Legislative Assembly

Thursday, 27 October 1994

THE SPEAKER (Mr Clarko) took the Chair at 10.00 am, and read prayers.

PETITION - GRACE VAUGHAN HOUSE, PUBLIC HEALTH BRANCH RELOCATION

DR GALLOP (Victoria Park - Deputy Leader of the Opposition) [10.02 am]: I present the following petition -

> To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undermentioned petitioners call on the State Government to reverse its decision to relocate the Public Health Branch to Grace Vaughan House. This will deprive over 200 voluntary and unfunded community groups access to an ideal, popular and safe setting for meetings, training, seminars and lectures and also lead to a loss of common focus for all these associations. We wish Grace Vaughan House to remain as a community facility.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 59 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 151.]

PETITION - LATHLAIN PRIMARY SCHOOL, SUPPORT

DR GALLOP (Victoria Park - Deputy Leader of the Opposition) [10.04 am]: The petition reads -

> To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undermentioned petitioners wish to indicate to the State Government our support for the Lathlain Primary School as it is a major community asset for the suburb of Lathlain; clearly defined by the railway line and the major roads Great Eastern Highway and Orrong Road.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 17 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 152.]

PETITION - WEST COAST BRIDGE CLUB, PREMISES EVICTION

DR CONSTABLE (Floreat) [10.05 am]: Before presenting the following petition, I indicate that there are a number of members of the West Coast Bridge Club in the Public Gallery -

> To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned call upon the Premier and the Minister for Local Government to reverse the decision of the Town of Cambridge to evict the

Members of the West Coast Bridge Club from their premises at the City Beach Civic Centre, Templetonia Avenue, City Beach.

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

The petition bears 553 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 153.]

PETITION - DIANELLA BUSHLAND CORRIDOR, PRESERVATION

DR HAMES (Dianella) [10.06 am]: I present the following petition -

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

We, the undersigned hereby petition the State Government to take note of the 9 hectares of unique bushland in Dianella, (being Lot 50 Cottonwood Drive), which is under threat of being bulldozed and lost forever. Your petitioners therefore respectfully ask the State Government to resume these 9 hectares for the People of Western Australia and their descendants. The aforementioned land to be protected from development in perpetuity. We also ask that the State Government recognise and protect the Dianella Bushland Corridor between Morley Drive, Dianella and Beach Road, Mirrabooka.

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

The petition bears 196 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 154.]

MINISTERIAL STATEMENT - MINISTER FOR LABOUR RELATIONS

Workers' Compensation Conciliation and Review System

MR KIERATH (Riverton - Minister for Labour Relations) [10.07 am]: Much comment has been made about the operations of the new conciliation and review system in workers' compensation. Unfortunately, much of this comment emanates from either lawyers, who are still angry at being excluded from the conciliation stage, or the unions, who are bloody-minded and angry about everything the Government does. So that the House and the public can be properly informed of the true position on the operation of the new system, I recently visited the directorate and requested details of progress so far.

One of the most striking achievements has been the way in which the backlog of 1 646 matters referred from the old system has been dealt with. Of these, 1 238 have been finalised. Bearing in mind that all of these matters under the old system would have involved lawyers, 1 073 or 87 per cent of those finalised have been resolved at conciliation with virtually no involvement from the legal profession. Another 165 or 13 per cent were resolved at review. There are 408 unresolved matters, of which 329 are at conciliation, 69 have gone to review and 10 have gone to the compensation magistrate. The majority of those going to review are complex issues which had been in the system for some time, and in which all parties to the dispute have legal representation. The number of new matters coming before the system is higher than anticipated because of the simplified process for gaining access. A claimant merely needs to fill in a simple form and the matter is listed for conciliation; that is a stark contrast to the mystique of the legal minefield in which claimants were enmeshed under the old system. In the first six months of this year 1 613 disputes have been lodged, and 1 178 of these have already

been settled. To put this figure into perspective, almost 34 000 claims were made to WorkCover in the same period. That means only 3.4 per cent of them were disputed.

The SPEAKER: Order! Far too many people in this Chamber are engaged in loud conversations, and a number of members are standing in the aisles. Members must reduce the level of noise, and those standing in the aisles should resume their seats or go elsewhere.

Mr KIERATH: Of these disputed claims, more than 80 per cent were settled at conciliation and 19 per cent at review. Of the 223 review decisions, only 31 appeals have been made to the Magistrate's Court against the review officer's decision. Eleven of these were dismissed and seven allowed, with the balance yet to be determined.

It is interesting to note the pattern which is developing in the conciliation process with representation for workers. Legal representation is rare - bearing in mind both parties and the conciliation officer must agree to have lawyers present. Only 2 per cent of matters had legal representation.

A random survey of conciliation cases shows that almost half of the workers represented themselves, a quarter appeared with a friend or family member, 19 per cent with a law clerk and 8 per cent with a union representative. However, as I told the House last week, a significant number of unions have sought training as lay advocates so that they can represent their members, a fact of which the Opposition's new Labour Relations spokesperson was ignorant.

A complete audit of the new system will not be done until the first 12 months of operation has been completed. We will then be in a position to compare the results of the old and new systems. But these figures for the first six months of operation of conciliation and review show the system is working and working well.

GOVERNMENT EMPLOYEES SUPERANNUATION AMENDMENT BILL

Second Reading

MR COURT (Nedlands - Premier) [10.11 am]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to give government employees who are members of the state pension scheme or provident account the option to transfer to the contributory lump sum superannuation scheme on retrenchment or transfer to the private sector.

Mr Ripper: Will you compel people to transfer?

Mr COURT: If the member listens, he will be happy.

The pension scheme is established under the Superannuation and Family Benefits Act and the contributory lump sum scheme under the Government Employees Superannuation Act. Currently, there are about 1 600 members of the pension scheme and provident account. It may be that some of these members will cease employment with the State Government because of restructuring within the public sector and the privatisation of some government agencies.

Under the existing pension scheme rules, members who are retrenched have no pension entitlements if they are under 55 years of age. Members with more than 10 years' service and aged less than 55 years are entitled to a refund of personal contributions plus interest of CPI plus 2 per cent per annum, plus a lump sum benefit of 2.5 times personal contributions. Members with less than 10 years' service are entitled to only a refund of personal contributions plus interest, plus a small preserved lump sum benefit under the superannuation guarantee charge arrangements.

The low level of benefit entitlements for employees who cease work prior to retirement was one of the main reasons that 80 per cent of the pension scheme membership transferred to the lump sum scheme through the transfer offers in 1987 and 1990. The lump sum scheme offers preservation of full benefits on retrenchment or resignation.

The Bill provides members of the pension scheme and provident account with a third transfer offer to the lump sum scheme on retrenchment or transfer to the private sector. Employees eligible to transfer will be those eligible for a payment under the redeployment and redundancy regulations of the Public Sector Management Act; where the contract of employment expires and is not renewed or is terminated; and where the Treasurer approves in other circumstances.

The transfer offer is to be the same as the two earlier offers. That is, members will be offered a transfer of personal contributions plus interest at a rate of 10 per cent per annum, plus a past service lump sum benefit of 12 per cent of salary for each year of service recognised in the pension scheme. On cessation of government employment, a person will be entitled to take the transferred personal contributions plus interest in cash. The 12 per cent lump sum benefit will be preserved in the government employees superannuation fund until age 55 years. It is difficult to determine the cost of the transfer offer because it will depend on the number of employees who qualify for the additional benefits. The 10 per cent interest cost will be met by the government employees superannuation fund and the cost of the 12 per cent past service benefit will be met by the person's employer.

In conclusion, this Bill provides a generous and equitable way of compensating members of the pension scheme who are retrenched or transferred to the private sector. I commend the Bill to the House.

Debate adjourned, on motion by Ms Warnock.

CRIMINAL LAW AMENDMENT BILL

Second Reading

MRS EDWARDES (Kingsley - Attorney General) [10.14 am]: I move -

That the Bill be now read a second time.

The coalition Government was elected in February last year on a reform agenda committed to implementing a tough but fair approach to law and order in Western Australia. Western Australia's criminal justice system has been the subject of much public controversy. There is a widespread concern that the courts are not reflecting community expectations and penalties are seen to be neither consistent nor in keeping with the gravity of some crimes. Confidence in our criminal justice system must be maintained. Many of the reforms which did not require legislation have been introduced over the past 18 months as part of the Government's strategy to ensure implementation of its reform agenda.

Since its election, the Government has worked steadily towards the goal of providing a fair and impartial justice system that protects individuals' rights and responds to community needs. On 22 August I announced that the Government would present a serious crime package to State Parliament during the current session as part of its ongoing commitment to combat serious crime. The Criminal Law Amendment Bill together with the Victims of Crime Bill, the Pawnbrokers Bill, a Bill to regulate the activities of nightclub and hotel bouncers, the Young Offenders Bill, the Firearms Bill and an amendment to the Offenders Community Corrections Act regulations form the serious crime package. The amendment to the Offenders Community Corrections Act regulations gives effect to the Government's intention to abolish the practice of awarding a 10 per cent reduction of the minimum term on parole sentences. This means that all persons serving a paroled sentence will stay in prison longer.

The Criminal Law Amendment Bill allows for the creation of an offence of unlawful stalking together with appropriate penalties for this type of offence; increased penalties for breaches of restraining orders; increased penalties for unlawful wounding; increased penalties for assaults on public officers; the setting of minimum terms and increases in the periods before people found guilty of murder or wilful murder become eligible for review for release on parole; and detention in a work camp or other particular facilities for young adult offenders aged between 18 and 21 years.

In addition, the Bill contains a number of other major reforms including the establishment of statutory sentencing principles; provision for a plea of guilty after a jury has been sworn; trial by judge alone without a jury; provision for the Full Court of the Supreme Court or the Court of Criminal Appeal to give guideline judgments; and a right of appeal by the prosecution against a decision by a judge staying or adjourning proceedings on an indictment.

Also being introduced today is the Victims of Crime Bill, a related piece of legislation which will provide, for the first time, statutory guidelines to ensure victims' needs are a fundamental part of decision making in the justice system. The reforms are an important part of the Government's response to an unacceptably high rate of violent crime. They draw together a range of measures that will help reassure the public of Western Australia that the criminal justice system can and will protect them and their families.

The changes add to those already introduced to address the crime problem, such as amendments to the Bail Act to ensure that juveniles can be bailed only to a responsible adult; amendments to the Child Welfare Act to allow courts to hold parents responsible for their children's fines and restitution orders; the Young Offenders Bill which is also part of the serious crime package and is currently being considered by a committee of the Legislative Council; and legislation to close loopholes in the trading of stolen goods through pawn shops.

The next stage of the package will include a review of criminal penalties currently being undertaken by Mr Paul Nichols with the aim of providing a consistent pattern of penalties for serious, violent crimes including sexual assault, domestic violence, child abuse and the activities of paedophiles; and the development of a comprehensive state crime prevention strategy.

Apart from the legislative changes being made, I highlight other significant achievements such as the extension of the home detention program to Aboriginal communities in the Pilbara, Kimberley, eastern goldfields and Murchison regions; Aboriginal community involvement in the supervision of selected Aboriginal offenders and the training of justice staff in Aboriginal cross-cultural awareness; and the involvement of Aboriginal communities in the Central Desert to identify suitable programs for Aboriginal offenders with special emphasis on solvent abuse and petrol sniffing.

The present package sets the scene for the sentencing Bill, and the sentence administration Bill which will be introduced in the current session of Parliament. These Bills will look at the whole area of sentencing and will include within one Act all the general provisions that allow courts to sentence offenders.

I will now outline the specific reforms contained in the Criminal Law Amendment Bill. The current laws on stalking and restraining orders are inadequate and do not reflect modern community concerns. Most people understand stalking to mean surveillance, harassment and/or intimidation, without any currently recognised form of offence being committed. In particular, the current law takes no account of the mental strain and fear that stalking can cause an individual. Stalking has become an increasingly difficult problem, especially where it involves women who have been victims of domestic violence. This Bill reflects the Government's determination to tackle the problem.

Section 550 of the Criminal Code presently creates the offence of intimidation or annoyance by violence or otherwise. This makes unlawful the use of violence or threats of violence, the persistent following of a person from place to place, the hiding of the property of any person, the watching of the place of residence or employment of any person, or the following of another person by two or more persons to stop any person from doing any act which that person may lawfully do. However, as it stands, section 550 does not provide for the alternative mental element of intention to cause physical or mental harm or apprehension or fear to the other person or a third person. In addition, the penalties for such intimidation are out of date. They currently stand at imprisonment for three months or a fine of $40.

To overcome these problems, this Bill creates a new offence of unlawful stalking. This is

defined also to include the alternative mental element of causing physical or mental harm to a person or apprehension or fear in a person. The Bill also recognises the seriousness of the offence by substantially increasing the penalty for such a crime to eight years' imprisonment where the offence is committed in circumstances of aggravation - such as involving a weapon or in breach of a restraining order - and three years' imprisonment in any other case. The summary conviction penalties are imprisonment for two years or a fine of $8 000, and imprisonment for 18 months or a fine of $6 000 respectively.

Great care has been taken in defining the term "stalking" so as to ensure that it covers an appropriate range of circumstances, such as persistently following a person; depriving a person of his property or use of his property; and tormenting a person by keeping watch on their house, place of employment or business, or the nearby vicinity.

The new offence of unlawful stalking is prescribed in the Bill as a "serious offence" under schedule 2 of the Bail Act 1982 so as to deny a suspected offender's right to bail if he or she is alleged to have committed a serious offence while already on bail on a charge of stalking. It is obvious that the community has become increasingly concerned about the effectiveness of restraining orders. Currently, the penalty for the breach of a restraining order under the Justices Act 1902 is a fine of $1 000 or imprisonment for six months. This level of penalty is not adequate for such serious criminal behaviour.

The community depends on the criminal justice system offering adequate protection. This Bill brings the penalty for breach of a restraining order into line with the proposed summary conviction penalty for unlawful stalking; that is, 18 months' imprisonment or a fine of $6 000. The offence of breach of a restraining order will also be included as a serious offence under schedule 2 of the Bail Act 1982.

Under our current Criminal Code, different penalties apply for unlawful wounding and assault occasioning bodily harm. The proposed changes acknowledge their similarity with provision to make equal penalties for each offence. Unlawful wounding must be dealt with on indictment and has a maximum penalty of three years' imprisonment. However, assault occasioning bodily harm has a maximum penalty of five years' imprisonment but can be dealt with by a summary conviction penalty of two years' imprisonment or a $8 000 fine. Because of this, most assaults occasioning bodily harm are dealt with in the Court of Petty Sessions.

This Bill increases the penalty for unlawful wounding to five years' imprisonment. It also creates a summary conviction penalty for the offence of unlawful wounding so that, like the offence of assault occasioning bodily harm, it can be dealt with in the Court of Petty Sessions. It is expected that this change will allow the less serious cases to be heard in the lower courts, which will greatly help in reducing delays in the hearing of criminal cases.

Public officers have an important job to do. In order to promote respect for the law, public officers must be protected from assault while carrying out their public duties. In this context, the current penalties for assaults on public officers, of five years' imprisonment, and, in the case of summary conviction, two years' imprisonment or a fine of $7 500, are clearly inadequate. Attacks on public officers carrying out their duties will not be tolerated. We must demonstrate how seriously the community views such assault as part of our move to provide greater protection for the community. To do this, the Bill provides for an increase in penalties for offences under the relevant sections of the Criminal Code. A person convicted of an offence of assault on a public officer will be liable to a penalty of 10 years' imprisonment if found guilty on indictment. The summary conviction penalty will be increased to three years' imprisonment or a fine of $12 000.

In June 1988 the review periods in the Offenders Community Corrections Act for persons sentenced to life imprisonment for murder, life imprisonment for wilful murder and strict security life imprisonment for wilful murder were set at seven, 12 and 20 years respectively. These review periods do not reflect the horrific nature of many of the offences. In addition, the discontinuous range of penalties limits the court's capacity to truly reflect the seriousness of the offence. It is submitted that a scale of penalties be set.

At the low end of the scale it is proposed that courts may set a minimum term of between seven and 14 years before a person sentenced to life imprisonment for murder may be considered for review for release to parole.

In cases of life imprisonment for wilful murder and strict security life imprisonment for wilful murder it is proposed that the minimum term before a person who has received such a sentence should be eligible for consideration for release to parole should be set by the court, and should be between 15 and 19 years' and between 20 and 30 years' imprisonment respectively.

The Young Offenders Bill provides for a particular type of detention order which will enable courts to sentence young offenders with detention; this will include a requirement that they undertake a particular type of activity. This is to allow for placement of juvenile offenders in a work camp or any other alternative form of detention which may be developed in the future. This Bill makes similar provision for young adults who are at least 18 years of age but aged not more than 21 years when the sentence is imposed, to be detained for four months in a facility of the kind referred to in section 119 of the Young Offenders Bill, and subject to the relevant sections of that Bill. Only offenders who have not previously served a sentence of imprisonment or detention or have been convicted of an offence to be prescribed in regulations under the Young Offenders Act will be eligible. As in the case of juveniles, young adult offenders must first agree to this form of placement before an order can be made.

The reason for the new form of detention is to provide young offenders who are on the verge of receiving a prison term with the opportunity to make constructive changes in their lives. The mix of firm but fair discipline, physical exercise, rehabilitation and hard work could provide what is needed to divert some young offenders from re-offending - a necessary circuit breaker. The coalition's law and justice policy statement undertook to provide for principles to be applied by courts when sentencing offenders. It promised to look at the basis on which courts make sentencing decisions and to work towards a more consistent approach to sentencing offenders. Public confidence in the criminal justice system has been weakened over recent years and the Government is committed to restoring this confidence. One of the ways in which this can be done is to help people understand how sentences are determined and to give courts clear guidelines on what is expected of them.

Although courts understand and know that sentencing is determined on the basis of principles derived from the common law, most members of the public do not understand the process. This Bill allows for a set of principles which are very particular, yet at the same time give the courts the flexibility to exercise discretion. In this way the courts are given guidance while not being too restricted in the sentencing options available. In particular the Bill makes it clear that imprisonment should be imposed where there is no other option. Prisons in this State currently have an unacceptably high number of prisoners who do not pose a threat to the community. Among other things this means that an unnecessary financial burden is placed on taxpayers. A prison sentence should be imposed only where the protection of the community demands it, or the seriousness of the offence is such that no other sentence can be justified. The severity of the penalty should also be in proportion to the seriousness of the offence.

