anomalies and unfairness are involved. That is one of the reasons we are upset with this clause.

Hon GEORGE CASH: In his initial comments, the Minister seemed to indicate that this clause would not have any great and lasting effect on the community as a whole. Apart from the fact that the Minister said this was very much a revenue producing clause for the Government, it will have a dramatic impact on the community; it is tantamount to a tax on carpet. That is just one element of this matter.

Hon Max Evans earlier related the actual impact in dollar terms to the transfer of properties. He mentioned properties valued at \$150 000, \$250 000 and \$350 000. On a property purchased for \$150 000 chattels are estimated at six per cent. The old stamp duty would be \$3 107 and the new amount will be \$3 275. That is a significant impact, although only a few hundred dollars in this case. It is interesting that Hon Eric Charlton should have raised the amount of \$50 per student in relation to the education grant. At the time he raised it, Mr Berinson tended to pass that off as not being important. Quite clearly, any family which is eligible for a \$50 education grant, and which is buying a house for something in the order of \$115 000, will put in \$200.

Hon Bob Thomas: Every year?

Hon GEORGE CASH: No, every time they buy and sell a house.

Hon J.M. Berinson: That is once every 20 years.

Hon GEORGE CASH: Not necessarily.

In relation to a house with a purchase price of \$250 000, the chattels at six per cent of the purchase price would total \$15 000. The old stamp duty would have been \$6 162. The new stamp duty on that house would total \$6 525, an increase of \$400. On a \$300 000 transfer, the chattels at six per cent would total -

Hon J.M. Berinson: You are not talking about the average home buyer here, are you?

Hon GEORGE CASH: No, certainly not. However, I ask the Minister to understand that for all the limited number of houses that might be transferred for \$300 000, many homes are transferred in the range of \$65 000 to \$95 000 and there will be an increase even in that range.

In relation to the transfer of businesses, I have some general examples to indicate the impact on people who would have to pay additional stamp duty under these provisions. A toy shop purchased for \$145 000 in which there is \$15 000 fixed plant and \$45 000 removable plant would attract duty of \$1 900 under the old arrangements, but under the new arrangements it will attract duty of \$3 362.50, an increase of more than 76 per cent. That is the sort of impact that we are talking about.

Hon J.M. Berinson: Are you talking about removable plant or stock?

Hon GEORGE CASH: Rather than read out all of these figures, I seek leave to have them incorporated in *Hansard*. One chart represents the effect of the proposed amendments on the sale of residential properties and the other represents the effects on the proposed amendments on the sale of businesses.

[The material in appendices A and B was incorporated by leave of the House.]

[See pages Nos 5206 and 5207.]

Hon MAX EVANS: Why was this Bill introduced first in the other House? Normally State taxation measures come under the jurisdiction of the Minister for Budget Management. If it were brought to this Chamber first, we could have sorted it out for him.

A lot has been said about the chattels and the six per cent. I am far more worried, and have

been all along, about the chattels in warehouses, delicatessens and factories for example, because everything that moves is a chattel. There is always going to be a document or a lease involved with those things. It is a big thing. It refers to showroom fittings, fixtures, counters in hotels etc. They are very expensive items. Often they are automated. They have not been subjected to stamp duty before and suddenly we now decide that we will subject them to stamp duty. That will have a huge impact on businesses. Those businesses might be making only \$50 000 or \$60 000 a year. I know there are people in this place earning that sort of money, but they do not have the liabilities and the worries.

I do not think the impact of this legislation across the board has been considered. We have exempted a whole lot of businesses. However, all of the others that have not lobbied the Government, including the hotels, warehouses and owners of properties, have a lot of chattels. If their value is not within the six per cent range, the amount they will have to pay will be far greater. Why should they have to carry the financial load when others are being exempted?

Hon J.M. BERINSON: The question of farms versus farming businesses was raised. This was considered specifically by Parliamentary Counsel and our advice was that farms would be regarded as farming businesses and would therefore attract the exemption.

Hon Max Evans asked why the Bill was introduced into the Legislative Assembly rather than the Legislative Council. There is no reason for that except that we have developed a pattern over the years of introducing all Budget related measures together with the Budget into the Legislative Assembly.

In relation to the question of chattels in businesses, it is very hard to speak hypothetically about a business somewhere with an assumed large valuation to be attached to the chattels. There are many situations where the fixtures and so on are indeed fixtures and attached to the land so as not to attract the description of chattels. There are many other chattels which are leased and therefore would not come within the duty provisions.

I have two further comments. The first relates to the constant exhortation for the Government to go out and seek more and more consultation and more and more input from the community. I feel that what was being suggested is an invitation to go to the community to ask, not for its views on any technical difficulties in revenue Bills, but to ask the people whether they want to pay more stamp duty. Should we ask them whether they want to pay more payroll tax, more company tax, more income tax or more BAD tax? How does the Opposition think we would carry a referendum supporting higher tax?

Hon E.J. Charlton: So that industry people will be able to advise their customers whether they will be involved in it.

Hon J.M. BERINSON: One of the peculiarities of this debate is that so much of it has proceeded on an unstated but almost ever present assumption that this Bill involves some recurring burden on people. We are dealing in the main with one off transactions; property is not bought and sold every day and the chattels with it; businesses are not bought and sold every day. Any new costs are in the course of transactions which allows them to be absorbed over a period, and the inference that this really is a burden to be met regularly is quite misplaced.

Finally, as Mr Cash incorporated some tables into *Hansard*, I will provide the House with other comparisons, although not a table. My comment in this respect arises from Hon Max Evans' statement that it is all very well to say Western Australia is the only State imposing duty on chattels, but it cannot be taken in isolation and must be considered together with conveyancing duty. Not only is Western Australia the only State not charging duty on chattels, but it is charging lower conveyancing duty than other States. I do not have a complete table, or the duty applicable on homes sold for \$350 000, which prices were included in the table incorporated in *Hansard* by Hon George Cash, but I suspect that the average cost of homes is now above \$100 000. Nonetheless, \$100 000 is much closer to the average price for a home than \$350 000.

Let us consider the ordinary conveyancing duty that applies on property sold for \$100 000. In Western Australia that transaction would attract a duty of \$1 900. The only other State or Territory that comes within cooe of that figure is New South Wales at \$1 990. The duty payable in Victoria is \$2 220, in Queensland \$2 350, in Tasmania \$2 425, in the ACT and

Northern Territory \$2 500, and in South Australia \$2 830. In addition, the other States include chattels in assessing stamp duty and Western Australia does not.

Hon Max Evans: That is selective and you have chosen the lower figure.

Hon J.M. BERINSON: I am selecting the item suggested by Hon Max Evans. I accepted his invitation to consider not just chattels but also the other range of conveyancing duties. Western Australia is not a high taxing State in terms of stamp duty; its taxes are lower to start with and by not having access to the value of chattels the Government's revenue from this important part of the narrow tax base is reduced far below that of other States in Australia. Again, accepting the realities, I have nothing further to say except to indicate that because of the importance of the chattel component of this Bill, I will again seek a division.

Hon MAX EVANS: Before the inclusion of goods, wares and merchandise virtually everything was exempt from assessment for the payment of stamp duty, but the Government has decided to change that. On what basis was primary production exempted from the requirement to pay stamp duty on chattels?

Hon J.M. BERINSON: I was sorry to notice that while Hon Max Evans was asking that question, Hon Eric Charlton was distracted; I would like to give Mr Charlton the benefit of hearing Mr Evans' question which asked why the primary industry has been given this unfair advantage over all other industries in being offered the exemption.

Hon E.J. Charlton: Because primary industry carries the State on its shoulders.

Hon J.M. BERINSON: That is one answer I would have expected Mr Evans to provide himself. I almost hesitate to make my following comment knowing the reaction I can expect from Mr Evans. As well as following the pattern in other States of imposing stamp duty on chattels, Western Australia will also follow the pattern in other States relating to primary industry. In doing so the Government will be consistent with the special advantages and exemptions provided to primary industry in other areas of State taxation. If there was any point to the discussion and we had come to the proposal to extend the exemption from primary industry in its agricultural sense to primary industry in its mining sense, I would not have had any more difficulty than Mr Charlton in drawing a distinction between the two. It was the view of the Government that, given the special and valid considerations which apply to primary industry, the exemptions provided elsewhere to this area should be reflected in Western Australia when moving in the general area of chattels to a position which sought uniformity generally.

Hon MAX EVANS: I was so relieved to hear the final summing up of the Minister. I initially thought this was a political ploy to buy votes from the farming community. However, the Minister lost his chance when he said that the Government decided to take this action because the other States do it.

Hon J.M. Berinson: I said it was consistent with taxation measures in other States.

Hon MAX EVANS: Hon Eric Charlton gave the Minister the chance to say that the agricultural community is doing a marvellous job and the Government would help them to grow stronger than ever in recognition of that. However, the Minister killed that argument by saying it was done because the other States do it.

Hon GEORGE CASH: A few minutes ago the Minister referred to houses sold for \$100 000 and the stamp duty payable of \$1 900. I have just looked at the chart incorporated in *Hansard* and note that the position is worse today than when the chart was prepared a week or so ago. The President of the Legislative Council has advised the Chamber that the Lieutenant Governor and Administrator has assented to the Stamp Duty Amendment Bill (No 4) which has the effect of raising duty from 25¢ per \$100 to 40¢ per \$100 on transactions over a certain amount.

Hon J.M. Berinson: That was for mortgages and not conveyance duty.

Hon GEORGE CASH: The figures are certainly framed on the existing rates and not on the changes in the amending Bill.

Clause put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN: Before the tellers tell, I cast my vote with the Ayes.

Division resulted as follows -

Ayes (14)			
Hon J.M. Berinson	Hon Graham Edwards	Hon B.L. Jones	Hon Bob Thomas
Hon J.M. Brown	Hon John Halden	Hon Mark Nevill	Hon Fred McKenzie
Hon T.G. Butler	Hon Kay Hallahan	Hon Sam Piantadosi	(Teller)
Hon Cheryl Davenport	Hon Tom Helm	Hon Tom Stephens	

Noes (15)			
Hon J.N. Caldwell	Hon Max Evans	Hon N.F. Moore	Hon W.N. Stretch
Hon George Cash	Hon Peter Foss	Hon Muriel Patterson	Hon Derrick Tomlinson
Hon E.J. Charlton	Hon Barry House	Hon P.G. Pental	Hon Margaret McAleer
Hon Reg Davies	Hon M.S. Montgomery	Hon R.G. Pike	(Teller)

Pairs	
Ayes	Noes
Hon Doug Wenn	Hon P.H. Lockyer
Hon Garry Kelly	Hon D.J. Wordsworth

Clause thus negatived.

Clauses 18 to 21 put and passed.

Clause 22: Section 76C amended -

Hon GEORGE CASH: Clause 22 in part deals with whether the commissioner can determine the market value of a vehicle when an application is made in respect of the duty required to be paid on transfer. I understand from people in the motor vehicle industry that disputes have arisen in the past over the assessment of the market value. Will the Minister for Budget Management indicate what sort of appeal provisions exist for those who are not satisfied with the value that the commissioner may determine on a particular motor vehicle? Further to that, if appeal provisions exist what would be the practical situation where the value of a transfer that was submitted was questioned? How would the commissioner determine the market value of the vehicle? Does he have someone physically inspect it or does he rely on a publication?

Hon J.M. BERINSON: Clause 22 is about the procedures of the imposition of stamp tax and not so much the valuation. I see that the Leader of the Opposition accepts that. On the general question of valuation, I am advised that normal commercial approaches are adopted. If necessary, valuation of a vehicle would be arranged but any such cases are exceptional.

Hon Max Evans: Do they allow them or make requests?

Hon J.M. BERINSON: Disputes on the matter do not reach that point. The general appeal provisions apply; namely, an objection in the first place would go to the commissioner and, if dissatisfied with the commissioner's decision, an appeal would be made to the court.

Hon GEORGE CASH: I thank the Minister for his answer. People in the motor vehicle industry would argue that the exceptions to the rule are far more numerous than he may have been led to believe. I am told that at present the method of determining market value is often very unsatisfactory, but that is not something we need to spend a lot of time on tonight. I expect the motor industry would want to approach him on this matter in future to see if a more streamlined and acceptable method of determining valuations can be established.

Clause put and passed.

Clauses 23 put and passed.

Clause 24: Section 80A repealed -

Hon PETER FOSS: This is another of the provisions related to charities and we will be opposing this clause.

Clause put and negatived.

Clause 25: Section 83 amended -

Hon J.M. BERINSON: As I have indicated before, the Opposition's approach to this Bill has been to reject all the revenue increases but to allow the revenue concessions. My amendment constitutes one of those concessions and its purpose is to extend the concessional mortgage duty to the refinancing of occupier owned homes. The current position is that that concession would apply only for the purchase or construction for improvement of an owner occupied home and it is proposed to extend that. During the second reading debate I was asked whether the terminology of this amendment had been agreed to by the Institute of Finance Brokers of Western Australia Ltd. Its agreement to that has been conveyed to me by Mr R.A. Pollack, secretary of the institute. I move -

Page 20, line 20 - To delete "or" after subparagraph (ii).

Page 20, line 24 - To insert after "residence;" the following -

or

(iv) repaying moneys which have been used wholly in or towards the cost of -

(A) purchasing any property which includes a dwellinghouse used by the mortgagor or obligor as his principal place of residence, being property used solely or principally for residential purposes associated with that dwellinghouse; or

(B) erecting, or effecting improvements or additions to, a dwellinghouse used by the mortgagor or obligor as his principal place of residence;

Page 21, line 7 - To delete "or (iii)" and substitute the following -

, (iii) or (iv)

Amendments put and passed.

Clause, as amended, put and passed.

Sitting suspended from 6.00 to 7.30 pm

Clauses 26 and 27 put and passed.

Clause 28: Section 90A repealed -

Hon PETER FOSS: This is another provision relating to charities which the Opposition opposes.

Hon J.M. BERINSON: This is a consequential amendment on the previous decision on charities. It is on that basis that the Government has no point to take.

Clause put and negatived.

Postponed clause 11: Section 40 inserted -

Hon PETER FOSS: This clause is now unnecessary in view of the other alterations and we ask that the clause be not passed.

Clause put and negatived.

Clause 29: Section 92 amended -

Hon MAX EVANS: I do not intend to proceed with the amendment to this clause.

Clause put and passed.

