

Legislative Assembly

Thursday, 21 February 1985

THE SPEAKER (Mr Harman) took the Chair at 10.45 a.m., and read prayers.

STANDING ORDERS COMMITTEE

Report

On motion by Mr Barnett (Rockingham), resolved—

That the report of the Standing Orders Committee be received.

On motion by Mr Barnett (Rockingham), resolved—

That the report be printed, and that consideration of the report be made an Order of the Day for the next sitting of the House.

SUPPLY BILL

Second Reading

MR TONKIN (Morley-Swan—Leader of the House) [10.52 a.m.]: I move—

That the Bill be now read a second time.

This measure seeks the grant of supply to Her Majesty of \$1 710 million for the works and services for the year ending 30 June 1986 pending the passage of Appropriation Bills during the Budget session of the next financial year.

The Bill seeks an issue of \$1 550 million from the Consolidated Revenue Fund and \$80 million from moneys to the credit of the General Loan Fund. Provision is made also in the Bill for an issue of \$80 million to enable the Treasurer to make temporary advances as may be necessary.

The amounts sought are based on the estimated costs of maintaining services and works at existing levels and no provision has been made for any new programmes which must await the introduction of the 1985-86 Budget.

Before dealing with the formal requirements of the Bill I would like to comment briefly on the current year's budgetary position.

As members will recall, the 1984-85 Consolidated Revenue Fund Estimates presented to Parliament on 9 October 1984 provided for a balanced Budget with revenue and expenditure estimated at \$2 841 million.

A mid-year Budget review indicates that receipts and outlays are broadly in line with what might be expected at this stage and there are no special features in trends to indicate that the Government's target of a balanced Budget for

1984-85 will not be achieved. If anything there is a good prospect of a small surplus being achieved for the second year in succession.

There will be, not unsurprisingly, some variations to the Estimates of Revenue and Expenditure presented to Parliament, but this is to be expected in a Budget of a magnitude of about \$2.8 billion.

Based on current trends, more buoyant revenue collections can be expected due mainly to Westrail traffic receipts being up as a result of the excellent wheat harvest.

Taxation receipts are also running slightly ahead of the Budget estimate, a reflection of increased economic activity in this State.

Overall expenditure transactions are being held close to estimates and in cases where unavoidable overruns occur, every effort is being made to achieve offsetting savings elsewhere within the Budget.

An important factor leading to restraint in expenditure levels in the year was the absence of any significant award increases during the first six-month period.

The continued downward adjustments to inflation figures and the resultant impact on future award increases are generally in line with Budget expectations. However, the final Budget result will be dependent to a large extent on the outcome of the national wage decision scheduled for March 1985.

The overall result of the mid-year Budget review is pleasing. It reflects improved economic conditions and continues the Government's sound approach to financial management.

On this latter point I am sure I do not have to remind members that in 1983-84—the first year for which we framed a Budget—the Government restored the State's financial fortunes after a deficit of more than \$14 million was incurred in 1982-83. I am hopeful that the small surplus we achieved in that year will be built upon in the current financial year, notwithstanding the unprecedented tax concessions we introduced in the 1984-85 Budget.

Turning to the outlook for 1985-86 members would be aware of the crucial importance of Commonwealth-State financial arrangements and in particular the review of general revenue-sharing arrangements with the States.

The history of the tax-sharing arrangements shows that despite promises of a guaranteed share of Commonwealth taxation revenues the Commonwealth has, in the past, imposed unilateral decisions which have restricted the growth in

funding to the States to a level below the corresponding growth of the Commonwealth's own expenditures.

In view of the limited areas of taxation open to the States, there is a need for the revenue-sharing arrangements with the Commonwealth to provide for adequate growth and stability in revenue to enable the State to cater adequately for fundamental community requirements.

Western Australia's major concern will be to ensure that the States receive an appropriate share of Commonwealth taxation revenue and that adequate guarantee arrangements are in place that provide the States with secure levels of payments necessary to maintain acceptable levels of Government services.

Another factor which could significantly influence future revenue from the Commonwealth is the current review of State relativities being conducted by the Commonwealth Grants Commission and due for completion at the end of March 1985.

In summary, the budgetary outlook for 1985-86 will be largely dependent on reviews in Commonwealth-State financial arrangements. Other important factors are, of course, the full year impact of award increases granted in 1984-85 and the full year effect of taxation concessions introduced in the 1984-85 Budget. Naturally these matters will be covered in detail when the Budget for 1985-86 is presented.

I commend the Bill to members.

