

Legislative Assembly

Tuesday, 2 November 1982

THE SPEAKER (Mr Thompson) took the Chair at 4.30 p.m., and read prayers.

STANDING ORDERS

Amendments: Approval by Governor

THE SPEAKER (Mr Thompson): I have received the following communication from the Official Secretary at Government House—

Dear Sir,

The amendments made to the Standing Orders of the Legislative Assembly on 28th October 1982, have been approved by His Excellency the Governor in accordance with Section 34 of the Constitution Act, 1889, and I return herewith copies of the amendments noted to that effect.

Yours faithfully,
Vincent E. Hart

OFFICIAL SECRETARY

This means, of course, the amendments now have full force and effect. The volumes of Standing Orders on members' desks have not been amended, but copies of the schedule of amendments are available from the records office for any member who requires them.

It is my desire to have the Standing Orders reprinted during the coming recess. Investigations are being carried out on the practicability of including summaries of the more significant rulings from the Chair. If this turns out to be feasible, it may be more appropriate for future volumes of Standing Orders to be prepared in a different style of binding to enable simple updating and amending in the future.

As an example of what might be done, I refer members to the volumes of *Acts and Other Information Relating to Parliament* which are supplied to all members and are amended annually with loose replacement pages.

YACHTING: MR JON SANDERS

Standing Orders Suspension

MR BRIAN BURKE (Balcatta—Leader of the Opposition) [4.33 p.m.]: I move, without notice—

That so much of Standing Orders be suspended as would prevent the Leader of the Opposition moving a motion forthwith concerning the feat of yachtsman Jon Sanders.

Question put.

The SPEAKER: I advise members that, for this motion to be passed, it will require an absolute majority. I have counted the House and, there being no dissentient voice, I declare the motion is resolved in the affirmative.

Question thus passed.

Motion

MR BRIAN BURKE (Balcatta—Leader of the Opposition) [4.34 p.m.]: I move—

1. That this House congratulates Western Australian yachtsman Jon Sanders on his stirring achievement in sailing twice around the world single-handed, believing that his epic challenge to the sea and his extraordinary feat of navigation will earn him an enduring place of honour in the history of seamanship. Further, this House notes with appreciation and gratitude the credit Jon Sanders' efforts have brought to Western Australia.
2. That this House asks the Speaker to convey the terms of this resolution to Mr Sanders.
3. That this House calls on the Government to mark Jon Sanders' achievement in a fitting and tangible manner.

I thank the Government for its co-operation in allowing the suspension of Standing Orders so that this motion might be moved. I know that some people would say that, at times of high unemployment and of high and rising interest rates and inflation which are causing difficulty, particularly to the business sector, Parliament should turn its attention to the more substantial matters occupying the mind of the community. The Opposition accepts that is true; members will know that, in the past, we have adopted a particular attitude towards motions of this sort.

At the same time, the efforts of Mr Sanders lift his achievement beyond that of similar feats to which we previously have been treated by other Western Australians. In fact, Jon Sanders has become the first man to sail, single-handedly and without stopping, twice around the world.

All of us will remember when Sir Francis Chichester sailed solo once around the world; we repeatedly were treated to front page pictures and headlines which continued for many weeks and months.

It is fitting we take this opportunity, which is the earliest possible opportunity after the completion of Mr Sanders' voyage, to place on the record of this House our appreciation of his achievement. It is important that Western Aus-

tralia pay tribute to those amongst us who are capable of this sort of achievement. I have no doubt not many people in the world could have completed such an epic trip in such an accident-free fashion.

I also point out that it is well known that Mr Sanders is not a wealthy man and that, in fact, his trip was financed through sponsorship arrangements which, until only a short while before his departure, threatened to call off or cause to be postponed the undertaking on which he was about to embark. That is why, in the third part of my motion, I express hope that in a few months' time Mr Sanders' efforts will not be forgotten, but that the Government will see its way clear to make some tangible recognition of his achievement.

This recognition may be in the form of the bestowal of some honour. If that is to be the case, I would hope it will be an Australian honour because this was a feat by a Western Australian, who brought credit to his country and his State.

I would also suggest that, because honours do not keep the wolf from the door, or finance other expeditions or adventures, it may be fitting for the Government to consider striking a limited edition medallion which could be sold and the proceeds of that sale made available to Mr Sanders to reimburse him for at least some of the money he has foregone as a result of his trip.

That is simply my personal idea. I think it is important, firstly, to place on record our congratulations for a fine achievement by a Western Australian, and to ask you, Mr Speaker, to convey the congratulations of the House to Mr Sanders.

MR O'CONNOR (Mt. Lawley—Premier) [4.38 p.m.]: In seconding the motion, I acknowledge the great achievement of Jon Sanders in sailing twice around the world. It is a feat I would not care to attempt to emulate; nor do I think I would be capable of such an effort. I am sure each of us realises how dangerous the sea is, and accepts the dangers to which Jon Sanders was exposed during his 420 days at sea.

On behalf of the Government, two Ministers of the Crown spent an hour accompanying Jon Sanders as he sailed into Fremantle harbour. I met him personally, and spoke to him as he stepped off the boat. His first reaction was to be overwhelmed at the response he received from the public of Western Australia, in the way they had turned out to meet him. His second was that he wanted to settle down and do some normal things; and after being at sea for 420 days, one could well understand that desire.

The two Ministers who went to meet Jon Sanders were the Deputy Premier and the Minister for Labour and Industry. I already had taken action to arrange a function for Jon Sanders, to show the respect and admiration we held for him because of the action he took. I spoke to my Under Secretary during the weekend and yesterday regarding a function, and I proposed two possible dates—6 and 9 November—on which we could hold a function for some members of our party and some members of the Opposition to honour Mr Sanders and acknowledge what he has done. I believe he has now accepted the date of 9 November, and therefore the Leader of the Opposition and other members will receive a letter inviting them to the function in the near future.

From time to time, as the Government, we acknowledge the efforts of various people, although they are not doing necessarily the same thing as Jon Sanders. For instance, we have had functions for Sheffield Shield teams from time to time, and we are having one for the Commonwealth Games athletes who performed so creditably in the Eastern States recently.

Jon Sanders' feat was a lone operation, and one that deserves recognition. As far as an honour is concerned, I could make no comment on that at this stage because, as the Leader of the Opposition knows, I do not have the final say in connection with that aspect. However, I agree with the comments made by the Leader of the Opposition, and I support the motion.

MR COURT (Nedlands) [4.41 p.m.]: The yachtsmen of Western Australia always have admired the yachting and navigational ability of Jon Sanders. His feat was a great personal achievement. As a yachtsman, I appreciate fully the preparation that went into the epic voyage in order that Jon Sanders might cope with the dangers he encountered on the way. Without a doubt, the sea voyage goes into history as one of the most courageous and best planned of all times. It is a credit, not only to Jon Sanders personally, but also to the Western Australian manufacturers who built the hull, the spars, the sails, and much of the other equipment on the yacht.

This is a moving event, and one which has restored Western Australia's faith in mankind. I support the motion.

Mr Blaikie: Hear, hear!

Question put and passed.

HEALTH: TOBACCO

Smoking: Petition

DR DADOUR (Subiaco) [4.42 p.m.]: I have a petition which reads as follows—

To—The Honourable, The Speaker and members of the Legislative Assembly at the Parliament of Western Australia in Parliament assembled:

We, the undersigned residence in the State of Western Australia do herewith pray that Her Majesty's Government of Western Australia will support the Tobacco Products Advertisements Bill now before Parliament.

Your Petitioners as in duty bound will ever pray.

The petition bears 25 signatures, and I certify that it conforms with 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. 26.*)

EDUCATION: PRIMARY SCHOOLS

Swimming Classes: Petition

MR GORDON HILL (Swan) [4.43 p.m.]: I have a petition which bears 149 signatures of citizens of Western Australia and calls on the Government to increase the number of in-term swimming classes in Government primary schools. I certify that it conforms with the Standing Orders of the Legislative Assembly, and I have signed accordingly.

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

(*See petition No. 27.*)

CEMETERIES AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mrs Craig (Minister for Local Government), and read a first time.

Second Reading

MRS CRAIG (Wellington—Minister for Local Government) [4.46 p.m.]: I move—

That the Bill be now read a second time.

The Bill proposes only one minor amendment to the Act as a consequence of an amendment proposed to the Local Government Act to transfer municipal audits from the public to the private sector. The Act presently requires the accounts of cemetery boards, including those where municipal

councils act as trustees, to be audited by the Auditor General.

In view of changes currently proposed to be made to the municipal audit system, it is necessary to make complementary changes to the provisions of the Cemeteries Act relating to audit. This Bill, therefore, provides that, where a council of a municipality is the trustee of a cemetery, the person who is the auditor of that municipality shall carry out also the audit of the cemetery board. In other cases the audit will remain the responsibility of the Auditor General.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Tonkin.

LOCAL GOVERNMENT AMENDMENT BILL (No. 4)

Introduction and First Reading

Bill introduced, on motion by Mrs Craig (Minister for Local Government), and read a first time.

Second Reading

MRS CRAIG (Wellington—Minister for Local Government) [4.48 p.m.]: I move—

That the Bill be now read a second time.

The Bill proposes amendments to the Local Government Act in two areas in respect of sale of land by municipal councils and the conduct of municipal audits. The power already in the Act for a council to sell land is proposed to be amended in two ways. The first proposes to remove the need for councils to obtain approval to sell land to State Government agencies.

Members will recall that the Act was amended recently to allow councils to lease land by private treaty to State Government agencies without approval; the extension of a similar power to sale transactions reflects the Government's policy of reviewing the need for approvals as an ongoing process.

The second amendment proposes the introduction of a power for councils to sell or otherwise dispose of land which they hold under a trust. This amendment was initiated as a result of a problem encountered by the City of Stirling which wishes to dispose of some land held by it under a trust for recreation purposes, to an organisation proposing to develop an aged persons' home. The council obtained the approval of its electors under the existing provisions of the Act to vary the trust; but it was unable to proceed further as there is no power to transfer land held under a trust.

It is proposed that the proceeds of the sale of any such land shall be applied by a council for the purpose for which the land was held immediately before its sale.

Where the land is disposed of otherwise than by sale, it is intended that the person to whom the land is to be disposed of will be required to execute a declaration of trust declaring that he will hold the land for the purpose for which it was held by the council immediately before its disposal.

The second area of amendment proposed relates to municipal audits and is intended to facilitate the transfer of these audits from the public to the private sector. At present, only 11 of the 139 municipalities in Western Australia are audited by private auditors, with the balance carried out by the Auditor General.

The Bill proposes the establishment of a local government auditors' board which would have authority to register persons as local government auditors and to cancel such registrations. It is intended that councils be free to appoint as their auditors persons who are registered by the board to be constituted under regulations made under the Act.

Although it is intended that local government audits be generally transferred to the private sector, provision is made in the Bill for audits to be carried out by the Auditor General where a council is unable to obtain the services of a private auditor under reasonable terms and conditions.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Tonkin.

STAMP AMENDMENT BILL (No. 5)

Second Reading

Debate resumed from 12 October.

MR BRIAN BURKE (Balcatta—Leader of the Opposition) [4.51 p.m.]: The Opposition supports this Bill which introduces the stamp duty amendments referred to by the Treasurer in his Budget speech. The amendments are aimed at developing a secondary market for mortgages. I should not have to remind members that this is something to which the Opposition has been turning its attention for about five years now. Mr Speaker, I know you will think it strange that after so many years of our positive proposals being met with criticism and discouragement, particularly on the part of the previous Treasurer, this Government now sees its way clear to begin provoking what we said was a desirable feature of the financial market in this State as long ago as four or five years.

The amendments go to the development of a secondary market for mortgages by providing a flat rate of duty and by removing the existing disincentive to trading in short-dated securities. A flat rate of duty is provided by the imposition of \$10 which is payable on any transfer where the consideration is at market value.

Presently the conveyance rates of duty range from \$1.50 per \$100 to \$4 per \$100 on the mortgage depending on the amount of consideration paid. In addition, the dealing may be liable for duty of up to 1.8 per cent under the credit provisions of the Act if it is a discount transaction.

This Bill points up what we have been saying from the Opposition benches for a number of years now and much more frequently it is true in the past 12 months; that is, it is time a comprehensive review was undertaken of the impact of Government taxes and charges across the board in an effort to see whether it is possible, as it has been possible in this instance, to lighten the burden on business, particularly small business, which is the big employer within this community.

To bring this Government to the trough to make it drink is like extracting teeth. We have been saying for so long now that there needs to be a comprehensive review and we have finally managed to bring about a piecemeal readjustment in some cases. We in the Opposition are grateful for those readjustments and I am sure the community affected by this law will be grateful for the change; but this *ad hoc* approach in place of the comprehensive analysis and policy simply is not as good.

Again today we ask the Treasurer when he will turn his Government's attention to a comprehensive review of all State Government taxes and charges to see whether we cannot set about creating jobs by lessening the incidence of the burden of government upon the big providers of employment in this economy. It is simply no good for a Government to aim to increase its burden on the community by at least the rate of inflation that affects the economy. The truth of that proposition is that we will never set about seeing whether we are efficient and whether charges have become too onerous to bear and too inefficient in their application or in the way in which they fall upon the community.

I repeat: It is time for a comprehensive review of all Government taxes and charges. It is time to throw away the incremental thinking that says if we charge \$X for a service today or if a tax raises \$X this year, next year we will raise it \$10 plus the rate of inflation and we will be seen to be efficient and acting in the best interests of the com-

munity. That is certainly not the case and we are saying it is time to take stock of all Government taxes and charges. It is not time simply to say these matters are always under review. It is time to see whether we cannot start acting positively to see whether there is a way in which we can help small businesses in particular, apart from meetings being held at which we advise them that brochures are available or that certain other advice is available. That is important, but what is more important is the dollars and cents that are paid by businesses to the Government in taxes and charges. These taxes and charges are distorting cost structures, and in times of recession—such as the one we are now experiencing—it is certainly the case that Government taxes and charges are a major cost burden.

In the Treasurer's speech, he referred to efforts by the Government to ensure that Perth becomes a significant financial centre. I do not know whether it is the case that I hear things differently from other people, but this is something we were saying prior to the last election; we were saying that we wanted to establish a corporation that would assemble finance with particular reference to development capital to try to ensure that the overnight export of funds to short-term money markets on the eastern seaboard of Australia was as far as possible curtailed by our making available avenues for investment in this State. I can see that in this Bill a faltering step has been taken to that end; at least lip service is being paid to its desirability.

As with the need for a comprehensive review of Government taxes and charges, the Bill contains no consistency or detailed approach defining the ambit of the financial centre into which we want Perth to develop; it does not define the role Perth will play. The Bill is not acting positively to provoke this.

So, we compliment the Government at least on recognising, four years after the Opposition put forward the proposition, the need to start to develop in our own right financial muscles in this State and in this city. However, the Bill really is not enough; it is certainly not positive or detailed in extent. We would like the Government to adopt a much more concerted effort to achieve that end referred to in passing by the Treasurer.

The second part of the Bill alters the rate of duty on transfers of company debentures and company notes. The present rate of duty on transfers in this type of security is 60c per \$100, or part thereof. The impost in relation to the normal term associated with a debenture or a note is probably not very burdensome; it is a small part of the overall cost. However, when we talk about

very dated securities, that sort of taxing rate becomes much more significant. We support this thrust of the Bill, too. The Opposition agrees with the contention that this part of the Bill will encourage a much more active securities market in Perth by replacing the existing duty with a duty of 2½c per \$100 per month of the remaining currency on securities with less than two years to maturity.

In summary, the Opposition supports the Bill. It says that the acknowledgment, albeit late in the day, of the impost of Government taxes and charges in this area of business is welcome, but we are not satisfied that this is more than a piecemeal *ad hoc* approach to a major problem.

As far as the second part of the Bill is concerned, we accept that the Government wants to ensure a financial centre is growing and developing in this State and in Perth, but we do not believe that this legislation will be felt as more than a pinprick towards achieving what is a very desirable and overdue situation; that is, the establishment of Perth as the third significant financial centre in Australia.

Mr Tonkin: Hear, hear!

MR GRILL (Yilgarn-Dundas) [5.02 p.m.]: I support the remarks of the Leader of the Opposition. Some time ago now, when the Opposition first put forward the idea of the establishment of a money market in Western Australia, that objective was considered to be far too optimistic and was greeted with some derision and scorn by the then Treasurer, who also greeted with some derision and scorn the comments that we were then making about the Public Moneys Investment Act, which, as members are well aware, deals with the investment on the short-term money market of Treasury excess balances from day to day. We said over a long period of time that the method being used by the Government then and the legislation by which it went about investing the surplus Treasury balances on the short-term money market were defective. Our comments and our views, as I have said, were met with derision and scorn by the then Treasurer; but within 18 months, to our surprise and, I think, to the surprise of some members on the other side of the House, the Government introduced a Bill to reform completely the Public Moneys Investment Act, exactly along the lines suggested by the Opposition.

Mr Coyne: You also suggested the Government should subsidise the price of gold. How stupid is that?

Mr GRILL: I have never suggested that.

Mr Coyne: You have.

Mr GRILL: No I have not. If the member thinks that, —

Mr Coyne: I know that.

Mr GRILL: —he has never properly read publications put out by the Opposition on that particular subject. We have never suggested that the price of gold should be subsidised by either a State or Federal Government, and we would never put forward such a proposition. If the member wants to learn about that subject, I will send him a paper on it, but most people on that side of the House realise we have never put forward that proposition.

Mr Coyne: It is just as stupid to say that.

Mr GRILL: To return to the question in hand, we already have indicated to the present Treasurer that we consider the objects of this Bill in both aspects are quite laudable, but we point out only that once again we did, in fact, put forward these views some time ago.

Mr Davies: We are a mile ahead of them.

Mr GRILL: At a time when most people considered that such an objective was not obtainable, we put forward the proposition that Perth and Western Australia should become a significant money market. We submitted the proposal basically for two reasons: Firstly because of figures that had been put out by an academic from Murdoch which indicated that the average total incomes earned by Western Australians were significantly less than those earned by persons in Sydney and Melbourne. I am not talking about wages, but about total income. To some extent that provoked our interest in this matter.

The second matter that provoked our interest in the setting up of the money market was that it was brought to our attention that at the end of each day in Western Australia money was collected and invested on the short-term money market. Most of the cash balances in Western Australia about which I am talking were rounded up and invested on the short-term money market in either Melbourne or Sydney. Western Australian banks, by and large, were just operating as branch institutions, and most of the major decisions in respect of borrowings and loans were made in Sydney and Melbourne. If any businessman from Western Australia wanted to borrow much more than about \$250 000 or \$500 000, he really had to go across to either Sydney or Melbourne, cap in hand, to obtain a loan. So it was those two aspects of finance within Western Australia which provoked our interest in this matter.

At that stage we indicated that the first step towards developing a money market in Western Australia was probably to set up a WA develop-

ment corporation. A WA development corporation, for those members who do not know, is not really a Government instrumentality. I suppose the best *ad hoc* sort of description of it would be that it is a glorified merchant bank. We put forward the view that in Western Australia we needed a major financier of that sort whose interests were directed towards the retention of equity in resource developments and other projects in Western Australia, and that those interests would best be served by the setting up of a WA development corporation.

The idea of Perth being made into a major financial institution has been approached by the Government in another direction, quite obviously. The Government perceives that the setting up of a secondary mortgage market is the first step towards the setting up of a money market in Western Australia. All we would say to that is that we support the Government in that approach and we consider that the step it is taking is an important one, although it is only a small one. We believe a more comprehensive approach should be taken and that the Government should be giving some consideration to supporting the Opposition's proposal that a corporation or a bank along the lines of a WA development corporation should be set up in Western Australia.

Mr Tonkin: Hear, hear!

Mr GRILL: It would be nice for both the Government and the Opposition to agree on this initiative. There has not been a lot of co-operation between those two bodies in the past, I am sorry to say, and certainly proposals that the Opposition have put up—

Mr O'Connor: I thought we had done fairly well.

Mr GRILL: —to the Government on a number of items lately have not met with much optimistic response from the Government. However, in our general objectives we certainly agree with the Treasury and the Government that a money market should be established in Western Australia. We merely point out that this proposition was put forward by the Opposition some time ago.

We support the step that is being taken and we think the Government should give some consideration at least to supporting the concept of a WA development corporation. The Treasurer would know that such a concept now is receiving favourable attention in some of the Eastern States. It is once again a product that has been exported in concept from Western Australia to the Eastern States even though it has not been endorsed or accepted fully by the Western Australian Government.

With those few words, I support the comments of the Leader of the Opposition, and the legislation.

MR O'CONNOR (Mt. Lawley—Treasurer) [5.10 p.m.]: I thank the Leader of the Opposition and the member for Yilgarn-Dundas for their support of the Bill. I have been Treasurer now for 10 or 11 months and I can assure them that it always has been my intention to endeavour, where possible, to reduce the burden on industry and to try to promote Western Australia in every possible way.

The fact that we already have proceeded in this Budget to increase the subsidy involved in payroll tax by 22½ per cent is one of the indicators of the need that we believe exists to assist certainly the small industries to a greater degree than we have in the past. Difficulties are experienced by this State in obtaining means of taxation. There are limitations, as members of this House know, and it is difficult when the Government introduces a tax to ascertain how it can continue to provide the services to the community and obtain the taxation from another area. We will continue at all times to review Government taxation and charges—I can assure members of that—in the interests of the people and to try to achieve greater efficiency in these areas wherever possible. I have always endeavoured to do that.

The Leader of the Opposition mentioned that he would like Perth and Western Australia to become the third of the financial institutions in Australia. I would like that to happen. I believe WA probably could become a major financial institution because we have more to offer in this State than has any other State in Australia. We are only a very young State, but our potential is second to none. I already have spoken to Treasury in regard to the Asian countries. Places like Singapore, Malaysia, Hong Kong, and Indonesia have the same time structure as we have. Many people want to have daylight saving—and there is merit in it in many cases in regard to business dealings with the Eastern States. However, the countries I have mentioned are on exactly the same time scale as we are, as on New Year's Eve last year they changed over to it, and those countries would share the difficulties that we presently experience in dealing with Sydney and Melbourne. We should be taking advantage of that and trying to attract business from those countries to this State. I have spoken to Treasury in regard to our setting up a major stockbroking operation and a major finance market in this State. I will continue to do that in the interests of the State.

I thank the Leader of the Opposition and the member for Yilgarn-Dundas for their support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr O'Connor (Treasurer), and transmitted to the Council.

PAY-ROLL TAX ASSESSMENT AMENDMENT BILL

Second Reading

Debate resumed from 12 October.

MR BRIAN BURKE (Balcatta—Leader of the Opposition) [5.16 p.m.]: I thank the Treasurer for proceeding with this Order of the Day. Once again, in a spirit of co-operation for which the Opposition has become well known—

Opposition members: Hear, hear!

Mr Young: Famed, in fact.

Several members interjected.

Mr BRIAN BURKE: —we intend to support this piece of legislation. I wish the Minister for Industrial, Commercial and Regional Development, if he wants to interject, will not mumble into his tie because it is hard to reply to him when he does that. In supporting this Bill, we intend to suggest some ways in which the Government might consider a further improvement to the Bill.

The Bill will raise payroll tax exemption and concession levels and it will tighten the legislation to some extent and tighten contrived arrangements designed for the avoidance of payroll tax. Without going into the second part of the Bill now—these details will be adopted in other amending Bills to come before this Parliament in this session—I indicate that it is the Opposition's belief, in respect of stamp duty for instance, that the State has been defrauded of millions of dollars through contrived and artificial schemes. However, we are pleased on this occasion that the State Government is in the process of tightening up legislation to stamp out contrived arrangements designed to avoid payroll tax.

Specifically the Bill proposes to increase the value of taxable wages exempt from payroll tax, from \$102 000 annually to \$124 992. It will lift

the ceiling of the range of tapered deductions to \$255 780, and the minimum deduction from taxable wages prior to assessment will be increased from \$36 000 to \$37 800.

The Opposition supports the Bill and I do not want the Government to take in the wrong way some of the criticisms we make of its performance and the stance on this matter because we draw the attention of the Parliament and of the public to the fact that although we are in the process of relieving, to a minor degree, the impost of payroll tax on this community, it is important to understand that the total cost of the concessions provided in this Bill will be \$1.3 million in 1982-83. So we are doing good things that cost \$1.3 million, but during 1982-83 payroll tax receipts will increase by \$31.7 million; that is, 13.8 per cent, from \$238 million last financial year to \$261.7 million this financial year. Let us not get carried away with how big-hearted the Treasury is because the truth is that, although we are making worthwhile, desirable, and merited concessions that cost \$1.3 million, we will raise from the same tax an extra \$31.7 million in the same year that we grant those concessions costing \$1.3 million.

It is important to understand also that, if that is what we are doing, we are doing it mainly to the private sector because 70 per cent of the payroll tax revenue is derived from the private sector. We have said before, and we repeat it again tonight, that too often it is stated idly that the common belief about payroll tax is that it is a punitive tax and a disincentive to employment. All those things are true and no-one argues about them, but what do we do about it? The answer is, precious little, although, in the Liberal Party manifesto prior to the last State election, printed in bold type for everyone to see, was the promise that a Liberal-Country Party Government would negotiate to remove payroll tax.

Now, the Government says we are being unrealistic and we are being absurd or irresponsible and yet at the time of the 1980 election included in the Treasurer's party's policy was exactly what we are saying now. While we are suddenly convicted of attempting to move outside the ambit of the State Government by making constructive and positive suggestions, I believe we should be looking at the Federal sphere and finding a way in which we can make improvements. While we are told we are the State Opposition, this is a State Parliament. In the last policy speech of the Government party in this State in 1980, in big bold type, was the promise that the State Government would set about double taxing company profits and shareholders' dividends. That is some-

thing about which no State Government can do anything. What we are saying when we suggest improvements federally, about which this State Government should be concerned, is exactly what this State Government said when seeking re-election. I remind the Treasurer that he should have recourse to those things said in the past before he sets about criticising the Opposition for doing what the Government itself did at the time of the last election.

Payroll tax is perhaps the worst tax on which the State Government could rely for growth and there are lots of reasons that we should set about replacing or abolishing it. Let me say, before I detail the drawbacks to payroll tax, that if we do not set about trying to achieve what is desirable shortly, we will never pull on a fight and if we fail for one, two, or three years, the likelihood of success eventually is enhanced only by the beginnings of a battle scene.

