

## LEGISLATIVE ASSEMBLY

Tuesday, 1 May 1990

**Legislative Assembly**

The Legislative Assembly met at 3.00 pm.

THE SPEAKER (Mr Barnett) took the Chair.

**PROCLAMATION**

The Clerk of the Assembly (Mr P.J. McHugh) read the proclamation of His Excellency the Governor (The Honourable Sir Francis Theodore Page Burt, AC, KCMG, QC) summoning the second session of the Thirty-third Parliament.

**DISTINGUISHED VISITOR**

*Dr Gayer*

THE SPEAKER : I advise members that in the public gallery is a special guest, Dr Gayer, who is a deputy from the Far East region of the USSR Supreme Soviet. I welcome her to our Parliament.

**SUMMONS FROM THE GOVERNOR**

The Speaker and members, in response to summons, proceeded to the Legislative Council Chamber and, having heard His Excellency deliver the opening Speech (see Council report preceding), returned to the Legislative Assembly Chamber.

**BILLS (26) - ASSENT**

Messages from the Lieutenant-Governor and Administrator received and read notifying assent to the following Bills -

1. Spent Convictions Amendment Bill
2. Fisheries Amendment Bill (No 2)
3. Wheat Marketing Bill
4. Travel Agents Amendment Bill
5. Coal Industry Superannuation Bill
6. Business Franchise (Tobacco) Amendment Bill
7. Construction Industry Portable Paid Long Service Leave Amendment Bill
8. Acts Amendment (Parliamentary Superannuation) Bill
9. Law Reform (Decriminalization of Sodomy) Bill
10. Acts Amendment (Detention of Drunken Persons) Bill
11. Supreme and Family Courts (Miscellaneous Amendments) Bill
12. Loan Bill
13. Stamp Amendment Bill (No 3)
14. Appropriation (Consolidated Revenue Fund) Bill
15. Appropriation (General Loan and Capital Works Fund) Bill
16. Justices Amendment Bill
17. Evidence Amendment Bill
18. Companies, and Securities and Futures Industries, Legislation (Acts Amendment) Bill

19. West Australian Trustees Limited (Merger) Bill
20. Local Government Superannuation Amendment Bill
21. Government Employees Superannuation Amendment Bill
22. Acts Amendment (Credit) Bill
23. Acts Amendment and Repeal (Post-Secondary Education) Bill
24. University of Notre Dame Australia Bill
25. Perth-Joondalup Railway Bill
26. Road Traffic Amendment (Random Breath Tests) Bill

#### BILLS (9) - RETURNED

1. Loan Bill
  2. Appropriation (Consolidated Revenue Fund) Bill
  3. Appropriation (General Loan and Capital Works Fund) Bill
  4. Perth-Joondalup Railway Bill
  5. Government Employees Superannuation Amendment Bill
  6. Road Traffic Amendment (Random Breath Tests) Bill
  7. Acts Amendment (Credit) Bill
  8. Acts Amendment and Repeal (Post-Secondary Education) Bill
  9. University of Notre Dame Australia Bill
- Bills returned from the Council without amendment.

#### RESERVES AND LAND REVESTMENT BILL

##### *Receipt*

Bill received from the Council.

#### COMMITTEES FOR THE SESSION - JOINT SELECT COMMITTEE ON THE CONSTITUTION

##### *Appointment*

Message received from the Legislative Council agreeing to the appointment of a Joint Select Committee on the Constitution and nominating Hon Garry Kelly, Hon P.G. Pental and Hon Bob Thomas as the representatives of the Legislative Council on the Committee.

#### MEMBERS OF PARLIAMENT - RESIGNATIONS AND WRITS

##### *Member for Fremantle - Member for Maylands*

THE SPEAKER (Mr Barnett): I advise that I have received the following letters -

Dear Mike,

I hereby formally tender my resignation as a member of the Legislative Assembly for the electoral district of Fremantle effective immediately.

With best wishes.

Yours sincerely  
David Parker, MLA  
MEMBER FOR FREMANTLE

Dear Sir,

I hereby resign as Member for Maylands.

