

Legislative Council

Wednesday, 20 February 1985

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

WESTERN AUSTRALIAN PARLIAMENTARY HANDBOOK

Availability

THE PRESIDENT (Hon. Clive Griffiths): I am pleased to inform members that the seventeenth edition of the Western Australian Parliamentary Handbook is now available.

Considerable effort has gone into the production of this volume. The entire work has been reset, many relevant coloured photographs have been included and the volume now contains a chapter outlining the history of this building and its parliamentary predecessors, as well as some notes on parliamentary procedure.

In addition, a brochure containing the photographs of all current members of Parliament is issued with each volume.

A copy of the handbook will shortly be received by each member. Further copies will be available through the Clerk of Papers at a cost of \$6.

MINISTER OF THE CROWN: MINISTER FOR EMPLOYMENT AND TRAINING

Resignation: Motion

HON. G. E. MASTERS (West—Leader of the Opposition) [4.36 p.m.]: I move—

That this House:

Calls for the resignation or removal from office of the Honourable Peter Dowding as a Minister of the Crown because of his deep involvement in a tax avoidance scheme whilst a partner in Oehlset Trading Company;

Considers the Minister to have transgressed against the accepted conventions surrounding the holding of ministerial office and the traditions and practices of Parliament and therefore unfit to remain in office;

Holds that the Minister's remaining in office must, under the circumstances, damage the reputation of this Parliament and seriously weaken the credibility of his parliamentary colleagues;

Reminds the Minister of the Premier's personal "profound distaste for contrived tax schemes" and his statement that "the public will not tolerate tax cheats";

Rejects as hypocritical the Minister's statements in Parliament attacking the Liberal Party and accusing it of protecting tax avoiders at a time when he was so engaged himself;

Decries his continued efforts to avoid payment of income tax occasioned by a fictitious loss contrived through a publicly-acknowledged tax avoidance scheme.

This motion has been put forward after considerable thought; it expresses the concern felt, not only by members on this side of the House, but also by many other people in the community. The motion is explicit enough. It simply states, for reasons which I will go into, that Hon. Peter Dowding, Minister for Industrial Relations, Minister of the Crown, should either tender his resignation as a Minister, or be removed from office.

We consider the Minister to have transgressed against the accepted conventions surrounding the holding of ministerial office and the traditions and practices of Parliament and he is therefore unfit to remain in office.

I doubt whether in the history of this Parliament there has ever been exposed a more unprincipled hypocrite and humbug than the Minister for Industrial Relations, Hon. Peter Dowding.

In any other Parliament which operates under our system, his action and activities would lead to an automatic resignation, and if not, an automatic sacking. More than any other member of Parliament in my time in this place, Mr Dowding has violated the traditions of this House and destroyed the accepted practices of this House. He has treated the House and the members of this House—including his own colleagues—with utter contempt. He has named and maligned members of the public, under the protection of Parliament, time and time again.

As a member of the ALP, in Opposition he was in the forefront of attacks in this House on tax offenders and evaders and anyone involved in attempting to avoid tax in any shape or form. He accused the Liberal Party, when I was in Government—in other words he accused members of the Government—of supporting and protecting tax cheats. He named well-known Liberal members and demanded their investigation.

He went through a lengthy question period in October 1982 and his own leader, the now Premier of Western Australia, made an attack, in September 1982, on tax offenders and tax cheats and named many of them.

Those attacks were designed to do as much political damage to my party as possible. I suggest that we now see Mr Dowding exactly for what he

is. I have already said that he has demonstrated utter hypocrisy and has demonstrated his bumbag in his attacks in this Parliament. It is no wonder that many of his own colleagues have an intense dislike of him. It is no wonder he is called the "accident-prone" Minister. It is no wonder the Opposition has been flooded with information from people who know of him and of his activities. We have had no trouble at all in obtaining the information we needed.

Hon. Peter Dowding was a very successful and wealthy Perth lawyer. He came into this House with that reputation. While pretending, as he has done on many occasions, to crusade for the disadvantaged—I do not criticise him for that—and while he was criticising the Government of the day, he was involved in schemes designed entirely to avoid taxes which support the welfare programmes that he was advocating. If ever there was hypocrisy, it was in his remarks at that time.

I know that the Minister will stand up and say that the scheme was legal; I am not suggesting that it was illegal. I recognise that, in the circumstances in which Mr Dowding became involved in that tax avoidance scheme, it was legal. I know that the Minister will stand up and name all sorts of people in the Liberal Party who might be similarly involved in these schemes. That is not the issue. The issue is that the Minister and the Premier stood up in this House and in another place and bitterly attacked tax avoiders and tax evaders. That is what this matter is all about. In similar Houses of Parliament throughout the world in which this system works, a Minister would have to automatically resign. We cannot live with this situation. How could the Minister ever stand up in this House again and attack anyone and retain his credibility? Someone will stand up and ask whether he is being dinkum. He must not have been dinkum the last time because he would have been condemning himself.

He stood up in this House and condemned people carefully and calculatingly, and all the time he was involved in an avoidance scheme himself. I say again that the scheme was not illegal. However, I think members should understand a little about the operation of the scheme, and understand also that Mr Dowding, more than any other person, would have understood the implications of his entering such a scheme. He would have known perfectly well that it was a tax avoidance scheme.

The scheme was put together, as Mr Dowding well knows, by Mr Garrick Gray. It was marketed by Mr Peter Fox, who was also well known in legal tax avoidance circles at that time. Mr Peter Fox's office was, as it happened, in the same building as

the office of Mr Peter Dowding when he was practising as a lawyer.

Hon. P. G. Pental: Practising what?

Hon. G. E. MASTERS: He was in the legal profession. He was obviously making too much money and wanted to save some.

Hon. P. G. Pental: He was practising a few other things, too.

Hon. G. E. MASTERS: Yes. So, we have two well known names, Garrick Gray and Peter Fox, involved in the scheme. Garrick Gray was named by the Premier in the Legislative Assembly as a major tax avoidance operator in Australia. Mr Dowding, with his surplus funds and high taxes, thought that he would save money. He carefully looked around and had this scheme put to him. He and 20 other people decided that they would set up a scheme under the company name of Oehlset Trading Company.

The document of registration under the Business Names Act 1962 shows that the date of registration was 21 April 1978. I will table that document. I ask members to pay particular attention to that date because it is relevant. One of the 20 people listed was Peter M'Callum Dowding of 24 Regent Street, Mt. Lawley. I say again that the scheme was expressly designed to avoid tax; do not let us lose track of that point. In Mr Burke's own words, these were the ideas of bright lawyers and accountants, and Mr Dowding was one of those bright lawyers.

The offer was that a sum of money would be invested. There have been reports that Mr Dowding invested \$14 000. I do not care whether it was \$14 000 or \$2 400, which was another figure given to me. However, a \$42 422 tax loss was claimed for the financial year ending June 1982.

So, Mr Dowding carefully worked out a scheme into which he put a small sum of money on 21 April 1978. In June 1978, some nine or 10 weeks later, he was able to claim a loss of \$42 422. When he made a statement to the Press when caught out, he said that it really was not his idea but that he had invested the money on the advice of his accountant. He must think we have come out of the trees. Everyone knows that Mr Dowding knew exactly what he was doing. He cannot make excuses. He was able to claim a substantial benefit of \$42 422.

The newspaper explained how the scheme worked. Perhaps I could go through the scheme for the record to demonstrate the way it operated. A partnership was set up. We are talking about the partnership of Oehlset Trading Company. Company shares were made available to the group of partners. Let us say that the company's paid-up

capital was \$10 000 and it may be that the company had \$100 000 in other assets such as cash reserves and the like. However, each partner paid a total of \$10 000. What happened was that the company was sold for \$20 000 or some figure like that. Mr Dowding and his partners would have made \$10 000 profit on that deal. They would have bought it at \$10 000 and sold it at \$20 000. There were cash reserves, for example, of \$100 000.

The Australian Taxation Office would have valued that company at \$110 000. After the company was sold for \$20 000 the Taxation Office assessed that the company would have sustained a loss of \$90 000. It was all carefully worked out. The partners would have been able to claim a cash relief for a \$90 000 loss. I know that there were probably dozens of schemes throughout Australia operating at that time. I am not denying that people whom I know personally in my party and in the Australian Labor Party were involved in those schemes. They were legal.

We have to understand the complexities of these arrangements and recognise that anyone going into the schemes had a full understanding of what he was doing. They were deliberate tax avoidance schemes.

The company was wound up in June 1982, although it was still listed until April 1984. I draw members' attention to the fact that Mr Dowding was a partner in a company specifically designed to enable its partners to avoid tax up to June 1983. We know that he is still trying to avoid tax today.

In October 1982, only a matter of 12 or 14 weeks after the company ceased to operate, he launched an attack by way of questions in this House that implied that the Government of the day, my party, and particularly Hon. Ian Medcalf, the then Attorney General, were involved in protecting tax avoiders. He led that attack.

I will read those questions in which Mr Dowding was quite aggressive. This was 14 weeks after his own tax avoidance scheme had been operating and he had the gall to stand in this place and lecture members. If any member doubts the accuracy of my statement I will table the papers involved. One paper signed by Peter Fox read as follows—

Dear Partner,

Enclosed are copies of enclosures of your share trading partnership's income tax return for 1978. You should disclose your loss from the Statement of Distribution of Tax Loss as follows:—

Loss from share trading partnership—Trading Company \$———

Return lodged in Sydney office.

If you have any queries concerning the above, please do not hesitate to contact me.

Yours sincerely
Peter Fox

It explains what sums of money should be claimed in the income tax return for the year ended 30 June 1978. There is a statement of distribution of tax loss which lists 20 names. One of those names is Peter McC. Dowding. The tax loss for the period was more than \$42 000. There is no doubt about it, and I have the documents to prove it.

I draw to the attention of members the attitude and the aggressive approach that this Minister had at that time. I quote from page 3583 of *Hansard* on 12 October 1982 as follows—

Hon. PETER DOWDING, to the Attorney General:

- (1) Is the Attorney aware of any action being taken in WA in relation to non-compliance with the Companies Act requirements in WA and the connection of such non-compliance with tax avoidance and evasion in this State?

Mr Dowding might say that we are talking about the Companies Act. However, we are talking about people who purposely and intentionally avoid tax. Mr Dowding was up to his neck in tax avoidance at that time and in effect he still is.

