

# Legislative Assembly

Wednesday, 21 December 1983

The SPEAKER (Mr Harman) took the Chair at 11.30 a.m., and read prayers.

## LAND

### *Equal Rights: Petition*

MR O'CONNOR (Mt. Lawley—Leader of the Opposition) [11.33 a.m.]: I present a petition from seven residents of Western Australia to the effect that all Australians should have equal rights to land and land ownership, but opposing special rights for Aborigines. The petition conforms to the Standing Orders of the Legislative Assembly and I have certified accordingly.

A member: How many signatures?

Mr O'CONNOR: There are presently only seven, but it will be increased to 7 000 before too long.

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

(See petition No. 68.)

## LAND

### *Equal Rights: Petition*

MR HASSELL (Cottesloe—Deputy Leader of the Opposition) [11.34 a.m.]: I present a petition in the following terms—

TO: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned, firmly believe all Australians should have equal rights to land and land ownership and consequently express our opposition to any special rights as are proposed for aborigines on the grounds that such special rights:

- (1) Will create divisions in Australian society;
- (2) will deny economic benefits from that land to the great majority of Australians;
- (3) will lead to the segregation (apartheid) of Western Australia into black and white communities.

The petition bears 20 signatures. I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

(See petition No. 69.)

## PUBLIC ACCOUNTS COMMITTEE

### *Reports*

MR I. F. TAYLOR (Kalgoorlie) [11.35 a.m.]: I present to the House reports Nos. 20, 21, and 22 of the Public Accounts Committee. With your indulgence, Mr Speaker, I mention that report No. 21 is the first annual report of the committee. I want to pay tribute to the former chairman and now the deputy chairman of the committee, the member for Albany, for the work he put into that report last year and this year. I move—

That the reports be received.

Question put and passed.

The Public Accounts Committee reports were tabled (see papers Nos. 582-584).

## WESTERN AUSTRALIAN DEVELOPMENT CORPORATION BILL

### *Returned*

Bill returned from the Council with amendments.

### *Council's Amendments: In Committee*

The Chairman of Committees (Mr Barnett) in the Chair; Mr Brian Burke (Premier) in charge of the Bill.

The CHAIRMAN: The amendments made by the Council are as follows—

#### No. 1.

Clause 3, page 3—After line 23 insert the following:

“ but does not include the activities of political parties or trade unions; ” .

#### No. 2.

Clause 4, page 4—Insert after line 19 the following:

“ (4) Notwithstanding subsection (3), the Corporation shall not be subject to direction by the Minister except as otherwise provided by this Act. ”

#### No. 3.

Clause 4, page 4—Insert after line 19 the following:

“ (5) The Corporation shall in all respects comply with the provisions of the Companies Act 1961, and the Companies (Western Australia) Code,

as if it was a public company incorporated under the Companies Act 1961, and the Companies (Western Australia) Code. "

No. 4.

Clause 9, page 5—Delete this clause.

No. 5.

Clause 10, pages 5 and 6—Delete this clause.

No. 6.

Clause 11, page 6, line 21—Insert the following after the word "undertakings":

" (including small and medium-sized business undertakings) ".

No. 7.

Clause 11, page 7, line 3—Insert the following:

" ; and

(e) to operate subject to this Act as a commercial business undertaking and to generate profits (and thereby dividends) for the benefit of the shareholders of the Corporation. "

No. 8.

Clause 12, page 7, line 11—Insert after "(a)" the words:

"subject to subsection (3)."

No. 9.

Clause 12, page 7, lines 23 to 26—Delete the following:

" and rights, powers and privileges of all kinds including those under any Act of the State or the Commonwealth relating to minerals, petroleum or gas. "

No. 10.

Clause 12, page 8—After line 12, to insert the following:

" (3) Notwithstanding anything contained in this Act, the Corporation is not authorised except with the prior approval of Parliament, expressed in a resolution of both Houses, to:

(a) borrow moneys (otherwise than for temporary purposes) if, as a result of the borrowing, the total amount borrowed by the Corporation (otherwise than for temporary purposes) and not repaid would exceed 8 times the sum of—

(i) the amount of the issued and paid up capital of the Corporation for the time being; and

(ii) any amount set aside by the Corporation as reserves; or

(b) lend moneys (otherwise than for temporary purposes) to any one business undertaking a sum or sums greater in the aggregate than \$5 million or 50 per centum of the sum of—

(i) the amount of the issued and paid up capital of the Corporation for the time being; and

(ii) any amount set aside by the Corporation as reserves, whichever is the less. "

No. 11.

Clause 13, page 8, lines 15 and 16—Delete "ensure as far as possible" and to substitute the following:

" use its best endeavours to ensure "

No. 12.

Clause 13, page 8, lines 27 to 30—Delete the following:

" such proportion as the Treasurer may determine of the net profit of the Corporation for that year or period, as certified to by the Auditor appointed under section 25(3),"

and substitute the following:

" such amount as the Treasurer may determine, being not less than the amount, as assessed by the Corporation's Auditor, that would be payable for sales tax on goods purchased by the Corporation and tax on income or profits for that year or period if the Corporation were a public company liable to pay such taxes. "

No. 13.

Clause 14, page 9, line 38—Add the following:

" ; and, notwithstanding anything contained in this Act, the Minister shall not direct the Corporation in the performance of its functions under this section. "

No. 14.

Clause 15, page 10, lines 7 to 11—Delete the subclause and substitute the following subclause:

" (2) The managing director shall be appointed, and may from time to time be reappointed, for such term as is specified in his instrument of appointment or reappointment. "

No. 15.

Clause 16, page 11, after line 4—Insert the following subclause:

" (5) In the exercise of its powers under subsections (1) and (4) and with respect to the purchase of goods by the Corporation, the Board shall give consideration to and, so far as is practicable and economic, give preference to the engagement of and purchases from persons and firms within Western Australia. "

No. 16.

Clause 17, page 11, line 20—Insert after the word "payment" the following:

" at commercial rates. "

No. 17.

Clause 21, page 13, lines 5 to 8—Delete the subclause and substitute the following subclause:

" (2) The Governor may on the recommendation of the Board by regulation increase the authorised capital of the Corporation. "

No. 18.

Clause 21, page 13, lines 20 to 23—Delete the following:

" or the Commonwealth or any other State or Territory of the Commonwealth, being a corporation approved by the Treasurer. "

No. 19.

Clause 21, page 13, line 27—Delete the following:

" approved by the Treasurer. "

No. 20.

Clause 21, page 13, after line 26—Insert the following subclause:

" (5) In issuing further shares under subsection (4) the Corporation shall give preference to existing holders of shares in the Corporation. "

No. 21.

Clause 21, page 14, lines 4 to 6—Delete subparagraph (b) and substitute the following:

" (b) shall have such rights in relation to the direction and control of the

Corporation and the Board and in relation to dividends as may be prescribed; "

No. 22.

Clause 21, page 14, after line 14—Insert a new subclause:

" (8) Notwithstanding anything in this section, no corporation or person described in subsection (4)(b) or (c) shall, without the prior approval of the Treasurer, acquire or hold shares in the Corporation, whether under subsection (4) or (7)(d), in excess of such limit as may be prescribed. "

No. 23.

Clause 22, page 14, line 18—Delete "the Treasurer" and substitute the following:

" Subject to the prior approval of the Governor in Executive Council, the Treasurer. "

No. 24.

Clause 23, page 15, lines 17 and 18—Delete the following:

" prescribed by the Treasurer by notice published in the Gazette. "

and substitute the following:

" twice the sum of—

(a) the amount of the issued and paid up capital of the Corporation for the time being; and

(b) any amount set aside by the Corporation as reserves."

No. 25.

Clause 23, page 15, lines 19 to 23—Delete the subclause.

No. 26.

Clause 25, page 16, lines 1 to 32, and page 17, lines 1 to 25—Delete this clause.

No. 27.

Clause 26, page 17, line 27—Insert after the word "year" the following:

" and in sufficient time to enable the Minister to comply with subsection (2) "

No. 28.

Clause 26, page 17, lines 33 to 35—Delete the following:

" as soon as is practicable in each year after the receipt by him of all reports. "

and substitute the following:

" before 1 October in each year. "

## No. 29.

Clause 29, page 19, lines 8 to 11—Delete subparagraph (a) and substitute the following:

“ (a) the application to the Corporation, the directors, or the employees of the Corporation, either with or without modification or variation, of any written law which would not otherwise be binding on the Corporation, the directors, or the employees of the Corporation; and ”.

## No. 30.

Clause 29, page 19, after line 15—Insert new subclause (3):

“ (3) In relation to the powers referred to in subsections (1) and (2)(a), the regulations may, with or without modification or variation—

- (a) impose duties and liabilities, and confer rights, on the directors by reference to the relevant provisions of the Companies (Western Australia) Code as from time to time amended;
- (b) require the Corporation to comply with Division 4 of Part IV of that Code as from time to time amended; and
- (c) make provision for the keeping of accounts by the Corporation, and the audit thereof, by reference to the relevant provisions of that Code as from time to time amended. ”.

## No. 31.

## New Clauses.

Clause 15. “Annual review of shareholdings.

15. (1) The Corporation shall, at least once in each year, review its holdings of shares in companies and where—

- (a) the Corporation holds a substantial number of shares in a company; and
- (b) the Board is satisfied that retention of any of the shares is not necessary for the proper performance of the functions of the Corporation,

the Corporation may dispose of those shares.

- (2) In disposing of shares under subsection (1), the Corporation shall give

consideration to and, so far as is practicable and economic, give preference to the sale of those shares to Western Australian or other Australian private sector interests.

- (3) Nothing in this section requires the Corporation to dispose of shares at a loss.”.

## No. 32.

Clause 26A. “Annual meeting of shareholders.

26A. Subject to the provisions of the Companies Act 1961 and Companies (Western Australia) Code with respect to limited liability corporations, the Board shall as soon as is practical after 1 July in each year, call a meeting of shareholders for the purpose of:

- (a) reporting the Corporation's activities for the preceding year;
- (b) presenting audited accounts for confirmation; and
- (c) complying with all other requirements of the provisions of the Companies Act 1961 and Companies (Western Australia) Code.”.

## No. 33.

## Schedule.

Clause 1, page 20, lines 1 to 4—Delete subclause (1) and substitute the following:

“ (1) Except as otherwise provided by this Act, an appointed director shall hold office for such term, as is specified in his instrument of appointment, but he may from time to time be reappointed for such term as is specified in his instrument of reappointment.”.

Mr BRIAN BURKE: Mr Chairman, with your concurrence, I intend to draw attention to only those amendments with which the Government wishes to disagree and, with your forbearance, I suggest that the amendments suggested by the Legislative Council be put without any requirement for me to contribute except where indicated by our disagreement to the proposals.

The CHAIRMAN: It is necessary that a motion is before us and the best way to handle this would be for the Premier to move a motion that those clauses to which he has no objection be agreed to.

Mr BRIAN BURKE: I move—

That amendment No. 1 made by the Council be agreed to.

Mr O'CONNOR: The Opposition is quite happy with clauses 1 and 2 and we concur with amendment No. 1.

Mr HASSELL: I understand that when this amendment was debated in the other place, the Attorney declined to accept the proposed definitions of political parties and trade unions, but it was indicated by the Attorney on behalf of the Government that those terms would be given their natural and generally accepted meaning. I simply want to confirm that that is the attitude the Government will adopt. I ask the Premier to confirm that that is his attitude.

Mr BRIAN BURKE: I confirm it.

Question put and passed; the Council's amendment agreed to.

Mr BRIAN BURKE: I move—

That amendment No. 2 made by the Council be agreed to.

Mr O'CONNOR: We have no objection to the amendment.

Mr BRIAN BURKE: The Government has no objection to the inclusion of this amendment to insert after line 19 words relating to the insulation of the corporation from the Minister's direction.

Mr O'CONNOR: I just point out that it is in line with our request and we are happy with the amendment.

Mr HASSELL: The last part of the amendment states, "except as otherwise provided by this Act". I know there was some other provision, and I understand that it has been amended as well. The Premier will appreciate we have received this compiled list in only the last few minutes because the staff of the House have had some difficulties.

I ask the Premier whether it is provided in the Bill, as amended, that the Minister may give direction; in other words, what is the reason for the exception?

Mr BRIAN BURKE: The reasons for the exception fall broadly under two headings: The first is the appointment of the directors, and the second is the decision to give a guarantee which will rest with the Treasurer. I understand that the objection raised by the Legislative Council and certain other interests was related to the ability of the Treasurer, or the Government, to inform the corporation of its policy in respect of certain areas of Government. While we do not see that it is necessary, we have accommodated the Opposition by removing that power to inform and by making it explicitly within the Act that the direction of the Minister shall not prevail.

Question put and passed; the Council's amendment agreed to.

Mr BRIAN BURKE: I move—

That amendment No. 3 made by the Council be not agreed to.

The Government opposes the amendment, but makes it clear that we have given an undertaking that we shall promulgate regulations going to the concerns that people, who wanted this amendment included, have about the operations of the corporation.

I want simply to stress that the amendment, as moved by the Legislative Council, makes no sense whatsoever and is extremely difficult—I would say impossible—of implementation.

I would like to read to the Chamber a letter we had delivered to us by the Commissioner for Corporate Affairs and urge members to stop and think about the amendment because, firstly, it is nonsense, and, secondly, it is an amendment that goes to the lessening of supervision over the corporation by the Commissioner for Corporate Affairs. I do not think that is what the Legislative Council intended when it moved the amendment.

The letter from the Commissioner for Corporate Affairs is fairly long and detailed and I will have copies of it delivered to the Leader of the Opposition. The truth is that the amendment does not make sense. To give one example: The amendment deals with the Companies (Western Australia) Code 1961. That is suspended; it is not applicable. What is being done with an Act that remains on the Statute book, but which has been superseded by other laws, is causing an interference to the supervision that the Commissioner for Corporate Affairs should rightly exercise over the corporation.

In addition to that, the amendment as framed does not go to the implementation of the meaning of the Act that the Council is seeking to impose upon the corporation; that is by the supplementary national and State legislation that is necessary to cause the superseded Act to be capable of implementation, is not included in the amendment. The amendment provides for the impact of an Act which is superseded and does not provide for any of those facilities expressed in other national and State laws that would enable a superseded law, if in fact that is what the Legislative Council wants, to be enforced upon the corporation.

It does not make any sense. It is not capable of operation and it will cause the Commissioner for Corporate Affairs to have less power than he would otherwise have.

What I have said publicly is that we will not proclaim this legislation until regulations are promulgated which give effect to those parts of

the code that the Opposition says should apply to the corporation. I make that public affirmation once again and say to the Leader of the Opposition that a copy of the regulations, as proposed, will be delivered to his office. I cannot do any more than that, and I suspect that if the Opposition chooses not to accept that assurance, it is the case that it simply does not believe the Government.

Mr Hassell: That is not true. You know full well that if you bring in a set of regulations that do not go as far as we want them to go, all we can do is disallow them, which means that none would apply.

Mr BRIAN BURKE: The Deputy Leader of the Opposition is wrong and I will explain where he is wrong. Firstly, I wish to say that the position as proposed in this amendment goes to a situation which is lesser than the one the Opposition proposes. What the Opposition is proposing is that the assurance I am giving goes simply to the factual statement of those regulations. What I am saying is that I will deliver a copy to the Leader of the Opposition and implicit—now explicit as a result of this statement—is my intention to allow the Leader of the Opposition to ascertain that the regulations are those which we would consider to be appropriate.

That is the added dimension which the Opposition chooses conveniently to ignore, and it is an added dimension not previously embarked upon by any other Government. The reason is that other Governments have sought simply to have their own way, regardless of the morality of assurances given and with recourse only to the meaning of the words. What I am saying is that the regulations—

Mr MacKinnon: You were more co-operative on the FID Bill. You were very benevolent.

Mr BRIAN BURKE: I am starting to think that there is absolutely nothing about which the member for Murdoch and the member for Nedlands do not know everything and I think it is better to address oneself to the Bill before the Chamber rather than to sidetrack out into areas which would seek to excuse the fact that the amendment proposed is absolutely absurd and seeks only to establish a nonsense, that goes to lessening the power sought to impose upon the corporation. My being a benefactor in the member's cause is represented by the length to which I am prepared to go to give some meaning to the absurdity with which the Opposition persists.

If the member for Murdoch is dinkum, and I suspect he is not, and if he reads the amendment—and he is supposed to be an accountant—he

would know that the Act referred to is suspended, that it does not have application, that it has been superseded, and that the amendment is not accompanied by any means by which the implementation of what might be suspected to be the intent is possible. Does the member want to deny that?

Mr MacKinnon: I will have my opportunity.

Mr BRIAN BURKE: I am giving the member another opportunity now—my benefaction knows no bounds.

Mr MacKinnon: I would like to listen to the opinion of the Commissioner for Corporate Affairs.

Mr BRIAN BURKE: Yes; and I will have copies of the opinion circulated to the Leader of the Opposition and other front benches.

An Opposition member interjected.