The Sentencing Bill, to which I referred earlier, will allow for a wider range of community-based sentencing options as an alternative to imprisonment for many less serious offenders. Society has long accepted that the punishment should fit the crime. This Bill will allow the Full Court of the Supreme Court or the Court of Criminal Appeal to give a judgment containing guidelines for the courts to take into account when sentencing offenders. This proposal was a commitment in the coalition's law and justice policy statement. In effect this means that the Full Court of the Supreme Court or the Court of Criminal Appeal can give guideline judgments to help courts, in particular the lower courts, determine appropriate sentences, making sure sentences handed out in different courts for similar crimes are comparable. This provision was a recommendation in the August 1991 report of the Joint Select Committee on Parole, of which I was a member, based upon submissions by the Chief Justice.

The Bill will help set out what factors should be taken into account by the courts when considering sentences for particular types of offences. This should also reduce the requirement for the use of the appeal process. Currently the Criminal Code has no flexibility where an accused person pleads not guilty to a charge on indictment, and subsequently, after the jury has been empanelled, changes his plea to guilty. As the law stands, the judge must direct the jury to base its verdict on the accused's original plea. The trial judge cannot simply discharge the jury and record the accused's change of plea, which wastes both time and money.

The Criminal Law Amendment Bill allows for the jury to be discharged by the court in such circumstances. This change is consistent with the approach recommended in the Murray report titled "The Criminal Code: A General Review".

Another of the commitments made by the coalition in its law and justice policy was to give an accused person the right to elect trial by judge alone; that is, without a jury. Trial by judge alone has been a right in Canada for many years. The concept was introduced in South Australia in 1984, in New South Wales in 1990 and in the Australian Capital Territory in 1993. Although the Bill provides this right it also includes some safeguards such as:

> The accused person is the only one who waives the right to trial by jury;
>
> the prosecution must consent to the trial proceeding without a jury;
>
> the accused cannot delay a case in the hope of appearing before a particular judge;
>
> accused persons jointly charged must both choose trial by judge alone and an accused person charged with more than one offence can choose trial by judge alone only in respect of all offences;
>
> the same principles of law, practice and procedure apply as would be applied if the trial was before a jury; and
>
> any verdict of acquittal given by a judge alone and any judgment founded on that verdict may be subject to appeal.

There are a number of benefits from this reform. Apart from difficulties for jurors in highly technical and complex trials and concerns about publicity affecting a trial, time and costs associated with trials may be reduced. Under current law an accused may apply for a stay of proceedings where he or she seeks to argue that the indictment amounts to an abuse of process or that for some reason the trial would be unfair. Examples might be where there has been excessive publicity which is adverse and prejudicial to the accused; an excessive delay in the accused being brought to trial to the prejudice of his or her defence; or, the accused being denied legal representation for serious charges because of poverty. If such an application is refused, the accused may, following conviction, appeal to the Court of Criminal Appeal.

There is, however, no appeal currently available to the Crown if a trial judge wrongly grants a stay of proceedings to an accused, and although in the District Court it has been possible to effectively appeal from a decision to stay by use of the District Court Act section 84 - Regina v Healy (1990) 2 WAR 297 - the continued use of that section to achieve the result may now be in doubt in view of later developments - Re Gunning ex parte Connell (White J; 22 September 1993) and Connell v Gunning and Director of Public Prosecutions (Rowland J; 1 October 1993). However it is now plain that no such provisions apply to the Supreme Court (Connell v Regina).

This Bill provides for the prosecution to appeal to the Court of Criminal Appeal against a decision by a judge staying proceedings on indictment, or an adjournment of proceedings which may effectively amount to a stay.

The Criminal Law Amendment Bill 1994 will bring into force many of the commitments given by the Government in its promise to combat the incidence of violent crime and to introduce reforms to the criminal justice system in respect of sentencing and court procedures.

The Bill recognises that no one measure can offer the community the protection it so rightly demands. In putting together this comprehensive package of reforms the Government is demonstrating that it is serious about completing an overhaul of the law and justice system which places the highest priority on the needs of the people. I am confident that the Bill will achieve the intended outcomes I have outlined. I commend the Bill to the House.

Debate adjourned, on motion by Ms Warnock.

VICTIMS OF CRIME BILL

Second Reading

MRS EDWARDES (Kingsley - Attorney General) [10.35 am]: I move -

That the Bill be now read a second time.

The coalition's law and order policy contained a firm commitment to improve the position of victims in Western Australia. The policy acknowledged widespread concern that the criminal justice system had largely focused its attention not on the victim but on the offender. Victims have felt neglected and frustrated by a system which, in their view, gives too little recognition to the harm which they have suffered and which has been weighted towards the prosecution, sentencing and attempted rehabilitation of people who break the law. The Government believes there needs to be a balance and more attention should be focused on the victims and their families; the people who have had their property stolen and damaged, who have been assaulted and who have been abused. The Victims of Crime Bill is a significant initiative of the coalition Government to honour its pledge to victims. The needs of the victim are now a fundamental part of decision making when it comes to the justice system.

Historically, the alienation of victims from the criminal justice system may be viewed as a consequence of the manner in which the justice system has evolved. Our contemporary system of criminal justice, with its origins in English common law, is founded on the fundamental tenet that the State is responsible for the protection and enforcement of the rights of its citizens. Accordingly, crimes against the individual are dealt with as crimes against the State. This system has the advantages of ensuring equal application of the law to all citizens, the implementation of appropriate and consistent prosecuting and sentencing philosophies, and the avoidance of possible conflicts between the views of the victim and the community. However, it also largely excludes the victim from having a role, as victim, in the justice process since the essential parties to the process are the offender and the State. Punishment and rehabilitation of the offender have become the primary aim rather than recognising the effect of the crime on the victim. Victims have become little more than witnesses in the process. Other than being called upon to give evidence in respect of the criminal acts alleged to have been committed against them, until recently, the victim has had little role to play in the system. The Victims of Crime Bill is directed towards addressing the needs of victims and their perceived alienation from the criminal justice process.

It has long been recognised that the term "victim of crime" is not as straightforward as it first appears. The Police Crime Statistics Report for the period ending 30 June 1994 showed 53 866 burglary offences, 18 510 car theft offences, 3 342 serious assaults, 1 095 robberies, 324 sexual assaults and 55 homicides. However, police statistics are only one indicator of the number of victims as there are a number of unreported offences. Hospital admissions and crime victim surveys, such as those carried out by the Australian Bureau of Statistics in 1991, are other measures. The Victims of Crime Bill has defined a victim as any person who has suffered an injury, loss or damage as a direct result of an offence and, where a death has occurred, any immediate family member of the deceased.

The Victims of Crime Bill is an important demonstration of the Government's commitment to address the needs of victims in legislation. However, it is important to point out that, in anticipation of the legislation, the Government has acted to reinforce and extend the administrative structure necessary to service victims' needs. The

Government has established a Victims Advisory Committee to provide advice and make recommendations on matters related to victims of crime. The committee is chaired by a retired judge of the Supreme Court and past chairman of the Parole Board, and has eight other members representing church and community groups, therefore providing victims with direct input in the development of government policy.

The Justice Charter of the Ministry of Justice was released in December 1993 to reinforce the rights of the citizens of our state to justice services. The charter is a pledge to all those who come into contact with the justice system including the victim. The Victim Support Service has been incorporated in the Ministry of Justice to ensure that policy development and service delivery related to victims is appropriately integrated with other justice functions. The service has already set the wheels in motion to progress the implementation of many of the guidelines enshrined in the Bill. Its mission statement is clear and compelling: To restore victims' sense of well-being, justice and equity and to allow them formal participation in the criminal justice system.

In Perth, the service has nine full-time employees including six professional staff and approximately 30 trained volunteers. In the 1993-94 financial year approximately 3 000 victims were assisted with counselling and emotional support, court companionship, information, assistance with the preparation of victim impact statements, applications for restraining orders, and applications for criminal injuries compensation. Joondalup was the site for a pilot victims' service involving a team of trained volunteers under the supervision of a professional counsellor. It was so effective that the service has been extended to Bunbury, Geraldton, Albany and Kalgoorlie and there are plans to extend the service to other areas.

The staff of the Victim Support Service have worked towards and established good relationships with the police, from whom most of their referrals are received. In addition to pamphlets advertising their services, the Victim Support Service has released a video entitled "Taking the Stand" to assist victims with the often foreign and sometimes unsettling experience of giving evidence. This video is available in all courts. For the first time the Perth Children's Court, the Central Law Courts, and the Joondalup Courts have special facilities to enable victims and vulnerable witnesses to sit in peace and privacy.

The Corrective Services Division of the Ministry of Justice also operates a victim/offender mediation service for offenders convicted of non-violent and property related offences. The "reparative mediation" service provides an opportunity for an agreement to be reached regarding compensation which the offender can make to the victim. It is now available in Perth and 10 country centres around the State. This mediation serves two purposes - it gives victims an opportunity to play a part in the justice process and brings home to offenders the consequences of their crime. A "protective mediation service" is also being developed. This service enables offenders and victims of more serious offences who are likely to have contact with each other, to reach agreement about the level and nature of contact, if any, which will occur between them. This also provides a method of bringing the concerns of victims to the attention of the Parole Board.

The juvenile justice teams aim to encourage parental responsibility, involve victims, and make young people accountable for their actions, when determining penalties. During the first six months of operation of the pilot programs at Fremantle and Armadale, victims were involved in more than 80 per cent of cases where the victim was known. The feedback from victims has been very supportive. There is also specific provision in the Bill for victims to submit Victim Impact Statements to a court giving detail of the harm suffered by a victim either in writing or in person.

The victim impact statement has been trialled by the Office of the Director of Public Prosecutions and the Victim Support Service, enabling the system to identify the best method for its formal introduction. It has been found essential that the victim impact statement be that of the victim and not of the person assisting the victim in its preparation. Consequently a "how to do it" package on victim impact statements is presently being developed. A statement can contain details of physical and mental harm,

the effects of the crime on the life of the victim and details of other losses and damages. A court may take into account the harm suffered by the victim as contained in the statement and anecdotal evidence suggests that the court has found victim impact statements very helpful.

The guidelines establish how victims should be treated by public officers and bodies. In particular, the guidelines state that victims should be treated with courtesy and compassion and with respect for their dignity; victims should have access to counselling about the availability of welfare, health, medical and legal assistance services, criminal injuries compensation, and about the availability of lawful protection against violence and intimidation by the offenders; inconvenience to a victim should be minimised; the privacy of a victim should be protected; a victim who has so requested should be informed about the progress of the investigation and the trial process and receive assistance when called upon as a witness; a victim who has so requested should be informed about the sentence or any other order imposed on the offender; a victim's property held for purposes of investigation or evidence should be returned as soon as possible; arrangements should be made so that a victim's views and concerns can be considered prior to release on parole, or supervised release as proposed in the Young Offenders Bill; a victim who has so requested should be informed about an offender's escape from custody; and a victim should be informed, where appropriate, about the impending release date and the location to which an offender is to be released.

The Bill upholds the fundamental tenet of the criminal justice system that the State is the protector of all its citizens, and that an offence against an individual victim is an offence against the State. The Government is confident that the Bill will make a significant additional contribution to ensuring that the needs of victims are met.

Specifically, the Bill has created a positive duty on those public officers and bodies who, in the exercise of their duties, should be sensitive to victims' needs. Ministers of the Crown, judges, magistrates and other judicial officers, officers of the courts, the Director of Public Prosecutions, the police, the Parole Board, the proposed Supervised Release Board, juvenile justice teams, and public officers are all required to have regard to the guidelines in the schedule to the Bill.

As a further demonstration of commitment, the Bill provides for the responsible Minister to cause a review of the operation and effectiveness of the Bill to be carried out annually. The report on each review will be tabled in both Houses of Parliament. In this way it enables Parliament to be assured that the legislation is achieving its objectives.

In addition, victims will be provided with an avenue of redress through a position to be established in the victim support service to review and refer complaints regarding the application of the guidelines. Staff training will be undertaken to ensure that staff are fully informed of their obligations under the Bill, as well as a simple brochure informing victims of the guidelines. This Government is determined to give victims of crime the necessary support and assistance to recover from the trauma they have experienced. I commend the Bill to the House

Debate adjourned, on motion by Ms Warnock.

FREEDOM OF INFORMATION AMENDMENT BILL

Second Reading

MRS EDWARDES (Kingsley - Attorney General) [10.43 am]: I move -

That the Bill be now read a second time.

This Bill will amend the Freedom of Information Act by extending the expiration of the sunset clause which exempts from the operation of the Act matters covered by secrecy provisions in certain other Acts. Section 14(1) of schedule 1 of the Act provides that matter of a kind mentioned in specific provisions of the Equal Opportunity Act, the Legal Aid Commission Act and the Parliamentary Commissioner Act is exempted from the operation of the Freedom of Information Act.

Section 14(3) of schedule 1 - what is commonly called a sunset clause - provides that section 14 expires on 31 October 1994, being one year after the commencement of section 10 of the Act. If section 14(3) schedule 1 is not extended, the exemption provided by section 14 will cease to exist. This will have the effect of exposing to release under the Freedom of Information Act documents of the Equal Opportunity Commission, the Legal Aid Commission and the Parliamentary Commissioner for Administrative Investigations which Parliament has previously determined required the protection of secrecy provisions. Without section 14, section 8 of the Freedom of Information Act will operate so as to override the specific secrecy provisions in these agencies' enabling Acts.

The reason that such exemptions were included in the Act in the form of a sunset clause was so that the operation of the exemptions could be examined at the time of the sunset - one year after the commencement of the Act - to see if the exemptions have operated in an equitable manner, and to consider whether the retention of the sections is appropriate. Since becoming Attorney General I have consulted the agencies covered by section 14 and the Information Commissioner. Each of the agencies has requested and supports the retention of the exemption and the Information Commissioner has expressed no opposition to the exemption being retained. In the case of each affected agency the removal of the exemption provided by section 14 would jeopardise the effective operation of the agency by removing its capacity to ensure its clients of confidentiality.

The Parliamentary Commissioner is, of course, an exempt agency by virtue of schedule 2 of the Act. However, I remind members that this exempt status does not extend to protect documents created or received by the Parliamentary Commissioner which come into the hands of a non-exempt agency. The necessity for retaining the exemption provided by section 14 is demonstrated by reference to the practice of the Parliamentary Commissioner releasing draft reports to agencies for comment before finalisation.

The Parliamentary Commissioner is required by his Act to give persons about whom adverse comments have been made in draft findings an opportunity to be heard. These draft findings may be very damaging to named individuals and may be found to be untrue and not included in the final report. If the exemption provided by section 14 is permitted to expire, draft reports sent to non-exempt agencies by the Parliamentary Commissioner may become accessible under the Freedom of Information Act. The potential for damage is obvious. There are equally compelling reasons for continuing to afford exemptions to the other agencies concerned.

The issue of exemptions from freedom of information legislation is always contentious. However, on balance, the continuation of the exemptions provided by section 14 of schedule 1 is both warranted and necessary for the continued effective functioning of three agencies which provide an essential service to the public. I make it clear that the exemption afforded by section 14 does not extend to every document of the agencies concerned; rather the exemption is limited to documents containing matter covered by specific secrecy provisions. It is my intention to have all exemption provisions examined in the context of a review of the Freedom of Information Act to take account of practical experience obtained since the Act became operational last year.

In conclusion, I note that clause 2 of the Bill provides the Bill with retrospective effect. Although retrospectivity is always to be approached with caution, it is necessary in this instance, dependent on the time of the Bill's passage, to ensure that the exemption provided by section 14 is continuous. I commend the Bill to the House.

Debate adjourned, on motion by Ms Warnock.

OCCUPATIONAL SAFETY AND HEALTH LEGISLATION AMENDMENT BILL

Second Reading

MR KIERATH (Riverton - Minister for Labour Relations) [10.47 am]: I move -

That the Bill be now read a second time.

Each year nearly 30 000 persons suffer from lost time, work related injuries and diseases in Western Australia, leading to an average absence from work of four weeks in each case. The social cost of this is very high, affecting many employees and their families. The costs to the State's economy are approximately $1b per annum. The State Government is committed to reducing the high social and economic costs of work related injury and disease. Ensuring the most appropriate laws apply to achieve this is one component of the Government's strategy. The new approach embodied in the Occupational Health, Safety and Welfare Act encompasses the legal framework for general duties upon relevant parties, consultative processes at the workplace, and enforcement. This amendment Bill presents improvements to each of these three components of the Act.

A statutory review of the operations of the Occupational Health, Safety and Welfare Act was tabled in the Parliament on 14 May 1992. This review was conducted by Commissioner Robert Laing of the Australian Industrial Relations Commission on behalf of the then Minister for Productivity and Labour Relations and involved extensive consultation with employers, employees, employer representatives and unions, and submissions from the public. Although the review reached generally positive conclusions about the Act, it highlighted the need for a number of legislative amendments which would improve both the operation and effectiveness of the Act. The recommendations arising from the review were referred to the tripartite Occupational Health, Safety and Welfare Commission for consideration. The commission considered the recommendations and agreed upon a number of amendments to the Act which have all now been included in this amendment Bill. The Government has also resolved those matters which could not be agreed in the commission. In this regard decisions have been made in respect of the level of penalties and the reporting of industrial diseases. These, together with policy matters identified in our public election statement "Jobs and choices", have been included in this amendment Bill.

To begin, it is proposed to amend the title of the Act. The new title of the Act is to read Occupational Safety and Health Act. Reference to "welfare" is to be deleted from the title of the Act and from the text throughout the Act. The Government is of the view that "welfare" adds nothing to the scope of the Act which is not already embodied in the terms "safety and health". The use of the term "welfare" engenders expectations which are beyond the precise definition of "welfare" which, as it is currently defined, relates directly to health and safety. Arguably, inclusion of the term "welfare" leads to public confusion in regard to the scope of the Act.

The Government has chosen a "safety first" approach in revamping the legislation. Thus, the Government is to retitle the Act to read Occupational Safety and Health Act. The rearrangement of "safety" to precede "health" is logical given the majority of work environment issues are related to "safety" rather than "health". Indeed the model upon which the Western Australian legislation was originally based, ILO Convention 155, refers to "safety" prior to "health.

Part 1 - Preliminary: As previously indicated, the Government has accepted many of the recommendations of the statutory review conducted by Commissioner Laing. In that context it is intended to amend the definition of "trade union", to reflect changes in other legislation and jurisdictions, and the definition of "workplace", to extend the scope to include locations where self-employed persons work.