Yours faithfully,  
Peter Dowding LL.B, MLA  
MEMBER FOR MAYLANDS

In respect of those two letters I have caused writs to be issued to supply the vacancies for the districts of Maylands and Fremantle. Writs for the seats were issued on 26 April, nominations will close on 4 May, polling day will be 26 May, and return of the writs is due on 6 June 1990.

### PETITION - LEGISLATION

#### *Citizens' Initiation and Veto Powers*

MR HASSELL (Cottesloe) [3.47 pm]: I have a petition addressed as follows -

To: The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

The Humble Petition of certain Citizens of Australia respectively showeth:

That your electors and citizens will not feel themselves to be participants in a truly democratic State until the legislative procedures of the Parliament are complemented by a constituted power of enrolled electors to directly initiate public referenda of questions which, if assented to by a majority of the electorate, shall be made laws irrespective of the will of the Parliament; and

That your petitioners therefore request the Parliament to make laws in the year 1989 which will constitute the power of citizens both to initiate and to veto legislation by means of an equitable, practicable and accessible process.

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

The petition bears 35 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

[See petition No 1.]

### PETITION - NINA

#### *Prison Release*

DR WATSON (Kenwick) [3.48 pm]: I have a petition couched in the following terms -

To The Honourable Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned residents of Western Australia request the Government to:

- 1) ensure that all available means are explored and used to facilitate the urgent release from prison of the woman known as Nina who is serving a life sentence for the murder of her husband;
- 2) review sentencing options for murder with a view to replacing the penalty of mandatory life imprisonment with a maximum term;
- 3) consider the special circumstances of women who kill their spouses after subjection to abuse and assault;
- 4) implement those recommendations of the Domestic Violence Task Force which will amend legislation to protect women and their families.

Your petitioners ask that earnest consideration is given to these matters and as in duty bound will ever pray.

The petition bears 299 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

[See petition No 2.]

### PETITION - RENAL DIALYSIS UNIT

#### *Fremantle Hospital*

MR KIERATH (Riverton) [3.50 pm]: I have a petition addressed as follows -

To the Honourable Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned hereby petition that a renal dialysis unit be established at Fremantle Hospital, thereby allowing patients ready access to extra life-saving medical services. The Unit centred at Shenton Park is not easily accessible to patients south of Swan River.

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

The petition bears 52 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

[See petition No 3.]

### AUDITOR GENERAL - FIRST REPORT TABLING

*Treasurer's Annual Statements, Departments and Statutory Authorities 1988-89*

THE SPEAKER (Mr Barnett): I have for tabling the report of the Auditor General, First Report, Treasurer's Annual Statements, departments and statutory authorities 1988-89.

[See paper No 1.]

### ACTS AMENDMENT (RESOLUTION OF PARLIAMENTARY DISAGREEMENTS) BILL

*Leave to Introduce*

DR LAWRENCE (Glendalough - Premier) [3.59 pm]: In order to assert and maintain the undoubted rights and privileges of this House to initiate legislation, I move -

That leave be given to introduce "An Act to enable disagreements between the Houses of Parliament over Bills to be resolved, and for related purposes".

Question put and passed; leave granted.

*Introduction and First Reading*

Bill introduced, on motion by Dr Lawrence (Premier), and read a first time.

### GOVERNOR'S SPEECH

*Distribution of Copies*

THE SPEAKER (Mr Barnett): Accompanied by the honourable members of this Chamber, I attended His Excellency the Governor in the Legislative Council Chamber to hear the Speech which His Excellency was pleased to deliver to members of both Houses of Parliament. For the sake of greater accuracy, I have caused printed copies of the Speech to be distributed among members of this Chamber.

### ADDRESS-IN-REPLY - FIRST DAY

*Motion*

MR GRAHAM (Pilbara) [4.01 pm]: I move -

That the following Address-in-Reply to His Excellency's Speech be agreed to.

May it please Your Excellency -

We, the Legislative Assembly of the Parliament of the State of Western Australia in Parliament assembled, beg to express loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the Speech you have been pleased to address to Parliament.

In moving the motion in the Address-in-Reply debate I must thank the Leader of the House for his selection of mover - it was a particularly wise one! He rang me on the evening of Anzac Day and, as an old soldier, I had been out doing what old soldiers do on Anzac Day.