I quote from question 134 in which Mr Dowding asked the Attorney General—

- (1) When did the Attorney become aware of any action taken by the Commissioner for Corporate Affairs in relation to the connection between non-compliance with the WA Companies Act and tax evasion in this State?
- (2) When was the first action taken to his knowledge?

Again I quote question 135 from *Hansard* as follows—

- (1) Will the Attorney make representations to the Prime Minister to ensure that the terms of reference of the inquiry by Mr J. W. Von Doussa, QC, include investigations into the financial transactions involving the sale of companies by Mr Horgan to a Mr Wynyard, or companies associated with Mr Wynyard?

The Minister was busily naming people and making suggestions so that he could embarrass them and the Liberal Party while at the same time he was up to his neck in tax avoidance himself.

Question 136 relating to income tax avoidance asked—

- (2) Is the Attorney General aware that gentleman—that is, Mr John Walker Wynyard—is alleged to be a major tax avoidance promoter and reported to be greater in stature than the notorious Brian James Maher?

I point out that Mr Garrick Gray was at one time a partner with Brian James Maher and he designed the scheme with which Mr Dowding was involved. Question 137 on page 3584 asked—

- (2) Is it also a fact that, at the time of its sale, this company was a wholly owned subsidiary of the Metro Industries Ltd. group and subject to the directorship of Denis Byrne Horgan, a past chairman of the Liberal Party fund raising committee?

That again is a smear. Mr Dowding was involved himself, yet he was busily smearing people and suggesting that the Liberal Party was involved in protecting people. How can he do it? How can we accept any statement he makes from now on?

A further question 576 on page 3724 reads as follows—

- (1) Was any action taken by the State Government subsequent to the investigations of Messrs. McCabe and Lafranchi in WA in 1980 to examine the extent and nature of apparent non-compliance with the Companies Act and its connection with tax avoidance and evasion in WA?

Mr Dowding asked, "If not, why not?" He was directly challenging the Government.

I can quote question after question, but in all matters of tax avoidance questions Mr Dowding was standing up and naming people such as Mr Horgan as being involved in Liberal Party fund raising activities. This man was a few weeks earlier a partner in the scheme with which Mr Dowding was involved.

These questions were asked with the intention of embarrassing the Attorney General and the Liberal Party. They accused people of avoiding tax and named those people in this place. Even though these activities were legal at the time, Mr Dowding suggested that the people concerned should be brought to task; yet he had a claim under a tax avoidance scheme being processed by the Taxation Office at that time.

I do not know how the Minister can sit there and remotely consider remaining in his position as a Minister of the Crown. The sheer arrogance of

the man has been demonstrated time and time again since he came to Parliament. He adopted a holier than thou attitude when he was deeply involved in tax avoidance. It is true that he was not illegally involved, but he stood here and lectured us at the time when he was involved with Garrick Gray and indirectly through him remotely with Brian Maher. He was certainly involved with Peter Fox because he received a number of the communications from him.

Let us consider Mr Dowding's statement after he was found out. He was found out because his arrogance destroyed him; he was the only partner in the Oehlset Trading Company who refused to pay his tax. I understand that all other partners paid. However Mr Dowding said that he would not do so. This man lambasted us in this House, he publicly criticised us, yet he still would not pay his tax even though by that time it was recognised that he had been involved in a tax avoidance scheme. I bet he is now sorry that he did not pay up quickly. I wonder if he has the same accountant; he must blame someone for this. I understand he has now paid his tax, but it is too late. Even today I understand he is persisting in trying to get back some of the tax, engineered through a contrived system. He clearly intends to avoid as much tax as he can and is fighting right down the line.

This Minister of the Crown, has, according to the Press, confessed to being a tax avoider and he made all sorts of public statements when found out. He made a statement to *The West Australian* on 11 January 1985. The article was headed, "Dowding admits tax bill's source". He admits that his tax business was in the main derived from his tax avoidance scheme and I quote—

Mr Dowding said yesterday that he was associated with the Oehlset partnership in 1978 when it made a substantial loss.

It continues—

"Overall I suffered losses totalling more than \$40 000, which are the subject of the application to the Taxation Board of Review," he said.

He says that he lost \$40 000. He did not lose \$40 000 of his money. It was \$40 000 through a fictitious engineering of the system. He has the gall to publicly stand up and say he lost \$40 000 when he never has lost that and never will.

I make it absolutely clear—because I am sure Mr Dowding will say it was not illegal—that I am not saying it was illegal. It was a tax loophole and after very careful consideration Mr Dowding decided to follow that course of action.

Mr Dowding persists in saying publicly to his members, to our members, and to the public, "I lost \$40 000".

[Questions without notice postponed, on motion by Hon. D. K. Dans (Leader of the House).]

Hon. G. E. MASTERS: The Minister made a number of comments in a statement prepared by him and, I guess, by Mr Burke. I quote from the news release of the Premier, Mr Brian Burke, on 15 January 1985, as follows—

Mr Dowding has never sought to evade any tax or to frustrate the department in its task of assessing his tax liability.

I do not know the difference between "avoid" and "evade". Perhaps a distinction can be made between the two. However, we have a man in the House who is still seeking, by a contrived scheme, to avoid the payment of an amount of money to the Taxation Department.

Mr Dowding is certainly not frustrating the department, but he has certainly sought to avoid tax. The Premier's news release continued—

Oehlset had ceased trading and been dissolved well before Mr Dowding became a Minister and most of the results that affected his tax liability were before he became a member of Parliament.

... his involvement in Oehlset was on the professional advice of his accountant.

Honestly, who would believe that Mr Dowding would trot along to his accountant and his accountant would say to him, "You have got a big tax bill, Peter. Can I invest some of it in a scheme, and you will get a tax return?" Can we honestly believe Mr Dowding would say, "Yes, that would be all right. Thank you very much." I believe he went through the scheme word by word, sentence by sentence. He knew what he was doing; yet his Premier said that Mr Dowding's involvement in Oehlset was a device set up by his accountant. That is passing the buck.

Mr Burke's statement continued—

On that basis, there are no grounds for Mr Dowding to resign his portfolios or to be sacked.

What a weak excuse!

I would not expect the Minister to resign. We expect him to stick to his guns, to abuse people, and to name people when he rises in this House. We expect him to do all sorts of things to try to get away from his guilt. He is a humbug. We know he will blow his top, name all sorts of people, and do all sorts of things. If that is the case, the Premier will have no option but to dismiss Mr Dowding.

Again I will quote from *Hansard* reports of statements by the present Premier of Western

Australia who made many statements about tax evasion. In particular, on Wednesday, 22 September 1982—*Hansard* page 3089—Mr Burke said—

I say that Mr Gray was heavily involved in the promotion of tax avoidance schemes in Western Australia, and that he was one of the biggest promoters here. In particular, as I said last week, he was heavily involved in the promotion of the notorious section 36A or "Curran" schemes which, while they were at the time technically legal, were of dubious morality. He also was involved in acquiring companies with current year losses for tax avoidance purposes.

Since Mr Gray appears to be anxious to issue a challenge to me, let me issue one to him: Let him deny he was involved in tax avoidance schemes such as I have just outlined.

Mr Burke was referring to Garrick Gray who was reported as a tax evader. On page 3350, Mr Burke went on as follows—

Two things are happening. The first is that the public generally will not wear tax cheats.

They are not my words about tax avoidance. Mr Burke's own words were "tax cheats".

On the same page, the following appears—

At least people like the Federal Minister for Social Security have had the guts to say that Horgan should stand aside.

Mr Burke demanded that Mr Horgan should stand aside from an important position he held, because he was accused of being involved in tax avoidance. Mr Burke said that Mr Horgan should stand aside, but here is his Minister—a Minister of the Crown—who has recently been found to be involved in a tax avoidance scheme. He has been exposed as a humbug. While Mr Burke said that Horgan should go, his own Minister is being allowed to stay.

In 1982, Mr Burke went on to say—

It is clear that the Western Australian public will not tolerate tax cheats.

At that time, Mr Dowding knew from the comments made by Mr Burke about tax evaders how Mr Burke felt about the situation, but Mr Dowding sat in this House and simply let Mr Burke go deeper and deeper into the mess until he was up to his neck and committed to an attack on tax evaders. Mr Dowding sat there smugly, saying, "Nothing to do with me."

I quote from page 2221 of *Hansard* of 11 August 1982 as follows—

Mr BRIAN BURKE: It is one law for those people who are friends of Liberal Governments and another law for those people the bashing of whom this Government sees as being to its political advantage.

What about that? Mr Burke was claiming that there was one law for the Liberal Party and one for other people. However, that sort of statement has made a humbug, not only of the Minister, but also of the Premier, because we now find there is one law for Mr Dowding and Mr Burke, and one law for the other people. That is the sort of thing in which Mr Dowding is involved.

Even then, Mr Dowding did not have the decency to go to his leader and say, "Hang on, I have a bit of an involvement myself." He said nothing until he was found out. It was only through his arrogance and his meanness that he was found out.

On the same page of *Hansard*, the following appears—

On behalf of the Opposition I say that any measure designed to ensure precisely that tax avoided or evaded, either legally or by way of immoral and unacceptable schemes such as bottom-of-the-harbour schemes to which the Federal Government has taken exception, is a measure which every decent Australian should welcome.

The present Premier made a statement then that every person involved in such schemes would be brought to book, and Mr Dowding sat there and let his leader go deeper and deeper.

On 29 September 1982, Mr Burke said the following, at page 3367—

I am saying to the Government that it should do that which the Opposition did; the Government should dissociate itself from Liberal Party elements which should be cast aside in the way the Painters and Dockers Union was cast aside by the Labor Party.

Mr Burke said that such people should be cast aside, but he has not done much casting aside as far as Mr Dowding is concerned although in this House Mr Dowding led the debate on tax avoidance. We have seen no greater humbug in the history of this Parliament.

The integrity of Hon. Peter Dowding is at stake, and so is that of the Premier if he takes no action. Certainly we can have doubts about the decision-making ability of both the Premier and Mr Dowding in the future. They simply cannot hope that "it will go away."