In addition a number of administrative changes have been made to update the legislation to correct inaccuracies, especially in regard to changes to organisations. Of significance in this regard will be the removal from the Act of all reference to the Industrial Relations Commission. It is proposed to establish Safety and Health Magistrates for the hearing of matters currently falling within the jurisdiction of the Industrial Relations Commission and to hear prosecution proceedings dealt with by the Court of Petty Sessions.

Consistent with improvement to the title of the Act, it is also intended to make the title of the commission and the commissioner more relevant to people at work. "WorkSafe Western Australia" which can be abbreviated to "Worksafe WA" will replace

"Occupational Health, Safety and Welfare". I can also advise that the Department of Occupational Health, Safety and Welfare will utilise the simpler title "WorkSafe Western Australia" or "Worksafe WA". These changes reflect similar changes made in the workers' compensation area last year where "WorkCover Western Australia" replaced "Workers' Compensation and Rehabilitation Commission". I am confident that the term "WorkSafe Western Australia" and "Worksafe WA" will prove as popular as "WorkCover Western Australia" has become.

Part II - The Worksafe Western Australia Commission: The Act is to be amended to provide for the appointment to the Worksafe Western Australia Commission of an independent part time chairperson, with the WorkSafe Western Australia Commissioner - the current chair - becoming a specified member of the commission. This will increase the composition of the commission from 12 members to 13 members. The revised structure of the commission will then be: A chairperson nominated by the Minister; the WorkSafe Western Australia Commissioner; two Government representatives, nominated by the Minister; three persons nominated by the Chamber of Commerce and Industry; three persons nominated by the Trades and Labor Council; and three expert members, nominated by the Minister.

It is intended to improve the voting structure within the commission. Because of the voting complexities within the legislation which can lead to deadlocks it is proposed to introduce a "circuit breaker" by giving the chairperson one vote which can be cast to achieve a majority as required under the Act. Provision is also included for the appointment of a deputy chairperson.

Part III - General Provisions - Reporting of Occupational Diseases: Under current reporting requirements in the legislation only fatal and prescribed accidents are to be reported to the WorkSafe Western Australia Commissioner. The department for some time has favoured the reporting of certain serious diseases to ensure prevention of further occurrences at the earliest possible time. The Government will amend the legislation to include a requirement for employers to report prescribed occupational diseases. The types of diseases to be reported will be prescribed in regulations as is presently the case with injuries.

Duties: Concern has been expressed at the ambiguity of Section 22 of the legislation and it is intended to better define, through amendment, the person who has actual control of a particular workplace. The duty at section 23, principally upon manufacturers, has been extended to include a person who designs or constructs a building, structure or temporary structure. This will require architects and builders to take care they do not introduce hazards to buildings, such as occurred in the past with asbestos.

Prohibited Activities in Prescribed Areas: The 1994 Legislative Assembly Select Committee report on Wittenoom recommended that:

> The Government take whatever actions, including specific legislative actions, that are required to stop people from working in the area containing the tailings contamination.

The Government supports this recommendation and this Act will be amended to enable activities to be prohibited at Wittenoom which could lead to occupational exposure to asbestos. Regulations will be introduced, utilising the head of power in this new section of the Act, to prohibit all but specified "clean-up" and essential services activities in the Wittenoom environs. It is important to realise this is a safety and health provision only. It cannot be used outside the objectives of this Act.

Resolution of Issues: An amendment will provide for an employee to have the ability to refer a matter to an inspector where there is no safety and health representative. The lack of such an ability in the past was seen by many as a restriction in the legislation.

The Government has retained the statutory right for an individual to cease work where there is an immediate and serious threat to his/her safety and health. However, the Act will be amended to outlaw "strike pay" on safety and health matters. Too often, especially in the construction industry, very minor and easily remedied safety and health

matters that do not involve a serious threat to one's safety and health are linked to unrelated industrial issues for punitive strikes or "homers". Whole sites are shut down where hazards may impact on only a few workers, and the employer is expected to pay. This practice brings safety and health into disrepute. The Government's aim is to ensure that the resolution of issues focus is on genuine occupational safety and health issues, not issues fabricated for industrial purposes. There have been many instances where departmental inspectors have been requested to attend a site to resolve an issue only to be told that the workers have gone home. Such action is not only costly in lost production time but wastes the valuable time of the inspector and resources of the department.

The amendments continue to provide for payment for time lost by persons who are directly affected by an occupational health and safety hazard up to the point of arbitration by an inspector. However, payment of persons who simply leave the workplace without authorisation, where the hazard affects only part of the workplace, or refuse reasonable alternative work, and payment beyond the point of the inspector's arbitration - unless the Safety and Health Magistrate determines otherwise - will be unacceptable and will constitute an offence. In adopting this approach, it will be an offence either to accept or to pay "strike pay" in respect of occupational safety and health matters.

Part IV - Safety and Health Representatives and Committees: The Government is making a number of amendments to ensure the structures established for consultation at the workplace, and the consultation processes, are of a more democratic nature than the Act presently provides. This thrust is consistent with changes to other labour legislation made by the Government.

Scope of 'Workplace' for Consultation Processes: In the operation of the Occupational Health, Safety and Welfare Act a major concern which was identified related to the definition of workplace in its relationship to the consultative processes for the election of safety and health representatives and operation of consultative structures. The Occupational Health, Safety and Welfare Commission in its consideration of the issue, recommended that the boundary of the workplace to be covered by a representative should be subject to discussion and resolution in the consultation phase for election of representatives.

The Government has accepted this recommendation of the Occupational Health, Safety and Welfare Commission and the questions of what constitutes the matters or areas in which each safety and health representative is to exercise functions in the workplace are to be matters determined in the consultation phase. In making this amendment the Government seeks to enhance the flexibility in the Act for the parties at work to develop and implement consultative structures that suit their individual workplace requirements. For example, the parties may decide that one or more safety and health representatives is or are to exercise functions in relation to: The whole organisation; a separate functional area such as administration, stores or workshop; a separate geographical unit such as head office or a branch office; groups of mobile workers; groups of workers with specific occupations; or workers covered by a particular union, award or agreement.

Election: Amendments will be made to ensure the election process is as flexible as possible, supported by maximum opportunity for consultation between the parties at the workplace and enabling the resolution of most issues by agreement. Thus amendments will be made to provide that: An employer can, of his or her own motion, require the election of safety and health representatives; trade unions do not automatically conduct the election - trade unions can conduct elections if agreed between the parties at the workplace, but the amendment is aimed at removing the automatic right of unions to control the process; any election requested under section 30(5) be conducted by the Electoral Commissioner, in lieu of the WorkSafe Western Australia Commissioner; all elections be conducted as a secret ballot; any matter referred to the Worksafe Western Australia Commissioner which is not resolved be referred to the Occupational Safety and Health Magistrate; and

> the Act will be clarified by providing that a safety and health representative is responsible only for inspecting the workplace for which the safety and health representative is elected.

The amendments also allow an employer to initiate the election of safety and health representatives. This is seen as a key change in support of better occupational safety and health, and a recognition that safety and health representatives have an important function in promoting a sound safety and health culture at workplaces.

Establishment of Safety and Health Committees: The problems of inflexibility in the process for electing safety and health representatives are also evident in the requirements for the establishment of safety and health committees. The current provisions of the Act relating to safety and health committees are inflexible, implying only one safety and health committee for each workplace. The Act does not cover the situation where an employer and safety and health representatives may wish to have a committee to cover a number of areas within the realm of what the parties agree to be the workplace. It is intended that this anomaly be rectified.

The new flexibilities in the election of safety and health representatives make it appropriate for safety and health representatives to be the only employee representatives on safety and health committees. Employees who are not elected safety and health representatives are not eligible to serve on safety and health committees unless there are no elected safety and health representatives. The changes being proposed will provide greater flexibility, better direction and clarity in determining the jurisdiction and composition of safety and health committees. Specifically, amendments are being made to provide that -

any employee can request the employer to establish a safety and health committee;

where an employer and safety and health representative agree, a safety and health committee will be able to cover more than one workplace;

where safety and health representatives exist they are to be the only employee representatives;

any employee can be elected to a safety and health committee when there are no elected safety and health representatives;

where employees other than safety and health representatives are to be elected, the number of persons to be elected should be agreed by the employer and employees;

an employer can be a member of the safety and health committee; and

the restriction requiring a minimum of 11 employees in a workplace before a safety and health committee be established is to be removed.

Part V - Inspectors: The provisions under which an inspector is required to divide samples have been made more practical. Also included is a provision which makes it an offence to abuse an inspector. At present the Occupational Health, Safety and Welfare Regulations require an inspector, when carrying out his functions, to avoid unduly or unreasonably interfering with any work or work process. In view of its importance, it is more appropriate to include this provision in the Act; it will be reflected in an amendment.

Part VI - Improvement and Prohibition Notices - Inspectors to State Reasons for Issuing an Improvement or Prohibition Notice: As presently drafted, section 48 of the Occupational Health, Safety and Welfare Act requires an inspector to state the reasons for his/her opinion that the Act or regulations have been contravened and, in the case of section 49, to state the reasons that an activity is occurring or may occur which involves, or will involve, a risk of imminent and serious injury, or imminent and serious harm, to the health of a person. It is intended to be more specific in this requirement. An amendment will be made to give effect to the above, with the inclusion of a provision requiring the inspector to "state the reasonable grounds for forming that opinion". It is intended that this amendment will require an inspector to make clearer the basis for issuing a notice, thus enhancing the prospect of prompt remedial action at the workplace.

Display of Prohibition and Improvement Notices: The Act currently stipulates that

improvement and prohibition notices issued must be displayed at the workplace. The Act does not specify the period for which notices must be displayed. It is intended to amend the Act to require the display of an improvement or prohibition notice in the workplace until the notice is complied with. Consequential to this amendment is a further amendment to include a provision that a person must not remove a notice until it is complied with or ceases to have effect.

Review of Notices: The provisions under which an improvement and prohibition notice can be reviewed have been substantially amended. The provisions will now require that the first step in a review of either an improvement or prohibition notice is to be to the WorkSafe Western Australia Commissioner. In both cases there is an ability to appeal a decision of the WorkSafe Western Australia Commissioner to the newly created position of safety and health magistrate. These changes preserve the integrity of existing provisions, in that an application for review of an improvement notice will result in the suspension of the notice until the review outcome is determined by the commissioner or the safety and health magistrate. In the case of a prohibition notice, that notice will stay in force until it is determined by the commissioner or safety and health magistrate.

Clarification of Party Subject to a Prohibition Notice: Section 49 of the Act enables an inspector to issue an improvement notice to a responsible person who may be reasonably presumed to have control over the activity which is the subject of the notice. This aspect of the section will be expanded to remove the present ambiguity when issuing a prohibition notice to a person carrying on the activity.

Part VIA - Safety and Health Magistrate and Part VII - Legal Proceedings: Three significant amendments are effected in this regard. These are -

an intention to establish a safety and health magistrate;

substantial increase in the penalties applicable under the legislation, and the introduction of specific levels of penalties reflecting the seriousness of breaches; and

change in the evidentiary provisions.

Safety and Health Magistrate: The introduction of safety and health magistrates establishes a special jurisdiction for occupational safety and health matters, reflecting their importance. A safety and health magistrate would hear all prosecutions and appeals arising from a review of an improvement or prohibition notice conducted by the WorkSafe Western Australia Commissioner, and deal with all matters presently heard by the Industrial Relations Commission. The establishment of safety and health magistrates will ensure expert interpretations of the legislation in proceedings before the courts. This proposal follows the introduction of specialist magistrates under the Workers' Compensation and Rehabilitation Act, a development which has proven very successful. A referral to safety and health magistrates of matters previously heard by the Industrial Relations Commission is consistent with the Government's objective of separating occupational safety and health matters from industrial relations matters.

Penalties: A newly structured system of penalties for offences against the Act and regulations has been incorporated into this Bill. As foreshadowed in the second reading debate on the Mines Safety and Inspection Bill, breaches of duty causing death or serious harm to a person will be separate offences and attract significantly increased maximum penalties - $200 000 for an employer and $20 000 for an employee. For the application of this penalty, it will be necessary to show in a prosecution action that the defendant owed a duty and had breached that duty, and that the breach directly caused death or serious harm.

Additional to the above, offences under the Bill for breach of other duty provisions will be subject to a maximum penalty of $100 000 for an employer and $10 000 for an employee. The penalties under the Bill for offences against procedural requirements and for offences against the regulations, will be a maximum of $25 000 for an employer and $5 000 for an employee. The maximum penalty under the Act is now reset at fourfold the maximum level which was set in 1987. The Government believes this level of

penalty recognises a community attitude that breaches of the general duty resulting in death and serious harm to a person warrant the application of strong sanctions.

Evidentiary Provisions: The evidentiary provisions are to be amended to require the prosecution to prove certain matters of fact contested in the course of prosecutions. This is a more appropriate onus of proof than that currently in the Act, where the defendant, and not the prosecution, must prove the matter once it is contested.

Part VIII - Miscellaneous - Discrimination against Safety and Health Representatives and other Parties: Difficulty has been experienced in the extremely high burden of proof which is placed upon the prosecution to sustain an action under the present discrimination provisions. The Government is amending the Act so that the prosecution will have to satisfy the court only that discrimination was the dominant or substantial reason for less favourable treatment.

Codes of Practice: It is intended to amend section 57 to clarify the evidentiary status for codes of practice in prosecution proceedings. The trend towards the use of codes of practice, rather than prescriptive regulations, is designed to enhance flexibility for parties in achieving statutory safety and health outcomes at the workplace. The current review of the regulations is heavily dependent upon an amendment being made to give parties the confidence that codes can replace regulations in many instances. Amendments have also been made to the regulation making powers to provide for prohibitions of the use, handling and treatment of certain substances, such as asbestos; the reporting of injuries and diseases other than those at section 19(3); powers of safety and health magistrates; remuneration for agents for services in appearing before a safety and health magistrate; and to allow the making of regulations for the conduct of elections for safety and health representatives.

Consequential amendments: The Government is keen to maintain uniformity in the laws covering safety and health in Western Australian workplaces. Part 3 of this amendment Bill sets out the consequential amendments necessary to ensure this consistency of approach in the mining industry. The amendment to the Industrial Relations Act is necessary to protect the integrity of matters referred for decision to safety and health magistrates.

Transitional arrangements: Transitional provisions have been included to protect any matter referred to the Industrial Relations Commission prior to the proclamation of the new amendments. The transitional provisions will ensure that any matters referred to the Industrial Relations Commission prior to proclamation will continue to be heard in that jurisdiction. Similar provisions protect prosecution action commenced under section 52 of the principal Act. Also, transitional provisions provide for the continuity and tenure of the commissioner, members of the commission and safety and health representatives despite the changes in the titles.

Further tripartite consultation: Earlier I mentioned the important role the Occupational Health, Safety and Welfare Commission has played in advising the Government on amendments to the Act. I have requested the commission to advise me of its views on the Bill presented to the Parliament and I will consider the feedback for purposes of finalising the amendments before Parliament. It is also my intention for this Bill to be distributed to the members of the Mines Occupational Health and Safety Advisory Board to facilitate comment and feedback on the proposed consequential amendments.

The Government has an ongoing goal to improve safety and health in Western Australian workplaces. In 1993, the Government set an objective to reduce the rate of lost time injuries and diseases by 10 per cent in the period to 1997 with a further goal to reduce by 50 per cent the number of fatalities resulting from falls from heights, and electricity and tractor accidents.

As part of this strategy the Government has identified a need to signal a fresh unencumbered approach to occupational safety and health legislation. In so doing the emphasis on consultation and cooperation at the workplace will be strengthened but industrial exploitation of safety issues will no longer be tolerated. Indeed a major

directional change in this regard is the appointment of safety and health magistrates as the arbiter in safety disputes. This action highlights the Government's intention for genuine safety issues to be divorced from mainstream industrial matters. As a result, the totality of the amendments that the Government proposes will see this State leading the country and region in occupational safety and health into the twenty-first century. I commend the Bill to the House.

Debate adjourned, on motion by Ms Warnock.

STATE SUPPLY COMMISSION AMENDMENT BILL

Second Reading

MR KIERATH (Riverton - Minister for Services) [11.13 am]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to provide the Government with the legislative authority, through the State Supply Commission Act, to effect the sale of government businesses or undertakings. The amendment Bill will apply only to those businesses or undertakings that are not currently covered by an existing written law. Where an existing law covers a business or undertaking, the sale contemplated must comply with that law. Principally, this Bill will cover those businesses or undertakings carried on by public authorities which have no enabling legislation and it will allow for personal property such as goodwill, contracts, intellectual property or any other intangible assets to be sold. The amendment Bill will enable the Government to sell businesses of a commercial nature with the aim of maximising the return to the State. The State Supply Commission as a statutory authority will enable the sale process to be conducted at arm's length.

By way of background, the report of the independent commission that examined public sector finances, the McCarrey report, provided the Government with a blueprint to introduce wide-ranging reform to the operations of the public sector. Through the recommendations of the report, the Government has adopted a clear policy focus of establishing the core activities of Government and to move out those activities considered to be non-core to the private sector under competitive conditions.

The Government through its policy program of introducing reforms, through such measures as competitive tendering and contracting, out-sourcing and privatisation will move out of service delivery activities that can be done more efficiently and effectively by the private sector. This approach will place the Government into its proper role of steering the delivery of services.

The approach taken by the Western Australian Government towards better management of its activities fits into the contemporary model of government being adopted nationally and internationally to modernise public administration, enhance service delivery and to make the best use of taxpayers' funds. For Western Australia, these changes will enable the Government to achieve its mandate of better management and to focus public administrators on managing outputs rather than processes; to examine innovative ways to arrange services to the community; to create growth in the private sector rather than the public sector; to transfer risk to the private sector; to achieve savings in costs, and to improve the quality of services.

The State Supply Commission Act already provides the legislative foundation to dispose of goods no longer required by the Government. This amendment Bill will broaden the commission's role and powers to dispose of personal property within the context of a business or undertaking carried on by a public authority.

With respect to sale of personal property, the amendment Bill authorises the Minister responsible for the business to sell a business, subject to the prior approval of the Treasurer. Once a decision is made to sell personal property, the State Supply Commission will have the power to transact the sale. Depending on the nature of the personal property to be sold, the option is available in the Bill for the commission to enter into a contract of sale in its own name or to transact the sale through the formation

of a proprietary company and the subsequent sale of the shares in that company. These two options provide the necessary flexibility for the sale of property to be tailored to the various types of businesses that the Government may decide to sell.