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

COMMERCIAL TENANCY (RETAIL SHOPS) AGREEMENTS BILL

Second Reading

MR BRYCE (Ascot—Minister for Small Business) [10.57 a.m.]: I move—

That the Bill be now read a second time.

This Bill is the culmination of concerted efforts by the Government and industry groups involved in this issue to find a genuine, workable solution to the complex and far-reaching issues involved in commercial tenancy agreements.

When this Government came to office in 1983, a number of serious and unresolved conflicts existed between retail shop owners and tenants regarding certain lease provisions and commercial practices which were seen to work against the commercial interests of the small business sector in Western Australia.

The Government's election commitment was to resolve these issues in order to ensure a stable and

secure base for small business growth and development.

The Government's commitment specified that an independent inquiry would be held to determine the need for legislation in this area. At the same time the Government indicated its preference for non-legislative solutions if that were possible.

In October 1983 an independent barrister, Mr Nigel Clarke, was commissioned to conduct the inquiry into commercial tenancy agreements. Clarke's work was most thorough and his contribution to the solution of the problems is a significant one.

The report of Clarke's inquiry was released on 29 February 1984, coincidentally with the launch of the Small Business Development Corporation.

Clarke's report, in essence, suggested legislation as the only long-term solution. He then went on to make some 13 specific recommendations.

Under the chairmanship of the Small Business Development Corporation, the retail liaison committee then held an extensive round of meetings to discuss Clarke's recommendations and determine those areas where industry consensus was possible.

It is interesting to note that there is in fact fundamental consensus on the issues raised by Clarke, and these were identified by the retail liaison committee and have formed the basis of the Government's action in this matter.

As a result of the inquiry and the industry group deliberations co-ordinated by the Small Business Development Corporation, the Government decided, on the weight of overwhelming evidence, that to legislate was the only means of achieving a lasting solution.

Of course, other States have experienced similar problems, and in fact the Queensland Parliament had proclaimed a Retail Shop Leases Act on 12 March 1984. This Act and its operation have been used as a guide throughout in the Government's deliberations.

At this time, the South Australian Parliament has before it similar legislation, and the Victorian Parliament is currently assessing—or was until it was dissolved, I presume—the results of a parliamentary committee which also considers legislation.

This Bill is framed in such a way as to ensure that the problems created by lack of awareness on the part of tenants are eliminated. It is not intended that the Bill should in any way interfere with market forces at play in the industry.

Consultation with involved industry groups continued up to and during the drafting of the Bill,

and advance copies of the Bill were distributed to six business organisations involved in the retail industry and to the Law Society. As a result of input from those organisations the Bill was further refined.

I now turn to the main features of the Bill.

It is intended to cover all but major retail shops, plus all similar tenancies in shopping centres.

It is not intended that the provisions of this Bill should be retrospective. There shall, however, be the facility to refer to a mediator, disputes on leases entered into prior to the date on which this Bill becomes law.

An innovative feature of this Bill, and one which has evinced unanimous support, is the introduction of a disclosure statement which will contain a full disclosure of all material agreements made during negotiation and essential features not included in the lease. In the documentation it is intended also to ensure that it appears, in the strongest possible terms, that professional advice should be sought, prior to entering into the agreement. To this end all documentation is to be in the hands of tenants seven days prior to signing. In this way tenants will have every opportunity possible to understand the often complex agreements into which they are entering.

With respect to turnover-based rent, the Bill specifies in detail a number of items which are to be excluded from turnover. Once again tenants shall have full disclosure of formulae used to determine the rental base prior to signing an agreement. Turnover-based rent must be requested, in writing, by the tenant, prior to signing an agreement. Turnover-based rent must be requested, in writing, by tenant, prior to its forming the basis for rent determination.

Unless turnover-based rent is used, tenants will not be required to furnish turnover figures to the landlord. Key money and goodwill payments will be outlawed.

The basis or formula on which rent reviews are to be calculated is to be included in lease documentation. Where a dispute arises, it shall be determined using licensed valuers and if necessary will be finally resolved by the tribunal.

Full disclosure of all variable outgoings and apportionment formulae are required to be a part of lease documentation.

It is intended that a tenant shall be given an implied option to extend his lease period to a minimum five-year period. This measure will give the small business tenant the initial security necessary to establish his or her business.

The establishment of an arbitration system to determine disputes is seen as a central figure of this Bill. To this end, the mechanism of the Commercial Tribunal is seen to provide the appropriate medium for this activity. The system uses a two-tiered approach; that is, the commercial registrar, being legally qualified, is appropriately vested with the function of mediator.