Many people are interested in this debate. Many people will eagerly await Mr Dowding's comments. Many people will quite happily come forward with information. Therefore, Mr Dowding should make some points clear to the House. Has the tax been paid in full? I understand that it has, but we should receive confirmation of that, because Mr Dowding made a statement to that effect. Is Mr Dowding still contesting the tax assessment by way of a document prepared for that purpose? A document was prepared, and Mr Dowding knows it well. Is the Minister now involved in any scheme apart from Oehlset Trading Company which is designed to avoid tax? He should make a statement now and say "Yes" or "No"—"Yes, I have been involved" or "No, I have not been involved". Further, has he at any time been involved for financial gain in any scheme that could be termed a bottom-of-the-harbour scheme?

His credibility is at stake right now; in fact, it has gone. There is no longer any doubt about what he should do or what he does do in the House when it suits him for political purposes, regardless of how it affects people in the community and his own colleagues.

I have no doubt that he will talk about some people I know and that he will condemn us as hypocrites. But I say that he is guilty of gross misconduct, guilty of contempt of the traditions of this Parliament, and guilty of unethical conduct in the way he has operated in his failure to advise his own colleagues, including the Premier, of his involvement in schemes which the Premier has condemned day in and day out.

We on this side recognise that the schemes were legal, but our argument is that the Minister displayed utter hypocrisy. He stood here and condemned people for being involved in those schemes when he himself was involved. He should seriously consider his position on this issue, as should all members including his own colleagues. I know his colleagues will be under strict directions, but this man is not fit to be a Minister. He has taken them for a ride and he has embarrassed his Premier by his actions, and that is unforgivable.

HON. PETER DOWDING (North—Minister for Employment and Training) [5.13 p.m.]: There has already been substantial discussion in the public arena concerning my personal tax position. Prior to my entry into Parliament I acted on the advice of my accountant at that time and made certain investments. These investments were structured to give maximum tax advantages. I was informed at all times that there was no question of any illegality and that all the investments were legal and open to all taxpayers under the pro-

visions of the relevant Income Tax Assessment Act.

I have been asked by the media about my involvement with a share trading partnership known as Oehlset and I have given full details of that investment.

With the change of attitudes and events since the end of the 1970s I say frankly that, if the advice I acted on in 1978 and 1979 had been given to me today, I would not follow it. But I have not acted illegally and I note that the Opposition comments and accepts that I have not. I acted as thousands of other Australians did at that time and as thousands of other Australians do now; that is, to arrange their affairs to minimise their income tax. I was not at that time a member of Parliament, let alone a Minister.

In relation to this issue I adopt the words which Mr John Bradshaw is reported to have said and which are recorded in *The Western Mail* of 26 January—

“The scheme was legal and was supposedly accredited by the Commonwealth Government of the day.

“Apart from the tax advantages, there was a good chance of a profit from the film.

“The scheme looked like a good idea at the time and of course I ensured that it was proper and above board, as I did with my appeal procedures.”

Again, prior to my entry into Parliament I invested in a winery, a film, and ice confectionery machines, and these three investments were made in the tax years that have been referred to. They returned losses for those years, but I similarly adopt the words of Mr Bradshaw as far as they apply in respect of each of them.

My accountant continues to advise me that at no time have I ever done more than to order my affairs in accordance with the understanding of the laws as then existed.

Furthermore, there has always been a full disclosure of all these arrangements to the Taxation Department in all of the appropriate income tax returns. I have now paid tax in accordance with the assessments of the Taxation Department which were finally issued only late last year.

I have been unable to obtain any explanation as to why the department issued a writ against me, as I am told that the notice of assessment was finally issued on 23 November 1984. I believed, as did my accountant, that arrangements could be made to pay the tax without there being the necessity for legal proceedings. Prior to my receiving any notice of legal proceedings being instituted or even

threatened, nearly half the claimed amount had been sent to the Taxation Department. The writ in that sense was a formality and it has been discontinued.

As Mr Bradshaw is reported to have said in the same interview, “If the department had told me to pay up or else, I would have paid, but it gave no warning”.

I am prepared to fully support the legislation requiring declaration of members' interests. I am prepared to table a statutory declaration of my investments if honourable members opposite will do likewise.

I refer specifically to the motion before the House. Paragraph one refers to my “deep involvement” in a tax avoidance scheme. I was a partner in Oehlset Trading Company. I was not a managing partner; I did not participate in the management. I understand that it was involved in share trading activities during the relevant period. In fact, it returned a small profit in some subsequent years which was, of course, included in my income tax returns.

I will not refer to paragraphs two and three, because I do not accept that there was any evidence presented to this House, nor indeed does it exist, to justify those assertions.

In relation to paragraph five concerning the Premier's personal profound distaste for contrived tax schemes and his statement that the public will not tolerate tax cheats, I indicate now that the Premier has expressed his views on a number of occasions in relation to a number of matters. But I repeat: At no stage was there any cheating; at no stage was there any failure to disclose; at no stage was there any suggestion that papers were dropped to the bottom of a harbour or handed to known criminals such as those who were involved in bottom-of-the-harbour activities.

All the statements which Hon. Gordon Masters has referred to as being raised by me in the House refer to either the Government of the day's inaction to close loopholes or to deal with tax evasion, and the implied reference there, of course, is to illegal activities and to breaches of the Companies Act or non-compliance with the Companies Act which, of course, is illegal and not the subject of this debate.

I learned this morning that Hon. Gordon Masters would refer to a Mr Garrick Gray. I have not met Mr Gray, heard of him before now, or had any dealings with him. I rang today Mr Mark Smythe who was the solicitor acting for Oehlset at the time and inquired of him whether he knew who was the promoter or who was involved in the setting up of the Oehlset partnership. He said he

did not believe Mr Gray had ever played any part in that scheme or partnership, or any partnership in which he was involved, and he did not believe that in the circumstances there was any foundation in the assertion I understood Mr Masters would make.

Further, Mr Masters suggested that I carefully worked out this scheme. I have never practised in the area of tax law, and at the time this investment advice was given to me by my accountant there was a legal opinion of a senior Eastern States silk using dicta from the High Court of Australia, and in particular the Chief Justice of that court supporting the legality, and indeed at that time the propriety of the proposals that were the subject of Oehlset's trading activities.

Mr Masters' suggestion that this is anything like the affairs of Mr Wynyard who I understand was involved in bottom-of-the-harbour activities would entirely blur, as Mr Masters would wish to do, the difference between ordering one's affairs in accordance with the laws of the day and conducting oneself in an illegal activity. I venture to suggest members on both sides of both Houses of Parliament will find they have ordered their affairs to minimise their tax. Some members opposite will have companies which own farms or have other business interests that are essentially run by the members themselves. Members opposite may pay their wives and children through dividends from the companies, or have other structures. So long as those companies are legal and fully disclosed to the taxation commissioner they form the same type of investment decision I was advised by my accountant to make prior to my entry into Parliament.

Hon. P. G. Pental interjected.

Hon. PETER DOWDING: The member has obviously not understood the comment I made that the criticisms to which Hon. Gordon Masters referred dealt with either the failure of the Government to act in the face of illegality or to prevent others acting in a way which was illegal.

Hon. Gordon Masters suggested I was found out because I refused to pay the tax. That is not the case. As I said earlier the Taxation Department assessment was received late in 1984 and I immediately made arrangements for the discharge of the tax liability there disclosed. In fact, prior to Christmas some \$23 000 was forwarded to my accountant and I understand it was forwarded by him to the Taxation Department. When the writ first came to my notice I therefore did not owe the amount claimed but some amount less than half that claimed.

Hon. P. H. Lockyer: Did they apologise?

Hon. PETER DOWDING: The writ was withdrawn.

Finally, I say categorically I have never refused to pay this tax; I have never obstructed the payment of the tax. I have taken the position which at all times my professional adviser has told me was legal, above board, and in compliance with the relevant laws of the day, and in those circumstances I completely reject the criticisms Hon. Gordon Masters levels in this motion.

HON. N. F. MOORE (Lower North) [5.25 p.m.]: In his confession this afternoon Hon. Peter Dowding has clearly missed the whole point of the debate. We have agreed entirely that what he did was quite legal and was done by many other people. In fact, minimising one's tax is probably a fairly reasonable sport and one that most people engage in. It is becoming increasingly more difficult as time goes on. Many people get involved quite legally. What Mr Dowding has done as far as we can ascertain was legal. What he said today we agree with. He has explained what he did and it was right and legitimate.

The purpose of the debate and the suggestion that he should have been sacked or resigned is on the basis of his gross hypocrisy. He said other people should not do what he has been doing. He got up in this House and asked questions, and his leader in the other place made statements about the immorality of people engaging in tax avoidance schemes. At the same time as the comments were being made Mr Dowding himself was engaging in such practices. That is to me the epitome of hypocrisy. The Minister is a hypocrite. He is prepared to carry on certain activities which he would regard as being wrong if done by other people.

This is not the first time Mr Dowding has engaged in hypocritical activities. When the Labor Party was endeavouring to win the votes of many Aborigines he said he would resign as a Minister of the Crown if the legislation brought forward on land rights was unacceptable to the Aboriginal people. Mr Robert Riley reminded him of that at a public meeting when the Seaman report came out and said he should resign, because the Aboriginal people did not agree with the Government's line on land rights. Mr Dowding would not resign although the Aboriginal people had called the tune and asked him to respond to it and do what he said he would do if the legislation was not satisfactory.

Those are two examples—tax avoidance and land rights—where Mr Dowding changes his mind or takes a different approach depending on the circumstances. As Hon. Gordon Masters said, it is not an argument about whether his activities were

legal or illegal; it is a question of whether Mr Dowding should continue as a Minister bearing in mind the attitude he adopted towards other people and the activities he carried out himself.

Mr Burke said in the other place in 1982—and Hon. Gordon Masters referred to this—that because some Liberal Party members were engaged in tax avoidance schemes which were legal the party should dissociate itself from them and cast those people aside in the same way as the Labor Party had cast aside the painters and dockers. I am suggesting Mr Burke should cast aside his Minister, Mr Dowding, because Mr Dowding has been doing and obviously still is doing the sorts of things which Mr Burke accused elements in the Liberal Party of doing. Mr Burke said at the time the Liberal Party should cast them aside—get rid of them—and talked about morality and legality. He said it may be legal to do such things but it was not moral. The same argument applies to Mr Dowding. Mr Burke should do now that which he said the Liberal Party should do in 1982 and cast aside those people among his colleagues involved in these activities.