Therefore I must apologise to the Leader of the House because he was speaking to me in English and I was listening in Braille. He told me that I had volunteered to move this motion. I have never heard anyone say the word "short" so many times in so many sentences in such a short period!

I have chosen to speak about restructuring in Western Australian industry which is a very relevant and important subject. This is a topical subject at the moment as it seems to be mentioned wherever I go and talk to people.

Mr Cowan: Will you be including the recent restructuring of the Government?

Several members interjected.

Mr GRAHAM: I have just started my speech, and I thought I would have been able to get further without somebody having a go at me.

Restructuring is being discussed everywhere; the Federal Government calls this micro-economic reform. I am sure that most members are aware that I am from the Pilbara which is one of the great industrial areas in Western Australia. If any member has not heard the "Larry Graham around the stump late at night speech" on this subject, I will be glad to offer it later. The restructuring has been taking place for a while now and it is seen - rightly or wrongly - by working people as a threat to the things that they hold near and dear; these are the perks and privileges of their jobs. Notwithstanding the fear that working people have about restructuring, it is essential that it be carried out in the national and State interests. Our industries must be able to compete internationally.

I am happy to say that the mainstream union movement has endorsed the principles of this change - these ideas are not foreign to it and it is taking them on board. The major industry in my electorate has been engaging in restructuring for a number of years, whether that be through the four per cent wage increase, the second tier agreement or the current award restructuring process. Without going into great detail, I simply offer the figures that in 1984 when this process started, approximately 22 500 tonnes of ore was mined per employee in the iron ore industry. In 1988 that figure rose to 29 800 tonnes of ore. Therefore, it can be seen that this restructuring has had practical effects in the iron ore industry as a result of unions and companies getting together to talk about productivity and work place reforms.

Mr Kierath: Was that from the Robe River dispute?

Mr GRAHAM: I will be happy to debate the Robe River dispute with the member another time because he does not understand the situation.

A recent example of award negotiation was at Mt Newman Mining Co Pty Ltd. That award has produced increases in productivity which were sought by the employers and an increase in wages paid to the workers. More than any other award settlement I have seen in Western Australia, that one takes the wind out of the sails of the opponents of the centralised system. This settlement does all the things that these opponents say could not be done under a centralised system, yet the company and the unions will say that the award negotiations were thoroughly thrashed out with the assistance of the Western Australian Industrial Relations Commission. An important factor of that negotiation was that it was equitable and everybody had an opportunity to look after his own interests - that is important with such negotiations. Over the coming years we will see more and more award agreements of that kind negotiated in Western Australia.

As I go around my electorate the blue collar workers say to me that they had to accept restructuring whether they liked it or not and ask, "Why is the same logic not applied to other areas in society?" They are entitled to ask this question. This is a realistic question from their perspective and is worthy of examination and much wider public debate. I will try to further that debate today. If we are to become a slick, productive nation - and are to be seen as such by our trading partners overseas - other areas in society need examination. Why do we not overhaul the professions as well? When we start to look at the professions, a much more detailed debate begins because it is not only a matter of productivity, it is also a matter of public interest, and a balance must be struck. When we start to talk about professionals in the areas of health and law, the arguments are largely rhetorical and emotional and a great deal of logic goes out the window.

Seeing this week is WA Law Week, I thought it reasonable to examine the legal profession. I am not speaking from a legal point of view as I am not a lawyer; I am speaking from a lay

person's point of view. The first thing to note about the legal profession is that it is self regulating. I am an electrician by trade and the members in my former union would love to be self regulating - they would kill for it. However, that would never happen as they would not be allowed to be self regulating. One of the problems with the law is that it is pricing itself out of the market for most Australians. The reasons for that are rather complex and I will not try to give simple answers to complex questions. However, it is a fact of life for most Australians that if they fall between the gap of receiving assistance through Legal Aid and being extremely wealthy or a corporation, the law will be outside their means. That is not a view just held by me as the member for Pilbara, it is also a view held by the Chief Justice of Western Australia, Mr David Malcolm, as he expressed in an article in *The West Australian* on 10 March. He laid the blame at the door of the legal profession for charging fees on an hourly basis. He referred also to contingency fees, a system that applies in the United States of America, which allows legal practitioners to take on cases without charging a set fee. If the case is won, the client pays a percentage of the settlement to his lawyer and if the case is lost he pays nothing. Debate rages in legal circles about whether that is good for lawyers, but I do not accept that that is the argument. It is not an argument of whether it is good for lawyers, but of whether contingency fees are good for consumers and the users of the law. I believe contingency fees, if for no other reason, open up the system for people who cannot otherwise afford it.