Payroll tax increases tax to the employer. It is a tax on private employers and on job creation in the private sector. I said previously that 70 per cent of payroll tax revenue is derived from the private sector. If what I have said is true, it follows automatically that payroll tax is a tax on economic growth in the private sector. While this Government criticises the Opposition and says it supports economic growth, it does not seem to grasp the significance of payroll tax; it persists with what is a disincentive to economic growth and to private sector job creation. It is one thing to acknowledge publicly that something is the case, but it is another thing, and probably more important, to be able to set about intelligently overcoming the burdens of which complaints are made; in this instance, payroll tax. That is why this Opposition has doubts about this Government. It does not appear to know where it is going and it does not appear to know how it can tackle some of the difficult things, although, following public statements by the Opposition, it has learned that in certain instances certain conclusions are desirable. What we want is not just that acknowledgment, but also competent and intelligent policies to make desirable improvements.

For every 100 000 new jobs created in Western Australia, employers and the economy are forced to contribute in excess of an additional \$87 million a year at current rates of tax and earnings. How acceptable is it that, at a time of high and rising unemployment, the Government is responsible for imposing a tax which means that whenever 100 000 new jobs are created an additional \$87 million is added, at current year

rates, to the cost structures of the organisations that create the jobs?

What we want is some evidence from the Government that it understands the situation; that it is aware of the problems; and that it has in place something other than the traditional payroll tax concessions which merely are keeping pace with inflation and, as is the case in this Budget, double the inflation rate. The provision of increased exemptions with a sort of piecemeal, *ad hoc* approach will not work. It is time the Government decided to realise that more positive, detailed, and intelligent policies are needed to overcome these difficulties.

Mr MacKinnon: Are we going to hear how?

Mr BRIAN BURKE: I will be perfectly happy to outline how, later on. Let us look at employment initiatives in the Budget in the context of this imposition of payroll tax and in the context of the additional revenue of \$31.7 million that is to be raised in payroll tax this year. Do not run away with the idea that we are involving ourselves in a net reduction in payroll tax. That is not true. We are giving \$1.3 million and taking an extra \$1.7 million. The amount of \$31.7 million can be contrasted in profitability from the Government's point of view to the cost of job creation schemes in the Budget.

Mr O'Connor: Would you drop that \$30 million-odd if you were Treasurer?

Mr BRIAN BURKE: We would not drop the \$31.7 million. All we would do would be to set about attempting to find out if it were possible to obtain a replacement tax from the Federal Government and we would be having negotiations about the Federal Government's preparedness to abolish or replace that tax.

Let me get back to the point I was making which was about the contrast between the extra \$31.7 million that payroll tax will raise this year despite the \$1.3 million being given away and the job creation costs of the Budget. How many members sit comfortably knowing that while we raise \$31 million-plus through a tax that is a disincentive to job creation, we are devoting less than \$1 million to job creation programmes? That is not a satisfactory situation and the Minister for Police and Prisons can scoff if that is what he wants to do.

Mr Hassell: There is over \$1 000 million job creation work in the capital works budget.

Mr BRIAN BURKE: I do not know whether the Minister for Police and Prisons is capable of understanding that, in discussing payroll tax with its direct and vivid disincentive to employment, I am attempting to compare it with the direct job

creation proposals in the Budget. I am not attempting to compare increases in costs through taxes and charges—which, in effect, are more indirect job disincentive programmes—with the capital works programme. I am saying that, unlike other taxes and charges, payroll tax is a much more direct and precise disincentive to job creation and properly should be compared with the direct and precise job creation programmes embarked on by the Government.

However, because the Minister for Police and Prisons has interjected, and for the illumination of the House, let me explain to members something they do not know. We all heard the Treasurer talk about a massive capital works programme. How many members know that if we exclude from that programme the work to be undertaken by the State Energy Commission, we see that in real terms capital works in this State actually have decreased by almost 24 per cent on last year's figure? Is that not lovely? This building and construction "bonanza" is to be financed by an allocation almost 24 per cent lower than that which applied last year.

Mr MacKinnon: Are you saying you would not provide the SEC with that allocation?

Mr BRIAN BURKE: We have serious doubts to cast about the SEC in due course.

Mr Hassell: No doubt you do; you have been after the SEC for a long time.

Mr BRIAN BURKE: I am not saying we give any commitment not to or that in framing a Budget we would not meet the requirements of the SEC. However, we would not start boasting about a massive capital works programme which, in fact, could be pricked like a balloon, as is the case here.

Mr Hassell: How can it be pricked like a balloon?

Mr BRIAN BURKE: The Minister for Police and Prisons will learn later, to his chagrin. However, to give him something to go on with as an example, of the money in this gigantic capital works programme which the SEC will be involved in expending on the pipeline alone, \$89 million comes straight off the top because it will meet the cost of the pipe's construction overseas. If we are not talking about a capital works programme which, on closer observation, does not stand up, let members tell me.

Mr MacKinnon: Would you have had all the pipe rolled in Western Australia?

Mr BRIAN BURKE: I simply say that the Treasurer should not be boasting about his capital works programme because when we exclude the SEC from that programme we see the allocation

to this area is 24 per cent less than the allocation last year and if we include the SEC we must whip straight off the top a large amount of money to finance workers' jobs in other countries. That is being less than straightforward.

Employment initiatives provided in the Budget will be financed with less than \$1 million. The Government is giving away \$1.3 million in payroll tax, so let us be generous and add to that the \$700 000 as the cost of the direct job-creation schemes the Treasurer announced and say that \$2 million will be available for job creation or, if we like, "job compulsion".

Measure that against the \$31.7 million extra in payroll tax which will be raised as a result of increased wages and economic circumstances. What sort of balance is that? How spurious is that balance?

Members will have no doubt that the most distressing area of unemployment at present is that which affects job seekers aged between 15 and 19 years—young people, most of whom still are looking for their first job. If we need any other incentive than the normal one, which is that one gains dignity and value from work, let us consider the latest statistics relating to youth unemployment. In the month of September, 16 500 people, or 40 per cent of the total unemployed in this State were aged between 15 and 19 years. Why the distortion? I suppose members have noticed it in their electorates; however, whether or not they have noticed it, the situation exists. We are creating a massive group of young people—many of whom have not had their first job—who cannot find work.

If a warning bell is ringing for this Government, it is in the fact that while these young people are unemployed, most of us have come to realise that, at the same time, older members of the work force are experiencing chronic unemployment. So, the problem is not confined to the lower or younger end of the job applicant group; it now is infecting those older people.

I would not care less whether the Government spent \$10 million on its next election campaign, and if the Opposition, *en masse*, went on a holiday to Singapore for two months. If this Government keeps managing the economic affairs of this State in the way it is now doing, we will not need to be here for the election; we will need only those unemployed people to vote for us to ensure we are successful.

Mr Sibson: You are going to lock up the Shannon River basin and close the vanadium mines and that sort of thing. You should remem-

ber that, and remember what is in your policy before you shoot off your mouth.

Mr BRIAN BURKE: In his wildly inaccurate way, the member for Bunbury charges into the foray. Unfortunately, his charge is not connected with any previous listening. In any case, I do not care whether the member for Bunbury wants to take any notice, because his defeat is writ large in these unemployment statistics. The Minister for Police and Prisons might like to know of the number of people who have been telephoning the Opposition, asking us how they can dump him as the absent member, who cares not a whit for his electorate.

Mr COURT: That is totally untrue.

Mr BRIAN BURKE: Let us look more closely at the statistics and at the distribution of ages making up these jobless young people. Of the group of people aged 15 to 17 years, 8 500 are unemployed; of the 18 to 19 year-olds, 5 200 are unemployed; of the 20-year-olds, 2 800 are unemployed, making a total of 16 500 unemployed, representing 40 per cent of the total number of unemployed in this State. Those figures are to this Government's shame. The rate of unemployment among 15 to 19-year-olds is approaching 20 per cent. In other words, one in every five people aged between 15 and 19 years who is not at school, and is available to work, is unemployed.

Over the next three months, with an additional 20 000 to 25 000 people due to enter the labour force as the school year finishes, it will be a very sad and sorry new year for many young people and their families as they swell the number of unemployed aged between 15 and 19 years beyond the 16 500 who already are searching for jobs which do not exist.

In addition, previous trends indicate job opportunities generally are lower, and the period of unemployment generally is longer. In other words, what we are saying is that as we swell the ranks of job seekers, particularly young people, job opportunities are shrinking and unemployment periods are lengthening.

At the other end of the scale, the 50 to 55-year-olds, who dread being handed a retrenchment notice with their pay packets, and who are experiencing chronic unemployment, are about to be joined by those young people between the ages of 15 and 19 years who comprise 40 per cent of the total pool of unemployed in this State and who now face dwindling opportunities and increased periods of unemployment.

One of the reasons these problems are besetting the economy is payroll tax. We have tried repeatedly to stress to the Government the gravity of the

situation, but to no avail in terms of action on the part of the Government. However, the Opposition does not intend to desist from its efforts. Payroll tax is one of the biggest contributors to this pool of unemployed people.

Earlier, the Minister for Industrial, Commercial and Regional Development interjected to ask us whether we would abolish payroll tax or whether we would do something else, before he disappeared back into his tie because, as we all know, he fears to mix it. What the Opposition would do, firstly, is to establish a joint position with all the States about payroll tax, and about the way to approach the Federal Government in respect of its imposition.

When the McMahon Government provided to the States payroll tax as a growth tax, it sold the States a pup. I do not care whether it was a Labor or a Liberal State Government which bought the pup or whether the Minister for Health was wiser than everyone else in identifying it as a pup when everyone else thought it was a gold bar; the fact is that we were sold a pup. It is time, 10 years later, that we started to return the aged cur to its owner. We immediately should begin discussions with the States about the possibility of the Commonwealth replacing payroll tax.

Even if we buy the proposition that we cannot do without the money raised by payroll tax, fairer and less damaging methods are available to raise this money.

Mr MacKinnon: Such as?

Mr BRIAN BURKE: Recently, the Victorian Government introduced a broadly-based tax on financial transactions, which in large part has been greeted with much acclaim by employers and financial institutions. I do not know the details of that scheme.

Mr MacKinnon: Surely, to raise the same amount would have the same effect on large and small businesses.

Mr BRIAN BURKE: Not necessarily. The Minister for Industrial, Commercial and Regional Development may not know that to raise the same amount is not to say we will raise it from the same people or that we will raise it as unfairly as the tax now is being raised; or, most importantly, that we will raise it in a way which creates a massive disincentive to employment.

What we in the Labor Party have done is to gain agreement between all Labor leaders, including Premiers Wran and Cain, and the Leader of the Federal Opposition (Mr Hayden) to establish a working party to investigate the detail of the imposition of payroll tax and to see whether we

can adjust its incidence, and work towards its replacement.

Despite the way the Treasurer and other people like to misquote the Opposition's position, the Opposition admits and has said consistently that no State can afford to put aside the 11 per cent of its receipts which comes from payroll tax. We have never advocated the unilateral abolition of payroll tax. Even the employers to whom we have spoken admit that situation.

However, we have said that we must recognise the evil which is payroll tax, and start to contest it. We also have provided that the working party established as a result of the meeting of Labor leaders will report back to the next meeting of Labor leaders in Perth next February.

I do not want to say any more, except to repeat that it is time this Government got off its backside on the matter of payroll tax and started to show some competent and intelligent signs of getting all the States together to see whether a common position can be worked out so that the Commonwealth Government can be assailed—or, if we like, approached—by the States to agree to the removal of this tax which, for every 100 000 new jobs created, causes \$87 million to be added to the payrolls of employers.

Debate adjourned until a later stage of the sitting, on motion by Mr McPharlin.

QUESTIONS

Questions were taken at this stage.

Sitting suspended from 6.19 to 7.30 p.m.

PAY-ROLL TAX ASSESSMENT AMENDMENT BILL

Second Reading

Debate resumed from an earlier stage of the sitting.

MR MCPHARLIN (Mt. Marshall) [7.32 p.m.]: This measure is one I am sure all members will support because it represents a move in the right direction, a move in line with action the Government has put into practice previously and will continue to adopt as the years go by. Payroll tax has been referred to as an iniquitous tax—that is a fair description. As well, it has been referred to as a disincentive to industries to employ people—that is a fair comment.

When one considers the amount of income attracted by the tax, one realises it would be most difficult for any Government to replace that tax overnight. The Government has adopted the course of reducing progressively the level of this tax, and that is most commendable. As the

Leader of the Opposition mentioned, the total income derived from the tax will not be reduced by way of this legislation, but that is as a result of increases in the levels of wages, which react rather unfavourably towards those committed to paying this tax.

The Treasurer in his second reading speech on the Appropriation (Consolidated Revenue Fund) Bill made the point that this Bill will mean an extra 600 small businesses will not be liable for the payment of payroll tax. The Government must be commended for this legislation, which will help considerably a number of small businesses. During the many times a member has discussions with business people, he hears complaints about this tax. Of course, these people would like some method introduced whereby the payroll tax could be replaced by another form of obtaining revenue for the Government.

When the Federal Government listened to the States' requests some years ago to provide to the States some form of growth tax, the Federal Government saw an opportunity to divorce itself from the tax it did not like to administer—payroll tax. The collection of payroll tax, therefore, was handed over to the States.

If it were possible for our State Government to devise some method of replacing the income derived from payroll tax, it would do away with it. I know this State Government would welcome the opportunity to dispose of it and initiate some other form of taxation more acceptable to the public, but the problem is most difficult. I know the Government as a whole has given consideration to the matter, as has the Country Party. We have addressed our minds to the phasing out of payroll tax over a period.

There was strong opposition to the phasing out of probate duties, and I believe the Opposition, in particular, was not too excited about that phasing out—in fact, the Opposition opposed it. However, the amount involved in that duty was small compared with the amount derived from payroll tax.

I support the legislation; I believe it to be a move in the right direction, and I feel sure the Government, with its thorough investigation of this iniquitous tax, will go on to find a way around it. I accept that the amount received last year—\$230 million—and the amount estimated to be received this year—\$261 million—are large incomes that cannot be replaced easily by some other method, and possibly such a method would be as unpopular as payroll tax is today.

However, I do support the legislation because it will assist an extra 600 small businesses. I am

sure that next year while this Government is still in office—

Mr I. F. Taylor: Don't kid yourself.

Mr McPHARLIN:—an increased number of small businesses will be exempted. I do not think the member for Kalgoorlie will be here at that time, but this Government will be here, and will move in the same direction as it has followed by way of this legislation.

I support the Bill.

MR O'CONNOR (Mt. Lawley—Treasurer) [7.38 p.m.]: I thank members for their general support of the Bill. The Leader of the Opposition gave his support to all parts of the Bill, but indicated that he would prefer payroll tax not to be applied in this State, and he made some comments about our election promises.

No-one would deny that payroll tax is undesirable. However, it was a tax the States took over some time ago from the Commonwealth, and virtually are left carrying the baby. It is one thing to say we ought to have some other tax instead of payroll tax, but it is another to say from where that tax will be derived. Payroll tax will represent \$261 million of the Government's income this year, and no State tax of which I am aware could be used to replace it. At one time a receipts duty tax was introduced, but that tax was declared invalid by the courts. If we had to replace payroll tax by another tax, I do not know how we would do so.

The Commonwealth has refused to take over responsibility for this tax or replace it with another. This State has written to the Commonwealth requesting that it take over payroll tax and replace the amount lost by the State with some other form of taxation, but the Leader of the Opposition knows as well as I do, the Commonwealth has refused to accept that proposition, and will continue to do so. If there were any chance of getting the Commonwealth to replace this tax, all States would have tried it.

If one considers the positions of other States, one realises that this State is doing better than all others in reducing the burden of this tax on small businesses. For instance, the Governments of New South Wales and Victoria have increased their payroll taxes to six per cent, whereas ours is at five per cent. In addition, we have been able to give a 22.5 per cent concession over and above that which was provided last year. Although that concession is not as great as we would like to give, we have taken into account the economic problems experienced at present in this State.

If the present situation were varied by way of the Commonwealth's taking over responsibility

for this tax, further anomalies could be created. The main question is how the Commonwealth would obtain the \$3 billion to replace the payroll tax presently received by all States. The Commonwealth could not say, "We will take over responsibility for this; here is \$3 billion." Would it be replaced by a VAT-type tax, or by an extra amount taken from the wages of employees presently involved? Somehow the money would have to be obtained to replace payroll tax so that the services presently provided by Governments would be maintained.

I emphasise that I do not like the imposition of this sort of tax, but I am not aware of any other tax to replace it that would be agreeable to me.

The Leader of the Opposition referred to the level of employment in this State, and made specific reference to the financing of jobs made available outside this country in connection with the construction of the North-West Shelf gas pipeline, which construction will bring about a great deal of employment for people living in this State, and in Australia as a whole. Although we cannot have everything done in this State as we want it done, it must be remembered that we opened for tender the work required to be done and accepted tenders in the best interests of the State under the circumstances. As a result of all the work to be done, it is anticipated that further industries in this State will be interested to proceed with work related to the construction of the pipeline. It is estimated that 1 800 people will be on the work force to construct this pipeline.

Mr Brian Burke: Did you see the point I made about that investment?

Mr O'CONNOR: I did.

Mr Brian Burke: For every \$1 million invested only about 3.5 jobs will be created.

Mr O'CONNOR: What if the work cannot be done here?

Mr Brian Burke: If it can—

Mr O'CONNOR: If it could be, fine, but it cannot.

Mr Brian Burke: If you could, for that \$400 million invested in other areas, you might create 10 000 jobs instead of 1 800.

Mr O'CONNOR: Additional work will be carried out in Western Australia. Consideration must be given to the work to be carried out in Geraldton, the cartage involved, and various other aspects. Those aspects do not represent the total figure. I agree it would be great for the State if we could put the \$400 million into Western Australia alone, but we cannot. It is no good referring to a hypothetical situation when that situation

will just not come about. Whenever possible, we will put the maximum into the State.

Again I thank members for their general support of the Bill, which I commend to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr O'Connor (Treasurer), and transmitted to the Council.

ACTS AMENDMENT (BETTING AND GAMING) BILL

Second Reading

Debate resumed from 30 September.

MR PARKER (Fremantle) [7.45 p.m.]: This Bill proposes to amend three Acts of Parliament in relation to betting and gaming. It is, in fact, the much-heralded Government initiative, which finally has arrived and is what is supposed to be the Government's new policy on the matter. The three Acts which are to be amended are the Police Act, the Evidence Act, and the Criminal Code. They are to be amended quite extensively with regard to betting and gaming matters.

The major Act to be amended is the Police Act. Most of my comments will surround the proposed amendments to the Police Act, but, before I deal with that in specific detail, I would like to describe in general terms what this Bill will achieve.

Firstly, the proposition which has been put before us and before the public over a considerable period of time on behalf of the Government is a smoke screen. In the past, the Government has stated that because of the legislative situation, the police have not had sufficient power to close down the illegal operations, and as a consequence the Government needs to change the legislation so that might be done in the future.

The reason I described the Government's action as a smoke screen is that if the Government, through the Police Force, had wanted to do so it could have closed down the illegal gambling operations throughout Western Australia. The Government has allowed the police to operate under the policy of containment and toleration—although more recently described by the Minister as containment and control.

A policy of containment and toleration would be the more accurate description of the policy adopted by the Police Force. The position was confirmed to me recently, when I was in the process of preparing for this debate, when I re-read all the provisions of the Police Act relating to the ability of the police and Government to control gaming in this State.

While it is true that the gaming laws of this State are a disgrace, they are very unclear and unwieldy, and make it difficult for people to know where they stand. It is also the case in relation to the illegal operations in the Northbridge area that, under the existing legislation, the Government could have closed down those operations. For the Government to say that this legislation will enable it to close them down and enforce the law, is an attempt to get out of the fact that the Government could have done this previously under the existing legislation, but has not. That statement is demonstrated adequately by the Government's double talking in relation to some of the Minister's Press statements about the confiscating of gaming equipment.

In the second reading speech, the comment of the Minister is reasonably accurate when he stated that provision is made within the Bill for the law to be effective in providing for the conviction and forfeiture of the instruments related to illegal gambling operations. It is not totally correct because some aspects of the forfeiture proceedings and recovery of goods from forfeiture proceedings are made easier for an offender by the proposed legislation.

But in his Press statement on the matter, the Minister made the bold statement that the Bill will enable the police to confiscate equipment and for owners to forfeit that equipment. A journalist was told, on the Minister's behalf, that under the current Act there was no provision for the seizure and forfeiture of equipment. That is not the case, as any reading of the Police Act will show.

The Press statement of the Minister, before the Bill was introduced, indicated it would enable the forfeiture of equipment. That was a misleading statement which attempted to imply a new situation which would make it easier for the police to close down illegal operations. The existing Police Act allows the police to confiscate gaming equipment.

Mr Hassell: Do you appreciate the way in which the courts have interpreted those existing provisions? They have interpreted them out of effectiveness. The provisions are there; no-one has ever denied that.

Mr PARKER: There have grown up a certain number of evidentiary matters which have created problems for the police in the enforcement of the provisions of the existing legislation. These could have been overcome in different ways. I do not think they have been tested in recent years by prosecutions on behalf of the Police Force. I concede that they have created problems for prosecuting authorities in this regard. That is one of the reasons we have reached the present position.

However, it is true that there are provisions in the existing Act which would allow for forfeiture and for the closure of many of these operations. Despite what I have acknowledged as problems concerning the general interpretation of the existing Act and the problems of interpretation by the court of the existing Act, it is interesting to note that has not stopped the Police Force from cracking down on the little people who are involved in what might be called harmless or inoffensive forms of gaming.

For many years it has been considered that the game of heads and tails which is often played at quiz nights which are used by sporting groups and small community groups to raise funds, is not illegal. From the point of view of the community, it is not illegal. However, the liquor and gaming squad, using its interpretation of the Police Act or the Liquor Act have told the owners of hotels whose premises have been used for that game that this inoffensive type of gaming is illegal. They have made great play of this and made sure that the law is enforced in this regard.

It is extraordinary that those sorts of issues have been enforced at the same time as the overt abuse of the law in the Northbridge area has been permitted. Lest it be thought that the reason for the failure to close the Northbridge operations has been the evidentiary problems about which I spoke, let me point out that the prosecution of the owners and people playing in these places has not been difficult in recent years. There has been no difficulty in obtaining convictions; that has not been the problem. The problem has been that the convictions have been all too infrequent because the prosecutions have been all too infrequent. That is the fact behind the current policy of the Police Force. It does not often prosecute, but when it has of recent times, it has had no problem in obtaining convictions. The Police Force has been able to obtain even gaol penalties for those convicted, and the policy has not been altered. The police should be visiting these operations every night, or every few nights of the week until they are closed down. They should spend less time and manpower on pursuing the activities of small

groups playing heads and tails and spend more time and manpower closing down the existing operations in the Northbridge area.

Secondly, the amendments do not meet the Adams Royal Commission criteria as to what is required for effective gaming laws in this State. The Tonkin Government appointed the Adams Royal Commission to inquire into and investigate gaming laws and to question whether or not a casino should be provided in Western Australia. That was appointed in 1973 and reported to the Court Government in 1974. The report has been left to lie in a pigeonhole ever since.

Mr Adams QC said it was necessary to remove all the doubts concerning gaming laws in this State and to remove those doubts we should repeal the existing gaming laws and have one consolidated gaming Act which would have the same effect, but which would regulate all forms of gaming in Western Australia.

As the Minister pointed out in his second reading speech, some of the law which applies to gambling is common law and dates back to British times. In fact, some are statutory laws which date back to British times. They have been repealed in the legislation before us to the extent that the provisions are inconsistent with the common law provisions. The legislation will no doubt have the effect of repealing them but they have not been completely or specifically repealed. However, the introduction of a consolidated gaming Act is required. The Government refuses to do this and has inserted piecemeal amendments into the Police Act and it will make consequential amendments to two other Acts. This is in marked contrast to the Government's position with regard to drug law enforcement where the laws relating to drug abuse and trafficking were removed from the provisions relating to that subject in the Police Act and the Criminal Code and put into the Misuse of Drugs Act. The Minister brought that legislation before this Parliament the year before last. The position of the Government in relation to this Bill stands in contrast to the issue of drugs.

Thirdly, the amendments to be made in this legislation show a complete retreat by the Government from the real issues in the matter; namely, to what extent gaming in the community should be permitted and what regulations should be made to overcome gaming. To the limited extent the Bill does that, it takes the matter out of the hands of the Parliament and places it into the hands of the Executive. The Government has squibbed on the issue.

It is interesting to note the Minister's position on this matter, when in his second reading speech he said—

... a provision in the Bill will permit regulations to be made to exempt from the general prohibitory provisions any game or gaming on such conditions as may be prescribed. The purpose of this is to ensure that the new provisions do not prohibit, unintentionally, existing activities which are not unlawful. The present Government has no intention of using this provision for any general extension of lawful gaming.

I emphasise the words "the present Government" because I appreciate that once the legislation is passed, the Government is not in a position to commit future Governments to their course of action with regard to something it allowed to become law. The Government is creating a law which does allow any Government to have a general extension of lawful gaming. I do not think the Minister would describe that as the position agreed to in his amending legislation.

We should note that the Premier has made the great distinction when people refer to his Government's actions, that those actions were those of the Court Government. It might be the case that if there were a change in leader—whether it be a Labor or Liberal Party in power—the position might change. If any Government has the undertaking that the Minister has given concerning the extension of lawful gaming, what would apply if the Premier said, "This is the O'Connor Government and I am in charge of the new Government."

Perhaps the Minister for Police and Prisons is looking forward to a time when such a change will take place, with himself figuring prominently. Even in relation to the existing O'Connor Government, the phrase is very ambiguous. The Government says the present Government has no intention of using this provision for any general extension of lawful gaming. It leaves open the possibility that the Government will use it for specific, as opposed to general, extensions of lawful gaming in certain areas. If this is the case, it demonstrates clearly the point I made earlier about this aspect of the Bill; that is that this proposal takes away from the Parliament the right to make the initial laws concerning what is and what is not to be legal, and gives it to the Executive.

I know the Minister will say that regulations are to be made and it is possible for them to be disallowed by Parliament—in the Assembly or Council—on the motion of a member. When they are disallowed, they will have no effect, and, to

that extent, any extended gaming allowed by the regulations will not be allowed to operate. That is true, but, in the meantime, a situation will exist in which no such challenge can be made.

Take the current situation. Let us assume this Bill is passed tonight, it is passed by the Legislative Council, and it comes into law at some stage in the next few weeks. The Government will then be in a position, where by the end of November, if not earlier, Parliament will have risen, and on 31 January, if not earlier, Parliament will be prorogued to hold a general election. Normally, Parliament would not resume until some time in late July or early August next year, no matter who is elected to Government. If in early December, the Government were to prescribe certain forms of gaming as legal no discussion would have taken place in this House, because all this House would have done is pass this Bill which gives a general right to the Executive to make those provisions. A regulation could be promulgated in early December, and even if it were to be disallowed in August of next year, it would have had eight to nine months in which to operate without any chance of the State Legislature being able to comment on it, or to have any say as to whether or not it should be allowed.