Mr Dowding will not resign over this issue and he would not resign over the land rights issue. He prefers to hang onto his job and one can understand that. His explanation today of why he should remain in his job was to say the least pathetic. He did not at any time attempt to give an explanation as to why he adopted a hypocritical attitude on this matter. He was prepared to explain to us the details of his tax avoidance schemes which we all accept were legal, but he is not prepared to say that he was a hypocrite. He is not prepared to accept he was a hypocrite although it is clear he was. It is a pity Mr Burke did not sack him and an even greater pity that the Minister does not resign.

Mr Dowding says he would be happy to disclose his interests if the Bill relating to declaration of members' interests should pass this House. I suggest that after his comments about tax avoidance we might have a little difficulty believing the details he would disclose. Should the Bill pass it would be interesting to see what was in Mr Dowding's declaration.

[Resolved: That business be continued.]

Hon. N. F. MOORE: What happens to that piece of legislation is yet to be decided.

I wish to conclude on this point: The Premier, Mr Burke, when he was Leader of the Opposition, said that this State would not tolerate tax cheats. He called people who were avoiding tax in a legal way, "Tax cheats". He referred to them as cheats because they happened to be members of the Lib-

eral Party. As my leader has said, this House should not tolerate tax cheats on the same basis as the former Leader of the Opposition, Mr Burke, said that we should not tolerate tax cheats. I am suggesting that either Mr Burke sack Mr Dowding or Mr Dowding should do the honourable thing and resign.

HON. D. K. DANS (South Metropolitan—Leader of the House) [5.31 p.m.]: I place on record my complete confidence and that of my colleagues in Hon. Peter Dowding. The Premier has already indicated his support for Mr Dowding.

The Opposition has not provided one shred of evidence as to why Mr Dowding should resign. Mr Dowding is guilty of no misconduct whatsoever.

Several members interjected.

Hon D. K. DANS: The Opposition can call it what it likes—humbug or hypocrisy. I do not think that Mr Dowding is guilty of either of those actions and even if he were, humbug or hypocrisy are not grounds on which to call for the resignation of Mr Dowding or, for that matter, his sacking.

Mr Dowding has placed on record in this House all of his actions in relation to the charges levelled against him by the Leader of the Opposition. The company which was named has fully disclosed all necessary detail to the Deputy Commissioner of Taxation and the company was terminated in 1982. Mr Dowding, at all times, acted on the advice of his accountant and all the operations were legal.

Several members interjected.

Hon. D. K. DANS: I am glad that Hon. Phillip Pandal interjected and I agree that that is not in dispute and I am glad that the Opposition agrees that it is not in dispute.

Hon. P. G. Pandal: Who wrote your speech?

Hon. D. K. DANS: I have no prepared speech.

Hon. P. G. Pandal: You are dead right.

Hon. D. K. DANS: If that is not in dispute, there are no grounds for the censure motion moved by Mr Masters. He has not put forward one shred of evidence or made one statement that would indicate to me, as the leader in this place, that I should ask Mr Dowding to resign. At the same time Mr Masters has not produced one shred of evidence that would indicate to the Premier of this State that Mr Dowding should resign.

I do not regard Mr Dowding as a humbug and I certainly do not regard him as a hypocrite. I do not think that any member of the Government would regard him in that light. I say again that the words "humbug" and "hypocrisy" are certainly not grounds, as Mr Masters is trying to

impress on this House, to accept Mr Dowding's resignation. Any sensible person could not take seriously the fact that someone gets up in this House and simply refers to a person—that is all that Mr Masters has done—as a humbug or hypocrite and make that grounds for his resignation.

Any sensible person would not have the audacity to get up and call for the resignation of a member on such flimsy grounds yet, at the same time, cover his own tracks by saying, "We agree that all the things that Mr Dowding did and what is purported to have taken place was done legally".

I cannot take seriously the censure motion moved by Mr Masters, because it is utterly baseless and any sensible member of this House will vote against it. I will be watching which way members vote.

HON. G. E. MASTERS (West—Leader of the Opposition) [5.35 p.m.]: I will be brief. I acknowledge the prepared statements of Hon. Peter Dowding and the Leader of the House. I am sure that all members in this House would acknowledge that the whole point of the exercise was missed as far as Mr Dowding was concerned, and Hon. Norman Moore has pointed that out.

Mr Dans said there is no basis for the resignation or sacking of Mr Dowding. If we take Mr Dowding's questions in October 1982 which were headed, "Tax Avoidance" we will see that Mr Dowding addressed himself to tax avoiders. We need also to look at the statement of the then Leader of the Opposition, now the Premier, before Mr Dowding launched his attack. When Mr Dans says that there is no basis for sacking Mr Dowding, how on earth can the Premier ever again make statements in the House or publicly that can be taken seriously? How can the Premier fail to sack Mr Dowding when the Premier is reported in *Hansard* as saying the following—

At least people like the Federal Minister for Social Security have had the guts to say that Horgan should stand aside—

He is saying on the one hand that a person involved in tax avoidance and who had some association with the Liberal Party should stand aside, yet he is not saying the same thing to Mr Dowding. The Premier further said—

—it is clear that the Western Australian public will not tolerate tax cheats.

The important statement made by Mr Burke was—

It is one law for those people who are friends of Liberal Governments and another law for those people the bashing of whom this

Government sees as being to its political advantage.

It is one law for one person and another law for another person. On the one hand the Premier is saying that tax avoiders should be penalised and yet he refuses to penalise his own Minister who, I suggest, mislead him and both Houses of Parliament.

The question of hypocrisy is clear. Mr Dowding condemned tax avoiders and he blamed the Opposition for having some remote involvement with tax avoiders. Mr Dowding named people who were tax avoiders and he demanded that action be taken against those people in this House.

Mr Dowding's leader named people involved in tax avoidance. His leader accused people of tax avoidance, and said he deplored tax avoidance schemes. His leader also said that people involved in tax avoidance schemes should lose their official positions, whether it be on a Government committee or whatever.

I point out to the House that we are not challenging the legality of tax avoidance schemes involving Mr Dowding. The Minister missed the whole point because the second paragraph of the motion states—

Considers the Minister to have transgressed against the accepted conventions surrounding the holding of ministerial office and the traditions and practices of Parliament and therefore unfit to remain in office;

If a similar incident occurred in Westminster the Minister involved would not last one minute. No British Prime Minister would be embarrassed to the extent that Mr Dowding has embarrassed the Premier. There would be no question that that Minister would resign or be sacked.

I refer to the third paragraph of the motion, which reads—

Holds that the Minister's remaining in office must, under the circumstances, damage the reputation of this Parliament and seriously weaken the credibility of his parliamentary colleagues;

Of course it does, when the Government launches attack after attack on the Liberal Party and its connections and then it backs off when its own members are involved. Of course, its credibility is in doubt.

Hon. Peter Dowding: Will you vote for the declaration of interests legislation?

Several members interjected.

Hon. G. E. MASTERS: When Mr Dowding stands up in this House as a Minister and makes statements about people and commitments on be-

half of his party, how can we possibly take his word? His credibility has been destroyed. The Press will never believe him again. Why should they? He is a humbug and a hypocrite. He has embarrassed this House and his own party members. I am not arguing about the legality of his actions.

Several members interjected.

The PRESIDENT: Order!

Hon. G. E. MASTERS: I say in all sincerity that, really and truly, no-one in this House can expect Mr Dowding to remain in office, whether he resigns or is sacked. I say very seriously to members in both Houses, the Minister has no alternative but to resign. If he fails to do so—I am sure he is not going to do so—I ask the House to support the motion with all sincerity. We as an Opposition have very good grounds to put this forward for the future of this House and the future standing of its members.

Question put and passed.

[Question taken.]

UNIVERSITY MEDICAL SCHOOL, TEACHING HOSPITALS, AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. J. M. Berinson (Attorney General), read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [5.52 p.m.]: I move—

That the Bill be now read a second time.

The primary purpose of this Bill is to update the University Medical School, Teaching Hospitals Act of 1955 and to correct a number of anomalies and deficiencies in that present Statute.

An immediate anomaly is that the present Act contains the powers for a hospital to be proclaimed a teaching hospital, but there is no provision for a teaching hospital to be deleted from the declared list.

While addressing this and other problems, which I will outline, the Bill also covers the important matter of research as a function of a teaching hospital and more clearly defines the meaning of the term "facilities" associated with teaching hospitals.

Section three of the University Medical School, Teaching Hospitals Act provides that where the Senate of the University of Western Australia decides that a public hospital is suitable for the

teaching of medicine, the senate may give written notice to that effect to the Minister.

It provides that the Minister shall present the notification to the Governor who may, by proclamation, declare the hospital to be a teaching hospital to which the provisions of the Act shall apply.

It is almost three decades since this Act was proclaimed and in that period a number of hospitals that were declared teaching hospitals have been changed. For example, the now closed State sanatorium at Wooroloo and the Claremont Mental Hospital should be deleted from the list of the declared teaching hospitals under the Act.

As the legislation stands, no provision exists which permits an amendment to be made to the name of a hospital that has been declared a teaching hospital nor for the cancellation of a hospital's teaching status when, in the opinion of the senate, the hospital should no longer be a teaching hospital.

This Bill provides that the Governor may, by proclamation, declare that a public hospital ceases to be a teaching hospital to which the provisions of the Act apply and that, whenever the name of a teaching hospital changes, the Governor may change the name of that hospital under the Act accordingly.

Section 4 of the Act relates to "facilities" for the teaching of medicine.

The present legislation provides that, where a public hospital is declared a teaching hospital for the purposes of the Act, the managing body of the hospital may enter into agreement with the senate on a number of matters, including what is described as facilities for the teaching of medicine.

This Bill addresses an opinion from the Crown Law Department that the meaning of the term "facilities" is not clear and that it could be extended to enable an agreement relating to the allocation and use of land and the erection of buildings thereon.

The intention is to establish in the Bill that the managing body of a teaching hospital and the Senate of the University of Western Australia may agree in relation to the provision of such facilities at a teaching hospital both in respect of the teaching of medicine and for research.

However, it is considered necessary for the prior approval of the Minister to be obtained before agreement on the utilisation of land and the provision of buildings thereon can be reached.