A sale of property through a contract of sale would be sufficient for a business or undertaking that could be classed as a small business and this could include such undertakings as payroll facilities with intellectual property such as software, a cleaning operation with a transition contract, catering facilities, lawnmowing rounds, microfilm operations and other service type operations.

Sale through the incorporation of a proprietary company under the Corporations Law would be used for larger scale operations that involve significant intellectual property, extensive contracts with the business, goodwill and any other personal property. Operations such as the Hospital Laundry and Linen Service would be suitable under this option.

The Western Australian Government is introducing a new vision for public sector management in this State where its goals are to maximise efficiency and effectiveness in services that are provided to the community. This vision is based on the foundation that it is the role of Government to determine those services; however the strategy to deliver those services is not necessarily the exclusive province of the public sector. In the transition of service delivery from the public to the private sector, this Bill will provide the Government with the legislative authority to obtain maximum value from its assets through the sale of expertise that has been developed in the public sector in such areas as intellectual property, goodwill and systems to provide services.

All revenue realised from the sale of businesses or undertakings will benefit the State and will enable the Government either to introduce new services or to reduce state debt. The Government is conscious of its responsibilities to manage the financial affairs of the State in a better way and this initiative fits into that mandate given to this Government by the community. I commend this Bill to the House.

Debate adjourned, by motion by Ms Warnock.

FIREARMS AMENDMENT BILL

Second Reading

MR WIESE (Wagin - Minister for Police) [11.18 am]: I move -

That the Bill be now read a second time.

This Bill deals with problems identified from within the community concerning the potential for the use of firearms in domestic violence situations. The Bill makes provision for police officers without warrant to seize and take possession of any firearm or ammunition that is in the possession of a person licensed or otherwise authorised to possess it, if in the opinion of the member of the Police Force that possession of the firearm or ammunition by a person may result in harm being suffered by any person.

As of July 1994, 109 624 persons were recorded as licensed firearm holders with 261 923 firearms recorded thereon. The State Government recognises that the majority of firearm holders are responsible in the manner in which they deal with firearms. The Government does not want to erode the rights of law-abiding citizens who have a genuine need to possess firearms. However, there are circumstances that give rise to concern and anxiety within the community. Domestic violence situations that involve the use or threatened use of firearms are of special concern. The Government has identified that these situations should be addressed and this amending Bill addresses these community concerns.

Events in August this year have highlighted how volatile domestic situations can end. Three incidents involving the use of firearms in domestic violence occurred in a very short period: One resulted in the fatal shooting of a 38 year old woman in Dianella; another involved the use and threatened use of a firearm by a man in Swan View; and the third was a double murder-suicide which occurred in Odin Drive, Stirling.

These events are by no means the only times when firearms have been used during the course of a domestic violence situation in this State. A limited survey conducted by the Police Department over a period of seven months in 1993-94 at five centres - namely, Armadale, Bunbury, Broome, Derby and Albany - revealed that of 726 reports of domestic violence, the threatened use of a firearm was noted by police on 11 occasions, and the actual use of a firearm on two occasions.

Currently, a police officer is able to remove a firearm only when he believes that a person is not a fit and proper person to be in possession of that firearm. This Bill intends to expand the police powers by giving police the power to seize and remove a firearm in situations where the member of the Police Force is of the opinion that possession of the firearm by a person may result in harm being suffered by any person. The Bill will also provide the Commissioner of Police with the power to revoke any firearms licence, or impose a restriction on that licence, when the commissioner is satisfied that possession of the firearm by a person may result in harm being suffered by any person.

This amendment will not alter the commissioner's present obligation under the Firearms Act to give notice in writing to the firearm licence holder where any licence, permit or approval issued or granted under the Act is revoked or varied. The existing provisions of the Firearms Act which provide an appeal mechanism by which an aggrieved person may appeal in writing to a stipendiary magistrate against the commissioner's written decision remains unaltered. I commend the Bill to the House.

Debate adjourned, on motion by Ms Warnock.

LAND TAX ASSESSMENT AMENDMENT BILL

Second Reading

Resumed from 28 September.

MR RIPPER (Belmont) [11.23 am]: Broadly speaking, the Bill's seven purposes, as outlined in the second reading speech, relate to the extension of concessions on land tax, which will result in approximately $800 000 of government revenue forgone. That was the advice provided by the Minister for Finance in the other place.

The first purpose of the Bill is the clarification of past and future land tax liability for the Government Employees Superannuation Board. That part of the legislation is retrospective. This confirms that the superannuation board should be paying land tax on its land holdings, as it has been since it was formed. As my colleague Hon Mark Nevill pointed out in the upper House, we usually oppose retrospective legislation. However, this measure simply clarifies what has occurred in the past and ensures that in future it will be in accord with the law. In other words, the legislation makes it clear that the Superannuation Board should pay land tax. If the reverse situation were to apply and the board were exempt from land tax, one consequence would be that the Superannuation Board's tenants would be hit with a backdated land tax assessment - the type of threat retrospective legislation which usually creates.

Although we are supporting retrospective legislation in this case, we do so to avoid the ill-effects which would arise if the legislation were not passed. It would be unfair if people who believed for a long time that they had no obligation to pay land tax suddenly received a backdated land tax assessment simply because people's view of the law had changed.

The second reading speech argued that the impact on the consolidated fund of not making this change would be $6.8m; that is, the size of the refund which the consolidated fund would have to make to the Superannuation Board. That does not appear to be the case. As superannuation for government employees is a defined benefit, and is not an accumulation scheme, the employee upon his retirement receives what is dictated by the formula. The employer - the State Government - makes its contribution at the time the employee receives the benefit. The fund pays whatever it can, and the Government, through the consolidated fund, tops up the amount to meet the employee's defined benefit. In other words, if the board is suddenly $6.8m richer, that is money which the

consolidated fund would not need to pay to top up employees' benefits to the defined level. Therefore, the effect of not making the change would not be a $6.8m loss for the consolidated fund - the long term effect on the fund would be neutral. This is a technical point, but it is important for reasons of competitive neutrality that the Superannuation Board pays land tax. It will continue the situation which everybody thought existed anyway. Therefore, the Opposition can hardly oppose the legislation.

The Bill also intends to provide exemptions for land owned by sporting organisations used to provide facilities for members. It will also allow exemptions for land owned by non-profit associations, and used exclusively by members of the association for non-profit purposes. I shall discuss those two aspects together.

The Minister for Finance estimated that the cost of this exemption to the State will be $650 000 in lost revenue using 1993-94 land values. I understand that these exemptions will replace the 50 per cent concessions which apparently apply to approximately 350 non-profit associations. A benefit of the legislation is that it will harmonise the treatment of land tax for those sporting and non-profit associations which own land, and for those which lease it from the Crown or from a local authority. Those who lease land from the Crown or a local authority do not pay land tax, yet those who happen to own the land have been liable in the past. In some cases those sporting associations and non-profit associations which owned the land have been given it by the Crown. That land could have been given either as a lease or in the current form of ownership.

It seems to be something of an accident of history that those who received it as a lease have not been obliged to pay land tax, whereas those who have received it as a grant have been liable for at least 50 per cent of the land tax bill. I am concerned with the possible avoidance arising from this concession that has been extended. This concern was raised in the other place by my colleague Hon Mark Nevill, who suggested that owners of land might form themselves into a non-profit recreational association. He gave examples of people owning recreational land in the hills or country forming themselves into a non-profit bush walking association or non-profit four wheel driving association, thus finding a way around payment of land tax on their land holding. He suggested that the Commissioner for State Taxation, while he might wish to, might find himself legally unable to refuse an exemption in those circumstances. I hope that the Government has had an opportunity to examine my colleague's comments and that during the second reading debate it will provide an opinion on the arguments put forward by Hon Mark Nevill. It seems to me he has raised a possible avenue through which people could rort their obligation to pay land tax. It is clearly up to the Government to explain whether that avenue is open. I note that the exemption is to be available for any non-profit association for a non-profit purpose, which raises an interesting question. It is a very broad exemption. I wonder whether the State should be assisting every such organisation.

It is also interesting to look at the differences between our treatment of grants to community organisations and our treatment of tax exemptions. Historically when the State has been paying out money we have had a fair degree of scrutiny and emphasis on the accountability of spending of public money. If on the other hand the State is simply forgoing revenue, the scrutiny and accountability are not there. Once the exemption is put into the legislation it is granted automatically in accordance with the law as it exists. No further questions are asked about the management of the association, its purpose, the value of its programs and so on. It seems to me to be an anomaly, because it is all public money. We can dish out public money through a direct grant scrutinised through the budgetary process or we can dish out public money by saying to people, "You do not have to pay the tax which you would otherwise have to pay." The scrutiny when we pay out through the budget is much more intense than the scrutiny when we in effect pay out by forgoing the collection of tax revenue that we would otherwise collect. There should be a consistent and comprehensive policy governing government assistance to community groups.

The Minister for Community Development has opposed small scale assistance to a wide variety of community groups by abolishing the Social Advantage grants, which were

small grants for community organisations which had activities which they thought would improve in some way the local community in which they operated. It was a very broad grant scheme, and it was the very broadness of the scheme that led the Minister for Community Development to cancel it. He said that money should be given to defined programs and we should not be just dishing out money to all community groups as that this was in some way pork barrelling. These were small grants of $1 000, $2 000, or $3 000. On the other hand, in this legislation we are not looking at the purposes or programs but simply saying that in the Government's view non-profit organisations make a valuable contribution to the community - which I agree they do - and therefore in principle they should be assisted. That is the very argument the Minister for Community Development rejected when he cancelled the Social Advantage grants. It is ironic, because we have a contradiction in the Government's attitude. When it comes to small community groups which are not likely to own land but are looking for a small amount of money by way of grants from the State, the Minister for Community Development says, "No, we will not have a blanket in principle support for community organisations. We will fund for particular objectives and purposes." When it comes to a land tax exemption for larger non-profit organisations, which are substantial enough to own land, we have the opposite argument, and whatever the purpose, program or activity we will offer a concession. In the end there will be very little scrutiny or accountability because this sort of expenditure equivalent that is involved with taxation concessions in our system does not get the same type of attention as expenditure through the consolidated fund.

The fourth broad purpose of the legislation is to provide a exemption for land used for retirement villages, which do not qualify elsewhere in the Act for an exemption. Again, the Opposition must support this aspect of the legislation. Many retirement villages already benefit from exemption under other parts of the Act, but some people in retirement villages occupy their retirement village units on the basis of lease or licence arrangements. In those circumstances a land tax obligation has fallen on the operator. The legislation proposes to give those people the same land tax exemption as people in retirement villages with other forms of arrangements. A difficulty I see is the question of who will gain from the exemption. The Minister for Finance in the upper House admitted that this was a problem and that the operators of retirement villages may simply pocket a windfall gain and not pass on the value of the exemption granted by this legislation to the elderly people living in the retirement villages. The Premier, who is handling this legislation, should deal in his response to the second reading debate with the question of passing on the benefit to the people living in retirement villages, because his colleague in the other place, the Minister for Finance, agreed it was a problem but could not offer any solution.

Mr Court: Eventually the market will work it through. They have to compete out there and if their costs are lower, they can present a better deal.

Mr RIPPER: Leaving aside all the things that can go wrong with markets, I suppose the Premier is right in the long term. My concern is that many people have made long term arrangements. They tend to do that when they go into retirement villages, because they are looking for arrangements for the rest of their lives. Therefore, people will have made arrangements for a long period and are not necessarily in a position to be able to choose between one competing village and another or able to choose to renegotiate their arrangements.

The Government should take steps to encourage the operators of retirement villages to pass on this benefit to the residents. What information will the Government provide to residents of retirement villages to indicate that the concession has been offered? When the operator comes to claim the concession, will any report be sought as to arrangements that have been made to pass it on to the residents? If we do not have some sort of mechanism like that in place, in many cases what will happen is that the operator will pocket the windfall gain. The market might eventually catch up with the operator, but that will not benefit the residents who made arrangements to live in the retirement village some years before and who do not expect to have market forces apply to them before the end of their lives. The only way out of this - it is not a perfect way - is for the

Government to take steps to make sure that the people who should get the benefit know it is available to them and it should require the operators of retirement villages to provide an indication of their arrangements before they can get the exemption.

A further purpose of the legislation, purpose 5, provides "an exemption for an owner's residence that is vacant at 30 June due to its being refurbished or renovated". I understand that a small number of people have found they have a land tax obligation because their house is vacant as at 30 June. However, it is only vacant because it has been under renovation or refurbishment. This is a sensible amendment which will not cost the State very much money but will provide fair treatment for people in those circumstances.

Unfortunately, I cannot say the same for the sixth purpose of the legislation stated in the second reading speech as -

> an exemption for land owned by a private company which has only two shareholders, where one shareholder holds only one share in trust for the other, and the other shareholder uses the property as his ordinary place of residence;

That extends the land tax exemption which now applies to owner-occupiers to people who use this form of arrangement to provide for the ownership of their residence. It extends the concession to people who set up their homes as a commercial object. Why would people do that? The Opposition says people make that sort of arrangement because it gives them financial advantages. I will outline a type of financial advantage which I think would accrue to a person who holds their home in that form of ownership. Typically, such a person might be self-employed, he might be a consultant and he would channel his income from a consultancy or from other forms of self-employment through a company vehicle. This company vehicle would also own the home. If the same company vehicle draws income from other sources and owns a home which is mortgaged, taxation concessions for the interest payments on the mortgage become available. That is what is popularly known as negative gearing. Therefore, the big advantage of negative gearing becomes available to people whose same company vehicle owns the home and attracts the income received from the self-employment. People who are in employment and who pay their tax through the PAYE system, cannot claim the interest payments on their home mortgage as deductions against their taxable income.

Mr Bloffwitch: They probably do not give it as security against the business, either, do they? Be fair! I understand what you are saying. However, there is also another type where the bank demands title on your home as a business loan. I hope you are not suggesting that that should not be tax deductable.

Mr RIPPER: I accept that there are advantages and disadvantages in this type of arrangement. One of the big advantages is the possibility of the tax deductions and concessions through negative gearing. There is a disadvantage of the home then becoming subject to capital gains tax as opposed to the exemption that applies to owner-occupiers now. The other disadvantage that applies until this legislation goes through is that that person must pay land tax. People make a calculation. They work out what are the advantages and disadvantages and, if there are more financial advantages in this form of ownership, they will put their house under that form of ownership. If on the other hand, the bottom line is unfavourable, they will not put their home into this form of ownership. The people who have their homes in that form of ownership are winners already; they have an advantage already. The Government is suggesting that it will give them a further advantage by removing one of the disadvantages; that is, the land tax obligation. I do not think that is justifiable. Those people have already made the calculation that they are financially advantaged. They are winners already and the Government proposes giving them even more. They will be allowed to double dip. They will be able to claim both negative gearing and the land tax exemptions. If they were disadvantaged people or low income earners, there might be an argument for providing them with this concession. Typically, the people who have that type of arrangement tend to be the more affluent. The average worker in my electorate in Belmont would not own his or her home under this sort of complicated arrangement.

Mr Court: Don't you believe it.

Mr RIPPER: Perhaps the Premier could arrange for some letters to be sent by people complaining about the view I have adopted.

Mr Court: You would be surprised. There are people in your electorate who would not mind deep sewerage.

Mr RIPPER: The Premier is absolutely right. However, that is not relevant to this debate.

Mr Court: You did not help them out then and you are not helping them out with the land tax problems.

Mr RIPPER: I am interested in the overall justice of our taxation regime. Any land tax concession offered naturally puts the taxation burden on the people who pay the tax.

Mr Shave: You are looking particularly well at the moment. Is life treating you well?

Mr RIPPER: I do not think I should accord that interjection any status, particularly when it came from a member not in his seat.

The DEPUTY SPEAKER: Yes. Order, member!

Mr RIPPER: The problem with concessions is that, if revenues are forgone because the Government is offering concessions to someone else, state services still have to be funded. Therefore, the burden, however small it might be, falls on those who pay the tax. There is a question of justice here. I do not think this is a just amendment -

Mr Court: It is their principal place of residence.

Mr RIPPER: They could claim the exemption if they held it in the traditional form of ownership. However, they do not hold it in the traditional form of ownership because there are financial advantages in holding it in this peculiar form of ownership. Since they already get those financial advantages, and they would not have this form of ownership unless they knew they were going to get the financial advantages, and since they are already more likely to be affluent, why give them something more?

Mr Court: Is this the old class warfare?

Mr RIPPER: It is not class warfare. People should not be able to double dip. These people can take advantage of negative gearing and now the Government will allow them to take advantage of the land tax exemptions.

I am saying they can have one exemption, but not two. I do not see why the Government is forgoing land tax revenue to give these people additional advantage, when they would not be in this arrangement unless there was already financial advantage.

Mr Court: What if they have done it because they are in a de facto relationship?

Mr RIPPER: It may be that the Premier will be able to advance other reasons.

Mr Court: You cannot negatively gear a property if it is the owner's principal place of residence.

Mr RIPPER: If it is not owned privately, it is negatively geared against the company's income, not the person's income.

Mr Bloffwitch: The only way it is negatively geared is if it is used as security.

Mr RIPPER: That is not the case. The Premier may be able to advance reasons, other than pure financial advantage, why people might place their residence in this form of arrangement. When the Premier sums up the second reading debate, he might be able to dent the argument of the Opposition. So far I have not heard an argument. If most people are in this arrangement for financial gain - that is not wrong; one is entitled to arrange one's financial affairs to take the best possible position with taxation and commercial laws - why should we offer people who have already done that any additional advantage? There does not seem to be any good reason for the State to lose the revenue arising from this aspect of the legislation.

The seventh purpose of the legislation, according to the second reading speech, is to improve the equity and efficiency of the administration of land tax arrangements. The legislation proposes to provide for interest on refunds arising from successful appeals or objections by taxpayers against assessments. The Opposition will support that. It applies to other state taxation processes and there can be no rational or sensible objection to that amendment. The other aspect of this object of the legislation is to allow for certificates to be issued to owners and purchasers and their agents, showing the land tax charged or to be charged on a property subject to a sale transaction. That seems to be a sensible amendment. I understand that this is another case of the legislation catching up with an existing practice.