It is extraordinary when one considers the sorts of things it is felt necessary for Parliament to discuss, that on something as important as this—and I acknowledge its importance—and as contentious, and on which considerable views are held by members of the community—with some of which views I do not agree—who have some representation in the membership of this Chamber in relation to what should or should not be permitted as gaming activities, such an extension should take place in this area at the whim of the Executive, and not after due and considered debate by the State Legislature. Any activity in which the Legislature takes part will be a reaction to something the Government has done already, rather than a direct determination in relation to something which is proposed to be done.

As an example, I refer to the introduction of the Wrest Point casino by the Tasmanian Government in the late 1960s or early 1970s. Considerable public debate took place as to whether a legalised casino should be allowed. Much the same sort of debate went on in the Tasmanian community as went on in Western Australia, with people prophesying blood in the streets if the legalised casino went ahead. As a result of that debate the Tasmanian Government probably squibbed the issue in another way. The Government of the day decided to determine the matter by referendum, which overwhelmingly carried the

proposition that a legalised casino should be allowed in Tasmania.

I might add that none of the dire predictions in relation to that casino—not one—has come to pass. That was thought to be so important an issue that it should go to the people of Tasmania as a whole, not just to the representative Assembly or Council of the State.

My view is that of all the issues I can think of on which the people should have a say, questions of gaming law reform are not the most important. On the one hand, the extreme position exists of allowing the people of Tasmania as a whole to have a say about whether gaming was to be allowed, and, on the other hand, the position exists in Western Australia under this proposal where Parliament is allowed to have a say, but is restrained at the hands of the Executive. That is remarkable. It would be possible under this proposal, as explained by the Minister, for the Government to determine by regulation that a legalised casino or casinos should operate in Western Australia, and for it to prescribe the circumstances under which that operation would take place, without any reference whatever to Parliament.

It also would be possible on the basis of those regulations for the Government to enter contractual obligations with individuals as a result of which, although it would be theoretically possible for a member of this House or the Legislative Council to move for the regulations to be disallowed, the practical position would be either that some concern would be felt by members in voting on such a proposition that they would be going against a contractual situation into which the State had entered, or alternatively, if the disallowance motion were successful, the State Government could face the paying out of a considerable amount of money by way of compensation. That could take place under the terms contained in this Bill.

The principles involved in who should make decisions on these important issues require that Parliament should make the decision. The only reason I can think of for the Government's choosing to introduce the legislation in this way is to ensure that it does not have to face the music or the controversy, in relation to some of these important and contentious issues. The Government wants to take it out of the public arena and put it into the Cabinet and the *Government Gazette* which few people read, and of which fewer people take notice.

The fourth point I want to make is that the amendments and the general retreat by the Government from the important issues involved in

this legislation represent a major defeat for the Premier. As well, the Government's position has chopped and changed during the course of the year that it has been discussed—from the time it determined earlier this year that it would not allow some form of legalised casino. In *The West Australian* of 8 April under the heading "Illegal clubs go on—Government" was the following—

The State Government has indicated that Perth's illegal gambling clubs will be allowed to continue operating.

The Minister for Police, Mr Hassell, said yesterday that the existing policy toward gambling would continue.

He told the Legislative Assembly that the policy of the State Government in relation to gambling was clear. It was set out in the laws of WA.

He said that the enforcement of the laws was up to the police, who exercised proper discretion. These were not limited to gambling and prostitution.

Mr Hassell's statement comes after Liberal MPs voted on Tuesday to reject a recommendation from the Williams committee that a casino be legalised in WA.

However, Mr Hassell said yesterday that the decision had not been considered by the State Cabinet. He did not rule out a general review of WA gambling laws.

It goes on—

Mr Hassell said that the WA public had a "pretty good" understanding of the police enforcement policy.

They preferred the police to use "proper discretion" rather than encourage these activities by legalising them, he said.

Mr Hassell: Why don't you quote the question and answer in this House instead of the newspaper report? The report includes the conclusions drawn by the reporter and the newspaper which were not in my answer—like the opening paragraph.

Mr PARKER: I went through the Press clipping file on this matter and discovered no retraction or correction.

Mr Hassell: You know very well you don't get retractions or corrections about those sort of things.

Mr PARKER: Only recently I was told by a senior official of the paper concerned that the paper was very anxious, if it made any mistake at all, to ensure it was corrected.

Mr Hassell: That is not a mistake; I did not say it was.

Mr PARKER: Then why does the Minister object to my reading it?

Mr Hassell: I said it included a conclusion drawn by the newspaper. Why not refer to the record of this House which was totally and precisely what was said?

Mr PARKER: The Minister was complaining about the record of the House in regard to his policy in this direction, and said that the words "containment and toleration" had crept into an answer.

Mr Hassell: I was not complaining about the record of the House; do not misrepresent that, either.

Mr PARKER: The Minister said the words had crept in. The only way they crept in was through the Minister's using them.

Mr Hassell: That may well be. I do not deny that.

Mr PARKER: The Minister makes that concession at least.

Mr Hassell: I think I said straightout I may have used the term incorrectly.

Mr PARKER: I think the terms have changed as the mood has suited the Minister.

It is interesting that it took from some time last August or September 1981 when the term was first used to September or October this year for the Minister to decide the incorrect term had been used, and to change it from "containment and toleration" to "containment and control". My view is that while the Minister may now find the earlier term unpalatable, it is a more accurate description of the policy than his more recent term.

The events which led him to determine he should change the policy are interesting. On 5 July 1982 in the *Daily News*, John Arthur, the senior political journalist, wrote an article in which he indicated the State Government was considering a minimum fine of \$10 000 in a bid to close Perth's illegal casinos. The article states—

A mandatory minimum fine for owners or operators would be imposed.

It goes on to describe certain other aspects of the proposed legislation which are remarkably similar to the legislation now before us. The only difference is that, instead of a minimum fine of \$10 000, the Government has determined it will be a maximum of \$10 000. In another article in the *Daily News* of 19 August, the same journalist, John Arthur, wrote the following under the heading "Gambling Moves Thwarted"—

Powerful forces in the Liberal Party thwarted plans to impose a minimum \$10 000 fine against Perth's illegal gambling clubs.

The proposal was switched from a minimum to a maximum fine after heavy pressure from Cabinet and backbenchers.

About 16 backbenchers met the Minister for Police, Mr Hassell, yesterday and argued against a statutory minimum fine.

It goes on—

But the move could be a life-saver for Perth's illegal gambling clubs.

Today, government MPs were divided on how effective the proposed legislation would be.

It goes on to talk about questions asked about enforcement of the existing provisions by the member for South Perth. It does not surprise me that these so-called powerful forces within the Liberal Party would have been able to change the legislation in this way; because we know that a certain amount of influence would have been brought to bear.

Mr Herzfeld: You do not believe everything you read in the paper, do you?

Mr PARKER: That is true. However, I do believe that, because I had received similar information from other sources. Everybody knows that one of Mr John Arthur's sources is a person very senior in the Government.

Mr Carr: Very, very senior, in fact.

Mr PARKER: I would not be surprised—in fact, I would be astonished—if Mr Arthur's reports which emanate from the Liberal Party's rooms were not accurate. In addition, there was no retraction of the article by a Press statement saying that the story was inaccurate in any way.

I would like to deal with some aspects of the second reading speech of the Minister. Firstly, he made the point that the imprisonment for the offence of keeping a common gaming house, as with other like offences, will be deleted. Indeed, the Minister has gone through and deleted all the existing prison penalties with one exception; and it is fascinating to find out what is that exception. The Minister has deleted the punishment of imprisonment for offences including the keeping of a common gaming house, SP bookmaking, and being in possession of things associated with SP bookmaking. However, the only offence for which the Minister has not deleted the prison sentence is cheating at cards—cheating at play generally, but, most particularly, cheating at cards.

It is interesting that the Minister or his advisers have chosen to accept the fact that this extraordinary offence should be the only one to continue to carry a prison term. Of course, from a Tory point of view, it is a pretty caddish act to cheat at cards. I am not suggesting that there is anything good about cheating at cards; but it is extraordinary that it should be regarded by the Government as the only offence within the gaming area that should carry a prison term as the penalty. I suppose it is an anomaly that that offence has retained a prison penalty; and I suggest that it has something to do with the residual Tory views within the Liberal Party.

Mr Hassell: Is that in the Bill?

Mr PARKER: What, the retention of the imprisonment?

Mr Hassell: Yes.

Mr PARKER: Yes it is, as a matter of fact. The Bill proposes that section 94 of the principal Act be repealed and be re-enacted, to stand as section 89C. The current marginal note is "Cheating at play". In fact, a new part VI will consist solely of the repealed section 94 re-enacted as section 89C; so the one-word answer to the Minister's question is "Yes".

The Bill provides for, and the second reading speech refers to, infringement notices that will be issued to persons who, in general terms, are found on the premises of a common gaming house. Again, we see an interesting distinction between two classes of persons. On the one hand, if a person is simply found on the premises of a common gaming house, he will be liable to a fine of \$100 and an infringement notice will be issued for \$50.

I applaud the Government for introducing the concept of infringement notices, which will avoid the absurd situation of hundreds of people being packed into paddy wagons and spending a good proportion of the night in the lock-up, taking up valuable police time which could be much better spent elsewhere.

By contrast, if a person is found in a common gaming place and is actually found to be playing, or it can be proved that he was playing, he is liable to a fine of \$1 500 with no provision for an infringement notice. I suggest that the only difference between someone being found in a common gaming house, who is to be charged under the infringement notice provision, and a person who is found and can be proved to have been actually playing, is the time at which the police arrive at the scene. With the facilities available to many of the gaming houses, the vast majority of the people will not be charged under the provision carrying a maximum penalty of \$1 500 because they will not

actually be playing at the time the police enter the premises. They will be charged under the infringement notice provision.

In precisely the same situation, if a hapless fellow happens to be still playing when the police arrive, he will be liable to a penalty of up to \$1 500. However, that is not likely to happen unless the police manage to get to a certain point in a gaming house premises within a given period of time.

Mr Hassell: That is the position now, is it not—and they are not charged under that section in general?

Mr PARKER: In general, it is true that happens; but the discrepancy in this case is that the high penalty is 15 times higher than the low one. The difference between a \$100 fine for a person under the infringement notice and \$1 500 for the other one is a considerable amount of money.

I appreciate that the Minister says that people are not generally charged under the latter type of provision; but, if that is the case, one asks why such a provision exists. Is this an example of police discretion in deciding what charge will be laid?

Mr Hassell: There is often a choice of what section or provision a person is charged under.

Mr PARKER: It is true there is often a choice between two like offences; but one of those offences does not carry a penalty some 15 times greater than the penalty for the other, when the activity engaged in is essentially the same.

I already have dealt to some extent with the provisions of the Bill which relate to not making illegal those things which are currently legal. In relation to that, the Minister has answered some questions in respect of the showmen's association which I have not found highly satisfactory. Indeed, they are considerably troublesome with regard to the way in which the Minister proposes to deal with certain categories of persons.

I imagine that the sorts of things the Minister has in mind under this provision are quiz shows on television and some of the other games of chance, including such national television shows as "The Don Lane Show" and Perth's equivalents. Of course, all those shows have chance games in them, at the end of which the player is asked a simple question to bring in the element of skill. Members will recall that many of these quiz shows are akin to a guessing competition, in the same way as a player on a chocolate wheel will achieve, say, item No. 23 which might entitle him to a trip to Bali, or whatever it is, and he then has to answer correctly a question put to him by the person running the chocolate wheel.

That sort of thing is used by a whole range of fund-raising groups; and such a thing is not illegal because of the mixture of chance and skill.

Mr Hassell: That is a very doubtful proposition.

Mr PARKER: My understanding from my reading of the Police Act or, more particularly, my reading of the description of the Police Act by the Minister's political colleague, Mr Nicholls, is that if there is no element of skill, the game is regarded for legal or criminal purposes as a game of chance. I will return to that later, because it is relevant to some of the other provisions of the Bill. My understanding is that those sorts of things probably would be prescribed under the regulations referred to by the Minister. I regard them as of considerable concern, because if they are supported by and acceptable to the whole of the community, we should have a parliamentary determination on the matter, rather than leave it to the whim of the Executive.

I turn now to some of the particular problems relating to the legislation. The first deals with showmen and their association. Soon after the legislation was introduced, the Opposition was contacted by the showmen's association; and I know that the Government was contacted as well. The association was concerned about the way in which some of its members had been treated by members of the Police Force over a period. In addition, it was concerned about what was intended by the Bill.

Let me deal firstly with some of the history of this matter. The showmen in this State are the people who go from show to show—the Royal Show and the various country shows, school fetes, and the like—operating their machines in order to make a living for themselves, in some cases providing entertainment, and raising funds for charitable and similar organisations.

In 1977, a man by the name of Crowley—one of the showmen at the Royal Show—purchased and installed a machine which is known as "the bulldozer". The nature of the machine is that it has some sort of scoop like a bulldozer scoop which shifts money and other things on the floor of the machine; and as a result of moving the money into a slot or cavity, one can win a prize.

I understand that the Minister for Police and Prisons played that machine when he was at the Albany show a year or two ago, and he won a giant stuffed banana!

When the machine was first introduced in 1977, no problems were experienced with its operation. However, in 1978 Mr Crowley and other showmen—Mr Burke and Mr Bowler—had similar machines at the Royal Show; and on the first

Monday of the show the liquor and gaming squad closed down the operation. In the following year, 1979, the machines were again operated at the Royal Show and they were not closed down. In 1980, Mr Howson, the then Director of the Royal Agriculture Society, asked the showmen to close down the machines because he was concerned whether they were legal or illegal. The Duke of Edinburgh was visiting the show; and Mr Howson did not want any unfavourable publicity at the show in that year.

In 1981 the machines were allowed to operate without hindrance and some operated at this year's Royal Show. I understand in relation to these machines and all the other games operated by the showmen that no cheques or credit is given; the transactions are strictly cash. I am sure we have all experienced, either directly or indirectly, the games operated by these people.

A member of the executive of the association, Mr Benjamin Burke, has had particular problems with members of the Police Force and their attitudes towards these games which he has operated. In 1978 he was forced into taking out an injunction against the then Commissioner of Police, (Commissioner Leitch), as follows—

- (1) The defendant and his officers and servants and agents be restrained until further order from seizing or interfering with the plaintiff's operation of a machine known as "the Bulldozer" operated by the plaintiff and presently situated at the Royal Agricultural Show Grounds, Claremont, until the hearing of the writ dated 28th September 1978 or until further order.
- (2) The defendant have liberty to apply on 48 hours notice to vary or set aside this order.
- (3) The defendant be served with true copies of the papers filed herein.
- (4) Liberty to apply.

It is interesting that, in the more than four years since that writ was taken out and the injunction was granted by Justice Jones of the Supreme Court, there were no applications on behalf of the Police Force to have the injunction set aside.

However, the police officers did visit Mr Burke at the Cannington showgrounds, notwithstanding that injunction. Mr Burke's solicitor, Mr Picton-Warlow, on 7 November 1978 was obliged to write to the Commissioner of Police in the following terms—

My client has advised me that four of Mr Hull's officers attended at the Cannington Show Ground and harassed his son, regard-

ing the running of the Bulldozer Game which was the subject of an Injunction against the officers of the West Australian Police Force some few weeks ago.

I am most surprised that such an Injunction should have been ignored by your officers and I am instructed to inform you that if any further harassment occurs, then steps will be taken to bring the officers concerned before the Court, to show cause why they should not be punished for contempt.

A copy was also sent to the then superintendent of the liquor and gaming squad. As far as I am aware, since that letter was written there has been no further direct harassment of members of the showmen's association by the Police Force with respect to that particular game.

Members of the association are very concerned that the current proposal will have the effect of achieving by legislation what the Police Force could not achieve by direct activity, the loss of the injunction being awarded against it, and the loss it also sustained in the courts in August 1979.

Mr Hassell: What do you think it wants to achieve?

Mr PARKER: It is the view of the association, and it is my view after reading the proposals before us, that the Bill will ensure, unless the provisions of section 86C are applied, there is absolutely no question whatsoever that not only the bulldozer machine, but also a whole lot of other machines operated by the showmen, will become illegal. In my view the legislation catches not only the bulldozer machine, but also games such as the laughing clowns, a very well known part of any show, some of the shooting and throwing games, and even, it has been suggested by one person, the game of darts, although it is my view that the game of darts would not be caught by the legislation.

Mr Davies: It would depend on the player.

Mr PARKER: Yes, it probably would depend on the player.

Mr Hassell: Your colleague has just made a very important point, because if it does depend on the player, you can say that any game is a game of chance, which is not what we are saying.

Mr PARKER: I will get on to that during the Committee stage. The specific clause in the Bill talks about games of chance and a combination of skills and chance and an exercise of skill and, where there is such a combination, those games will be regarded as games of chance, even where the question of superlative skill can ensure that a person with such superlative skill can overcome

the chance in the game. That is not in the present Act, but it appears in this Bill, and ensures that, irrespective of a person's skill, legally a game will be defined as a game of chance in the circumstances I have dealt with rather than whether, in the general terms in which the member for Victoria Park is talking, an ordinary citizen not interpreting an Act of Parliament would regard such a game as a game of chance or skill. The question of darts being regarded as a game of chance is a little farfetched.

Mr Hassell: What about shooting games?

Mr PARKER: They contain an element of chance because we are dealing not only with the question of whether or not a person can shoot down the row of ducks, or whatever, that move across the booth, but also with the shooting of irregularly appearing ducks, animals, space invaders, or whatever, so there is an element of chance. A person is not to know, when he shoots, that a duck will appear at that time, so thereby an element of chance is created.

Mr Hassell: Do you think that when the police are practising marksmanship on their range where their targets pop up at different times, it is a matter of chance?

Mr PARKER: There is an element of chance, but this could not be considered a game of chance because it does not fall within the Act or this Bill. But no doubt some of the activities engaged in by the showmen fall into the category of chance and would be made illegal by this Bill. The laughing clowns game—I am sure it was around when the Minister was attending shows—has been around for a long time and no-one has taken exception to it, and that is definitely and completely a game of chance and is caught by the Bill. If a prize is granted in excess of the money paid to play the game, it falls within the provisions of this Bill.

Mr Hassell: Are you sure of that?

Mr PARKER: We might wonder at times whether some of the prizes are in excess of the money paid to play the game. As a general rule, the individual playing of the game might be considered not to fall within the ambit of the Bill, but the allowing of the game to be played would be something that would be caught by this legislation. That matter and the question of the playing of the bulldozer game are of very great concern to members of the showmen's association.

One of its members succeeded in a prosecution brought against him in 1979 by the liquor and gaming squad. It was determined that section 89(A) of the Act—which will not be changed by this Bill, except for its heading—did not apply to those sorts of games. Probably that is a correct

decision although, had the Governor wanted to do so, or had the Executive Council advised the Governor by proclamation under section 89(A), he could have some of these games fall under section 89(A). But the Governor did not do that, and because of the decision of Magistrate Symes in 1979 it was held that these games did not fall within section 89(A).

When the showmen saw these provisions affecting that section of the legislation they were naturally concerned that their operations would be caught by this new legislation. I believe this Bill is cause for very considerable concern.

The showmen's association was so concerned that it briefed a barrister to prepare an opinion on its behalf on that particular matter. I am aware that the Minister also has received a copy of that opinion from the barrister, Mr Terrence Mitchell. Apart from being a barrister at law in this State, he is also a former magistrate and is well experienced in interpreting laws and, indeed, has been used to such interpretations in his former occupations as a magistrate and as a draftsman. So he has had considerable experience in these matters. I quote from his opinion as follows—

The Minister in a Second Reading speech, informed the House that:

"This Bill does not set out to make that which is presently lawful unlawful, or that which is presently unlawful, lawful . . ." (*Hansard*, p. 3492)

Unfortunately, I believe that the effect of this Bill would go well beyond this.

Mr Mitchell refers then to section 66(6) of the Police Act as follows—

The present S.66(6) of the Police Act says:

(It is an offence punishable on summary conviction by a fine not exceeding \$1 000.00, or imprisonment up to 12 months, for) "Every person playing or betting at Thimble-rig, or at or with any table or instrument of gaming other than a totaliser lawfully permitted to be used, or at any unlawful game, or at any game or pretended game of chance in a public place . . ."

He then goes on to refer to Mr Nicholls, a former Liberal candidate for East Metropolitan Province. To continue—

"Western Australia, save and except for the Lotteries (Control) Act 1954, has not by Statute declared any games to be unlawful . . . no game is unlawful at Common Law."

At pages 97-98 he considers pretended games of chance—

"A pretended game of chance is obviously one where the person conducting the game ensures the results of the game are not left to chance, but where those playing with him believe that they are. One good example is Thimble-rig which is specifically referred to. This game involves the use of three thimbles, under one of which a pea is concealed. The thimbles are shuffled and the 'customer' invited to pick the thimble under which the pea rests. The pea is always palmed by the person running the game, and inserted under any thimble other than the one chosen."

Let me say that apart from what Mr Mitchell is saying about this, it is extraordinary that the only game the Government has seen fit to continue to ban by defining it by this title is the so-called game of thimblerrig.

I have to admit that the previous legislation outlawing thimblerrig was very effective, and one could not suggest that the police had an enforcement policy for that game. The member for Dianella has referred to what is normally called the pea and thimble trick, which is the sort of game the Liberal Party trots out at each State election, except that, even if a person were to pick up all three thimbles, he would not win in the Liberal version. It occurs to me that the game of thimblerrig is not even an appropriate one to be found in this section. I do not believe this game really is a game of chance except that it is one so defined by the Government. It could be considered a fraudulent game and so come within the provision of cheating, but the game is not a game at all; it is more a fraudulent device.

Mr Hassell: Were you quoting from Mr Mitchell's opinion?

Mr PARKER: I was until I made the point about thimblerrig. These are my own comments. Mr Mitchell was describing the game of thimblerrig, and at the conclusion of his comments I started to make my own point. I do not believe the game of thimblerrig is an appropriate one to be outlawed.

Mr Hassell: Are you saying it is not a game of chance?

Mr PARKER: It is a fraudulent operation against the people who are watching it. It is not a game of chance at all. The whole concept as described by Mr Mitchell—and his description coincides with the definition I was able to find in a dictionary—reveals there is no element of chance

whatsoever in the game and that it is entirely an element of fraud. I am suggesting it should be illegal, but not so defined here.

I will return to Mr Mitchell's opinion and quote as follows—

Whilst the present Act catches any game of chance, the authorities indicate that it must be a game where chance is the dominant factor and not skill and chance. In *Weathered v Fitzgibbon* (1925) N.Z.L.R. 311 @ 337, Salmmond J said,

"By a game of pure chance I understand to be meant a game in which there is no element of skill whatsoever, or an element of skill so unsubstantial and unimportant that for all practical purposes the game is one of chance exclusively."

Mr Mitchell continues—

Much hinges upon the meaning of "game of chance" in S.66(6) of the present Police Act. The cases on the meaning of game of chance are not clear, some falling one way, some another. In *R. v Thompson* (1943) 2 All E.R. 130 @ 136 the Court quoted with approval the "governing element" test, and said:

"Since the year 1913 the courts in automatic machine cases, have taken as a test, not whether the game is one of mere skill, but whether or not the proportion of skill to chance is such as to establish that skill is the dominant or governing factor in the game."

Mr Tonkin: Hear, hear!

Mr PARKER: The document continues—

In *Fowler v Davidson* (1918) VLR 356 @ 365 Cussen J in interpreting a Victorian Statute, held that a game of chance meant one on which there is substantially nothing else but chance (i.e. a game in which the element of skill is non-existent or negligible).

It is likely that a game of skill and chance, where each play an equal proportion to chances of success would under the present Act be considered not a game of chance.

I suggest that most, if not all, of the games which are at the Royal Show and other venues operated by the showmen's association are games where at least one could say there is a substantial element of skill and of chance involved, with the exception of perhaps one or two games such as the laughing clowns which we could say is a game almost entirely of chance.

Mr Mitchell goes on to say—

I think that whilst it is fair to say that the position is not clear in the present Act, the Bill would help clarify the position by tipping the scales towards an offence in the proposed amendment.

Later Mr Mitchell says—

Because of the change of definition in the proposed Act, to include as games of chance games of chance and skill, should there be any appreciable element of chance then a game may well be caught. (But see this later considered). I suggest that darts may be so affected, ...

As I already have said, I am not convinced that that is the situation. The document continues—

... as would the Bulldozer Machines, and the Laughing Clown Machine, all devices that I would consider at present lawful. A gust of wind could affect the results of the most experienced dart player, especially as most darts are played indoors and wind allowance is not relevant. In shows, the darts are outdoors. The only games machines that I would consider may come outside the prohibition, strangely, is the High Riser (the Hammer & Bell). Taurus etc., that depend upon strength. These would fall within the exclusions of "an athletic game or sport" of the definition in S.85(1) of the proposed Act. It is unlikely that the present section 84A would apply to amusement machines.

I will deal with the rest of Mr Mitchell's comments in the Committee stage.

That represents the grave concern which the showmen's association has in relation to this matter. For some reason I am not quite certain of, the showmen's association was directed by the Minister to have discussions with the member for Bunbury. Heaven only knows why the member for Bunbury was suggested—that he is the Secretary of the Parliamentary Liberal Party is the only reason I can think of.

Mr Hassell: Don't you think they are entitled to consult with any member of Parliament they wish to?

Mr PARKER: It was not they who wished to have discussions. They were directed by the Minister to have those discussions with the member for Bunbury.

Mr Hassell: What absolute nonsense.

Mr PARKER: It is not absolute nonsense. The Minister told them they should have discussions with Mr Sibson.

Mr Hassell: That is simply not accurate. The member for Bunbury made representations to me on their behalf, as have other members.

Mr Brian Burke: You should know better than that.

Mr Wilson: He was one of them.

Mr PARKER: My information was that, when representations were initially made by the showmen's association directly to the Minister, the Minister indicated he would have an officer of the Police Force involved with drafting available to discuss the matters with the showmen's association, which I understand took place, and he suggested to them that they have discussions with the member for Bunbury.

Mr Hassell: I do not direct people in regard to whom they should make representations.

Mr PARKER: Perhaps the Minister was trying to demonstrate to the showmen's association—

Mr Hassell: I do not tell people to go to you or not to go to you. They can go to whomever they want to.

Mr PARKER: —precisely what he meant by a game of chance by directing them to the member for Bunbury!