People can go to a number of tribunals, including the Small Claims Tribunal, to obtain settlements. Such tribunals reduce the demand in some areas and are worthy of support and extension for that reason. However, they cannot be expected to be effective in the commercial field because some businesses in WA see and use the courts as a legitimate and standard business strategy. The courts have become an extension of their business operations. If a business has a temporary cash flow problem because of excessive outgoings, it has nothing to lose by taking its case to the courts. It can delay its ultimate destiny by using the courts, not in the interests of justice, but in the interests of the business. I do not know the answer to that problem and I know there are people in this House who do not see that as a problem. If that line of thinking continues in the commercial sector, we will again find that part of the court system bogged down with a backlog of cases. Maybe one of the solutions would be to introduce fees or a form of deposit for the commercial sector. Those fees should be commensurate with the amounts being challenged and should reduce the amount of frivolous business dealings going through the courts.

I spoke earlier about the way the legal profession has priced itself out of the market and I will follow that a little further. I have touched already on some of the problems that exist for people in the cities accessing the legal profession and the courts. However, people who live in the country, particularly in the remote parts of Western Australia, should forget it; they do not use lawyers because firstly, they are not available and, secondly, if they are, they do not use them for the same reasons that people in the cities do not use them - they cost too much.

How does Graeme Molloy, a Law Society councillor see it? In the *Law Society Journal* of May 1989 he said that the major problem is that there are simply too many lawyers in the system. He makes the point that somewhere along the line a brake needs to be applied in order that the number of lawyers does not exceed the reasonable need for lawyers and that a lawyer is able to practise his chosen profession and make a reasonable living out of it without resorting to unsavoury practices that he says are being forced on the Law Society by gaggles of lawyers all scrounging to make a reasonable dollar out of their businesses. The "unsavoury practices" to which he referred are lawyers competing for business. This is the very basis of the free enterprise system.

Further in his article Mr Molloy says that other professions, notably the medical and dental professions, have had enough now over the years to restrict their numbers in such a way to allow them to make a reasonable living commensurate with their need to service the community. It is amazing that the Law Society can openly and publicly advocate what is, in effect, a closed shop and there is no public outrage. Self-styled public watchdogs such as the Institute of Public Affairs, the National Farmers Federation and the H.R. Nicholls Society - that mob on the extreme right - are silent. Can members imagine what would happen on the waterfront if the wharfies made a statement like that?

In his article, Mr Molloy also said - these are his words, not mine - that the Law Society has one of the highest union membership fees in Australia. After reading that article, I think a

good case could be made in the public interest to restructure the work practices of legal practitioners. I do not want to start a fight with every legal practitioner in Western Australia; I may need one one day. If Australia is to go through the pretence of restructuring the national interest, the same principles should apply to all Australians, not only to blue collar workers who happen to be covered by awards. The principle we should adopt is that the law in all its forms makes up the basic fabric of our society. It belongs to all of us, and not just to the practitioners of the law and the courts. These practices should be open to public debate and scrutiny as practices on the waterfront are being debated currently.

What can be done to improve the system? Why can the courts not operate outside normal business hours? Why can we not go to the courts on weekends? Most Australians work those hours, why cannot the courts? Why cannot lay advocates appear at the bar? Why are barristers and judges not multi-skilled? I am sure those questions will appear to be heresy to the legal profession. However, much of productive Australia operates under those principles, so why cannot the legal profession? Many members of this House are lawyers. What do they say about it?