Clause 30: Section 96 inserted -

Hon J.M. BERINSON: I move -

Page 24, line 18 to page 25, line 4 - To delete the proposed section 96(2) and (3) and substitute the following -

(2) The amount that is chargeable with duty under item 16(1)(a), (1)(c) or (3)(a) of the Second Schedule shall be calculated by ascertaining the total amount paid to the person with whom the policy of insurance is effected in respect of the issue or renewal of the policy.

(3) Where a policy of insurance or a renewal certificate in respect of a policy of insurance shows an amount that represents the amount payable on account of duty under this Act in respect of the issue or renewal of the policy that amount shall be disregarded for the purposes of the calculation under subsection (2).

(4) In the case of a policy of insurance to which item 16(3)(a) of the Second Schedule applies the reference in subsection (3) to a policy of insurance includes a reference to a statement of account in respect of a policy of insurance.

This clause has been the subject of some discussion in this Chamber and a lot more outside it. It was always the intention of the Government that the effect of this clause would be to remove the so-called duty on duty applicable to insurance premiums. As I indicated at an earlier stage of the debate, there was some unfortunate misunderstanding of that intention which arose from the form of an explanatory document from the State Taxation Department. That has led to a number of further discussions with representatives of the insurance industry. The amendment has been agreed with members of the Opposition in consultation with Mr Reg Trigg representing the insurers, and it puts the intention of the Government beyond doubt.

Hon MAX EVANS: On behalf of Mr Reg Trigg, I express our appreciation of the patience the Minister has shown in order to achieve a result which assists everybody.

Hon GEORGE CASH: I record my appreciation, not only of the Government, but of Mr Reg Trigg as the group manager of the western zone of the Insurance Council of Australia for the tremendous forbearance he has shown in negotiating these amendments. He has worked extremely hard on behalf of the insurance industry to make it clear to the Government that the alleged assurances which Mr Berinson spoke of the other night were not fully understood by the industry. I understand relations between the Government and the insurance industry have now returned to a reasonable situation. I look forward, as I am sure Mr Berinson does, to the continued support of Mr Reg Trigg in the way he represents the industry in Western Australia.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 31 and 32 put and passed.

Clause 33: Third Schedule amended and commencement provision -

Hon E.J. CHARLTON: As a result of other parts of the Bill being amended I have an amendment on behalf of the National Party -

Page 26 - To delete paragraph (a).

This amendment is consequential on the other amendments to the legislation. As a result of those amendments there is no need to leave in the words "goods, wares or merchandise". I do not think it needs any further explanation.

Hon PETER FOSS: I support the amendment moved by Hon E.J. Charlton. It follows on from other amendments made to date. There could be consequential amendments in clause 33, certainly at line 15 onwards. I intend to suggest that Parliamentary Counsel have the opportunity to look at the consequences of the various amendments which have been made, in particular the one Hon E.J. Charlton has proposed. It has been suggested in the light of the amendment proposed by Hon E.J. Charlton that the Committee report progress. The proposed amendment is complementary to other matters moved in earlier stages of the committee debate.

The CHAIRMAN: Perhaps it would be advisable, after the deletion, for the committee to go through the Bill and at the conclusion recommit it. In that case the action proposed by Hon Peter Foss could be advanced.

Hon E.J. CHARLTON: That might be the way to deal with it. We should also ensure that the Minister for Budget Management and his advisers have an opportunity to look at the consequences of the proposed amendment. It might be best to postpone the rest of subclause 33(1) to allow that to take place. The National Party intends to support the inclusion of the

rest of clause 33. There is no problem with the other parts of this clause. We are seeking only to delete line 9 at this stage. The Minister for Budget Management might want to look at consequential changes to the rest of subclause 33(1) as a result of the deletion of those words.

The CHAIRMAN: I advise members that if they agree to recommit the Bill, we would not adopt the report. That would allow the Chamber time to consider the consequences of the deletion.

Amendment put and passed.

Hon J.M. BERINSON: In respect of clause 33 I obviously do not intend to proceed with the amendment listed in my name for lines 19 and 20 on page 26. That amendment was intended to be consequential to clause 12, and as that clause has gone there is nothing for it to be consequential upon. I would like to ask a question of members opposite who have had more opportunity to consider this matter than I: Do they consider there is any point in retaining paragraph 33(1)(b)? My advice is that it goes with the removal of the provisions for businesses and chattels, and has no area to function on.

Hon PETER FOSS: That is probably the case. However, that is why we are proposing Parliamentary Counsel have the opportunity to look at the matter. We believe it is one of those Acts where, when one makes an adjustment here, one sometimes gets problems there. On the face of it we would agree that we would appreciate the opportunity being given to the parliamentary draftsman to look at it in order to tell the Chamber whether paragraph 33(1)(b) has any continuing application and also to look at all of the consequential amendments arising from the deletions that have been made. Rather than dealing with this one on its own the Opposition proposes that all consequential amendments be looked at by the parliamentary draftsman. The Minister for Budget Management would then be able to deal with the matter more advisedly at a later stage.

Hon J.M. BERINSON: We may end up with the same result, but I think we will have a clear picture to work on if we delete paragraph 33(1)(b) but direct the attention of Parliamentary Counsel to it. I say that because so much of paragraph 33(1)(b) obviously has no operation; the whole table of exempt business property and references to proposed sections 73H and 73I - which have both gone - and partnership interest. All of those have gone and it might present a clearer picture for the counsel's attention if we deleted this as well, but on the basis that we draw his attention to any remote possibility of something still applying. As hard as we have been able to look in the limited time available, I think that represents the position and that the odds are very heavily on the side of this provision not having any basis on which to function. I will test the feeling of the Committee in this respect.

Hon E.J. CHARLTON: The Minister is correct. In the interests of efficiency perhaps the clause should be postponed. I see no problem with the timing or implementation of this clause.

Hon J.M. Berinson: We cannot postpone the clause.

The CHAIRMAN: We are already discussing the clause and we cannot postpone it once it is amended.

Hon E.J. CHARLTON: Perhaps we could continue with other parts of the clause, taking into account that any postponement would only be for minutes. If the clause needs to be reviewed perhaps it should be left as it is. I would prefer to see the clause left as it is rather than return to it and find that we do not need to deal with it.

Hon GEORGE CASH: We should err on the side of safety in this case. I make the point to the Minister so that it cannot be assumed that we are delaying the Bill, that so long as he takes the advice of Parliamentary Counsel and we then find that the deletion of the paragraph will not have any consequential effect on other areas of the Act, I give an undertaking to the Minister, and I am sure Hon Eric Charlton will do the same, that we will deal with the Bill as expeditiously as possible as soon as it is brought before us. We will not look to delay it further.

Hon E.J. CHARLTON: The National Party agrees that the paragraph should come out. I endorse the remarks of the Leader of the Opposition; as soon as a decision is given we will deal with the Bill.

Hon PETER FOSS: Obviously if it were the case that the paragraph should remain, other amendments would be moved to it. At this stage I do not intend to move my amendments because I am of the view that we will probably come to the conclusion that it should be removed. If it is recommitted I wish to be able to move the amendments standing in my name. I agree with Hon Eric Charlton. The Bill has become a problem through hastiness. I would not want to do anything in haste; I would like to hear what Parliamentary Counsel says. We can look at it again then. The provision should stay, and we will deal with the matter as expeditiously as possible once we hear from Parliamentary Counsel.

Hon J.M. BERINSON: We have reached the same point by another route. I will go along with that. In view of the fact I believe there is nothing in my listed amendments to clause 33 which could sensibly be pursued, I will not pursue them at this stage.

The CHAIRMAN: We have dealt with line 9. Hon Peter Foss has indicated that he may not proceed with his amendments if we delete paragraph (b). The Clerk confirms that if we pass clause 33 we will return to the postponed clauses; then perhaps the Minister will consider reporting progress.

Hon PETER FOSS: The reason I moved for the postponement of the clauses which have been postponed is that they fall into the same category as this, in that they have consequential amendments to them which I would not wish to embark on. I leave it to Parliamentary Counsel. I would rather not deal with the postponed clauses; I would ask that progress be reported.

Hon J.M. BERINSON: We now seem to have changed tack for the second or third time. I am prepared to agree this is the sensible way to proceed. Before we conclude discussion, by way of rounding off I have to repeat at least some of my preliminary comments which relate to what can only be described as an extraordinary turn of circumstances. Without going over all the old ground it has to be said that we were in a position, so far I understood this morning, to proceed with a range of listed amendments on the basis that a number of them would be agreed to by the Government, on the further understanding that a number of further amendments with which the Government did not agree would almost certainly be carried but at the end of the day leaving the Bill in a position to make some significant contribution to revenue as it was designed to do. In the end, we are left with a Bill which is clearly designed to remove all revenue raising proposals and to leave only the revenue concessions. I have not had the opportunity in the short time available to attempt any accurate assessment of the outcome but it seems to me that we are talking in terms of about \$15 million that was being looked to from this Bill not being available. Certainly that would be the position if the Bill ends up in this form after its further consideration by the Government and by the Legislative Assembly; that is not a small matter in the context of a Budget which seeks to provide a significant expansion of public and social services. The least that can be said is that it is surprising; it is also certainly unfortunate.

At the end of the day, one way or another, Oppositions really have to accept their part of the responsibility of ensuring that the revenue requirements of the Budget are met because that is really only putting into different words the responsibility of ensuring that the State services provided by the Budget are in turn met at a standard which the community expects and at a standard to which the community is entitled.

Progress

Progress reported and leave given to sit again, on motion by Hon J.M. Berinson (Minister for Budget Management).

PARKS AND RESERVES AMENDMENT BILL

Second Reading

Debate resumed from an earlier stage of the sitting.

HON E.J. CHARLTON (Agricultural) [8.01 pm]: Prior to the adjournment of this matter earlier today, Hon Phillip Pendal referred to matters that are central to this debate. I do not intend to delay the House by debating the pros and cons of the Bill. However, I want to make the House aware of an amendment that has been circulated. People who have had any interest in this matter have had discussions about it and members will note the new terminology used in describing the Bill. Obviously, there has already been a great deal of

debate about this matter. The Opposition is of the view that an option for extending the lease should be inserted to allow more flexibility in the operation of the Kings Park facilities. Members will note that, prior to this point, the Opposition has put forward a variation of that agreement to allow an option for a further maximum term of 21 years for the lease.

The important point about this matter is that any agreement between the board and the lessee has to be agreed to by the Parliament. That is a safeguard for the people of Western Australia because it gives the Parliament the opportunity to obtain any details of the arrangements before matters are finalised. The proposed amendment covers all of those aspects.

I want to make a brief comment about why the amendment has been altered from the two amendments that were previously circulated. I will not go into details about them because we will deal with this matter in the Committee stage. However, there is a need to give the board the mechanism to extend the lease beyond the initial 21 years. We have to be careful when providing an option for an extension of the lease that we do not lock into that operation any restrictions that would make that option impossible to accept. By that I mean that the option to lease has to be one that can be initiated at any time after the initial agreement is obtained.

The other important fact about that is that the option must be considered an asset or a valuable part of the lease for a bank's involvement in the lease. When the board and the lessee enter an agreement, they will have to apply that security and value to the business transaction. We therefore must ensure that if we agree to a lease, whatever the terms agreed to, there are no restrictions of what the parties to the lease are agreeing to.

There is a need also, in this day and age, to allow some flexibility for the board to carry out its responsibilities. We, as members of Parliament, may believe that, on behalf of the people of Western Australia, it is our responsibility to be involved in setting the term of the lease. However, the board is elected to do a job. Any board has that responsibility vested in it. Boards must be accountable for any decisions they make. As I said, those decisions are subject to the scrutiny of Parliament and therefore we are not handing over total responsibility. The Parliament will retain the option to examine decisions made by the board. However, we must have confidence in the people we appoint to do the job and give them flexibility and freedom to carry out their responsibilities.

Finally, the debate that has taken place on this matter has given me a greater understanding of the whole operation. I think that the discussions the Minister and Hon Phillip Pandal have had on this matter have been valuable. We are now far better informed so that the Bill's passage through this House will be a speedy one.

As Hon Phillip Pandal indicated support for the Bill on behalf of the Liberal Party, I indicate the same support on behalf of the National Party. I want to ensure that the development that takes place at Kings Park is beneficial for all Western Australians because of the park's significance to them. It is a unique area and I hope that whoever the members of the board are from time to time, they take on the responsibility of retaining its uniqueness and its facilities in a way that allows full appreciation of the magnificence of Kings Park. No matter how far one travels around the world, or how much different scenery one sees, nothing is better than Kings Park with its magnificent views of the river, Perth Water and the metropolitan area. We should all value that part of our city and take an interest in ensuring that the Kings Park Board operates in the best interests of the people of Western Australia.

Another important aspect is that we should at all times as members of Parliament play our role in making constructive comments to ensure that the board carries out its responsibilities; we should not only keep a watchful eye on its activities but also strive to make a positive contribution. We must never allow this asset to be taken over or spoiled by any detrimental activity. Also, when the lease is enacted, the conditions provided for must be in the best interests of the people of Western Australia. The National Party supports the Bill and looks forward to proceeding with the circulated amendments at the Committee stage.

HON KAY HALLAHAN (East Metropolitan - Minister for Lands) [8.13 pm]: As Hon Eric Charlton indicated, considerable discussion has taken place on the original amendments on the Notice Paper, which have now been replaced by a further set to which we all agree. It is a most important development and none of us would be happy with our

efforts if we did not get the best possible development of the Kings Park restaurant - a focal point for tourists and our leisure activities - which overlooks the magnificent Swan River. I am pleased that there will be consensus on the passing of this Bill.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon J.N. Caldwell) in the Chair; Hon Kay Hallahan (Minister for Lands) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 5 amended -

Hon E.J. CHARLTON: The National Party considers it would be better if this clause were amended in line with the proposed amendment circulated, which retains flexibility for the board but deletes the set procedures currently provided for in the Bill.

Hon P.G. PENDAL: The proposed amendments to this Bill might better have been circulated in the name of Eric Pendal Hallahan, such is the consensus on them. I do not think they are ideal but they certainly go further and achieve more than the original amendment proposed by the National Party. The proposed amendments do not go as far as, and therefore fall short of, the amendment originally circulated in my name. I refer in particular to the proposal that the instrument would in fact be treated as a regulation and, therefore, would be disallowable. I will not go to the barricades on the fact that it is not included. I especially commend Hon Eric Charlton for that part in proposed new subsection (5) because in some respects he modestly undersells the amendment.

Hon E.J. Charlton: I have not spoken to or moved the amendment yet.