The Bill provides for this to occur and for the prior approval of the Minister to be obtained before agreement may be reached on the acquisition

of equipment of such type or value as the Minister determines.

An agreement may relate to the provision of specialised equipment associated with clinical and teaching functions, the cost of which may be shared between the university and the hospital.

It is proposed that control be able to be exercised as desired in respect of unusual and sophisticated items or where such specialised equipment may be associated with defined service needs of the hospital.

The present Act makes no reference to the conduct of research which is an important adjunct to the function of a teaching hospital, and it is proposed to eliminate any uncertainties in the Act in this regard by making provision that agreement may be reached between the managing body of a teaching hospital or the Minister as appropriate and the Senate of the University of Western Australia.

There are a number of other matters addressed in this Bill which fall into the category of updating the legislation. For example, the Act makes reference to "honorary" medical staff of the teaching hospital. This is no longer appropriate and the Bill provides for the deletion of such references in the Act.

The Bill also provides for the Act to be appropriately amended to comply with current practice with reference to the appointment of the staff of teaching hospitals who are concerned with teaching duties.

It also makes arrangements whereby members of the medical staff of the faculty of medicine and other staff of, or persons nominated by, the University of Western Australia may practise within the teaching hospital and participate in the teaching of medical students.

Finally, in addition to the principal features of the Bill which I have outlined, opportunity has been taken to bring the style of the principal Act into line with current drafting practice and to correct obsolete references.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. John Williams.

NATIONAL CRIME AUTHORITY (STATE PROVISIONS) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. J. M. Berinson (Attorney General), read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [5.57 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to enact provisions that will be complementary to the National Crime Authority Act 1984 of the Commonwealth for the purposes of the operation of the National Crime Authority in Western Australia.

It is this Government's intention that Western Australia should participate in the National Crime Authority to pursue organised crime in accordance with specific terms of reference.

The authority will be able to investigate matters relative to relevant criminal activities which includes allegations that a relevant Commonwealth or State offence may have been or may be being committed.

New South Wales and Victoria have already passed similar legislation to this Bill to complement the Commonwealth Act, and other States and the Northern Territory have given an undertaking to develop and introduce appropriate complementary legislation.

This Bill will—

authorise the relevant Minister to refer certain matters to the authority;

provide how the authority is to exercise its functions following a reference by the Minister;

permit the authority to exercise concurrent State and Commonwealth and mixed State and Commonwealth functions;

limit the challenges that may be made to the validity of any reference made to the authority;

require the authority to co-operate with law enforcement agencies;

confer on the authority incidental powers necessary to perform special functions;

authorise the Minister to make arrangements concerning relevant information, intelligence, procedural and certain administrative functions;

allow a judge of the Federal Court to make an order concerning a person's passport in appropriate circumstances;

authorise the authority to hold hearings for the purposes of an investigation, issue witness summonses and obtain documents;

create an offence for witnesses who fail to attend, answer questions, produce documents; or give false or misleading information;

empower a judge to issue a warrant for the arrest of a witness;

allow a review of a decision of the authority to a judge;

provide for the protection of witnesses, members of the authority and persons assisting the authority;

create an offence for obstructing or hindering the authority;

protect persons from double jeopardy;

prescribe the powers of acting members of the authority;

require members and staff of the authority to observe secrecy;

require the Minister to table in each House of Parliament a copy of the authority's annual reports; and

provide regulation making power to give effect to the provisions within the Bill.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. I. G. Medcalf.

BILLS (2): RETURNED

1. Acts Amendment (Consumer Affairs) Bill.
 2. Bread Amendment Bill.
- Bills returned from the Assembly without amendment.

PARLIAMENTARY PAPERS AMENDMENT BILL

Introduction and First Reading

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

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [6.03 p.m.]: I move—

That the Bill be now read a second time.

This Bill will ensure that members of the parliamentary staff, and the Government Printer and his officers, who help members in the printing of copies of their speeches for distribution, will not be liable for any defamatory material which might appear in those copies.

The law as it now stands confers an absolute protection on members in respect of what they say in debate in either House. No matter how defamatory their statements may be, no legal action can be sustained against them.

There are also protections applying to those who report the proceedings of Parliament, but in the main, these protections apply only if certain conditions are met.

Firstly, there is the privilege conferred on any fair report of the proceedings of either House, provided that it is made in good faith, for the information of the public. This is found in section 354 (1) of the Criminal Code.

Secondly, there is the privilege conferred on any publication which is made in good faith, for the information of the public, of a copy of, or an extract from or abstract of, any paper published by order of either House. This is found in section 354 (2) of the code.

Finally, there are the provisions of the Parliamentary Papers Act, 1891, which in effect confer an absolute privilege on the publication of a copy of any paper published by authority of either House, and in respect of extracts from or abstracts of such papers, confer a privilege which is qualified by the requirement that the publication is made bona fide and without malice.

So far as the Criminal Code is concerned, a publication is said to be made in good faith, for the information of the public, if the person by whom it is made is not actuated by ill will to the person defamed, or by any other improper motive, and if the manner of the publication is such as is ordinarily and fairly used in the case of the publication of news.

Although different words are used, the requirement for "good faith" in the code is essentially the same as that in the Parliamentary Papers Act.

It is probably safe enough for members to act on the assumption that *Hansard* is published under the authority of the Houses, even though there is no express authority to that effect. On that assumption, copies or abstracts of, or extracts from speeches which have already appeared in that publication can be said to attract the statutory protections applying to things published with the authority of either House.

In this case, the privileges of the Parliamentary Papers Act are available—an absolute privilege in the case of the publication of a copy, and, in the case of the publication of an extract, or abstract, a privilege qualified only by the requirement that the publisher act bona fide and without malice.

Where the speech is published—either wholly or in part—outside the House, prior to its appearing in *Hansard*, then those responsible for its publication must rely on the more qualified privilege provided in section 354(1) of the code. It is doubtful that this provision affords any privilege in respect of defamatory statements contained in an

account of a member's speech which is published separately from any account of the rest of the relevant debate.

As a result, there are serious doubts about the legal position of a member, or any other person, involved in the publication outside the Houses of any report of the words used by a member in connection with the proceedings in either House. The fact that those words are absolutely privileged when used in the House does not mean that the same words, subsequently published outside the House, cannot be made the subject of an action for defamation.

In understanding the present proposals it needs to be remembered that, where defamatory words are published, action may be brought not only against the person whose words they are, but also against any person who has participated in the publication. This includes not only those concerned in the actual distribution or dissemination, but also those who composed the libel. These people, as well as the person who first used the defamatory words, may have cause to claim the protection of one or other of the statutory privileges which I have mentioned.

Although the better opinion seems to be that those only incidentally involved in the publication will not be deprived of an otherwise available privilege because of the malice of the person who made the defamatory remark, there remains some doubt as to whether the incidental helper, who is aware of the untruth of the statement before he passes it on, can escape liability.

It has long been a practice for *Hansard* staff and the Government Printer to assist members wishing to prepare copies of their speeches for distribution outside the Parliament. However, in recent times the *Hansard* staff have been made aware that, in some circumstances, this activity could involve them in legal liability. As a result they withdrew the assistance previously given pending the carriage of a resolution in both Houses which was directed towards protecting their position. Although the Government Printer has not expressed any similar disquiet, his legal position and that of his staff are very much the same.

It is proposed to give a special privilege to all those who are involved in assisting members in this way. That is done by clause 2 of the Bill which provides for a new section 3A, the effect of which will be to confer an unconditional privilege on all those whose assistance is provided on the written request of a member. Subsection (2) of the proposed new section extends this privilege to words which are published in the report of the

speech, though not attributed to the member whose speech it is.

This is to cover defamatory words in an interjection by another member where that interjection is published as part of the report of the speech.

It should be clearly understood that this measure does not extend the privilege which members themselves now enjoy.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. I. G. Medcalf.

BILLS (2): INTRODUCTION AND FIRST READING

1. Commercial Arbitration Bill.
2. Artificial Conception Bill.

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

PARLIAMENTARY COMMISSIONER FOR ADMINISTRATIVE INVESTIGATIONS: RULES

Adoption: Motion

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [6.10 p.m.]: I move—

That the proposed Parliamentary Commissioner Rules 1985 be adopted and agreed to and that a message be sent to the Legislative Assembly requesting its concurrence.

The proposed rules which I now present to the House are contemplated by section 11 of the Parliamentary Commissioner Act. This section permits a limited delegation by the Parliamentary Commissioner to any of his officers with the authority of rules of Parliament or a resolution of both Houses of Parliament. To date, no such rules have been made or a resolution passed.

With the recent extension of the Ombudsman's jurisdiction to include actions of members of the Police Force, it is clear that the work of his office will substantially increase and that there will be a need for a capacity to delegate his functions from time to time to selected staff.

With a view to meeting that situation, clause 4 of the amending Bill which was introduced during the last sitting of the Parliament proposed that the Parliamentary Commissioner be empowered to delegate his functions to his officers without the necessity of rules of Parliament or a resolution of the Houses of Parliament. This amendment was defeated in this House.

During the debate it was said in effect that there should be simple rules approved by Parlia-

ment relating to the delegation of the Parliamentary Commissioner's functions and setting out of the particular functions to be delegated. The present motion and rules have been formulated to meet that proposition.

The functions which may be delegated to the Deputy Parliamentary Commissioner are set out in rule 4.

A further category of "special officer" to whom specified functions may be delegated is proposed in rules 3 and 5. This category includes a legal officer, an investigating officer, or any other officer who may be appointed, and whose classification is not lower than a legal officer or an investigating officer.

Rule 6 sets out the matters which the Parliamentary Commissioner should take into account before delegating any function; namely, the experience, qualifications, and suitability of the person to whom the function is to be delegated and, where appropriate, the seniority and status of the person to whom the particular investigation relates.

The Parliamentary Commissioner has indicated that it would not be his intention to delegate any

of his functions either generally or in a particular case unless the workload of the office required it.

The draft rules must be read subject to the provisions of section 11 of the Parliamentary Commissioner Act, which provides additional safeguards. In particular—

subsection (1) prevents the Parliamentary Commissioner from delegating the making of any report or recommendation under the Act;

subsection (3) enables the Parliamentary Commissioner to revoke or vary at any time a delegation under the section and that no such delegation prevents the exercise of any power by the Parliamentary Commissioner himself; and

subsection (7) provides that a delegate shall, upon request by a person affected, produce the instrument of delegation, or a copy of it, for inspection.