Where mediation is not possible, disputes will pass to the Commercial Tribunal for arbitration. The Commercial Tribunal will draw from a panel of individuals representative of the interests of both parties in dispute.

This process fits neatly into the Commercial Tribunal's functions, and will provide the necessary quick and cost-effective mechanism for dispute resolution.

It is appropriate to note that to this time, after some three months of operation of the Queensland legislation, some mediations have taken place, all amicably resolved, and without need for reference to arbitration.

The Act in operation will be closely monitored to ensure it continues to fulfil the needs of industry groups, and in any event it has review provisions included to cause a complete review after five years.

Explanatory material is to be widely available, and industry groups, who await anxiously the passage of this Bill, will assist greatly in the dissemination of this information.

The Government sees this Bill as a further measure in its programme of worthwhile support for small business. As such the Bill will provide a firm basis on which commercial tenancy agreements may be made and will provide a basis for harmony essential to the growth of this sector.

It therefore gives me a great deal of pleasure to commend the Bill to the House.

Debate adjourned, on motion by Mr Court.

JOONDALUP CENTRE AMENDMENT BILL

Second Reading

MR PEARCE (Armadale—Minister for Planning) [11.08 a.m.]: I move—

That the Bill be now read a second time.

The amendment proposed in this Bill relates to an administrative matter and is intended to make the present system more efficient. In general terms, the new provision will remove the need for me to individually sign transfer documents for land sold by the Joondalup Development Corporation.

This has not been a major problem in the past due to the relatively small number of transactions made by the corporation. The corporation has ad-

vised that it intends releasing in excess of 200 residential lots in three stages during 1985 and that numerous transfer documents will be involved.

In accordance with the Act as it presently stands, I must grant approval for the corporation to sell land and property. The Registrar of Titles interprets this to mean that I must sign each transfer document.

The amendment will not remove the need for my approval for the corporation to sell land, but rather will provide that when the common seal of the corporation is affixed to any document, it shall be evidence that my approval has been previously sought and given.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Trethowan.

TOWN PLANNING AND DEVELOPMENT AMENDMENT BILL

Second Reading

MR PEARCE (Armadale—Minister for Planning) [11.10 a.m.]: I move—

That the Bill be now read a second time.

The amendment proposed in this Bill relates to an administrative matter in terms of the composition of the Town Planning Appeal Tribunal. In general terms, the new provision will enable the Minister to appoint another eligible person to act as chairman or member in a situation where the chairman and his deputy or a member and his deputy are simultaneously ill or absent for some valid reason.

In accordance with the Act as it presently stands, the Town Planning Appeal Tribunal consists of three members, one of whom shall be the chairman, appointed by the Governor. The Act also provides that the Governor shall appoint deputies for the chairman and the members.

The chairman of the tribunal, Mr D. Malcolm, QC, has advised me that due to unforeseen circumstances there will be occasions where conflicting commitments will mean both he and the deputy chairman will be absent from the tribunal. In situations such as this, the amendment will enable the Minister to appoint another person who has the same qualification for appointment as is required of the chairman and his deputy or a member and his deputy to act as the chairman or member or their respective deputies. The amendment will avoid any unnecessary delays in the determination of town planning appeals.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Trethowan.

PARKS AND RESERVES AMENDMENT BILL

Second Reading

MR TONKIN (Morley-Swan—Leader of the House) [11.12 a.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to make three minor amendments to the Parks and Reserves Act.

The first of the amendments concerns the leasing of portion of Kings Park. Section 5(3) of the Act requires the consent of both Houses of Parliament before the Kings Park Board may lease any part of Kings Park. The Act was amended in 1972 by insertion of section 5(4) to enable the board to lease the Bovell kiosk in the Arthur Fairall Playground, and in 1978 by insertion of section 5(5) to authorise leasing of the Kings Park Restaurant.

The surroundings of the Lawrence Pavilion have been landscaped to provide a feature garden and playground for small children, including the disabled, and the pavilion has been modified to provide public facilities and a kiosk for sale of refreshments. A provision very similar to that of 1972 is now proposed, to empower the board to lease this kiosk.

The second of the amendments relates to the exclusion of domestic animals and birds from reserves controlled by boards constituted under the Act. Section 8(1) of the Act empowers a board to make by-laws for, amongst other things, "preventing or regulating the admission of vehicles, horses, dogs, asses, mules, camels and cattle". The Rottne Island Board is concerned that it does not have the ability to control the introduction of animals such as cats and birds onto the island. It is now proposed to expand the existing powers provided by the Act to embrace birds and animals generally.