Finally I refer to the editorial in the *Financial Review* of Friday, 21 October headed "Premiers must fix own taxes". I make these comments because, as I said at the beginning of my remarks, this Bill involves the State's forgoing $800 000 a year of land tax revenue. The editorial deals with the report of the Industry Commission and reads -

> In its latest annual report, the Industry Commission is sympathetic with the premiers' pleas for access to a broader, more efficient tax base. But it also exposes the extent to which State Governments have chosen, for their own political purposes, to erode their own tax bases.

Mr Catania: Does it refer specifically to the company side and the advantages given to those people who support a conservative Government?

Mr RIPPER: No, it does not refer specifically to that. However, it draws attention to the effect of continually giving concessions and to a number of concessions which State Governments have made in taxation matters and says -

> The result is that the cost of all those concessions has fallen heavily on the people who still do pay State taxes.

That was the point I was making earlier in the argument. Most politicians will support taxation concessions; these are very popular in the electorate. However, the hidden cost is that those people who still pay the tax will end up paying more because someone must fund the services of the Government. This editorial draws attention to the continual process of erosion of the States' - as a whole, not just Western Australia - tax bases. It says -

> By gradually winding back the concessions to sectional interests, the State Governments could raise more revenue and make their taxes less economically damaging.

That is an important point for all of us in the State Parliament to think about. The pressure will now be on the States to think about how they raise their taxes, without simply resorting to the demonstrable need for improvement in commonwealth-state financial relations. I am not arguing, neither is the *Financial Review*, that commonwealth-state financial relationships do not need reform. The *Financial Review* is pointing justifiably to another area where we must look to our own house. I particularly make these comments because I and the Opposition object to the concession this legislation proposes for those people who hold their residences in that peculiar form of ownership which I referred to earlier in my speech. In Committee the Opposition will oppose that concession. We do not oppose the other concessions to sporting associations, non-profit associations, retirement village tenants and people who are having their houses renovated on 30 June. All those things seem fair and sensible.

The only caveat is that the process of continually providing concessions to people cannot go on forever without in the end creating an unjust situation for those people who are not able to avail themselves of concessions. It will be not only an unjust situation, but also perhaps economically damaging for the whole community. Apart from the particular clause which the Opposition will object to in Committee, the Opposition supports this legislation.

MR CATANIA (Balcatta) [11.57 am]: The Opposition generally supports the amendments. However, there are some concerns in these amendments that my colleague

has pointed out and which I share; that is, the reservation about a company owning the household in the company name. I am concerned about the advantages that may be gained from people whom I am sure this provision is not meant to advantage. I also share the concern expressed by a coalition member in the upper House over retirement villages.

The amendment in relation to the Government Employees Superannuation Board is appropriate. Tenants who have rented property from the superannuation board have always attracted and paid that tax. Although reference has been made to retrospective tax in this instance, because tax has been paid, the measure sensibly formalises the process. That averts any possible adverse consequences.

Secondly, it places the superannuation board in a position of competitive neutrality with private enterprise. It is a commendable amendment. I have served on committees which have dealt with the competitive neutrality of government instrumentalities, and in this instance that competitive neutrality will be formalised by the requirement for the superannuation board to pay tax.

The second exemption to which I refer is that to non-profit sporting groups and associations. In the past an anomaly has existed in that sporting groups which leased or rented their land from local government or government instrumentalities were exempt from land tax. However, the sporting groups and associations that had been frugal, raised funds through club activities and membership fees, and purchased the land on which their clubs operated, did not attract that exemption. This amendment changes that situation and the exemption will now apply. Once again, it is commendable and I am sure it will be welcomed by the many sporting groups who fall within this category. It applies also to ethnic groups and other non-profit organisations. I am sure other members will have been approached by ethnic groups in their electorates who wanted an exemption from land tax but, if they owned the land on which their premises were situated, they were not eligible for a full exemption. In my electorate there are many ethnic groups from Macedonia and Italy, including the regions of Tuscany and Sicily, who have purchased the land on which their premises are located. Members of the old Yugoslavian community and other groups have made great sacrifices for their clubs and for the benefit of their members with regard to sporting and social activities. These non-profit organisations have been disadvantaged in the past, but with this worthwhile amendment, which is supported by the Opposition, that situation will change.

I express my concern about one aspect of this amendment. It could allow for the establishment of bogus sporting bodies, set up with a view to obtaining a tax exemption. For example, 20 or 30 members, who might have shares in the ownership of the land, could set up an association or sporting organisation. They could get together once or twice a year on that land to play tiddlywinks and could then claim an exemption. That is a possibility, and it should be addressed. I ask the Premier to respond to that concern. Such a group could be classified as a non-profit organisation because it would not make a profit during its lifetime. When the association was no longer required to attract the land tax exemption, it could be disbanded and the property subdivided. That would provide a windfall gain for the owners of that land.

The amendment also affects clubs that have licences to sell alcohol. Many associations and clubs which have licences do not necessarily make much profit. I am sure the Premier and other members have been approached by clubs with licensed premises with regard to this matter. In many cases the liquor licences cost the clubs money, because they are required to be open at certain hours and staff must be paid during those hours. In the past a sporting or ethnic group with licensed premises was not eligible for land tax exemption on those premises. This amendment addresses that issue, and provides for licensed premises of non-profit organisations to be divided into two areas: One area in which a profit is made, and the other in which services are provided on which no profit is made. A 50:50 break-up can be established and a 50 per cent land tax exemption claimed by the club. It is a notable amendment which deserves to be supported.

The third area of concern to members on this side of the House relates to land tax

exemptions on property used for bona fide retirement villages. This concern has been recognised in another place by Hon Max Evans who said -

> A loophole may exist regarding retirement villages where the owner of the company may pass on the burden; enough pressure was brought to bear by the tenants for that change to be made.

He implied that the market may force owners of retirement villages to pass on the savings. Obviously, the tenants in retirement villages are retired and aged persons, and they are certainly not likely to challenge the owners of the property.

Mr Court: I have more retirement villages in my electorate than anyone, and I can assure you it is the exact opposite. They know where every cent is being spent. I can guarantee that.

Mr CATANIA: I accept that, but I do not make the point on that basis. If those people felt their homes would be threatened by challenging the owners, they would not do so. If they decided they had to challenge the owners, it would cause them a great deal of distress. This amendment relies on the propriety and integrity of the owners. Unfortunately, history reveals that human nature is sometimes not very benevolent and such people will not pass on the advantages of this amendment.

As recognised by the responsible Minister in the other place, the loophole should be closed. The Government should take steps in that direction to reflect the concerns expressed by the Opposition and supported by the Minister in the upper House.

The Opposition supports the concessions made affecting retirement villages owned by charitable bodies or those under strata ownership. I reiterate my concern that this will not be an automatic change even though competition between retirement villages will force the lease or rental costs down and enable them to be competitive. That does not always happen. The intention and spirit of the legislation to exempt tenants should be ensured by the legislation. If a loophole exists, it should be closed immediately.

I have received much general comment from constituents about the situation faced by people renovating a property. As at 30 June if a property is not occupied by the owners, it will attract land tax. That is an anomaly. People may be renting a house while renovating the property they own; therefore, they may be up for two payments - land tax and rent. The landlord of the rental property also pays land tax. This means that the tenants in the rental property will pay land tax on their principal residence after that date - because it is being renovated - when normally the property would not attract land tax. An exemption in this area will attract praise from many people who find themselves in such a situation.

Another exemption is for land owned by a private company which has only two shareholders and where one shareholder acts as a trustee. We have discussed this aspect. Some members accept that as an amendment to the current situation. I do not question the spirit of the provision. I question where that concession will occur and who will use it. I think some advantage will be taken of this provision.

We oppose this provision because when a person makes a conscious decision to set up a family trust, a company or a corporation, where the family home is owned by the trust, corporation or company, this will give an advantage to the family involved. It will enable the family to minimise its tax obligations. It is perfectly legal to take steps to minimise one's taxation obligations. We have no objection to that concept. However, when a conscious decision is made to form a trust, or a company, a person weighs up the benefits in order to minimise tax obligations, and to avoid the payment of land tax in that situation could be called double dipping.

Mr Court: Under the Labor Government the law was that under a company structure, residents in the family home did not pay land tax because it was the principal place of residence. Under this amendment, where there are trust arrangements and the people concerned do not live in the residence, provision is made to extend the principle because many people face that situation.

Mr Leahy: If two unit holders live in two separate homes, will they receive an exemption on each property?

Mr Court: If the member reads the legislation, he will see that that cannot be done.

Mr CATANIA: That aspect can be addressed at the Committee stage, and it is very important. It is not illegal to make a conscious decision to minimise one's taxation obligations.

Mr Court: It is everyone's responsibility. Everyone is allowed to minimise tax payments.

Mr CATANIA: The Opposition has no objection to that. Our objection is to the conscious decision to avoid tax in one area and by another process avoid it again in another area.

Mr Court: You do not understand the current situation.

Mr CATANIA: I will seek clarification at the Committee stage. I am anxious to hear the Premier's comments in this regard. As stated by my colleague, negative gearing can minimise taxation payments under both company structures and personal structures. One does not need to set up a company to take advantage of negative gearing. It can be done on a personal basis. Our concern is that if a person forms a company structure and that company owns a property, and the person lives in the property and pays rent to the company, the company can be exempt from land tax.

Mr Bloffwitch: How is that different from paying money to the bank?

Mr CATANIA: A person can receive a tax exemption because he is paying interest - that is negative gearing. One could say that this is just another way of making payments to a bank. However, when an individual lives in his company residence he should not be able to claim a tax exemption on the interest payments on the house and thereby negative gear the property. That is the distinction between the company owning the property and the owner paying rent to the company, and gaining a negative gearing advantage as well as a tax advantage.

Mr Court: And a capital gains disadvantage.

Mr CATANIA: That is correct, but the advantages gained by interest paid in the negative gearing situation far outweigh the other circumstance.

Mr Court: I think you have a vested interest. I think you should sit down.

Mr CATANIA: It should be part of one's conscience to pay tax. The objective is to minimise tax payments legally, but where a person attracts tax it should be paid. There should not be a law to ensure that some members of the community can avoid tax and others must pay.

Mr Court: You know the thrust of the law: If it is one's principal place of residence, land tax does not apply. If the member does not want to accept that basic principle, does he want everyone to pay land tax?

Mr CATANIA: I accept that principle entirely. Nevertheless, the Premier cannot allow people to double dip and obtain an advantage which the majority of the population - those owning the one house in which they live - cannot receive. Other parts of the population receive advantage by virtue of the establishment of trusts and companies, but most battlers do not know that these arrangements exist. The spirit behind the notion that the principal place of resident should not attract land tax would be accepted by all members. However, this loophole should be covered.

If the Premier is attempting to exempt as many people as possible from land tax, he could have accepted legislation brought before this House a few weeks ago regarding commercial tenancy. This would have meant that tenants would not attract land tax. Land tax is virtually a tax placed on wealth, and landowners attract the tax; however, they pass on the imposition to the commercial tenant. The commercial tenancy legislation would have made those people exempt, but the Minister for Commerce and

Trade, who handled that Bill for the Government, refused to accept the proposition. The Government has stated that it knows what small business is all about. It has also said that it wants to exempt one section of the population from paying land tax. However, it is not willing to exempt another section of the population. The Minister for Commerce and Trade has said in many forums that without healthy small business, the State will not be healthy economically. However, a prime opportunity was presented by which tenants would not have faced land tax impositions, yet he knocked it back. When members opposite claim that they are the party for small businesses, they should consider the hypocrisy of their words. Members opposite knocked back a perfectly good piece of legislation, as admitted by the Minister for Commerce and Trade, and so gave another kick to small business. During election campaigns members opposite say that they will help small business when occupying the Treasury benches; however, when they come to government they do nothing. That section of the community should wonder whether members opposite are the party for small business.

Land tax assessments will have been received by most landowners and tenants last week, and these revealed an enormous hike in the land tax levy. I have calculated that some of the land tax assessments I have received have increased by 36 to 40 per cent. We should consider exemptions to such tax not only in the areas outlined in the Bill, but also small business, given the burden it faces.

Mr Court: We on this side are just working people; we cannot own all the property you do! We know that you probably have a huge land tax problem.

Mr CATANIA: It would be interesting to look at where the wealth lies in this Chamber and how many members opposite use companies to attract tax concessions. I could give a couple of examples.

Mr Court: I think you would be embarrassed. We have a few wealthy potato growers on this side, but that is all!

Mr CATANIA: I have raised concerns in two areas. The Opposition supports the exemptions and the interest component of the refund when given. I have constituents who have obtained refunds because assessments have been too high and they have received no interest on that refund. It is worth making amendments to ensure that as many people as possible are successful in achieving exemptions.

Mr Court: It is a one-way street.

Mr CATANIA: That is right. Certificates issued to landowners and agents is another area which has needed amendment because, as my colleague has indicated, it has not kept up with the times. This should have been amended a long time ago. We support the amendment.

We support the thrust of the legislation but have two major concerns. The first is the retirement village aspect, to which some amendments should be made so that people do not establish retirement villages only to attract the land tax concessions without passing on the benefit to residents. Second, a loophole will be opened because companies can own a principal place of residence and attract land tax concessions as well as other concessions. This is an area in which the former federal Leader of the Opposition was severely criticised in what became known as the Hewson shuffle. He tried to double dip in claiming concessions; his company owned his house and he obtained a concession through paying rent and negative gearing on interest paid to the bank. That should be looked at closely.

Mr Court: Do you think Paul will negatively gear his $2.2m house? Those working people who have $2m homes are under a great deal of pressure!

Mr CATANIA: Not too many people on this side of the Chamber have $2.2m homes. The tax avoidance measure should not be supported by this legislation and the loophole should be covered. Apart from the concerns I have summarised, the Opposition has no problem supporting the balance of the Bill.

MR KOBELKE (Nollamara) [12.28 pm]: In supporting the Bill, the Opposition has

some difficulties with the extension of exemptions to people who have their principal place of residence owned by a company and a trustee is a principal of that company. I shall return to that point later.

The Opposition supports the general provisions of the Bill. I take the opportunity to direct a question to the Premier: Will he put in place a review of the way Bills are prepared and brought to this place? This Bill is a clear example of the difficulties which have existed for as long as I have been a member of this place - probably for much longer - regarding the form and presentation of Bills. I am sure this practice goes back for some time. I allude to the fact that we are dealing with the Land Tax Assessment Amendment Bill, so we obviously must refer to the Land Tax Assessment Act 1976. However, the last reprint of this Act was on 1 December 1982.

Since then there have been seven amendments. In addition, several Acts had to be integrated in the principal Act along with other legislation affected and bundled up with it. Following a reprint in 1982 the Act was changed by amendment 87 of 1984, amendment 31 of 1985, amendment 69 of 1986, amendment 31 of 1988, amendment 23 of 1989, amendment 11 of 1990 and amendment 27 of 1993. All those are amendments we have had to the principal Act. We have to look at them and see how the provisions of this Bill affect that total set of Statutes. It is obviously not very cost effective to have to do reprints every time there is an amendment. One understands that, and the financial cost indicates we should not necessarily have a reprint unless there is some real need. The Premier might say, "You were in office for 10 years. Why didn't you do something about it?" When in Government we discussed what should be done about it. At that stage there was no cost effective way by which we could present a Bill that amended another Statute, so that one could see how those changes would have an effect in the context of the updated Statute. That is no longer the case, because when we were in Government we put in place the technology to have an information technology system which would enable people to access the updated Statute with all the amendments. That system is referred to as SWANS - Statutes of Western Australia now-in-force system - and is available through the Parliamentary Library. In this case I had to go to the library and request a print-out of the consolidated Act to use it to try to make sense of the Bill before us which amends the Land Tax Assessment Act 1976.

Will the Premier have someone look at the way in which legislation is prepared, so that we may have a good print in a form which is easily readable, which does not take up large amounts of paper and which shows the Statutes currently in force and how the amendment will affect the primary Statute? That will make the work of this place and the laws of this State accessible to a much wider range of people, not just the Opposition which is in the difficult position of not having ready access to legal opinion. Then when a Bill like this is presented and we wish to do our homework and check through the fine details of the amendments to see whether they have the effect which we take them to have on face value, as put forward in the second reading speech of the Premier, we will have the means by which we can do it. Given the Premier's past responses I am sure he is not likely to provide the extra personnel to enable the Opposition to go over the legislation presented. If we have a clear and precise means of presenting such amending Bills, the Opposition and many people in the wider community will be able to understand the proposals put forward in a Bill such as this, and be able to make meaningful comments on the impact of changes. I put that point to the Premier and hope he will seriously consider whether we can improve the format in which legislation is brought into this place.

Mr Ripper: It is possible to do that with the existing information technology that is already installed. That is your argument.

Mr KOBELKE: I am saying that when the Labor Government in the 1980s looked at improving the presentation of Bills, at that stage it was not able to find an easy way to do it. Through the decisions of the last Government, computer technology was put in place to capture all the Statutes of this State by updating laws as amendments were carried through Parliament. Therefore, there would be an integrated compendium of the Act rather than the initial Act and then, as in this case, the seven amending Acts which one

has to make some sense of to understand this amendment. That technology has been up and running for nearly two years and is available through the Parliamentary Library. We should look at utilising what is available for the whole process of developing, printing and bringing Bills into this Chamber so that our legislation is more easily understood and far more accessible to the people of this State.

To turn to the provisions in this Bill, the Government Employees Superannuation Board has been paying land tax when, as we now find, it was not required to do so. Apparently it has come to the notice of the Government, and presumably the Government Employees Superannuation Board, that it could have claimed that exemption under the general provisions of the Land Tax Assessment Act which exempt public statutory authorities. Nonetheless, it has been paying land tax on its property which has apparently amounted to $6.8m. It is proposed that money should not be refunded to the Government Employees Superannuation Board and that in future the Government Employees Superannuation Board should be required by this Bill to continue to have to pay land tax. The amendment before us in this Bill will apply that change retrospectively. I wish to say a little about that and hopefully get a clear undertaking from the Premier on the full impact of the retrospective application of this Bill.

As I understand it from the Premier's second reading speech, we appear to have a round robin situation, because prior to this Bill the Government Employees Superannuation Board has paid $6.8m into consolidated revenue through land tax and it could take legal action, or the Government might accede to its request that the money be repaid. If that were the case the consolidated fund would be in deficit to that amount. Therefore, under the law as it presently applies the tenants of the Government Employees Superannuation Board would be liable to pay land tax. For the purposes of this Act such tenants of a property owned by a public statutory authority are considered to be the owners of the property for the purposes of land tax. The State Taxation Department would have to issue assessments to those tenants and recoup the money from them. They would feel they had been unfairly treated because the rent and general outgoings they had already paid to the Government Employees Superannuation Board would have taken into account the land tax paid. One would end up with a very complicated situation. This Bill proposes that the Government Employees Superannuation Board should pay that tax and have removed from it the right to seek a repayment of that amount. This would mean we would not have to worry about going back to the tenants to seek payment from them of the assessments which may be levied against them for their renting of that property. The Government Employees Superannuation Board is largely self-funding. However, the State Government tops up the fund to meet the payments due to the superannuants. That being the case it would appear there is no loser under these provisions.