I commend the motion to the House.

Debate adjourned, on motion by Hon. I. G. Medcalf.

House adjourned at 6.14 p.m.

QUESTIONS ON NOTICE

LAND: NATIONAL PARKS AUTHORITY

Purchase

486. Hon. NEIL OLIVER, to the Leader of the House representing the Minister for the Environment.

I understand 1 604.407 8 hectares of land comprising portions of Swan Location 1049 have been purchased by the National Parks Authority of Western Australia.

- (1) Who are the vendors of the respective lots contained in the location referred to above?
- (2) Did the Government purchase the properties directly?
- (3) If not, were the properties purchased through an agent, and who was that agent?
- (4) What was the highest price paid per hectare?
- (5) What was the overall average price paid per hectare?
- (6) Does the amount of funds expended exceed the Budget provisions for the year in which the various properties were purchased?

Hon. D. K. DANS replied:

- (1) to (6) It is assumed the member is referring to Swan Location 10491 not Location 1049 as indicated in the question.

The National Parks Board entered into an agreement in 1965 to purchase from Mount Lawley Pty. Ltd. a portion of two Swan Locations for the establishment of Walunga National Park.

The purchase was made over a period of 17 years at interest of 3%, the total cost being \$107 544.

The final payment was made on 21 October 1982.

487. *Postponed.*

PASTORAL INDUSTRY: LEASES

Mt. Anderson Station: Leaseholders

488. Hon. N. F. MOORE, to the Leader of the House representing the Minister for Lands and Surveys:

- (1) Who holds the lease over Mt. Anderson Station?
- (2) How many members of the Looma Community reside at Mt. Anderson Station?

- (3) Has the State Government made any funds available to the leaseholders of Mt. Anderson to carry out maintenance on the property?

Hon. D. K. DANS replied:

- (1) Looma Pastoral Company Pty. Ltd.
- (2) Advice from the Aboriginal Development Commission indicates that there are two families living permanently on Mt. Anderson Station with a further seven workers commuting daily from the Looma Housing area.
- (3) No.

ABORIGINAL AFFAIRS: LAND RIGHTS

Claims: Availability

489. Hon. N. F. MOORE, to the Minister for Employment and Training representing the Minister with special responsibility for Aboriginal Affairs:

Will the Minister provide details of all the mission land which will be available for claim by Aborigines under the Government's proposed Aboriginal Land Rights legislation?

Hon. PETER DOWDING replied:

The House is aware that the Aboriginal Land Bill is due to be tabled early in this session. The member will be enabled to make his calculations at that time.

TRANSPORT: AIR

Ansett Airlines: Government Action

490. Hon. N. F. MOORE, to the Minister for Employment and Training representing the Minister for Transport:

In its Press release of 10 February 1985, Ansett Airlines stated that "the capacity and frequencies of flights that Ansett could provide the public had been arbitrarily cut back in some areas and frozen in others by the State Government."

Will the Minister provide details of the cut backs and freezing of Ansett flights by the State Government?

Hon. PETER DOWDING replied:

The service cut backs referred to in the Ansett press release relate to the Geraldton route only. Following the decision to licence a second operator, Skywest, on the Perth-Geraldton route, Ansett WA (then Airlines of Western Australia) greatly increased its capacity on the route. Additionally, Skywest introduced greater capacity than it had originally planned. As a result, despite a significant increase in the number of people using the service, a situation of

gross overcapacity developed with poor load factors being achieved by both airlines. The load factors were so poor as to make the services a losing proposition for both operators. In the opinion of the Commissioner of Transport, this was not in the long term interest of the users of these services and consequently he requested both Ansett WA and Skywest Airlines to reduce capacity on the route. In the case of Ansett WA this was to the service level being offered prior to the introduction of competition.

With respect to other services, the State Government has taken no action to freeze either the capacity or the frequency offered by Ansett WA on any other route. The Commissioner of Transport will, however, maintain a watch over any increases in capacity by Ansett WA or Skywest/East-West Airlines on competitive routes. If he assesses such capacity increases to be excessive and anti-competitive in nature, action will be taken to correct the situation.

GOVERNMENT BUILDINGS: QUO VADIS

Use: Decision

491. Hon. N. F. MOORE, to the Leader of the House representing the Minister for Health:

- (1) Has the Government made a decision on the future use of the Quo Vadis Centre at Byford?
- (2) If so, what is the decision?
- (3) If not, when is it expected that this decision will be made?

Hon. D. K. DANS replied:

- (1) to (3) The property will be leased to the Kulila Association Inc. for use as an alcohol abuse rehabilitation centre.

PLANNING: BROOME SHIRE COUNCIL

Scheme: Status

492. Hon. N. F. MOORE, to the Minister for Employment and Training representing the Minister for Planning:

What is the current status of the Broome Shire's town planning scheme?

Hon. PETER DOWDING replied:

The Shire of Broome town planning scheme No. 2 has been advertised, public submissions made and assessed. Council has been advised that final approval to the scheme will not be granted until certain modifications have been made. Those modifications are being considered by council.

ARTS: GRADUATES

Employment: Funding

493. Hon. TOM KNIGHT, to the Attorney General representing the Minister for the Arts:

Given the recent announcement of WAAC Instant Lottery Grants to drama companies and the considerable sums recently expended in establishing theatre arts training institutions (WAIT Theatre Arts, Perth Technical College Design Arts and WA Academy of Performing Arts), building and upgrading new professional drama operating spaces (Subiaco Theatre Centre, the Maltings, the Playhouse and the Belmont workshops), can the Minister please explain the following:

- (1) What is to be done with the increased number of graduates from 1984 who, having completed two or three year full-time degree and diploma courses, find there is no employment available to them as each company has either been underfunded, or not funded at all?
- (2) What is to be done to assist companies who are unable to operate efficiently and effectively in the performing spaces provided at public expense for them (i.e. the Hole in the Wall at the Subiaco Theatre Centre and Winter Theatre at the Maltings)?
- (3) By underfunding all drama companies, will those professional performance artists who have managed to remain in Western Australia, despite the employment crisis brought on by the failure of the National Theatre, be now forced to seek work outside their own State?

Hon. J. M. BERINSON replied:

- (1) I am glad to correct the member's failure to understand or appreciate the enormous increase in the level of assistance to the arts by the Government since a Labor Administration took over just two years ago. We have been able to redress the underfunding that prevailed under the Liberal Administration by doubling and in some cases trebling the level of funding of the major arts organisations. The WA Ballet Company's grant has increased since 1982 from \$280 000 to \$565 400; the WA Opera Company from about \$250 000 to more than double that amount; the Hole in the Wall Theatre from \$55 000 to \$169 060; Swy and Deckchair Theatre companies from nothing under the Liberals to about

\$60 000 each under the Labor Government: the Fremantle Arts Centre from \$150 750 to \$433 800 this year.

I am informed that last year's graduates from the WA Academy of Performing Arts are doing very well this year, considering the uncertain nature of the profession they have chosen to enter. Most of the graduates have been accepted by theatrical agents, one has already had nearly two months' work in the TV series "Sons and Daughters", another has secured a position with a Darwin theatre company, most of the others are currently performing in a production of "Tales From The Vienna Woods," four dancers have been accepted by the WA Ballet Company, one with a ballet company in Stuttgart and another with the Australian Dance Theatre. All the graduate dance teachers are employed. Those graduate actors and dancers who leave Western Australia for further work experience will in many cases return to give us the benefit of their skills in the years ahead.

- (2) More money than ever before is being injected into the arts, and is available to assist professional companies and projects. Clearly, each year funding must be reviewed in the light of results, the continuously changing nature of our State's dynamic arts community and the competing claims for assistance.
- (3) As explained in (1) the underfunding of drama has been corrected in the past two years. Our actors will always move in and out of our State to expand their skills and then return to share those skills. My understanding is that work opportunities for actors in Western Australia recently have been relatively speaking better than in other parts of Australia.

INDUSTRIAL ESTATES

Directional Signs

494. Hon. P. H. WELLS, to the Minister for Employment and Training representing the Minister for Transport:

Further to my question 100 of Thursday, 16 August 1984 which dealt with the lack of signs on the Mitchell Freeway identifying the Osborne Park and Balcatta industrial areas, will the Minister advise --

- (1) What is the delay in erecting these signs?
- (2) When will they be erected?
- (3) Where on the freeway will they be erected?

Hon. PETER DOWDING replied:

- (1) to (3) The Main Roads Department last wrote to the Stirling City Council on this subject on 27 November, 1984 seeking council's agreement to additional signing at the freeway ramp terminals. Council responded on 6 February, 1985 seeking variation to the sign locations and asking for further discussions on the subject.

It is expected discussions will be held at an early date.

TAXES AND CHARGES: PAY ROLL TAX

Subcontractors: Returns

495. Hon. P. H. WELLS, to the Minister for Budget Management:

- (1) When did the Government alter the payroll tax return form to include a request for the total amount paid to subcontractors?
- (2) Is the Government considering applying payroll tax to payments to subcontractors?
- (3) For what purpose is this subcontractor payment required.

Hon. J. M. BERINSON replied:

- (1) The Government has given no instruction whatever about the inclusion in payroll tax return forms of amounts paid to subcontractors.
- (2) No.
- (3) I am advised by the Commissioner of State Taxation that the information in respect of subcontractors was sought in return forms to assist the department with its payroll tax investigation programme.

The Department was concerned that there may be evasion of payroll tax in the case of some purported subcontract payments where an employer/employee relationship in fact existed.

The commissioner has also informed me that the requirement for this information was now being removed from the return form following a review of its effectiveness.

EMPLOYMENT AND TRAINING: APPRENTICES

Pre-apprenticeship Courses

496. Hon. P. H. WELLS, to the Minister for Employment and Training representing the Minister for Education:

- (1) How many positions are there available for first year pre-apprenticeship course applicants?

- (2) How many students could not be accommodated in pre-apprenticeship courses?
- (3) Does the Minister intend opening for male applicants the pre-apprenticeship course position reserved for but not taken up by women?

Hon. PETER DOWDING replied:

- (1) 858.
- (2) 104 eligible applicants have not been accommodated in courses of their choice.
- (3) No.