Mr BRIAN BURKE: Well, it is a bit more generous than Sir Charles Court was. I think he was in the precincts of the Parliament yesterday, but I am not sure for what reason.

Mr MacKinnon: He was buying his Christmas beer!

Several members interjected.

Mr BRIAN BURKE: I just said he was present in the precincts. Does the member want to deny him entry? He is a former Premier with a specific interest in development.

Several members interjected.

Mr BRIAN BURKE: The letter of the Commissioner for Corporate Affairs is addressed to the Premier and reads as follows—

I refer to the proposal to amend Clause 4 of the Western Australian Development Corporation Bill so as to apply the provisions of the Companies Code.

I confirm my earlier advice that it would be difficult, if not impossible, to amend the Bill to achieve the above object.

By way of explanation, the existence of the Companies Code occurs because of the Companies (Application of Laws) Act. The Codes are only prima facie evidence of the Commonwealth laws as applied.

The Companies (Application of Laws) Act also provides for the provisions of the Commonwealth Act to apply subject to and in accordance with the Companies and Securities (Miscellaneous Provisions) (Applications of Laws) Act, as Laws of Western Australia.

In addition, the Companies (Application of Laws) Act makes provision for regulations and for the payment of fees for and on behalf of the State for the lodgement of documents

with the Commission under the applied provisions.

The Companies and related Codes are administered by the National Companies and Securities Commission. Such powers are conferred by the National Companies and Securities Commission (State Provisions) Act. Unless such provisions were also included in an amendment, the amendment would fail to be effective because there would be no regulatory base.

In addition to the above problems the Companies (Administration) Act is also relevant. This Act deals with the appointment and holding of office of the Commissioner for Corporate Affairs; use of Seal; powers of the Commissioner; proceedings for offences; provision of directions to a delegate; financial and audit provisions; and all matters relating to the establishment and the conduct of the Companies Auditors and Liquidators Disciplinary Board.

Given the above problems and given that whilst the Companies Code, the Companies (Acquisition of Shares) Code and the Securities Industry Code are separate pieces of legislation, they still must be read as a whole for the proper administration of any company. All these Codes are designed to be read in conjunction with the Interpretation Code and the Western Australian Interpretation Act.

Even if it was possible to simply apply the provisions of the Code in the manner sought, the text of the amendment is anomalous because it applies the provisions of the Companies Act 1961 and the Companies Code. This would create duplicate and often conflicting requirements. If the 1961 Act was to be adopted, it would result in the adoption of provisions which are outdated and do not facilitate modern commercial practices.

There are no doubt many other problems which cannot be addressed at short notice, for example, if the W.A.D.C. Bill applied the provisions of the Codes, the regulatory arm would not extend to obligations of third parties e.g. persons who held such number of shares as would require them to lodge substantial shareholding notices, would not be subject to the relevant provisions of the Code.

Your favoured amendment providing that the Corporation shall in such respects, as may be prescribed, comply with the Companies Code etc, is just as unsoundly based as is the Opposition proposal.

In an effort to please the Opposition and those who object, the Government is still prepared—after discussion with the Leader of the Opposition, based on a copy of the regulations we will forward to him—to apply those parts of the code that the Opposition believes are appropriate.

I do not know how we can overcome a problem when the Opposition is politically committed to a position which does not appear to make any sense and which appears to be inoperable.

Mr O'CONNOR: I would like to refer to this letter and absorb the detail that has been given to us by the Corporate Affairs Office. It indicates that the amendment that the Opposition has put forward leaves a little to be desired, as does the original clause inserted by the Government. There may be a way in which we can alter the clause to rectify the situation. The Premier mentioned that in connection with the regulations he would confer with me. I would like to ask him when he expects the regulations to come forward. When he talks about referring them to me, does it mean also that he will comply with the requests that I make? I think that is very important.

Mr BRIAN BURKE: Firstly, I do not know when the regulations will come forward. The Opposition must face the fact that it has cut an arm and a leg off the Bill, has chiselled out its lungs, and has left a carcass that is not much good to anyone.

Mr MacKinnon: Is not the amendment part of it?

Mr BRIAN BURKE: No, it is not, and I am prepared to accommodate the Opposition. What I am saying is that we have to sit down now and look at the Bill to see what is left of the corporation and to see whether, in fact, it is worth proceeding with the regulations. Were we to do that—

Mr Clarko interjected.

Mr BRIAN BURKE: Obviously, the regulations, if we proceed with the Bill. But were we to do that immediately after Parliament rises, I would not see the regulations coming forward before the end of January or the beginning of February. That is the answer to the first question.

The second question about whether we would accept positions put by the Leader of the Opposition—he knows as well as I do that in our discussions previously we did accept almost everything the Opposition put forward and I can promise him we will continue in that vein. I cannot give *carte blanche* that we will accept everything that the Leader of the Opposition says. However, I can say in respect of the positions that the Opposition put forward previously at the meeting with the

Hon. Gordon Masters and the Hon. Sandy Lewis, we did accept the majority of positions the Opposition put forward and obviously, referring the regulations to the Opposition in advance, will give it the opportunity to be able to publicise its position should this be necessary. Falling short of giving a *carte blanche* agreement to anything the Opposition proposes, I would think we would be able to come to an agreement.

Mr PETER JONES: The Premier has not said why we are including this clause at all and why he is now coming along with a soft-soap story about trying to mould the situation and to come back to what he wanted in the first place—a corporation which would not comply with the requirements of the State and Federal companies law and any other requirements with which any commercial operation would have to comply. He wanted to have it for purposes of his own—for purposes that the Government requires outside the normal restraints that would apply. The Premier said in this Chamber, when this Bill was debated previously, "It will comply with the requirements of the relevant sections of company law—it will comply with those; it will be a commercial operation; it will have to compete as an equal". However, we are now being told that the Premier will not accept an amendment which, in fact, requires him to do exactly what he publicly indicated he wanted the Bill to do.

Mr Brian Burke: If you read amendment No. 30 you would understand it.

Mr MacKinnon: How can we have read it when we received a copy of it only a few minutes ago?

Mr Brian Burke: It came from the Legislative Council and not from the Government. You really do not understand what you are talking about. You are a stalking horse for someone who retired from this place about two years ago. You are not your own man.

The CHAIRMAN: Order! The member for Narrogin.

Mr PETER JONES: What the Premier is now saying is similar to what he said to those with whom he had discussions. He is saying we will select those aspects of company law, the requirements that listed public companies have to comply with; we will select those aspects with which we will comply, and we will prescribe those—

Mr Brian Burke: I am not saying that.

Mr PETER JONES: —by regulations and we will say what we will do. In other words, the Premier is backing away from what he publicly said, and he is now indicating that the situation will be that there will be compliance only where

those matters are prescribed and not with the areas he will not prescribe or not agree to.

Mr Brian Burke: You have not read the amendments.

Mr PETER JONES: More particularly, what the Premier is saying is this: Those areas of compliance are not considered by the Government to be substantial enough to be in the Bill. He is saying that he will not delay the passage of the legislation to allow them to be incorporated in the Bill. He has not even identified them because he did not give any examples in this Chamber before, and he has not given any examples in the discussions which he has held or his staff have held with the Confederation of WA Industry or the Perth Chamber of Commerce of those matters with which the particular corporation will comply or will not comply. He has not given any indication, to my understanding.

Mr Brian Burke: They are in the Bill.

Mr PETER JONES: The Minister handling the Bill in the other place did not give any examples of where this particular corporation could not comply. Let us examine the fact that the situation has been made public by the Premier that private shareholders will be invited to participate in this corporation. Under the requirements of company law, private shareholders have certain entitlements and responsibilities and the corporation or any public company has responsibilities to its shareholders.

In recent times, the Premier has become very silent about private shareholders. When this Bill was before the Chamber previously, the Premier admitted that if there were private shareholders, the relief from Federal company tax which the corporation might have to pay would not be available. The Premier raised the aspect that private shareholders and individual Western Australians would be able to invest in the Argyle diamond mine, and so on, but that is a lot of rot because it will not be on. By the Premier's own admission, it will not be on because he will lose that disqualification or that relief from paying company tax if that is the case. In other words, what he wants to do is to keep this body as a Government instrumentality, and he has made provisions for that in the amendments that have been put forward and accepted. The Premier has made provision that if the corporation does enjoy this relief from Federal tax—in other words, no private shareholders—an equal amount, as established by the auditor, will be extracted from the corporation and made available to the State.

I do not object to that. Why cannot the Premier be honest and admit this myth about private



shareholders is in fact just that; it is not on? We come back to the question of company law and compliance with it. The purpose of the amendment is to put into practice what the Premier said would be done.

Mr Brian Burke: It does not do that.

Mr PETER JONES: He said this body would be competitive in every sense so far as its compliance with company law and the requirements which apply to any public listed company are concerned. If there is an error in the wording, it is because the Parliamentary Draftsman made available to the Opposition has let it pass.

Mr Brian Burke: That is a nice insult. The Senior Parliamentary Draftsman was available to the Opposition and the truth is that the Opposition in the Legislative Council can hardly write its own name.

Mr PETER JONES: The Senior Parliamentary Draftsman to whom the Premier refers was not available to the Opposition yesterday. The Government had him tied up so an alternative draftsman was made available who approved the clause that has come forward.

The purpose of the amendment is to make it quite clear that what the Premier has publicly stated will apply does in fact apply, so the amendment should stand. Any attempt to try to avoid the responsibility of putting into the Act—not by regulation—the requirement that it apply as with any other listed public company will be opposed by the Opposition. The Government cannot buy off the Opposition and the business community by saying it will put in regulations those points with which it will comply, and by saying, “Just make a list and we will do this, that, and something else, and the hard ones we will leave out”. That is not on; it is just a con trick as is the whole Bill.

It is similar to the Premier's saying as he did this morning on talkback radio, that the Opposition supports the Bill.

Mr Brian Burke: Rubbish! I have not been on radio.

Mr PETER JONES: I was told—

Mr Brian Burke: Who told you?

Mr PETER JONES: I understand the Premier—

Mr Brian Burke: Who told you?

Mr PETER JONES: I was told by a radio station this morning that the Premier had indicated that the Liberal Party supported the Bill.

Mr Brian Burke: This is your stock in trade. Remember the last time you quoted a radio interview and had to apologise?

Mr PETER JONES: Yes, and I did.

Mr Brian Burke: Apologise again because you are doing the same thing.

Mr PETER JONES: Let me ask a question: Does the Premier believe the Liberal Party supports the Bill?

Mr Brian Burke: Of course it does not because it has dismembered the whole thing.

Mr PETER JONES: The Premier has said previously on several occasions that the Liberal Party—and he used that term, not “the Opposition”—

Mr Brian Burke: I have never said that.

Mr PETER JONES: —was introducing a similar type of proposal to the development corporation, and that is untrue. As I understand it, the Liberal Party in its 1983 election policy proposed an amendment to the R & I Bank Act which would allow the Act to apply to small business and give the bank the status of an investor as well as a lender, with certain safeguards and an entitlement that it would allow a business in which the R & I Bank was not only a lender, but also an investor, to buy back the equity when the business reached sufficient stature and economic standing to do so.

The Liberal Party did not propose a creature similar to the development corporation at the last election as the Premier has at times suggested.

The purpose of this amendment is to do exactly what the Premier publicly stated would apply; that is, that the body would be commercial and compete equally, and it would comply with all those requirements which a listed public company would have to meet. The Premier is saying now that although he acknowledged previously that the Bill as originally presented did not comply in all facets with company law and the requirements of the National Companies and Securities Commission, the body would try to do that. This amendment seeks to ensure that situation comes about. It is not good enough for the Government to say it will take out the bits with which it will comply and put them in regulations, and the Opposition can look at the regulations. It has been put to the Premier by the two bodies to which he chose to speak—as distinct from all those which wanted to speak to him and which he refused—that that situation is not good enough. The Premier should accept the amendment on the basis that doing things by regulation and picking out the aspects with which the corporation will comply is not good enough.

The CHAIRMAN: I wish to clarify a point, and I apologise to the Chamber for not having

this clearly in my mind earlier than now. It is necessary on each amendment for the Premier to move the acceptance or rejection of the amendment. Can the Premier indicate which way he moved on amendment No. 3?

Mr BRIAN BURKE: We have agreed to amendments Nos. 1 and 2, and I have moved to disagree with amendment No. 3.

One of the difficulties about acting on the behalf of people who are not present is that one often gets things wrong. We have seen the most absurd contribution from the member for Narrogin that has ever been made.

Mr Blaikie: Oh, come on!

Mr BRIAN BURKE: I will explain it to the member for Vasse and it will not be beyond his ken to follow it. The member for Narrogin said there was no provision in the Bill to protect shareholders' rights.

Mr Peter Jones: I did not say that.

Mr BRIAN BURKE: He said the Companies Code as it protected shareholders' rights was not included in the Bill.

Mr Peter Jones: I did not say that.

Mr BRIAN BURKE: Of course the member did. He has not even read amendment No. 30.

Mr Peter Jones: Yes I have.

Mr BRIAN BURKE: If the member had read it, he would not have said such silly things because amendment No. 30 says the corporation is required within the Act to comply with division 4 of part IV of the code to which he referred.

Mr Peter Jones: The code you said was no longer operative.

Mr BRIAN BURKE: No, that is where the member is wrong. He has not read the letter Mr Smith has kindly provided to him and to me.

Mr Peter Jones: I didn't get it.

Mr BRIAN BURKE: It has been read out and I am happy to give the member a copy. The Companies Act 1961 is suspended and that is not the law to which amendment No. 30 refers.

Mr Laurance: Why don't you tell the Parliamentary Draftsman that?

Mr BRIAN BURKE: It is not my job to tell him what to do with amendments for the Opposition. If members opposite want me to come to every drafting session for the Opposition to correct its mistakes and instruct the Parliamentary Draftsman, I will do that.

Let us concentrate on the nonsense the member for Narrogin has spoken because he has illustrated that he has no grasp of the provisions to

which he addressed himself. He said amendment No. 30 referred to that superseded Act to which the Opposition amendment refers. It does not. It refers to the current and meaningful laws that govern the right of shareholders. That is where the member for Narrogin falls down. Firstly, he falls down in his failure to grasp the elementary principles attached to the provision. The member for Narrogin also fails to understand that in addition to those provisions which are incorporated in the Bill as it is now before us, which do adopt parts of the code he thinks is so important and which we have said should prevail in certain instances, we have given the guarantees and assurances he dismisses so lightly.

This piece of legislation has occasioned the greatest confrontation and controversy within the ranks of the Opposition which has occurred during the lifetime of this Government.

An Opposition member: And with the business community.

Mr BRIAN BURKE: The business community has evinced no such confrontation or opposition. Although the member for Narrogin has attempted to provide bullets for it to fire, he has been singularly unsuccessful in so doing. On this matter, the Opposition is in complete disarray. We have alternative points of view put forward by the member for Narrogin, and the members of the upper House on whom he has been prevailing to seek their rejection of the legislation. We have points of view which vary within the ranks of the members of the upper House and which range from support of the legislation to outright opposition.

The most significant power of the commission that is applying to hearings would not be applicable because it comes from the National Companies and Securities Act. One of the major powers which the Opposition seeks to provide to the commission to protect those people who deserve and warrant protection would not be available under this amendment. What the Opposition has set out to achieve has not been achieved in the amendment which imposes the provisions of an Act which has been superseded. It proposes those provisions without the supplementary State and national legislation which would make the current Act relevant and the superseded provisions of the 1961 Act meaningful. The letter from the Commissioner for Corporate Affairs makes it clear.

The member for Narrogin persists with an absurdity and with nonsense simply because his marching orders tell him to do that. It is incapable of explanation that a frontbench member

of the Opposition can say an amendment would provide for the protection of an Act that has been superseded without providing regulatory powers to go with that Act. It is not a matter of philosophy; it is a matter of logic. It is not a matter of politics; it is a matter of sense. The amendment does not make any sense.

If the member for Narrogin is so concerned about the rights of shareholders, I suggest he looks at amendment No. 30 which guarantees those rights. That amendment writes into the Bill part of the provisions of the code he thinks should be written in. I point out to Opposition members that what they have done is nonsense and it will not achieve what they seek to achieve. I think they are persisting with it at the behest of some unseen force to create a nonsense that will lessen the force of the commission to do those things which the Opposition says are essential.

Mr Court: What is the unseen force?

Mr BRIAN BURKE: I suspect members of the lay Liberal Party have been very active, without much knowledge on the subject, in trying to prevail in this matter. Does the member for Nedlands understand that the amendment does not make sense? Is he willing to concede that?

Mr Clarko: If you tell us that the particular company law mentioned is not correct, can you tell us under what company law companies must work?

Mr BRIAN BURKE: I have pointed that out. Amendment No. 30 deals with parts of them and the letter from the Commissioner for Corporate Affairs deals at length with those relevant Statutes about which the member asks. I do not mind reading that letter again if members would like me to.

Mr Trethowan: When the Bill was originally presented to this Chamber, was the WADC at that stage subject to these provisions?