Hon P.G. PENDAL: I believe the words proposed to be deleted should be deleted.

Hon KAY HALLAHAN: The Government supports the proposed amendment which has been circulated. The question of options is an important one. Hon Phil Pendal asked why we need to go beyond 21 years. We know that the effort which was made to get a contract under 21 years was unsuccessful, so we need to look at something which has the flexibility which this amendment allows. I accept that we are talking about the deletion of words, but that leads me to speak about the words that we will be substituting. The disallowance factor would have been a strong disincentive; therefore, I am pleased that all parties have arrived at this compromise, which hopefully will allow the investment that we all want to see made, and take away the disincentives that we may have inadvertently built in had we proceeded down the path of other amendments.

Clause put and negatived.

New clause 3 -

Hon E.J. CHARLTON: I move -

Page 2 - Add after clause 2 the following new clause to stand as clause 3 -

Section 5 amended

3. Section 5 of the *Parks and Reserves Act 1895** is amended by inserting after subsection (5) the following subsections -

(5A) A lease granted under the power conferred by subsection (5) may include an option or options to renew that lease for a further term not exceeding 21 years in the aggregate.

(5B) A copy of a lease granted, whether originally or by way of an exercise of an option, shall be laid before each House of Parliament within 14 sitting days of approval.

[*Reprinted as approved January 31 1979 and amended by Acts Nos 77 of 1982, 22 of 1983, 8 and 98 of 1985, and 91 and 113 of 1987.]

The discussions between the Minister, Hon Phil Pendal and me are a wonderful example of what can be done when we get three very sensible and statesmanlike people together for the

good of not only Kings Park but the Parliament and everyone else. It was originally agreed that this clause should be amended to give an option for a further 21 years. The Liberal Party, while going along with that, wanted to ensure that any agreement to exercise that option be laid before each House of Parliament. This proposed amendment achieves that aim. The fact that there is an option to extend the lease term is of value, as was pointed out to me earlier in the day by the Minister's adviser. An opportunity to disallow that option would detract from the value of the lease.

While I have moved this amendment, it could equally have been moved by the Minister or Hon Phil Pendal, because we have all played a part in reaching this conclusion. I acknowledge the role played by other members, which demonstrates that with genuine communication we can sort out something for the benefit of the people, and give members the opportunity to have an input into what was originally proposed. It is important to have legislation before the Parliament for a sufficient period of time to enable members to discuss it with those people who have the knowledge and expertise to make a contribution, so that we will learn about things and achieve our original intention. I trust that members will support the amendment.

Hon P.G. PENDAL: The first line of proposed subsection (5B) of Hon Eric Charlton's amendment gives considerable strength to what we are trying to achieve. He has chosen to use the word "originally"; that will now mean that not only will the Opposition's objective be met - that is, that a copy of the lease agreement will need to be tabled in the Parliament - but also, if there is to be an exercise of an option, it also will have to be tabled up front. I suppose some people could say that the making public of the lease details by having them tabled in the Parliament may disadvantage the successful tenderer. I do not know about that, but during the last couple of years a huge amount of debate has centred around the need for greater accountability at all levels of Government, so the rebuttal to a complaint of that kind is that the community is very much entitled to know the terms and conditions that have been negotiated on its behalf for such a prime site as Kings Park, a site that will, no doubt, be eagerly sought after by those wanting to bid for the redevelopment rights. We therefore see that element of scrutiny as vital. It was not something envisaged by the Government, but in my informal discussions with people associated with the board there was no objection on their part to our seeking to have that inserted.

I take the opportunity of saying here, as we are about to amend the Act, that I hope - and I am sure it will be the case - that in any redevelopment that occurs the Kings Park Board will be careful to ensure the interests of the State War Memorial and associated smaller memorials are well protected. Many people would see that as being subordinate to the main functions of the Kings Park Board in keeping alive significant botanical gardens. That is a fair comment, but equally many people in our society see Kings Park as being significant not because of its botanical activity but because to them Kings Park is a shrine. Just as other parts of Australia have buildings set aside for that purpose, many people see that as being of the utmost importance - so much so that, prior to the last election, I had something to do with developing a commitment, on behalf of the Parliamentary Liberal Party, which would have made certain concessions available to the Vietnam Veterans Association in order that it could establish an appropriate war memorial in Kings Park alongside those other memorials that commemorate the activities of other campaigns in past wars. I have no reason to doubt that the board and its employees will take the greatest care in that regard, but I think it is reasonable that someone in the Parliament should at least record the fact that Kings Park is seen by many as immensely significant because of those buildings and monuments.

Finally, I express my personal congratulations to Mrs Ann Cullity and other members of her board, and also to Dr Paul Wycherley and members of his staff. These people tend to be overlooked to some extent because the Kings Park Board is a relatively small and out-of-sight organisation, but no-one would disagree that what they do there preserves and protects something which has been going on for more than a hundred years in that part of the metropolitan area and which adds enormously to the quality of the metropolitan area as a result.

In the course of time a few other things will have to occur with Kings Park. I was surprised to learn a few years ago, for example, that the Kings Park Board, as a statutory agency, does not have its own Act of Parliament. While there is no special magic attached to having an Act of Parliament for every small authority, it adds a certain status to a body when it does

have one. As well, the time must come when Governments, of whatever political persuasion, actually put their minds to other demands of the Kings Park Board which have not been acted upon over the years - matters that are very central to the botanical work that should be carried on by the Kings Park Board and some of which have been related to me by officers and board members.

In summary, therefore, those comments are not at all to be seen in isolation from what we are doing here, because by amending the Act we are paving the way for a major physical redevelopment of that site. There are probably as many ideas about what should be done to it as there are people in the whole of the State, and it has been said many times before that there are no second chances with things of this kind. That was the reason I, for one, was critical of the Government for handing over Burswood Island for the casino development - once we went beyond that point we reached the point of no return. Once the Kings Park Board decides on the form of the redevelopment, that too will be the point of no return. What is done there will probably be done at least for the next 50 years and possibly for the next 100 years, so it must be done with the utmost care.

It is for that reason that the Opposition, both here and in another place, took such a close interest in that redevelopment. I repeat that while I do not necessarily agree with some of the comments made in another place, those comments were generated because people get very edgy when it comes to anything that is happening to develop Kings Park. Therefore I am happy to support the amendment moved by Hon Eric Charlton - not that it does everything we may have wanted to achieve, but it is by far the most sensible way out of what has been quite a controversial measure.

Hon GRAHAM EDWARDS: I was very pleased to hear Hon Phillip Pendal's comments in relation to the discussions he had with the Vietnam Veterans Association prior to the last election. I appreciate the interest the member has shown in the Vietnam veterans' memorial. As a matter of interest, recently a memorial was dedicated in Kings Park - a memorial which I believe is the finest memorial in Australia to Vietnam veterans. That it is there is not to the credit of any political party or any single association representing Vietnam veterans; it is there, in my view, because of the tremendous initiative of Vietnam veterans collectively, along with the great support they received from a number of individuals and, indeed, from the Kings Park Board. I suggest that if members have the opportunity they should take the time to visit that memorial. It has been very well done and in my view it really does embody and reflect the sadness that lingers with the memory of those who were killed in that unfortunate action.

Hon KAY HALLAHAN: The Government is happy to accept the amendment. It is good to see that we are progressing the Bill rather quickly, although in a very considered way, particularly given the lengthy debate held in another place. We all have a commitment to preserve and protect the quite extraordinary nature of Kings Park.

Hon P.G. Pendal: I think the nature of the debate in the other place has made it easier for us to agree to a few things here.

Hon KAY HALLAHAN: That may be so. Certainly a lot of anxieties and worries were ventilated in another place during the debate.

Hon George Cash: Who was handling the Bill in the other place?

Hon P.G. Pendal: Obviously somebody not as competent as the present Minister.

Hon KAY HALLAHAN: I imagine it would have been the Minister for Conservation and Land Management.

Hon George Cash: That doesn't surprise me.

Hon KAY HALLAHAN: It is a great shame that the Leader of the Opposition indulges in petty, pitiful point scoring at a time when we are endeavouring to progress in a mature, considered and tripartite manner on a matter about an area in Perth which is dear to everyone. I am sure there is no doubt about that. I am also sure that the character of Kings Park will be well protected by the Kings Park Board and in this action tonight we are giving it a new opportunity to enhance the restaurant facilities and the memorials which are so important to those of us who have spent most or all of our lives in Western Australia. The Government supports this amendment.

New clause put and passed.

Title put and passed.

Bill reported with amendments.

FISHERIES AMENDMENT BILL (No 2)

Second Reading

Debate resumed from an earlier stage of the sitting.

HON E.J. CHARLTON (Agricultural) [8.43 pm]: I suppose members might be a little bit confused with this Bill.

The PRESIDENT: Order! I think the honourable member has already spoken on this.

Hon George Cash: No, he hasn't. He adjourned the debate.

The PRESIDENT: There has been an administrative error on my sheet. Somebody has mysteriously marked you off.

Hon E.J. CHARLTON: I can understand your thinking I had spoken before on the Bill. My wife often tells me I talk too much, and now I am hearing it down here as well.

Hon P.G. Pandal: Your wife is a very perceptive lady.

Hon E.J. CHARLTON: It must be acknowledged that this Bill is almost a repeat of the Bill I introduced into Parliament some months ago. This Bill and the Bill I introduced contain similar measures, mainly to ensure that the vital Western Australian fishing industry is allowed to continue. Many very efficient businesses are noticed by other people, particularly from other parts of the world, who see an opportunity to make a good investment. This can happen very quickly with great benefit to the purchaser. However, in the long term it is to the disadvantage - almost the destruction - of that industry. That is the last thing we want to see. The fishing industry is volatile and can be very easily ruined. It would only take a short time after restrictions were taken away before the industry would become worthless. That is what has happened, particularly with the rock lobster section of the industry in other parts of the world. Fishermen must respect the volatility of the industry and the critical need for conservation.

I am disappointed that the Government did not endorse the Bill I introduced some months ago. However, I acknowledge the Government's prerogative and I am pleased it considered that the action I took was worthwhile, otherwise it would not have brought in a Bill itself which is almost identical to the one I introduced.

Hon W.N. Stretch: Imitation is the greatest form of flattery.

Hon E.J. CHARLTON: However, I am pleased from the industry's point of view, because I think the fishermen and the Fisheries Department hold each other in high esteem and greatly respect each other. Together with the Western Australian Fishing Industry Council and its executive officers they are doing outstanding work for the benefit of this industry. Because of the restrictions the industry has imposed upon itself it has a right to put its views about its future. It is certainly a step in the right direction to introduce greater controls over the transfer of processors' licences. It is apparent that the people in the industry are grateful for the interest that has been shown not only in their jobs but also in their point of view.

I was able to attend the opening of a new processing works at Lancelin a few weeks ago. I also had the pleasure of being at the Blessing of the Fleet in Geraldton where I had a word in the Minister's ear about the Stamp Amendment Bill (No 3) which we have just completed and I am pleased he responded positively because it saved us from deleting another part of that Bill.

This Bill is a great step forward. It must be acknowledged that what we are doing here may not be a long term measure because other changes may be needed in an industry such as this as what is done today will not necessarily be the right thing to have in 10 years' time. We should be every ready to respond to the industry and give it flexibility so that it can move with the times. Also, the people involved need to be given confidence so that the product they catch, process and market will end up on the other side of the world - in Japan in particular - presented in a manner to maximise the returns for the people in the industry and for the State as a whole.

Problems arise with pricing in the industry, and we need to look at the reasons why this happens and discover whether we can respond with legislation. We are seeing a great deal of deregulation across the country and everybody is talking about competition. Competition in this industry could have been greatly affected by the sale of one processing plant, because if that had happened we may have seen a price increase over a short period. The industry welcomes this Bill with open arms, as we all know. I commend the Government for responding efficiently. We must keep an open mind about this industry so we may respond to other facets and encourage it to go forward.

Finally, there are many good, hardworking young Australians in this industry and we should admire them and give them the opportunity to be rewarded. I noticed in yesterday's newspaper that the average age in the farming industry is 51 years.

Hon J.N. Caldwell: I am too old then.

Hon P.G. Pental: It came down a fair amount when you came in here.

Hon E.J. CHARLTON: If I go back, I will increase it; the longer I stay here the more it will increase when I return.

The rock lobster industry is vastly different from the farming industry in that it is encouraged to continue as a family orientated business. A lot of people have left the wheat growing industry because of a whole host of economic factors, not a result of decision within the industry, but as a result of decision made by Government.

We support the Bill.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [8.54 pm]: I also support the Bill, which is aimed at providing additional powers to the Director of Fisheries so he can determine whether it is in the interests of the fishing industry, and the community as a whole, for a rock lobster processing licence to be transferred. Members would be aware that some 12 to 18 months ago a Japanese company bought into a rock lobster processing plant in Western Australia. In fact, the company bought it from the State Superannuation Board. The company was known as INF and the company overseas is known as the Chunagon Group of Companies. It is interesting that the change to the transfer of rock lobster processing licences on the west coast should have eventuated as a result of the Government selling out a rock lobster licence to overseas interests. The matter has been canvassed at length before, and there is no need for me to rerun it tonight.

Mr Charlton was correct in saying that the rock lobster industry in Western Australia is important not only for the domestic market but also for the export market. This year the industry will earn \$200 million in export income for Western Australia.

It is interesting that this Bill should be introduced into the House a week after the 1989-90 rock lobster season has begun. The season commenced last week and it is pleasing that fishermen are able to have very good catches on the west coast. I had the honour to attend a function in Fremantle with the Minister for Fisheries, Mr Gordon Hill, and 20 rock lobster fishermen to celebrate the commencement of the season; we had what could only be termed as a crayfish feast.

Hon Graham Edwards: Disgusting!

Hon GEORGE CASH: It was pretty enjoyable actually. It was organised by a very well known fisherman in Fremantle, Mr Claude Basile, and his wife Jay, both of whom have been in the industry for many years. I can assure the House that they are strong supporters of this Bill.

In introducing this Bill the Government pays a compliment to and recognises the work done by Hon Eric Charlton in examining some of the problems that occurred in the industry prior to the last election. There was a danger - so industry sources believed - that overseas interests could buy out the rock lobster processing licences in Western Australia, and, as a result of taking control of those licences, end up being able to determine the beach price for rock lobsters in Western Australia. Last year the prices ranged from \$16 up to \$24, and it was believed that if overseas interests were able to control a rock lobster processing licence and facility, the beach price would drop by \$8 a kilo - that would have had a tremendous impact on the viability of the industry.