In the magazine *Briefs* of October 1989, a Mr Peter Fitzpatrick addressed the question of reform in the legal system. His article commenced with the statement that, in 1893, the Barristers Board was constituted to regulate the practice of the law in WA. He said that it was an extraordinary achievement for the legal profession to stand on the verge of the twenty-first century with many of its legal practices and procedures intact from the nineteenth century. If Mr Fitzpatrick is correct, the profession has not been keen to change for 100 years and the question confronting the public is whether it should be changed in the interests of all concerned. I believe it should.

I brought with me a copy of my mortgage document which states -

Except to the extent that such interpretation shall be excluded by or be repugnant to the context whenever the same are used herein the words the Mortgagor shall mean and include the Mortgagor and the executors administrators and assigns of the Mortgagor and when two or more Mortgagors are parties hereto shall mean and include the Mortgagors or any of them their or any of their executors administrators and assigns and when the Mortgagor is a corporation shall mean and include the Mortgagor and its assigns. . . .

I took that to a mate who is a solicitor. He told me that all that refers to is the bank. With mumbo jumbo like that, is it any surprise that we need lawyers because only lawyers can understand lawyers? That is one of the great problems.

Not only are more and more legal practitioners involved in pre-negotiation of contracts and other things so that they can get it right, but also when they do not get it right they appeal to the courts for interpretations, and the courts do not get it right all the time. Regularly appellants overturn decisions of the lower courts, split decisions are made in the High Courts and similar things occur. The question arises of whether the courts and the legal system get it right; I do not know and I think we should further the debate. I also have a view about the amount of legal argument used in the courts. From my experience in the Industrial Relations Commission people front up with a lawyer because he is a better advocate. The parties find an obscure point of law to argue and use a solicitor or lawyer as an advocate. I may be wrong but that is my feeling. I also wonder at times why Australian lawyers cannot speak English. As soon as two lawyers get together they start quoting Latin terms. I know perfectly normal Australians who, having been appointed as commissioners in the Western Australian Industrial Relations Commission, no longer speak the same language as the other people in this country.

Moving from lawyers to doctors, dentists, accountants and other professions; these groups are all self regulating. Why are they allowed to self regulate? Surely the public interest is, or should be, vested in the Parliament. It is commonly found that even though many professional groups are self regulating, the vast bulk of the public cannot afford their services. Schemes are in existence for financial assistance for members of the public. Those who believe in a free market will argue that market forces should sort that out, that the market should dictate that the demand side puts in place the pressures to increase the number of practitioners, which in turn produces the pressures to lower the cost of services. If Molloy is to be believed, the professions restrict the numbers entering them. That obviously keeps

the cost to the consumer high. I would be interested to hear the comments from members on the other side of the House if any union in Western Australia were able to do that.

As I said earlier, my overriding concern is that we must improve the productivity in the professions and make their services affordable to all Western Australians. At the same time we must balance the public interest against vested interests. Having said that, Mr Speaker, I hope that the doctor who performs an operation on my knees next year has not heard this speech.

**MR KOBELKE** (Nollamara) [4.22 pm]: I formally second the motion.

Debate adjourned, on motion by Mr MacKinnon (Leader of the Opposition).

## DEPUTY CHAIRMEN OF COMMITTEES

### *Appointment*

The Speaker (Mr Barnett) announced the appointment of the member for Albany (Mr Wan), the member for Belmont (Mr Ripper), the member for Morley (Mr Donovan), and the member for Peel (Mr Marlborough) as Deputy Chairmen of Committees during the present session.

[Questions without notice taken.]

## ADJOURNMENT OF THE HOUSE - SPECIAL

On motion by Mr Pearce (Leader of the House), resolved -

That the House at its rising adjourn until Wednesday, 2 May at 2.15 pm.

*House adjourned at 4.36 pm*

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## QUESTIONS WITHOUT NOTICE

### WA INC - ROYAL COMMISSION

1. Mr MacKINNON to the Premier:

- (1) Will the Premier agree to the appointment of a special Royal Commission to inquire into the various matters which have become known as WA Inc and related issues, and the Government's role therein - as proposed not only by the Liberal and National parties, but also by the People for Fair and Open Government and the Australian Democrats?
- (2) If not, why not?