Mr BRIAN BURKE: No, I do not think it was. The corporation, as it stands now almost completely dissembled, has never been seen by the Government as the vehicle to do the sorts of things Opposition members have consistently stated it is the Government's intention to do. Because we had a view of the corporation as a vehicle, those areas that have been highlighted by our acceptance of the need to apply certain provisions of the code were not addressed because we did not propose to do with this vehicle what the Opposition thought was our intention.

I do not know what that concession means to the Opposition, but it does not change the nonsense within this amendment. The Opposition must know that the amendment does not make

sense. If it does, the commissioner is wrong and what he says is absurd. The Opposition has proposed an amendment to cause an effect. The amendment is defective not only in that it will not cause the effect the Opposition seeks, but also in that it will lessen the supervision that might otherwise be provided to the Commissioner for Corporate Affairs. It is inherently defective in those Statutes which it proposes to use in seeking that protection.

Mr Trethowan: Does the Premier envisage that amendment No. 3 would provide or attempt to provide some power to the Commissioner for Corporate Affairs over the WADC?

Mr BRIAN BURKE: No, I do not think that is the intention of the amendment. The debate on this subject has centred around protection of shareholders' rights and the rights and responsibilities of directors. I do not think the Commissioner for Corporate Affairs and his activities have been raised until today. When the member for Narrogin spoke, he did not mention the commissioner either as though the subject was of some burning concern to him.

I do not know how long we can spend on this; what the Opposition is proposing makes no sense and it makes the commissioner's job more difficult than if the amendment were not in place. What I have tried to do, apart from pointing to those amendments that do go to the protection of shareholders' rights and to a very significant part of the code, is to say that I am willing to regulate to impose those provisions which, after discussion with the Leader of the Opposition, are thought to be appropriate. I do not know where else I can go.

Mr O'CONNOR: There is a great deal of difference between our looking at regulations at a later stage and our placing in a Bill in Parliament the requirements of this Parliament. I have heard the Premier and Ministers opposite on a number of occasions state that we should not leave things to regulations. While the Premier stated that he would confer with me on the requirements, if we accept that point we shall be going out of this Chamber not knowing the extent of the regulations to apply in due course. If the Premier and members of the Opposition are on the same wave length, why cannot we have some wording of this Bill amended so that we can make sure that the legislation will make the Government comply with the requirements of the Companies Act and the requirements of other companies? If the Premier has words which will bring this into effect, the Opposition has no worries about that. We would want to look at the amendment, go through it, and assess that it is in line with what we have suggested.

If the Premier and the Opposition are on the same wave length, surely someone can word the amendment to bring it into line with the requirements of both sides. We are happy to go along with that as long as the Government puts the legislation on the basis that all the requirements imposed on private enterprise must be met also by the corporation. The Premier has said that is the case.

Mr Peter Jones: It will be required in the Bill.

Mr O'CONNOR: Yes, in the Bill, because if those requirements are covered by regulation, we will have no say at all. One of the main problems in respect of this Bill is the way in which it has been rushed through the Chamber. While there have been indications of negotiations and discussions with private enterprise, they have occurred mainly since the Legislative Council deferred the Bill.

Mr Brian Burke: You are seeking to apply the same strictures or support as would be applied to private enterprise?

Mr O'CONNOR: Yes.

Mr Brian Burke: Does that mean you are prepared to accept a gearing ratio of 20:1, because that is what applies to private companies?

Mr Hassell: That is not accurate.

Mr Brian Burke: I understand that is the case.

Mr O'CONNOR: I am not sure of that.

Mr Brian Burke: Even if that is not the case, are you prepared to say that in other areas such as the capacity to raise funds to borrow money, the same situation shall apply to the corporation as applies to private companies?

Mr O'CONNOR: No, and I shall give the reason for that, because it is appropriate that we do so.

Under this legislation, if the \$30 million was put up by the Government through the R & I Bank or whatever body it may be, that provides the opportunity to borrow up to \$480 million. According to the original legislation, at any time Treasury has the authority to increase that capacity, so the corporation could borrow \$2 billion, depending on the arrangements with Treasury.

As an Opposition, when we are dealing with that sort of money, which is taxpayers' funds, we must ensure those funds are looked after properly. While we are prepared to say, "Let the development corporation operate, even though we do not like it", we want it to operate cautiously so that we can ensure it moves in a direction which will mean taxpayers' funds will not go down the drain.

Mr Brian Burke: I am prepared to accommodate the Opposition. Are you prepared to accept that we will amend legislation covering the corporation as soon as possible in the session beginning in March to apply the Companies Code as far as is practicable in the view of the Commissioner for Corporate Affairs?

Mr Peter Jones: No.

Mr Brian Burke: What do you want?

Mr O'CONNOR: We ought to do that now. We are on the same wave length in this area. The Government wants the corporation to comply in every way with normal commercial practice; we want it to do that also. Surely wording can be established which will overcome the problems of both the Government and the Opposition in this regard. We are quite happy to look at that to see whether it can be done.

Mr Brian Burke: Are you prepared to accept an amendment which says that the Companies Code shall apply as far as is practicable?

Mr Hassell: It is not just the Companies Code. You point out the deficiencies. I will propose an amendment which will satisfy what we are talking about.

Mr Brian Burke: Can you tell me what it is? Maybe we can keep this short.

Mr O'CONNOR: Even on the ratio gearing of 8:1, it still gives the Government the opportunity to borrow \$240 million which is a substantial sum of money, and that amount, plus the \$30 million, is \$270 million under the lesser ratio. It is still a substantial amount of money and it will enable the Government to move cautiously into this area initially. When members of Parliament see how it operates, I am quite sure they will react in that way.

One of the problems which has confronted us has been the speed with which legislation has been passed this year. Until recently, very little discussion has taken place with organisations concerned. I have approximately eight or 10 letters and telexes from major organisations in Western Australia, and some of them I picked up off my table before I came here this morning. Some are telexes which request that we throw out the Bill. Others ask that the Bill be deferred, because the people concerned believe insufficient time has been given for them to look at all its implications and aspects.

The Amalgamated Prospectors and Leaseholders Association, which is in the area represented by the member for Kalgoorlie, has written to me—

Mr I. F. Taylor: That is quite wrong. The president of that organisation did it off his own bat without referring to the members of the association. He was given a copy of the legislation with the comment, "If there are any problems, John, get back to me". He did not get back to me.

Mr Hassell: He does not have much faith in the local member.

Mr I. F. Taylor: He does. All the other members and the deputy president of that organisation are absolutely opposed to what the member for Narrogin has done.

Mr O'CONNOR: The member for Kalgoorlie said that what I am saying is quite wrong, but it is quite right.

Mr I. F. Taylor: He is not speaking on behalf of that organisation. He should have issued that letter in his name only.

Mr O'CONNOR: What I said is correct, because I have received a telex from the Amalgamated Prospectors and Leaseholders Association indicating its very strong opposition to the Bill.

Mr I. F. Taylor: The APLA does not have strong opposition to it. The president of the association has strong opposition to it, but he did not raise it with other members of the organisation.

Mr O'CONNOR: That association has asked that the Bill either be withdrawn or be deferred until such time as it has been given proper time to consult on it. Many other organisations have contacted us on this basis.

Mr I. F. Taylor: After you did a ring-around about it.

Mr O'CONNOR: I do not want to go through all the detail, but I have received letters from the Building Societies' Association, the Chamber of Mines, the Housing Industry Association, the PIA, the Australian Bankers' Association, and many other organisations which indicate clearly very strong opposition to the Bill in its present form.

Mr Brian Burke: We have tried to accommodate the Opposition with this amendment. In all respects, the corporation shall comply with the provisions of the Companies (Western Australia) Code as if it were a public company for the purposes of that code.

Mr O'CONNOR: I am sure the Premier would want me to have a couple of minutes to look at the amendment he has proposed. Our deputy leader has an amendment that he would like to put forward also. If the Premier would give me a copy of his proposed amendment, I shall examine it.

Mr HASSELL: I do not want to stir up unnecessary debate at a time when the Premier is seeking to reach a reasonable result, but some of the comments he made were wrong and ought to be corrected. If we go back to the beginning, we find that the Government is, by a piece of legislation, creating a corporation. It is a statutorily created corporation which is, after all, what every company in Western Australia is.

Of course, the origins of companies were that special Acts of Parliament were put forward through the British Parliament to create them. That is how companies began. It was only later that a general Companies Act was introduced which, by delegation, allowed statutory corporations to be created without the intervention of Parliament on each occasion.

So here we have this very simple position that the Parliament is legislating to create a statutory corporation. There is absolutely no reason in the world that the companies and securities law of Western Australia could not apply to this corporation. The Premier has said that our drafting is nonsense and could not work. If he had simply said that our drafting were deficient, we might well have accepted that without argument, because I shall relate to the Premier what happened in relation to the drafting as he has misinterpreted what the member for Narrogin said about it.

When we sought the assistance yesterday of the parliamentary counsel who had been assigned to the Opposition to assist it in the drafting of this Bill, we found that he was working for Mr Berinson. He was tied up with Mr Berinson and although he very generously offered to try to make himself available to do the drafting we wanted, the fact was that he was committed to the Minister who was responsible for the Bill in the upper House.

I remind the Premier that the making available of that draftsman was pursuant to an agreement and, at the critical moment that we needed him, he was not available. No criticism whatever was made by the member for Narrogin or anyone else of Mr Thornton.

Mr Brian Burke: But he said it was the draftsman's fault.

Mr HASSELL: Will the Premier let me finish? I listened quietly to him, irritating as his comments were. I want to get to the substance of the issue.

The private members' draftsman then, on very short notice, made himself available to us to assist with the drafting. He told us he was not entirely familiar with the company law and that it was not his field. I raised the question of whether the

Companies Act 1961 still applied, and I was told that it did. It is 3½ years since I was practising in company law, so I was not going to argue with someone who told me that it still applied. It still does apply to many companies. But if it is as inappropriate as the Premier says, and as the Commissioner for Corporate Affairs points out, it is inappropriate. However, because the draftsman initially provided to us by the Government was not available, that deficiency, which I concede exists in our drafting, was not covered.

Nevertheless, the companies and securities law could be made to apply to this corporation, and it ought to be made to apply. It is also a fact that if the advice given to the Premier by the commissioner about the deficiency of our amendment is right, the Premier's own amendment in relation to regulations is equally deficient.

Mr Brian Burke: The commissioner says that.

Mr HASSELL: I know, so the Premier is not offering us a solution to the problem with his own amendment. However, he has now put forward this amendment that, in all respects, the corporation shall comply with the provisions of the Companies (Western Australia) Code as if the corporation is to be a public company for the purposes of that code.

The Premier has accurately said that there is associated legislation relating to companies and securities which will not be covered by that amendment. This will cause some difficulty at the interface of the different laws in the administration of this proposed Act. It might be more simply covered if the Premier were prepared to look at an amendment which would read, "The corporation shall in all respects comply with the companies and securities law of Western Australia except where inconsistent with the express provisions of this Act". Such an amendment would simply involve a general application of the companies and securities law to this corporation except where it was expressly inconsistent with the provisions of this Bill.

Mr Brian Burke: If you look at 29, that is covered. That is the supplementary part that complements the amendment the commissioner has drawn up.

Mr HASSELL: But clause 29 relates to the making of regulations.

Mr Brian Burke: Amendment No. 29.

Mr HASSELL: It refers to clause 29 as well, which is about the making of regulations. The Premier must understand that the point we have been trying to get across is that if he is to make regulations, he will end up with a gigantic task. He would know that the Companies Act is as

thick as two volumes of *Hansard*, and that is without the securities provisions.

Mr MacKinnon: There are 816 pages involved.

Mr HASSELL: The Premier will not be able to pick out bits here and there and say they will apply. He will be faced with an enormous task. With due respect to the Premier, I say that he was wrong about amendment No. 30 doing certain things, because it does not do anything. Amendment No. 30 allows him to do things by way of regulation, but it does not of itself do anything.

Mr Brian Burke: But I have given the assurance in respect of that.

Mr HASSELL: I am not talking about that. The Premier referred specifically to proposed subclause (3) (b) in amendment No. 30 as doing something. However, it does not do anything except allow the Premier to do something.

I am not the shadow Minister in charge of the Bill, and he may be prepared to accept this amendment put forward by the Premier. I will not be unhappy if that occurs, but the point the Premier made himself was right. We are not just talking about the code; we are talking about the associated law as well. If the Premier were to get Mr Thornton to draft an amendment along the lines I have suggested, I think we would have something that was more suitable. The amendment I have proposed would preserve the full effect and operation of all the provisions of the legislation; it would not touch them. In case of any inconsistency with those provisions and with the securities law, this Bill would prevail; but in all other cases, in a general sense, the companies and securities law would apply. I think this would be a better amendment, although I would not be unhappy with the Premier's amendment.

Mr BRIAN BURKE: I think the Deputy Leader of the Opposition takes up the longbow if he attempts to say that previously I said less than that amendment No. 30 would write into the legislation the assurance that was sought and was given publicly in respect of the rights and responsibilities of shareholders and directors, because while it is true that clause 29 refers to regulations that may be promulgated, clause 29 as amended by amendment No. 30 refers specifically to those areas where the regulations may or will apply.

In view of the assurance given by the Government, it is I suppose akin to accusing the Government of deliberately misleading the Chamber to say it will accept amendment No. 30 and then frame regulations that do not go to those specific areas listed in amendment No. 30. I was saying

that we give the assurance in respect of the regulations that we will promulgate, and that assurance, touched by amendment No. 30 which is to clause 29 sets out explicitly the areas where we suspect the Opposition by its statement, and the Government by its assurance, will certainly be framing regulations. That is the point I am trying to make.

Mr Hassell: As you have moved away from that, let us put that aside.

Mr BRIAN BURKE: Just as the Deputy Leader of the Opposition would like to put things straight, I am happy to do so, too.

Mr Hassell: I don't agree with your interpretation. I am not accusing you of doing it deliberately; but we should talk about your amendment.

Mr BRIAN BURKE: The amendment submitted, I think by the Commissioner for Corporate Affairs, is the one the Government will accept and persist with. I am not sure whether an amendment has been moved, but I seek to withdraw the previous motion, which was to oppose the amendment submitted by the Legislative Council, and seek to substitute for the Council's passage, the passage, "The Corporation shall in all respects comply with the provisions of the Companies (Western Australia) Code, as if it was a public company for the purposes of that Code". I think that makes explicit the intention and the effect of the Government's view.

The CHAIRMAN: We have before us not the amendment proposed by the Deputy Leader of the Opposition, but the question that leave be granted for the Premier to withdraw his motion.

Leave granted.

The CHAIRMAN: The motion now before us is the motion moved by the Deputy Leader of the Opposition.

#### *Point of Order*

Mr BRIAN BURKE: I do not think it is competent for a foreshadowed amendment to become the amendment without its having being moved. It is not properly before the Chair until the withdrawal of the previous motion.

The CHAIRMAN: That is true. The statement made by the Premier in his point of order is correct; it was not proper and I did not accept the amendments moved by the Deputy Leader of the Opposition while the question before us was that amendment No. 3 be disallowed. It is now appropriate for the Committee to consider an amendment to amendment No. 3 made by the Council.

#### *Committee Resumed*

Mr BRIAN BURKE: I move—

That amendment No. 3 made by the Council be amended by deleting everything after the word "Companies" in line 3 and substituting the following—

(Western Australia) Code, as if it was a public company for the purposes of that Code.

Mr HASSELL: I will not move my amendment because the Premier's amendment is now before the Committee. I accept what the Premier said about the applicability of the general loans relating to corporations, securities laws—

Mr Brian Burke: The Interpretations Act.

Mr HASSELL: —and various Acts such as the Securities Industry Act. What the Premier said is correct, but if he insists on his amendment, he will end up with administrative difficulties of the very kind that the Commissioner for Corporate Affairs has pointed out to him and which he has mentioned in this Chamber this morning.

Mr Brian Burke: I do not know whether the Deputy Leader of the Opposition is correct, but if those difficulties arise, as I suspect we will have to do in a number of other areas as a result of the Legislative Council's decisions, we will move that the legislation be amended in due course.

Mr HASSELL: That is the point I was trying to make. The Premier will be forced to come back here with amendments, whereas his parliamentary counsel who are present in the Chamber could fix up this uncomplicated issue now.

Mr MENSAROS: To enlighten the Chamber on what the Deputy Leader of the Opposition wanted to say, I point out that the amendment moved by the Premier would be quite acceptable if the words "except as otherwise provided by this Act" were added. The Premier himself pointed out earlier that if we accept as a blanket provision that the companies and securities law should apply in whatever way we express it, all the other amendments which we have not yet reached—for instance, those dealing with the gearing ratio—might not apply. It would be a question of interpretation that the blanket provision of this amendment we are now discussing does or does not blanket the provisions which we will discuss later and which we might accept, because if it is left as it stands, an interpretative difficulty could arise, whereas the amendments the Deputy Leader of the Opposition originally proposed take care of this because it says "except for other provisions of this Act". That leaves no doubt about any provisions which might give less power to this

corporation than to a normal commercial corporation. The Premier should take this into consideration. I wonder what the result of his consideration of this question will be.