It has been stated that this is a family style business as the licences are handed down from father to son over a number of generations. Today it is a big business with some of the private rock lobster fishermen who have up to 100 pots on their boats investing in the region of \$1 million. This aggregates to be worth many hundreds of millions of dollars, not only for acquiring the boat and the pots, but also for all the other things that go with it. The processing factories up and down the west coast involve a huge investment and contribute greatly to the economy of Western Australia. It is an industry which operates very much by private enterprise orientated people who use their initiative, take up the capital, take the risks and earn what turns out to be an important export income for our State.

In supporting the Bill I make the point that recently the House established a Select Committee to look into the aquiculture and mariculture industries and I understand that the committee is continuing successfully with its work. In due course I hope the committee will take a special interest in the growing of prawns and other crustaceans. It is very clear that the artificial growing of prawns and other crustaceans in South-East Asia is having an effect on the prawning industry in Western Australia. Members are probably aware that the prawn trawlers that operate in the Gulf of Carpentaria in the north of Australia are in a difficult position because there is an oversupply of prawns in Western Australia. The artificially grown prawns in South-East Asia are coming into our market and depressing the price of prawns on the Western Australian market which is causing great difficulty to those who catch the tiger prawns in a traditional way. It is a matter which I hope the committee will address and to which it will find a solution in order that Western Australians can enjoy earning export income from that area of the fishing industry.

With those comments I again support the Bill and congratulate the Government for bringing it to the Parliament. I also congratulate the National Party for recognising the need for these changes. The changes they proposed some six months ago in this House are reaching finality.

HON W.N. STRETCH (South West) [9.03 pm]: The Commonwealth Parliamentary Association conference held at Kiribati, which I was fortunate enough to attend together with Hon Tom Helm and you, Mr President, brought home to me the global nature of fishing as it now is. As far as the major fishing nations in the world are concerned there are no defined fishing areas for different nations; the entire ocean is one huge fishing ground.

It is timely that this Act is being upgraded because those things which are happening on the other side of the world are having a greater impact on us than we think. The delegates who attended the CPA conference will recall that the impact of driftnet fishing in the Pacific Ocean was of major concern to nations who rely on fishing for their livelihood. It might seem remote to us because we are thousands of miles away from that area, but the point is that there will be a domino effect if fishing of any type is banned in one area because the pressures will be felt around the continents and oceans of the world and that means more pressure on our fisheries.

The major fishing countries around the globe do respect boundaries, but still they put pressure on the fishing grounds adjacent to the coast. For that reason I welcome the amending and further upgrading of the Fisheries Act. It is important to our indigenous industry that we give the Fisheries Department the teeth to deal with the problems that are arising and the increasing pressures that will be on us within the next 10 years. There will be further amendments to the Fisheries Act as the pressure becomes greater and the need to look after our fishing industry becomes more intense.

The research into the fishing industry in Western Australia is as technologically advanced as most. The trawling fleets may not have the scope or be of the size of some of the international trawling fleets, but the research which is undertaken by the department for the fishing industry is valued not only by the fishermen, but by the State in terms of its economy. As all speakers have pointed out, the fishing industry is very important to this State and it does contribute to the economy. I reiterate that what happens on the other side of the world does impact on us much more than we think and the steps we take to protect the industry now will stand us in good stead.

I also applaud those members who brought this legislation to the Parliament and indicate my support for it.

HON GRAHAM EDWARDS (North Metropolitan - Minister for Racing and Gaming) [9.06 pm]: I thank members for their contribution to the debate. From the outset, I recognise the Opposition's support for the Bill. I would not like to say to Hon Eric Charlton that this is a better Bill than the one he introduced earlier this year, but it is a broader Bill and in the Government's view it was important that we address some of the other matters that are contained in it. As I reminded the House earlier this session the issues have been broadly canvassed within the community and it is not my intention to go over those issues. We all share a great sense of responsibility for the industry and there is no doubt it is crucial to this State.

It has been recognised that we are well served by an excellent Fisheries Department. In my view this Bill will give the department far greater control of the industry and I am sure that the number of issues that have been canvassed are recognised in the better controls that will be given to the Fisheries Department. I thank members for their contribution to the debate, for their support of the Bill generally and for their support for what we all agree is a very important industry to the State.

Question put and passed.

Bill read a second time.

Committee and Report

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

Third Reading

Bill read a third time, on motion by Hon Graham Edwards (Minister for Racing and Gaming), and passed.

DIRECTOR OF PUBLIC PROSECUTIONS BILL

Second Reading

Debate resumed from 24 October.

HON E.J. CHARLTON (Agricultural) [9.11 pm]: As members would recall, the previous debate on the second reading of this Bill occurred some time ago. The National Party supports the Bill as there is a need for the Government to enact this legislation. I endorse remarks made by members from this side of the House during the previous debate. In the main, we accept the comments that were made at that time. There is little need for me to enlarge on those points. Amendments have been drafted which will be moved during the Committee stage and which relate to the way the director will be appointed. I look forward to that debate.

This position involves important responsibilities, particularly during a time in the history of the State and of Australia when there is an urgent need to provide the public with an assurance that a mechanism is in place to allow justice to be preserved in a way that will give everyone confidence that fair play will apply and people will be looked after. That is a dream of any democracy. We are seeing around the world at this time a ground swell of activity that we do not appreciate sufficiently in this nation because we have never been denied the magnificent opportunity to do what we like when we like within the law of this land. We have been a little slack in many cases in appreciating what we have. Like many things in life, if one does not appreciate them and look after them they slip away. We support this move by the Government and will debate the way in which the director is to be appointed during the Committee stage of the Bill.

The National Party supports the Bill and commends it to the House.

HON J.M. BERINSON (North Metropolitan - Attorney General) [9.16 pm]: I welcome the general support for this Bill, both from Opposition members in this debate and a number of organisations and individuals including the Law Society. Opposition speakers raised several matters about the Bill which will be helpful for me to address in some detail at this stage before we go into Committee.

I refer, first, to the method of appointment of the director. I reiterate a fundamental point made in my second reading speech; that is, this legislation makes it absolutely clear that the

Director of Public Prosecutions will act with complete independence from the Attorney General and the Government of the day. The DPP will, accordingly, have a special role in the administration of justice in this State. It is not so special, however, as to justify the extraordinary, indeed unique, method of appointment which Mr Foss has argued for. Mr Foss has said - and circulated an amendment to this effect - that the Director of Public Prosecutions should be appointed by a committee. The proposal is wrong for a number of reasons which go quite fundamentally to the role of the various arms of Government.

First, Mr Foss' committee proposal would involve the use of judges in making a senior appointment and it requires the Chief Justice and the Chief Judge of the District Court to act in an administrative role. They should not be put in that position. I acknowledge that the Chief Justice heads a committee to appoint the Commission on Corruption, but unlike the DPP that commission is, indeed, of a unique character and has no administrative functions; it is not a precedent for what is suggested here and certainly not a precedent to be followed.

The more fundamental point is this: Under the Westminster system of responsible Government the executive Government has always had responsibility for senior appointments. These include departmental heads, industrial commissioners, magistrates, the Solicitor General, the Ombudsman, the Chief Justice and the Governor himself. What possible justification can there be for the appointment of the DPP being treated differently? There can be none. The Opposition's proposal amounts, in fact, to Government by committee with five of the six members of the committee not being answerable to the Parliament. That is not responsible Government and I have to make it clear beyond any doubt that it is totally unacceptable to the Government.

I turn next to the question of the director's salary. Opposition speakers also raised this matter in the course of debate. They appear to envisage a salary well above current judicial salaries; indeed, at one stage a figure of \$500 000 plus an automatic increase was referred to. The Government cannot agree to that proposal, either. The fact is that while the special role and importance of the Director of Public Prosecutions must certainly be acknowledged, it has to be kept in perspective. To rank the responsibility of the position as being above those of our judges is to lose that perspective. In this respect, the concept of linking the director's salary to judicial salaries has not only been accepted as appropriate in other jurisdictions but has also been sufficient -

Hon Peter Foss: What about in New South Wales?

Hon J.M. BERINSON: That indicates the member's ignorance.

Several members interjected.

Hon J.M. BERINSON: I thought Mr Foss was indicating that the position in New South Wales was different. In that case, I withdraw my response, having misunderstood the interjection.

The concept of linking the director's salary to judicial salaries has also been sufficient to attract to the position of director people of the required high calibre. To provide some detail of this - and this will include a response to Mr Pike's question - the position throughout Australia is as follows: The remuneration of the DPP in New South Wales and Victoria is tied to that of a Supreme Court judge. In Queensland, it is pegged to 75 per cent of the difference between a District and a Supreme Court judge. In the Commonwealth and Tasmania, it is not pegged to a judicial salary. The current Commonwealth DPP remuneration is in fact well below that of any Commonwealth judicial officer. I will indicate in a moment what are the current figures. I preface those details by indicating that some jurisdictions have separate provisions for salary and allowances.

To give what I believe is a better picture, I will refer to the total of salary and allowances, where allowances apply, and will speak in round terms. The position is as follows: Commonwealth, total salary, \$103 000; New South Wales, \$114 000 - and that will be subject to movements as an increase in Supreme Court salaries applies; Victoria, \$109 000; Queensland, \$106 000; and Tasmania, \$71 000. The position in Western Australia, compared with those salaries, is that the salary of a Supreme Court judge, if that were to be the basis adopted here, in line with the practice in New South Wales and Victoria, is \$120 000. That is a figure above that applying in the Commonwealth, or in any other State.

I am not, of course, suggesting that there is no difficulty in persuading legal practitioners

who are earning much more than the current judicial remuneration to become judges or accept other senior appointments. What the Government can do, however, is to assure members that the appointment of a director will be approached with the aim of securing the best possible appointee, whether from the private profession or from the legal officers already in public service. In this respect, I have to say that I was absolutely appalled at the implication that could easily have been drawn from some remarks made by Opposition members that the current Crown Law prosecutors are almost to be regarded as automatically unsuitable. I totally reject any such implication or reflection on the competence of our senior Crown Law prosecutors.

Hon George Cash: Who made that allegation?

Hon J.M. BERINSON: I am talking about implications which were quite clear. I will go further; one could reasonably take those comments and implications as part of, and as a follow-up to, a recent campaign to denigrate those officers. No-one can deny that that has been going on for some time, both in this House, and by members of the Liberal Party in the Legislative Assembly. I have previously had occasion to deplore it. I sincerely hope that it will not be taken further.

I refer next to the question of removal of a director. The Opposition has also suggested that a director should be removed only by an address of both Houses of Parliament. That may perhaps provide marginally greater protection to the director than the Bill presently does by providing the Governor with power to remove a director on specified grounds. However, the Opposition's proposal, because of the political nature of parliamentary proceedings, has obvious difficulties. Furthermore, it could result in a director who has in fact been suspended - for example, for misconduct or incompetence - not being removed, and being restored to office. It must be clear to us all that a situation of that sort would be intolerable.

I turn now to the question of the exercise of the Attorney General's powers. During the second reading debate, a reference was also made by the Opposition to clause 28 of the Bill. The proposal was advanced that where the Attorney General exercised his powers, Parliament must be notified. The Opposition proposes that details of the Attorney General's actions should be tabled in Parliament within five days. The problem with that proposal is that it could lead to the fair trial of an accused person being impeded, or the prosecution being frustrated or hampered. Furthermore, in some indemnity and pardon cases, people may be put at personal risk by publication of the Attorney General's actions. The Opposition's proposal has a serious potential to jeopardise the criminal trial process. Clearly, parliamentary scrutiny of the Attorney General's actions, which is the object of the proposal, should not be allowed to impede that process, nor frustrate the functioning of the Director of Public Prosecutions. The Bill as drafted avoids these problems. It does, however, facilitate parliamentary scrutiny of the Attorney General's actions through the publication, in the director's annual report, of any and every case where the Attorney General's actions are involved.

The Opposition also raised questions about the appointment of officers other than the director and deputy director, and suggested that such subordinate officers should not be members of the Public Service. Indeed, the Opposition proposes to amend clause 30 so as to preclude legal practitioners acting for the DPP from being public servants. Existing Crown Law professional staff could not, in those circumstances, be used. They would have to resign from the Public Service and be engaged by the director if they were to continue in a prosecutorial role. That proposal would produce a major and very detrimental change to the staffing policy of the Bill. It would separate legal practitioners from other staff in the director's office, and require legal practitioners to be engaged by the director. That proposal would make the director an employer; and the Bill has no provisions to facilitate that. However, that is a technical difficulty which could, no doubt, be attended to.

Much more seriously, the amendment would - for the reasons elaborated on in my second reading speech - produce an impossible professional staffing situation. As I indicated, and as is widely understood, there is a shortage of experienced and able lawyers in Western Australia. It is unlikely that the director would be able to attract sufficient capable staff, with the required prosecutorial experience, from private practice. Neither the Law Society nor the Bar Association has disagreed with my second reading speech comments about staffing, including in particular the problem of the shortage of suitable lawyers. Indeed, no-one with any knowledge of the present state of legal practice in this State could do so.

It would be a great disservice to the people of this State to amend clause 30 as proposed by the Opposition because staffing would be impossible, and of course there would be no reason for it. There have been suggestions that the amendment is necessary to ensure the directors' independence, but that is simply not so. This aspect of the Bill has also been used as another basis for adverse comment on the State's professional legal officers. I have already commented on and deplored that line of attack and I say again we are fortunate to have the services of our professional officers and it is time for the attacks on them to stop.

In case any members have forgotten the basis for the view that I have expressed that it would be impossible under the proposals in the listed amendments to staff the Director of Public Prosecutions' office, I repeat again that I expressed that view in the House on the basis of a meeting with all the legal professional officers of the Crown Law Department. They include all the prosecutors and necessarily, as a result, all of the most experienced prosecutors in the State, and there was no exception to the expressed view of these professionals that they would not be prepared to move into a form of practice which restricted them to criminal work alone. The advantage of the present spread of professional work as provided through the Crown Law Department is regarded by them as an important element of their professional experience and development and they would not forgo it. There would, of course, be some exceptions to the rule sufficient to establish a small core, but beyond that the proposal in the amendment in relation to staffing would, I believe, be a recipe for disaster.