MULTICULTURAL AND ETHNIC AFFAIRS: DEPARTMENT

Staff: Research

497. Hon. P. H. WELLS, to the Attorney General representing the Minister for Multi-Cultural and Ethnic Affairs:

- (1) How many people are employed on research duties by the department?
- (2) What subjects are being researched and when will they be completed?
- (3) What research projects have already been completed?
- (4) How many of the people employed on research projects are employed—
 - (a) full time;
 - (b) part time?

Hon. J. M. BERINSON replied:

- (1) Current staffing—
 - 4 temporary full-time staff acting in positions which are currently vacant and selections are in progress to fill them.
 - 1 casual research officer for 4 weeks.
- (2) The ethnic needs assessment survey is the first major research which will collect data on a variety of areas and form the basis of future planning of the commission's activities.
 - Areas researched are—
 - language skills;
 - health;
 - child care;
 - aged;
 - community/social life;
 - Australian experience.

The report is to be completed by the end of March 1985.

- (3) (a) "Silent Women"—proposal to Commonwealth/State Research Committee.
- (b) Pilbara Report 1985.
- (c) Ethnic distribution within WA.

- (d) Employment of ethnic groups by industry.
 - (e) A social analysis of ethnic relations in the vicinity of Gosnells with an emphasis on youth.
 - (f) Gaibally 14 recommendation.
 - (g) Racism and social policy.
 - (h) Distribution of those overseas born in Perth and Australia.
 - (i) Education and vocational counselling services in a multicultural society.
- (4) Currently as in (1), however bilingual interpreters are employed as the need arises on specific projects.

FISHERIES: ABALONE

Sorrento: Protection

498. Hon. P. H. WELLS, to the Leader of the House representing the Minister for Fisheries and Wildlife:

- (1) Has the Department of Fisheries and Wildlife been requested to protect the in-shore abalone at Sorrento for amateurs?
- (2) If so, what response to this request has the department made or intend to make?

Hon. D. K. DANS replied:

- (1) I understand that there has been no request received in relation to Sorrento.
- (2) Not applicable.

499. *Postponed.*

HORTICULTURE: GRAPES

Chiller: Swan Settlers' Co-operative Association Ltd.

500. Hon. NEIL OLIVER, to the Leader of the House representing the Minister for Agriculture:

- (1) Has any consideration been given to expanding the grape chiller capacity at Swan Settlers' Co-operative, Herne Hill?
- (2) If "Yes" to (1), will the Minister undertake to provide a further subsidy similar to that made by the former Liberal Government in 1983?
- (3) If "Yes" to (2), will the Minister ensure that any grant or subsidy is not detrimental to the overall tax burden of the co-operative in the current financial year?

Hon. D. K. DANS replied:

- (1) to (3) To prevent deterioration, grapes must enter cool storage within four hours of picking. Growers appear reluctant to

cart grapes to a central facility on such a basis. The possibility of encouraging export grape growers to install their own cooling facilities is therefore being considered.

At this stage a further subsidy for additional cooling facilities at Swan Settlers is not proposed.

TRANSPORT: AIR

Overseas: Seat Availability

501. Hon. NEIL OLIVER, to the Minister for Tourism:

- (1) How many passenger seats by categories, First Class, Business Class and Economy, are available on scheduled commercial aircraft between Perth and the immediate destinations of Singapore, Kuala Lumpur, Jakarta and Hong Kong respectively each week?
- (2) Over the six months ended 31 December 1984 how many of these seats were purchased under advance purchase tourist bookings?
- (3) How many seats were block booked for immediate on-travel with each scheduled departure?

Hon. D. K. DANS replied:

(1)

	Air-line	No. Flts per week	1st Cl.	Bus.	Econ.	Total
Perth-Singapore	Air India	1	16	40	321	377
	BA	1	22	44	319	385
	QF	4	64	64	1604	1732
	SQ	2	36	104	652	792
	Total	8	138	252	2896	3286
Perth-Kuala Lumpur	MAS	2	—	60	522	582
Perth-Jakarta	Garuda	1	18	18	377	413
Perth-Hong Kong	CX	1	35	42	325	402
	QF	1	16	12	301	329
	Total	2	51	54	626	731

- (2) and (3) This information is only available from the individual airlines and as the task would take weeks or longer to compile, they are reluctant to assist. For instance, the tickets would have been purchased not only in Perth but also all over the world.

502. *Postponed.*

TRADE: DISPLAYS

Government Support

503. Hon. NEIL OLIVER, to the Minister for Employment and Training representing the Minister for Industrial Development:

- (1) What trade fairs and trade displays have been supported or are planned to be

supported by the Department of Industrial Development in the current financial year?

- (2) What specific trade promotions have been initiated by the department or are planned during this financial year?

Hon. PETER DOWDING replied:

- (1) Displays co-ordinated and managed by the Department of Industrial Development in the current financial year, on behalf of Western Australian industry are as follows—

August 1984—AG-QUIP Field Days, Gunnedah, N.S.W. (Agricultural Machinery and services).

September 1984—International Engineering Exhibition, Sydney. (Engineering products).

October 1984—Western Australian Building and Construction Exhibition, Singapore. (Building and Construction products and services).

November 1984—Australian National Field Days, Orange, N.S.W. (Agricultural Machinery and services).

March 1985—Western Australian Building and Construction Exhibition, Hong Kong. (Building and Construction products and services).

March 1985—Western Australian Fashion Clothing Displays, Sydney and Brisbane.

- (2) Three trade promotion visits which will focus on the markets of Singapore, Malaysia, Brunei, Thailand, Indonesia and Hong Kong will be undertaken during the course of the current financial year by Departmental Market Development Officers.

Additionally, on 5 and 6 March, a seminar focussing on the export opportunities available to Western Australian manufacturers in Singapore, Indonesia and Thailand will be held in Perth for Western Australian businessmen.

Further support is proposed in association with the Western Australian Grapegrowers and Winemakers Association to assist the industry to promote its products.

REGIONAL DEVELOPMENT: SOUTH WEST DEVELOPMENT AUTHORITY

Public Relations Officer: Request

504. Hon. V. J. FERRY, to the Minister for Employment and Training representing the Minister with special responsibility for "Bunbury 2000":

(1) In regard to the appointment of Mr Baden Pratt as a public relations officer with the South West Development Authority, did the request for such an appointment come from the authority or was the decision imposed on the authority by the Government?

(2) Were applications called for to fill the position?

(3) If so—

(a) how many applications were received;

(b) when did applications close?

(4) What terms, conditions and remuneration will apply to Mr Pratt in this appointment?

Hon. PETER DOWDING replied:

(1) to (4) Mr Baden Pratt has not been appointed a public relations officer with the South West Development Authority.

Mr Pratt continues as a ministerial officer under contract to the Premier. In that capacity, as in the past, his work has involved publicity/liaison with the South West Development Authority. With expansion of authority activities the need has been seen for more work in this direction and this is going to lead to his being in the south-west.

EDUCATION: PRIMARY SCHOOLS

Upper West Province: Enrolments

505. Hon. MARGARET McALEER, to the Minister for Employment and Training representing the Minister for Education:

(1) What is the number of pupils enrolled for 1985 in each year level at the primary schools of—

(a) Badgingarra;

(b) Cervantes;

(c) Jurien; and

(d) Leeman?

(2) How many lower secondary pupils from Leeman are being transported daily by school bus to the Carnamah District high school this year?

(3) What is the distance travelled by these children daily and what are the times of departure and arrival to and from school?

Hon. PETER DOWDING replied:

(1) On 20 February 1985, enrolments at the four primary schools were as follows—

Primary School	Primary Years										Sp	Pri-Grand mary Total
	Pre-pri	1	2	3	4	5	6	7	8	9		
Badgingarra	*8	12	6	8	7	9	5	8	—	—	55	63
Cervantes	2	8	6	9	8	7	8	4	—	—	50	52
Jurien	17	18	13	10	12	6	9	9	—	—	77	**94
Leeman	22	13	16	17	18	13	19	7	—	—	103	125

*Includes 2, four-year-old children.

**In addition, there are 2 secondary students, one in Year 9 and one in Year 10.

(2) 10.

(3) 240 kms round trip.

Ex Leeman	7.10 am
arrive Carnamah	8.40 am
Ex Carnamah	3.15 pm
arrive Leeman	4.45 pm

HOUSING: LOWER NORTH PROVINCE

Construction Programme

506. Hon. P. H. LOCKYER, to the Minister for Employment and Training representing the Minister for Housing:

How many State Housing Commission homes are being built in the 1984-85 financial year in—

(a) Carnarvon;

(b) Exmouth;

(c) Meekatharra;

(d) Mt. Magnet;

(e) Wiluna; and

(f) Leonora?

Hon. PETER DOWDING replied:

(a) to (f) The 1984-85 building programme for the towns nominated are—

	Commonwealth- State Housing	Aboriginal Housing	Total Units
(a) Carnarvon	4 Aged Persons Units 17 Three- bedroomed houses 1 Four- bedroomed house 5 Two- bedroomed town houses	3 Three- bedroomed houses	30
(b) Exmouth	Nil	Nil	Nil
(c) Meekatharra	2 Three- bedroomed houses	1 Three- bedroomed house	3

(d) Mr. Magnet	2 Three-bedroomed houses	2 Three-bedroomed houses	4
(e) Wiluna	Nil	1 Three-bedroomed house	1
(f) Leonora	2 Three-bedroomed houses	1 Three-bedroomed house	3

FISHERIES: PRAWNS

Licences: Purchases

507. Hon. P. H. LOCKYER, to the Leader of the House representing the Minister for Fisheries and Wildlife:

- (1) Is it a fact that four prawning licences have been purchased by the Government from vessels and companies operating in the Exmouth Gulf area?
- (2) What were the financial arrangements of these purchases?

Hon. D. K. DANS replied:

- (1) and (2) I am pleased to confirm that arrangements have been made with the companies operating in the Exmouth Gulf prawn fishery to reduce the number of licences from 23 to 19.

The funds to facilitate the "buy-back" scheme have initially been advanced from the fisheries research and development fund. The principal, plus interest, will be repaid to the fund by the holders of the remaining 19 licences over the next 10 years.

The following Press release issued by the Minister for Fisheries and Wildlife provides further details of the scheme.