Mr Peter Jones: Other company laws must be taken into account.

Mr MENSAROS: I do not argue about the expression and how we refer to the set of laws which apply to private companies. It should be accepted on both sides in respect of the laws applying to private companies and to this corporation. I simply point out that if we stop there, we might find interpretative difficulties regarding other provisions of the Act which may be accepted by way of an amendment and which indeed restrict the powers and the rights of this corporation, *vis-a-vis*, private corporations.

Mr O'CONNOR: I have had an opportunity to look at the Premier's amendments and any difficulties that might apply here. I know they have been drawn up fairly hastily and if we are on the same wavelength, I obviously want to overcome the problems we have as quickly as possible. I suggest we make a further amendment to the Premier's amendment which will overcome the problems we see. I have not yet sent the Premier a copy of this amendment because it has only just been prepared. I will read it and then have a copy sent to him. The Premier's amendment reads "The Corporation shall in all respects comply with provisions of the Companies (Western Australia) Code". I wish to insert the words "and other relevant company and security laws as apply from time to time". I want to complete it with the Premier's words "a public company for the purposes of that Code". The amendment would then read—

The Corporation shall in all respects comply with the provisions of the Companies (Western Australia) Code and other relevant company and security laws as apply from time to time, as if it was a public company for the purposes of that Code.

That should overcome both the problems the Premier has raised and bring it into line with our suggestion.

Mr BRIAN BURKE: I do not understand how it could combat the problem referred to by the member for Floreat when he said "except where provisions of this Act expressly contradict the law that is the subject of this amendment".

Mr O'CONNOR: I have not listened to all the debate because this amendment was put forward only a few minutes ago and we are now trying to see whether we can reach agreement to achieve what both the Government and the Opposition

want. I am sure the Premier will understand, as the Government has done, that when these things arise we will want to confer with people to ensure it is exactly what is needed.

Mr BRIAN BURKE: My view and the Government's view is that we will persist with the amendment we proposed. I add to that that if during the operation of the corporation in the middle or the early part of next year, the difficulties to which some members have referred arise, those difficulties will be subject to amendment at that time.

Mr MacKINNON: I just wanted to make a brief comment at this time basically on a matter of principle. The Premier is aware that when we debated this question at the second reading stage, most of these points were raised by the Opposition; I personally, as did other members of this side of the Committee, pointed out to the Premier that 816 pages of the Companies Code were not applicable to the Western Australian development corporation which, in his words, was designed to be a commercial operation.

It is interesting that we are here now, and the Government is keen to have those conditions apply to this corporation. It does seem to me passing strange to say the least that on 30 November, three weeks ago, in relation to this debate, the Premier said—

The contributions of Opposition members who spoke on this Bill are again not of much substance. The things they said were exaggerated, unnecessary and in my view not quite honest.

On his own admission today, he does not disagree that this is a sensible amendment. It is just the point we made at the time in the second reading debate. It just makes one think and wonder what would have happened had not the Legislative Council had the good foresight and good sense to delay the procedure of this Bill through the Parliament so that some judgment could be addressed to the Bill and sensible amendments could be made like the one we will soon see agreed to.

I share the views put forward by the Leader of the Opposition and the member for Floreat. I do not think it is an effective amendment because of the difference between the Bill, as it is now, and the Companies Code. Also, the WADC will not comply with the other relevant company and security laws applying in this State.

I just wanted to make the point that it is interesting to note that the Premier has done a complete turnaround in three weeks. We had said that this protection would cover all those involved with the corporation and it would ensure that it



does operate on a purely commercial basis—that was the term used by the Premier when he introduced the Bill.

Assembly's amendment on the Council's amendment put and passed; the Council's amendment, as amended, agreed to.

Mr BRIAN BURKE: I move—

That amendment No. 4 made by the Council be agreed to.

Mr COURT: I just wish to make the comment that when this Bill was introduced, the powers and disciplines within it were very wide. I think the Premier in his last week of discussions with the business community came to fully understand the many rules and regulations within which companies must operate. With the latest changes to the Companies Act, tremendous responsibilities are placed on directors of companies and they can be liable for heavy fines. Their responsibilities have been made even greater and this is one of the reasons we were so opposed to this particular clause.

Whoever was involved originally with this Bill did not want this corporation to come under the same rules as do other companies. I know we have just debated another amendment which is designed, I am sure, so that the corporation does operate under those rules.

I just want to make the point that when this Bill came to this place and was passed through this Chamber it was in such a wide form that it was dangerous to certain people in the business community.

With those few comments, I make the point that directors in normal company operations do have tremendous responsibilities, and it is only fair that this corporation should act under the same rules.

Question put and passed; the Council's amendment agreed to.

Mr BRIAN BURKE: I move—

That amendments Nos. 5 to 9 made by the Council be agreed to.

Question put and passed; the Council's amendments agreed to.

Mr BRIAN BURKE: I move—

That amendment No. 10 made by the Council be agreed to.

Members will realise that we originally sought to include a gearing ratio of 15 and the Legislative Council seeks to include a provision to decrease that ratio to eight.

Mr Hassell: Was that a compromise agreement between the two parties?

Mr BRIAN BURKE: No.

Mr MacKinnon: We understood it was.

Mr Hassell: I understood your Minister agreed to eight reluctantly and we reluctantly agreed to it as well.

Mr Peter Jones: I think you will find that is right.

Mr BRIAN BURKE: In that case, if they have been agreed to by the Attorney General in another place, I urge the Committee to agree to this amendment.

Mr PETER JONES: Substantial changes were made to this amendment in several ways and the amendment that appears as No. 10 relates to the borrowing and disposal of money. In another place, the Opposition moved certain amendments relative to this activity and I now seek to move further amendments in relation to that clause.

Perhaps after I move them I will speak to the three in the first instance. I understand with proposed subclause (3) (b) some discussion was held as to the application of money.

The words "lend monies" appear in the amendment before us and I understand—and perhaps the Premier will correct me if I am wrong because I have not received complete advice on this matter—that there was some discussion as to what the word "lend" meant in legal terms as distinct from the disbursement and use of funds. Given that proposed subclause (3) requires the corporation to come back to the Parliament if it wishes to exceed certain parameters determined in the proposed subclause, does that include the use of funds provided by way of purchase as distinct from loan? Does the use of the word "lend" mean the corporation will be able to lend money as we would understand the common usage of that word, but if it wishes to purchase something, it will not need to come back to the Parliament as required by the constraints contained in this clause? Does the word "lend" mean "to make available for the use of a company", which means the purchase of a share or equity and the actual issuing of some form of support as distinct from a loan? Does it mean the corporation will have to come back to the Parliament if it makes an investment?

The other amendment relates to the use of the words "otherwise than for temporary purposes" which appear three times in the proposed subclause and which were inserted by the Government in another place. Can the Premier indicate what is meant by the use of those words in proposed subclause (3)(b)? The financial advice available to the Opposition suggests that is not really desirable, and before I move any amend-

ments, perhaps the Premier can answer the two points I have raised.

Mr BRIAN BURKE: The Government supports this clause although it did intend to move an amendment. I understand the clause as written was put forward by the Opposition and agreement was reached by the Opposition and the Government.

Mr Peter Jones: I accept that.

Mr BRIAN BURKE: On that basis, we support the clause and will withdraw the amendment we proposed.

The words "otherwise than for temporary purposes" simply exclude short-term investment, perhaps in a bank account or on the short-term money market. That seems to make sense because otherwise I do not suppose one could operate at all if one had to agree to a gearing ratio that exceeded the money one had to invest in a bank account.

Mr HASSELL: I raise quite genuinely a couple of questions on this amendment. I want to refer briefly to the gearing ratio, and I can tell the Premier that in two recently issued prospectuses, one by Kimberley N.Z.I. Finance Ltd. and one by Ford Credit Australia Ltd.—one is dated 16 September 1983 and the other is even more recent—the gearing ratio is considerably less than is now proposed for this corporation, even at a figure of eight times.

Mr Brian Burke: Except it can be varied.

Mr HASSELL: Although it is some years since I was actively involved in these matters, I understand a gearing ratio is generally higher for a finance corporation than for a trading corporation. The Government has proposed setting up a trading corporation, so if it accepts the figure of eight times, it should count itself as having established an operation which is geared higher than would generally be accepted in the business community.

The Premier may say that is all right because it is a Government body, but in discussions on the Bill—when it was introduced, and in the upper House last night and here today—about a body which the Government says it wants to be a commercial operation and equivalent to a private operation, we should recognise that it is not meeting commercial criteria. We have tried to make it meet legal criteria, but it does not meet commercial criteria.

The second point is that some discussions took place at a late hour last night in relation to proposed subclause (3)(b) which was a compromise provision; it was not as drafted by the Opposition.

The Opposition's amendment was altogether different from the one now before us.

Mr Brian Burke: I was not there.

Mr HASSELL: I was not there either, but I have had a report about it and no doubt the Premier has, too.

Mr Brian Burke: The only report I had was that everybody agreed unanimously.

Mr HASSELL: That may be, except everybody understood, and I understand, that specific discussion took place on the question of whether proposed subclause (3)(b) restricted lending or investment. The understanding was that proposed subclause (3)(b) as it now appears restricted both lending and equity investment, but the words do not appear, hence the reason for the amendment foreshadowed by the member for Narrogin.

The other point is that in subparagraphs (i) and (ii) of proposed subclause (3)(b) reference is made to the "amount of issued and paid up capital of the Corporation for the time being". I read that as referring to the corporation to which loans are being made or in which an investment is being made.

The word has a capital "C" and, therefore, by definition, refers to the corporation, meaning the development corporation. If that is the case, it will create tremendous practical difficulties.

I have a number of points which are valid and genuine and which I would like the Premier to hear.

Mr Brian Burke: There has never been a Government which has gone to the same lengths as this one to satisfy the Opposition. We have now reached a situation where unanimous agreement in respect of amendment by the upper House is being dissented from by the Opposition in the Assembly.

Mr HASSELL: That unanimous agreement was on the basis of a unanimous understanding that this clause did something which it appears it does not do.

Mr Brian Burke: I understand it is on the basis of what it says and what it does as a result of what it says. You may be more perspicacious than I and have access to more people than I.

Mr HASSELL: I have more information.

Mr Brian Burke: I am suggesting your house is not in order, whatever it is.

Mr HASSELL: There is no need for the Premier to get irritable because of the points being raised. I thought the Premier had some interest in this Bill.

Mr Brian Burke: I had a great deal in the Bill as it was, but not much in what it now is.

Mr HASSELL: The third point which I know the Premier did not hear because he was occupied elsewhere, no doubt legitimately, might simply be a typographical error. Proposed subclause (3) (b) (i) and (ii) refers to the amount of the issued and paid up capital of the Corporation with a capital "C". In fact, I understand this 50 per cent limitation was intended to refer to the issued—not issue—paid up capital of the business undertaking and the reserves of the business undertaking. It does not make much sense as I read it if it refers to the development corporation itself. The limitation was intended to apply to the lending of moneys or the investment of moneys in such a way that they could not be greater than \$5 million or 50 per cent of the issued and paid up capital of the business undertaking; in other words, the body you are lending to or investing in or the amount set aside by the business undertaking as reserves. That is the point I raise with the Premier because it appears a mistake may have been made.

Mr MENSAROS: I would appreciate it if I could have the Premier's attention. We have not adjourned for lunch and we have a Government which proposes certain measures and an Opposition which is talking to itself. I do not think it makes much sense, do you, Mr Chairman? I hope the Premier who is handling the Bill will be kind enough to listen to what the Opposition members say because there seems to be a fair degree of misunderstanding all over the place.

Without going into the finer drafting details, I want to explain to the Premier that the drafting does not express the intention of the agreement between the Government and the Opposition in the Legislative Council. The agreement was the result of consideration by the Opposition that the Government through this corporation should not be in a position to take over another company and thereby either create a monopoly for Government business or create competition for existing private enterprise businesses. Therefore, it was agreed that if the corporation, which is really a Government instrumentality, wants to purchase equity in another company, it should not purchase such an amount of equity which would enable it to take over and manage the company. Originally we were talking about 10 per cent or 15 per cent, but an agreement has probably been reached that it should be not more than 50 per cent.

As the Deputy Leader of the Opposition said, if the Government really wanted to invest in the private enterprise company, it should not take over and run that enterprise. The wording in this amendment is entirely wrong. It stresses the lend-

ing aspect which is not as important; one can lend another company as much as one likes and in theory although perhaps not in practice, one does not gain too much influence, without being in charge of the company. The main thing is to purchase equity. Paragraph (c) of subclause (3) is entirely wrong because it refers to the "Corporation" which, according to clause 3 of this Bill, which clause contains the interpretations, is the Western Australian development corporation established by clause 4(1). If that were to be passed, what the Opposition wanted to do would not be achieved. If the corporation's paid up capital is more than \$10 million, the provision of \$5 million or 50 per cent, whichever is less, becomes a higher amount than intended. Therefore, it completely contradicts the intention. I do not know whether it is difficult to understand the intention which was that the Opposition did not want the Government to take over private enterprise business, to compete with private enterprise, or to have a monopoly.

I remind the Committee of the British Iron and Steel Corporation which was nationalised in Britain. Later, it was denationalised and then nationalised again. It became such a shemuzzle that when finally a proper free enterprise Government, led by Mrs Thatcher, came into power in Britain, it could not sell the corporation because it had been absolutely mucked up. There was nothing in it which worked. It was inefficient and employed four times as many people as were necessary in foundries around England, which could not compete with steel manufacturers in Germany and Japan, or even with old steel mills in the United States.

The British Government invited Ian MacGregor—someone whom we know well in Western Australia, who had been Chairman of Amax and who had been involved in Mt. Newman Mining—through his banking company, and paying him \$3 million a year, to try to straighten out the corporation so that it could be sold. It took him about 2½ years to do so. He sacked about 60 000 people and that indicates how many employees were simply taking taxpayers' money without producing anything. Now they can talk about modernising and selling it.

What happened to Mr MacGregor after that? He became the Chairman of the British Coal Board and, at over 70 years of age, he is now straightening out that organisation. He has much more sense than a number of much younger people inside and outside this Chamber. I do not think anyone can contradict that statement.

We do not want the Government to be able to take over small or large companies. That is the

reason the amount which is paid for the equity, either in money terms or as a proportion of the company which is to be taken over, should be limited.

I do not know whether I can make the position much clearer than that, but that was the Opposition's intention. It appears to me that, for some unexplained reason, there is enormous haste to get this Bill through, which haste is forcing the Chamber to enter into drafting situations which are not proper. Why is there this enormous haste to the extent that the Government has not even allowed us to have a luncheon suspension? That is the first time during my 16 years in this place that that has happened, and some sort of explanation is required. I cannot understand what is behind the Government's attitude. The Premier does not want to understand what I am trying to explain, I cannot do any more. I cannot explain it more clearly, but that was the intention.

Mr PETER JONES: Would the Premier care to respond to the questions I raised previously? I would like an answer to the question which related to the words "otherwise than for temporary purposes". A question was raised also in relation to the literal meaning of the word "lending" and the discussion which occurred in another place in its seeking to amend the clause to correct the error which occurred. I shall refer to an amendment to delete the word "Corporation" which appears in paragraph (b)(i) and (ii) and to substitute the words "business undertaking". There is another amendment I wish to move which is prior to the amendment to which I have just referred. Do you wish me to move that now, Mr Chairman?

The CHAIRMAN: It is appropriate for you to move it now.

Mr PETER JONES: I shall move the amendment on the understanding that this was discussed in another place and that the Attorney General indicated he thought the word "lending" as it applied, and as I understand it, would mean the making available of funds to a business undertaking.

Mr Brian Burke: That is not what the Attorney General said.

Mr PETER JONES: Would the Premier care to come and tell us the position?

Mr Brian Burke: I will tell you when it is my turn to reply.

Mr PETER JONES: We now have the situation where not only are we instantly drafting amendments and the like behind the Chair, but also the Premier is conducting the affairs of State from a chair in the corner.

Mr Brian Burke: You are the one who is moving the amendment; if you object to instant drafting, do not move it.

Mr PETER JONES: I take exception to that remark.

Mr Brian Burke: You can take whatever you like to it.

Mr PETER JONES: We have the situation in which the Premier has not answered the question which may have some bearing on what is done.

Mr Brian Burke: I have answered that. I have said that was not the Attorney's opinion.

Mr PETER JONES: The advice I have received is that there was some discussion between the parties concerned. I do not know whether it was on the floor of the Chamber, out in the dining room, or wherever. However, there was some discussion regarding whether the corporation would have to return to Parliament, as required elsewhere in the subclause, if it invested in a business undertaking as distinct from lending to a business undertaking. I was told that the Attorney General indicated he thought that would be the case.

Mr Brian Burke: I am indicating to you that is not his view. I have said that three times now.

Mr PETER JONES: In that case, we have a situation under which the corporation could lend money to a business undertaking up to limits prescribed in proposed subclause (3) and within the formula prescribed, but it could invest in that company or it could buy that company at far greater amounts than those laid down, without its having to come back to the Parliament.

Mr Brian Burke: But that is your amendment.