In the course of other comments it was suggested in debate that corporate crime and white collar crime were particular areas in which our prosecutors were failing. That is a serious, misleading and unjustified comment. Certainly there are problems with corporate and white collar crime. These are problems being experienced internationally. Authorities everywhere are seeking solutions but the solutions so far identified or proposed are thought by most to involve too great a risk of injustice. The problems are mainly with detection and investigation and only to a limited extent with trial procedures. To the extent that those procedures have been criticised, most attention has been paid to the view that trial by jury is impractical for those types of crimes as it is thought the juries acquit because of their difficulty in understanding the complex issues and evidence. It is quite unfair and misleading to suggest that these universal difficulties reveal some inadequacy on the part of our prosecutors. In fact, Western Australia is generally recognised as one of the more successful jurisdictions in Australia in this area.

For these and other reasons which I will elaborate on in relation to the specific Opposition amendments at the Committee stage, the Government considers that the Bill as introduced should be agreed to by this House. This will be a case in which the amendments not only will be strongly resisted by the Government, but I have to say again, also are, for the most part totally unacceptable. In that respect I turn again to some of my earlier comments related to the proposed committee method of appointment of the DPP to add one further consideration. The initial suggestion that a Director of Public Prosecutions should be appointed by committee in Western Australia - and that would have been unique in any jurisdiction in the country - came from an early proposal by the Law Society of Western Australia that later was taken up by others. As I have said, the Law Society has indicated its approval and, indeed, support for the Bill as it is presently drafted. That includes in particular its support for the movement away from the society's own initial suggestion that the appointment should be by committee.

Hon Peter Foss interjected.

Hon J.M. BERINSON: I am sure Hon Peter Foss will know as well as I do that the Law Society was invited to consider again its position on this question.

Hon Peter Foss: And what did the Criminal Law Committee say about it?

Hon J.M. BERINSON: But what does the Law Society say about it, and which is the more representative body of the profession as a whole?

Hon Peter Foss: Who knows more about criminal law?

Hon J.M. BERINSON: No doubt Hon Peter Foss does, but -

Hon George Cash: You are almost getting paranoid with some of the comments you are making. I reckon you are losing your marbles.

Hon John Halden: Dr Cash! The man with the personality bypass!

The PRESIDENT: Order!

Hon J.M. BERINSON: If I do have any tendency in that direction, which I confess I have not noticed myself, it can only be as a reflection of the performance opposite me every day. How the Leader of the Opposition can engage in that sort of attack is really beyond me, but I might say it is typical of his general approach when he is unable to tackle the merits of a situation.

As I was saying, the proposal for a committee appointment started with the Law Society. The society has abandoned that approach. It was specifically invited to reconsider its position in the light of the Opposition's amendment to propose a committee system of appointment. The Law Society confirmed its earlier view, which indicated that it did not intend to continue with its support of that proposal. Neither it should; neither we should; nor is there any need for it; nor is there any justification for it. At the end of the day the Leader of the Opposition and Hon Peter Foss alike must make up their minds about our respective roles in the government of this State. Of course they have a powerful position in this House and they have demonstrated that to the maximum today, but they cannot govern from over there. We govern from this side of the House and it is the Government which has the Executive role which extends to these senior appointments. I have already listed them and I do not need to repeat them all, but if the Government can be relied upon to appoint the Governor, the Chief Justice, the justices of the Supreme and District Courts, the magistrates and the departmental heads - if the Government can be relied upon to make good, proper, appropriate and effective appointments in this area - it can certainly be relied upon to make an appropriate appointment for the Director of Public Prosecutions.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

As to Committee

Hon George Cash: In the Attorney General's second reading response he stated we would go into Committee on this; he has changed his mind again.

Hon J.M. Berinson: No, I did not.

The PRESIDENT: Order! Order!

Hon George Cash: The Attorney is definitely losing his marbles.

The PRESIDENT: Order! Let us get the organisation back on its correct footing. Would the Leader of the House indicate what he wants to do next.

Hon J.M. BERINSON: Mr President, I recall someone else with an obsession with marbles; I think his name was Captain Quigg. I suspect that the Leader of the Opposition is falling into a somewhat similar weakness. Nonetheless, the position is that I move -

That consideration in Committee of this Bill be made an Order of the Day for the next sitting of the House.

Hon GEORGE CASH: Mr President -

The PRESIDENT: That is not a debatable motion. All the Leader of the Opposition can do is vote against the motion.

Question put and passed.

ACTS AMENDMENT (DETENTION OF DRUNKEN PERSONS) BILL

Committee

Resumed from 22 November. The Chairman of Committees (Hon J.M. Brown) in the Chair; Hon J.M. Berinson (Leader of the House) in charge of the Bill.

Clause 6: Part VA inserted -

Progress was reported after the clause had been partly considered.

Hon J.M. BERINSON: I do not know whether I should appreciate the Leader of the Opposition's concern or pity him. His constant reference to marbles is beginning to concern me a little.

Mr Chairman, when debate adjourned we were considering proposed new section 53A. I had been asked again about the sanctions which might follow through an escape from custody by a drunken person who had been taken into custody. The example which was given was a person who simply walked away or at most broke away; I suggested that the normal follow up to that would be that the person became subject to being taken into custody again. One of the problems when discussing these types of situations is that it is difficult to cover the range of factual circumstances. I have taken the opportunity since our last discussion to have this matter discussed with police officers who have given attention to this question, and also discussed the procedures which are applied in other jurisdictions.

The position, as I am now advised, is that in terms of sanctions there is little difference between detention of a drunken person and ordinary detention or arrests, although proposed new section 53L to be inserted by amendment will remove the sanctions against escape as such. However, if a person refuses to be taken into custody or attempts to escape notwithstanding the warnings or efforts or protestations of police officers, then he or she becomes liable to be charged with one or more of the following Police Act offences: Hindering police, resisting arrest, or disorderly conduct. That is a modification of the position I had previously put to the Chamber and I hope this will make the position clearer.

Hon GEORGE CASH: Given the comments of the Leader of the House yesterday in which he suggested there was no difference between police custody and legal custody, his explanation is not satisfactory.

Hon J.M. BERINSON: The difference between legal custody in the context of this Bill and in its general application is to be established by the amendment to clause 6 which I have listed; that is, the provision to provide that a person who is apprehended, detained or in custody shall not be regarded as being in legal custody for the purposes of any law relating to escape from legal custody. The offences which I have indicated could be applied are different offences from escaping from legal custody. In spite of the clarification which has been provided, the practical position as I have had it put to me is that the need to go to these further charges very rarely arises. Its application is restricted to a very small number of incidents.

Hon DERRICK TOMLINSON: While we were dealing last evening with a hypothetical situation which in the real world is highly unlikely to arise - that is, the constant evasion of custody and the constant detention over a long period - the purpose of my probing this point is to establish the status of the police custody or the legal custody from the point of view of the police officers. Proposed new section 53L says that a person is in police custody but not in legal custody for any law relating to escape from legal custody, and the person in the process of being detained who resists might be charged with hindering police, resisting arrest, or disorderly conduct.

There appears to be a contradiction with the process of detention; in that process the drunken person who might resist the policeman or attempt to hinder him in the process of his duties is liable to or could incur these other charges. However, once in custody he is treated differently from a person in custody. That contradiction between the process of detaining the person and the status of the person in custody is one which needs to be very carefully explained because I am concerned that the police will have little confidence in their power and authority to detain and retain people in police custody if that custody is not seen to have status.

Hon J.M. BERINSON: This Bill has been the subject of exhaustive consultation with members of the Police Force. They, in turn, have the benefit of the experience of their colleagues in other jurisdictions where similar systems have been in place for a considerable time. In the Northern Territory, though it has a smaller population, from memory the numbers of persons taken into custody under a similar provision to this would at least equal the number expected in this State. Therefore, there is a wealth of experience here.

The status of the police officer in exercising his duty is of the same order and carries the same authority as if he were arresting a person on a charge proper. The difference arises - it

requires a bit of juggling of our traditional concept of what happens when people are taken into custody - from what follows after the custody is implemented. As I indicated before, it is an important element of the whole scheme to find suitable ways in which the person in police custody can be released from police custody, either to family, responsible friends or a sobering up centre. The fact that people are being taken into custody but with a view to releasing them from custody as soon as possible and while they are still in the state which justifies their being taken into custody in the first place is a novel sort of notion. It takes a bit of adjustment.

The experience in other areas, however, indicates that it is not an adjustment which has led to practical difficulties in the implementation of it by police, nor has it led to any concerns by the police, let alone resistance to it. I am sure that, all over the country, reservations could be expressed by police officers as they move into what they might feel are uncharted waters. However, the end has been a system which is well developed and which works. There really is no reason to doubt that it would work just as well here.

Hon Derrick Tomlinson: Is the purpose merely to get the drunken persons off the street or away from some public place so that they are not a danger to themselves or to others or an embarrassment to others?

Hon J.M. BERINSON: Or a nuisance to others.

Hon Derrick Tomlinson: To get them off the street?

Hon J.M. BERINSON: I think that is a fair summary of it. It is an attempt to remove them from those places with the aim of keeping them removed preferably until they are sober after which nothing else follows.

Hon Derrick Tomlinson: So the custodial care assumes a welfare orientation rather than a judicial orientation.

Hon J.M. BERINSON: I think that is also a reasonable part of the program. The starting point is to ensure that there is continuing protection of the community from the likely nuisance, damage or assault that could follow from persons in this condition being left in public.

Hon GEORGE CASH: I am still not convinced. As I understand it, the Leader of the House said there was no distinction between legal custody and police custody. He has also said that once a person is taken into police custody and then escapes, he or she could then be charged with resisting the police or hindering the police.

Hon J.M. Berinson: If that is what is involved.

Hon GEORGE CASH: I suggest that the proposed new section be rewritten so that everyone clearly understands it. In its present form the police will not believe that they have adequate authority given the fact that the second reading speech talks about the need to take this matter away from the judicial side. The Leader of the House objected at the time when I used the word "welfare". I invite him also to consider other Acts around Australia which make very clear the position of what happens when someone escapes from lawful custody.

Hon J.M. BERINSON: As recently as this morning, the police officers responsible for the development of this program and police contribution to it gave no such indication.

Hon GEORGE CASH: I give notice that, in its present form, I cannot accept proposed new section 53A and intend to vote against it.

Hon J.M. Berinson: Why?

Hon GEORGE CASH: Because the Leader of the House has not explained it.

Hon J.M. Berinson: What is there left to explain?

Hon GEORGE CASH: If he cares to refer to the South Australian legislation he may find words that will assist the Committee, but that is up to him.

Proposed new section 53A put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN: Before the tellers tell I give my vote with the Ayes.

Division resulted as follows -

Ayes (13)

Hon J.M. Berinson	Hon Graham Edwards	Hon B.L. Jones	Hon Fred McKenzie
Hon J.M. Brown	Hon John Halden	Hon Sam Piantadosi	(Teller)
Hon T.G. Butler	Hon Kay Hallahan	Hon Tom Stephens	
Hon Cheryl Davenport	Hon Tom Helm	Hon Bob Thomas	

Noes (14)

Hon George Cash	Hon Peter Foss	Hon Muriel Patterson	Hon Derrick Tomlinson
Hon E.J. Charlton	Hon Barry House	Hon P.G. Pental	Hon Margaret McAleer
Hon Reg Davies	Hon M.S. Montgomery	Hon R.G. Pike	(Teller)
Hon Max Evans	Hon N.F. Moore	Hon W.N. Stretch	

Pairs

Ayes	Noes
Hon Doug Wenn	Hon P.H. Lockyer
Hon Garry Kelly	Hon D.J. Wordsworth
Hon Mark Nevill	Hon J.N. Caldwell

Proposed new section 53A thus negatived.

Hon J.M. BERINSON: It is impossible to fathom the reasoning or the seriousness of the Leader of the Opposition's taking the step he has; it is totally irresponsible. I find it impossible to believe that he has taken it for any conceivable genuine reason. Among other considerations, this Bill has been available for at least a month and if there were something so wrong with 53A -

Hon George Cash: It is 53B and 53A.

Hon J.M. BERINSON: I am speaking about 53A. If there were something so wrong with 53A and so amenable to correction by an amendment of the words one would expect an amendment to have been listed over that month. Of course that is not the real reason at all. I cannot for the life of me think what the real reason is other than that Mr Cash is opposed to the decriminalisation of drunkenness. That is the only interpretation which can be put on this extraordinary stand he has taken. If the clause is amenable to correction by amendment one does not stand here a month after the introduction and say, "Go away and amend it"; one introduces an amendment. That is, if one is serious. If the Leader of the Opposition is not serious he plays his little tricks and leaves somebody else to attend to the mess that has been created.

The other consideration to be put into balance in considering the point we have now reached in attempting to go on with 53B and following sections is that the deleted clause is based on legislation elsewhere which works. However, the Leader of the Opposition cannot bring himself to believe that and says it ought to be changed to conform with other legislation. I do not know which legislation he is referring to. Perhaps it works, but it is not an argument to say that the legislation on which our Bill has been patterned cannot work.

The long and short of this totally irresponsible stand taken by the Leader of the Opposition is that without 53A there is nothing on which the Bill can function. Drunken persons cannot be left in public places any more in the future than in the past without the possibility of protecting the community by appropriate police action. At the moment they are protected by arrest. The need to go to lockups, to courts and eventually to prisons for an offence cannot be justified so far as treatment of a drunken person is concerned or the wasteful expenditure of police, court and prison resources. However, at the end of the day the drunken person cannot be left to harass the public or to damage property. If the police are not invested with the authority to take drunken people into custody under a provision like this which allows them to be removed from any prospect of injury to the public, but for the period of their drunkenness only, the only alternative is to stay with the present arrest procedures. I think that is deplorable. I am absolutely staggered that the Leader of the Opposition could lead his own party along that path, especially given the expression of support for the general principle

which members of his party in other circumstances have expressed. I hope there may be an opportunity for some wiser counsel to prevail upon Mr Cash.

Hon George Cash: I doubt it, but you need counsel to prevail on you.

Hon J.M. BERINSON: The Leader of the Opposition may have been carried too far away with his obsession with marbles and lost track of the direction in which this legislation is designed to go. At the moment, however, it cannot operate without 53A. In its present state, which would deprive the police of an ability to take drunken persons into custody, further discussion is futile.

Progress

Progress reported and leave given to sit again, on motion by Hon J.M. Berinson (Leader of the House).

ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Metropolitan - Leader of the House) [10.08 pm]: I move - That the House do now adjourn.