EXMOUTH GULF PRAWN FISHERY

The companies involved in the Exmouth Gulf prawn fishery were praised today by the Minister for Fisheries and Wildlife, Dave Evans.

Mr Evans said he was delighted that the companies had got together and unanimously agreed on a scheme which would take pressure off the prawn stocks in the Gulf.

He had outlined the proposal to Cabinet at its meeting on Tuesday.

Mr Evans said the scheme involved the five operators "buying-back" four of the present twenty-three licences, at a cost of

\$1.2 million. The four vessels involved would be permanently removed from the fishery.

The funds required for the scheme would initially be advanced out of the Fisheries Research and Development Fund. The principal, plus interest, would be repaid to the fund by the operators over the next 10 years.

The scheme would not only mean that the remaining 19 boats would be more viable but there were definite conservation advantages for the fishery as a result of the move.

Mr Evans said there had been problems with the tiger prawn stocks in recent seasons, but fishing controls which had been imposed during 1983 and 1984 had produced encouraging results. The "buy-back" scheme was a positive move by the operators to further assist the recovery of the fishery.

EDUCATION: TEACHERS

Accommodation: Carnarvon

508. Hon. P. H. LOCKYER, to the Minister for Employment and Training representing the Minister for Education:

- (1) Has the Minister or his department received any complaints from teachers in Carnarvon concerning the standard of accommodation?
- (2) If so, what was the nature of the complaints?

Hon. PETER DOWDING replied:

- (1) A few complaints have been received from teachers in Carnarvon concerning their accommodation.
- (2) The complaints are concerned with—
 - the number of older fibro construction residences
 - the location of some houses in State Housing Commission areas
 - the need in some cases to accommodate single teachers in all three bedrooms of the three bedroom units.

It is anticipated that the completion of 3 x 2 bedroom apartments scheduled for May 1985 will alleviate the overcrowding problem.

HOUSING: DENHAM

Construction Programme

509. Hon. P. H. LOCKYER, to the Minister for Employment and Training representing the Minister for Housing:

- (1) How many new State Housing Commission houses have been built in Denham since 1 July 1984?
- (2) Are any of these houses for a certain section of the community?
- (3) If so, why?
- (4) Are there any proposals to build any further houses in Denham in the near future?
- (5) If so, how many and when?

Hon. PETER DOWDING replied:

- (1) Two (2) (Commonwealth/State rental homes).
- (2) No.
- (3) Not Applicable.
- (4) Yes.
- (5) One (1) Aboriginal grant house commenced before June 30, 1985.

EDUCATION: SPECIAL SCHOOL

Mungili Camp

510. Hon. P. H. LOCKYER, to the Minister for Employment and Training representing the Minister for Education:

Does the Government intend to establish a special school at "Mungili" outcamp adjacent to Wiluna?

Hon. PETER DOWDING replied:

Departmental policy generally requires that an outstation be established for a period of at least 12 months and that it have a minimum intended enrolment of 12 school-age children on location before an educational service can be provided.

Once demonstration of the above policy can be made by the "Mungili" outcamp, consideration of the provision of an educational service will be given, on request.

WATER RESOURCES: LEONORA

Diesel Pollution: Rectification

511. Hon. P. H. LOCKYER, to the Leader of the House representing the Minister for Water Resources:

- (1) What is the present condition of the water supply serving Leonora?

- (2) Has the diesel pollution of the water been rectified?
- (3) What steps are being taken to avoid a repeat of the water supply being totally cut off?
- (4) What is the total reserve capacity for water supply to the Town of Leonora?

Hon. D. K. DANS replied:

- (1) All elements of the scheme are fully functional.
- (2) Yes.
- (3) I presume the member meant to use the word "repetition". If so, the anchorage and valve control on the supply main are being improved to reduce the likelihood of bursts and minimise water loss.
- (4) Storage capacity at Leonora and Gwalia totals 1 125 kilolitres. The provision of an additional 1 000 kilolitre storage tank will be completed prior to next summer.

EDUCATION: SPECIAL ABORIGINAL SCHOOL

Wiluna: Enrolments

512. Hon. P. H. LOCKYER, to the Minister for Employment and Training representing the Minister for Education:

- (1) How many students are enrolled at Wiluna special Aboriginal school?
- (2) How many teachers work at the school?

Hon. PETER DOWDING replied:

- (1) 167 (including 22 pre-primary and 25 secondary students).
- (2) 9 teachers (8.8 full-time equivalent).

QUESTIONS WITHOUT NOTICE

INDUSTRIAL RELATIONS: DISPUTE

Fremantle Wharf

270. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

Has the Minister been advised of an industrial dispute on the Fremantle Wharf concerning the container ship *Nagala* and the reasons for it?

Hon. PETER DOWDING replied:

Yes.

INDUSTRIAL RELATIONS: DISPUTE

Fremantle Wharf

271. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

- (1) Is it correct that *America II* is being shipped, or is proposed to be shipped to the United States on the ship I have just named?
- (2) Is it true that there are two masts in one parcel on the deck?
- (3) Is it true that the ship is being delayed because the maritime unions insist on lashing the masts to the deck, even though the captain thinks that is unnecessary?

Hon. PETER DOWDING replied:

- (1) to (3) I do not know the details in relation to *America II*, I am afraid. I am glad to inform the House that I am informed the ship has sailed.

INDUSTRIAL RELATIONS: DISPUTE

Fremantle Wharf

272. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

If the ship has sailed, I am very pleased, but that was not my information this afternoon.

- (1) When the matter was first brought to his attention was the Minister advised that the cost of the delay in the shape of one ship was \$20 000 a day, and while that ship was not able to move other ships were held up at an approximate cost of \$20 000 a day, so that the cost in holding up the ships was \$80 000?
- (2) If he did know that, did he, on behalf of those people who were seeking to get cargo from those ships and on behalf of those people who wished to export their products from Western Australia, take any action to see whether he or the Government could resolve the issues and have the problems associated with people who live in Western Australia overcome?

Hon. PETER DOWDING replied:

- (1) and (2) Mr Masters has used the tactic in the past of seeking to inflame industrial disputes by having them debated in

question time. I do not intend as a practice to disclose to him what advice or information I have received unless it is appropriate to do so. I became aware of this dispute at the weekend. I took a number of steps which were designed to facilitate a resolution of the dispute, including seeking advice from the Leader of the House, whose knowledge of the maritime industry is unparalleled amongst politicians. I arranged for action to be taken to seek to have that dispute resolved. Members of my staff were engaged in that activity until the time of the sailing of the ship.

INDUSTRIAL RELATIONS

Waterfront: Conditions

273. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

- (1) Dealing with the waterfront again, is the Minister aware that the situation on the waterfront at this time is absolutely chaotic? I understand if the temperature in Perth—the Minister can confirm this—is 36 degrees, regardless of the temperature on the waterfront, the waterfront workers leave the job.
- (2) Is the Minister aware in regard to the workers that they have worked an average of two hours a day, roughly, in the last few weeks, yet they are paid for the full day?
- (3) Is he aware that unless things improve, the situation for shippers, both incoming and outgoing, will be absolutely disastrous?
- (4) Is he aware that those people involved in receiving and shipping goods are at their wit's end to know what to do, and the costs are enormous?
- (5) Would he make some statement about what he proposes to do to help those people who are suffering?

Hon. PETER DOWDING replied:

- (1) to (5) I will put the answer in the negative. I do not intend to inflame any industrial situation with the irresponsible comments which Hon. Gordon Masters is prone to use, and which he found attractive during the short period when he was Minister for Labour and Industry.

Secondly, I am informed that the lost time on the wharf in Fremantle is not significantly different from that lost in other places. My Government, my department, the Office of Industrial Relations, and my staff will do all that we can to create an industrial climate in which disputes, if and when they arise—as they did during Hon. Gordon Masters' term and as they no doubt will during my term, are minimised and the effect thereof is kept to the barest minimum.

INDUSTRIAL RELATIONS

Waterfront: Conditions

274. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

Is the Minister saying that as far as he is concerned he will do nothing to help business and industry on and off the waterfront?

Hon. PETER DOWDING replied:

I think that is a facile comment from Hon. Gordon Masters. I have said we will do everything to facilitate the minimisation of industrial disputation. If Hon. Gordon Masters has any positive suggestions in any particular case as a result of his 15 months in the portfolio, I would be very happy to receive them—preferably out of the glory of the public arena, because his comments in the main have not been helpful in that regard in the past.

PARLIAMENTARY COMMISSIONER FOR ADMINISTRATIVE INVESTIGATIONS

Staff

275. Hon. I. G. MEDCALF, to the Attorney General:

Will the Attorney advise names, descriptions, and relevant classifications of all officers of the Parliamentary Commissioner?

Hon. J. M. BERINSON replied:

I thank the member for some advance notice to the responsible Minister. The reply I have is as follows—

Name and Description	Equivalent State Public Service Classification
Mr W. L. Higgins	A-1-10
Deputy Parliamentary Commissioner	
Miss P. Thomson	Legal Profession
Legal Officer	Level 3
Mr D. J. Brown	Legal Profession
Legal Officer	Level 3
Mr G. C. Spivey	C-II-10/11
Senior Investigating Officer	
Miss J. Dunkley	C-II-6
Investigating Officer	
Mr A. N. Brown	C-II-5/6
Executive and Investigating Officer	
*Miss J. Booker	C-III-2/3
Secretary	
*Miss A. Gardner	C-III-1/2
Secretary/Stenographer	
*Mrs C. M. Cooper	C-III-1
Stenographer/Receptionist	
*Miss J. M. Smith	C-VI
Clerical Assistant	

TAXES AND CHARGES: PAYROLL TAX

Returns: Changes

276. Hon. P. H. WELLS, to the Minister for Budget Management:

My question follows on the answer given to question 495 today. In that question I sought information about the alteration to the State payroll tax return form. I wanted to know why the addition to that form required applicants to give information about payments to subcontractors. My question is—

Is this matter subject to regulation, or does the commissioner have free will to include additional information on forms? Alternatively, does the commissioner obtain ministerial approval for the alteration of those types of forms?

Hon. J. M. BERINSON replied:

In general, in the administration of the taxation Act, the commissioner is not subject to ministerial direction. Therefore, there is no question of ministerial authority for this. My understanding is that the addition of that requirement to the form was in the context of the commissioner's investigatory powers.