Mr PETER JONES: Is that what the Premier is saying the amendment says?

Mr Brian Burke: I am not saying it means anything, because you people wrote the amendment. You tell us what it means. You wrote it. It means literally what it says.

Mr PETER JONES: I move—

That amendment No. 10 made by the Council be amended by inserting after the word "moneys" in paragraph (b) the passage "or invest, or take equity in".

The purpose of that amendment is in line with the discussions which I understood took place and which the Premier has indicated that, if they did take place, were not along the lines indicated to me. I do not know that that matters. It certainly was not the way it was put to me this morning. If the provision does not require the corporation to come back to the Parliament in accordance with what was required, and in line with the purpose of

the amendment, the amendment on the amendment I have moved seeks to make certain that it does, because that was what the debate was all about and it was the purpose of the amendment.

How absurd it is to have a situation in which the corporation can lend money up to a certain limit, but it can purchase, take equity in, buy, and do all these other things without the requirements of that proposed subclause applying to it. The intention of the amendment was to cover that position.

If, as the Premier says, the Opposition was prepared to agree to this amendment, which I gather it did after discussion with the Attorney General and his advisers, and after joint discussion and drafting in the middle of the night, all I can say is that that was not the purpose of the Opposition's amendment and all we are seeking to do now is to ensure that the purpose of the amendment applies to the cases to which it was meant to apply and not just part of them. That was the substance of the discussion with the Attorney General, and I thought the Premier might support him.

Mr O'CONNOR: While members of the Legislative Council sat late last night and we have not had the opportunity to confer with all of them, I have conferred with the member who handled the Bill and with the deputy leader of the upper House. They indicated clearly that the amendment suggested by the member for Narragin was in line with what the Attorney General advised our members that the lending of money included. I know it is difficult to confer with members of the upper House at this stage, because they were here until 4.00 a.m. today and some of them have not yet returned to Parliament House. However, I conferred with Mr Masters and Mr Lewis and they indicated that that was the situation and that the Attorney General advised them accordingly.

I believe the amendment brings the Bill into line with the indications that were given in the upper House and I indicate my strong support for it.

Mr BRIAN BURKE: I do not want to prolong the debate unnecessarily, but the factual position is that the amendment unanimously agreed to in the Legislative Council was extremely inhibiting and placed certain restrictions on the ability of the corporation to use finance it had available to it. That unanimous agreement has been conveyed to the Legislative Assembly. Initially, in seeking to change the gearing ratios, the Opposition pointed out that it was an agreed measure with the Legislative Council, with the Government and Opposition sides both in accord. I indicated then that I would not move to amend the amendment.

Given that what we have now is the Opposition saying, on the basis of some spurious report that may well have been made in good faith, that it wants to amend that unanimously agreed decision, we are not prepared to go along with this. I do not see how the Opposition seriously could expect that we would be prepared to do so. It really is testing the patience of the Government to have a situation in which a unanimous agreement of the Legislative Council is then subject to a further amendment by the Opposition in this place on the basis that someone might have made a mistake. That is what this amounts to.

Mr O'Connor: If that mistake happens to have been made by the Attorney General in advice to our members, in all decency he would want it rectified.

Mr BRIAN BURKE: I do not understand that to be the Attorney General's position. If the Leader of the Opposition is accusing the Attorney General of deliberately trying to mislead the member's colleagues, I assure him the Attorney is above that. Further, there is some responsibility on all parties to make sure that when they negotiate around a particular point, they have a primitive understanding at least of what it is they are negotiating.

Mr Hassell: You made a mistake with your Secret Harbour Bill and got our full co-operation to put it right.

Mr Parker: The Government Printer made a mistake, not the Government.

Mr Peter Jones: Come on!

Mr Parker: You know you don't see the Bill until after making the second reading speech.

Mr BRIAN BURKE: I do not think members opposite want me to take up the fight with their Legislative Councillors. If they have done the wrong thing by the Opposition, let the Opposition chastise them. We are prepared to accept the amendment moved in, and agreed to unanimously by, the Legislative Council, and that is where the matter rests.

Assembly's amendment on the Council's amendment put and a division taken with the following result—

#### Ayes 14

Mr Blaikie	Mr Laurance
Mr Clarko	Mr MacKinnon
Mr Court	Mr Mensaros
Mr Crane	Mr O'Connor
Mr Grayden	Mr Thompson
Mr Hassell	Mr Trethowan
Mr Peter Jones	Mr Williams

(Teller)

## Noes 20

Mrs Beggs  
Mr Bertram  
Mrs Buchanan  
Mr Brian Burke  
Mr Burkett  
Mr Davies  
Mr Evans  
Mrs Henderson  
Mr Hodge  
Mr Jamieson

Mr Parker  
Mr Pearce  
Mr D. L. Smith  
Mr P. J. Smith  
Mr A. D. Taylor  
Mr I. F. Taylor  
Mr Troy  
Mrs Watkins  
Mr Wilson  
Mr Gordon Hill

(Teller)

## Pairs

## Ayes

Dr Dadour  
Mr Bradshaw  
Mr Coyne  
Mr Old  
Mr Watt  
Mr Tubby  
Mr McNee  
Mr Spriggs

## Noes

Mr McIver  
Mr Tonkin  
Mr Bryce  
Mr Tom Jones  
Mr Grill  
Mr Bridge  
Mr Read  
Mr Terry Burke

Assembly's amendment on the Council's amendment thus negatived.

Mr PETER JONES: I move—

That amendment No. 10 made by the Council be amended by deleting the word "issue" in paragraph (b) (i) with a view to substituting the word "issued".

This amendment is necessary because the wording as it stands is obviously meaningless. I do not know whether a mistake has been carried forward from the drafting that took place in the middle of the night, or whether it is a typographical error. Whatever the reason, an amendment must be made.

Mr BRIAN BURKE: The Government does not accept the amendment. We believe the member for Narrogin is being pedantic and is wasting the time of the Parliament.

Mr O'CONNOR: I find it difficult to understand how the Premier would not accept this amendment. The word in amendment No. 10 is obviously wrong. It is obvious the word required is "issued". If the wording is wrong, the Premier must admit that it needs to be rectified. I trust he will reconsider and make sure the Bill which leaves the Chamber is in order.

The CHAIRMAN: I have received an assurance from the Clerk of the Council that what we have before us is a typographical error and that the word, as was accepted in the Council, should be "issued". Therefore no amendment is needed.

Mr PETER JONES: I seek to delete the word "Corporation" where it appears in proposed subclause (3)(b)(i) and (ii). It has been made clear that it is meaningless and the interpretation relates to the business undertaking. That is the intention of the clause and the drafting that was done in the middle of the night. The Premier has indicated that it is very clearly understood and

known that that is what is referred to. On that basis, I move—

That amendment No. 10 made by the Council be amended by deleting the word "Corporation" in paragraph (b) (i).

Mr BRIAN BURKE: The Government rejects the amendment proposed by the member for Narrogin on the basis of an agreement which has been reached in the Legislative Council between the Opposition and the Government which is not an agreement that should lightly be put aside. We bow to the profundity of the Legislative Council in this matter and accept the amendment as it stands on the basis that we would be abrogating an agreement into which we entered. The member for Narrogin objects when I interject on him, but he has much more shadow than substance. If the member for Narrogin has an argument about Legislative Councillors on whom he has been prevailing in an unworthy manner for some time in respect of this legislation, he should take the amendment up with them.

Mr Peter Jones: You do not accept that that is an amendment which you—

Mr BRIAN BURKE: I do not accept, as the member for Narrogin is wont to do, that we should break our word which was given in good faith to the Legislative Council. If the member for Narrogin places no credit on his word, the Government places—

Mr Peter Jones: You are not prepared to accept that a mistake has been made?

Mr BRIAN BURKE: I am not prepared to accept very much at all that the member for Narrogin says.

Mr Peter Jones: You don't accept that you could make a mistake?

Mr BRIAN BURKE: If the Legislative Council reaches an agreement between the parties, we should not lightly put that agreement aside. The Government rejects the amendment, and we will not change our mind on that matter.

Mr HASSELL: No doubt the Premier will not change his mind because, having failed to get everyone to agree instantly to everything that he wanted, he has now reached the stage of stone-walling anything that is put forward. The Premier knows this has not been worded in the way intended by the Legislative Council. He also knows that his sudden respect for agreements in the Legislative Council is not even 24 hours old. He should remember that the substantial agreement made with the Legislative Council in respect of this sitting of Parliament was that the only Bill

to be dealt with was the Western Australian Development Corporation Bill.

Mr MacKinnon: He broke that agreement himself.

Mr HASSELL: The Premier broke that agreement when he brought in the Financial Institutions Duty Amendment Bill. He knows the answers; he knows that the drafting does not indicate what was intended; indeed, that is the result he wants. He does not want the Bill to work. He is trying to make the amendment ineffective. The Legislative Council made this amendment in accordance with the discussion which took place. The amendment was not in accordance with what the Opposition or the Government originally put forward. It was an agreement which arose out of a discussion between all sides and, in the course of that discussion, certain understandings were reached as to how this clause should work. The Premier knows that is true and yet he simply comes along reeking of insincerity when he starts to talk about his upholding an agreement made in the Legislative Council. Even on the logical basis of what we have done this morning, it does not hold water because we have made an amendment to one of the amendments. If the Premier's logic is correct, we should not have made any amendment. What a lot of nonsense he is uttering. The truth is that this clause was always intended and understood to apply to the lending and investment of moneys in a business undertaking. The drafting error results in its referring only to the lending of moneys.

Secondly, the 50 per cent limitation was to apply to the amount of the issued and paid up capital of the business undertaking and any amount set aside by the business undertaking as reserves. The Premier blatantly and sheer bloody-mindedly will not make a correction. I remind the Premier that on more than one occasion during this session of Parliament, the Opposition has co-operated with him to correct irregularities that have been made by the Government, the Government Printer, or whoever else has made an error, and he should be co-operating with us out of common decency and he should fix this error. If he is to approach legislation in this way, it will reflect on him at the end of the day, but it will not help his Bill and the attitude of the Opposition in dealing with matters on which he seeks our co-operation.

Mr Brian Burke: Don't threaten me. You are reverting to being a bully.

Mr HASSELL: The Premier is beginning to parrot again. He has found his little phrase and

he keeps spouting it like a parrot which says, "Cocky want a drink".

Mr Brian Burke: Cocky says you are a bully boy.

Mr HASSELL: He keeps on saying the same words. Government members do not know anything else. The Premier has his little phrase. He thinks it impresses people, but he does not impress anyone at all.

Mr Brian Burke: You are a bully.

Mr HASSELL: The clause which was agreed by both sides in the Legislative Council was on the basis that it had a certain meaning and effect and in the light of day it seems a couple of words have been included incorrectly.

Mr Brian Burke: You flashy bully.

Mr HASSELL: On that basis, the words should be correct. The Premier has also rejected one amendment and has indicated he will reject the other two. This is a pretty poor show considering the Premier regards the Bill as important. He is quite deliberately prepared to have written into the Bill something which he knows is not what anyone intended.

Mr Brian Burke: You bully.

Mr MacKinnon: That's not very original.

Mr O'CONNOR: It is essential to have these amendments included. Surely any member of this Committee, who realises a mistake has been made in another place, should rectify that mistake. I find it difficult to understand this Committee's saying that the Legislative Assembly does not matter, and that the Legislative Council is all that matters. If they make an arrangement, that is all. The Legislative Assembly will have no say in what goes on. In this regard obviously the word "Corporation" is incorrect. I could give an undertaking to the Premier that in the amendments going back to the upper House, our members would have no complaint about any undertaking given because they would believe it is necessary for the appropriate wording to be inserted in the Bill. It is almost incomprehensible that we can let a Bill go through this Chamber when we know it contains errors, and leave those errors rather than rectify them when we know that both parties in another place would agree to the amendments because they are what ought to be in the Bill.

Mr Brian Burke: How do you know both parties would agree?

Mr O'CONNOR: Would not the Premier agree?

Mr Brian Burke: I don't know.

Mr O'CONNOR: I know ours will agree because I have spoken to them.

Mr Brian Burke: You chop and change because they agreed last night with this?

Mr O'CONNOR: I have spoken to our acting leader in another place who gave me very clearly his understanding of discussions with the Attorney General was that the word "lend" was included—the Premier can check this with the Attorney—

Mr Brian Burke: That is not the amendment you are talking about.

Mr O'CONNOR: I know, but when we talk about the upper House and arrangements that have been made, they are not in line with what is actually contained in the Bill.

Mr Brian Burke: Whose fault is that? It is not my fault.

Mr O'CONNOR: No, it is the fault of the people in the upper House for giving an undertaking, if it was given, that is not in line with what is now being said.

Mr Brian Burke: I suggest that on this occasion we let the Legislative Council live with its mistake.

Mr O'CONNOR: The trouble is that the State has to live with the Bill and its mistake, and the Bill will not do what it was intended to do. I am sure the Premier knows very well that the word "Corporation" ought not to be there and the words "business undertaking" should be there. I know we cannot encourage him to alter the amendment. The Premier is prepared to let the amendment go through the Parliament unaltered and in an improper manner.

Mr MacKINNON: I wish to voice my disappointment at the intransigence of the Premier.

Mr Brian Burke: Do you want to make a speech about the FID Bill? That is what you normally do.

Mr MacKINNON: The point I want to make is that the Premier comes to this Parliament with amendments like those he presented yesterday and today, and members have not had an opportunity to view those Government amendments which have been hastily put together over the last eight to 10 days. The first time members were able to peruse them was 24 hours ago.

Mr Brian Burke: That is not true.

Mr MacKINNON: That is exactly true.

Mr Brian Burke: They went to the Leader of the Opposition before that.

Mr MacKINNON: Some members on this side of the Committee had the amendments prior to

that time, but obviously not all members had the ability to look at them until yesterday.

Mr Brian Burke: They were provided to the Leader of the Opposition well before that. Don't gloss over your mistake.

Mr MacKINNON: It is not a mistake.

Mr Brian Burke: Well, your inaccuracy.

Mr MacKINNON: As responsible members of Parliament, we would have preferred to have time to consider the amendments. As with the FID Bill, we were not provided with time to discuss the provisions in any detail with the people in the community who will be affected.

The Premier has refused us the opportunity for the amendments to be perused. These amendments were debated in another place last night and agreements made in the early hours of the morning. We came to Parliament today at 11.30 a.m. and that was the first time we had the ability to look at some of these amendments. No-one in the general community has had a chance to read them. The Premier has the cheek to say that if a mistake has been made, it is not his. It is his Bill.

Mr Brian Burke: I would not blame you.

Mr MacKINNON: The Premier has forced the Council and us to sit here and debate these pieces of legislation.

Mr Pearce: That is what you are paid for.

The CHAIRMAN: May I assist the debate by pointing out to the member that the amendment before the Committee relates to the word "Corporation"? I do not want to stop the debate, but I feel the member is tending to embark on a second reading speech.

Mr MacKINNON: The point I am making relates to the fact that the word "Corporation" should be deleted because it was a mistake made by the Legislative Council. That mistake was a result of the manner in which this legislation has been put to the Parliament. It was a mistake that was made in the heat of the moment. It was made genuinely. I support the motion moved by the member for Narrogin.

Assembly's amendment on the Council's amendment put and a division taken with the following result—

Ayes 14

Mr Blaikie	Mr MacKinnon
Mr Clarko	Mr Mensaros
Mr Court	Mr Rushton
Mr Grayden	Mr Thompson
Mr Hassell	Mr Trethowan
Mr Peter Jones	Mr Watt
Mr Laurance	Mr Williams

(Teller)



## Noes 23

Mr Bateman	Mr McIver
Mrs Beggs	Mr Parker
Mr Bertram	Mr Pearce
Mrs Buchanan	Mr D. L. Smith
Mr Brian Burke	Mr P. J. Smith
Mr Burkett	Mr A. D. Taylor
Mr Carr	Mr I. F. Taylor
Mr Davies	Mr Troy
Mr Evans	Mrs Watkins
Mrs Henderson	Mr Wilson
Mr Hodge	Mr Gordon Hill
Mr Jamieson	

## Pairs

(Teller)

Ayes	Noes
Mr Bradshaw	Mr Tonkin
Mr Coyne	Mr Bryce
Mr Old	Mr Tom Jones
Mr O'Connor	Mr Grill
Mr Tubby	Mr Bridge
Mr McNee	Mr Read
Mr Spriggs	Mr Terry Burke

Assembly's amendment on the Council's amendment thus negated; the Council's amendment agreed to.

Mr BRIAN BURKE: I move—

That amendments Nos. 11 to 33 made by the Council be agreed to.

Question put and passed; the Council's amendments agreed to.

Resolutions—Council's amendments Nos. 1, 2, and 4 to 33 agreed to, and No. 3 agreed to subject to a further amendment—reported.

*Recommittal*

Bill recommitted for the further consideration of Council's amendment No. 3, as amended.

*Council's Amendment No. 3: In Committee*

The Chairman of Committees (Mr Barnett) in the Chair; Mr Brian Burke (Premier) in charge of the Bill.