Mr Wilson: He would be fair game, wouldn't he?

Mr PARKER: Perhaps the Minister will enlighten me about this, but the notice paper contains no provision which would cater for the very real concerns felt by the showmen's association. I hope the Minister proposes at some stage during this debate to move amendments which will take care of the position of the showmen's association. However, if it transpires that the Minister is not proposing to do so, I would be happy to move some. In answer to a question from the Leader of the Opposition, the Minister said that he would be prepared to consider making lawful the games together with the exemption provisions of the legislation. I do not believe that that is satisfactory.

It has been suggested to me that one thing which could be required—and I will certainly be prepared to support this—is that their activities be lawful provided that the prizes that are given other than the simple return of a coin in some circumstances, would not be in cash. If the Minister was prepared to move such an amendment, I would find it acceptable. If the Minister is not prepared to so move, I am prepared to do so. I suggest the amendment should provide that the prizes be not in the form of cash, but rather in the form of the giant stuffed banana which the Minister himself won at the Albany show.

Our second area of concern in relation to this legislation is the fact that the legislation does not provide or take account of special problems of ethnic communities and clubs. I suppose it would be possible for the Minister simply to say that, under his proposed exemption provisions, ethnic clubs will be exempted—or any club could be exempted—but there has been no suggestion by the Minister or the Government that that is the action proposed.

A good example of a community in which gambling is an important part of the day-to-day lives of particularly its retired members is the Greek community. It was put to me recently by a member of that community, and who was associated with the Greek Club, that, if we prohibit a Greek from gambling, we might as well cut off his hands. That might have been a somewhat graphic description of the situation, but there is no doubt that there is very serious concern being expressed by members of these communities as to the way in which their activities are proposed to be regulated or outlawed by this legislation.

For many years, for example, the Hellenic Club has been in a position where its ordinary members—namely, elderly people—have had cups of coffee and while so doing have played cards and it is certainly possible that on some occasions when they have played cards and drunk coffee, money has changed hands. Quite recently a raid was conducted on the Hellenic Club by the liquor and gaming squad. These people were arrested and charged with offences under the Police Act. The hypocrisy of that is quite astounding when one takes into account that only a couple of hundred metres up the road, one could have gone with almost impunity to one of the illegal establishments and played cards and indeed many other games there for greater sums of money than were allegedly involved at the Hellenic Club. Putting that aside, this measure is inoffensive to the community.

Mr Tonkin: Hear, hear!

Mr PARKER: The present situation is not causing anyone any harm whatsoever. It is something they have done in their own homes. These people are involved in their club and that is a very important part of their community life. I suggest it is so much a part of their community life that it is wrong for them to be prosecuted for playing these games. According to both the Government and the Opposition we are supposed to be developing a multicultural Australia and I suggest that part of that multiculturalism should take into consideration some of the customs and habits of the members of these clubs and communities. I suggest it is very sad that people such as Greeks

playing in the Hellenic Club will be placed in exactly the same position as is the person who owns Il Travatore, Gingers, or Club 27.

Mr Hassell: Can you go into the Hellenic Club without being a member of that club?

Mr PARKER: Only as a guest, in the same way one could under any club licence.

Mr Hassell: So do you think it is a public club?

Mr PARKER: I am not 100 per cent certain of that. It could be held to be a public place. Certainly it falls within the legislation because the portion of the legislation which applies to the playing of cards, and which exempts certain types of playing of cards, refers specifically to domestic residences and makes illegal the playing of cards which does not take place in domestic residences.

Mr Hassell: That is only an evidentiary provision, isn't it?

Mr PARKER: No, it is a declaratory provision, as I understand it.

Mr Hassell: That is true.

Mr PARKER: My understanding of it is that it makes a declaration of the law as well as of the evidence. There is an evidentiary part of it, but the evidentiary aspect is simply not the defence that can be raised.

A senior officer of the Police Force told me that he believed that currently under the legislation it was not illegal to play cards for money in one's own home or even in a public place, but I suggest that the very fact that that evidentiary provision or aspect that the Minister refers to in relation to playing cards in the home is necessary, gives rise to some serious concern that if one is not able to avail oneself of that defence, one is committing an illegal act and I suggest that is a matter of grave concern.

Another problem area of this legislation is the point relating to one purpose of the legislation which purpose the Minister in his second reading speech concealed from the House and from the public. The second reading speech revealed this Bill is designed to make certain changes to the laws concerning betting and gaming and, indeed, in large measure, that is precisely what it does. However, the Bill contains a provision which does something completely different and bears no relationship whatsoever to the question of betting and gaming, and that is the proposed amendment to section 50.

If the Minister wants to introduce an amendment to section 50 of the Police Act, he is entitled to do so and the House is entitled to consider it, but it would be helpful not so much to members of the House, whom one would expect to scruti-

nise the legislation fairly carefully as I have done, but perhaps to members of the public who probably, certainly generally, do not scrutinise legislation but who rely on the second reading speeches and the Press reports that flow therefrom to gain an appreciation of legislation that is proposed in this place. The Minister's proposed amendments to section 50 will give much greater power to the Police Force in an area totally unrelated to gaming, although it could be said to be occasionally used in gaming. The Bill should delete the need for a police officer not to know the name of a person before he asks him for his name and address.

Currently the Bill says the police officer can ask for the name and address of only a person with whom he is unacquainted. There was a High Court case in this matter, and it was mentioned by Mr Nicholls. It was thoroughly examined by the High Court in *Trobridge v Hardy*, which case involved a taxi driver who was stopped by a police officer and asked to give his name and address. In response to that question, the taxi driver gave the police officer his business card. The police officer took the taxi driver to court and said he refused to give him his name and address. Incidentally, the taxi driver's business card revealed clearly both his name and business and private addresses. The High Court upheld that the taxi driver was completely in the right in giving the police officer his business card and held that no offence against section 50 had been committed. There have been other occasions when police officers have not been able to pursue prosecutions under this section because of the words presently contained in the Bill. I guess the reason the words were taken out were firstly, they have nothing to do with betting and gaming, and secondly, it is only to make it easier for a police officer to ask questions simply for harassment rather than in the performance of his duty.

Mr Hassell: How does he do that?

Mr PARKER: At the moment, if a police officer is acquainted with a person he is not able to stop that person and ask him for his name and address. Under proposed section 50 of this Bill a police officer will be able to stop anyone at any time. Even if he has just asked that person a few minutes before, for his name and address, he may do so again. One may ask why he would want to do that, and in the majority of cases it is unlikely that he would.

I am aware of the situations that can occur at demonstrations and where youths are congregated in the city mall or the Fremantle mall; police officers simply want people to move on and rather

than use the direct provisions relating to loitering they ask questions about names and addresses. In many cases the people become afraid or concerned and they do, indeed, move along.

If a police officer wanted to harass a person he would simply do so by requesting the name and address of a person on a number of occasions. This would either make life unpleasant for the person concerned and, on some occasions, create a situation where a person who may not have been committing an offence may go ahead and commit an offence to spite the officer. If a police officer asks a person his name and the person says, "Joe Bloggs and I live at 13 Smith Street", and the police officer writes that down and a few minutes later comes back and asks the same question again the person could say, "I gave you my name and address a few minutes ago and I will not give it again". Under this Bill that person will be committing an offence. However, under the existing legislation a person would not commit an offence.

Mr Hassell: You have over-interpreted *Trobridge versus Hardy*.

Mr PARKER: That is my understanding and it is also the advice that has been given to me on the matter. If such matters become questions of interpretation the rights of citizens are very much in doubt. One would ask why is it this proposal is being put forward? Has there been any need for it shown on the part of the police officers or have they failed to apprehend criminals or failed in their duties to enforce the law because of the provisions of the Act? The only demonstration of a need for such a provision is the case of the taxi driver who would not give his address. That case was taken to the High Court of appeal because the police did not like the decision. The High Court upheld the original decision. I believe that the police were wrong in that case and I suggest the amendment is unnecessary to the extent it can be seen to have no logic—it is an offensive amendment.

Mr Davies: That case was about 25 years ago.

Mr Jamieson: Don't get too enthusiastic about the matter because the Labor Government defended the police in that case.

Mr PARKER: I am not responsible for the attitude of previous Labor Governments. The case was heard in 1955 and that was nearly 30 years ago.

Mr Davies: They have not tried to remedy the matter since then.

Mr PARKER: This is probably the first occasion the Government has tried to amend the Act. It is something that has probably been sitting in the department's file and this Minister has

agreed to put it in the Bill. Previous Ministers were not prepared to do anything but this Minister was.

I have mentioned already the other concern the Opposition has about this Bill and that is that the proposed penalty for an offence concerning cheating at cards is imprisonment. The Minister might look at this matter in conjunction with the other proposals which we support to delete imprisonment as a penalty. The Opposition's position on this matter is fairly well known in the public arena.

I would like to put our general position in regard to our gaming policy. It is something that has been put forward on numerous occasions and it is appropriate that it be referred to especially as there have been attempts on the part of the Minister for Police and Prisons to misrepresent the Opposition's position on this matter.

The Opposition's policy is to repeal all existing gaming laws and to implement a gaming Act which does not contain the drafting problems of this Act and would contain the details of gaming that would be legal and would be illegal. This could result in some form of gaming commission which would replace the Betting Control Board. It would regulate anything which the Government and the Parliament determined should be legal and it would issue permits and licences for various functions as I will outline shortly. The Opposition would create completely new gaming legislation which would be readily identifiable and would operate in a similar fashion to the TAB or the Licensing Court.

We would create the opportunity for genuinely known non-profit clubs to obtain gaming permits in the same way, but much stricter, than the conditions that exist in relation to permits for the serving of alcohol at functions. This was suggested recently to the Chief Secretary by the East Perth Football Club. The letter written by that club to the Chief Secretary enunciated the policies that we have been proposing for some considerable time. We have two reasons for our policy. One fundamental reason is that we believe the Government will not eliminate illegal gaming by this legislation. If the Northbridge casinos are closed down gaming would not be eliminated from the community. It becomes necessary to determine under what circumstances gaming should operate. If one looks at the clientele of these establishments one finds they consist mainly of two kinds of people.

Many ethnic people regard gaming as part of their way of life. As we all know, ethnic clubs are active and successful and they would be happy to

run gaming nights in order to raise funds for various clubs so they could expand their general activities and increase membership and, as a result, a substantial number of clientele would be removed from the gambling establishments.

The second group are those people described loosely as sportsmen and members of sporting clubs. One often notices that some sporting organisations do, in fact, already run illegal gaming nights as a method of raising funds. We have all heard of the illegal gaming nights run on the Swan River and in the bush north of Wanneroo.

Mr Jamieson: Even Balcatta.

Mr PARKER: Yes, even Balcatta and Osborne Park.

Mr Nanovich: Whereabouts north of the river?

Mr Jamieson: I will tell you where and what the sign post is like.

Mr PARKER: It is not my intention to identify these places.

Mr Hassell: They tell me Fremantle is the worst.

Mr PARKER: I am not saying that illegal gaming does not occur in Fremantle. In fact, I know of one place where illegal gaming takes place. It is known to the police and has been named in the Press.

The purpose of my remark was to draw attention to the fact that illegal activities go on and they will continue to go on whether legislation is passed or not. It becomes necessary to find a way to ensure that gaming which takes place in the community does so on a legal basis.

Clubs that want to raise funds for their own use or for worth-while causes ought to be allowed to have gaming nights. One way to handle this would be to create gaming night function permits. This policy would legalise gaming activities under strict control and it would cater for the substantial clientele which frequent existing illegal establishments. If these illegal establishments are closed down, then people would frequent underground establishments which would open up as a consequence.

The third tenet of the Opposition's policy is opposition to the introduction of poker machines in Western Australia. The fourth tenet refers to an inquiry as to the social and economic viability of the establishment of two legalised casinos which would be under strict Government control. One would be built in the metropolitan area and the other in a regional centre.

Mr O'Connor: Which centre?

Mr PARKER: I have some sympathy with the way the Queensland Government handled the situation that occurred in that State. It looked at what could be provided for the community as a whole in its overall development and this information was used in determining in which centre the casino would be built. If the Government thought it would be advisable to have a convention centre in a certain centre, this might determine the decision as to where a casino or gaming establishment should be built. If the Government thought that it should be built in conjunction with a function centre, that concept would be taken into consideration. The Queensland Government took those sorts of considerations into account, although there were some strange aspects in relation to how they went about a particular proposal.

I am not convinced that a casino would still be viable in Western Australia with the inclusion of these other aspects of our gambling policy. I am aware that some people in the casino industry do not share my view. Casinos have been established in the Northern Territory and Queensland and proposals have been put forward to establish one in New South Wales.

Tourism benefits associated with the West Point Casino may not apply to the same degree in Western Australia. I have constantly sounded a cautionary note that we might not achieve tourism benefits to the extent of those in Tasmania because we are situated so close to South-East Asia, although tourism influx may come from that area. The Opposition has an additional policy of gaming permits for clubs and that would deprive fullscale casinos of some of their clientele.

So, it would be very much up in the air as to whether economic justification existed for establishing these types of casinos under strict Government control; obviously, that is something which would need to be reviewed at the time.

The important thing about the policy of the Opposition is that it considers the situation in the light of the social and economic circumstances surrounding it, not on some emotive or head-in-the-sand basis, such as is adopted by the current Government.

The final point about the Opposition's policy is that all illegal casinos immediately would be closed. In saying that, I mean that it would be the policy of a Labor Government, not a policy of the Police Force. The Minister for Police and Prisons repeatedly refers to the "police policy of containment and toleration". It is my view and, I believe, the view of the Opposition, that it is wholly inappropriate for the police as such to have a pol-

icy on any matter. It is the Government which has policies, not the police. The police are there to enforce the law and to follow through the policies of the Government, not to create their own policies.

The extent to which the Government has suggested in this matter and in other matters it has allowed the police to form their own policies is a complete abrogation of the role of the Government. It is the Minister for Police and Prisons who is answerable to this House for the administration of the Police Force; it is not the Commissioner of Police. The commissioner is not some independent entity of authority, like the Ombudsman. He is a Government employee, employed by the Governor on the recommendation of the Minister for Police and Prisons.

If ever any doubt existed on this point, it was totally dispelled by the result of the Royal Commission of inquiry into the sacking of Salisbury in Adelaide a few years ago. Justice Roma Mitchell made it quite clear that no basis existed for the proposition put forward by the Police Force in that State—for obvious reasons—that it had some sort of independent role and authority quite apart from the position of the Government, to which it was responsible. The arguments in Justice Mitchell's determination destroyed absolutely any such proposition; it was quite clear the police had no role to play in the determination of policies.

Of course, the police have a right and a responsibility to enforce the law as it stands at any time, and any Government which interferes with that role would be engaging in a very dangerous pursuit. However, on this occasion, we have the situation where the Government is not interfering in a decision by the police not to enforce the law. The Government is allowing the police to have a policy not to enforce the law, which seems to be an absolutely extraordinary situation for any Government to allow to be created.

That is not a situation a Labor Government would permit. If indeed the police and not the Government created this policy—although I have my doubts—under a Labor Government that situation also would be changed immediately and rapidly. We do not want there to be any doubt whatever about this matter.

As I have stated, although the Opposition has a large number of reservations about this legislation and although I intend to deal further with a number of aspects during the Committee debate, and will raise matters I have not dealt with at this stage in general we have decided it is a better piece of legislation than the existing Act. It will solve some of the evidentiary problems which the police either have faced, or feel they will face if

they prosecute someone; in some areas, it makes matters somewhat clearer.

Although the Opposition is concerned about some of the Bill's aspects, we regard it as an improvement, albeit not a totally satisfactory one, on the current position and for that reason, we have determined not to oppose the Bill.

Having said that, I would be interested to hear the Minister for Police and Prisons in his reply tell us whether the Government intends to create a situation in which it will be possible for it simply to close down the illegal casino operations in the Northbridge area. If what the Government has been saying—which I believe to be a smoke screen—is that under existing legislation it is difficult to close these operations, is it now saying that once the passage of this legislation takes place, it will be able to do so? Further, is it saying these gambling operations will be closed? Or is the Government to continue to say that the Police Force will maintain its policy of either containment and toleration or containment and control, whichever phrase the Minister for Police and Prisons finds most appropriate for the evening, and simply allow them to continue to operate?

There is no point in our providing for substantial fines or making it much easier to obtain convictions by nature of amendments to the evidentiary provisions and the changed onus placed on certain people under the legislation if no prosecutions result, because if no prosecutions take place there can be no convictions. That has been the situation for the past few years. When prosecutions have taken place, convictions have been obtained. I would suggest that if this Bill comes into force and simply remains on the Statute book without its being enforced, and if the police continue their so-called policy of containment and toleration, the legislation will not make one iota of difference to the situation. So, I would like to have an undertaking from the Minister that as a result of the passage of this legislation, the illegal operations will be closed.

One of the problems about this legislation which causes us considerable worry as to whether the Bill is deserving of support is the fact that, once again, all people will be treated in the same way. As a result, if any "Mr Bigs" or other people from organised crime are involved in the casino industry in Western Australia, they will be treated in precisely the same way as the operators of the clubs I have mentioned and some of the very small operations which exist around the State. Even the one-off situations which occur from time to time when some club illegally determines to hold a function will be treated in the same way.

The danger of this issue being approached in the way the Government has approached it, rather than in the way suggested by the Opposition is that the wealthy people—whether they are there now, or come in in the future to run an underground operation—will be in a much better position to survive the operation of this legislation than will the small people who, although certainly they are acting illegally; might be said to represent less of a danger to the community. That is one of our grave concerns about this legislation, and one of the reasons I believe the whole issue should be approached from a different angle.

Having said that, I indicate that the Opposition does not oppose the Bill.

MR JAMIESON (Welshpool) [9.23 p.m.]: The Minister for Police and Prisons mentioned in his second reading speech that certain of our gaming laws were inherited from the United Kingdom from as early as 1541 and that no real clarification had been made of many of the aspects of gaming. It is obvious from that brief statement that it is high time the position was clarified so that we know the position as it applies in our own Statutes.

The situation which applied in the United Kingdom in those early days was not due to the fact that the authorities did not like the people gambling, but that they found it very difficult to get the people to attend archery practice because they were more preoccupied with their various gaming pursuits. The kings of the day, and other governing personnel, felt it desirable to encourage a prohibition on gaming to bring about a situation they desired, rather than one the people desired. The same position seems to exist with regard to this legislation. The Government seems to be putting forward something which it desires, rather than something which will have the support of the public at large. This Bill is a concoction of the Government, which believes the public should be prepared to put up with it.

I have mentioned before in this House certain situations in respect of gaming. I am not opposed to clubs having beer ticket machines. However, I reiterate that, essentially, the playing of these machines is a game of chance. Such machines bring a lot of money into clubs, and I am not opposed to them. I believe the clubs which have these machines should police them in such a way as to ensure their membership uses them in the proper manner.

However, when I asked the Minister for Police and Prisons what was the difference between beer ticket machines and one-armed bandits, he replied

that he did not know whether there was any fundamental difference.

Mr Parker: There is no fundamental difference.

Mr JAMIESON: The Minister was being quite honest; there is no fundamental difference. In the case of one machine, the player inserts a coin and pulls a lever; the tumblers spin and, sometimes, the machine pays out. In the case of the beer ticket machine, the player inserts 20c and presses a button; he is issued with a ticket for which sometimes he receives a prize. It is the prize or payout aspect of these machines which concerns me. We are considering not only gaming as it applies under this Bill, but also gaming with all its ramifications.

These machines operate despite the provisions of the Lotteries (Control) Act. The licensing and gaming branch of the Police Force has come to an arrangement with the clubs to allow these machines on the provision that no cash prizes are permitted. The so-called beer ticket machines issue prizes ranging from one dozen bottles of beer down to one can of beer, depending on one's luck. However, the Lotteries (Control) Act regulations make it very clear no alcohol shall be given as a prize to any raffle sanctioned by the commission. These machines are reviewed on a three-monthly basis, because the Lotteries Commission considers them to be a permanent raffle.

I believe if the law exists, it should be upheld. On the face of it, the operation of a beer ticket machine is unlawful. I have made this point before, but nothing has been done about it. The matter should be clarified. Perhaps beer ticket machines could be included in those regulations relating to operations considered not to be unlawful. Certainly, no notice has been taken of my numerous requests to the Minister that he examine this matter; he simply has ignored them.

I am not one who is opposed to gaming. I imagine a political observer sitting on the sidelines this year would have been quite amused at the performances of the Government and Opposition in this State. Firstly, the Government appointed the Williams committee. After a time of sky-larking around, visiting certain clubs and collecting information, and of leaking certain parts of the report, the Williams committee came down with its recommendations. The Opposition then came forward with its proposition that, if elected to Government, it would establish one casino in the metropolitan area and one casino in the country. Undoubtedly, the wise birds of the Liberal Party said in their party room, "Now that the Labor Party has made that determination, let it stick with it, and let it fight against the lantern-

jawed opponents of gambling at the next election."

The idea was to let the Opposition be the bunny. But, of course, the saga continued. The ALP State conference decided against the concept of casinos as proposed by the Opposition members, and, just as the Liberal Party members had their say in the party room against the Williams report, the ALP State conference countermanded what we had envisaged. The decision of the conference was that, if there were to be casinos, they would be State controlled and operated.

The fact is that there is a demand for some types of gaming in the community, other than those types of gaming in which the Government has decided we can participate. It is all right for the people of WA to purchase lottery tickets, play Lotto and place bets with the Totalisator Agency Board and at the racecourses, but it is not all right for them to engage in gambling where a mechanical betting device is involved. No-one can point to any moral issue which makes one form of gambling right and the other wrong.

In my opinion, the Government should have paid a great deal more attention to the report of the Adams committee. From the parts of the Williams report which were leaked—and it appears that not much of it was not leaked—it seemed that that report was an updating of the Adams report in most respects. The problem was that the Opposition has put forward a proposal and the Government determined that it would sit back and let the Opposition deal with the matter and answer to the community as a whole. When the Government is prepared to play such political games, it is no wonder that we question whether this is dinkum legislation.

Mr Acting Speaker (Mr Tubby), I would be surprised if you, and other members in the Chamber, have not had some knowledge of gaming nights being held. I know that the "lily-whites" would hasten to deny any association with such nights, but where the legal access to such fund-raising events is denied to political parties—and other organisations—they will take place illegally. When I was in the United States a few years ago, I attended gaming nights held in community halls and large barns. Some of these nights were organised by the Democrats and some by the Republicans. They are illegal in the United States, just as they are here.

As the member for Fremantle said, organisations should be permitted to apply for occasional permits to enable them to raise finance. At the present time, the people organising gaming nights, and, indeed, those taking part in them, run

the risk of having a conviction recorded against them. This is quite wrong, and it should not be tolerated.

We were told that when His Highness, Prince Phillip, visited the Royal Show, the "bulldozer machines" were hurriedly removed from sight. Anyone who has visited the fun parlours at Brighton realises that His Royal Highness would have knowledge of these coin cascading machines. I do not think he would have been upset to know that some of the machines had found their way to Australia.

The Bill before us will improve the present situation slightly. However, I believe that also it will create more problems. For instance, people caught on premises where gaming is being conducted will receive infringement notices. The infringement notices will be completed by the police officers on the information given to them by the people caught. We are aware that it would be another offence to give the police officers false information, but, in the case of, let us say, a tourist to the goldfields who is apprehended by the police in premises used for gaming, he would be tempted to give the name of Smith, Jones, or Johnson.

Mr Hassell: It is not intended that those people will be given infringement notices. You will notice there is a specific provision in the Bill that is a little unlike other infringement notice provisions. Where people are giving false names, they will be dealt with as in the present situation.

Mr JAMIESON: I know that is so, but they would have to be caught first. Citizens of Australia do not have to carry any form of identification with them and people who do not wish it known that they have been issued with an infringement notice would be inclined to give a false name, pay the fine, and then nothing would be recorded against them. However, that is not the person to whom I am referring. The person who gives a false name and who does not pay the fine for an on-the-spot infringement notice will cause a great deal more work to the Police Force. First of all, he will be given the notice, and when it is not paid and the police take further action, it will be discovered that he gave a false name and address. If the matter is to be pursued further, the police officers will have to check with other people who were issued with infringement notices at the same time and who did pay their fines to try to ascertain who this person was.

I have said often in this House that forms of gaming which cause trouble to the Police Force are not good forms of gaming. We discovered after the licensing of SP betting shops and then

their conversion to TAB agencies, that the system operated as its own protection. If an operator sets up illegally in the vicinity of a legal operation, the word soon gets back to the Police Force.

I suggest that the Government has not faced up to many problems yet. It has not laid down what is and what is not a game of chance. We have heard a great deal about machine games, but at least some types of machine games are fairer to the punter than are the cardsharps and others with dexterous hands.

For some obscure moral reasons, the Government backs away hastily from the thought of introducing machine gambling into this State. It seems to feel that the citizens of this State cannot look after themselves. Citizens who are looking after themselves financially and physically should not be put in the position of being told on what games they will and will not gamble. It should not be the concern of the Government as to the type of gaming in which the citizens of the State engage. It should be the concern of the Government to issue licences to control gaming, and, as I said, it would benefit the community if occasional licences were issued to clubs and others who need to raise funds from time to time. Heaven forbid that if such legislation were introduced, political parties would be prohibited from holding occasional licences. It is hard enough to raise political funds in this day and age without our having to face stricter controls than other organisations.

This Bill does not excite me greatly. It leaves a lot to be desired. In my opinion, such legislation should cover all aspects of gaming, and it should set out clearly the duties of the Police Force in regard to gaming. It appears that, in the near future, South Australia will have a casino. The Northern Territory has casinos already at Darwin and Alice Springs. Before we introduced the Lotteries Commission into this State, we lost a great deal of money to the Eastern States. The only Government organisation to gain from that situation was Australia Post.

I suggest people will find some way to participate in gaming if they so desire. As long as we are reasonable and do not hurt anyone, we should adopt a tolerant attitude in legislation of this nature, because it is quite undesirable to have stringent regulations against such individuals. It is another matter when we consider illegal practices. Undoubtedly those who run illegal organisations will be faced with increased fines, but no provision is made for imprisonment.

Previously when occasionally a magistrate put some people in gaol for running gaming houses, all hell broke loose. Appeals of all sorts were

made and generally it was found the magistrate was quite within his jurisdiction in the decision he made.

However, the Government is now having a two-handed throw by saying, "We will put up the fines, but we will cut out the gaol sentences." Of course, that is not entirely correct, because if a person does not pay his \$5 000 or \$10 000 fine, he is liable for imprisonment. That is another way of getting round the situation.

I support the legislation for what it is worth, but it is worth little by comparison with the legislation which should have been before us, legislation containing a reasonable and rational modernisation of our attitude to gaming in this State.