Dr LAWRENCE replied:

I take the opportunity before answering that question to say that this is an historical occasion for me and for all women.

(1)-(2)

I have indicated on a number of occasions in the public arena that I do not regard the call for a Royal Commission on the Opposition's terms as one the Government can contemplate. I have already indicated that if at the appropriate time there were a need for further information the Government would certainly pursue the matter. The Opposition has seriously overlooked the potential conflict between ongoing investigations and court cases, and the establishment of a Royal Commission, under either the Royal Commissions Act or what I suppose to be the legislation proposed to be introduced by the Opposition. That legislation is not yet before the Parliament but I have seen versions of it in the media.

It is worth the Opposition's thinking seriously upon the following point. The essential requirement of due administration of justice was set out by Lord Diplock in *Attorney-General v Times Newspapers Ltd* (1974). The third principle he enunciates, which is meant to relate to all cases, both civil and criminal, is that once a dispute has been submitted to a court of law they should be able to rely upon there being no usurpation by any other person of the function of that court to decide it according to law. I ask the Opposition to think about that principle as the Government has done. Further, in the *McGuiness v the A-G (Victoria)* (1940) case Latham expressed the view - and those members involved with the law will be aware of who Latham is - that if, for example, a prosecution for an offence were taking place the establishment of a Royal Commission to inquire into the same matter would also be held to be interference with the course of justice and subsequently to constitute a contempt of court. Members will know that matters exist relating to the wide range of issues it and a certain member of my family want addressed in the Royal Commission that cut across prosecutions already in process.

Mr Hassell: Are some Ministers to be charged?

Dr LAWRENCE: Not at all. Prosecutions are also likely to follow from the McCusker inquiry. Civil cases are likely to come before the courts, particularly the \$0.5 billion claim from Bond Corporation. It raises serious matters which turn upon that point for justice being seen to be done.

Interference with the courts, both civil and criminal, can be of a number of kinds, such as prejudice of the public mind, and this includes judges, resulting from the publication of proceedings. Publication of evidence by the commission is likely to result in people not coming forward, discouraging them from giving evidence that they might otherwise have given. It is important that members realise that if someone appears before a Royal Commission and gives evidence upon their own behaviour, and that is the only source of evidence about that behaviour constituting a misdemeanour, it may not be used in a court case against that person. In other words, both the civil and criminal charges being undertaken would be prejudiced.

Mr Hassell interjected.

Dr LAWRENCE: Not at all. I do not know how the Opposition can ignore that very strong finding - interference with the course of justice and consequent contempt of court.

### STATE FINANCE - SPECIAL PROJECTS

#### *Consolidated Revenue Fund Appropriation Bill - Separate Funding*

2. Mr COWAN to the Premier:

What progress has been made in meeting the undertaking given by the former Premier and Deputy Premier that constitutional amendments will be introduced to ensure that funding or guarantees of funding for special projects will be separated from the Consolidated Revenue Fund Appropriation Bill?

Dr LAWRENCE replied:

The Leader of the National Party will be aware that that consideration was made by Government under a previous administration, and it will be honoured.

### LAND - FOREIGN LAND OWNERSHIP LEGISLATION

3. Dr ALEXANDER to the Premier:

In view of continued public concern over the question of foreign land ownership in this State and moves in other States, particularly Queensland, to establish a foreign ownership land register, does the Premier intend to introduce similar legislation in Western Australia?

Dr LAWRENCE replied:

There has been a great deal of concern in Western Australia about foreign ownership of land. The Government intends, at an appropriate time, to move in a similar direction to Queensland, but whether Western Australia can go as far is yet to be determined.

### WA INC - ROYAL COMMISSION

4. Mr MacKINNON to the Premier:

(1) Is the Premier aware of comments made by Malcolm McCusker QC, who heads the inquiry into the Rothwells fiasco, as reported in *The West Australian* of 26 February 1990 as follows -

The WA Government's participation in the "rescue" of Rothwells and in the PICL transaction and the economic or political prudence of its actions is not and never was within the scope of my inquiry.