The last of the amendments relates to penalties for breach of by-laws made by a board under the Act. Section 8(2) of the Act presently limits to \$50 the penalty that a board may prescribe in its by-laws for those situations where an infringement notice is issued under section 14(2)(d) and an offending party chooses not to contest the matter in court. The section otherwise specifies a maximum fine of \$1 000 which can be imposed by a court of summary jurisdiction for a breach of by-laws.

Penalties imposed by infringement notices under Kings Park by-laws are much less than—in most cases less than half—those imposed for the same offences under the Road Traffic Act, with the latter moreover awarding demerit points. There are other anomalies also, with, for instance, the Local Government Act prescribing maximum

penalties of \$200 for offences against that Act and \$500 for offences against by-laws under that Act.

It is now proposed to increase the maximum modified penalty imposed by infringement notices from \$50 to \$200, to allow for removal of anomalies and to avoid the need for similar adjustments within the near future. Any change to by-laws to increase penalties within the proposed range would, in accordance with section 9 of the Act, be subject to Parliament's review.

All amendments are considered to be entirely reasonable, and I commend the Bill to the House.

Debate adjourned, on motion by Mr Blaikie.

POSEIDON NICKEL AGREEMENT AMENDMENT BILL

Second Reading

MR PARKER (Fremantle—Minister for Minerals and Energy) [11.15 a.m.]: 1 move—

That the Bill be now read a second time.

The purpose of this Bill is to obtain parliamentary ratification of the agreement entered into on 15 November 1984 between the State and Western Mining Corporation Limited to vary the provisions of the Poseidon Nickel Agreement of 1971 as amended to date.

The 1971 agreement was ratified by Act No 59 of 1971 and with its amendments to date will be referred to as either the "principal" or the "current" agreement, with Western Mining Corporation Limited being referred to as "the company".

The major purposes of the variation agreement now before the House are briefly outlined as follows—

To replace the company's several Mining Act 1904 mineral leases, held under the current agreement for nickel and certain other minerals, with a single "all minerals" mining lease under the Mining Act 1978;

To replace the existing exemption from the labour provisions of the Mining Act 1904 with exemption from the expenditure provisions of the Mining Act 1978;

To bring the Poseidon nickel project's Windarra mine process water supply, which is sourced from outside the agreement mining area, within the ambit of the principal agreement.

The variation agreement will also confirm that mineral lease numbered 38/84, a small area which was inadvertently excluded from the mining areas in the principal agreement, is to be deemed to have

been at all material times held under and pursuant to the principal agreement.

I will now deal in more detail with the first of the objectives I have outlined; that is, the amendment of the current agreement to replace the company's 1904 Mining Act mineral leases held pursuant to the current agreement with a single mining lease under the Mining Act 1978 for the same total area, plus the area of mineral lease 38/84 which will be referred to again later in these comments.

Although the amending clauses give recognition to the "all minerals" concept of the Mining Act 1978, they will not provide the company with an automatic right to mine any mineral within the agreement mining areas apart from the ore defined in the principal agreement as nickel ore. Should the company wish to mine other minerals, it will be required to first submit further or additional proposals to the State and to obtain the approval of the Minister to those proposals.

It is an important feature of the last-described provisions that in the event of non-approval of the relevant proposals by the Minister, or subsequent failure of the company to obtain a favourable award on any arbitration concerning such proposals, the agreement as otherwise operative will remain in full force and effect.

As to the second objective of the variation agreement, the substitution of an exemption from expenditure conditions of the Mining Act 1978 for the exemption from the labour conditions of the Mining Act 1904 is a necessary corollary to the substitution of a mining lease under the current Mining Act.

I pass now to the amendments which will bring the Poseidon nickel's process water supply to the Windarra mine under the scope of the Poseidon nickel agreement.

In 1976, due to the remoteness of the locality, the brackish nature of the water, and the unlikely requirement for a share of the water supply by any third party, the State approved the company designing, constructing, and operating its own process water supply from the Valais Wells area, under an appropriate licence from the State.

That approval was given subject to the company entering into a variation agreement to authorise this departure from the water supply provisions of the principal agreement. Under those provisions, the State is obliged to design, construct, and operate the water supply service from outside the agreement mining area at the cost of the company.

Action towards the variation agreement lapsed shortly afterward due to the then uncertain future

of the Poseidon nickel project as a result of a drastic fall in the world price for nickel.