MR HASSELL (Cottesloe—Minister for Police and Prisons) [9.47 p.m.]: I thank members of the Opposition for their support of the legislation albeit I note they have a number of reservations. I suppose the member for Fremantle might take particular comfort from the strong support given to his remarks this evening by his colleague at the end of the bench.

However, the point I really want to note is that the legislation is supported and I shall reiterate what the legislation is about before I refer to some of the points which have been raised.

Quite simply what the Government set out to do in the Bill can be summarised in three or four points. Its first objective was to increase the penalty for the operating of an illegal gambling house from its present level to a maximum of \$10 000. Its second objective was to provide effective provisions so that those who are the true owners and beneficiaries of illegal gambling operations are subject to the law and suffer the penalties in the same way as those who are commonly referred to as the "front men". That was the second objective; it is very clear, and the Bill contains provisions for the penalties for the operating of an illegal gambling house to apply to the operator, the lessee, and the owner, and where the owner is a corporation, it shall apply also to the directors of that corporation in some cases.

The third objective is equally clear and that is to provide effective provisions whereby instruments of gaming be subject to forfeiture in the event that an operator or an owner in control of those instruments is convicted of operating an illegal gaming house.

The member for Fremantle referred to that aspect and suggested the Police Act contains already adequate provisions for forfeiture and, on the face of the Act, it does; but in terms of the interpretation given to that Act by the courts, it does not.

In fact the interpretation given by the courts has completely thwarted the provisions of the Police Act and in this legislation we have aimed to reverse that situation.

Mr Parker: When was the last occasion that the police tried to bring a prosecution in that regard and have been prevented from so doing because of the legislation that you have just described?

Mr HASSELL: I cannot answer that question, but where we have had a test case, such as has occurred in this matter, and the court clearly holds that the police cannot succeed, and gives its reasons for that view, it is not usual for the police to continue to attempt to apply the provisions, because if they did so, members opposite would accuse them of harassment, as they have done tonight.

Mr Parker: It depends at what level the decision was made.

Mr HASSELL: It was a Supreme Court decision and that is a pretty good authority.

The fourth objective the Government had in putting forward the legislation was to provide that a system of infringement notices be available to be applied to persons found on illegal gambling house premises. In particular, I note that the member for Fremantle expressed his support of that provision.

Those were the four clear objectives the Government had and which it announced. It never sought to do any more and it does not seek to do any more by this legislation.

However, when Cabinet made the determination and the joint Government parties supported that determination to do those four things, legal advice from more than one source was to the effect that the present law was really very confused and old and ought to be updated. Parliamentary Counsel was called in and asked to advise what had to be done in the light of that preliminary advice.

Parliamentary Counsel proposed that the law should be updated and, in accordance with the Cabinet decision—the joint Government parties' decision—I gave an instruction that it should be updated and that is what the Bill has set out to do; it seeks to establish those four matters which I have described very simply and clearly, to make the law as it is understood effective and as clear as possible. That is what this Bill does.

It is not just my interpretation that it does that; it is the interpretation of the Parliamentary Counsel who drafted it. It is also the interpretation made by the Police Department which has some rather experienced officers in these areas. It is

also the view of independent counsel whom we consulted.

At an early stage of his speech tonight, the member for Fremantle quoted that counsel (Mr Nicholls) who wrote a book called *Police Offences in Western Australia*. Mr Nicholls has worked a great deal in this area and he has an understanding of it.

The Bill should be assessed on the basis of those objectives. Of course, it is quite legitimate for the Opposition to say that it would go much further; it would have different objectives; it has a different policy; and it wants to have casinos and licensed gambling nights for sports clubs, and so on. That is its policy and it wants to state it. However, it is not the Government's policy and it was not its objective. Therefore, we did not set out to do those things in the Bill.

In a rather substantial way, I agree with many, although not all, of the remarks made by the member for Welshpool. As he often does, that member took a very common-sense approach to the whole issue. Really it is not terribly clever for members of this House from either side to run around trying to embarrass each other by picking up quite minor infringements which are committed by all sorts of people every day and of which no enforcement authority takes any notice, because, as a community, we take a common-sense approach to much law enforcement.

It is quite different if substantial abuses occur and it is a different issue altogether if people set up dummy organisations to defeat or defraud the law. However, in general, I doubt whether many members of this House tonight, or many members who could be in this House tonight, have not, on this very day, attended some activities which might, in a strict and legal sense, be technically illegal.

Mr Davies: You are only jealous because you did not win the sweep.

Mr HASSELL: It so happens that, because of some obligations, I did not go to any functions of the kind to which I referred, not because I do not usually go; but it also happens that, quite by accident, I won a sweep.

Several members interjected.

Mr Davies: Do you intend to take action to recover the money from the organisers of the sweep?

Mr HASSELL: I already have the money. There is no trouble about that. It was quite a small sweep.

Mr Carr: With regard to these everyday, common-sense interpretations of minor offences, is

there a common policy with regard to that interpretation or is it a matter of the individual policeman who happens to be there at the time interpreting them case by case?

Mr HASSELL: I shall give two answers, because two points must be made. The first point is that every policeman in every law enforcement situation individually must decide whether to lay a charge. In connection with that, however, he is trained in the law and he is guided in the law by his training, the procedural practices of the police, and the routine orders which are never consciously in conflict with the law.

The second answer—and I think I ought to say this—is that considerable doubt exists as to precisely how far the law goes in many of these areas. That is the reason the Bill is before us in this form. We want to try to remove those doubts and to bring the law into clarity as it is understood to be by the general community.

Many interpretations are given to the law as it stands which, if tested, would, I believe, be found to be invalid. In other words, a perception exists in some quarters that the law is much more stringent than it is. However, there is not much point in our trying to debate across the Chamber the precise nature of the law in many of these areas.

Mr Carr: The question I am really asking is: Do senior officers of the Police Department issue a general sort of communication to officers as to what the senior officers understand the correct interpretation of the law to be at a particular time?

Mr HASSELL: I do not believe they do, but I could be wrong about that.

I have been a bit diverted from the point I was making. I will return to it, but I do underline the fact that we must adopt a common-sense approach in this area of law enforcement as in others.

I am pleased the Opposition supports the legislation, and I have defined the clear objectives of the Government in introducing this legislation. I referred to the four specific objectives related to penalties, and the fifth objective related to the clarification of the law.

The member for Fremantle concluded his remarks by asking me to state clearly whether the legislation will allow the Government, as distinct from the police, to close down illegal casinos, and he asked me to give an undertaking that action would be taken to close down those casinos. If one examines that request in any kind of logical way, one runs up against the crux of this issue; his request was like asking me to give a guarantee that

the passage of amendments, say, to the Traffic Act would stop drink driving and traffic offences.

Mr Parker: It really is a completely different situation in the case of drink driving and traffic offending. If I had asked you to guarantee that the results of the passage of this legislation would be that there would be no illegal gaming, the comparison would be as you put it. But I did not ask that; I asked whether in the case of known casinos operating in the Northbridge area you would undertake that the passing of this legislation would have the effect of closing down those operations.

Mr HASSELL: The comparison I drew is valid. I will put the situation clearly to the member: The first question is how much the law will be applied to those particular establishments, and how the proprietors will respond to the application of the law, assuming the courts convict them.

In addition, the outcome will depend on the penalties applied by the courts, not by me, the Government, or the police. The courts generally have been quite unwilling to apply the maximum penalties.

Mr Parker: In the case of one magistrate, who puts people in gaol, he has been virtually told by the Supreme Court—it has been made clear to him—that he or his decisions are oddities, despite the fact he is allowed to impose those penalties under the law.

Mr HASSELL: I do not want to enter that debate because it is not for me to determine the penalties imposed in particular cases. We should not start to comment on what the courts should do. If we start to do that we enter the whole arena of political consideration of the actions of courts, and to do so would be quite wrong. The courts must judge the cases individually as they appear—that is our fundamental belief, and one we intend to maintain. One of the difficulties of the Costigan report is that people have been blackguarded before being tried for any offence by any court. All I can say is that we are to introduce substantial penalties. If it should happen that the owners and operators of illegal gambling houses are convicted of operating these houses, the maximum penalties are applied, and the houses continue to operate regardless of those penalties, either the owners and operators are making a great deal more money out of their illegal operations than I believe they are, or it may be necessary for us to review further the present position.

I will make another point which I think is important in this debate.

Mr Parker: Are you going on with this question about which I asked you at the end, or passing on to another?

Mr HASSELL: I am passing to another point.

Mr Parker: Before you pass off that point, bearing in mind what you said about difficulties, and not knowing what certain independent bodies will do, is it the intention of the Government or the Police Force to use this legislation in an attempt to close down the illegal operations in the Northbridge area, or will you pursue your policy of containment and toleration, or containment and control?

Mr HASSELL: The question relates to the previous issue and the one to which I was passing, but I will return to the issue the member raised previously. Because I believe the member should understand and accept this proposition, I make it clear it is not my intention or the intention of the Government to direct the Commissioner of Police in relation to the enforcement of this law or any other law. I believe as a matter of great principle that political direction of the police is wrong. Direction of the police in that way is one of the criticisms we have of the Commonwealth police and police in other countries, and is a criticism the member for Fremantle has made from time to time in relation to police forces of other countries. The principle is very important.

Mr Parker: It depends on what they are doing. If they are being directed to enforce a law passed by the Parliament, I can't see anything wrong.

Mr HASSELL: I ask the member to allow me to finish. In not directing the police to enforce a particular law against a particular person at a particular time it does not mean that I, as the Minister for Police and Prisons, and the Government with its overall responsibility, are not interested or concerned about responsibility in relation to the general effectiveness of law enforcement. Of course, I and the Government would be concerned if some whole area of the law was not enforced.

Mr Parker: What would you do about it?

Mr HASSELL: Well, can the member not guess what we would do?

Mr Parker: Wouldn't you give a direction to the Commissioner of Police or change the Commissioner of Police?

Mr HASSELL: I am sure the member can guess.

Mr Carr: Our guess would be rather in conflict with what you have been pontificating.

Mr HASSELL: If the member believes I am pontificating as a result of my stating that which I

believe to be an important principle, he is misinterpreting the situation.

Mr Parker: You are asking us to guess that you would change the Commissioner of Police as happened in South Australia, or you would tell the commissioner to enforce the law Parliament has passed. They are the only options.

Mr HASSELL: I would not give a direction to the Commissioner of Police on that kind of matter. I make it clear that we would not do so; we do not believe it would be right. However, that does not mean that from time to time I do not discuss with the Commissioner of Police in a general sense the enforcement of certain laws. I know the commissioner cannot divert all his resources to one area of law enforcement; I know his resources are not unlimited and that he must set priorities as to what he gives the most detailed attention. Certainly I hope that in the lead up to Christmas he will give a great deal of priority to the enforcement of laws relating to the use of our roads, and devote great priority to the protection on our roads of innocent life.

Mr Parker: Certain people are allocated to the liquor and gaming squad. I could be wrong, but I do not think any of those people are used in the blitzes, or whatever you want to call them, in relation to Christmas and Easter. Even if they were there are plenty of other times they are used on trivial matters, such as those which are similar to the one about which I raised questions, and at those times they could be used to do what I have suggested.

Mr HASSELL: The member may be correct, but I do not know. In fact, I do not know the proprietors of all these illegal gambling houses.

Mr Parker: Only some of them!

Mr HASSELL: I do not know any of them. I do not know any of their names, and I do not want to know; I know barely how many there are because in relation to this matter I have answered some questions asked in this House. The situation may be that to do as the member has requested, to somehow move in on these illegal gambling houses to close them down in some massive operation, would require the diversion of manpower to the liquor and gaming squad from other areas of the Police Force. I will not direct the Commissioner of Police in that way. The member may well be right in what he has said, and these gambling houses may be closed down, but I will not give an undertaking that that will happen, and will not give the commissioner a direction to make that happen.

I will pass to a point which I think is central to the whole issue, and which relates to containment

and control. It does not matter where we draw the line in this matter, there always will be someone on the other side of that line. Let us assume for the sake of argument that the Opposition's policies were put into effect, and that we ended up with a clear law, a control board, the provision for genuine private clubs to obtain licences for gaming nights, one casino in the metropolitan area and one in the country, and the closure of all illegal casinos. If all those things were miraculously obtained suddenly, it would become very profitable—even more profitable than it is now—for illegal casinos to operate.

Mr Parker: Why? Where would their clientele come from?

Mr HASSELL: Illegal casinos would not pay the taxes and charges necessary to meet the regulatory expenses of all that the Opposition would want to establish.

Mr Parker: But where would they get their clientele? There are no illegal casinos in Launceston or Hobart.

Mr HASSELL: The Opposition would have one casino in the country. I do not know where it would have that casino; it has been careful not to say.

Mr Parker: We gave the reasons to the Premier, and he accepted those.

Mr Shalders: You promise it everywhere.

Mr Parker: We haven't mentioned any place.

Mr HASSELL: A casino could not exist in 10 places; it would have to be in one, which would leave other places open for the establishment of illegal casinos which would profit greatly as a result of their not paying appropriate taxes.

Mr Parker: They are not doing it now; the people come to Perth. I am not aware of illegal casinos operating in country areas. There may be illegal gaming nights.

Mr HASSELL: I do not know whether illegal casinos operate in county areas; my point is that wherever the line is drawn someone will be on the other side of that line, especially in the area of gambling. Those people on the other side must be covered by an enforcement policy because no-one can ever have a huge section of the Police Force operating on the basis of getting into the private lives of people in private places to crack down on them as a result of some technical infringement of the law. If the community in which we live wants to regulate gambling—clearly wants to do so, and the Opposition wants to do so as well as us—it is clear that the community one way or another will regulate gambling, but will not have open slather. If we have that regulation we always will need a

policy of enforcement of the illegal side of gambling. That policy of enforcement necessarily will have an element of discretion, because, if discretion did not exist, there would be oppression and harassment, about which the member for Fremantle talked at some length.

It is mere humbug to try to make out that, because the Government does not step in to direct the police not to pursue a policy of discretion in its enforcement of the law, the Government is acting in some peculiar way. It is not and neither would any other Government be if it continued such an approach.

I wish to refer to the matter of the showmen because they have raised a number of issues with me and apparently with the member for Fremantle and other members. These issues have been examined carefully and thoroughly. I received from the showmen a copy of the opinion which they obtained from legal counsel, Mr Mitchell, whose opinion was quoted in part by the member for Fremantle.

I had the opinion of Mr Mitchell examined by Parliamentary Counsel and by Mr Nicholls, as well as by the Police Department. Quite frankly, some of the comments made by Mr Mitchell were fanciful. Apparently, the member for Fremantle thought that also. Mr Mitchell could not conceive of how a game of darts could be regarded as a game of chance.

Mr Parker: That does not take away from the correct points he made with respect to other games.

Mr HASSELL: Some of the points he made were fanciful. I do not want to be unfairly critical of someone who has done a professional job, but I think it is going too far to suggest that someone walking down sideshow alley past a tent where a game was being played could ever be arrested and convicted of being in a common gaming house.

Mr Parker: That is not one of the points.

Mr HASSELL: It is one of the points Mr Mitchell raised in his opinion. The strong advice I have received is that the new law will not exclude the interpretation previously put on the law by the courts. Many of these interpretations will still apply; in particular it is considered by my advisers that the bulldozer game and the moving clown game are games of skill and not games of chance. If that is the case the matter raised by the showmen is not a difficulty.

Mr Parker: At least as equally open to interpretation in my view is the fact that there is a specific element of chance in both of these games by the way the Bill is drafted. The element of

chance completely overcomes any superlative skill and then makes the game a game of chance.

Mr HASSELL: That is not the interpretation in the advice I have received.

Mr Parker: Are you prepared to table that advice?

Mr HASSELL: I will not table that advice. The point to this is that there are many elements of chance in every game. If we consider the game of tennis, a great deal depends on the wind, the surface of the court and so on.

Mr Parker: You have excluded those sorts of games specifically.

Mr HASSELL: That is so, but the fact is it is still a valid example if we are considering whether, within its provisions, objection has been taken by the showmen. The games of which we are talking are games of chance.

Mr Tonkin: Tennis is 95 per cent skill.

Mr Parker: If that is the situation why is it that the definitions vary? The definition of a game of chance in the existing Police Act supports what you say but you propose in the new Bill that the old view of the liquor and gaming squad should prevail and that the game of bulldozer should fall within that new definition.

Mr HASSELL: The reason is that if there is some element of skill and chance in it, under the new legislation it will be illegal. The member for Fremantle is not quite correct in saying the court determined the issue. It did not, it gave only an interim injunction.

Mr Parker: There was also a dismissal of a charge which I referred to.

Mr HASSELL: It did not define the issue.

Mr Parker: It did, by saying "Not guilty."

Mr HASSELL: As I have said before, the Bill does not set out to change the law. Our advice is that it does not change the law. If it does change the law, or operates against people for doing what they have been doing lawfully, we have built in the mechanism to allow them to be exempt.

Mr Parker: Will you exempt them?

Mr HASSELL: If necessary, I will certainly exempt them because we are not proposing to make unlawful that which is not currently unlawful in terms of what the showmen do.

Mr Parker: If it is shown that I am right and the showmen's advisers are right and you are not and the bulldozer game is termed illegal will you then exempt the bulldozer from the sphere of operation of the Act?

Mr HASSELL: I think I can say that very clearly, because bulldozers have been accepted.

They have been shown to be lawful and we are not setting out to make it unlawful. The showmen can rest assured that this Bill is not aimed to catch them or put them in any difficulty. They have been told that clearly and have received a very full reply to their concerns.

In conclusion I wish to deal with another point. The member for Fremantle asserted that this Bill gives power to the Executive to establish a casino operation. That is not correct. New section 86(3) states—

(3) Regulations made for the purposes of this section may provide that subsections (1) and (2) of this section shall not have effect in relation to any game or gaming if the game played is of a kind specified in the regulations and is played in such circumstances and so as to comply with such conditions (if any) as may be prescribed by the regulations in relation to that kind of game.

To read into that authority for the Executive to authorise the establishment of a casino with all the investment and all the commitment that it would involve is to me to go too far in the interpretation of that subsection.

Mr Parker: I do not agree. The provision about betting houses and gaming houses is defined in terms of what is and what is not a game of chance and a lawful game. If you determine something to be a lawful game in the provisions in the Bill the provisions about betting houses and common gaming houses do not apply.

Mr HASSELL: Again, we have to be practical about the matter. Whenever I judge these matters I put myself in the position where I think what it would be like in the unfortunate event that the Labor Party is in Government.

Mr Parker: I think you should put a lot of practice into that type of thought because it will come to pass very soon.

Mr HASSELL: On that basis I believe it would have to be a strong and brave Government and investor who thought under that provision one could establish a casino.

Mr Parker: I am not saying we would use it but it is capable of being used in that way.

Mr HASSELL: We have to talk about reality. A person preparing to invest in the establishment of a casino would want to rely on a lot more than that provision, bearing in mind that the regulations would be the subject of disallowance, as the member for Fremantle pointed out. Who would invest a substantial sum of money in a casino operation on the basis that regulations may or may not survive?

Mr Parker: A lot of people invested in the mining industry on the basis that the mining industry regulations would be disallowed.

Mr HASSELL: Who would proceed with such a course of action on the basis that the regulations are concerned with the games and not the gaming house? These are powers to make regulations for games, not gaming houses.

Mr Parker: The gaming house is defined in terms of the games. I said that earlier.

Mr HASSELL: The member may have said that but it did not make his interpretation hang together correctly. If by some strained interpretation of the law the member can read that conclusion, the practicalities would be against him.

One way or another, gambling will be carried out in this community whichever party is in Government. We have brought forward a Bill which has as its clear objectives to increase the penalties for operating illegal gaming houses. Those penalties apply to the owners, operators and lessees. This legislation provides effective mechanisms to confiscate and forfeit the instruments of gaming and to provide for infringement notices to be applied to people found on the premises of illegal gaming houses.

Finally, the legislation will update and make clear the law as it is presently understood to be. In that respect, many provisions are taken from the current English legislation which has been tested thoroughly. All our advice is that we are doing what we said we would do: making the law effective, making it clear, and making it work as well as can be understood.

If by any chance the law does not do that, we have built in the mechanism to make the necessary exemptions. We are not in the business of putting the showmen out of work and we are not in the business of closing down currently legal operations. We are not in the business of directing the police. We are not in the business of seeking to approach this whole issue in anything but a common-sense way, because that is the way these laws have to be dealt with.

I thank members for their support of the legislation because I believe it is a significant and substantial improvement.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Blaikie) in the Chair; Mr Hassell (Minister for Police and Prisons) in charge of the Bill.

Clauses 1 to 3 put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr Parker.

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

In Committee

Resumed from 28 October. The Chairman of Committees (Mr Blaikie) in the Chair; Mr O'Connor (Treasurer) in charge of the Bill.

Progress was reported after Division 8 had been agreed to.

Division 9: Executive Council, \$10—put and passed.

Division 10: London Agency, \$1 233 000—

Mr WILLIAMS: Earlier this year I was fortunate enough to be in London, and I paid my compliments at Western Australia House. I have no doubt that the building is situated in an ideal position on The Strand; it is in close proximity to the offices of the other States of Australia.

First impressions should be the best, but that is not the case when one visits Western Australia House. It gives the impression externally that it could do with a face lift—in other words, a darned good coat of paint or cleaning up, as the case may be. Internally, it appeared to be rather dull, dark, and dingy.

Mr I. F. Taylor: Like your Government.

Mr Brian Burke: He is being a statesman tonight!

Mr WILLIAMS: If members opposite want to joke, I can be just as funny.

Mr I. F. Taylor: You can say that again.

Mr Carr: We have never noticed that in the past.

The CHAIRMAN: Order!

Mr WILLIAMS: Some money should be appropriated to Western Australia House in an endeavour to give it a brighter aspect. I recommend that the furniture be replaced—

Opposition members interjected.

The CHAIRMAN: The member for Morley will keep order!

Mr Tonkin: I am. I am interjecting.

The CHAIRMAN: Order!

Mr Tonkin: Your solution to everything is to spend more money.

The CHAIRMAN: Order! The member will resume his seat. The member for Morley and the

member for Mt. Hawthorn seem to take it upon themselves to interject incessantly. The member on his feet—

Mr Tonkin: What did I do?

The CHAIRMAN: Order! The member on his feet is attempting to deliver his address. It is my endeavour to ensure that the Committee give him some courtesy. I trust members will respond appropriately.

Mr WILLIAMS: I suggest that the furniture in the building be replaced with furniture which contains Western Australian woods such as jarrah—

Mr Tonkin: Jarrah is very dark.

Mr WILLIAMS: The object of Western Australia House is to improve the tourist trade to Australia. The impressions gained by the people who wish to travel—

Mr Tonkin: Where is the money to come from?

Mr WILLIAMS: It could come from tourism. If we brightened up the place, we might encourage more tourists. That is what I am trying to say. Of course, members opposite want to rubbish everything.

Mr I. F. Taylor: Will you brighten up the inside and the outside?

Mr WILLIAMS: That is typical of the attitude of members opposite. However, I will endeavour to ignore them because, as usual, their attitudes are negative. That is the whole problem with their side of the Chamber—it is negative.

Mr Tonkin: You just want to spend money all the time—bigger and bigger; that is your trouble.

The CHAIRMAN: Order!

Mr WILLIAMS: I suggest to the Treasurer that money be appropriated for improving the aspect of Western Australia House, which represents Western Australia in London. It should be of top quality.

The building is in the right position, but it needs an overall facelift. On the first floor, one can see the plumbing pipes protruding from the wall. An architect needs to look at the building—

Opposition members interjected.

The CHAIRMAN: Order!

Mr WILLIAMS: I did not hear what they said, and I have no intention of listening to them, so they can just be quiet.

The plumbing is apparent in the passageway leading to the Agent General's room. Frankly, it has the appearance of a passageway to the attic.

The overall picture is that the office is in the right place. It is our London gateway to Western Australia, and therefore some expenditure should

be made on it. People considering coming to Western Australia go to Western Australia House, and first impressions, obviously, are the best impressions. I recommend strongly that the Government look at this situation.

Mr BRIAN BURKE: We have a rather more radical solution to some of the problems of the London agency than that proposed by the member for Clontarf.

It is absolutely absurd, in 1982, when we consider Division 10 of these Estimates of Revenue and Expenditure and compare them with Division 11, dealing with the Tokyo Agency, that in London we are spending more than \$1.2 million, and in Tokyo we are spending \$268 000. That is absolutely nonsensical, and it is nothing but a tribute to a position that has been gone for 20 to 30 years.

It would be advisable for the Government to consider opening agencies of the size that appears to operate successfully in Tokyo in places like the Middle East, on the continent, and perhaps even in Indonesia. Certainly it would be possible to obtain five Tokyo-sized offices for the price of one London Agency.

Let us consider the frightful waste of money involved in duplicating in our Western Australian agency much of the work that is carried on, for example, from Australia House by the Commonwealth Department of Immigration and Ethnic Affairs—

Mr Herzfeld: How do you know about what they do?

Mr BRIAN BURKE: I often wonder where the member for Mundaring has been. I represent numerous constituents on immigration matters, and I am told constantly that the role played by Western Australia House and by our Immigration Office is minor and that, in the final analysis, the decisions are a matter for the Commonwealth counterpart of the State department.

What is the justification for spending five times as much in London as we do in Tokyo? The Treasurer is always talking about Asia and how our future lies in turning our eyes towards our Asian neighbours; yet in London we spend as much money as we would have spent had the times been colonial.

A dreadful waste of money is involved in an office which does not reflect the present trading balance of which this State is a part and which, in large part, duplicates the work of other Commonwealth and State departments. Why do we need to spend so much more in London than we spend in Tokyo? Would it not be wiser to ignore the talk

of the member for Clontarf about painting walls and shifting plumbing, and start taking sensible—

Mr Williams: It shows how little you know.

Mr BRIAN BURKE: —steps to bring efficiency to the operations of this State Government overseas?

I know that arguments will be advanced about how the London Agency handles the continent, and the traditions involved in making sure our presence is felt and noticed; but the principle is that the magnitude and scale of the operations of the London Agency are a throwback to the times when the United Kingdom loomed much larger in trading terms than it does now.

It is my strong belief that we should look at relocating some of the expenditure presently devoted to the London Agency to the task of establishing agencies in some of the countries to which I have referred. As in so many other things, the London Agency continues to grow incrementally on the basis of last year's Budget. It is time to start implementing some of the "efficiency in Government" propositions we have put forward repeatedly in this place.