(2) To my knowledge, no present or former Minister is currently appearing before the court on charges. Therefore, how does the Premier justify her statement to the Parliament today that a Royal Commission, which has the power to take evidence in private, would in any way cut across and be a contempt of court, or in fact inhibit a Royal Commission which would examine - in the words of Mr Malcolm McCusker QC - the economic or political prudence of actions of the State Government with respect to all of the activities of WA Incorporated?

Dr LAWRENCE replied:

(1)-(2)

A selective quote from Mr McCusker will not assist the Parliament. What is clear is that no matter who - Ministers, members of the Opposition, members of the general public or the individuals involved as company directors - is involved, if the matters related to or investigated by a Royal Commission are the subject of court proceedings - as the Leader of the Opposition knows and I know they are - then my point stands.

**STAMP DUTY - SMALL BUSINESS**

*Guarantee Assessment Changes - Commissioner of State Taxation Proposal*

5. Mr CATANIA to the Minister for Finance and Economic Development:

I have raised with the Minister before the concerns expressed by constituents and colleagues involved in small business relating to the effect of the payment of additional stamp duty as a result of the proposal of the Commissioner of State Taxation to discontinue the practice of not assessing a guarantee when it is embodied within an instrument having a different principal purpose. Will the Minister advise the House of the latest position regarding this matter?

Mr TAYLOR replied:

I thank the member for Balcatta for his question. I am aware of his interest in small business, given his background before his election to this House. His question is most timely. Having said that, I should point out that the Commissioner of State Taxation is not subject to direction by the Minister in relation to matters of State taxation. Nevertheless, today the commissioner advised me - and I understand also issued a statement - that he has decided to defer the introduction of a change in the practice for assessing guarantees which are incorporated with a lease or other instrument. The commissioner said that this change of practice had been decided after consideration of legal advice, but that the issue had been further -

Several members interjected.

Mr TAYLOR: What is so funny about that? Members opposite should listen to this information about the matter of legal advice as it might put into perspective what the member for Pilbara said - that the Commissioner of State Taxation said that after consideration of that legal advice, and following representations from small business people in this State - and representations, I think, from people throughout this House - he had decided to review the matter.

Mr Hassell: And the Opposition.

Mr TAYLOR: I said, "throughout this House". The Commissioner said that any doubts which had been raised about the legal position were in his mind sufficient to warrant a deferral of the new assessment procedures until the position was further examined. I am pleased to advise the member for Balcatta that the Commissioner of State Taxation has decided to defer action on this issue. That is good news for small business in this State and is indicative of the view of the Commissioner of State Taxation that on these issues he is prepared to look again, which says a lot about his attitude to his job as Commissioner of State Taxation.

**MINISTERS OF THE CROWN - PREMIER DOWDING**  
*February Coup Meeting*

6. Mr MacKINNON to the Premier:

- (1) Is it correct that the Premier attended a meeting in February to discuss the Dowding coup with 15 Australian Labor Party members including the Deputy Premier, the former Deputy Premier and the Minister for Health?
- (2) Is it also correct that in attendance at the meeting were Mr Jim McGinty, Mr Stephen Smith and Ms Marcelle Anderson?
- (3) Is Mr Jim McGinty - who attended that coup meeting - the same person who has now been selected to contest the seat of Fremantle at the forthcoming by-elections?

Mr Carr interjected.

Mr MacKINNON: You were not at the meeting at 5.00 pm in Pam's office.

Several members interjected.

The SPEAKER: Order!

Mr MacKINNON: Mr Marlborough, number 14, was there at 5.00 pm at Pam's office. Number 15, Larry, was there also.

The SPEAKER: Order! The Leader of the Opposition should continue with his question.

Mr MacKINNON: To continue -

(4) Is it correct that the Premier used her position to help secure Mr McGinty's appointment -

Mrs Beggs: What date is this?

Mr MacKINNON: Beggs, number two. I repeat -

(4) Is it correct that the Premier used her position to help secure Mr McGinty's appointment in return for his assistance in successfully aiding the downfall of former Premier Dowding.

Dr LAWRENCE replied:

(1)-(4)

The simple answer is no. If they get together the Leader of the Opposition described so inaccurately took place in Mrs Beggs's office on a date around that time it would have been on the day that I became Premier.

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