The related provisions of the variation agreement will remove this now longstanding anomaly in regard to the water provisions of the Poseidon nickel agreement.

The last of the amendments to the principal agreement outlined in my opening remarks is that concerning the inclusion of mineral lease numbered 38/84. This small lease adjoins the southern boundary of two of the several mineral leases included in the principal agreement. I am satisfied that it should have, at all material times, been held under and subject to the provisions thereof.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Peter Jones.

COAL MINES REGULATION AMENDMENT BILL

Second Reading

MR PARKER (Fremantle—Minister for Minerals and Energy) [11.20 a.m.]: I move—

That the Bill be now read a second time.

Commercial mining of coal commenced in the Collie coal basin in 1898. Legislation, in the form of the Coal Mines Regulation Act 1902, was enacted on 1 June 1902 to protect the safety, health, and welfare of Western Australia's coalminers. Being patterned on British law, the Act banned the employment of females in coalmines. This discrimination against females is now contrary to article 11(1)(b) of the United Nations Convention on the elimination of discrimination against women.

This Government has a commitment, in line with national and State Labor Party policy, to the removal of discriminatory barriers against women, particularly in the workplace.

The proposed Bill will remove the barrier against employment of women, and widen the scope for equal opportunity for women in the workplace.

Although the appalling conditions which existed in underground coalmines last century, and which led to the exclusion of women, no longer prevail, heavy, difficult, and potentially dangerous jobs still exist.

For this reason, and to a considerable extent due to a traditional attitude which is naturally ingrained in the industry, there is some opposition to the removal of this barrier.

Nevertheless, modern technology has relieved much of the heaviest physical work, and many

jobs now exist which are dependent on training and skill rather than physical strength.

Due to the character of underground coalmining, with its own peculiar hazards, and the traditional perceptions that prevail, the acceptance of this change may well be less readily achieved than in the metal mining industry.

However, if a restrained and low-key approach is taken, and every attempt is made to accommodate gradually to changes, and if confrontation is avoided, then the transitional phase following the legislation should be accomplished with minimal dislocation.

I therefore submit the Bill with the object of removing a discriminatory barrier against employment of women in this State.

I will now briefly explain the major features of the amendments.

Clause 3 repeals section 24(1) of the Act and replaces it with an amendment designed to remove the discriminatory legislation against the employment of females in coal mines.

Clause 4 amends section 25 of the principal Act so as to ensure that proper and accurate details of all junior employees are recorded in a register which is available for scrutiny by the inspector. The purpose of this register is to safeguard the employment of children.

The remaining clauses are designed to remove the specific words of one gender—"men" and "boys", and replace them with the words "persons" and "juniors" respectively. Those words are non-discriminatory and are applicable to both sexes.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Peter Jones.

MINES REGULATION AMENDMENT BILL

Second Reading

MR PARKER (Fremantle—Minister for Minerals and Energy) [11.23 a.m.]: I move—

That the Bill be now read a second time.

Women have already made their mark in the metalliferous mining industry as mobile equipment operators, shovel drivers, treatment and processing plant operators, laboratory technicians, and as mineworkers in many other surface functions. In isolated areas, their contribution as mine employees has been particularly valuable as their presence greatly contributes to a more harmonious, stable, and balanced work force.

This Government is committed, in line with national and State Labor Party policy, to the removal of discriminatory barriers against women, particularly in the workplace.

Moreover the existing legislation, which prohibits the employment of women underground, is contrary to article II (1)(b) of the United Nations Convention on the elimination of discrimination against women.

The effect of this Bill will be to remove this barrier and increase the scope for equal opportunity for women in the workplace.

The arguments against this course of action have been heard and the most effective response is to consider the extent to which women have entered the underground mining work force in other developed countries. No serious problems of which we are aware have been experienced.

Various partial approaches, which go some of the way toward removing barriers, have been considered and rejected. Such legislation can lead to disputation, inconsistent interpretation, and thus, abuse.

With the application of commonsense and forbearance in all sectors of the industry, there

need be few more difficulties than have been experienced with the entry of women into the surface mining scene and this has been a straightforward process.

The legislative change is achieved simply by replacing section 41(1) of the existing Act and making a minor change to section 41(2).

I commend the Bill to the House.

Debate adjourned, on motion by Mr Peter Jones.

[Questions taken.]

POSEIDON NICKEL AGREEMENT AMENDMENT BILL

Message: Appropriations

Message from the Governor received and read recommending appropriations for the purposes of the Bill.