Amendment No. 3 made by the Council was as follows—

## No. 3

Clause 4, page 4—Insert after line 19 the following:

(5) The Corporation shall in all respects comply with the provisions of the Companies Act 1961, and the Companies (Western Australia) Code, as if it was a public company incorporated under the Companies Act 1961, and the Companies (Western Australia) Code.

The amendment made by the Assembly was as follows—

That amendment No. 3 made by the Council be amended by deleting everything

after the word "Companies" in line 3 and substituting the following—

(Western Australia) Code, as if it was a public company for the purposes of that Code.

Mr BRIAN BURKE: I move—

That the amendment made by the Assembly to the Council's amendment No. 3 be deleted.

During one of his contributions, the Deputy Leader of the Opposition accused me of being hypocritical in saying we should not put aside an agreement reached by the Legislative Council, and he pointed to the fact that we had already done so.

Mr Hassell: I did not accuse you of being hypocritical.

Mr BRIAN BURKE: Well, by implication, the Deputy Leader of the Opposition said that I paid lip service to something I had previously—a very short time ago in fact—done.

Mr Hassell: You are just a farce.

Mr BRIAN BURKE: If members opposite want to put points to the Government—

Mr Hassell: A man of your word! You gave us your word, 1½ hours ago, and now you are standing up and going back on it.

Mr BRIAN BURKE: I am reverting to a much more compelling amendment moved by the Legislative Council, and on the basis that the Deputy Leader of the Opposition put very strongly in his fundamental—

Several members interjected.

Mr BRIAN BURKE: What is wrong with this rabble of an Opposition?

Mr Hassell: What is wrong with this rabble of a Government?

Mr BRIAN BURKE: What is wrong with this Opposition? It wants its own way inevitably, with the one problem being that its way changes as the clouds pass across the face of the sun.

Mr MacKinnon: You seem to forget it was your amendment.

Mr BRIAN BURKE: We cannot obey the position more faithfully than we are attempting to do. All we are saying is—

Mr Hassell: What a joke!

Mr BRIAN BURKE: On reconsideration, we are now prepared to accept the first amendment moved by the Legislative Council. We will bring the Bill back. As the Deputy Leader of the Opposition said, we should not be prepared to put aside an agreement the different parties within the pre-

cincts of the Legislative Council have entered into—which we had done previously—to give authenticity to the challenge made by the Deputy Leader of the Opposition.

Mr HASSELL: The Premier is treating the Parliament with contempt and reducing it to a farce. An hour after his amendment was accepted, he is moving to delete the amendment. He is moving to undo what he himself did after a discussion in this place, and he is treating the Parliament with absolute contempt. The attitude he displays should be seen for what it is.

Mr Brian Burke: Could I just ask you this: You don't think it is because you have been caught out?

Mr HASSELL: The Premier is just trying to be a smart Alec.

Mr Brian Burke: Sorry!

Mr HASSELL: And the Premier knows he is trying to be a smart Alec. That is exactly what he is trying to do.

Mr Brian Burke: Don't be so personal.

Mr HASSELL: The Premier has shown today just what a little man he is. He is a man who cannot be trusted with the power of numbers. He is a man who cannot be trusted with power.

Mr Brian Burke: Well, the Legislative Council can be trusted, can it?

Mr HASSELL: It certainly can.

[Laughter.]

Mr HASSELL: And it is just as well—

Mr Brian Burke: I'll tell you what, it is not going to get another chance on this Bill.

Mr HASSELL: —that the Legislative Council is there and can be trusted with numbers. The actions of the Government on this day with this Bill display and demonstrate conclusively that it cannot be trusted with power; it cannot be trusted with numbers.

We came into the Chamber this morning to debate a number of amendments to a Bill the Government itself regards as important; a Bill which the Government has been pushing and forcing the Parliament to deal with ahead even of time for public discussion.

Mr Brian Burke: The Legislative Council agreed to the adjournment.

Mr HASSELL: The Premier wanted this Bill dealt with so desperately that he had the Parliament brought back in this week, although it is not traditional for it to sit in the week before Christmas.

Mr Burkett: You are just a slacker.

Mr HASSELL: The Premier brought the Bill here to force it through. We came here this morning to consider the amendments put forward by the Legislative Council. Many of those amendments were made on the basis of compromise and discussion between the two sides in the Council. Many of those amendments incorporated provisions the Government itself had been persuaded to put forward. At the same time, we wanted to deal with issues raised in the public arena by people concerned about the Bill and its implication.

When we came to amendment No. 3, the Premier at first refused to accept it. In fact, he wanted to throw out the amendment. However, after some debate and discussion across the Chamber, the Premier agreed that there should be an amendment. There was then a long debate about the form of that amendment.

Mr Brian Burke: You disagreed with it.

Mr HASSELL: Different forms of amendment were considered, with amendments being put forward by the Government and by the Opposition. An amendment was eventually agreed upon, and now the Premier is sitting there simpering and sniggering.

Mr Brian Burke: I am not sniggering.

Mr HASSELL: He is seeking to throw out his own amendment.

Mr Brian Burke: I am happy to do so.

Mr HASSELL: He wants to throw it out, in a fit of pique.

Mr Brian Burke: I have not got a fit of pique.

Mr HASSELL: What kind of man is the Premier of this State?

Mr MacKinnon: A mouse, not a man.

Mr HASSELL: A man who cannot stick to his own word for 1½ hours.

An Opposition member: He is drunk with his own power.

Several members interjected.

Mr HASSELL: I will tell the member where I like him—I like him on the other side of the Chamber.

Mr Burkett: So do we.

Mr HASSELL: He will prove to be the ALP's greatest liability.

Several members interjected.

Mr HASSELL: If ever an action will demonstrate what a liability the Premier is to this State, it is his action in the Parliament right now. It is a disgraceful, despicable, and stupid action.

Mr Pearce: These are the kinds of words you should save for the Highway Hotel.

Mr HASSELL: The Premier ought to be ashamed, even as he takes this action.

Mr Brian Burke: Could I just—

Mr HASSELL: Instead of sitting there and being smug in himself, knowing that he has the numbers to force it through, he should think about what he is doing.

Mr Brian Burke: We are not sitting tomorrow so that you can apologise.

Mr HASSELL: He should be thinking about the fact that 1½ hours ago, on the basis of a discussion across the Chamber, an agreement was reached on an amendment which could and should be made to this Bill, an amendment in the form the Premier put forward. Now the Premier has moved for further consideration of Council's amendment No. 3, as amended in order that he might throw out the amendment, without giving us any notice of that intention. He did not tell us he intended to further consider the amendment; he did not tell us that was the way he intended to approach the matter. He simply sought to wipe out the amendment upon which we agreed. What a smart little fellow he is! What an action for a Premier to take simply because his nose was put out of joint because we raised some issues on the Bill!

Some other amendments related to errors in understanding of the effect of a provision which was agreed upon across the sides of the other place last night. That amendment was thrown out by the Premier because he knows full well that, as it is written, it does not do what all the parties in the Council last night thought it would do. The situation they all agreed it would bring about, and what we understood it would do, is to be thrown out deliberately. The Premier has demonstrated today what a small-minded man he is, and what an unsuitable man he is to be the Premier of the State. In this whole year we have not seen a more disgraceful performance than this one—not one. In a fit of pique, one day the Premier cut out question time, and he has taken other actions in respect of proceedings which were less than honourable. However, there has been no equal to this.

The Premier moved an amendment 1½ hours ago. What did that amendment seek to do? The amendment would ensure that the corporation complied with the law with which everyone else must comply. He said he wanted a development corporation; he wanted it to be a commercial operation, and he wanted it to operate under the same rules and guidelines which apply to every

other business undertaking in Western Australia. He said it was going to be on equal terms even to the extent that it would pay income tax or its equivalent and sales tax or its equivalent. The Premier said all those things about this corporation. All that the Opposition has tried to do apart from expressing its general firm opposition to the whole Bill is to bring it into line with the principles the Premier espoused.

This is one of the key provisions in relation to the principle the Premier espoused; that is, that this body should be subjected to the same rules, provisions, and laws as every other corporation in this State. Yet the Premier, having been persuaded in the course of a decent parliamentary debate, one in which there was some mutual understanding to accept an amendment and in which he proposed an amendment which made this corporation subject to the law like everyone else, moves 1½ hours later to undo what he has done himself. What kind of nonsense is it? It is a ridiculous proposition that the Parliament sits here for an hour on that clause and agrees to an amendment and yet 1½ hours later the clause is recommitted so that the Premier can play a game because he has a fit of pique, because the debate has taken longer than he wanted, because the Chamber has done more or less than he wanted or something he did not like, or because something has been said to offend him.

What kind of ridiculous, childish, puerile approach is it? It is one of which the Premier should be ashamed.

The Premier is trying to undo his own work when it has been agreed to by the whole Chamber. Not one of his supporters beside and behind him will be decent and honourable enough to support our opposition to what the Premier is doing.

Mr Bertram: Hear, Hear!

Mr HASSELL: Well may the member say that. He will stand condemned with the Premier and they will not win any points for their smart alec manoeuvre with the business community which the Government has been busy trying to woo and about whose views the Government claims to be concerned. We see how concerned the Government is. This was one of the amendments the business community wanted and for which the Opposition stood, and the Government is now trying to undo it.

#### *Committee to Divide*

Mr GORDON HILL: I move—

That the Committee do now divide.

Motion put and a division called for.

Bells rung and the Committee divided.

*Remarks during Division*

Mr Brian Burke: I think you nearly lost the Christmas spirit then, Bill; you were so nasty.

Mr Hassell: You will get yours, you smart alec.

Mr Brian Burke: Do you know the difference?

Mr Hassell: I do not want to know. I do not want to listen to anything you have to say. After your performance it is not worth hearing.

Mr Brian Burke: If you thought I was going to let this Bill go back to the Legislative Council, you are crazy.

Mr Hassell: There is no need for you to tell us anything. We know the games you play. You will trip yourself up; you are too clever by half.

Mr Brian Burke: You have been caught.

Mr Hassell: You are too clever by half.

Mr MacKinnon: We like dealing with people who have a bit of basic honesty.

Mr Brian Burke: You would have to resign from your party.

Mr MacKinnon: I do not go back on my word.

Mr Brian Burke: You have been caught out and you do not like it. You live with the mistakes made in the Legislative Council. You support that body. You wanted it to chop our Bill to pieces. You have made a mistake and you have been caught out.

*Result of Division*

Division resulted as follows—

*Ayes 23*

Mr Bateman	Mr McIver
Mrs Beggs	Mr Parker
Mr Bertram	Mr Pearce
Mrs Buchanan	Mr D. L. Smith
Mr Brian Burke	Mr P. J. Smith
Mr Burkett	Mr A. D. Taylor
Mr Carr	Mr I. F. Taylor
Mr Davies	Mr Troy
Mr Evans	Mrs Watkins
Mrs Henderson	Mr Wilson
Mr Hodge	Mr Gordon Hill
Mr Jamieson	

*Noes 16*

Mr Blaikie	Mr MacKinnon
Mr Clarko	Mr Mensaros
Mr Court	Mr Rushton
Mr Coyne	Mr Stephens
Mr Grayden	Mr Thompson
Mr Hassell	Mr Trethowan
Mr Peter Jones	Mr Watt
Mr Laurance	Mr Williams

(Teller)

(Teller)

*Pairs*

Ayes	Noes
Mr Tonkin	Mr Bradshaw
Mr Tom Jones	Mr Old
Mr Grill	Mr O'Connor
Mr Bridge	Mr Tubby
Mr Read	Mr McNee
Mr Terry Burke	Mr Spriggs

Motion thus passed.

Question (deletion of Assembly's amendment) put and a division taken with the following result—

*Ayes 23*

Mr Bateman	Mr McIver
Mrs Beggs	Mr Parker
Mr Bertram	Mr Pearce
Mrs Buchanan	Mr D. L. Smith
Mr Brian Burke	Mr P. J. Smith
Mr Burkett	Mr A. D. Taylor
Mr Carr	Mr I. F. Taylor
Mr Davies	Mr Troy
Mr Evans	Mrs Watkins
Mrs Henderson	Mr Wilson
Mr Hodge	Mr Gordon Hill
Mr Jamieson	

(Teller)

*Noes 16*

Mr Blaikie	Mr MacKinnon
Mr Clarko	Mr Mensaros
Mr Court	Mr Rushton
Mr Coyne	Mr Stephens
Mr Grayden	Mr Thompson
Mr Hassell	Mr Trethowan
Mr Peter Jones	Mr Watt
Mr Laurance	Mr Williams

(Teller)

*Pairs*

Ayes	Noes
Mr Tonkin	Mr Bradshaw
Mr Tom Jones	Mr Old
Mr Grill	Mr O'Connor
Mr Bridge	Mr Tubby
Mr Read	Mr McNee
Mr Terry Burke	Mr Spriggs

Question thus passed.

Mr BRIAN BURKE: I move—

That amendment No. 3 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

*Further Report*

Further resolutions reported, the reports adopted, and a message accordingly returned to the Council.

## FINANCIAL INSTITUTIONS DUTY AMENDMENT BILL

*Returned*

Bill returned from the Council without amendment.

## QUESTIONS

Questions were taken at this stage.

## CLOSE OF SESSION

### *Legislative Programme: Summary*

**MR BRIAN BURKE** (Balga—Premier) [2.35 p.m.]: We have come to the end of the first part of the Government's first parliamentary session.

Mr Clarko: What a shambles, too!

Mr BRIAN BURKE: As is normal—

Mr Clarko interjected.

The **SPEAKER**: These sorts of speeches are normally heard in silence.

Mr BRIAN BURKE: As is normal, I take the opportunity to express the Government's thanks to the officers of the Parliament and to others, and I take the opportunity to recap briefly on some of the activities of the Government during the session.

We appreciated the assistance of the Opposition from time to time and we hoped, until today when the Deputy Leader of the Opposition shattered the bonhomie, that it might continue over the period this Government was in office.

Mr Clarko: Why continue to provoke and antagonise as you have done all year?

Mr BRIAN BURKE: It was a very productive session with 103 Bills having been introduced into the Parliament. Of those, 18 originated in the Legislative Council and 86 in the Legislative Assembly. The Bills passed numbered 87, while those still on the Notice Paper in the Legislative Council number two and those remaining in the Legislative Assembly number seven, largely as a result of agreement with the Opposition.

I must record that, to the Government's disappointment, some measures were defeated in the Legislative Council. They numbered four and they were the Acts Amendment (Parliament) Bill, the Members of Parliament (Financial Interests) Bill, the Tobacco (Promotion and Sale) Bill, and the Acts Amendment (Constitution and Electoral) Bill.

One measure was defeated in the Legislative Assembly and that was the Road Traffic Amendment Bill introduced by Mr Stephens. Bills discharged numbered one in the Legislative Council, which was the Legislative Council reform Bill, a privilege Bill. One Bill was referred to a Select Committee in the Legislative Assembly.

Mr Clarko: Is this a Press release? Why don't you give it to them straightout?

Mr BRIAN BURKE: In addition, it is interesting to note that Council Bills amended in

the Council numbered five and Assembly Bills amended in the Council numbered six.

We do not draw much satisfaction from those times when the Opposition was perceived by us to be deliberately setting out to frustrate the business of the Parliament. For example, debate on the Financial Institutions Duty Bill covered 16 hours, and debate on the Western Australian Development Corporation Bill—

Mr Blaikie: If you are not careful, the Speaker will call you to order.

Mr BRIAN BURKE: —received eight hours of debate, not counting the debate that proceeded today and last night. Further, 13 amendments were moved to the Address-in-Reply compared with an average of 3.3 amendments over the last 18 years.

Mr Clarko: Give it to the Press straight-out. Invite them in for a drink like you do every day.

The **SPEAKER**: Order!

Mr Clarko: There has never been a valedictory like this one.

The **SPEAKER**: Order!

Mr Clarko interjected.

The **SPEAKER**: Order! I have called for order three times, yet the member for Karrinyup has continued to interject. I warn the member for Karrinyup.

Mr BRIAN BURKE: I am trying sensibly and factually, without any political colouring, to touch upon some of the activities in this Parliament this session—that is all. The rejection of certain measures and the emasculation of others by amendments in the Legislative Council did not please us. At the same time, we are particularly pleased with the result today in respect of the Western Australian Development Corporation Bill.

We believe we have, in the first part of our first session, been responsible for some excellent pieces of legislation. The achievement in bringing down a balanced Budget, as we were exhorted to do by the Opposition, was a major one. I think, too, that the decision to purchase Northern Mining Corporation NL and the amendment to the Diamond (Ashton Joint Venture) Agreement Amendment Bill involved important pieces of legislation. The remuneration reduction Bill, while controversial for State employees and statutory officers, was also a major piece of legislation for the Government, demonstrating the Government's concern in certain areas.

The Business Franchise (Tobacco) Amendment Bill, which increased the licence fees on tobacco products, was also important, and the extension of

the SGIO franchise was another major piece of legislation. We were very pleased that the Western Australian Tourism Commission Bill passed through the Parliament. I venture to say that tourism will be one of the biggest growth areas in this State's economy in the years leading up to the turn of this century.