We can see no basis for arguing that the London Agency deserves the commitment of funds in excess of the commitment to our effort in Tokyo. The Government should make a move to give substance to its continued claims that our future lies in trade with Asia, and we should have agencies in the countries that might become our trading partners.

It would be interesting if the Treasurer outlined to the Committee the details of trade between the United Kingdom and Australia, and Western Australia in particular, comparing it with the corresponding figures for the trade between this State and nation and Japan.

As for the nonsense that is talked about tourism by the member for Clontarf—

Mr Williams: What is nonsensical about it?

Mr BRIAN BURKE: Simply that if one wants to boost one's activity in terms of attracting tourists, one appoints specialists in the job. One does not appoint Agents General to do tourist work and one does not appoint public relations officers, 26 clerks, eight typists, telephonists, and one official secretary. No evidence exists that any of these appointments have been filled other than by people whose claims to fame lie in areas apart from tourism.

Mr Davies: Most of them don't even know where Western Australia is.

Mr Williams: Have a look at the thing. You don't know what you are talking about. Honestly, you are hopeless! Why don't you sit down?

Mr Court: What about investment coming from the area?

Mr Williams: He wouldn't understand it.

Mr BRIAN BURKE: I would think that the member for Nedlands—perhaps not the member for Clontarf—would know that currently the greatest increases in investment moneys coming into this country are coming, in particular, from Japan and the Middle East.

Mr O'Connor: Who is still the highest investor in this country?

Mr BRIAN BURKE: In terms of assets, I do not know who has the highest investment in the country. If the Treasurer is leading up to saying it is the United Kingdom, that is probably as anachronistic as is the London Agency in its magnitude. Of course, the Vesteys and others who, for many years, invested in large acreages in this country are a declining force and the truth in 1982 is that the money we are attracting is coming in increasing amounts from Japan and Asia.

I do not deny the point made by the member for Nedlands, but the same point is accommodated in Tokyo by the expenditure of \$268 000—or is the Government proposing that we boost that amount? I do not believe that this Government or its predecessors have looked realistically at the operations of the London Agency or at the context in which that agency operates.

Mr Bertram: Weren't they going to close it down at one stage?

Mr BRIAN BURKE: They may have spoken at one time about closing it down. I am not suggesting that. We need to maintain a presence there, but it does not appear to me to be a presence which should exceed by so much that which is maintained in Tokyo. If this Government is talking about rationalising its operations, efficiency, and saving money this is one of the places where it might start.

Mr JAMIESON: Item 1 refers to 26 clerks. Could the Treasurer indicate their designations? One position is vacant. An official chauffeur used to be on the list; perhaps that is the position which is vacant at present. However, could the Treasurer detail to which sections the clerks are allocated?

Mr O'CONNOR: In connection with the remarks made by the member for Clontarf I indicate that an amount of \$129 000 is involved in the upkeep of Western Australia House. It is a rather dilapidated office and it leaves much to be de-

sired. However, it is very well situated and very easy to get to.

Mr Davies: The rent is very low, too.

Mr O'CONNOR: The situation of Western Australia House is as good as we could get in London at this stage, particularly bearing in mind the rent we pay. The amount referred to is all that will be available for upkeep this year.

In connection with the remarks made by the Leader of the Opposition, I point out that England has a special position in its relationship with Australia, bearing in mind the number of English migrants who come here.

Since I have been in the Parliament, in only one year did the migrants from another country exceed the number who came from England. Indeed, English migrants number approximately 25 000 annually.

Mr Tonkin: Which country had the greatest number of migrants?

Mr O'CONNOR: In 1980 I believe Asian migration outstripped British migration. The following year, British migrants again were in the largest number.

On numerous occasions this agency has been of value to industry and to the State, such as when we have needed special tradesmen and special people for particular jobs. Our people in the London office have done a great deal of work to encourage migrants of quality to come here.

The agency also looks after Europe on our behalf. It has full-time officers undertaking a great deal of work travelling to Europe on behalf of the State. We must keep a watch on costs at all times, but there is a great deal of difference between the amount of trade between Japan and WA and the number of migrants we have coming from the UK, remembering that the office also looks after Europe.

The member for Welshpool asked about the 26 clerks; as I do not have the information here, I will provide it to him in due course.

Division 10 put and passed.

Division 11: Tokyo Agency, \$267 990—

Item 2: Administration Expenses—

Mr PARKER: Could the Treasurer advise the reason for the substantial decrease in this item for this year?

Mr O'CONNOR: The amount has been decreased this year by \$75 170. The decrease occurs mainly because of non-recurring expenditure such as the refurbishing of offices—this was done as a once-only operation—and the purchase of an

official vehicle. They are the two items that create the decrease this year.

Division 11 put and passed.

Division 12: Public Service Board, \$4 174 000—

Mr BRIAN BURKE: I guess this is the appropriate area in which to raise something we have spoken of previously, but something for which we gain unexpected strength in the form of a speech by the Under Treasurer (Mr McCarrey).

I notice in this division are listed as part of the functions of the Public Service Board things like "management development", "management advisory services", and "industrial relations"—it is quaintly amusing that we have 24 industrial officers managing to make a mess of the industrial policies the Government follows.

Mr O'Connor: They will be pleased to hear that.

Mr BRIAN BURKE: I am happy for them to know that.

Mr O'Connor: Don't you think Mr Cook and his friends are making a hash of it?

Mr BRIAN BURKE: It is funny that at a time when the Treasurer's Federal Minister is here talking about harmony and everyone pulling his weight, and when the Government has put out its 10-point plan about co-operation, the Government should introduce its industrial legislation with which employers and no-one else agrees.

Mr O'Connor: You believe in freedom of choice.

Mr Sibson: About 90 per cent of employers agree with it; only a few don't.

Mr BRIAN BURKE: Like the Confederation of WA Industry. Did I hear the member for Bunbury say that he would not put a lot of faith in them?

Mr Sibson: I am talking about 90 per cent of the people.

The CHAIRMAN: Order! If the Leader of the Opposition intends to continue his remarks about the general nature of industrial relations under this Public Service Board division, his remarks may well be more appropriate to the division of Labour and Industry.

Mr BRIAN BURKE: Mr Chairman, if that were the case, probably you would be right.

Under all of these headings I am yet to find any area that deals precisely with efficiency in Government or the improvement of efficiency within the Public Service in this State. If I were asked to choose, I think "management development" would be the heading under which I would

presume this work was done, but I feel that is not the case.

Really, this Government has a razor gang mentality towards efficiency in Government; that is, at times when it is politically desirable, the Government starts to restrict expenditure without recourse to whether efficiency is being met or the efficiency of its nature.

I refer members to the Civil Service journal dated 13 August this year, which is not a long time ago. If ever a message was being sent to this Government by its most senior Treasury officer, it is this message, a message that tells how within this section the Government should be looking at efficiency in Government and making available resources that would save more than they would cost. These are some of the things Mr McCarrey had to say—

Increasingly in the years ahead, governments will have to live with lower rates of growth of revenue to service a high expenditure base on which cost increases operate to absorb most, if not all, of the limited additional funds available. The problem will be compounded by low rates of population growth and an aging population which will call on government health and welfare services to an increasing degree.

He goes on to say something that he may have picked up from my comment on the London Agency.

Mr O'Connor: You have only just spoken about it.

Mr BRIAN BURKE: The Treasurer should wait a while. I quote as follows—

One of the valid criticisms levelled at government is that the public sector is slow to respond to changing needs and is reluctant to make choices. We retain the old and simply add the new with the result that we become cluttered with an accumulation of expensive activities, some of declining value while others may have outlived their usefulness.

In the years ahead, we are going to have to learn the art of spring cleaning.

I know I made my comments about the London Agency only a moment ago, but the point I am making is that Mr McCarrey's comments have a similar ring to them. Not only does Mr McCarrey outline the ambit of the general problem in what I consider to be a message to this Government—because surely he would presume that the Government would have access to the speech he

made—but also he goes on to talk about other criticisms of Government activity as follows—

The public expect a high standard of management and efficiency in the public sector, because they are paying for it and they are entitled to the best we can produce.

He goes on—

It is, therefore, not surprising that proposals for the implementation throughout the public sector of modern management tools are being put forward as a means of achieving more efficient public administration. Techniques such as programme budgeting and performance monitoring,

This Mr McCarrey is a dangerous radical! Does the Treasurer know what else he has had to say? He mentions performance monitoring! Where has Mr McCarrey been hiding? It seems he has pinched Labor policy.

Mr Rushton: It has only been in our policy for years.

Mr BRIAN BURKE: After Total West, I can believe that.

Mr Parker: Why don't you implement it?

Mr O'Connor: We have.

Mr Parker: Where?

Mr BRIAN BURKE: This total radical is suggesting zero-based budgeting as an option. I must get on to our State secretary and have him stop forwarding copies of our policy to everyone who asks for it.

Mr Rushton: What an ego trip.

Mr BRIAN BURKE: He goes on to say, despite what the Treasurer and the Deputy Premier say about their using these tools, they are not as widely used as they should be.

Mr O'Connor: On what page is that quote where he refers to the Treasurer and the Deputy Premier? What page is that of his comments?

Mr BRIAN BURKE: He does not refer to the Treasurer or the Deputy Premier.

Mr O'Connor: You said, "He goes on to say..."

Mr Tonkin: Rubbish!

Mr BRIAN BURKE: I will explain it graphically for those people on the other side. I said, "He goes on to say" then there would be a comma, and the words, "despite what the Treasurer and the Deputy Premier say" and then another comma. The Treasurer cannot be serious; surely he does not think Mr McCarrey referred to him.

Mr O'Connor: It was what you said, and I was clarifying it.

Mr BRIAN BURKE: I did not mean to claim that Mr McCarrey mentioned the Treasurer and the Deputy Premier. He goes on to say that these tools are not used as widely as they should be. Regardless of what the Treasurer and the Deputy Premier have had to say tonight, Mr McCarrey says—

.... the decision to make the change to programme budgeting must rest with Parliament because quite substantial changes could be involved in the form of presentation of the budget estimates.

Where has Mr McCarrey been? The Deputy Premier says that for years this budgeting has been a policy of this Government; but Mr McCarrey, the Under Treasurer, says that if we change to programme budgeting we will have to make substantial changes in the way we present out Estimates. What was the Deputy Premier rattling on about?

Mr Tonkin: We have silence.

Mr Rushton: It is impossible to talk to you because you don't know what you are talking about.

Mr BRIAN BURKE: The Deputy Premier means we do not understand what he is talking about.

The CHAIRMAN: I suggest the Leader of the Opposition address the Chair so that we make progress.

Mr BRIAN BURKE: I was fairly pleased with the progress. After outlining the computer system that would be necessary, Mr McCarrey went on to say—

When the system is fully operational the change to programme budgeting could be made relatively easily if Parliament so wishes.

I do not understand how the Deputy Premier can say that for years this has been part of the Government's policy. The Under Treasurer does not know about that policy.

Mr Tonkin: We have silence.

Mr BRIAN BURKE: Another remark of Mr McCarrey is illuminating. He succinctly states—

The public service is being challenged by the public and by parliamentarians to improve its management techniques and modernise its systems to achieve more with less.

That is the message we have given this Government and the public for such a long time.

Mr Young: But that is only selectively.

Mr BRIAN BURKE: What does the Minister mean?

Mr Young: It has been only selectively because you and the member for Melville take the line continuously that we are not allowed to do more for less, but that we must spend more. Whenever we talk about the hospital system, you point out that we should spend more.

Mr BRIAN BURKE: I do not think I have ever said that.

Mr Young: When I point out there is less demand in a certain area and that is why less money is being spent, you say that is not good enough, and you say we have to spend more money.

Mr BRIAN BURKE: The Minister is not correct.

Mr Young: Before you are more confused, you check in *Hansard* what was said the other day.

Mr BRIAN BURKE: The Minister seems to float in paranoia about the member for Melville.

Mr Young: All you say is that we should spend more money.

Mr BRIAN BURKE: The Minister gives the impression that he is paranoid about what the member for Melville says.

Mr Young: I have said what you and the member for Melville have been saying. The member for Melville said we should spend more money.

Mr Parker: He didn't at all.

Mr Young: He always says that.

Several members interjected.

The DEPUTY CHAIRMAN (Mr Crane): Order! I suggest the House come to order and the Leader of the Opposition continue his address.

Mr BRIAN BURKE: If I remember correctly, the member for Melville with my support questioned the Minister for Health about cutbacks, and the Minister said that no services would be cut back. However, it seemed from stories in the Press the next day that cutbacks would occur. I will not be disturbed by the paranoia of the Minister for Health.

Mr Young: The truth!

Mr BRIAN BURKE: I return to the remarks of the Treasurer and the Deputy Premier made a few moments ago to the effect that programme budgeting and performance monitoring have been for years part of this Government's policy. I assume Mr McCarrey, the Under Treasurer, is aware of the accountability techniques he is following. He has this to say—

It has for long been the view of the Treasury that programme budgeting and

evaluation could provide a superior means for Parliament and executive government to assess the effectiveness of functions and activities and to determine priorities.

I emphasise that these are the words of our Under Treasurer. He goes on to say—

However, the decision to make the change . . . must rest with Parliament . . .

The Treasurer and Deputy Premier say we have adopted this course, yet Mr McCarrey says benefits are to be gained, but the decisions are the Parliament's. What is going on?

Mr Tonkin: Not a great deal is going on.

Mr BRIAN BURKE: I suspect that is the case. The situation really is one in which the Opposition has consistently hammered the Government to introduce new methods which we think would lead to greater efficiency. It has been consistently the situation of the Government's saying, in the case of the previous Treasurer, "That is nonsense", and in the case of the present Treasurer, "Look, we are already doing everything."

Mr O'Connor: I never said that.

Mr BRIAN BURKE: The Deputy Premier said that these functions are part of the Government's policy and have been for years.

Mr Young: On every occasion this Government takes a move to improve the efficiency of its services by getting more with spending less, the Opposition takes the carping stance that we should merely spend more—jack up the money. That's what happens.

Mr BRIAN BURKE: If the Minister for Health—

Mr Young: If there is any increase in efficiency, you start screaming, "Loss of Jobs! Loss of jobs!" Whose side are you on?

Mr BRIAN BURKE: If the Minister for Health wants to be taken seriously—in case he does—firstly he needs not to make the gross error of assuming that the dismissal of people or the lessening of employment in some way improves efficiency. That was implicit in what he just said.

Mr Young: It was not. I said that on every occasion we improve our efficiency, to get more by spending less—

Mr BRIAN BURKE: What does the Minister mean by the words "improve our efficiency"?

Mr Young: I said you start screaming about positions.

Mr BRIAN BURKE: This Government employs radiologists at in excess of \$200 000 a year for 40 hours a week.

Mr Young: You can always tell when your argument is sinking.

Mr BRIAN BURKE: It employs radiologists for 40 hours a week and pays them \$200 000-plus a year.

Several members interjected.

The DEPUTY CHAIRMAN (Mr Crane): Order!

Mr BRIAN BURKE: The fundamental error made by the Minister was that he attempted to correct later what he said by saying—

Mr Young: You can read *Hansard*.

The DEPUTY CHAIRMAN: Order! The Minister for Health will allow the Leader of the Opposition to proceed, and in that way we may get somewhere. I ask the Minister and all other members to desist from interjecting.

Mr BRIAN BURKE: The Minister for Health likes to interject at length, and I am quite happy to let him, but it strikes me as surprising that every time I try to answer the interjection—

The DEPUTY CHAIRMAN: I ask the Leader of the Opposition to get on with it.

Mr BRIAN BURKE: Sure, but every time I try to answer, he interjects again. I merely make the point that the razor gang mentality is that if 40 positions are disposed of, we somehow create more efficiency, but that mentality does not have much intelligence attached to it.

The Deputy Premier—he seems to be so interested—was forthcoming in telling the Parliament that this Government has these functions operating as a matter of policy, but his Government must answer Mr McCarrey's assertion that these changes he believes would improve efficiency are a matter for the Parliament to decide.

I know the member will understand how pleased we are to find strength for our arguments in the case put forward by Mr McCarrey. We have heard the Premier praise Mr McCarrey on previous occasions. If Mr McCarrey believes the changes the Opposition has been advocating for many months or years are desirable, why do we not set about the task of implementing them? As far as the Opposition is concerned, performance monitoring or performance auditing, zero-based budgeting and in some cases, programme budgeting, and sunset clauses in respect of statutory boards and authorities are long overdue.

Mr Tonkin: Hear, hear!

Mr PARKER: I wish briefly to speak in a little more detail on a point that was raised earlier in the Leader of the Opposition's contribution to the debate concerning the industrial relations section

of the department of the Public Service Board. The section employs a director and two assistant directors, 24 industrial officers, and some temporary assistants, and presently nine positions are vacant. I will make a few points; the first is that before the presentation of the Budget papers—I cannot be precise as to when—the Government announced that the functions fulfilled by this section of the department of the Public Service Board would cease to be fulfilled by that department, and would be transferred to the Department of Labour and Industry, which was the position which applied in this State prior to 1963. That change is not reflected anywhere in the Budget papers and the Estimates and I suggest that if it is true that the department's role is to be transferred to the Department of Labour and Industry, it is something that is wrongfully reflected in the Estimates. If it is not true, maybe the statement that the Government has made in regard to this matter was at the least unclear and possibly misleading. Perhaps the Premier can enlighten us on the roles of these departments.

Secondly, I want to comment in regard to the effectiveness of the people employed in this department. It would be very nice and much easier for me to be able to say that the Government's industrial relations problems were all the fault of its policy and of deliberate Government decisions or, alternatively, simply Government ignorance on the question of the right way of proceeding in the industrial relations arena in this State; and, in fact, to a considerable extent, this is true. The Industrial Arbitration Amendment Bill which is before the Chamber demonstrates the Government's ignorance and its ideological obsession with disrupting whatever industrial relations harmony exists or could be created in Western Australia and I certainly would say that in any case the major portion of the responsibility rests with the Government.

Having said that, I will now make some points about the effectiveness of this department. I made some points previously about this in the Press, and it is no skin off my nose to put more fuel into the fire in an area where perhaps more notice might be taken of it. This issue has concerned me for many years because I have dealt with this section of the Public Service Board for a long time and found right from the beginning of my dealings with it that it was not an effective or efficient body to deal with the sorts of things which have been entrusted to it. Any person operating in the union sphere would tell us that although in some cases the attitude of employees of that department might be more co-operative than that of some private employers, the ability to discuss

intelligently real problems existing in Government is lacking in this area. It is a view which is held not only by unions, but also by employer organisations and professionals in this field who in my experience treat with contempt these officers of the Public Service Board.

Mr Terry Burke: Their facilities are to blame.

Mr PARKER: It might be held by some officers, as the member for Perth says, that their facilities may be somewhat to blame. After Parliament rose at the end of last year, the situation became very clear in relation to a dispute at the Port of Fremantle. If what the then Minister for Labour and Industry (now the Premier) said is to be believed, advice was given to the Government in regard to what it should do in respect of the dispute.

I will put the position in specific terms. It was that the Waterside Workers Federation had obtained a wage increase. Not only had a custom existed since 1970, but also the court orders since 1970 on two occasions stipulated that such flow-ons obtained by the Waterside Workers Federation would be paid to other employees at the Port of Fremantle and in particular to employees who were members of the Maritime Workers' Union, who would include dockers, painters, and people of that nature.

That happened right through the period from 1970 to 1981. At the end of 1981, the Waterside Workers Federation obtained a wage increase of \$26 and apparently on the advice of the Public Service Board the Government determined to pass on to the Maritime Workers' Union members only \$20 of that \$26, and it did it not on the basis that it was trying to save money, although that may have been a contributing factor. The Government had been told by the Public Service Board employees that it had a very good case for saying that because of the way in which the Waterside Workers Federation had obtained this amount, only \$20 should flow on.

Needless to say, considerable concern was felt in that regard, the result being that there was a stoppage of work by the people concerned in the Port of Fremantle and that did not help the people involved, the dock concerned, or the Government at the time. I led a deputation of the workers concerned to the then Minister who had with him some of the PSB officers from whom he received advice while the deputation was present. That deputation put forward certain facts and decisions of the courts which established clearly and without any shadow of a doubt that they were entitled to this amount of money. I also supported that proposition.

However, the advice the Minister was receiving from the officer at his elbow was that that was not the situation, and as a result, the dispute continued until it was decided that the State Industrial Commission would hold a hearing on that matter and make a determination on it. The decision of the commission was clear, as was everybody who knew anything about the issue, that the payment of the full amount of \$26 should flow on to the maritime workers. Also the commissioner was quite critical of the fact that the Government's attitude to the problem had led to and exacerbated the dispute which eventually led to a strike. Many private employers in the industry had been unable to perform, and it was their view that the strike was wholly and solely the fault of the Government. I would not want to exonerate the Government completely from the decision because it should have taken note of the opinions of people from the unions concerned and from other people including private employers who rang the Government and told it its decision was wrong. The Government was not only ill-advised, but also the advice was incompetent.

I suggest to the Premier and the Minister concerned in this that, if these matters are to be referred to the Department of Labour and Industry, serious consideration needs to be given to upgrading that advice because although it is true to say that Governments have a responsibility to keep themselves involved separately from their own departmental officers, and that a Government which had a better basic understanding of industrial relations might be able to distinguish between good and bad advice, it is the view that those people who deal in the area and give the advice in this situation are at best mediocre and in some cases, such as the one I have detailed to the Chamber, they are incompetent.

I suggest it is the responsibility of Government to ensure that it does not occur in the changeover from the Public Service Board to the Department of Labour and Industry. I think it is a matter of concern that people who are dealing with some 100 000 or so employees of the Government in one way or another—not only in direct terms, but also in giving advice to statutory authorities such as the Metropolitan Water Authority—are giving advice to the Government, influencing its decision.

Mr O'CONNOR: The Opposition has indicated its lack of understanding of Treasury and its actions therein. The expenditure review committee has done extremely good work. In one area it has helped to provide some of the funds which have made it possible for us to put up a Budget which will employ many people in the State.

When looking at new projects, Opposition members do not discuss the issues with Treasury. Therefore they do not know of the input of the expenditure review committee.

It makes one smile when Opposition members talk of efficiency in Government and issues such as performance budgeting, etc. These things have been spoken of and acted upon by the Government and Treasury for a long time. The Opposition is always behind. Months and even years after the Government has a policy, the Opposition comes up with one which has been introduced and is working in this State already.

It is no wonder people are calling the Opposition the "heel Opposition". It is always behind.

Mr I. F. Taylor: Are you trying to tell this Parliament that you have a work programme and performance budget being implemented in this State?

Mr O'CONNOR: In certain areas. They are not in all departments, but they have been in Treasury. I thought the member would have had some idea of this.

Mr Tonkin: Even the Under Treasurer did not know.

Mr O'CONNOR: He does know. The Under Treasurer has input into what happens in this State and to the recommendations to Government about performance audits, etc. One needs to consider only the Department of Lands and Surveys where we introduced a system of computerisation for its titles. It cost \$750 000 to set up and is expected to save several millions of dollars. That was introduced when Mr Taylor was in Treasury.

A performance audit can be carried out in many ways, and it achieves the best results possible. When talking about performance audits it is totally useless for the Opposition to say that it will introduce all the policies it has suggested. If the Opposition says that anyone who pays 25 per cent or more of his income on housing will be subsidised, how on earth can a performance audit be carried out on that basis? It is a policy decision that affects the accounting of the State. If the Opposition wishes to give away hundreds of millions of dollars by allowing members of the Police Department to retire at 55 years of age on the same pension they would obtain at age 60, it will backfire on someone, the employees, and people of this State.

Performance audits, budgeting, or whatever they are called are of no benefit if the policies to be implemented are useless.

Mr Parker: That is a misrepresentation of the Opposition.

Mr O'CONNOR: I do not think the member understands the Budget. Several millions of dollars have been provided for computerisation to improve and make efficient a number of areas, and Parliament decides on the matter.

Ever since I have been Treasurer, I have discussed these aspects with the Under Treasurer and we have tried to implement performance audits wherever we can. However, it is of no advantage if a party is elected to Government and places the funds in other areas. That sort of operation would be detrimental to the Treasury.

The member for Fremantle asked whether the Public Service Board and the Department of Labour and Industry were to be amalgamated. The answer is "Yes". It is felt those departments are not serving in the best way they can under present circumstances. Their present position was foisted upon them by a Labor Government, against the request and recommendation of the Public Service Board. It was felt it was not wise for the Public Service Board to be dealt with independently of the Department of Labour and Industry. It is felt the amalgamation will make the operation more efficient.

Mr Tonkin: Why is there no detail in the Estimates?

Mr O'CONNOR: It may take some time and there will be no cost because staff will be transferred to another department.

Mr TONKIN: I wonder whether the Treasurer can give us details of the four vacant positions under the heading "Establishment and Staffing". There are two vacant positions under the heading "Management Development", under the heading "Management Advisory Services" there is one, and under the heading "Industrial Relations" there are nine.

Mr O'CONNOR: I do not have the details of the vacant positions, but I will be happy to provide them to the member.

Division 12 put and passed.

Division 13—Treasury, \$4 393 000—put and passed.

Division 14—Government Computing Division, \$6 875 000—

Mr DAVIES: Of all the figures and estimates shown in this Budget, the increase in the computing section is probably the largest. It is something like a 65 per cent increase in total.

I have watched computing sections being introduced into Government departments over the years. They always have been announced with a fanfare and an assurance that they will save a

large amount of money. I went through the early traumas with the accounts and audit branch in what is now Westrail in the early 1950s when its basic computer service was introduced. After about three years, the staff in the branch increased in size, despite the fact that it had been said that the staff numbers would reduce as a result of the introduction of the computer.

I am wondering what policing is carried out in a computer section to ensure that all the information being sought is desired and needed and that all the information procured is used. It seems to me that we could be getting to the position where computers are fashionable. It does not take much to convince a Minister that his department could use much more information than currently is available to it.

I realise the benefit we can get from these computers and the Deputy Leader of the Opposition has been vocal in the representations he has made concerning what might be done. I am wondering whether the Government might not be getting a little over-enthusiastic when I contemplate some of these considerable increases. As I have said, on a rough calculation, it is getting to a 70 per cent increase in one year. That is very substantial, particularly at a time when the razor gangs are reputed to be active and the Government is alleged to be holding the Civil Service to a fixed figure of a little in excess of three per cent per annum. Of course, that does not take into account the special ministerial appointments. As I have said before, despite what the Government might say, if they want staff they can get staff and can use them to considerable advantage.

The Leader of the Opposition has suggested that the razor gangs have been beneficial to the Government. If the Treasurer can give some detail of the Government's computer position and assure us on the points I have mentioned, I would be grateful indeed.