If it is left as it is now - the Government Employees Superannuation Board is out of pocket to the tune of $6.8m to date - any consequential deficit in the payments due to be paid to superannuants is made up from the consolidated fund by the State Government anyway. That $6.8m would be transferred to the superannuation board as part of the general annual contribution from the CRF. Does the Premier have in his head what is roughly the level of contribution?

Mr Court: I do not.

Mr KOBELKE: Perhaps he will be able to let us know that in his reply. If I have it correctly, it is a round robin and no-one appears to be the loser. I ask the Premier to assure the House that there will be no losers; that people will not find themselves disadvantaged because this legislation will apply retrospectively. I do not understand the nature of the arrangements between the tenants of the Government Employees Superannuation Board and what might be their interest in this matter. It appears on the surface they will not be disadvantaged. In fact, this legislation is likely to improve their situation because they will not have to meet an assessment issued by the State Taxation Office and then take action against the superannuation board to try to recoup the equivalent amount which they have already paid. It appears on the surface they will be advantaged rather than disadvantaged by this move.

In the life of this Government many Bills have applied retrospective clauses. I have placed a question on notice to get an idea of the number. I noticed that among the second reading speeches we heard today some of the clauses were retrospective. We need to be very careful when this Parliament takes such action that we do not unjustly affect people who entered into commercial arrangements and who at the time were working under one set of laws and could now find themselves in a different light because legislation is passed which applies retrospectively. I hope the Premier will provided a full and definite answer to assure us that people will not be disadvantaged by the retrospective application of this section applying to the Government Employees Superannuation Board.

The Government also suggests that, for the future competitiveness of the Government Employees Superannuation Board it is proper that it should not receive this exemption. The Government thinks this need for competitive neutrality should apply to the GESB. Although competitive neutrality is important for government agencies which are in the market place competing with non-government organisations, we should see competitive neutrality as one of a raft of matters that should be considered with government enterprises. I do not see it as something that, in itself, should be supported. It should be justified in each case. In this case it is mentioned in the second reading speech, but no justification has been given for that. The Premier may elaborate on that in his reply at the close of this stage of the debate.

Another matter to which I refer is the extension of the concession to privately owned retirement villages. I strongly support this because we have a growing need in our community for the provision of retirement villages and other forms of accommodation for people who are moving into their senior years. Members well know that we must face up to the issues that will result from the changing demographic profile in this State. A key element in meeting the needs of people in the years to come will be to ensure that the style and form of housing appropriate to people in their senior years will be available.

Although many church and non-government organisations have been quick in coming forward to provide for the growing number of seniors in our community, that need cannot be met without the private sector playing an active role in this area. The private sector is currently disadvantaged in the assessment of land tax compared with similar establishments which are founded or run by non-profit organisations. This provision is an extension of that concession to people living in this situation. Retirement villages can be managed in a range of ways. Some might be life leases, others may be a loan and a licence. The purple title structure is another form of ownership for retirement villages. The member for Scarborough may make some comment on Parkland Villas, a major retirement village in his electorate which I understand is covered by a purple title structure.

I understand that under a purple title the residents are tenants in common and they have a subsidiary deed to their residences in that retirement village. Under the current law, they are unable to claim the exemption from land tax. The exemption here means that the organisation which controls the retirement village will be exempt from land tax. The second reading speech indicated that there is no guarantee that the concession will be passed on to the residents of the retirement village. I accept the intention that there is every hope that money will be passed on and I think we can expect, with what we know of the functioning of private retirement villages in this State, that it will be passed through. We must keep a watchful eye on what happens in private retirement villages. Judging by the way they function now there is very little margin in the day-to-day running expenses of such retirement villages. A very large percentage of the residents of private retirement villages would be supported, if not fully at least in part, by the age pension. People in that situation do not have a great deal of spare cash. They need to watch their pennies to ensure they can not only meet their commitments to the retirement villages in which they live, but also provide themselves with the basic necessities of life.

In a competitive market management of retirement villages cannot increase prices to uncompetitive figures. Therefore, the concession which has been offered by this Bill will, I hope, be passed on to residents of those retirement villages. The management of privately owned retirement villages and those run by church organisations are funded

largely through a deferred management or infrastructure fee. When people buy into the village a percentage is paid annually which plateaus and is paid back to the management when the tenants sell their property. It is through that means that the management of the retirement villages are funded. The fees paid by the residents, in large measure, meet the running costs of the establishment. By reducing the running costs through this concession on land tax we hope a direct concession will be passed on to the residents of these retirement villages.

The next matter to which I refer is the extension of the concession to sporting and community groups. When I consider the various clubs in my electorate, I am aware of the difference between those clubs with premises on council land or reserves, and those who have purchased the land on which their premises are built. I am aware of the fine facilities in my area for sporting and ethnic clubs, and I enjoy the time I can spend at those clubs and the wonderful people who frequent them. I support the move to ensure those clubs which have purchased the land on which their premises are located gain this concession. Some clubs have not been assisted by grants from the Government or the local council to help them build their premises. In those cases they have raised the money themselves, and have taken out mortgages. Very often, the individuals who form the nucleus of the club have taken out mortgages on their own homes to build these fine and wonderful community facilities. The clubs would not have been able to raise a mortgage from a bank if they had not owned the property. Whether it was bought at full commercial value or assistance was received from the Government, at the end of the day they had to pay for the land. Therefore, they not only contributed towards the building, but also had to purchase the land. In the past, groups in that category did not receive the full concession on land tax, and they had to meet that extra cost. The Opposition welcomes this move.

I hope the Premier will be able to respond to some other concerns I have on this matter. Allowance is made for the fact that such clubs may include facilities for the sale of alcohol, and this will not affect the application of that concession. That is an important provision. However, the provision requires that the premises not be available on a paying basis by persons, other than the guests of members, who are not members of the association. I seek some detail from the Premier as to the full implications of that clause. In some of those clubs members hold wedding receptions for their children. Obviously, they invite their friends to the reception - in the case of ethnic clubs the majority of them are likely also to be members of that club - and I query whether such activities should exclude the club from eligibility for exemption. I trust that the wording is not so rigid as to create a problem in this area for clubs whose premises are used for this purpose. The relevant provision is on page 6 of the Bill, and I ask the Premier to clarify the interpretation and to remove any doubt as to its application. The use of club premises for wedding receptions and other functions fits in with the whole theme of those clubs.

I refer to a point raised by earlier speakers in this debate. The concession is to be extended to the principal place of residence which is held by a company with a trustee shareholder. The complication in this case is that this relates to people who have entered into a special arrangement through the formation of a company for their own financial purposes. It seems that such arrangements, although not all, could be contrived and involve putting one's affairs in such an arrangement to gain a financial advantage in taxation or other areas of law - whether Commonwealth or State. A person who has the necessary wherewithal, legal advice and financial support to put in place such a structure - often it is contrived - should not receive concessions as a result of this legislation. We should ensure that the whole range of concessions available under this legislation centre on people for whom the principal place of residence is their home, major asset, and the centre of their family life. The concession in the existing Act makes allowance for that. The proposed amendment will provide an opportunity for double dipping, because the concession will be available to those entering a contrived arrangement through a company to gain some other financial benefit. If they want a concession on land tax, they must choose not to avail themselves of the advantages they seek through the formation of a company which someone is holding partly in trust.

I refer to the exemption for a person's residence that is vacant at 30 June because it is being refurbished or renovated. I support the extension of the concession. A home owner who wants a new house must usually sell a first home, rent accommodation and then build the new house. If the timing of the sale of the old home and the building of the new house falls within certain parts of the financial year, the property does not attract land tax. Those buying a house and land package also are not affected. However, those who buy a block of land on which to build a house are liable for land tax if the house is vacant on 30 June of the financial year. It is an anomaly which treats them unfairly. This provision overcomes that problem.

Finally, the Bill will enable information to be provided to agents, rather than the owners and purchasers of property, when a transfer of land takes place. The system has been working in that way for some time, although the Act does not provide for it. The amendment in this Bill ensures that settlement agents and lawyers can provide that assistance without being outside the bounds of the legislation. The Opposition supports the Bill, and I look forward to receiving answers from the Premier on the questions raised.

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

[Continued below.]

Sitting suspended from 1.00 to 2.00 pm

[Questions without notice taken.]

VOLUNTARY MEMBERSHIP OF STUDENT GUILDS AND ASSOCIATIONS BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr Tubby (Parliamentary Secretary), read a first time.

LAND TAX ASSESSMENT AMENDMENT BILL

Second Reading

Resumed from an earlier stage of the sitting.

MR BLOFFWITCH (Geraldton) [2.34 pm]: I have listened to the objections to some of the exemptions proposed in this Bill. I compliment the Opposition on its support for the majority of them. The Bill will make it fairer for all concerned. I was amazed when listening to some of the logic in the arguments about companies owning property. Where companies were apparently devious enough to allow their accountants to talk them into trusts, the Opposition sees its job to screw them to the ground. On this side of the House it is not our job to screw them to the ground. Those people conform with the federal taxation laws. If we want to talk about injustices, these trusts and companies exist because back in the 1940s Western Australia was stupid enough to hand over its powers for taxation and income tax to the Federal Government. What are the land and payroll taxes and stamp duty that we see today? They are good ideas that bureaucrats from all over the world have had to raise money, when people in every economy that has been successful know the way to raise money is on profits. It is not on companies making losses or about to go into liquidation; it is when there is a thriving economy in which there is something one can take out. This State, along with every other state, handed over the main sources of revenue - company tax and personal income tax - to the Federal Government. The Federal Government has been so miserable about what it gives back. We put in 28 per cent and get back 9 per cent. How do we equate those sorts of sums? It does not matter which side of the House one is sitting on, the position is iniquitous and wrong. As a country we must address some of those major problems. I honestly believe, as far as best practices are concerned, that we should start to address these problems by saying, "Sure, we will take money off the people who are earning it and the companies that are profitable, but let us try to give those who are struggling a bit of support and help by taxing them as little as possible." Of course, with a two-tax system as in this country,

there is no alternative. Money must be raised to top up the 9 per cent that we get back to pay for the services this State needs, deserves and should have.

When I look at the Land Tax Assessment Bill I see nothing that any fair-minded person would not support. Sporting bodies should not be paying land tax. Our biggest problem is law and order. What do the sporting bodies do? They try to involve our youth and community in the very things that we would like them to do. This Bill gives a little support to those types of bodies. Surely to goodness, when for security and provision of services owners move into retirement villages, nobody will begrudge them an exemption from land tax. Nobody in this House would do that. The superannuation board represents a little of what Mr Hilmer is talking about. He says that a government enterprise should compete on equal terms. That is exactly what we are ensuring. The board owns a Kentucky Fried Chicken store, which is a bit of a strange example, but it could own the property that it is built on and lease it. Of course it should be a commercial operation and have land tax attached to it. No matter whether it is a superannuation board, a retirees board or whatever, it is a commercial proposition in the real business world and as such it should be paying land tax. As for companies, my wife and I happen to be two directors of a company which owns the house we live in, and there is now no land tax on the house. It does not question the identity unless unit trusts are involved. When the last amendment was made to land tax provisions, very little was known about unit trusts and, as we have heard from members opposite, there was a great deal of suspicion and they thought it was too complicated. Unit trusts are formed on the advice of accountants who tell people in small business or those in high income groups that it is a better way to minimise tax. In some cases they advise that the family take this action. This amendment provides that when one of the major trust owners lives in the house, it will be exempt from land tax. How could any fair minded person say no to that? The other person in the trust will probably be living in a house owned by him or her, and no land tax would apply to that. If a unit trust owns two houses, land tax must be paid on one of them. That applies to everybody else. I can think of nothing fairer and more equitable than the Government's proposal, and I urge members to support the Bill.

MR STRICKLAND (Scarborough) [2.41 pm]: I support the Bill and particularly the relief it will provide for sporting and cultural organisations. I have made representations to the Government through the Minister in support of two groups, and I am very pleased that at long last my requests have been heard and heeded, and the necessary relief will be provided. One of the sporting clubs - many of whose members I represent, although the members come from a wide range of electorates - is the Lake Karrinyup Country Club. It is a golf course that was formed many years ago. The club owns the land in fee simple and years ago it was surrounded by bush. The land was not worth much then and no-one worried about the land tax bill. As the metropolitan area spread, the land values in the suburb of Karrinyup increased and the Valuer General has assessed the land of the country club as though it were prime residential land in an upmarket area. That is a ridiculous burden on the club and it has gone over the top. The simple truth is that it is a golf club today and will be a golf club forever. It provides an opportunity for its members to participate in the sport of golf. Those people all pay their way and do not call on the State for assistance. I know that councils and sometimes the State Government give assistance to other bodies, but little goes the way of the Lake Karrinyup Country Club. Of course, it is competing against other golf clubs in this State which lease land for a peppercorn rental from the Crown, or use land vested in the local authority. Those clubs pay no land tax and they have a huge financial advantage. This amendment will be a very positive move for the members of that club and will relieve them of an unrealistic burden.

Mr Ripper: Do you have any idea of the size of that land tax bill?

Mr STRICKLAND: It is several hundred dollars per member, and it is a ridiculous slug. I am not a member of that club so no pecuniary interest is involved.

Mr Ripper: I was not intending to comment to that effect.

Mr STRICKLAND: I am happy to put it on the record. The other group on whose behalf

I made representation was a cultural group. I am glad the member for Balcatta mentioned these cultural clubs. I have had a long involvement with Croatian House, a club in Wishart Street in the Balcatta electorate. Basically it is a cultural club but it also has a soccer ground and has become the headquarters for the North Perth Croatian Soccer Club. It has had the burden of land tax to pay, and the council has rezoned land around its ground in Gwelup. The land tax burden would go in only one direction - up, up, up - if we did not provide relief to that club. It is another example of members of a community group supporting other members of the community, and they should not be slugged with land tax.

I place on the record my personal thanks to the Government for listening to a problem in which inequities have come about through the efflux of time. When the land had a low value, there was no problem. However, the metropolitan area expanded and all of a sudden this terrible burden appeared. Governments must always be prepared to look at these situations, and when problems arise that are no fault of the people affected, who are being unfairly treated, it is a responsible action to provide relief for them.

MR LEAHY (Northern Rivers) [2.47 pm]: Generally, I support the Land Tax Assessment Amendment Bill, but I shall comment on two aspects of it. As stated by members on both sides of the House, there is general approval for the thrust of the Bill, especially the full exemption provided for genuine sporting bodies. As the member for Balcatta said, there is concern about bogus sporting bodies. An incident has occurred in which a group of people, purporting to be members of a leisure or swimming group, held a large parcel of land in the northern suburbs. The land was subject to a 50 per cent exemption from land tax, but subsequently they subdivided that land and took the proceeds.

Mr Strickland: What was the name of the group?

Mr LEAHY: I do not know. I am told that the land was within the confines of the metropolitan area, but it was vacant land close to the beach which was subsequently subdivided. Under the existing legislation that group received the 50 per cent exemption from land tax for a number of years, and this amendment will provide 100 per cent exemption for similar groups.

Mr Strickland: The amendment mentions 50 per cent.

Mr LEAHY: If it is a non-profit making sporting group the concession becomes 100 per cent. If there were difficulties under the existing Act, this amendment will accentuate those difficulties and make it possible for people who are not genuine to feather their own nests. I agree that there will not be many such people, but we need to guard against them. The Bill should contain a provision that precludes people from benefiting in that way. It could perhaps provide that land must be passed on in perpetuity within a sporting group, or revert to a charity or something of that nature if the sporting association no longer operates. It should not become the property of the members of that group.

Mr Strickland: That could be unfair.

Mr LEAHY: I do not know of any person joining a genuine sporting group or non-profit club who expects it to wind up and to provide the members with a financial benefit. As the member of many clubs I expect to share in the facilities for the period I am a member, and I expect the ownership of the land and the premises to be passed to my kids or someone else's kids for their use.

Another area on which the Premier touched briefly relates to private companies and their ownership of houses. The Premier cleared up one of my concerns in that previously an exemption applied for a private company where both the shareholders owned the residential premises. There was a tax exemption of only 50 per cent where one of the owners of the company was a trustee. This legislation will pass on a 100 per cent exemption from land tax. My concern is with a situation where a couple, whether husband and wife or not, have two private companies with each involving a trustee. If that couple own a house in Broome and in Perth, and one of the couple showed the house in Broome as his or her principal place of residence, where is the provision that excludes

them from getting the exemption on both houses? Where is the provision which says that a couple cannot have two houses under two different private companies with two trustees and claim an exemption for both? I have looked through the Act, but I cannot see it.

Mr Bloffwitch: Would you agree that they should have one house exempt?

Mr LEAHY: That is what I am saying. I am willing to accept the argument that a single person should have the same capacity. The members for Balcatta and Belmont have put forward other arguments, but I think they are weakened by the fact that a couple already had the exemption provision available to them.

Mr Court: Are you saying the couple have two houses -

Mr LEAHY: A couple have two private companies; each of them holds 50 per cent of the private company with a trustee, and each of the companies owns a house in, say, Broome, perhaps on Cable Beach, and another at City Beach. On my reading of the legislation, the Government is now passing on to them the ability to claim exemption from land tax on both properties.

Mr Court: They have to show which is their principal place of residence.

Mr LEAHY: If they spent six months in Broome and six months in Perth, or if one showed the principal place of residence as Broome and the other showed it as Perth -

Mr Court: Is this a married couple?

Mr LEAHY: I said earlier it could be a married couple, a couple living together in a de facto relationship, or two people.

Mr Court: If they are married they can have only one principal place of residence.

Mr Catania: What about a de facto relationship?

Mr Bloffwitch interjected.

The SPEAKER: Order! The member for Northern Rivers can accept interjections from another member but we cannot have four members playing some sort of debating bridge.

Mr LEAHY: With those two reservations in regard to the groups of people who may not be bona fide, non-profit sporting or cultural groups, and the capacity for a couple to enter into an agreement to claim tax exemption on two upmarket properties, I support the Bill.