Adjournment Debate - "Parenthood" Film - Helium Balloon Trick - Dangerous Scene

HON R.G. PIKE (North Metropolitan) [10.09 pm]: I do not think the House ought to adjourn until I draw its attention to an article in *The Australian* today on page 3 entitled "The gas company fails to see a movie's joke". At present there is a film showing at the Fremantle Hoyts Port cinema and at the Perth Hoyts cinema called "Parenthood" to which this article refers. The article states -

The manufacturer of helium used to inflate party balloons has written to the film distributor United International Pictures (UIP) over a 25-second comedy routine in the movie *Parenthood* which it believes could be dangerous.

The film, which is showing in cinemas throughout Australia and stars the American comedian Steve Martin, features a scene in which an 85-year-old woman inhales helium from a party balloon, giving her voice a Donald Duck quality.

But Commonwealth Industrial Gases Ltd (CIG) failed to see the humour of the scene.

The company issued a warning yesterday against others trying to repeat the trick and said it had written to the film's distributor voicing concern.

The manager of balloon services at CIG, Mr Allan Benson, said the company had considered asking UIP to show a warning before the film was screened.

I ask the House to note this next comment very carefully -

"What concerns us with the *Parenthood* sequence is that an adult performs the trick in front of children and this may lead children watching the movie to think the practice is harmless," he said.

CIG quoted an unnamed specialist in diving medicine from Sydney's Prince Henry Hospital who said a child might need resuscitation after taking fewer than four breaths from a helium filled balloon.

The problem would arise if helium replaced oxygen in the lungs. Once the oxygen had gone, a person would become unconscious.

Mr Benson said there had been reports in the United States of several deaths associated with misuse of pure helium.

I have today written to Hon David Parker, the Minister in charge of censorship, and asked him to take immediate action to withdraw the film and to see that this sequence is taken from the film before it is screened again. The reason for that is that it has obviously slipped past our censors and really means it is children versus - in this case - inadequate censorship. I do not say that as a direct or implied criticism of the Minister, because these things can happen; I know, having been in that position once myself.

Hon John Halden: Do we have to listen to this drivel?

The PRESIDENT: Order!

Hon R.G. PIKE: The Government of this State should ensure that the film is withdrawn until the sequence is deleted.

Hon John Halden: Oh!

Hon R.G. PIKE: It ought to be emphasised again that whilst it is a matter for humour for the honourable member opposite, which no doubt *Hansard* will record, it is not a matter for humour when one realises the great number of these balloons available to children in Western Australia today. I was at a function yesterday where there were 27 of these balloons. One can tell that because they are on a string and are trying to get away. The kids love them. However, if they go to see a picture where a woman's voice is changed to sound like Donald Duck after inhaling from a balloon you have a dead child on your hands. I suggest to Hon John Halden that it is not a joke, as he clearly indicates it is.

Hon John Halden: Its a matter of a cheap headline for you!

Hon R.G. PIKE: It might do Hon John Halden a lot of good to listen rather than ridicule. I make this point to the House because I believe there is a responsibility for the media, likewise, to publicise this matter as soon as possible so that the community becomes aware of it.

Question put and passed.

House adjourned at 10.15 pm

RECENT BUSINESS SALES
EFFECT of PROPOSED AMENDMENTS on SALES of BUSINESSES

BUSINESS	PRICE \$	PLANT FIXED \$	STAMP DUTY		NEW \$	% INCREASE
			REMOVABLE \$	OLD \$		
Hire	830,000	—	415,000	13,375	30,800	130.28
Food Processor	642,000	150,000	163,000	16,155	22,512	39.15
Manu./Service	1,800,000	140,000	246,000	50,620	66,075	18.80
Supermarket	535,000	44,000	120,000	7,375	12,175	65.08
Manu./Dist./Service	685,000	31,000	160,000	16,987	23,787	40.03
Icecream Parlour	133,000	20,000	75,000	1,015	2,972	192.80
Garden Centre	210,000	2,540	67,460	3,284.50	5,475	66.69
Leisure Centre	560,000	40,000	310,000	6,775	19,325	185.24
Toy Shop	145,000	15,000	45,000	1,900	3,362.50	76.98

RESIDENTIAL PROPERTY**EFFECT of PROPOSED AMENDMENTS on SALE of RESIDENTIAL PROPERTY**

PURCHASE PRICE \$	CHATELS @ 6% OF PURCHASE PRICE \$	OLD \$	STAMP DUTY NEW \$	% INCREASE
95,000	5,400	1,515	1,525	—
100,000	6,000	1,625	1,650	1.5
110,000	6,600	1,885	1,975	4.8
120,000	7,200	2,191	2,300	5.0
125,000	7,500	2,343	2,462	5.1
150,000	9,000	3,107	3,275	5.4
175,000	10,500	3,871	4,087	5.6
200,000	12,000	4,635	4,900	5.7
250,000	15,000	6,162	6,525	5.9
300,000	18,000	7,930	8,525	7.5

QUESTIONS ON NOTICE

CETACEANS - SIGHTINGS
Port Authority Boundary - Policies

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

- (1) What facilities or policies exist regarding the sighting, reporting and monitoring, for safety purposes, of cetaceans within the port authority's boundaries?
- (2) Are any statistics maintained regarding the frequency and location of cetaceans in this area?
- (3) Are warnings to shipping promulgated subsequent to sightings and, if so, by what means and to what agencies?
- (4) How many collisions between vessels of all sizes and whales have been recorded in the period 1970-89?
- (5) Have any of these collisions resulted in death or injury to either whales or humans and, if so, what are the details?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) Vessels report whale sightings as they occur.
- (2) The Department of Conservation and Land Management advises that approximately 2 000 whales are currently migrating along our coast, precise details are obviously difficult to determine.
- (3) Yes, warning by radio to all vessels in the vicinity.
- (4) Worldwide unknown. Off the coast of Western Australia one minor collision occurred in October.
- (5) Total unknown. In the recent incident no death or injury to humans; extent of injury to whale unknown.

MOTOR VEHICLES - LICENCE FEES
Reduction - Revenue Estimate

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

The 1989-90 CRF accounts indicate that the estimated motor vehicle licence fee collections will be \$1.07 million less than the 1988-89 receipts due to the reduction of \$20 in the registration of the family car which is to take effect from 1 July 1990 and a seven per cent increase in licence fees applying to non-family vehicles to take effect from 1 October 1989.

- (1) What is the likely revenue from vehicle licence fees in 1990-91 considering the full year effect of the above mentioned changes?
- (2) Will the Minister give an undertaking that the funding allocation to roads from vehicle registration fees will be maintained in real terms?
- (3) If not, why not?
- (4) Given the percentage allocation to roads from the transport trust fund for 1989-90 appears to be in the order of 63 per cent will the Minister give a commitment to local government in Western Australia that future allocations to roads from the transport trust fund, will be maintained at not less than 63 per cent?
- (5) If not, why not?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) Revenue from vehicle licence fees in 1990-91 will depend on trends in vehicles numbers and decisions by the Government in relation to licence fees for non-family vehicles. Accordingly, an estimate cannot be provided at this time.
- (2) Revenue from vehicle registration fees will continue to be hypothecated to roads. The amount of revenue hypothecated will depend upon growth in vehicle numbers and the level and structure of registration fees.
- (3) Covered by (2).
- (4) The Government will continue to give a high priority to road funding and this will be reflected in future allocations from the transport trust fund. The exact percentage allocations from the transport trust fund will be determined in the Budget process for 1990-91.
- (5) Covered by (4).

STATESHIPS - WESTPAC

Vessel Charter - Charter or Ownership

776. Hon GEORGE CASH to the Leader of the House representing the Minister for Economic Development and Trade:

I refer to the advertisement in the *The Australian Financial Review* of Thursday, 9 November 1989, in which it was advised that Westpac had arranged a \$41 million long term charter of three box hold cargo vessels for the Western Australia Coastal Shipping Commission.

- (1) Are these vessels to be chartered by the commission or is the ownership of the vessels to be vested in the commission?
- (2) If the vessels are to be chartered, from whom would they be chartered and what are the conditions of the charter?
- (3) In which region are the vessels primarily intended to operate?
- (4) What are the financial terms and conditions attached to the \$41 million Westpac arrangement?

Hon J.M. BERINSON replied:

The Minister for Economic Development and Trade has provided the following reply -

- (1) The vessels will be chartered by the commission.
- (2) The vessels will be chartered from Westpac Banking Corporation. The conditions of the charter are those of the "Barecon B", which is the standard form used for new buildings.
- (3) I refer to the Minister's answer given to question 158 in the Legislative Council and question 950 in the Legislative Assembly.
- (4) The period of each charter is for 10 years from delivery at rates which are competitive in the international market for that size and standard of ship.

PIGS - FERAL MARKET

South West Jarrah Forest - Population Research

778. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Conservation and Land Management:

With reference to the article on page 5 of *The West Australian* of 31 October 1989 titled "Shooter sees gold in feral pig market" -

- (1) What research into feral pig populations within the south west jarrah forest has been carried out?
- (2) Are there any statistics relating to the sighting of such animals within the region and, if so, will the Minister provide details of sightings during the past five years?

- (3) What steps have been taken or are contemplated to ensure the safety of the increasing numbers of casual bushwalkers using such trails as the Bibbulman Track where feral pigs may cause injury to unwary hikers?
- (4) Will the Minister contemplate allowing professional shooters to cul feral pigs in the jarrah forests should feral pigs become a risk to bushwalkers?
- (5) If not, why not?

Hon GRAHAM EDWARDS replied:

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

- (1) Considerable work has been carried out over the past 10 years, mainly by the Agriculture Protection Board, the Water Authority of Western Australia, Murdoch University and the Department of Conservation and Land Management.
- (2) Pigs are secretive and rarely sighted. Details of sightings are not available.
- (3) No such steps have been taken as pigs avoid contact with humans whenever possible. Walkers in natural areas need to accept a reasonable level of risk. Dangers such as becoming lost, dehydration and exposure to the cold are more significant and likely, and have been addressed in the brochures and guides provided.
- (4) Culling will be considered together with other options if the need arises.
- (5) See (4).

STATESHIPS - REGIONAL SERVICE FEE

North West Service - Change Basis

779. Hon GEORGE CASH to the Leader of the House representing the Minister for Economic Development and Trade:

With reference to the regional service fee which the State Shipping Service charges in respect of the provision of service to the north west -

- (1) On what basis has the service fee changed over each of the past three years?
- (2) Does the regional service fee bear any relationship to the tonnage carried, frequency of service, or type of vessel used to service the north west?
- (3) If not, why not?

Hon J.M. BERINSON replied:

The Minister for Economic Development and Trade has provided the following reply -

(1)-(3)

I refer the member to the answer given to his question 468 in June 1988 in the Legislative Assembly and to detailed advice given to him in a letter of 7 April 1988 from the Minister for Transport. This question is not relevant in the light of that advice.

LAND - LEDA

"A Planning Strategy for the South West Corridor" - Major Proposal

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

- (1) Is the Minister aware that in the printed summary entitled "A Planning Strategy for the South West Corridor", dated January 1980, the Leda land was regarded as a major proposal, prominently coloured in red?

- (2) If so, why nine years later is the amendment for this land being treated as a minor amendment, thus circumventing Parliament's right to be consulted?

Hon J.M. BERINSON replied:

The Minister for Planning has provided the following reply -

- (1) The summary of the report "A Planning Strategy for the South West Corridor" does not refer to the Leda land as a major rezoning proposal. The majority of the Leda land was coloured grey to reflect the existing urban and urban deferred zoning in the metropolitan region scheme. The remainder was largely coloured red to denote future urban land.
- (2) Processing the scheme amendment pursuant to section 33A of the Metropolitan Regional Town Planning Scheme Act was considered appropriate by the State Planning Commission, which has the statutory obligation to make such decisions. The amendment has been publicly exhibited and all submissions will be properly reviewed.

WATER AUTHORITY - RIVERS AND WATERWAYS

Maintenance and Desnagging Responsibility - Extension or Departmental Transfer

800. Hon D.J. WORDSWORTH to the Leader of the House representing the Premier:

- (1) As the WA Water Authority claims that maintenance and desnagging of rivers and waterways does not come within its control and corporate objectives, does he intend to either -
 - (a) extend that charter and corporate objectives; or
 - (b) transfer the responsibilities of these works to another department?
- (2) When will this decision be made?
- (3) Will the Premier ensure that the authority will, in the meantime, continue with the aid of a contribution from the Shire of Moora to maintain the Moore River up to and beyond 16 kilometres south of Moora?

Hon J.M. BERINSON replied:

The Premier has provided the following reply -

- (1) (a) In proclaimed drainage areas and other areas where the river management directly affects the water resources, the Water Authority does accept a role in the maintenance and desnagging of rivers. The new Water Bill will clarify the authority's role in river management.
- (b) In those areas where the Water Authority is responsible, there is no intention to transfer these responsibilities to another department.
- (2) The Water Authority's position will become more clear when the new Water Bill is passed.
- (3) Yes, at least until the new Bill is passed.

FIRE STATION - KENSINGTON

Fire Engines and Personnel - Statistics

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

With reference to the Kensington Fire Station -

- (1) With how many fire engines and fire fighting personnel has the station been equipped during the last five years?
- (2) Have these numbers of engines and personnel been considered, during this period, to be adequate to cover fires in the station's area?
- (3) Is it correct that the number of fire engines and personnel are to be reduced in the near future?

- (4) If so, why have these reductions been proposed?
- (5) When will these reductions occur?
- (6) Has consideration been given to the impact on the surrounding suburban area of reducing its fire protection?
- (7) If answer to (6) is yes, what impact is envisaged?
- (8) Is the Minister aware of the concern of residents in the surrounding suburbs that, if the equipment and personnel at the station are reduced, they will not be adequately covered with fire protection, especially in the light of the large numbers of nearby institutions which house elderly people?

Hon GRAHAM EDWARDS replied:

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

- (1) Three fire appliances, one station officer and four firefighters.
- (2) Yes.
- (3) The brigade is reviewing resources; there may be some changes at Kensington.
- (4) Any change will be to increase brigade effectiveness in the metropolitan fire district.
- (5) Changes may occur in December 1989 but discussions with staff and the industrial body are still proceeding.
- (6) Fire protection for the community will be maintained through the brigade's mobilising procedures.
- (7) Not applicable.
- (8) Concerns have not been raised with me.

PRISONS - FREMANTLE

"Special Handling Unit" - Prisoner Statistics

804. Hon GEORGE CASH to the Minister for Corrective Services:

How many prisoners are currently held in the "special handling unit" at Fremantle Prison?

Hon J.M. BERINSON replied:

Seven.