Mr BRIAN BURKE: I take this opportunity in respect of this division to comment upon one of the points raised by the Treasurer when he seemed to equate increased efficiency with the installation of computers. The point the Opposition has attempted to make time and time again is that the installation of a computer that perhaps is not needed or is not of the type that would be most desirable to instal is not giving efficiency.

If the Government says that it has installed a computer, it does not mean by definition that it has improved efficiency. I accept that efficiency may have been improved.

Mr O'Connor: It has been.

Mr BRIAN BURKE: I would not argue with that. However, the Treasurer is missing my point. Efficiency does not mean that one has enough pencils of the right sort. Efficiency means that those who use those pencils do so on a cost-benefit basis to the best advantage. Efficiency is not a question of more or less expenditure. It is a question of the benefit of more or less expenditure, and that seems to be the failing of the Government generally and of the Treasurer and the Minister for Health, in particular.

At the same time, when we talk about the means by which efficiency can be guaranteed, we are not talking about the means by which we can add up the number of computers installed and say, "Gosh, we have not done a good job, we have installed 10 computers from this Budget and we use only three."

Mr O'Connor: Only five are being used.

Mr BRIAN BURKE: The Treasurer has hit the nail on the head. Only five out of the 10 computers installed are being used. The Government should instruct its departments to use computers to their full capacity. The TAB is selling its computer time.

I briefly make the point it is not more or less that equates to efficiency or inefficiency. It is more of "what doing what" and less of "what doing what," and the overall benefit to the community of dollars spent.

Mr O'CONNOR: I am glad that the Leader of the Opposition and the member for Victoria Park have brought up this matter. As the member for Kalgoorlie would know, a computer advisory committee is operating within the department.

Mr Davies: They argue amongst themselves.

Mr O'CONNOR: It would appear that some people are not aware that this committee exists.

Mr Davies: It has been going for 10 years.

Mr O'CONNOR: No department decides that it wants a computer and goes ahead and purchases one. If a department wants a computer, or part of it, its request is investigated by the computer advisory committee to ascertain the need and the benefits involved and how it can be fitted into the department's system. The request by the Leader of the Opposition has been implemented for many years.

If all the Government departments were installing computers we would have a most hopeless, inefficient operation. The advisory computer committee looks at each of the aspects in relation to a department's request for a computer.

The Police Department has a computer which also is used by another department as has the

TAB. It would not be a bad idea if at some stage Treasury officers addressed members of Parliament in relation to this matter.

Division 14 put and passed.

Division 15: Superannuation Board, \$847 000—

Mr BRIAN BURKE: Fears have been expressed abroad in respect of superannuation funds touching not only on those State employees who are clients or members of the board's fund, but also in respect of other Government sponsored, finance funds.

Mr O'Connor: Sorry, I did not get your point.

Mr BRIAN BURKE: Doubts have been expressed about the commitment of Government funds in view of the superannuation service that includes the operations of the Superannuation Board. I know in respect of some parts of the fund's operations the Government is heavily subsidising the operations of the board. It is appropriate that the Treasurer address the Parliament for a few minutes at least on what sort of prospect the superannuation fund in this State has of being able to contain this drain on State Government finance.

As I have indicated earlier, we are confronted with an ageing population, and it has been said that the situation is looming where fewer people will be working to support those who have retired.

I am not talking about the efficiency of the board. I have no reason to question the board's efficiency, but I am concerned about the future. We will be facing a situation in which the board's operations may well require subsidisation of the sort that in the past has been required. I have no doubt that the Treasurer knows I am talking about the pension scheme for members of Parliament and that it has been incumbent upon the Government to subsidise operations of the fund. I would hate to think that the board's operations are growing without the control that is appropriate from Government.

Mr O'CONNOR: The point mentioned by the Leader of the Opposition is one of concern. Members will notice that this year, the subsidy relating to the pension scheme for members of Parliament is \$1.3 million. That is a substantial amount. A close watch on this matter is kept at all times by the Superannuation Board.

The Treasury has expressed concern to me regarding the increases as well as the possibility of a reduction in retirement age. Of course, wages will increase again in the future.

The problem is that increasingly fewer people will be keeping an expanding population in the older age group. Probably the average life expect-

ancy is now 20 years more than it was 100 years ago. So the point made by the Leader of the Opposition is very relevant, and certainly it is one of concern. Currently the Under Treasurer is obtaining some statistics for me to ascertain the likely future effects of lowering the retirement age. Obviously, with fewer people making payments to the fund, the burden on them will be increased, and we must try to make provision for that possibility now.

I expect to have the report from the Under Treasurer within the current sitting of Parliament, and I would be quite happy to give the information to the Opposition. The subject is a fairly complex one, and the report cannot be prepared overnight. Already the officers of the department have been working on it for three to four weeks. I will again contact the Under Treasurer to find out how the work is progressing, and if the Leader of the Opposition reminds me about this matter in a week's time, I will be happy to let him have the figures if they are available.

Division 15 put and passed.

Division 16: Government Stores, \$4 087 000—

Mr NANOVICH: Within the scope of Government Stores are such matters as purchasing and the Tender Board. I would like to refer to the purchase of materials from local manufacturers. All things being equal, Government Stores must purchase local rather than imported materials, and I am referring particularly to cleaning materials.

A number of WA manufacturers are now producing cleaning materials, but they are finding difficulty in having their product considered by Government Stores. I ask the Treasurer to place a much greater emphasis on the matter of preference to local manufacturers. Perhaps they could receive a better go than they have received in the past. Of course, I do not believe that Government Stores should accept just any materials, but many good products are now manufactured here, yet these people find it difficult to have their products recognised.

Mr O'Connor: I concur with your views, and we will do what we can in this area.

Mr DAVIES: While I agree with the member for Whitford, for the most part Government Stores do not shop around to see what is available. Government Stores receives requests for various items from the departments and the items are put out to tender.

Mr Nanovich: Not all the time.

Mr DAVIES: People who have the goods make that fact known through their tenders. This is

what happened when I was involved with Government Stores, but the situation may have changed.

I would like to refer to computers. I gained the impression from the Treasurer that all the computers are being consolidated into the one section.

Mr O'Connor: If you gained the impression that the computers are coming to the one point, that is not so. Is that what you thought I said?

Mr DAVIES: No, I thought the Treasurer meant the one programme was being consolidated.

Mr O'Connor: That is correct.

Mr DAVIES: However, in this division provision is made under the heading "Computer Services" for a project manager and for staff to fill other vacant positions. It seems that we are enjoying a great expansion in this area. I do not have a copy of last year's Estimates to determine the staff numbers last year, but I remind the Committee that in the good old days the staff numbers for the previous years were shown also in the estimate. However, that no longer is done.

It appears from the Estimates that the computer services in Government Stores will have a staff of eight and this represents a substantial increase. Last year the money spent was \$34 737 and the estimate this year is for \$108 000. With a contingency for three vacant positions, it makes a total of \$147 000.

This relates back to the point I just made. The Treasurer assured us that every piece of information that is programmed is used; nothing is wasted. The increase for the Government Computing Division was \$2.5 million, and here is another section relating to computers in which the estimate is approximately 4½ times more than the figure for last year. Is there any explanation for this increase, or is it just part of the general expansion to which I referred earlier and which I said I feared?

Mr PARKER: During the time I was a member of the Public Accounts Committee I became aware of a number of aspects of concern in regard to Government Stores. That committee is still preparing its report, and certainly I am not at liberty to, nor do I want to, disclose any information about its investigations. However, another matter which gave me cause for concern came to my attention this year.

The Committee will recall that last year the Government appointed, under the chairmanship of the present Treasurer, its own "razor gang" to see what could be done to prune expenditure in various Government departments and instrumentalities. That committee brought down

a report and various supposed savings measures were implemented. As I understand it, as with all other Government departments, Government Stores was asked by this committee to state areas in which money could be saved. I came into possession of a memo from the Controller of Stores to the Under Treasurer. The Controller of Stores advised that one of the ways to save money in his area of operation would be to close the customs section of the Government Stores department. As a result of the "razor gang" decisions, the customs section was closed. Once again, there is nothing in the Estimates to show that has happened since last year and I again question the accuracy of the form of the Estimates.

However, that is not the most important area about which I wish to speak. The role of the customs section was to ensure that all Government departments and instrumentalities purchased their imported goods through it in order to maximise their ability to deal with the Australian Customs and to minimise the various taxing levies and imposts. The proposal was to close the section and for individual State Government departments and instrumentalities to use private customs agents to undertake their work. That policy gave rise to concern. The head of the section pointed out to the Controller of Stores in a memo that the Controller of Stores was wrong in saying there would be savings to the Government as a result of the closure of the customs section. It may be that there would be a saving to the customs section vote or to the Government Stores vote because fewer officers would be employed in this work.

Taken across the range of Government operations, particularly in relation to hospitals, not only would there not be a saving, but also there would be a considerable increase in the costs involved, for two reasons. The first reason is that, taking into account the quantity of contracts and items of purchase orders as against the scale of charges levied by private customs agents, one would find the cost of paying the charges imposed by the private customs agents would be greater than the cost of keeping open the customs section.

Mr O'Connor: That was checked back and found to be the case, and it was not proceeded with.

Mr PARKER: I understand it has been proceeded with.

The second reason is that the head of the department said it would not be a saving because of the extreme familiarity of the customs section with the requirements of a number of instrumentalities and, in particular, the hospitals; the section was able to obtain goods on a much

cheaper basis than a private customs agent would be able to do. Before long a private customs agent might be able to achieve the same degree of familiarity as had the customs section of Government Stores, but it would take some time. As well, there was no great incentive for the customs section to have things done quickly; it could pursue a matter in an endeavour to not pay a Commonwealth levy or impost and do it more efficiently than could a customs agent.

A customs agent's fee is based not on the amount of work he puts into a transaction, but on the fact of the transaction. It is like a real estate agent. It does not matter how quickly a real estate agent sells a house; he still receives the same amount of commission. In the same way, a customs agent receives precisely the same fee whether he completes a transaction quickly or whether he puts a lot of work into it and takes a long time about it.

On that basis, it is obvious that a private customs agent will try to complete a transaction as quickly as possible; and one cannot blame him for that. However, from the point of view of the Government's trying to achieve a maximum degree of efficiency, I would have thought that the expenditure on the customs section would have been warranted.

I understand that the section has operated efficiently and well. It was respected by industry and, to be quite frank, it was able to wangle a few things from the Commonwealth that meant that the State obtained goods less expensively than it otherwise would have done.

It is interesting to note that, despite the moves to achieve a saving, the vote for the Government Stores has increased from \$3 million to \$4 million this year. That is an increase of 33.3 per cent in the expenditure on Government Stores, which is by no means a reflection of the inflation rate. If a saving was effected by the closure of the customs section, that has been more than outweighed by expenditures elsewhere.

Mr O'CONNOR: In reply to the member for Whitford regarding the purchase of local equipment, he can rest assured that we are endeavouring to do the best we can in that regard.

The member for Victoria Park commented regarding officers in the computing services. The increase in the number of staff is because of the increased work. The number of computers has increased, and it has been necessary to increase the number of staff to cope with them.

The increases in the department have occurred in a number of areas. The total increase for Item 1 of Division 16 is \$554 000, and it is necessary to cover a number of areas including higher salaries and the cost of the new staff involved, as mentioned by the member for Victoria Park. Part of the increase in staff appointments is in connection with computerisation; we have provided for an increase of \$164 000 for salary costs, including annual increments and \$203 000 for filling vacant appointments.

The matter raised by the member for Fremantle is not considered by only one organisation. When the Cabinet expenditure review committee makes recommendations on a particular issue, the recommendations go to the Public Service Board, are discussed with the department involved, and are then returned for further information to indicate if a loss or a saving is involved. Off the cuff, I cannot give details in connection with the customs section. If the member cares to drop me a note, I will follow it through and obtain the information.

Division 16 put and passed.

Progress

Progress reported, and leave given to sit again, on motion by Mr Parker.

ADJOURNMENT OF THE HOUSE

Sittings of the House: Fridays

MR O'CONNOR (Mt. Lawley—Premier) [11.56 p.m.]: Before moving the adjournment, I inform members that as from next week we may be sitting on Fridays. I will discuss this with the Leader of the Opposition and notify members before the end of this week.

I move—

That the House do now adjourn.

Question put and passed.

House adjourned at 11.57 p.m.

QUESTIONS ON NOTICE

1824. *This question was postponed.*

EDUCATION

Coaching Colleges

1866. **Mr DAVIES**, to the Minister for Education:

(1) Does the Education Department supervise and/or assess the quality of

instruction delivered by the various coaching colleges operating in Perth and the metropolitan area?

- (2) Does the department have any contact with such colleges?

Mr CLARKO replied:

- (1) No, they are private organisations, attendance at which does not exempt a student from attending an efficient school.
(2) No.

POLICE

Security Doors and Screens

1867. Mr BRIAN BURKE, to the Minister for Police and Prisons:

- (1) Are there any proposals to promulgate regulations concerning security doors and screens?
(2) If so, on whose advice have the regulations been drawn up?

Mr HASSELL replied:

- (1) No.
(2) Answered by (1).

POLICE: STATION

Bayswater

1868. Mr BRYCE, to the Minister for Police and Prisons:

- (1) Why has the Government reduced the strength of the police force at the Bayswater police station?
(2) Is he aware of the concern to the community of Bayswater which this reduction in force strength is causing?
(3) In the light of community concern and the case presented to the Commissioner of Police by the Bayswater Shire Council, will he review the decision with a view to restoring the strength of the Police Force at Bayswater police station?

Mr HASSELL replied:

- (1) The Commissioner of Police is upgrading the mobile patrol system through divisional enforcement. The responsibility of mobile patrol and tasking in the Bayswater area has been transferred to the divisional base at Morley, where the staff has been increased to meet this commitment.

- (2) Yes.

- (3) No.

The upgrading of mobile policing in this division will not result in a reduced level of police protection to the Bayswater community.

WILDLIFE: AUTHORITY

Allowances

1869. Mr BRYCE, to the Minister for Fisheries and Wildlife:

What is the amount and basis of payment of financial allowances to members of the Western Australian Wildlife Authority?

Mr OLD replied:

Non-Government members of the Western Australian Wildlife Authority are paid \$72 a full day meeting and \$48 for a half day meeting.

Levels of fees are as recommended by the Public Service Board.

FUEL AND ENERGY: GAS

North-West Shelf: Equity Sale

1870. Mr GRILL, to the Minister for Resources Development:

- (1) What is the Government's attitude towards the proposed sale by Woodside Petroleum Pty. Ltd. of portion of its interest in the processing and sales part of liquid natural gas from the North-West Shelf to overseas interests?
(2) In view of the fact that the Government has been long aware of Woodside's finance problems, what steps have the Government taken to prevent a diminishing Australian equity in the project?
(3) How can the Government possibly defend its record of promoting Western Australian equity in its own resources development?

Mr P. V. JONES replied:

- (1) to (3) It is the Government's view that introduction of Japanese equity to the LNG phase of the North-West Shelf development is a realistic and practical development which will have the effect of strengthening and supporting the LNG marketing arrangements being finalised with Japanese utilities.

I am not fully aware of the implications of the member's reference to "Woodside's finance problems", and how this relates to the Government's policy. Indeed, the Government has maintained close contact with Woodside and the other joint venture participants in the North-West Shelf project since its inception, and has been aware of, and involved in, discussions relating to the proposal which is now being considered. It needs to be understood that Woodside seeks to retain its existing equity share in the offshore production of gas and liquids, and in the domestic gas supply arrangements. The achievement of such a high percentage of Australian involvement in this project—the biggest in Australia's history—is regarded by the Western Australian Government as a significant achievement.

As the member would be aware, it is the policy of the Western Australian Government to have the maximum Australian equity participation which is practically achievable in resource development projects, but we strongly hold the view that no project should be denied the opportunity of development and providing the job-creating employment and export income which would flow from any project, merely because of some philosophical dogma which espouses minimum levels of Australian equity before any project can proceed.

In the case of the North-West Shelf project, it is the project itself and the great influence it will have on the further development of Western Australia that is important—not the very short-sighted and inhibiting socialist policies of the ALP.

1871. *This question was postponed.*

POLICE

Function: Osborne Park

1872. Mr PARKER, to the Minister for Police and Prisons:

- (1) Further to my previous question without notice respecting a function at the premises of Economic Distributors in Osborne Park, will he please confirm that gambling equipment was confiscated by police at that function?
- (2) Where did the police take this equipment after confiscating it?

- (3) (a) Where did police take the funds that were also confiscated when they visited the function; and
- (b) can he confirm that the function was organised to raise money for the Liberal Party or one of its candidates?

Mr HASSELL replied:

- (1) Yes.
- (2) To Liquor and Gaming Branch headquarters, and later it was handed to property tracing section, Maylands.
- (3) (a) To Liquor and Gaming Branch headquarters, and later it was paid into the Police Department suspense account;
- (b) no.

HORTICULTURISTS AND ORCHARDISTS

Electricity: Concessional Rate

1873. Mr GRILL, to the Minister for Fuel and Energy:

- (1) Has any consideration ever been given to the possibility of allowing concessional rates for power used by horticulturists and orchardists for irrigation purposes carried out at night between peak hours?
- (2) What is the Government's attitude towards this proposal?
- (3) What cost might be involved?

Mr P. V. JONES replied:

- (1) to (3) I refer the member to my answer to question 1368 on 15 September 1982. Concessional tariffs are not generally available from the State Energy Commission, except for the pensioner rebate scheme. Electricity in remote areas is also sold below cost.

Off-peak tariffs may be appropriate where customers agree to use power only during the night, thus saving generating capacity needed to meet peaks during the day. Exchanges between the Primary Industry Association and the State Energy Commission to date indicate that irrigators, such as horticulturists and orchardists, wish to reserve the right to use power for irrigation during both day and night. Consequently, there will be no saving in generating capacity, and therefore no basis for a concessional tariff.

FUEL AND ENERGY: HYDROELECTRICITY

Ord River Dam

1874. Mr GRILL, to the Minister for Fuel and Energy:

- (1) Has there ever been any consideration given or any study done on the feasibility of generating hydro-electricity at the Ord River dam for sale in the Northern Territory?
- (2) If so, could he please give me details?
- (3) In any event, what is the Government's attitude towards this proposal?

Mr P. V. JONES replied:

- (1) to (3) A detailed study was carried out by the State Energy Commission during 1981. The study examined development of the hydro-electric potential of the Ord River dam for combined use by the State Energy Commission to supply the loads at Kununurra and Wyndham, and for sale to the Northern Territory. The study was based on the hydro-electric output being shared, with the requirements of the State Energy Commission being supplied preferentially. Consequently, the transfer of power to the Northern Territory formed a substantial part of the output of the scheme in the early years, but gradually reduced as the load in the East Kimberley area increased down the years.

The Government of Western Australia supported the proposal, but the Government of the Northern Territory and the Northern Territory Electricity Commission, concluded that the cost to them of power from the Ord scheme would not be economic, relative to other alternatives based on import of coal that they were studying at the time.

ADVISORY COMMITTEES

Membership

1875. Mr BRYCE, to the Minister for Community Welfare, Housing and Consumer Affairs:

When may I expect to receive the answer to question 1613 of Wednesday, 13 October 1982 in respect of regulatory bodies?

Mr SHALDERS replied:

The required information is being compiled by my departments and the member will be advised as soon as possible.

ADVISORY COMMITTEES

Membership

1876. Mr BRYCE, to the Minister for Resources Development, Mines, and Fuel and Energy:

When may I expect to receive the answer to question 1424 of Wednesday 22 September 1982 in respect of regulating bodies?

Mr P. V. JONES replied:

The answer will be provided to the member when the various officers are in a position to give attention to the member's request, having regard to the far more important duties which they are required to perform in the public interest.

1877. *This question was postponed.*

ADVISORY COMMITTEES

Membership

1878. Mr BRYCE, to the Minister for Health:

When may I expect to receive the answer to question 1491 of Wednesday 29 September 1982 in respect of regulatory bodies?

Mr YOUNG replied:

The letter, in answer to the member's questions, was signed by me and despatched on Monday, 1 November 1982.

FUEL AND ENERGY: DIESEL AND PETROL

Wholesaling

1879. Mr CARR, to the Minister representing the Minister for Labour and Industry:

- (1) Further to the Minister's answer to question 1684 of 1982 in which he indicated that no legislation is being breached by the practice of fuel companies retailing petrol from their depots in Geraldton, can the Minister please advise whether his officers have checked to ensure that the depot sites are zoned for retail fuel sales?
- (2) If "Yes", will the Minister please advise me of the results?

- (3) If "No" to (1), will the Minister please have this point checked?

Mr YOUNG replied:

- (1) No; the department has not checked with respect to zoning.
 (2) Not applicable.
 (3) No; matters relating to zoning are the responsibility of a local authority.

ELECTORAL: ROLLS

Distribution

1880. Mr CARR, to the Minister representing the Chief Secretary:

Have copies of the newly printed State electoral rolls been distributed to all post offices, police stations and Clerks of Courts offices throughout the State to be available for public perusal in those offices?

Mr HASSELL replied:

The Chief Electoral Officer has advised that the rolls have been distributed to all the offices mentioned for availability to the public.

COMMUNITY WELFARE

Emergency Relief

1881. Mr CARR, to the Minister for Health:

- (1) With reference to an allocation of \$500 from the Geraldton Town Council to the Geraldton emergency home help during the 1981-82 financial year, has his department yet received a final reply from the Commonwealth Government as to whether or not this allocation qualified for matching Commonwealth funds?

- (2) If "Yes", can he please tell me of the nature of the reply?

Mr YOUNG replied:

- (1) Yes.
 (2) The Commonwealth Department of Social Security has ruled that the donation made by the council is ineligible for subsidy.

HOUSING: WELFARE

Allocation: Commonwealth

1882. Mr CARR, to the Minister for Health:

- (1) What is the total allocation of funds to Western Australia from the Commonwealth, in the current financial year, for purposes of home help or home care?
 (2) (a) What have been the corresponding receipts by Western Australia in each of the last 10 years; and
 (b) what have been the details of the allocation of these moneys within Western Australia?
 (3) What is the total Commonwealth allocation to all States for home help or home care in the current financial year?

Mr YOUNG replied:

- (1) \$1 124 000.
 (2) (a) and (b) Amounts received from the Commonwealth and the distribution of the funds are as follows—

Year	Perth Emergency House- keeper	League of Home Help	Geraldton Emergency Hs.keeper Service	Volunteer Task Force	Supple- mentary Services	Silver Chain	Total
1972-73	12 500	—	—	—	—	—	12 500
1973-74	22 500	—	—	—	—	—	22 500
1974-75	—	—	—	—	—	—	*116 000
1975-76	—	—	—	—	—	—	*87 000
1976-77	45 000	4 000	1 334	1 333	—	—	51 667
1977-78	40 000	10 667	2 666	8 000	—	—	61 333
1978-79	30 000	5 000	1 000	7 667	—	—	43 667
1979-80	40 000	5 000	1 250	6 000	—	—	52 250
1980-81	45 000	5 000	1 250	6 000	—	—	57 250
1981-82	60 000	5 000	1 250	6 000	5 526	820 000	897 776

*Details of the allocation unavailable without an inordinate expenditure of time and effort

- (3) \$15 825 000.

EDUCATION

Regional Education Office: Geraldton

1883. Mr CARR, to the Minister for Education:

What are the current intentions of his department concerning any possible relocation of the Geraldton regional education office from its present site in the grounds of the community education centre in Geraldton?

Mr CLARKO replied:

It is the intention to move the regional education office into rented premises from the end of this year.

REGIONAL DEVELOPMENT

Houtman Abrolhos Islands

1884. Mr CARR, to the Minister for Industrial, Commercial and Regional Development:

- (1) Has he now had the opportunity to study the report of the Geraldton-Midwest regional development committee into the future use of the Abrolhos Islands?
- (2) Has he reconsidered his decision not to table the report, and will he now table it for public information to enable informed public comment?

Mr MacKINNON replied:

- (1) Yes.
- (2) As I advised the member previously in answer to question 615, when Cabinet has considered the report, I will give consideration to the member's request.

EDUCATION: HIGH SCHOOL

Tuart Hill: Travel Arrangements

1885. Mr BERTRAM, to the Minister for Education:

- (1) Is he aware that parents and students of Tuart Hill Senior High School protested following the announcement last year of the Government's intention to close that school?
- (2) Is he aware that some students affected by the closure incurred no travelling expenses when attending Tuart Hill Senior High School?

(3) Is he aware—

- (a) that his predecessor gave the following unqualified undertaking, namely—

"Students affected will be able to travel to and from school in 1982 and 1983 at no added cost to parents.";

- (b) that the parents accepted this undertaking in good faith and acted upon it;
- (c) that some parents have in fact been and are being forced to pay bus fares by reason of the Government's breach of the above undertaking?

(4) Does he intend to rectify this position?

(5) If "No" to (4), why?

Mr CLARKO replied:

(1) and (2) Yes.

(3) (a) Statements on free bus travel for 1982 and 1983 were related to nominated area schools which were gazetted later.

(b) Children who were attending Tuart Hill or were in year 7 at one of the contributory primary schools in 1981 and who now attend a nominated area school are provided with free travel. It was never intended that the Government would meet travel costs, regardless of the school to which parents elect to send their child.

(c) No parent of one of these children attending a nominated area school is required to pay bus fares. If the parent has elected to send a child to a school other than the nominated area school, then his fares may have to be paid by that parent.

(4) and (5) The offer of free travel to the nominated area school will continue through 1983. No change is warranted.

MEAT: LAMB

Imports

1886. Mr EVANS, to the Minister for Agriculture:

- (1) What number of lamb carcasses were imported into Western Australia in each of the ten months of this year?
- (2) What number of lambs were imported in each of those months?

Mr OLD replied:

- (1) January—
February—1 000
March—3 122
April—1 616
May—1 262
June
July—2 812 (of which 860 were condemned)
August—12 196
September—9 789
October—2 354 (until 25 October)

NOTE: These figures are based on Public Health Department inspection data.

- (2) This information is not recorded.

HOSPITAL

Bentley

1887. Mr JAMIESON, to the Minister for Health:

- (1) Is he aware that the parking area for visitors and visiting doctors at Bentley Hospital is often inadequate for the number of vehicles it attempts to service?
- (2) Does this overcrowding force parking to take place on both sides of Hamilton Street thus causing a traffic hazard, particularly during evening visiting hours?
- (3) What plans are envisaged to overcome this problem?

Mr YOUNG replied:

- (1) Yes.
- (2) No. Overflow parking is in Mill Street which bisects the hospital site. Studies are currently being undertaken by the City of Canning with a view to improving access to the hospital.
- (3) Adequate parking will be provided during the major redevelopment of this site for which planning is now well advanced.