MR COURT (Nedlands - Premier) [2.53 pm]: I thank members opposite for their support of the legislation. The member for Belmont raised the question of whether people could rort the exemption for sporting organisations. The commissioner must approve an exemption for a sporting or non-profit organisation; it is not an automatic procedure. In the approval process, the commissioner would require the association to establish that it is a bona fide, non-profit or sporting organisation. The member mentioned that people could set up a four-wheel drive club, or something like that, and it would be a bit of a charade.

Mr Ripper: I used the examples given in the upper House.

Mr COURT: A situation already exists in ascertaining the qualification for the 50 per cent concession provided under part II of the schedule of the Act which applies to bona fide clubs and societies of a non-profit nature. No avoidance problems have been detected in the administration of part II. No problems have been raised in determining the bona fides for the 50 per cent concession.

The member for Nollamara raised the question of the presentation of legislation by using the latest available technology to begin bringing the Bills together instead of attaching a number of amendments. That suggestion is certainly worth looking into to make presentation easier, although it will take a lot of fun out of sticking and pasting legislation when one is preparing for debates!

The need for shareholders of companies to gain exemptions for principal places of residence was recognised by the Opposition when in government, and previous Governments. Act No 87 of 1984, which was assented to in November 1984, introduced

the existing provisions concerning private companies with effect from the 1984-85 year of assessment. The second reading speech by the Labor Government Minister of the day said that this provision broadened the exemption that previously existed in relation to the principal place of residence for shareholders of companies. Not everyone holds their property in a certain name. Simple operators like me do at present. After today's debate I might have a think about some of the options raised by the member for Balcatta! Under the current arrangements a principal place of residence exemption is available to an exempt proprietary company where all shareholders of the company reside at the property. The proposed amendment recognises a situation which is similar except that one shareholder holds a share in trust for the other shareholder, who must reside at the property to gain the exemption. The only reason one share is not directly held is to satisfy the Corporations Law requirement of having a minimum of two shareholders. For example, it might be one's accountant or lawyer who has the share in trust. All we are saying is that we believe it is equitable for that exemption to be provided.

If one is fortunate enough to have enough members of a family to set up a company and one is living in the place, well and good. However, a single person who has a company structure to satisfy the law may have his or her accountant as the trustee. A number of examples have been brought to our attention where those people have been discriminated against. I am not saying one could not be super devious. We gave the example of a married couple; they must live in one place or the other. If a couple live in two separate houses, I will not get involved in an argument as to when a couple is not a couple. If they live separate lives and each has a house which is the principal place of residence, I do not think we should delve too much into their personal arrangements. The reason this matter has been raised is that some people have been discriminated against because of the particular structure to which I referred. The legislation is written very specifically so that it will not catch many people. The exemption is not broadly based. For those reasons we will not support the amendment put forward by the Opposition.

I accept the argument by members opposite in relation to retirement villages. In that regard, the maximum cost will be less than $150 000. The administrative cost of providing a rebate would be greater, in some cases, than the revenue gained. In an ideal world it might be best to find a way to put that through, and we hope that the market forces will allow some savings for those people. Under this legislation, the owners of retirement villages who hold an interest by way of purple title will be eligible for exemption.

I cannot provide figures at the moment for 1993-94 to indicate the contribution from the consolidated fund to the Government Employees Superannuation Board because the figures are being compiled. If members require those figures we can arrange for them to be made available, but that would involve contacting a number of agencies.

Mr Kobelke: Can you provide a figure for the year before? A ballpark figure may suffice, assuming there will be a top up.

Mr COURT: I assume the member is referring to the total government contribution. I will try to provide that figure.

The retrospective application of the tax contained in the Bill will not actually affect anyone. If the exemption were to apply and a refund of tax made, the Commissioner for State Taxation would be required to raise land tax bills for previous tenants of buildings owned by the board. I do not think that would go down too well.

Last year land tax collections decreased in real terms. With the introduction of annual valuations, the Government had the opportunity to strike a figure that would build in a considerable increase. However, last year we decided deliberately that the amount collected would decrease. This year, the rates remained the same, although valuations increased. Therefore, collections increased, as outlined in the Budget. The Budget estimate for 1994-95 is $140m and that amount will decrease to $139.2m as a result of these changes. Land tax has increased dramatically. In 1982-83 it amounted to $35m while in 1991-92 it increased to $133m. I do not know who was in government during that decade but the figure increased substantially. The Whip is not listening.

Mr Bloffwitch: I am.

Mr COURT: The figure moved from $35m up to $130m in 10 years.

Mr Bloffwitch: It is unbelievable!

Mr Kobelke: Can that graph be incorporated in *Hansard*?

Mr COURT: Yes. I thank members for their support of the Bill.

[The material in appendix A was incorporated by leave of the House.]

[See p 6349.]

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Mr Ainsworth) in the Chair; Mr Court (Premier) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Application -

Mr KOBELKE: During the second reading debate I alluded to the fact that under these provisions the money previously paid by the Government Employees Superannuation Board will not now have to be repaid. I accept the procedures outlined by the Premier. It seems to make good sense.

Mr Court: People will not receive a refund.

Mr KOBELKE: Exactly. The proposition put by the Premier, which I accept, is that without this provision the GESB could seek to be reimbursed from the consolidated fund, and the Commissioner for State Taxation would have the messy job of offering retrospective assessments to the previous tenants of GESB properties. The provisions of this clause will apply retrospectively. That being the case, my concern is that people may be caught and affected adversely. On the surface, it appears that will not be the case. The proposal appears to be efficient and equitable; it appears to be the best way to go. However, as this is retrospective legislation I seek a guarantee from the Premier that no party, whether a tenant of GESB properties or anyone else, will be adversely affected.

Mr COURT: I gave that commitment in my response. I said that the retrospective application of the tax contained in the Bill will not unduly affect anyone. I went on to say that if an exemption was to apply and a refund of tax made, the Commissioner of State Taxation would be required to raise land tax from previous tenants of buildings owned by the board.

Clause put and passed.

Clauses 4 to 6 put and passed.

Clause 7: Section 37B amended and transitional provision -

Mr KOBELKE: I put on the record the improvement this will make to the way in which interest is paid when a refund is to be set. I cannot find the definition of "prescribed rate", and I wonder whether the Premier can outline the existing system, how the prescribed rate is set, and what would be the details of improvement with the payment of interest when land tax has to be refunded.

Mr COURT: Currently no interest is paid on refunds. With these changes, it will be prescribed in regulations. The rate has not yet been set, but the recommendation coming through to me is that a rate should be 8 per cent. That will be prescribed in regulations.

Mr CATANIA: What rate of interest is charged for default on late payments?

Mr COURT: For a late payment it is a very simple system where 5 per cent of the tax must be paid. That is not an annual figure.

Mr Catania: Will it be on the outstanding money on a daily, monthly and annual basis?

Mr COURT: No; just 5 per cent of the tax should be paid.

Mr CATANIA: The discrepancy between the 5 per cent charged on the outstanding amount and 8 per cent paid on the refund is 3 per cent. The amount of refund is a hell of a lot lower than most late payments in most instances. Why is there an 8 per cent rate on the refund and a 5 per cent interest charge for late payments?

Mr COURT: The 5 per cent figure is an historic one. A review of the old payment penalties across all of the different areas currently is under way in which we are looking at whether they should be standardised. The main concern is to get the money. The Federal Government penalties for taxation matters are considerably higher than that. The Federal Government has a very complex system; however, it is looking at the whole question of late payment penalties. No doubt they would go up, not down. That review has not yet been completed.

Mr RIPPER: How often will the interest rate on refunds be altered? Is it determined by a formula or is it based on what is believed to be a reasonable figure? On what basis was the recommendation of 8 per cent presented?

Mr COURT: The figure will be reviewed internally by the State Taxation Department on a six monthly basis and it will be aligned to what is called the judgment debt rate. It will be reviewed from time to time.

Clause put and passed.

Clause 8 put and passed.

Clause 9: Section 48 amended -

Mr KOBELKE: My understanding is that the current system of being able to issue certificates on applications has been working quite efficiently for some time. Such certificates are important in the process of a transfer of land. People do not wish to buy a property and unknowingly inherit outstanding land tax. It is an important part of procedures for clearance of the property subject to sale. As that seems to have been working quite efficiently for some time, with such certificates being issued to representatives of the purchaser or the vendor, could the Premier provide some explanation about why this is required? I understand what he said in his second reading speech that the Act was seen not to cover it. If the system has been working well, there must be some basis for this change. Was there a legal challenge or some case precedents, or was there simply legal advice that if it were not tightened up, some problems might arise in the future?

Mr COURT: A question was raised internally about whether there was the ability to achieve that with the Act as it stood. The office wanted to have the legislation amended so that there was no question that it was able to be done.

Clause put and passed.

Clause 10: Schedule amended -

Mr KOBELKE: This is a very large clause containing a number of provisions which will become subclauses in the schedule of the Act. I will raise two matters, the first of which relates to the class of land which is referred to at the bottom of page five and the top of page six of the Bill. It deals with the extension of the concessions to sports organisations and non-profit associations. The proviso relating to the sale of liquor is an important one. It is a detailed provision which we acknowledge has been picked up and done effectively. I am concerned about paragraph (II). In the debate on the second reading speech, I raised my concern about the use of such facilities for a range of purposes which are, quite properly, part of the functioning of such non-profit clubs. It may involve a wedding or some cultural group which is an offspring from the club but is not necessarily legally incorporated under the club. I refer to the large number of ethnic clubs in my electorate.

Those clubs have a range of offshoots, most of which would be managed under that umbrella, but there may be a cultural dance group, or language classes for children in that ethnic group who are not formally part of the club. I am sure the intention is to allow

those people to use the club, and for the club to function and to gain this exemption from land tax. What is the exact meaning of the words on the top of page 6 of the Bill? Can the Premier assure me the exemption will apply where there are activities that relate to the club, but where there is no way of authenticating whether those people are guests? Will they have to sign in to show they are guests of members? What are the mechanics of those arrangements to ensure they are not caught outside the provisions of the Bill? The Opposition supports the intention, but we must ensure the wording does not catch people out.

Mr COURT: The member raises an interesting point. The intention of the legislation is that if a member wants to rent the facilities to his karate club, for instance, that is a legitimate function of that club. However, if the club's premises were being let to all and sundry and members were not involved, there would be no exemption. The idea is to allow a bona fide club a 100 per cent exemption if the facilities are being used by the members. It is a judgement the club will have to make. If the property has a good location the club may decide to forgo the tax exemption in favour of the income it would derive on the rental market. The tax officer will decide how it will be administered. There have not been problems with people trying to rort the system.

Mr Kobelke: What is the situation for a club that ran a Bingo night once a week and invited visitors?

Mr COURT: If one of the people involved in the Bingo night was a member of the club, getting the 100 per cent exemption would not be a problem as the people would be guests of that member.

Mr RIPPER: Subclause (1) deals with the insertion of section 7A into the principal Act. The amendment refers to a non-profit association benefiting from a 100 per cent exemption from land tax. The definition of a non-profit association is a society or organisation not carried on for the profit or gain of its individual members. It is a broad definition and very many associations in the community which hold land will be able to take advantage of this exemption.

Mr Court: Do you think the Labor Party would fit in under that definition?

Mr RIPPER: I was about to ask that.

Mr Court: There is no gain for individual members.

Mr RIPPER: There is a lot of gain for other people, but not individual members. I am concerned this might mean that some organisations which are not of particular value to the community might get assistance. For instance, had the Australian Nationalist Movement owned a block of bushland which it used for training purposes, would it have been entitled to an exemption under this clause?

Assistance to organisations given through the budget of the Minister for Community Development is subject to stringent scrutiny by the Parliament, Auditor General and the Minister and his department before it is extended. Whereas assistance extended to community organisations via tax concessions does not attract any degree of scrutiny, so organisations which are not beneficial to the overall wellbeing of the community may receive assistance. The overwhelming majority of organisations which will be assisted under this amendment are no doubt of great value to the community, but some like the Moonies, the Australian Nationalist Movement and the orange people would also receive that benefit. One argument is that the judgment is in the eye of the beholder. For example, the Premier might not agree with me that the ALP is an organisation of historically great value to the community.

Proposed section 7B contains a series of definitions relating to retirement villages. We discussed during the second reading debate whether the benefits of this legislation would be passed on to residents of those villages. The Premier made the point that he did not want a proposal to be adopted which saw the tenants getting a rebate, which would be administratively cumbersome and result in more expense to the State than the tax that might be collected. That related to an exchange between our colleagues in another place. I do not think the Premier took up the point I made in the second reading debate which

related to how this exemption might be administered. There are ways in which it could be administered which would help to ensure the benefit is passed onto residents of retirement villages. For example, those people could be advised of the change to the law, so there is a possibility of their placing some pressure on operators of the village to come to the party following the proclamation of this legislation.

Mr Court: We have already given this matter widespread publicity in retirement villages, and, as the member knows, they have been lobbying heavily for these changes. So publicly, apart from the ministerial statement, the second reading speech and the debate in this place, we have been in contact, but that is not to say that we cannot advise them more.

Mr RIPPER: I am pleased to hear that. One other matter of administration where the Premier could help to ensure that the benefit actually gets to the people whom it is intended to reach is in regard to how the commissioner deals with retirement village operators who seek the exemption. Will the exemption be granted automatically or will the operators have to apply to the commissioner, as do non-profit associations, to gain approval for the exemption to apply?

Mr Court: They will have to apply.

Mr RIPPER: Then as a matter of administration, operators could be asked to explain how the benefit would be passed on to tenants, and that would at least give us some understanding of whether the benefit was reaching the target group. We might find that the operators say that they will not do anything, and under the terms of the legislation there is no power to compel them to pass on the benefit, but there is some power to apply moral pressure and thereby achieve the end which we seek.

Mr COURT: They will have to apply, so people will keep paying the tax until they put in the application. I think the member will find that about 99 per cent of people are already pretty well aware of it because they have been lobbying heavily for it. In regard to an organisation like ANM, the definition for the 50 per cent exemption was in regard to a society, club or association, and it is the same in this case, so it will depend upon how a particular organisation is structured. The member's political party is probably a corporation - I am not sure what its structure is - but certainly the Liberal Party has to pay all of the different taxes. The definition that has been used for a non-profit association is basically the same as that which was used previously when the 50:50 regime was in place.

Mr Ripper: I do not know that that answers the question.

Mr COURT: It will depend upon the structure. If it is a company, it does not meet the definition of society, club or association.

Mr RIPPER: I move -

Page 7, lines 9 to 19 - To delete the lines.

Were those lines deleted and this amendment carried, that would remove the concession that is to be extended in circumstances where land is owned by a private company which has only two shareholders and where one shareholder holds only one share in trust for the other and the other shareholder uses the property as his or her ordinary place of residence.

Mr Court: You are a big taxing Opposition!

Mr RIPPER: What would be the value of the tax collected if my amendment were carried?

Mr Court: Not much.

Mr RIPPER: I think that deals with the Premier's comment that we are a big taxing Opposition! We are an Opposition which wants, so far as possible, to prevent people from double dipping. I can understand the argument that people put in favour of amendments like this; namely, everyone is entitled to a land tax concession on their principal place of residence, and why should we be excluded from this concession just

because we have a particular legal arrangement for the ownership of our principal place of residence? I guess the arguments for this exemption are strengthened by the fact that people who have their principal place of residence in a company, where all people who are shareholders in that company live in the principal place of residence, can claim the full land tax exemption, but what concerns me is that the situation is not as simple as that. The reason that people enter into these arrangements is that there are financial benefits. Those financial benefits are external to the land tax assessment system. They are principally external to the State because they are benefits that arise from the application, or non-application, as it may be, of commonwealth taxation.

Mr Lewis: That is not necessarily correct. Sometimes people need to borrow money for their company, and the only way that money can be borrowed is by virtue of a mortgage, so they bring the principal residence into that company in order to give the collateral for that mortgage. It is not quite as simple as you are suggesting.

Mr RIPPER: I am interested to hear that comment because I did ask the Premier for some indication of other reasons that people might enter into this arrangement.

Mr Lewis: There are many reasons.

Mr RIPPER: That does not negate the point that one of the major reasons that people enter into an arrangement like this is that there are financial benefits. The Minister knows what those benefits are.

Mr Lewis: Of course, but there are also other very valid business reasons.

Mr RIPPER: I will accept the point that the Minister made but, in the majority of cases, people make a calculation about what is best for their finances with regard to this option of having a company own their house or principal place of residence. On the positive side of the ledger, people will say, "The interest on the mortgage repayments will be deductible against other income earned by the company under the negative gearing provisions, and that is a substantial benefit", and on the negative side of the ledger, they will say, "We will have to pay land tax and be subject to capital gains tax." There may be other factors, but those are three that I am aware of. In some cases, people will find it is to their financial advantage to enter into this arrangement; in other cases, it will be to their financial disadvantage. I imagine that people make the calculation based on their particular circumstances.

People should not be able to eat their cake and have it too. If they make the calculation that entering into this arrangement is to their financial advantage, why should they then have the financial disadvantages on the other side of the ledger wiped out by an Act of State Parliament? It is double dipping. They will be able to avoid the disadvantages while at the same time claiming the advantage. There is no loss to State revenue, because if people reside in their principal place of residence, which they own, like the bank and I own my house, they would not be paying land tax anyway. However, by this amendment they would be able to take advantage of Commonwealth taxation concessions without suffering any penalty on the State side. What might happen following the passage of this legislation is that more people would be tempted to enter into this arrangement because more people would find it to their advantage. No loss to state revenue would occur as a result. There might be some small additional losses to commonwealth revenue as a result of more people taking advantage of negative gearing concessions.

I know that already under the legislation if more than one shareholder in the company resides in the principal place of residence and all of the shareholders reside in the principal place of residence, there is a full exemption, so I can understand why the Government has introduced this legislation. It will put a person who is in a house on his or her own in the same position as a couple or a group of people. I have some concerns about the principle of allowing people - singles or couples - to take advantage of both state and commonwealth taxation concessions in the way that I have outlined. We are not dealing with the existing legislation; we are dealing with a proposal to extend the concession even further. I repeat that the major reason that people enter into this sort of arrangement is that it is already a financial advantage for them. If that is the case, why

sacrifice state revenue by the passage of this Bill? The Opposition supports almost all of the Bill, although it does involve the loss of revenue to the State of $800 000. However, the Opposition has not heard one convincing argument for this exemption. I would be delighted to hear further argument from the Premier on this point.