**ADJOURNMENT OF THE HOUSE: SPECIAL
MR TONKIN** (Morley-Swan—Leader of the House) [11.45 a.m.]: I move—

That the House at its rising adjourn until
Wednesday, 27 February at 2.15 p.m.

House adjourned at 11.46 a.m.

QUESTIONS ON NOTICE

All questions postponed.

QUESTIONS WITHOUT NOTICE

PLANNING: STIRLING CITY COUNCIL

Town Planning Scheme No. 2: Approval

729. Mr MacKINNON, to the Minister for Planning:

In view of his statement to the Parliament yesterday that the wrangle between the Government and the City of Stirling over the ALP's Chinese restaurant is holding up "millions of dollars" worth of development, will he explain why he will not agree to approve the city's Town Planning Scheme No. 2 and deal with the restaurant issue as a separate matter to be dealt with as an amendment so that the other developments can proceed while the restaurant matter is being sorted out?

Mr PEARCE replied:

Because this issue will be resolved in the next few days, it is not necessary to attempt to take a town planning scheme from the City of Stirling, or indeed any other local government authority, piece by piece. I asked the Stirling City Council to reconsider the matter at a meeting I held with them yesterday, and the council will hold a special meeting tomorrow night.

I expect the matter to be resolved, unlike Opposition members who are hoping and praying for no resolution of this issue. They are hoping that the matter will go on so that millions of dollars worth of development will be held up. I can assure the Opposition that it is the intention of the Government to have this issue resolved quickly, so that all of those developments can go ahead.

EDUCATION: TEACHERS

Payment

730. Mr CLARKO, to the Minister for Education:

I have been advised that approximately 270 teachers did not receive their pay in the first pay period of this year. If that is so, could the Minister advise me whether any steps could be taken to assist any of those 270 teachers who were not paid and who need the money. I ask the Minister to make some special arrangements whereby they could be met with these particular sums.

Mr PEARCE replied:

The situation the member has outlined is true; some 270 teachers were not paid on the first pay period for the school year.

My understanding is that they were all people who started work on the first day of the school year and the first pay period came three days after the start of the school year.

It has never been the case that teachers have received payment after only three days' work, and I have given the Education Department an instruction that it is to ensure that all those teachers are paid for two weeks and three days on the second pay period of the year, and that there is not a delay, which has occurred sometimes in the past—sometimes up to six weeks for beginning teachers.

I recall the time when I was appointed to the Eastern Goldfields High School in 1970 and I had to wait six weeks before I was paid. It was a time when I had no money and the local fish and chip shop fed me almost on credit for a good part of that period.

However, if the member for Karrinyup is aware of any teachers who have not been paid and who do fall within that category—that is to say, those who have worked for three days, or those who are in dire circumstances, because even the three days' pay is necessary to get them through the two weeks—and advises me of their names I will take action to ensure that they receive an interim payment.

ABORIGINAL AFFAIRS: LAND RIGHTS

Legislation: Advertising Campaign

731. Mr MacKINNON, to the Minister with special responsibility for Aboriginal Affairs:

- (1) Is it correct that television commercials in respect of the Government's land rights legislation have already been prepared and the time on the television stations booked?
- (2) If that is the case, bearing in mind that it will probably be, by and large, taxpayers who fund the campaign, will he inform the House of the anticipated cost of the campaign?
- (3) When will the campaign begin?

Mr WILSON replied:

- (1) to (3) I ask the member to put the question on notice and I will see that he receives an accurate reply.

ABORIGINAL AFFAIRS: LAND RIGHTS

Legislation: Discussions

732. Mr WILLIAMS, to the Minister with special responsibility for Aboriginal Affairs:

In the 23 January publication of *News Weekly* it is stated that discussions are due to take place among the Prime Minister, the Minister with special responsibility for Aboriginal Affairs, and the Premier before the State land rights legislation is introduced. Is it a fact that other discussions are to take place before the legislation is introduced, as the article suggests?

Mr WILSON replied:

There may be further discussions with representatives of the Federal Government, but I can assure the member, if he has any real interest at all in the subject, that there are no outstanding issues between the State and Federal Governments. As far as the State Government is concerned, the position is non-negotiable, and the Federal Government understands that.

GAMBLING: CASINO

Agreement: Environmental Review

733. Mr MENSAROS, to the Minister for the Environment:

Has he been consulted and given his approval to the procedure that, as reported, the agreement between the casino developers on Burswood Island and the State has been formally negotiated and even signed before the ERMP has been evaluated and recommended upon as previously promised by the Government?