EDUCATION - CORRESPONDENCE EDUCATION REVIEW

Recommendations - Implementation

807. Hon P.H. LOCKYER to the Minister for Local Government representing the Minister for Education:

- (1) What recommendations were made in the review of correspondence education in Western Australia?
- (2) Will these recommendations be implemented at the beginning of the 1990 school year?
- (3) If not, why not?

Hon KAY HALLAHAN replied:

The Minister for Education has provided the following reply -

- (1) The recommendations made in the review of the Distance Education Centre relate to making distance education more accountable to the regional and remote communities which are served through decentralisation, giving rise to a metropolitan distance education school which would serve the urban and south west areas, in

conjunction with five distance education schools based upon the present Schools of the Air.

Through the use of technology, distance learning programs could be made more readily available not only to school-aged students in remote localities and students unable to attend, in person, in urban localities, but also to post compulsory students and Aboriginal students. Further, the recommendations would enhance the interrelationships between the distance education schools and other schools in the localities concerned, making more readily possible the collaborative use of scarce resources including specialist teachers. Finally, the recommendations signal the possibility of opening up wider access to distance learning programs for students in conventional schools, especially those of a small size. A copy of the report in full, including recommendations, can be provided.

- (2) It is not anticipated that the recommendations will be implemented at the commencement of the 1990 school year. When final decisions are made on the directions to be taken substantial consideration will be given to the timeline which will be adopted, and implementation details will be the subject of collaboration with the major interest groups. Adoption of the approved recommendations will be undertaken in a manner not disruptive to the continuance of existing programs.
- (3) A number of issues associated with the report itself are still under consideration and until these have been brought to an appropriate conclusion there will be no implementation strategy proposed. Certainly there is no wish to introduce such programs in a peremptory fashion.

MAIN ROADS DEPARTMENT - LAND BLOCK *North of Halls Creek - Development*

808. Hon P.H. LOCKYER to the Minister for Racing and Gaming representing the Minister for Transport:

- (1) Is the Main Roads Department developing a block of land north of Halls Creek?
- (2) If so, for what purpose will this block be used?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

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

WATER RESOURCES - CUE TOWNSHIP *Supply Failure - 19, 20 November*

809. Hon P.H. LOCKYER to the Minister for Racing and Gaming representing the Minister for Water Resources:

- (1) Is the Minister aware that the township of Cue was out of water for a considerable period of time on 19 and 20 November 1989?
- (2) What was the reason for the lack of water?
- (3) What steps are being taken to avoid a repeat of the situation?
- (4) Why is no officer of the Water Authority stationed in Cue?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following reply -

- (1) Yes.
- (2) Supply failure due to a fault with the transfer pump station which

pumps water from the borefield to the service tanks and in turn to the reticulation system.

- (3) The Cue water supply has duty and standby pumps, an alarm system and in excess of one day's high level storage. In normal circumstances, failure of a pump would not pose a problem.
- (4) Cue, like many other small towns, does not have any Water Authority employee located in the town as the system does not require one to operate effectively.

STATESHIPS - WESTPAC

Vessel Charter - Terms

813. Hon GEORGE CASH to the Leader of the House representing the Minister for Economic Development and Trade:

What are the terms of the charter of the three vessels with Westpac Banking Corporation to which question 1518 asked in the Legislative Assembly refers?

Hon J.M. BERINSON replied:

The Minister for Economic Development and Trade has provided the following reply -

I refer the member to the answer given to question 776 in the Legislative Council.

ELECTIONS - STATE

Legislative Assembly Seats - Duplicate Votes

815. Hon MAX EVANS to the Leader of the House representing the Minister for Parliamentary and Electoral Reform:

In the 1989 State election -

- (1) How many duplicate votes were recorded in each of the Legislative Assembly seats?
- (2) What action has been taken by the Electoral Commission to eliminate this practice?

Hon J.M. BERINSON replied:

The Minister for Parliamentary and Electoral Reform has provided the following reply -

- (1) Investigations have been conducted by the Western Australian Electoral Commission on all electors who apparently recorded their vote twice. These were based on reports generated by the optical scanning of marked electoral rolls used in polling places and the Belmont central counting centre for postal, absent and provisional votes. The investigations did not reveal any evidence to indicate that any elector recorded a vote more than twice.

Of the 869 100 electors who voted at the State general election on 4 February 1989, 3 067 of them appeared as apparent dual voters from the scanner printout. 1 459 of these resulted from obvious initial marking errors by polling officials and contamination of the rolls by ink spots, smears and heavy markings causing indentations on the next page.

The Electoral Commission sent a letter to the remaining 1 608 requesting information about the polling place where the elector cast a vote. From an assessment of the responses, the conclusion could be drawn that in the large majority of cases the apparent dual vote could be explained by polling official error. In the final review 11 of the electors had clearly voted twice but with mitigating circumstances.

The breakdown of the apparent duplicate votes for each district follows -

	Initial Number from Optical Scanning Reports	Number subject to the Final Review
Albany	42	1
Applecross	81	4
Armadale	48	2
Ashburton	17	-
Avon	23	1
Balcatta	78	2
Belmont	87	6
Bunbury	36	1
Cockburn	50	5
Collie	24	2
Cottesloe	74	3
Darling Range	29	-
Dianella	88	6
Eyre	36	3
Floreat	93	2
Fremantle	95	11
Geraldton	31	1
Glendalough	67	3
Greenough	55	5
Helena	37	4
Jandakot	56	3
Kalgoorlie	34	4
Kenwick	38	3
Kimberley	30	21
Kingsley	75	2
Mandurah	28	1
Marangaroo	48	4
Marmion	44	3
Maylands	82	6
Melville	96	5
Merredin	26	1
Mitchell	29	1
Moore	30	1
Morley	43	-
Murray	21	1
Nedlands	57	1
Nollamara	114	6
Northern Rivers	23	1
Peel	69	1
Perth	123	9
Pilbara	42	-
Riverton	54	3
Rockingham	62	3
Roe	25	-
Roleystone	69	2
Scarborough	116	6
South Perth	62	3
Stirling	31	1
Swan Hills	67	3
Thornlie	34	-
Vasse	26	-
Victoria Park	103	3
Wagin	37	3
Wanneroo	73	5

Warren	29	2
Wellington	34	3
Whitford	46	1

- (2) The Electoral Commission has decided to give polling staff more intensive training in the specified procedures for marking off electors' names on the optically scannable rolls which were used for the first time in a State general election. This will be directed towards reducing the degree of polling official error.

In the lead-up to the next election, the publicity program will give more emphasis to the seriousness of the electoral offence of voting more than once at the same election, which carries a penalty of imprisonment not exceeding 12 months under section 190 of the Electoral Act 1907. However, bearing in mind the low number of cases - 11 - in the end result and the mitigating circumstances such as age and health, the problem was minimal at the last State election.

SPORT AND RECREATION - COMMUNITY SPORTING AND RECREATION FACILITIES FUND

Estimated Expenditure - Organisation Recipients

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

- (1) What is the estimated expenditure from the community sporting and recreation facilities fund for 1989-90?
- (2) Which organisations will be the recipients of this expenditure?
- (3) When were these commitments made?

Hon GRAHAM EDWARDS replied:

- (1) \$2 682 000.

(2)-(3)

A large number of projects are involved and it would take considerable effort to extract this information. If the member is interested in any particular project, I would be pleased to obtain the relevant information.

GOVERNMENT EMPLOYEES' SUPERANNUATION FUND - ANNUAL REPORT

State Public Service - Retirement Statistics

818. Hon MAX EVANS to the Leader of the House representing the Treasurer:

What were the number of retirements from the State Public Service that will be included in the annual report of the Government Employees' Superannuation Fund for the following periods -

- (a) 12 months at 30 June 1989;
- (b) 12 months at 30 June 1988; and
- (c) 12 months at 30 June 1987?

Hon J.M. BERINSON replied:

The Treasurer has provided the following reply -

- (a) 1988-89 - 877;
- (b) 1987-88 - 1 499; and
- (c) 1986-87 - 1 033.

WESTERN AUSTRALIAN MUSEUM - ANNUAL REPORT 1987-88

Income and Expenditure Account and Balance Sheet - Exclusion

819. Hon MAX EVANS to the Leader of the House representing the Minister for The Arts:

Why does the Western Australian Museum's annual report 1987-88 not include an income and expenditure account and balance sheet as required by the Financial Administration and Audit Act?

Hon J.M. BERINSON replied:

The Minister for The Arts has provided the following reply -

Exemption has been given under section 67 of the Financial Administration and Audit Act for Western Australian Museum to produce its annual financial statements on a cash basis. Hence a statement of receipts and payments was produced in the 1987-88 annual report.

SPORT AND RECREATION MINISTRY - ANNUAL REPORT

Expenditure, Special Funding Sport - Estimates Exclusion

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

With reference to the Ministry of Sport and Recreation's annual report for 1988-89 - Expenditure, Special Funding Sport \$1 021 286, on page 38 -

- (1) Why was this amount not included in the Estimates for 1988-89?
- (2) On what date did the Minister make the decision to distribute these grants?
- (3) On what date were the first grants made?
- (4) On what date was the last grant made?
- (5) Who authorised the specific grants?
- (6) To whom were the grants made and how much was each grant?

Hon GRAHAM EDWARDS replied:

- (1) It was not included in the Estimates for 1988-89 because it was expected to be provided from the sports instant lottery fund. It reflected a Government commitment to increase the funding for sport from \$3 million to \$4 million in 1988-89. Due to delays in introducing the Lotteries Commission Bill, which provided the legislative authority for this increased funding, the Ministry of Sport and Recreation was authorised to apply for supplementary funding to meet this commitment.

(2)-(6)

These funds were distributed in the same manner as moneys from the sports instant lottery fund. Grants to sporting organisations were made on a continuous basis throughout the year. The list of recipient organisations is very extensive. If the member would like to obtain details of any specific grant, I would be pleased to provide them on request.

SPORT AND RECREATION - WORLD SWIMMING CHAMPIONSHIPS

Superdrome - Facilities Construction

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

- (1) What facilities are now being constructed at the Superdrome in preparation for the World Swimming Championships?
- (2) Were tenders called?
- (3) How many tenders were received?
- (4) What firm was the successful tenderer?
- (5) What was the amount of the contract?
- (6) What is the anticipated completion date?
- (7) What facilities will be removed after the championships?

Hon GRAHAM EDWARDS replied:

- (1) Facilities include a championship warm up pool 50 metres x 8 lanes to be used for warm ups and synchronised swimming, additional change facilities and pool plant, ancillary accommodation for FINA officials,

and main championship pool 50 metres x 10 lanes with office accommodation for competition officials.

- (2) Yes.
- (3) Eleven.
- (4) John Holland Constructions Pty Ltd.
- (5) \$4 640 000.
- (6) 4 May 1990.
- (7) A decision has yet to be made.

MEMBERS OF PARLIAMENT - FORMER MEMBERS
Fares Entitlement - Usage

823. Hon FRED McKENZIE to the Leader of the House representing the Treasurer:

Of the former members of Parliament entitled to the \$2 000 per annum for payment of fares within Australia, for themselves or their spouses, how many of them in the last financial year used -

- (a) all of the allocation;
- (b) part of the allocation;
- (c) none of the allocation?

Hon J.M. BERINSON replied:

The Premier has provided the following reply -

- (a) Twelve.
- (b) Ten.
- (c) Nine.

**CABINET AND PUBLIC SECTOR MANAGEMENT MINISTRY - NEW
APPOINTMENTS**

Public Service Notices Volume 11, No 23

828. Hon P.G. PENDAL to the Leader of the House representing the Premier:

With reference to Public Service Notices volume II - No 23 and certain entries at P656-657 relating to promotions to new positions -

- (1) Is it correct that six new appointments have been made to the Ministry of the Cabinet and Public Sector Management?
- (2) Is it correct that four of the six are designated "Personal Secretary, Level 2"?
- (3) How many people are employed in this department?
- (4) Why have four new personal secretaries been appointed?

Hon J.M. BERINSON replied:

The Premier has provided the following reply -

- (1) The number of appointments made to the Ministry of the Cabinet and Public Sector Management was seven.
- (2) Yes.
- (3) As at 31 October 1989 the number of FTEs - full time equivalents - was 123.28.
- (4) Vacancies created by resignation or transfer/secondment of existing personal secretaries in the previous financial year. Four positions were advised in the "Public Service Notices" Volume II-No.12, 14 June 1989 and one position was advertised in the "Public Service Notices" Volume II-No.19, 20 September 1989.

QUESTIONS WITHOUT NOTICE

**CORPORATE AFFAIRS DEPARTMENT - COMMISSIONER AND DEPUTY
COMMISSIONER DISPUTE**

Police Criminal Investigations Branch Inquiry - Motive

487. Hon GEORGE CASH to the Attorney General:

Is the police criminal investigations branch inquiry, which has been ordered into the affairs of the Corporate Affairs Department, one of the matters which has led to the now public disputation between the Deputy Commissioner for Corporate Affairs and the Commissioner for Corporate Affairs?

Hon J.M. BERINSON replied:

There are some common issues in the two, but I believe it would be quite improper at this stage of proceedings to comment on them.

CORPORATE AFFAIRS DEPARTMENT - SWAN BUILDING SOCIETY
*Registrar of Cooperative and Financial Institutions' Memorandum - Prosecution
Proceedings Approval, Delay Reasons*

488. Hon GEORGE CASH to the Attorney General:

I refer to a memorandum from the Registrar of Cooperative and Financial Institutions, addressed to the Treasurer, dated 8 December 1987. I understand from the comments made yesterday by the Attorney General that he is aware of the memorandum. The registrar noted that he had, pursuant to section 6(3)(a) of the Building Societies Act 1976, delegated his inspection powers to the Commissioner for Corporate Affairs to investigate the affairs of Swan Building Society. It is suggested further on in the memorandum that, as a result of the investigation, officers from the Corporate Affairs Department were in a position to institution proceedings against two former officers of Swan Building Society. In view of the fact that the memorandum was dated 8 December 1976, and approved at that time, can the Attorney General advise why the prosecutions did not take place for at least 12 months?

Hon J.M. BERINSON replied:

Inquiries following the emergence of that memorandum yesterday indicate that, although approval was given on 8 December for the institution of proceedings, it was found that the proceedings contemplated had already been precluded as a result of the limitation period having expired. Other investigations and work had then to be engaged in to ensure that proceedings not subject to a limitation period were instituted. As I understand the position, that accounted for the passage of time. I believe that suggestions were made in some quarters yesterday that, by some sort of reverse logic, those proceedings were delayed for political reasons. There were no political reasons attached; indeed, it would be obvious to anyone that, from a political point of view, charges of this kind relating to losses accruing to the State on account of its support for Swan Building Society would have been a far more sensitive question in November 1988, or thereabouts, than they were in December 1987.