We believe the Western Australian Tourism Commission will provide the structure that is essential for the adequate and appropriate expansion of the industry. In the areas of economic development and technology, quite substantial steps were taken. The first was the Technology Development Bill. The Small Business Development Corporation Bill, the Shark Bay Solar Salt Industry Agreement Bill, and the ratification of the new agreement were major pieces of legislation.

In the areas of industrial relations, we dealt with the Western Australian Labour Tripartite Consultative Council Bill and also the introduction of the Industrial Relations Bill, while the Workers' Compensation and Assistance Amendment Bills (No. 1) and (No. 2) took significant and substantial steps, although not necessarily steps with which the Opposition would agree.

A major piece of legislation that reflected the compassion of the Government was the Acts Amendment (Asbestos and Related Diseases) Bill, and minor amendments were made to the Supreme Court Act, the Limited Partnerships Act, and the Bills of Sale Act.

On electoral reform, I have to report to the Parliament that we were not spectacularly successful, and the Government's efforts in this area were resoundingly rejected by the Legislative Council. I will say, however, that the inevitability of the reform of the Legislative Council has been vividly written as a result of those efforts of the Government during the first part of this session.

Important steps have been taken in consumer affairs. They have been steps that have included the amendment of the Consumer Affairs Act to extend the definition of "consumer", and changes to the Door to Door (Sales) Act, Trade Descriptions and False Advertisements Act, Prevention of Excessive Prices Act, and the operations of the Small Claims Tribunal.

In water resources, the Government plans to persist with its plan to amalgamate water authorities in this State and the Act was amended to provide an option for the councils to phase in valuations over a three year period.

In the portfolio of police, the Firearms Act was amended to provide silencers for the control of starlings and the Police Act was amended to limit

possession or use of bullet resistant vests. Other minor amendments were made also.

Another major step forward was the establishment of the Multicultural and Ethnic Affairs Commission. We believe that this commission is in tune with 1983, and it is different from the previous department's and Government's attitude in this area which is reminiscent of the 1960s.

In agriculture, amendments were made to the Dairy Industry Act, the Agriculture and Related Resources Protection Act, the Marketing of Lamb Act, and the Exotic Stock Diseases Act. I should also say that new legislation was introduced to prevent contaminated farm produce containing prescribed chemicals from entering into the human food chain. One of the things that was not done in the Parliament, but which stands to the credit of this Parliament in respect of primary industry, was the decision to very strongly support the referendum that saw the retention of the Lamb Marketing Board.

The Government must note with some concern the laxity of the National Country Party in its apparent unwillingness to come strongly to support the Lamb Marketing Board.

Mr Crane: That is not right, I have always supported it.

Mr BRIAN BURKE: I am not talking about individual members. I am saying that the National Country Party was not in the forefront of efforts to defend the board. I think the member for Moore would agree with me that it was left to the Government to very strongly support the board, to order the referendum, and then to see the referendum express its decision. I did not include the National Party as one of those which was lax in the exercise of its duty, but the National Country Party appeared to me to be exceptionally lax.

In education, Bills were introduced to provide for appropriate payment of fees to student guilds and associations for the use of facilities, and the Education Act was amended as it related to the proper conduct of teachers.

We were disappointed about the rejection of the tobacco legislation but amendments were made to the Hospitals Act to enable the introduction of Medicare to Western Australia.

In works, amendments to the Parks and Reserves Act were made to permit the use of measuring devices in Kings Park, and a Bill was introduced to authorise changes concerning "A"-class reserves in Crown land held in trust; this is on the Notice Paper for the autumn session of Parliament.

In administrative services, a productive area for the Government, the Liquor Act was amended to allow licensed stores to extend their trading hours to 9.00 p.m. when other stores may do so. A section of the Act relating to exhibition of betting or racing on licensed premises was repealed.

A Bill was introduced to implement a 12-month moratorium on the issue of new liquor licences and this has passed. The Lotteries (Control) Act was amended to exclude trade promotional lotteries from the definition of "lottery" in the legislation. That was a sensible step as was the move to prevent the sale of Instant Lottery tickets to children under 16 years. The Act was also amended to provide for the payment of administrative expenses of distributing lottery money from sports culture Instant Lottery accounts.

The Indecent Publications and Articles Act was amended to extend definitions to include pornographic video and to increase fees. Legislation was introduced with the co-operation of the Opposition and on its suggestion to permit daylight saving this summer and then to eventually hold a referendum.

In housing, the Housing Act was amended to abolish the management fee and allow the State Housing Commission to enter into joint venture arrangements with the private sector. The Friendly Societies Act was amended to increase the level of benefits payable by friendly societies to members.

In community welfare, the adoption Bill was referred to a Select Committee.

In mines, the Coal Mine (Workers) Pensions Act, the Mining Act, and the Mining Development Act were amended.

### *Complimentary Remarks*

Although some members of the Opposition might not think it is appropriate, I would like to thank the Opposition for its co-operation and to say that we look forward to continued co-operation prior to the resumption of Parliament. Perhaps we may lay down ground rules and thus avoid the possibility of continued legislation by exhaustion. This can be done through co-operation and perhaps by a series of meetings prior to parliamentary sitting days, we will be able to obviate the need to sit throughout the evening.

I thank you, Mr Speaker, for the way in which you have managed the affairs of the House. I also pay special attention to the clerk and his assistant for their excellent advice from time to time. It was advice of a very sage nature, much appreciated by a Government grappling with the diffi-

culties of its first term in office and new to the business of the administration of the House.

To the Sergeant-at-Arms and other Chamber officers of the Parliament, I express my gratitude and thanks for the loyal and faithful way in which they have discharged their obligations. I extend thanks to the attendants generally in the Assembly and on the doors of the Assembly. To the dining room staff, the kitchen staff, and other officers, especially the Controller of the House, I express the thanks of the Government for their support and help during the year.

I also want to say that I recognise that during the year *Hansard* was put under considerable stress but was able to perform admirably despite that stress, and the members of the Parliament acknowledge the very valuable role that *Hansard* plays and are grateful for the fulfilment of that role in this first part of our first session.

We would like to thank too the policemen who guard our well-being from time to time and say that we are comforted by their presence. To the members of the Press Gallery we say "Thank you" for not always reporting us as we would like to be reported, but nevertheless for reporting us and our actions in the way that you perceive them to be.

On behalf of the Government, I wish everyone in the Chamber and associated with the Parliament a happy and holy Christmas and say I hope the New Year is a healthy and enjoyable one for all members.

### *Legislative Programme: Summary*

**MR O'CONNOR** (Mt. Lawley—Leader of the Opposition) [2.50 p.m.]: In the 25 years I have been in the Parliament I have never heard a Christmas message like the one we have heard today.

Opposition members: Hear, hear!

**Mr O'CONNOR**: This session has been the most disappointing session I have experienced in the 25 years I have been in Parliament. The legislative programme has been in utter shambles. The Opposition has had very little chance to do the things it ought to do. Legislation has been rushed through the House. The Notice Paper has been changed day by day, hour by hour, and sometimes minute by minute, without proper notification. We have jumped from Order of The Day No. 12 to Order of the Day No. 1, and then anywhere. We have had people in the Chamber trying to assist the Government to get its legislation through.

I hope the Government has learned that by rushing legislation through in the way it has this year, it has done the wrong thing not only by the

Opposition, but also by the State and the people of this community. The people are entitled to greater care and consideration than they have received during this session of Parliament.

Opposition members: Hear, hear?

Mr O'CONNOR: The Premier went on to say that 103 Bills had been passed this year. I do not mind that, provided we are given proper time to consider that legislation. That time has not been given to members of the Opposition.

The Premier said also that the Opposition had knocked out four Bills. Of course that is not true; the tobacco Bill was knocked out by the Government itself in this Chamber. We in the Opposition were concerned to try to ensure that young people were protected from the ills of tobacco smoking.

Mr Hodge: Don't be a hypocrite.

Mr O'CONNOR: Just be quiet, will you, you mouse.

Mr Hodge: This is a Christmas message, you damned hypocrite!

#### *Withdrawal of Remark*

Mr O'CONNOR: I ask for a withdrawal of that remark.

The SPEAKER: The Leader of the Opposition has asked for a withdrawal of the remark made by the Minister for Health.

Mr HODGE: Very well, Mr Speaker, I withdraw.

#### *Debate Resumed*

Mr Pearce: You ought to have a pillow under your coat and a white woolly beard!

Mr O'CONNOR: The Minister ought to get a new head on his shoulders too.

If I can proceed with my comments: The Government was not concerned about young people smoking. It refused the amendments of the Legislative Council, amendments which were an effort to try to overcome the problem and to assist the young people.

Mr Hodge: That is not true.

Mr MacKinnon: It is true.

Mr O'CONNOR: That is the paranoid view of the Minister for Health.

Several members interjected.

Mr O'CONNOR: I believe that we saw the end to freedom, decency, and democracy in the Parliament this year. We have seen members pushed around, and legislation rubber-stamped. Never before has this occurred to this extent.

The Government's action in regard to the amendment today is an indication of just how far we have gone this year. The Premier moved to reconsider a clause to delete an amendment which he had moved and which was accepted by this House. He moved to reconsider the clause because he was concerned over certain other issues.

The Opposition was genuinely trying to get through legislation, legislation that allowed the Government to put its election promises and pre-election promises into effect, and also, we sought to ensure that the public of this community was protected. The Government indicated very clearly that it could see sections of the Bill were faulty, but it was not prepared to amend those sections. That shows how far the Government is prepared to go. The Bill we discussed today was a disgrace to the Government, and a disgrace to the Parliament. I hope that never again will people see such actions in a Parliament of this State. We had the Government clearly indicating initially that it believed, because certain things had been agreed upon in the Legislative Council, they should be agreed upon in this Chamber. But then the Government tossed them out. We have a Government that claims the Legislative Council is God Almighty at times, but then tramples on it at other times. That is an indication of the type of government in the State today.

The Premier put forward his Christmas wishes to various people. The Christmas gift he has given to the people of this State is the highest taxation ever imposed on the people of any State of Australia. In a full year, State taxes have gone up by 26.4 per cent. This will cost the average family an additional \$1 560 a year, and it indicates the type of Christmas present the Government has given the people.

It is a great pity that the Premier made the sort of comments he did in this House today. Over the years various messages have been put forward in this Chamber, but certainly most were different from those we heard today.

Towards the end of the session we suggested the appointment of a Select Committee to inquire into community welfare. The Government said quite clearly that there was no need for such an inquiry because it had one under way. We see in last night's edition of the *Daily News* that the Government has set up another inquiry, despite the fact that it indicated we were wrong in suggesting another inquiry.

Mr Parker: Don't you believe in telling the truth?

Mr O'CONNOR: Will the Minister be quiet and listen—



Several members interjected.

Mr O'CONNOR: I know that the Government does not like what I am saying and the way I am saying it. However, members opposite have brought this on themselves by the way in which the Premier spoke today.

A Government member: Is this your swan song?

Mr O'CONNOR: I hope in the New Year the legislation will be handled in a much better way than it has been handled this year. The Premier stated that he would bring forward a balanced Budget. With what he has stolen from the people of the State, he should have plenty left over. The money has been squandered in other areas such as ministerial advisers and the reopening of the Perth-Fremantle railway line. As we go into the next financial year, unless the Premier uses some of the short-term money market amounts that we left for him, we will have a substantial deficit. That would be a great pity for this State.

The freedom of Parliament has been trampled upon, and so have the rights of the people of this community because of the way we have been roughshodded in this House today.

Mr Pearce: I will send the superintendent a note to explain that word to you—"roughshodded"!

#### *Complimentary Remarks*

Mr O'CONNOR: I will proceed with the comments which are usually made in this House at this time of the year.

Mr Speaker, on behalf of the Opposition, I thank you very much for the way you have handled the Parliament. I appreciate the difficult job you have had in this House. I have received fair treatment from you, as have other members. On behalf of the Opposition members, I want to say that we appreciate the way you handled a fairly difficult session. It was difficult for you and difficult for us. However, it was handled in a proper and efficient manner, and I congratulate you.

Members: Hear, hear!

Mr O'CONNOR: I would like to say a very sincere "thank you" to the Clerks and the staff of the Parliament. They have worked through a very tedious session, a session of long hours and great pressures. Even with these strains, the staff was always able to smile when we made requests of them. I know, had I been in their position, I would have found it difficult to smile at those who kept me here for such long hours.

The police officers have had a fairly easy session; they have not this year faced the difficulties we sometimes face in the House. I thank them very much for the protection they have given us.

I would like also to thank the Press. We do not always agree with everything they do, and sometimes we let them know our thoughts. However, I am sure that they record and report matters in the way they think fit.

This has probably been the most difficult year ever for *Hansard*. The staff has had to cope with long hours here, and then perhaps even longer hours in the Legislative Council.

I would like to thank the deputy leader and other members of my party. I say a sincere "thank you" for the loyal support I have had from them, and I hope in the coming year—

Several members interjected.

Mr O'CONNOR: And I thank members very much for all the interjections.

Several members interjected.

Mr O'CONNOR: The next year is a most important one for my colleagues. I ask them to ensure that they have a little relaxation, but to come back again to make sure that the Parliament is protected by the members of the Opposition.

To all members of Parliament, I say a very happy Christmas to every one of you. I hope sincerely that when we come back next year we will all be in a better frame of mind than the one in which we are leaving here today.

Members: Hear, hear!

MR STEPHENS (Stirling) [3.00 p.m.]: On behalf of the leader of the National Party, I would like to make my small contribution to the complimentary remarks debate. The previous two speakers seemed to forget that it is the time of peace on earth and goodwill to all men.

In this first year of Labor Government rule, there have been many changes. There have been many changes among members of Parliament, in the *Hansard* staff, and even in the Press Gallery. Although there have been many changes, I do not think much has altered. Perhaps the members in this House could make a New Year's resolution to come back here next year in the spirit of working for the people of Western Australia, and perhaps of making Parliament a more worthwhile place.

I would like to congratulate you, Mr Speaker, on the manner in which you have conducted yourself during this session. I believe you have added dignity to the Chair, and if you continue in that role, I am sure that the House will benefit. All members wish you well.

To the Clerk and all the staff of Parliament, I would like to add our thanks to the very courteous and able manner in which you have assisted us during this year. I also thank the Press for the capable way it has reported proceedings.

I would like also to thank the *Hansard* staff for the manner in which they have assisted us.

To all members of Parliament and to all staff associated with the Parliament, I wish you and your families the very best for Christmas and I trust that the New Year will bring you an advancement in the fulfilment of your plans.

**MR CRANE (Moore)** [3.02 p.m.]: I, as a representative of the oldest political party in Western Australia—the Country Party—would be remiss if I did not add the best wishes of our party to everyone at this festive time of the year. The meaning of Christmas is very dear to many people. The objectives and the principles of our own party are very sincerely enumerated today by me in these concluding remarks.

I add my thanks to you, Mr Speaker, for what you have done as the Speaker of this Assembly, in controlling this House, and in being as fair as you have been to all people. I would like also to convey my appreciation to the members of the staff of the Parliament, to the Clerks of the House, to the police officers, to the members of the Press, and in fact, to all people in the Houses of Parliament—the people who work in the dining rooms and in the library, and to those who keep the surrounds of Parliament House always looking so beautiful.

I conclude by wishing you all most sincerely a joyous Christmas and a peaceful and happy New Year.

**THE SPEAKER (Mr Harman)**: I thank the Premier, the Leader of the Opposition, the member for Stirling, and the member for Moore for the remarks they made about me, and also for their felicitations for the season.

The office of Speaker has been a new and challenging role for me. Nonetheless, the task has been made less onerous by the general co-operation of the members of this Assembly. At times,

however, it has been tiring and frustrating, especially when the Assembly sits for long hours in any one sitting. There is room for this Parliament to become more efficient and to make better use of sitting times. I believe members share this objective, and I hope that endeavours will be made to work towards it. Action taken by other Parliaments could well be studied and adopted without infringing on the rights of members or eroding the time-proven systems of this Assembly.

I wish to acknowledge the advice and assistance so readily and efficiently rendered to me by the Clerk of the Assembly. I thank also the Clerk Assistant and the Assembly staff for their support and co-operation during the year. Although this Parliament has only a small library compared with other State Parliaments, it is certainly efficient, and the staff of the library are most courteous. On your behalf, I acknowledge their contribution to the process of Parliament.

This year our *Hansard* service has been called upon to perform a superhuman task. Parliament has sat for a record number of hours over long and consistent periods. The Chief *Hansard* Reporter and her staff of reporters and typists deserve our special thanks and gratitude.

Members: Hear, hear!

**The SPEAKER**: I take this opportunity to wish all members and staff a very merry Christmas and a prosperous and healthy 1984. As members know, I have a very important engagement to fulfil in a few moments in another place, and I am sorry I will not be here to participate in the activities after we adjourn.

A Government member: We hope you win!

#### ADJOURNMENT OF THE HOUSE: SPECIAL

**MR BRIAN BURKE (Balga—Premier)** [3.06 p.m.]: I move—

That the House at its rising adjourn until a date to be fixed by the Speaker.