1888. *This question was postponed.*

SEWERAGE

Esperance

1889. Mr BRIAN BURKE, to the Minister for Water Resources:

- (1) Is it the Government's intention to sewer an area in Esperance from Harbour

Road along The Esplanade to Brazier Street, in an area bounded by Windich and Corry Streets, connected by William Street?

- (2) If so, for what reasons?
- (3) Have property owners been consulted?
- (4) Have they appealed against the plans?
- (5) Could the present septic systems handle all requirements for the foreseeable future?

Mr MENSAROS replied:

- (1) Yes, in fact most of the area described in the question is already sewered.
- (2) To overcome problems with septic tank operation.
- (3) The Esperance Shire Council has been consulted, and in addition the proposed sewer construction has been advertised in accordance with the Country Towns Sewerage Act 1948-1978.
- (4) and (5) No.

SUPERANNUATION: PARLIAMENTARY SUPERANNUATION ACT

Government Contribution

1890. Mr STEPHENS, to the Premier:

With respect to the Parliamentary Superannuation Act 1970, of the amount shown in the Budget as expenditure in 1981-82—

- (a) How much was the Government's matching contribution;
- (b) was the balance the amount necessary to meet the deficiency in the fund?

Mr O'CONNOR replied:

- (a) The Government's matching contribution was \$644 315;
- (b) the balance, namely \$1 132 712, was the amount required for the 1981-82 financial year to offset the actuarial deficiency disclosed by the Government Actuary at 30 June 1980.

RURAL AND ALLIED INDUSTRIES CONFERENCE

Expenditure

1891. Mr STEPHENS, to the Premier:

What is the annual expenditure for the rural and allied industries conference from its inception up to and including 1981-82?

Mr O'CONNOR replied:

	\$
1976-77	195
1977-78	65 451
1978-79	113 497
1979-80	107 132
1980-81	118 206
1981-82	101 738

CONSERVATION AND THE ENVIRONMENT: LESCHENAULT INLET

Laporte Australia Ltd.: Studies

1892. Mr BLAIKIE, to the Minister for Conservation and the Environment:

- (1) Further to my question without notice of 28 October 1982 relevant to Laporte effluent, would he give details of the report and other studies as indicated in his reply?
- (2) (a) Has his department made any evaluation of the possible staining effect on beaches in Geographie Bay of effluent discharged by a proposed marine pipeline; and
(b) would he provide details of all studies?

Mr LAURANCE replied:

- (1) Details of all these studies are contained in the report "Laporte Factory Effluent Disposal, Report on Disposal Options" tabled by the Minister for Resources Development on 26 October and documents referenced in that report. A list of the investigations will be provided to the member.
- (2) (a) and (b) No, but studies were conducted during the investigations referred to in the above report. These studies indicate that sand staining does not occur unless the sand is mixed with the effluent during the course of neutralization. In a pipeline discharge, neutralization will take place in the water column so that sand staining of beaches in Geographie Bay should not occur.

EDUCATION: HIGH SCHOOLS

Agricultural Courses

1893. Mr BLAIKIE, to the Minister for Education:

- (1) (a) How many secondary schools are there in the State;

- (b) what were their enrolments, and locality;
- (c) what schools provided agricultural education courses, in whole or part?
- (2) (a) How many of these schools have "live-in" facilities; and
(b) would he indicate their locality?
- (3) How many students applied for entry to—
(a) Harvey;
(b) Narrogin; and
(c) Denmark,
agricultural schools in 1982?
- (4) How many in (3)(a) to (c) were accepted?

Mr CLARKO replied:

- (1) to (4) The reply is hereby tabled.

The answer was tabled (see paper No. 545).

QUESTIONS WITHOUT NOTICE

TRAFFIC: MOTOR VEHICLE INSURANCE TRUST

Legal Actions

716. Mr BRIAN BURKE, to the Minister for Local Government:

My question, notice of which has been given, is as follows—

- (1) Is the Motor Vehicle Insurance Trust, or any other body or person, currently conducting an inquiry into an allegation that a lawyer or a law firm, or a person acting on behalf of a lawyer or a law firm, has approached trust officers asking to be advised of the names and addresses of people likely to be involved in legal actions arising out of accidents so that the lawyer or law firm can approach them to act on their behalf?
- (2) If such an investigation is not being conducted currently has one been conducted recently or is one planned?
- (3) Has any inquiry established whether there is substance in the allegation?
- (4) Has it been established whether any trust officers have been involved in such an arrangement and, if so, how many and for what consideration?
- (5) What is the name of the lawyer or law firm allegedly involved?

- (6) How long has this alleged practice been going on?
- (7) Is such a practice unlawful and, if so, what is the legislative prohibition?
- (8) If there is no legislative bar to such an arrangement, is it proposed to amend any legislation to prevent it; and, if so, what are the details of the legislation and will it be introduced this session?
- (9) Who conducted any investigation that has been held and is the Government satisfied that the matter has been resolved satisfactorily?
- (10) Have any legal proceedings or proceedings before the Barristers' Board been initiated arising from this alleged practice; if not, are such proceedings under consideration?

Mrs CRAIG replied:

- (1) to (10) I thank the Leader of the Opposition for some short notice of the question.

In the little time available I have been able to ascertain that an MVIT officer volunteered to the acting manager of the trust that he had been approached by a law firm along the lines suggested in the question but that he had refused to co-operate.

I understand that the acting manager did report the incident through the trust's legal adviser.

Obviously I would require some time in order to obtain the detailed information sought in the question and I therefore ask that it be put on notice.

UNIONS: COMPULSORY MEMBERSHIP

European Court of Human Rights

717. Mr WATT, to the Premier:

- (1) Is the Premier aware of any recent decisions of the European Court of Human Rights relating to compulsory unionism?
- (2) If so, will he give details to the House?

Mr O'CONNOR replied:

- (1) and (2) Yes, I have seen a copy of the *Guardian Weekly* of 24 October 1982 which contains an article headed "Human rights court awards £142,000 to ex-railmen". In part the article reads as follows—

The European Court of Human Rights has ordered the Government to pay record damages and costs totalling £142,000 to three British Rail workers dismissed for refusing to join any of the three railway unions.

The Freedom Association, which has backed the men's six-year campaign, see the case as a test of the "legality of compulsory, coercive and intimidatory unionism in Britain".

I seek permission to table the document.

The SPEAKER: Permission granted.

The document was tabled (see paper No. 547).

STATE FINANCE: BUDGET

Capital Works Programme

718. Mr GRILL, to the Premier:

- (1) Is the Premier aware that excluding capital works to be undertaken by the SEC from the total works programme, means that expenditure in this vital area has decreased in the 1982-83 Budget by \$110 million or 23.4 per cent in real terms?

Does that make sense to the Premier?

Mr O'Connor: Go ahead.

Mr Clarko: I thought this was your question.

Mr GRILL: It seems to have been typed out slightly incorrectly. To continue—

- (2) Is this decrease consistent with the Premier's repeated statements about a massive increase in capital works in the building and construction area?

Mr O'CONNOR replied:

- (1) and (2) The budget for last year's capital works programme amounted to approximately \$600 million. This year it is in excess of \$1 000 million. It is extremely difficult to see how that could be regarded as a reduction.

Mr Grill: If you take out the SEC component?

Mr O'CONNOR: The budget was \$600 million last year and \$1 000 million this year so the figures indicate that that was an increase. If the member cares to look at the General Loan Fund, the increase for housing is up approximately 180 per

cent on last year's figure. I will be quite happy to give the exact details to the member if he places the question on notice.

CULTURAL AFFAIRS: LIBRARIES

Albany

719. Mr STEPHENS, to the Chief Secretary, representing the Minister for Cultural Affairs:

I have given some notice of this question, which is as follows—

- (1) As the Albany Shire Council has been contributing to the operating costs of the Town of Albany library has the Shire of Albany some equity in the book stocks?
- (2) In view of the State Library Board's agreement with the Albany Town Council which cites the Shire of Albany as party to the agreement, on what grounds can the Albany Town Council refuse the shire ratepayers access to the town library?
- (3) Will the Minister allow the Albany Shire Council to establish its own library?

Mr HASSELL replied:

I am advised by the Library Board of WA that—

- (1) Neither the Albany Shire Council nor the Town of Albany has any equity in the book stock. Stock is owned totally by the Library Board of WA; however, as the stock is distributed by the Library Board on a per capita basis a proportion of the stock currently held in the Albany library is attributable to the population of the Shire of Albany.
- (2) At present the Albany Town Council is legally and morally bound according to the agreement with the Library Board of WA to maintain the service unless and until such time as the council notifies the board of a change necessitating the termination or replacement of the current agreement.
- (3) The Albany Shire Council could, in agreement with the Library Board of WA and in accordance with the current building and operational standards, establish its own service.

TRANSPORT: BUSES

Kununurra-Wyndham

720. Mr BRIDGE, to the Minister for Transport:

In view of the fact that the Minister recognises that the bus service between Wyndham and Kununurra is unsatisfactory and in view of the fact that the Government has a clearly defined transport policy which commits it to—

Have proper regard for individuals or organisations affected by essential changes in the transport system (Land Freight Transport Policy 1980),

would the Minister please initiate urgent action by the Transport Commission to ensure that an adequate service is reinstated between Wyndham and Kununurra?

Mr RUSHTON replied:

The Commissioner of Transport currently is monitoring the transport system between Wyndham and Kununurra to ensure that a satisfactory service is maintained.

STATE FINANCE: BUDGET

Public Relations Officers

721. Mr SIBSON, to the Treasurer:

During discussions on the Estimates, part 2, division 8 (five public relations officers) the Leader of the Opposition was critical of the number of public relations officers allowed for in the Estimates. Will the Treasurer advise who are these people and whether he is prepared to reduce the number?

Mr O'CONNOR replied:

The public relations officers are Mr Leggoe, Mr Ryan, Mr Burson, Mr Flynn, and Mr Barry, who is from the office of the Leader of the Opposition. The answer is: Yes, the last mentioned, if the Leader of the Opposition so desires.

QUESTION

Without Notice

722. Mr GORDON HILL, to the Minister representing the Minister for Labour and Industry:

Has the Minister seen the advertisement in the—

Speaker's Ruling

The SPEAKER: If the Minister has no knowledge of this question, in accordance with the practice of the House I must disallow it. It is not fair to ask a question of a Minister representing a Minister in another place without prior notice.

Questions (without notice) Resumed

POLICE: FUNCTION

Osborne Park

723. Mr PARKER, to the Minister for Police and Prisons:

- (1) In respect of the Minister's reply today to question 1872, how much money was confiscated by the Liquor and Gaming Branch at the function which was held at the premises of Economic Distributors.
- (2) Did the police ask for whom the function was being run?
- (3) If "Yes" to (2), for whom was it being run?

Mr HASSELL replied:

- (1) to (3) I do not have any information that would enable me to answer the member's question. All I know is that on the advice I have received from the Police Department there is absolutely no way the police can confirm that the function was organised to raise money for the Liberal Party or one of its candidates.

Mr Parker: Well, I can confirm it.

Mr HASSELL: I am aware that a front-bench member of the Opposition was busy, supposedly reporting something allegedly being done for the Liberal Party. The remarks were based on rumour. If Opposition members want to engage in pimping, I suppose that is their own affair.

Mr Brian Burke: Only a month ago the member for Mundaring was talking about a raffle.

Mr HASSELL: I am aware also that police officers had information already on the matter and clearly they were acting on that information at the time the prominent front-bench Opposition member made his report.

Mr Davies: Yet you don't know what it is all about. Strange!

Mr HASSELL: If the member for Fremantle wants these details, I suggest that he put the question on the notice paper.

GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES

Mr Denis Horgan

724. Mr BLAIKIE, to the Premier:

Did the Premier see an article in *The Australian* of today's date indicating—

Several members interjected.

Mr BLAIKIE: —that he had given an incorrect answer to the Opposition regarding—

Several members interjected.

The SPEAKER: Order! Will the member for Vasse resume his seat. I ask that members maintain silence while questions are being asked. It is difficult to hear the question while members are interjecting, and I need to hear the question to establish whether it is in order. The member for Vasse.

Mr BLAIKIE: Did the Premier see an article in *The Australian* of today's date regarding Mr Denis Horgan's membership of Western Australian Government boards, and if so, was the article correct?

Mr O'CONNOR replied:

I thank the member for Vasse for some brief notice of the question, the answer to which is as follows—

The report which appeared in today's edition of *The Australian* stated incorrectly that yesterday Mr Denis Horgan resigned from a job with the WA Government, two months after I had said that I believed no such job existed. In fact, Mr Denis Horgan resigned from the Board of Directors of the Grain Pool of WA on 2 August after having indicated to the Minister some months earlier that he wished to relinquish the position because of business commitments. It was in February, in fact, that Mr Horgan indicated his wish to resign from the position.

I was correct on 22 September when I told the Parliament that, to

the best of my knowledge, Mr Horgan was not a member of any State board or committee. I sincerely hope that *The Australian* will rectify the error.

HOUSING

Home Buyers' Assistance Fund and Housing Act Loan Scheme: Operations

725. Mr WILSON, to the Minister for Housing:

- (1) What is the difference between the home purchase assistance scheme and the Housing Act 1980 loan scheme?
- (2) Why are applicants assisted, as approved, under the home purchase assistance scheme, whereas, under the Housing Act 1980 loan scheme, applicants are required to be listed and to wait until their turns are reached on the list?

Mr SHALDERS replied:

- (1) and (2) The member seems to have developed a habit of asking questions without notice when he has had ample opportunity to place them on notice. I suggest that, if the member really wants an answer to the question, he place it on notice.

Mr Tonkin: Get on top of your job!

GOVERNMENT REGULATIONS REVIEW COMMITTEE

Report

726. Mr WATT, to the Minister for Industrial, Commercial and Regional Development:

- (1) Now that the closing date for submissions to the Government regulations review committee—also known as the "red tape committee"—has passed, would the Minister tell the House how many submissions were received and detail some of the areas covered?
- (2) Could the Minister advise also when he expects to receive the committee's report?
- (3) When might we expect the Government to take action on that report?

Mr MacKINNON replied:

- (1) I am pleased to advise the closing date for submissions was last Friday, 29 October. Just over 250 submissions were received. A few submissions are out-

standing in that people have notified the committee that they want to make submissions and those submissions will be received in due course.

- (2) The secretary of the committee has advised me that the matters covered are diverse, but we have received multiple representations on areas where duplication occurs in State and Federal regulations. Several representations have been received in relation to Government licensing procedures, local authority by-laws, and shops and factories regulations.
- (3) I anticipate I shall receive an interim report in the near future and the final report in the new year. The Government will take action on that report as soon as possible after it is received, the matter has been discussed with Cabinet, and we can see our way clear to take effective action to overcome any of the anomalies outlined in the report.

FUEL AND ENERGY: GAS

North-West Shelf: Dampier-Perth Pipeline

727. Mr I. F. TAYLOR, to the Premier:

- (1) Is the Premier aware that \$84 million or 24 per cent of the total amount provided in this Budget for the Dampier-Perth natural gas pipeline is to be spent overseas on the purchase of pipe?
- (2) Is this consistent with the Government's often repeated policy of maximising Western Australian and Australian participation in the project?

Mr O'CONNOR replied:

- (1) Offhand I do not know the exact percentage which will be expended overseas.
- (2) The pipeline will employ approximately 1 500 people in this State and I am very pleased they will obtain that employment at a time when it is needed.

FUEL AND ENERGY: GAS

Exploration: Government Policy

728. Mr TRETOWAN, to the Minister for Resources Development:

- (1) Has the Minister seen the article in this morning's *The West Australian* headed "Government Hinders Gas Hunt—Labor"?

Opposition members: He isn't here!

Mr TRETHOWAN: To continue—

- (2) How do the allegations in this article compare with the State Government's proven performance in actively encouraging the development of the energy resources of Western Australia?

Mr Hassell (for Mr P. V. JONES) replied:

- (1) and (2) No impediment has been placed in the way of energy exploration by the State Government, and active encouragement still is being given to assist those companies which already have exploration obligations, in addition to those which seek to participate in activity in both onshore and offshore Western Australia.

The article referred to implied that the Government had a responsibility to provide a commercially viable market for every discovery of gas made in Western Australia.

Clearly this is absurd, as nowhere in the world is any hydrocarbon or mineral discovery every guaranteed immediate entitlement to commercial development.

The suggestion in the article by the member for Yilgarn-Dundas that the North-West Shelf should now be abandoned in favour of as yet unproven resources which might be geographically closer to Perth is grossly irresponsible and unacceptable to the Government or the people of Western Australia, who are entitled to have a better employment opportunity and project development policy undertaken than that which is being espoused by the State Opposition.

In the case of Woodada, the resources are not yet clearly identified, and I am advised that the only proven resource upon which any commercial commitment could be made are of a quantity which would deliver approximately 20 million cubic feet per day for a period of some two years.

Far from discouraging exploration, as the member for Yilgarn-Dundas implies, the reverse is the case.

Some 1 166 wells associated with petroleum exploration and production have been drilled in Western Australia since the start of petroleum exploration more than 70 years ago.

More than half of these have been drilled in what is now known as the Barrow Island field. That field has been producing oil since 1967 and is currently producing around 3 800 cubic metres per day.

As a result of this exploration, Western Australia is now about 50 per cent self-sufficient in energy demands.

With the development of the North-West Shelf, not only will we be self-sufficient in natural gas, but also it is realistic to anticipate that, in the near future, we will become a major exporter of that product.

So far this year 52 exploration wells have been completed, 11 wells are currently being drilled and, with an additional 10 wells expected to be spudded before the new year, exploration figures will be 50 per cent higher than in 1972, when a previous exploration peak was reached.

The exploration successes obtained this year include the North Scott Reef No. 1 well, which probably has the potential of being Australia's biggest gas field.

With the increase in exploration activities many new drilling rigs are finding their way into Western Australia.

Some 16 onshore drilling rigs and nine offshore rigs have been involved in drilling activity this year, an increase of greater than 30 per cent over last year.

Seismic work completed so far this year amounts to in excess of 46 000 kilometres comprised of 15 500 kilometres onshore and more than 30 500 kilometres offshore. These figures are consistent with the upward trend set since the end of 1979.

Mr Grill: If the Minister wants these diatribes read in the Parliament, why doesn't he read them himself?

GRAIN

Sorghum

729. Mr BRIDGE, to the Minister for Industrial, Commercial and Regional Development:

- (1) Is it correct that the Government has plans to lease the Sorghum shed at Broome to a local firm?

- (2) If "Yes", would the Minister indicate the leasing arrangements entered into between the Government and the local firm involved?

Mr MacKINNON replied:

- (1) and (2) I thank the member for some brief notice of the question. Neither I nor the Government has plans at the moment to lease the sorghum shed to a local firm. I asked the Office of the North West to examine the whole question of that facility which, as the member is probably aware, was constructed to service the Camballin project. I asked him to look at alternative uses for that facility should the Camballin receiver not come to any specific arrangement to allow that project to continue. That officer is in the process of compiling a report and reporting back to me.

I have received advice that the receiver, on behalf of Aetna Casualty and Surety Company, the financiers of the project, is proceeding with discussions with the previous principals of the company in the USA. In the near future I hope to receive a plan of action for that project. As soon as a plan of that nature is received, it will be discussed at Government level, and I shall report further to the member.

COMMUNICATIONS

National Satellite

730. Mr BLAIKIE to the Minister for Industrial, Commercial and Regional Development:

- (1) Can the Minister advise whether there is any possibility of a design change to the domestic communications satellite to be operated by AUSSAT?
- (2) If so, how is this likely to affect Western Australia?
- (3) Have any representations been made to the Federal Government?

Mr MacKINNON replied:

- (1) to (3) The member would be aware that the Premier made a statement relating to this matter out of Cabinet yesterday.

However, I shall expand on the concerns we have in this area which I shall represent to the Federal Minister for Communications (Mr Brown) next week. Firstly, we have represented previously to the Federal Government our concern that, because the two satellites are now to be located over eastern Australia, we want the communications for Western Australia to go through the western-most satellite in order to reduce the problem of attenuation. I refer there to the angle of the signal, because the location of the satellites greatly lowers the quality of the signal. If the signal is directed through the western-most satellite, the problem will be reduced. Some time ago we represented that matter to the Federal Government and I shall raise it with the Minister again and ask why we have not received a response and whether he can now reply in relation to it.

Secondly, and relating to those design changes with respect to the high-powered transponders, our concern is not with the first satellite, but with the second. On each of the satellites there will be four high-powered transponders. One of the transponders on the first satellite will be used by the ABC. On the second satellite there is now intense pressure being brought to bear on the Federal Government, I understand, by AUSSAT and the three major television networks in the Eastern States, to allocate three of the four transponders to those networks. Obviously that would allow them to broadcast nationally from an Eastern States base. We are concerned about that for several reasons.

Firstly, it will mean, because the second satellite will be beaming the commercial stations—the first will be beaming the ABC—we will need a larger dish because of interference and the angle required to receive the signal. It is estimated that, if that proposal were agreed to, the cost of the dish instead of being \$1 200 would increase to \$7 000. Obviously we are concerned about the impact that would have on people in remote communities in Western Australia.

In the Premier's Press statement yesterday he mentioned also our concern that the networking from the Eastern States will interfere seriously with local metropolitan stations in WA and, importantly, with regional networks. We believe that any advantage to be gained from this new satellite should be by distribution of the commercial message through locally controlled and operated stations rather than by direction from Eastern Australia.

Thirdly, we are very concerned about the impact of this proposed distribution network on the School of the Air. We are very hopeful we will see a big improvement in communications for School of the Air pupils through the use of the satellite. Once again, I will be raising that matter with the Federal Minister. This concern is shared also by the commercial stations—Channel 7 and Channel 9—and the country regional stations. We are supporting their approaches to the Federal Government and they are supporting ours.

Adelaide has three commercial stations while Perth has two, yet the two in Perth employ more people than do the three in Adelaide. The Adelaide stations are just subsidiaries except its channel which is controlled by Channel 7 in Perth. This means that production facilities there are much less than they are in Western Australia. From the point of view of employment and production facilities, we are very concerned, and I will be raising those issues with the Federal Minister when I see him next week.

FUEL AND ENERGY: GAS

North-West Shelf: Equity Sale

731. Mr GRILL, to the Premier:

- (1) Could he explain what conceivable flight of fancy prompted the Minister for Fuel and Energy recklessly and desperately to assert that a Labor Government would purchase a 10 per cent equity in the North-West Shelf LNG project?

- (2) Could he indicate whether that Minister has so little care for what is left of the Government's faltering reputation for honesty that he could make such a blatantly incorrect assertion about the Opposition's policies, especially before delegates to an oil and gas conference at which were people from out of the State who might well have taken his statement as being literally correct?

Mr O'CONNOR replied:

- (1) and (2) The Opposition has made many promises which would be impossible for it to carry out, and well does the member know it. The Opposition has made all these promises, which to carry out would cost hundreds of millions of dollars, yet it says it would reduce charges in the State. One wonders what it is at and how it manages its own affairs, let alone what it would do if it were in charge of the State. A comment was made by the Leader of the Opposition or by someone else in the ALP to the effect that, if the Opposition were to become Government, it would take an interest in a number of industries. It is probably in line with that statement that the member for Yilgarn-Dundas mentions the Minister for Fuel and Energy's reference to this matter. I suggest he refers his complaint to the Minister as I have neither seen the Minister's comments nor spoken to him about them.

POLICE: FUNCTION

Osborne Park

732. Mr PARKER, to the Minister for Police and Prisons:

- (1) My question relates to an earlier question I asked. Can he advise me whether there were any people arrested at the function held at the premises of Economic Distributors?
- (2) Were any people admitted to bail?

Mr HASSELL replied:

- (1) and (2) I understand that one person was charged; I do not know whether he was arrested. I do not know whether any person was admitted to bail. I understand that the person charged was not a

member of the Liberal Party. I suggest to the member for Fremantle, if he persists with this matter, that he really ought to be very careful about the allegations he makes, because he said by way of interjection before—

Mr O'Connor: He would not make them outside.

Mr HASSELL: —that he could prove that the function was held on behalf of the Liberal Party.

Mr Parker: Or a candidate.

Mr HASSELL: If he can prove that, that is up to him and his pimping colleague who obviously thought the same thing on the basis of what he acknowledged to be hearsay evidence.

Mr Tonkin: To whom are you referring?

Point of Order

Mr TONKIN: I understand the Minister just referred to a "pimping colleague". I presume the Minister is referring to a member of this House. If so, I would like him to identify that member or withdraw the implication, as you see fit.

The SPEAKER: It is not for me to require the Minister to identify any particular person to whom he may refer.

Mr TONKIN: Are you ruling that that is parliamentary language.

The SPEAKER: That was not the question asked of me. As I see it, I was asked whether I should have the Minister identify a particular member. I am not prepared to do that.

Mr TONKIN: Mr Speaker, surely you would know it is your duty to intervene in anything like this without its having to be brought to your attention. On many occasions when you have believed a statement was unparliamentary, you have raised the matter yourself. It is not incumbent on me to draw it to your attention. However, it is incumbent on you, as custodian of the rules of this House, to see that the Minister does not get away with this sort of thing.

The SPEAKER: Order! In my view the earlier question asked by the member for Yilgarn-Dundas involved a far more serious breach—that is, if a breach occurred—of parliamentary language

when the member for Yilgarn-Dundas was pretty scathing in his reference to a Minister not present in the Chamber. However, as in that case, I am prepared to accept that in the cut and thrust of debate fairly strong language will be used.

Mr Tonkin: A cheap trick.

Speaker's Ruling

The SPEAKER: I do not think any member could take serious offence at the use of the word "pimping". Therefore, I rule that the Minister should not have to withdraw.

Mr Tonkin: Are you saying then—

The SPEAKER: Order!

Several members interjected.

Mr Tonkin: We want a bit of fairness.

The SPEAKER: Order! The member will resume his seat. We have passed the time of 6.15 when we usually adjourn for dinner. I will give consideration to the member's point of order during the adjournment. Correction; let me put it this way: I have dispensed with the member's point of order; however, if the member wishes to take the matter further after the adjournment, so be it.

The Minister for Police was answering a question.

Questions (without notice) Resumed

Mr HASSELL: I will conclude—

Mr Tonkin: You were up to the phrase "pimping colleagues".

Mr HASSELL: —my answer briefly, bearing in mind that the member for Fremantle asked a series of questions about a certain event in Osborne Park in an effort to establish that it was in some way a Liberal Party function. I inform the member for Fremantle that I suggest he should check the matter carefully before proceeding, as if he proceeds, he may unwittingly do damage to some totally innocent people who may have been trying to help others.