Mr DAVIES replied:

The matter is still proceeding with the Department of Conservation and Environment. People do not seem to understand there are two separate developments. One is a building development which is associated mainly with planning, and the other is the development of the park which abuts the river and could have some effect on the waterways.

Mr MacKinnon: Don't the buildings go on land?

Mr DAVIES: There is a distance of about twice the width of the Esplanade between where the casino will be and the riverfront.

Mr Peter Jones: It is not going through the procedures.

Mr DAVIES: As far as I am concerned the EPA will have a look at it.

GAMBLING: CASINO

Agreement: Environmental Review

734. Mr TRETOWAN, to the Minister for the Environment:

- (1) Is the signing of an agreement between the casino developers and the Government in line with his previous statements following the Farrington Road dispute that all sensitive environmental matters will first have clearance from his department or the EPA?
- (2) If not, what is the policy for future developments which may have an impact on the environment—
 - (a) will they be handled according to the law; or
 - (b) will they be handled arbitrarily pending subsequent approval by Parliament?

Mr DAVIES replied:

- (1) Yes.
- (2) Not applicable.

NATURAL DISASTERS: FLOODS

Burswood Island: Evaluation

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

- (1) Has the flood danger on Burswood Island ever been considered and evaluated by any of the departments and/or authorities under his responsibility?
- (2) If so, what are very approximately the 25, 50 and 100-year flood levels above the normal water mark?
- (3) If it has not been evaluated, why not?

Mr TONKIN replied:

- (1) to (3) The member will recall that questions were asked last year the answers to which indicated that although parts of that area were flood prone it was not in a floodway. I am not aware of the degree to which it has been evaluated but I will make inquiries and let the member know.

TAXES AND CHARGES: TAX HOT LINE

Questions

736. Mr MacKINNON, to the Deputy Premier:

- (1) Is it correct that every person who rang the State Government's tax hot line was asked to answer "yes/no/don't know" to the following questions—

Would you support an increase in mineral royalties?

Would you support a tax on gold mining?

Would you support the introduction of a capital gains tax, death duties?

Would you support a retail turnover tax?

Are you concerned about tax evasion and avoidance in the community?

I do not know whether they asked that of Mr Dowding. To continue—

Do you think the penalties for tax evasion and avoidance are sufficient?

- (2) If all callers were not asked those questions, were some callers asked those questions?
- (3) If the answer to either of the questions is "Yes", will the Deputy Premier provide the House with the tabulated results of the answers to the questions?

Mr BRYCE replied:

- (1) to (3) The tax hot line seems to have got under the skin of members opposite and I just cannot understand why they feel so raw about the subject. It really is quite a change to think that some Minister or Ministers responsible for Government policy might make a decision to consult the people at large. We can understand that it simply was not part of the *modus operandi* of those staunch former Ministers who occupied the Treasury bench in the 1970s.

Mr Peter Jones: That is part of your operation, to consult people at large, isn't it?

Mr BRYCE: Yes, it is.

I cannot understand the Opposition's reaction. Even the Leader of the Opposition yesterday called it the "so-called" tax hot line. I am not sure whether it is the hot weather or the hot line which has caused the member for Nedlands to be so upset about the concept. He got really agitated about it yesterday.

The answer is that people were given an opportunity to speak and indicate how they felt about important principles and the application of things they saw as weaknesses in the taxation system. Then they were asked whether they were prepared to respond to a series of specific questions. I do not have all the details: There was a list of 10 questions and many had a number of parts. There was certainly a high correlation between the questions the Deputy Leader of the Opposition read to the House and those I recall seeing on the sheet. Whether they are word for word I cannot say without looking at the questions. We did that specifically to try to formalise some of the feedback we got. I have not yet

had an opportunity to discuss with the officers of my department how successful they were in meaningfully recording the responses to that particular questionnaire. When I have a chance to look at it I will make a decision concerning the release of the information.

TAXES AND CHARGES: TAX HOT LINE

Cost

737. MR COURT, to the Deputy Premier:

What was the cost of establishing and operating the Government's recent tax hot line?

Mr BRYCE replied:

I am totally unaware of that figure but I would be happy to have the cost accurately assessed so that I can inform the member if he puts the question on the notice paper.

TAXES AND CHARGES: TAX HOT LINE

Small Businesses

738. Mr PETER JONES, to the Deputy Premier:

I understand many of those who responded to the tax hot line indicated some concern at the general level of taxes and charges particularly in relation to small business. Is it the Government's intention as a result of getting that information—apart from any information and application it might put to the Federal Government regarding its taxation arrangements—to consider its level of taxes and charges especially to small business?