Question put and passed.

*House adjourned at 3.07 p.m.*

## QUESTIONS ON NOTICE

### WATER RESOURCES

*Metropolitan Water Authority: Leederville Land*

2492. Mr MENSAROS, to the Minister for Water Resources:

- (1) In connection with extensions to the Metropolitan Water Centre, is it a fact that the authority is contemplating purchasing additional land contiguous or near to its presently owned land in Leederville?
- (2) If so—
  - (a) which is/are the land(s) in question;
  - (b) what is the size of it; and
  - (c) the present superstructure on it?
- (3) What is the exact purpose for contemplating purchasing the land?
- (4) What is the approximate purchase price expected to be paid for the land?
- (5) Has there been an allowance for such purchase in this year's Metropolitan Water Authority budget?
- (6) If not, from what source(s) and in which way is the purchase to be financed?

Mr TONKIN replied:

- (1) to (6) The member will be advised in writing in due course.

### GOVERNMENT GUARANTEES

#### *Applications*

2515. Mr OLD, to the Minister for Economic Development and Technology:

- (1) What has been the number of applications received by the Government over the last five years for assistance from industry or business through the Industry (Advances) Act 1947-1980 under the following schemes—
  - (a) the guarantee scheme;
  - (b) the residual indemnity scheme for small businesses;
  - (c) the capital establishment assistance scheme;
  - (d) the regional industry assistance scheme.

in the following towns on a town by town basis—

- (i) Bunbury;
- (ii) Geraldton;

- (iii) Albany;
- (iv) Esperance;
- (v) Katanning;
- (vi) Narrogin;
- (vii) Northam;
- (viii) Mt. Barker;
- (ix) Merredin;
- (x) Kojonup;
- (xi) Cranbrook;
- (xii) Tambellup;
- (xiii) Gnowangerup;
- (xiv) Wagin;
- (xv) Pinjarra;
- (xvi) Moora;
- (xvii) Karratha;
- (xviii) Roebourne;
- (xix) Port Hedland;
- (xx) Derby; and
- (xxi) Kununurra?

- (2) What number of applications has been approved for assistance under those schemes, again on a town by town basis?

Mr BRYCE replied:

- (1) and (2) Because of the time involved in collating such information, I am not prepared to assign officers for these purposes. Should the member have something specific in mind he wants to pursue, he should provide me with further details and I will arrange for the necessary information to be supplied.

### RAILWAYS: WESTRAIL

#### *Corporate Plan Options: Details*

2516. Mr OLD, to the Minister for Transport:

Adverting to his reply to question without notice 578 on Tuesday, 29 November 1983, will he detail urgently the three options Westrail has produced for consideration to finalise planning for improved efficiency and reduced deficit?

Mr GRILL replied:

I will give a considered reply in writing to the member as soon as possible.

## EDUCATION: TECHNICAL

### *Division: Separation*

2517. Mr THOMPSON, to the Minister for Education:

- (1) Has he received advice from the Beazley committee that separation of the Technical Education Division from the Education Department is not recommended?
- (2) If "Yes"—
  - (a) why is he pre-empting the report;
  - (b) on what grounds is non-separation recommended;
  - (c) why have all previous recommendations for separation, made by various committees, been ignored?
- (3) If "No" to (1), is his statement to be taken as a directive to the Beazley committee?

Mr PEARCE replied:

- (1) to (3) Non-separation of the Technical Education Division from the Education Department is Government policy. Before circularising technical colleges with my statement of Government policy, I discussed with officers of the Beazley committee the likely recommendations of the committee on this question.

## INDUSTRIAL RELATIONS

### *Award: Locomotive Drivers*

2518. Mr RUSHTON, to the Minister for Transport:

- (1) Is the Government preparing regulations to amend the locomotive drivers' award No. 13 of 1973?
- (2) If "No", does it intend to do so?
- (3) Why is the Government intervening and refusing Westrail the right to act and pursue the introduction of two-man locomotive crews on unit trains?

Mr GRILL replied:

- (1) to (3) I will give a considered reply in writing to the member as soon as possible.

## WATER RESOURCES

### *Rates: Surf Lifesaving Clubs*

2519. Mr HASSELL, to the Minister for Water Resources:

- (1) Adverting to his answer to question 1876 of 1983, is the Surf Life Saving Association of Australia (WA) State

Centre Inc., entitled to exemption from rates, as it is used exclusively for the purposes of lifesaving in Western Australia?

- (2) Will he consider the matter sympathetically?

Mr TONKIN replied:

- (1) According to Metropolitan Water Authority records the Surf Life Saving Association of Australia (WA) State Centre Inc. owns and occupies the property at 97 Outram Street, West Perth. This property has been exempted from rates on the understanding that it is used exclusively for surf lifesaving activities and purposes.
- (2) If the association owns other land on which it considers it should be exempted from rates the authority will be pleased to consider an application for exemption, in the context of section 39 of the Metropolitan Water Authority Act 1982.

## LAND: RESOURCE MANAGEMENT

### *Interim Report: Submissions*

2520. Mr BLAIKIE, to the Premier:

- (1) On what date did the Government make public the interim land resource management report compiled by Dr Mulcahy, Mr Halse and Dr Shea?
- (2) Does the Government intend that the public will make comment, and if so, to whom, and by what date?
- (3) Further to (2) will he table all papers relating to the Government's release of the report?
- (4) In compiling the report were public submissions called for and would he give details?
- (5) Has the report been sent to local authorities for comment, and if so, on what date?
- (6) If not, why not?
- (7) When is the final report expected?
- (8) Because of the increasing concern over the wide ramifications of the report, will he extend until at least February any further action on the interim report?

Mr BRIAN BURKE replied:

- (1) 16 November 1983.
- (2) Yes. Comments are to be made to the director of the task force on land re-

source management by 30 December 1983.

- (3) The only relevant paper is the Press release of 16 November 1983 which will be made available to the member if he has not already received it.
- (4) Yes, public submissions were called for in compiling the interim report. The task force placed advertisements for submissions in *The West Australian* on 25 June 1983 and 2 July 1983 and in the *South Western Times* on 28 June 1983 and 5 July 1983, and also directly invited them from organisations which it believed could be interested. The submission period was initially intended to close by 5 August 1983, but this was extended until the end of August. However, submissions were received and used by the task force through to October. As noted in the interim report, 63 submissions were received.
- (5) Yes, on 25 November.
- (6) Not applicable.
- (7) The timing of the release of the final report will depend on the nature of the submissions which are still being received.
- (8) The Government will consider any timing with respect to taking action on the report after the final report has been submitted.

#### NATURAL DISASTER: STORM

##### *Bunbury: Erosion*

2521. Mr BLAIKIE, to the Premier:

- (1) Following my letters to him in October and subsequent verbal communication with his office in December regarding erosion at the Locke Estate, does the Government have any proposal to substantially assist initially the scout group and Apostolic Church?
- (2) Would he give detail of reasons for delays?
- (3) (a) Has he given any consideration to meeting a deputation to discuss building and funding alternatives;  
(b) when was that request received; and  
(c) what are the reasons for the delay?

Mr BRIAN BURKE replied:

The member will be advised in writing in due course.

#### EDUCATION: HIGH SCHOOL

##### *Margaret River: Agricultural Wing*

2522. Mr BLAIKIE, to the Minister for Education:

- (1) What are the reasons for reducing the hours of employment of Mr Frank Zarin at the agricultural wing of the Margaret River High School?
- (2) Is he aware that the proposed reduction of hours could cause the school wing to be rendered ineffective?
- (3) If there is no increase in the hours of employment what alternative arrangements does he propose to ensure proper maintenance and supervision of the school's livestock and property?
- (4) Further to (3), as the school vacation period has commenced, is it his intention that either the school's principal or other staff will maintain livestock and poultry should the period of reduced working hours commence?
- (5) What is the yearly amount of money to be saved as a result of the Government's action?

Mr PEARCE replied:

- (1) Because of the reduction in the teaching component in agriculture at the school it was considered appropriate to reduce the support staff.
- (2) No, it is anticipated that some support will be available from the agricultural advisory committee.
- (3) Answered by (2).
- (4) It is not anticipated that teaching staff will need to be involved with the maintenance of livestock.
- (5) No saving is anticipated as the time saved will be used in other areas of agricultural education.

#### QUESTIONS WITHOUT NOTICE

##### *Statement by Speaker*

**THE SPEAKER** (Mr Harman): Honourable members, questions without notice are at my discretion. As I have an important engagement elsewhere it is not my wish that questions without notice occupy a long time. Therefore, questions without notice will continue until 2.35 p.m.

# LOCAL GOVERNMENT: CARNARVON SHIRE COUNCIL

## *Appointment of Commissioner: Flight to Carnarvon*

639. Mr LAURANCE, to the Minister for Local Government:

My question relates to the appointment of a commissioner for the Carnarvon Shire Council which was sacked yesterday, and I ask—

- (1) Is the Minister aware that the commissioner appointed by the Lieutenant Governor and Administrator and announced in this House yesterday was flown to Carnarvon from Perth by a Carnarvon charter company, Paggi's Aviation?
- (2) Is the Minister aware that the proprietor of that company is Mr Len Paggi, who is the President of the Carnarvon branch of the Australian Labor Party?

Several members interjected.

Mr LAURANCE: To continue—

- (3) Why was it decided to fly the commissioner to Carnarvon by a charter flight which had to come from Carnarvon to pick up the commissioner and take him back to Carnarvon, rather than use the usual commercial daily flight which was available at 9.05 a.m.?
- (4) As the President of the local branch of the ALP was given the job of flying the commissioner to Carnarvon, does that give me the right to claim, as I did yesterday, that the decision by the State Government to sack the Carnarvon Shire Council was politically motivated?

Mr CARR replied:

- (1) to (3) It is true that the aircraft firm, Paggi's Aviation, was used to fly the commissioner to Carnarvon yesterday. The circumstances are that the regular Airlines of WA flight was at 7.45 yesterday morning and it was not possible to have the commissioner available for that flight. The Exco meeting took place at 9.15 yesterday morning and the commissioner needed to take with him documents signed by the Lieutenant Governor and Administrator. The Airlines of WA flight was therefore not able to be used in that situation.

My office attempted to charter a Skywest charter flight yesterday morning to take the commissioner to Carnarvon, and was told that because it was a changeover date for pilots going on and off shift, no flight was available to take the commissioner to Carnarvon.

Given those two sets of circumstances, I then resorted to the use of Mr Paggi's plane, because I knew he was in Perth yesterday. Mr Paggi attended a function which I attended on Monday night, and that does coincide with the fact that he is a member of the Australian Labor Party. The function was a meeting of the State Executive of the Labor Party. Given that the other alternatives were not available, and knowing that Mr Paggi was in the metropolitan area, I contacted him and chartered him to fly the commissioner to Carnarvon.

Mr Blaikie: What was the cost?

Mr CARR: The same as for Skywest, I imagine.

- (4) With regard to the member for Gascoyne making a claim that the whole situation has been politically motivated, this situation does not give Mr Laurance that right. The fact that the member for Gascoyne continues to persist in the suggestion that there may have been ulterior or political motives simply means that the member has not yet read the report in its entirety and in detail. Any reasonable person reading that report would be satisfied beyond any reasonable doubt that the evidence was there in black and white to clearly demonstrate that the action taken by the Government, which it did not want to take, needed to be taken.

## WESTERN AUSTRALIAN DEVELOPMENT CORPORATION BILL

### *Amendments: Allegations by Deputy Leader of the Opposition*

640. Mr I. F. TAYLOR, to the Premier:

- (1) Is the Premier aware of the allegation that he today, within an hour, went back on his word?
- (2) Would he explain and comment on this allegation?

*Point of Order*

Mr HASSELL: As you, Mr Speaker, have reminded us this afternoon in curtailing question time considerably, questions without notice are at your discretion. If question time is to be curtailed, would it not be fair not to have a series of Dorothy Dix questions? In all fairness to the Opposition, it has accepted the cutting back of question time and we have already spent five minutes on the first question.

Mr Brian Burke: The Opposition asked the first question.

The SPEAKER: There is no point of order in what the member is saying. If he wants to waste time on this point of order, it is his decision.

*Questions Without Notice Resumed*

Mr BRIAN BURKE replied:

- (1) and (2) I think it is important for me to outline to the House the perspective in which should be placed the allegations made so personally and so viciously by the Deputy Leader of the Opposition.

When the amendments were delivered to the Legislative Assembly from the Legislative Council, we approached them in the same way as we have approached the Opposition's objections throughout consideration of the Western Australian Development Corporation Bill. We were prepared to accommodate the changes suggested and we were prepared to entertain arguments that went to the position the Opposition said it occupied. That was why in the first instance we agreed to the proposition that the amendment covering the Companies Code should be implemented. It rapidly became clear that instead of another amendment moved by the Council reflecting the attitude of the members of the Opposition the Council had made a grievous error and had voted to inhibit the WADC in its investment function or purchase of equity function. That penny dropped on the Opposition some time between the amendments being moved in the Council and agreement to the corporation by the Opposition and consideration of clause 12 today. I then entertained the proposition that we should still accept the Opposition's amendments knowing full well that if we amended

that clause the Opposition in the Council would be able to reopen it and put in place the amendment it sought to restrict in the investment and equity functions of the corporation.

Mr O'Connor: And on which they had an undertaking.

Mr BRIAN BURKE: Not only was that the case, but also when I decided to permit an amendment to that clause, it was reported to me that the Opposition would defer the Bill indefinitely in the Legislative Council on the basis that an amendment had been made, I think to clause 4, and that that amendment would permit the consideration of the Legislative Council that would lead to the deferment. I tell the Opposition that by its mistake the Government has ended up with a reasonably good Western Australian Development Corporation Bill.

Mr Hassell: Where did you get that information from?

Mr BRIAN BURKE: As a result of the negligence, the incompetence and the absolute inattention to detail by the Opposition, the Western Australian Development Corporation Bill will be able to do many of the things the Government sought for it. As far as we are concerned, the decision to delete the amendment that would have permitted the Legislative Council to defer indefinitely the Western Australian Development Corporation Bill was a timely and intelligent move.

Mr Hassell: An invention of your mind, and a dishonest one. You are dishonest through and through.

Mr Clarko: Tell us who gave you that information.

Mr BRIAN BURKE: If the Opposition wants to live by the sword by its use of the Legislative Council, on this occasion it will feel the cut of the sword, because it made a mistake and it sought to correct it here, but the Government was not having any of that. The Opposition sought to consign the Bill back to the Legislative Council to have it put into limbo, but it will have to now live with its own mistake.

Mr Hassell: You are dishonest and you know it.

A Government member: You made another big mistake.

Mr Hassell: You know you are dishonest. You never heard anything of the sort. There has never been any such story.

Mr BRIAN BURKE: Members opposite are hoist with their own petard. If we encountered reports that were not accurate, what does the Opposition care? The Government will not be letting the Legislative Council have a chance to do what it now says it did not want to do anyway. So be it. We are perfectly happy to have facilitated the impotence of the Legislative Council.

#### HEALTH: PENN-ROSE NURSING HOME

##### *Inquiry: Legal Expenses*

641. Mr HASSELL, to the Minister for Health:

- (1) Is it correct that he and the Government have refused to provide any assistance for legal representation for Mr and Mrs Herron at the inquiry by the Solicitor General (Mr Parker) in relation to the Penn-Rose Nursing Home and the late Reginald Berryman?
- (2) If so, why has the Minister refused to assist these people who have already been subjected to one inquiry and have been put to considerable expense and disadvantage by reason of the adverse publicity generated on this matter by the Minister himself when in Opposition?
- (3) Is he prepared to reconsider the position on the basis of simple fairness?

Mr Davies: For the same reason as you didn't help Spike Daniels.

Mr HODGE replied:

- (1) to (3) First, I take exception to the accusation implicit in the question that I generated all the publicity about the

Penn-Rose Nursing Home and the death of Mr Reginald Berryman. The accusation is completely untrue.

Mr Clarko: It was muckraking.

Mr Hassell: Read *Hansard*.

Mr HODGE: It is correct that I have advised the legal representatives of the Herrons that the Government refuses to underwrite the employment by them of a QC or any other legal practitioners to represent them at the inquiry initiated by the Government. The Government has appointed the Solicitor General (Mr Parker) to conduct an inquiry into Mr Berryman's death and the operation of the Penn-Rose Nursing Home, as we promised to do when we were in Opposition.

Mr Hassell: Not as you promised.

Several members interjected.

Mr HODGE: It is fairly hard to shout over the interjections.

The SPEAKER: You can wait until they have finished.

Mr HODGE: The Government sees no merit in underwriting the expenses incurred by the Herrons or any other party wishing to make a submission to the inquiry. The submissions will be made in private to the Solicitor General. They will not be open to the public. Therefore we see no reason for people necessarily to be represented by legal practitioners, particularly not a QC as the Herrons apparently want. We believe that if the Herrons choose to employ a QC or any other legal representative, the choice is theirs to do so if they want that help to prepare a submission.