HEALTH PROMOTION FOUNDATION - ARTS AND CULTURE

Payments Discrimination

489. Hon P.G. PENDAL to the Attorney General representing the Minister for The Arts:

- (1) Why has a figure of 15 per cent been set for payments by the proposed Health Promotion Foundation to culture?
- (2) Why is culture being treated less generously than sport?
- (3) Will the Minister agree to double the 15 per cent figure so that cultural groups are not discriminated against?

Hon J.M. BERINSON replied:

I thank the member for some notice of this question. The Minister for The Arts has provided the following response -

- (1) The 15 per cent figure represents the guaranteed minimum percentage of Health Promotion Foundation funds available for the arts and cultural activities. The arts may receive grants to a maximum of 50 per cent of available funds.
- (2) Differences in the proposed guaranteed minimum percentages take into account current levels of funding to cultural and sporting activities.
- (3) I do not agree that cultural groups will be discriminated against, given the reply to (1).

PRISONS - CASUARINA

Alarm Sirens Testing - Ministerial Inquiries

490. Hon GEORGE CASH to the Minister for Corrective Services:

- (1) Has the Minister made any inquiries into the testing of alarm sirens at Casuarina Prison?
- (2) If so, what was the outcome of those inquiries; and I am here referring to a question I asked the other day.
- (3) If not, when can the constituents in the vicinity of the prison expect redress of the inconvenience that they are allegedly suffering from?

Hon J.M. BERINSON replied:

(1)-(3)

I did make inquiries after the Leader of the Opposition raised this matter. I was surprised to hear that testing would be carried out at that inconvenient hour of the morning; it emerges that the position is quite different. The alarms being sounded are not the prison alarms, and they are not going off for testing purposes. The background to this is that the building contractors have been subject to substantial vandalism on the site; on the basis of that, they have established intruder alarms for their own purposes. I am told that the alarms are timed to go for five minutes only and I have asked for some check to be made with the contractors to ensure that that is right, rather than the 20 minute period, which would seem excessive to the purpose.

LOCAL GOVERNMENT ACT - DRAFT PAPERS

Release Delay

491. Hon M.S. MONTGOMERY to the Minister for Local Government:

Earlier in the session the Minister gave assurances that the draft chapters of the Local Government Act would be released later this session. Can she indicate what stage the draft Act has reached and whether we will see it this side of Christmas?

Hon KAY HALLAHAN replied:

I have indicated to the House periodically the general program for this review, and I thank the member for his question today because it gives me the opportunity to say that I think we are going to be running a few weeks later than was first thought. Certainly it is proposed to release chapter proposals for the new Local Government Act. Perhaps one chapter will be released before Christmas, but certainly two or three will be released immediately after Christmas. The first chapter will be that dealing with the Constitution and local government and the second will deal with local laws. Public comment will be invited on each chapter as it is released, for a three month period. However, when the last chapter is released it is proposed to allow a three month period for public comment which will apply also to earlier released draft chapters on which comment can be received. Therefore, for some

chapters a quite extended period of time will be given in which to comment. After that public comment has been received and the assessment made it is intended to make available a draft Bill, again for public comment, and I will be looking for a bipartisan - or tripartisan - approach to the Bill at that stage.

The reason for the apparent delay in releasing the chapters is that at the end of the public comment period 250 submissions had been received; since the period for public comment closed we have received another 54, so quite a significant number of late submissions have occasioned the delay. Some of them have been very thoughtful, I am told, and well worth the delay in releasing the draft proposals for each chapter of the Act. That is a pretty accurate summary of the present state of affairs. The message to come out of it is that there will be two periods for further public comment.

Hon E.J. Charlton: How long will the second period be?

Hon KAY HALLAHAN: Maybe it will have to be three months but we can make an assessment about that at the time. If we receive a lot of comment and ferment of debate on the draft chapters perhaps it will be fixed up when the draft Bill goes out. I am an optimistic soul, but we can assess that at that time. However, the period will have to be adequate because we realise it is a very big exercise.

LAND TENURE BILL - LEGISLATION DELAY

Reasons

492. Hon BARRY HOUSE to the Minister for Lands:

The Minister will recall question 467 I asked on Tuesday as to whether the Government is still considering introducing the land tenure Bill this late in the session. In view of the Minister's answer that it was highly unlikely to be introduced this year, can she advance some reasons for that delay?

Hon KAY HALLAHAN replied:

It is a very significant piece of legislation and will have far-reaching effects on the pastoral industry, and it has been the subject of very close consideration.

Hon N.F. Moore: It has been around for years.

Hon KAY HALLAHAN: It may have been around for years, and I certainly have inherited something that has been around for years, but that absolutely confirms the statement I am making - that is, that it is complex and competitive interests are involved in the exercise.

Hon N.F. Moore: You cannot make up your mind.

Hon KAY HALLAHAN: Hon Norman Moore sits there as though he is in an armchair smoking a pipe and doing nothing else.

Hon P.G. Pendal: You won't let us smoke a pipe.

Hon KAY HALLAHAN: But that is his image - just look at him! Those of us who are trying to sort out these competing interests know that if one is dinkum about doing a good job it takes a little time. I will not be harried by such interjections. When the Bill comes in I hope it will meet with the satisfaction of all the interested groups. I truly regret the fact that time is slipping by and that it is unlikely the legislation will be introduced this session, but that is a reflection of the complexity of the matter.

CORPORATE AFFAIRS DEPARTMENT - RECEIVERSHIPS

Receivers' Complaints - Proceedings, Final Decision Responsibility

493. Hon MAX EVANS to the Attorney General:

In public practice in recent years a number of complaints have been made by receivers with respect to receiverships lodged with the Corporate Affairs Department which the department then investigates. Is the final decision as to whether to proceed left to the Commissioner for Corporate Affairs or is it referred to the Attorney General as the Minister responsible?

Hon J.M. BERINSON replied:

I cannot recall any matter of that kind ever having come to my attention.

PAROLE BOARD - EASTERN STATES

Lynch, Mr Garry - Serious Offences Review Board Appointment

494. Hon GEORGE CASH to the Attorney General:

- (1) Is the Attorney General aware of a situation that occurred in the Eastern States the other day when the father of murdered nurse Anita Cobby, Mr Garry Lynch, was appointed to a board that will decide whether criminals sentenced to life imprisonment could be released early? He has been appointed a member of the Serious Offences Review Board, which decides whether prisoners are allowed parole and what classification of prison they will attend.
- (2) Has the Attorney General given any consideration to the appointment of a person in a similar position to that of Mr Lynch in respect of our own Parole Board?

Hon J.M. BERINSON replied:

(1)-(2)

I did note that Press item, but if I remember correctly the nature of the board referred to is very different from our Parole Board in at least two important respects. Firstly, it deals only with persons sentenced to life imprisonment; secondly - and again, I am going from memory - I believe there was a reference to the board's having 10 members. The position here is quite different in that the Parole Board is established to look at the whole range of offenders who are eligible for parole. As well, the body is smaller. My memory for figures today is not the best, but the board has either two or three public representatives as well as the former judge as chairman and departmental representatives. As a result, we are talking about quite different institutions. As members know, the whole of the parole system, including the nature and operations of the Parole Board, is currently subject to inquiry by a Joint Select Committee, and perhaps that is one of the matters that might be referred to it. In advance of that committee's considerations I do not think there should be any further changes to the Parole Board at this stage.

EDUCATION - TECHNICAL AND FURTHER EDUCATION

Land Requirement, Adjacent to South Street - Murdoch College Project

495. Hon M.S. MONTGOMERY to the Minister for Budget Management:

This question is directed to the Minister in his capacity as representing the Minister with responsibility for Government accommodation.

- (1) Is the Minister aware that TAFE is anxious to obtain land adjacent to South Street, intended by the Hospital Board for the Murdoch college of TAFE?
- (2) Is the Minister aware that funding for the project is threatened by delays in negotiations about the allotment of a suitable site?
- (3) Is the Minister aware that the northern section of the land sought by TAFE includes two small pieces of wetlands and an extensive and unique section of native vegetation, which would be suitable for teaching purposes?

Hon J.M. BERINSON replied:

(1)-(3)

I am sorry I do not have any knowledge of those matters. None of them would come to my attention in the context of the Government Accommodation Board. It sounds to me very much as though the question could be addressed to the Minister with responsibility for TAFE. It is not the role of the Government Accommodation Board to sort out land requirements and matters of that nature for institutions and various departments.

**REAL PROPERTY (FOREIGN GOVERNMENTS) ACT 1951 - WESTERN
AUSTRALIAN LAND**

Foreign Government Purchase - Sole Authority

496. Hon W.N. STRETCH to the Minister for Lands:

In regard to the purchase of Western Australian land by foreign Governments and States, is the sole authority still within the Real Property (Foreign Governments) Act 1951, or have there been some amendments to that Act since then?

Hon KAY HALLAHAN replied:

I think the member is referring to a Federal Government law.

Hon W.N. Stretch: No, it is a Western Australian Statute.

Hon KAY HALLAHAN: In that case I think the member should put the question on notice so that I can get an accurate and up to date answer for him.

HAZARDOUS CHEMICALS - PUBLIC SAFETY SUBCOMMITTEE

Storage Requirements and Transport Proposals - Public Comment

497. Hon GEORGE CASH to the Attorney General:

- (1) Is the public safety subcommittee of the Western Australian Advisory Committee on Hazardous Chemicals seeking public comment on the proposed storage requirements of the hazardous chemicals and further on the possibility of combining the existing Western Australian requirement for transport of hazardous chemicals through reference to the Australian code for the transport of dangerous goods by road and rail?
- (2) Will he consider extending the time for public submissions from 1 December 1989 to 1 March 1990 to enable considered investigations to be made by interested parties on the proposal and if not, why not?
- (3) What further opportunity will interested parties have to consider the proposed regulations prior to those regulations being adopted and tabled in Parliament?
- (4) From which groups within industry, commerce and the community have comments been sought on the proposals?
- (5) Does he support the general principle that reasoned and informed discussions and negotiations with industry and commerce on the proposals are more likely to provide a successful conclusion to the proposed amendments and if so, will he ensure that a greater degree of consultation with industry, commerce and other interested parties is developed on this issue?

Hon J.M. BERINSON replied:

I thank the member for some notice of this question. When the response is provided, the need for notice will be appreciated. The Minister has provided the following answer:

- (1) Yes.
- (2) I am prepared to extend the time for comment until 31 December 1989. This will extend to three months the time made available for response.
- (3) The responses received will be examined and decided upon by the public safety subcommittee, which consists of representatives from the Confederation of Western Australian Industry, the Chamber of Mines and Energy of Western Australia, the Australian Chemical Industries Council, ICI, CSBP, David Gray & Co, the WA Fire Brigade Board, the Fire Brigade Employees Industrial Union of Workers of Western Australia, the Health Department, the Department of Occupational Health, Safety and Welfare, the Environmental Protection Authority and the Department of Mines. The draft regulations will then be redrafted according to the subcommittee's instructions to

Parliamentary Counsel. When redrafted, the regulations will again be scrutinised by the public safety subcommittee and if considered satisfactory will be submitted to the Governor in Executive Council for approval to gazette.

- (4) More than 500 copies of the draft regulations have been distributed to a wide spectrum of industry, commerce and community groups. The industry groups include: The Australian Chemical Industries Council, the Australian Institute of Petroleum, the Australian Liquefied Gas Association, the Australian Gas Association, all major petroleum companies, major transport companies, LPG distributors, and the Australian Paint Manufacturers Association. The commerce group includes: The Australian Chemical Specialities Manufacturers Association, the Australian Veterinary Chemical Association, business associations, various chemical manufacturers, sign manufacturers, swimming pool distributors of chemicals and hardware distributors. The community group includes: All local government authorities in Western Australia, the Western Australia Road Transport Association, the Transport Workers Union, the Professional Transport Drivers Association, the Institute of Road Transport Engineers, the Royal Australian Chemical Institute, the Petroleum Agents Distribution Association, and the Road Transport Training Council. That is something like the distribution list of the Stamp Duty act.

- (5) Yes. Adequate consultation has already been provided for.

SPORT AND RECREATION - COMMUNITY SPORT AND RECREATION FACILITIES FUND

Allocations - Current Position

498. Hon E.J. CHARLTON to the Minister for Sport and Recreation:

What is the current position regarding the allocation of funds from the Department for Sport and Recreation in relation to general capital grants, bearing in mind that there has been considerable tightening up in the allocation of those funds?

Hon GRAHAM EDWARDS replied:

I assume the member is referring to the community sport and recreation facilities fund. The current position is that the funding is being reviewed. I hope to have that review completed early next year. I am looking to make some improvements through the review of that fund. We contributed around \$2.7 million to the fund this year which was in order to completely cover the debt commitments made. At the end of this financial year, for instance, it is intended that the fund will be completely clear of commitment. I understand it is a very important fund for country areas in particular and that is one reason I have instigated the review. I want to see it improved. In my view it has not serviced the groups it should properly be servicing, which is one of the things I would like to see rectified.

FAMILY - MARRIAGE GUIDANCE, ALBANY

Funding Allocations

499. Hon MURIEL PATTERSON to the Minister for The Family:

Are there any allocations in this year's Budget for funding of marriage guidance in Albany?

Hon KAY HALLAHAN replied:

I think I have advised the House that an allocation of \$200 000 was made this year; that is the first time that amount of money has been funded for family counselling, which by its nature could include marriage guidance. If the advertisements have not already appeared, they will appear shortly and will invite community groups to put submissions for funding for family counselling. If there are groups in Albany which might be interested in that I

could alert Hon Muriel Patterson to those advertisements and she could encourage those groups to put proposals together for consideration for funding. Two allocations have already been made from that money; one to the Marriage Guidance Council of Western Australia and one to the National Marriage and Family Week Committee so that it can plan in a much better resourced way for the Marriage and Family Week in 1990. However members generally might like to keep an eye on that and encourage groups within their electorates to consider putting forward proposals because they will need to be considered carefully. This is the first opportunity to have State funding available in that way. Traditionally it has been provided by the Federal Government under the Family Law Act. Within this State we see a need for greater flexibility with more options for regional centres.