Mr BRYCE replied:

I think the member has lost sight of the fact that this Government has done more in the so important field of taxation—

Mr Coyne: More harm!

Mr BRYCE: I appreciate the assistance of the member for Murchison-Eyre. Let me take one example and make the point that a very important tax which concerns business right across the scale in terms of size has been significantly reduced; that is, payroll tax.

Mr Clarko: It has not been reduced.

Mr BRYCE: In fact it has.

Mr Clarko: You are collecting more this year than in the previous year.

Mr BRYCE: That is because of the tremendous increase in economic activity.

Several members interjected.

Mr BRYCE: Well, well, well! Members opposite cannot deny that we are the only Government in Australia to have

reduced the rate of payroll tax since that infamous decision by Sir William McMahon in 1970 to give the States payroll tax as a growth tax. Let us never forget it was Liberal Party philosophy and commitment to single out payroll tax which has had such an impact on business right across the country. It was Liberal Party luminaries who made the decision to refer that tax to the States and to encourage the States to use it to accommodate their growth and need for additional revenues during the 1970s and the first half of this decade.

Mr Peter Jones interjected.

Mr Wilson: You are a Liberal now.

Mr BRYCE: And the member is fitting into the mould of the Liberal very well. I suggest that he had been considering transfer form, Form 4, for quite a long time and has slipped into the *modus operandi* of a St. George's Terrace farmer very quickly. Is it not interesting to see how many of the constituents who elected the member to this place as a Country Party member are starting to feel just a little disgusted with him for becoming a supporter of the St. George's Terrace farmers?

Mr Peter Jones: Answer the question, "yes" or "no".

Mr BRYCE: The answer in essence is that we are very proud of the reduction in the rate of payroll tax. This is the only Government in the entire country that has ever taken a step in that direction. When members sitting opposite were on the Treasury bench, they had a record in respect of their management of payroll tax of seeing it increase slowly, but surely, in line, and in some stages, in excess of increases in payroll tax right across the country.

We have taken a step in the right direction. This is the first Government to ever reduce the rate of payroll tax. We are proud of it and we can guarantee that the trend will continue.

CONSERVATION AND LAND MANAGEMENT: EXECUTIVE DIRECTOR

Appointment: Applicants

739. Mr BLAIKIE, to the Minister for the Environment:

- (1) Were Mr Colin Porter, head of the Department of Conservation and Environment, and Mr Pat McNamara, acting Conservator of Forests, included among the applicants for the position of executive director of the new Department of Conservation and Land Management?

- (2) If so, why were their qualifications and expertise apparently not taken into account?

Mr DAVIES replied:

- (1) and (2) I can only repeat the answer I gave in here and in the other place recently that the names of applicants are not made public. It is not fair to say who were and who were not applicants. The member can go through the whole electoral roll and ask me one by one whether the people listed were included as applicants to get the information he wants. He will not get it that way. I am not going to tell him who the applicants were.

Mr Blaikie: You are trying to hide something.

Mr DAVIES: We are not trying to hide anything. However, there is still some element of decency in this Government which respects traditions which have been held by the Public Service for a very long time to keep confidential the names of applicants or other particulars of people who apply for jobs.

CUSTOMS: DISPUTE

Small Businesses: Effect

740. Mr COURT, to the Minister for Small Business:

- (1) Is the Deputy Premier aware of the very serious problems that many small businesses, including exporters, are facing due to delays of materials deliveries caused by the customs dispute?
- (2) Have representations been made to the Federal Government outlining the problems being experienced and requesting immediate action to resolve the problem?

Mr BRYCE replied:

- (1) and (2) We are well aware of the problems being caused by this dispute. I am delighted to see that the member for Nedlands is taking some interest in small business in 1985. I make the point again that we are having it demonstrated to us that the Liberal Party has discovered small business.

Mr Tonkin: For nine years it did nothing.

Mr BRYCE: Yes, for nine years under the last regime and for 12 years before that, except for three years in the middle, it did nothing. The Liberal Party did not know that small business existed. It is refreshing, not only to have a Liberal Party spokesman demonstrating a public interest in small business, but also to have a member of the dynasty actually taking a new stand. It took us years and years in this place to remind the mem-

ber's predecessor that there was more to economic growth, security and development in this State than just digging holes in the ground. It really is refreshing to members on this side of the House to see that the member for Nedlands has raised

this issue. I am delighted that he has. As Minister for Small Business I take on board his concern and I will check and see what the latest development is with regard to the response from the Commonwealth.