Mr COURT: The Government will oppose this amendment. I will quote what Brian Burke said in 1984 -

Mr Ripper: On other occasions you ask us not to support what Brian Burke said.

Mr COURT: I am just referring to his second reading speech. He said -

> Provision was made also for exemption where property was owned partly by an exempt proprietary company and partly by natural persons, provided that all the owners who were natural persons resided on the property in question.

That legislation actually extended the ability for shareholders to get a tax exemption in this area. I do not think members opposite should worry, because this Bill has been worded in such a way that the key to the whole deal is that it must be the person's principal place of residence. The legislation provides for only two shareholders and one of them can hold one share and it must be held in trust for the benefit of the other person. In effect, the whole ownership of the property belongs to one person. A classic example would be a person who is single and, for business reasons, he wants the property in that particular company structure. The company cannot be a trading operation; it must be a structure whereby that person has complete control over the company. With the legislation being that tight it does not leave a lot of room for people to fiddle the system.

The example given by the member for Northern Rivers is a pretty extreme case because the two people would have to be living in the two different houses. Each house respectively would have to be the principal place of residence for both those people. It would not apply to a married couple because they can have only one principal place of residence. The legislation is fairly tight because it provides that a person can hold only one share and it must be held in trust for the other person.

If the Opposition does not accept the clause as it stands it will discriminate against people who do not have two shareholders in the family. Under the Opposition's amendment a family which comprises people who can be shareholders and who are living in the same house will be covered, but a single person will be discriminated against and that is not a fair arrangement.

Mr KOBELKE: I support the amendment. It comes down to how one judges the concessions the State makes available to people. In this case the concession is made to support families who have their own home and differentiate them from people who have business interests, are generating wealth and have the finances which allow them to contribute to state taxation.

The Minister for Planning, by way of interjection, referred to people who had to enter into an arrangement of that form. He gave a very good example of people who, to have a small business, had to set up a company and their principal place of residence was used as a major asset of that company to allow them to borrow the money to operate the company. That is not an unusual situation. However, other people form $2 companies and those people are about pushing around pieces of paper to gain financial benefit through a company arrangement to which their principal place of residence is tied. That is providing an opportunity for people to double-dip.

Earlier in this debate reference was made to the approach people take to taxation. It was suggested that people have an obligation to ensure they pay the minimum possible level of tax.

Mr Ripper: It is a funny argument.

Mr KOBELKE: Nevertheless, it is a point of view that can be argued with some force. It is an approach to matters which sits strangely with me. I enjoy the wonderful benefits of this State. I am proud of it and of the quality of life that Western Australians have. I use the roads and fortunately I have not had the need to use the hospitals, but if I did I would

be calling on a service which is provided by taxes collected by this State. I have children at school and they benefit from the taxes raised in this State. The quality of the life of Western Australians is bound up with the provision of services by government. We are talking about principles which underlie the concessions which erode that taxation base. The Premier admitted that the amount of money involved is very small, but what we are really dealing with is how we balance the competing forces. All people have a right, some may call it an obligation, to manage their affairs to their own advantage. However, to put in place a system which gives people the opportunity to take advantage of legal loopholes to gain personal advantage would not sit easily with the majority of Western Australians. They are really just getting by. They are contributing through their work and they are interested in having the financial wherewithal to look after their families. Taxation and the level of government services is a very important part of the whole picture.

The Opposition believes that if people have to enter into complicated legal company arrangements which involve their household, we should not allow the concessions available in this legislation to give an advantage to those people when many of them may be moving outside the mainstream of what is done in this State to gain personal advantage. In many cases they arrange their personal finances in a company structure in a way which is highly contrived. The Opposition's fear is that this provision gives solace to those people. The Opposition also fears that on balance this clause will benefit the people who are the takers and not the contributors of our society. That is the reason for the amendment.

Mr COURT: The member for Nollamara is talking in terms of class warfare. I must explain to him that those days have gone. The millionaires buying houses these days are all Labor politicians.

Mr Kobelke: Name one.

Mr COURT: I can name Labor members of Parliament who in this Chamber told us their tearjerking stories about how they could not meet their mortgage payments. Brian Burke was one; he told us how he was battling to pay off his mortgage payments and so on. While he was telling us that story we found out he was pulling in large amounts of money. The former Labor Prime Minister Bob Hawke lives in a multimillion dollar house, and the current Prime Minister has just bought a multimillion dollar house.

Mr Kobelke: Give one example of a current state member of Parliament.

Mr COURT: The class warfare days are gone, my friend. I hope there are many wealthy people in the Labor Party. I do not care. As long as they have worked hard and well they deserve every bit they get. I will give the member an example to illustrate my point. A woman in a divorce settlement was given the family house which was in a company structure. Under legislation the member for Nollamara's Government brought in, a land tax exemption was granted because it was the couple's principal place of residence. However, once it was transferred to her, to comply with the Corporations Law there needed to be another shareholder; there could not be only one. Therefore, she got the house but lost her land tax exemption, just because she got divorced. I am informed there are not many examples like that. Under the arrangement in this legislation she can keep a corporate structure. Her accountant or lawyer can hold that one share in trust for her so there is only one real owner of the property, which is her principal place of residence. She will then maintain the land tax exemption. There is no trick involved in it. The Government is not trying to open up an avenue for wealthy people.

Mr Leahy: In the old scenario she had a 50 per cent tax exemption, which is now extended to 100 per cent; is that correct?

Mr COURT: The two owners, husband and wife, get 100 per cent.

Mr Leahy: In the scenario you outlined, she would still have been eligible for 50 per cent, but not the 100 per cent.

Mr COURT: That is right. That is the example this amendment is designed to cover.

Mr RIPPER: I absolutely reject that either my comments or those of the member for Nollamara have anything to do with class war. That rhetoric was old fashioned 15 years ago.

Mr Court: The member for Nollamara says the Government is trying to help rich people. However, we are trying to help single people who have a problem.

Mr RIPPER: That sort of rhetoric is way out of date and absolutely irrelevant to this debate. The Opposition puts forward the justifiable argument that people should not be able to double dip. It is all very well to argue that people should have a land tax exemption; however, we must take account of what else they have by way of concessions, particularly under the commonwealth taxation system.

The second point to which I respond is the Premier's example of the divorcee. She and her husband have a property which is in a company structure -

Mr Court: It is in a form that enables them to get the exemptions under the legislation.

Mr RIPPER: We have clarified the example. There is a divorce. The person who remains in the house, her principal place of residence, wants to keep it in a company structure, but loses the land tax exemption. Why does that person want to keep it in this structure?

Mr Court: Because the rest of her business arrangements required that to continue. That is none of our business.

Mr RIPPER: We must understand that those business arrangements include an eligibility for commonwealth tax concessions. In other words, if that company structure, which owns her principal place of residence, receives other income, and if she pays a mortgage on that property, the interest payments will be deductible against that other income. That is her big advantage. The Government says she should have the land tax exemption as well; however, the Opposition believes people should not be able to double dip. If she was not getting the negative gearing and did not have access to the other advantages, the Opposition would have no problem with the example the Premier gives. We certainly do not want to penalise people who have reached that position in life and have gone through those changes. However, the Premier told only one side of the story in the example he gave. He did not deal with the advantages people also get from that sort of company arrangement.

Mr Court: It is none of my business what she does with her affairs.

Mr RIPPER: It is our business here to think about taxpayers' money, public money, and how we collect and distribute it. We should not forgo revenue in a way which enables people to obtain other advantages without suffering the disadvantages of certain company arrangements they undertake. In other words, we are giving more to people who, in most cases, have entered this type of arrangement because it is already a financial advantage to them.

Amendment put and negatived.

Mr KOBELKE: I seek clarification on clause 10(3). This clause will delete the words within the meaning of the Companies (Western Australia) Code from several places within clause 9(a) of the schedule. Is that simply an updating of the wording of the Act, given that changes have taken place with the formation of the Australian Securities Commission and the impact that has had on state corporate legislation, or does it have other implications?

Mr COURT: This clause will amend clause 9 of part I of the schedule of the Act by deleting reference to the Companies (Western Australia) Code where it occurs. This reference has become outdated following the enactment of the Corporations Law. Furthermore, a definition of an exempt proprietary company has now been inserted in new paragraph (aa)(i) of clause 9. Explicit reference to the Corporations Law elsewhere in the clause is no longer required.

Clause put and passed.

Title -

Mr RIPPER: One issue was raised in the second reading debate to which the Premier did not respond. I draw the Premier's attention to an editorial of *The Australian Financial Review* which refers to an industry commission report dealing with state taxation matters. The report draws attention to what it called the erosion of the tax bases of the States largely as a result of the continual extension by State Governments of concessions on state taxation matters. Does the Premier consider that a problem? The editorial suggests that although the States had a case for improved commonwealth-state financial relationships, they also had an obligation to get their own houses in order. If the process of continuing to grant concessions was halted - indeed, as *The Australian Financial Review* suggested, reversed - less burden would fall on those people still paying State taxes; that system would be better for the economy, and perhaps less pressure for reform would fall on the state-commonwealth relationship. Do you accept the burden which *The Australian Financial Review* editorial places on the State Government?

Mr COURT: I do not accept that. It is tinkering on the edges. The fundamental problem is that States do not have a broad tax base. As the member for Geraldton indicated, we have many taxes but we are very dependent upon payroll, land and other such taxes. This is not an efficient way of taxing. The bulk of the tax collection comes from income, company and sales tax and other tariffs.

As the economy moves into growth mode, the Federal Government receives a huge windfall collection of income and company taxes. As the economy improves, the payout in unemployment supplement reduces. The State's financial collection is absolutely petty cash compared to the main tax take of the Commonwealth. When the State Government handed over income taxing powers during the Second World War - we never got them back again - we lost our last major means of revenue collection. Most people agree that payroll tax is a tax on employment, yet this is the major source of income for the State. It is an inefficient way to raise revenue. The Industry Commission in its report gave the States a big tick for the financial reforms being implemented. However, we would prefer not to have some of the state taxes referred to in the editorial comment.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Court (Premier), and passed.

ACTS AMENDMENT (PERTH PASSENGER TRANSPORT) BILL

Second Reading

Resumed from 13 September.

MRS HALLAHAN (Armadale) [4.04 pm]: This legislation represents a very sad day in the history of public transport in Western Australia. The Metropolitan Transport Trust has developed over many years into a very efficient and integrated service of a high standard. It is a matter of great regret to the Opposition that it is to be dismantled. Therefore, we absolutely oppose the legislation every inch of the way, as it represents the destruction of a golden era in public transport in this State.

The second reading speech was an insult to the Western Australian community. Little reference was made in that speech to the dismantling of a great public transport system and the associated issues, such as the replacement services. That lack of comment must be because the Government cannot stand scrutiny. The debate in the other place indicated an absolute rejection of any level of reasonable accountability. Therefore, great concerns are held by many sectors of the public, and certainly by employees of the MTT, about what will happen in the future. Concern is evident about the lack of scrutiny of the

Government's arrangement, and the corruption that could follow regarding ministerial decisions with no constraint applied.

I am of an age that I can remember bus services which operated prior to the MTT. I remember sentimentally to the Beam Bus Service; I constantly had to run, leaping over the railway lines, to catch the Beam bus on Great Eastern Highway in West Midland. The buses may or may not have been of a good standard for that era, but I remember that they did not provide the comfort we enjoy today. Similar comparisons could be made to all areas of life regarding the services enjoyed today compared with those of 30 years ago. The improvement is marked.

Mr Lewis: When did you last catch a bus?

Mrs HALLAHAN: I have caught buses; I like buses. If I can proceed without inane interjections from members opposite -

Mr Lewis: You cannot answer it.

Mrs HALLAHAN: That is the level of input into this debate from the Minister. We have a serious Bill before the House, yet we have silly interjections from the Minister.

Mr Lewis: You're talking about buses, and you have not been on one.

Mrs HALLAHAN: I have been on buses. Just because the Minister asserts something does not mean it is true.

I shall follow the sentimental, and less aggravating for government members, line of referring to the bus service we once knew. My former husband insists on maintaining an SB Bedford bus in the livery of the Kalamunda Bus Service. Therefore, I come from a strong background of passion about buses. Even though bus enthusiasts have maintained these remarkable relics from the past, they are nevertheless very proud of the MTT bus fleet and its development over the years. Although certain sentiment exists regarding those old services, nobody should be under any illusion that people do not appreciate the services which have developed, particularly over recent years under a Labor government. The quality of the fleet and service in Western Australia is very high.

One can say about this Bill and the Government's attitude to it that it is a "trust me" Bill. There is very little in the second reading speech that anybody will be able to refer to in the future. There is not a great deal in the Bill, which is an amending Bill for a number of Acts. The Liberal-National Party coalition Government's public transport record paints a pretty dismal picture. That is why there is anxiety about the consequences of this Bill. The Government closed down the Fremantle railway line and, as the Opposition, opposed at every stage the development of the northern suburbs railway line. It has never apologised for the position it took when in opposition. That railway line is now running with over 40 per cent more passengers than were carried in that corridor by buses. However, that data has never been made public by the Minister for Transport. One can only assume that he is embarrassed by the position he and his team took during the difficult development of that railway line. They opposed it completely, but it was hugely successful. Where do we see the Government saying anything about that? We cannot trust the Government's judgment on public transport.

Several members interjected.

The ACTING SPEAKER (Ms Warnock): Order!

Mrs HALLAHAN: I think the former Minister, the member for Eyre, should take a great deal of credit as should the former Ministers, Mr Pearce and Mrs Beggs, for an extraordinary achievement for the State. Even our most vociferous opponents say that they must take their hats off to us over the northern suburbs railway line. It was a huge achievement. We never hear from this Government an apology about its members' obstructionist behaviour in the development of that remarkable service.

Mr Lewis: I complimented the previous Government on the northern suburbs railway line.

Mrs HALLAHAN: The member is not the Minister for Transport and not significant. I

am talking about his whole Government. If I may return to the subject of corruption, will somebody explain why it is not a corrupt act of Government to put all the metropolitan buses out for tender but not the country buses? This is the dynamic between the National Party and the Liberal Party. They believe in socialising anything that will assist country voters but will make the urban poor face the so-called competitive market forces. Quite frankly we can see no competition in this. No doubt it will all go to those people who make life very easy for the National and Liberal Parties. Has anybody made any sense out of the question of road trains in the metropolitan area?

Several members interjected.

The ACTING SPEAKER: Order!

Mrs HALLAHAN: The member for Roleystone had better be very careful about his interjections, because he does not agree with the policy. The intention now is to transport cyanide through his electorate. All I can say is that I wish they would miss my electorate. Having a higher responsibility for the people of Western Australia I would not like liquid cyanide to be carried on the roads at all. On every score the Court Government in a very short time has established itself as the enemy of a good public transport service and absolutely in favour of introducing more and more heavy and hazardous loads onto our roads.

Mr Tubby: Your new glasses are very nice.

Mr Lewis: Be careful what you drink.

Mrs HALLAHAN: The interjections are good, because they show people the calibre of the Ministers in the Government. They are an embarrassment to many people in Western Australia. One day they may have the sensitivity to be embarrassing to themselves.

This Bill symbolises much of the underlying philosophy of the Court Government: First, no care for workers or their families and, second, no care for public services which it is setting out to dismantle at every turn. I suspect at the end of four years we will have an absolute catalogue of services for this community of Western Australia either destroyed or ruined by the Government's cavalier attitude. The Government seems to believe its friends are okay and it either genuinely does not understand the needs of other people or genuinely does not care. Over recent times I have come to the view that government members genuinely do not care. Their main concern is their business colleagues and their peers. They would prefer to have government subsidies going into the pockets of their friends than going to support families in Western Australia, regardless of whether in skilled or unskilled occupations. The Premier can understand anybody associated with the yachting fraternity or some similar activity, but anybody outside those categories does not have priority in public policy. The same can be said about the Minister for Labour Relations. He is quite an interesting deviation from the Liberal norm, one might say. He was a small businessman, with a small mind, but very agile intellectually and physically in the Chamber, I have noticed. He is apparently intimidated, however, by big business. The insurance companies were absolutely astonished when he handed over tens of millions of dollars in the disastrous decision that the Court Government made with regard to workers' compensation. I am told the Insurance Council members had not asked for or expected that windfall.

Mr Lewis: Are you talking about the Transport Bill, or what?

Mrs HALLAHAN: I am talking about the scenario of this Government, into which this Bill falls.

Mr Bloffwitch: You are drawing a very long bow.

Mrs HALLAHAN: I am somewhat surprised at members finding any sensitivity about this at all. I thought the whole platform of the Government was to destroy public services, kick the workers and, amazingly, lately to get stuck into small businesses. I do not know how people in PAYE positions can expect any sympathy at all when the Government starts getting stuck into small businesses. The Minister for Labour Relations has shown in this House on a daily basis an absolute hatred for the trade union

movement. There is no debating that at all, in my view. There is an extraordinary arrogance on every issue that comes up, and an absolutely disdainful attitude to the movement that has provided conditions for workers so that they may provide opportunities in life for their children. Most people's priorities are the opportunities they can provide for their children and their families.

Mr Lewis: Are you talking about the Transport Bill?

Mrs HALLAHAN: Transport happens to be a very important part of support for families, and my comments are quite appropriate. *Choice* magazine's issue of September 1994 contains a caption that says that public transport in Perth seems to be doing the right things and commuters are happy. That was after an analysis that made international comparisons. The people in Transperth who have developed our train and bus system, and our ferry system which has now gone to the private sector, should derive a great deal of satisfaction from that. As they see this Bill progress they must also experience a great deal of sadness. As a result of this Bill we have the prospect of seeing the Metropolitan Transport Trust, the pre-eminent body in this State which has provided this remarkable service that comes out very favourably in comparison with other States - even on operational per-kilometre measures - being absolutely dismembered and reduced to a bus company. At the same time we have embryonic bus services, and I suppose some of them do not even exist - who knows - going from small charter companies to being bus lines funded out of the public purse. I cannot understand the thinking of the Government in this regard. It will be a long time before I see any good sense in the measures contained in this Bill. The members who were interjecting earlier should have been making a very loud noise about this legislation in the party room, and when they heard the second reading speech they should have been alarmed about the lack of information provided.

A number of functions will be transferred from the MTT to the Department of Transport, and the MTT will be relegated to the status of a small bus company. I believe that ultimately it will be eliminated, but that will take some time. I have no doubt it is the Government's priority. At a departmental briefing the other day it was made clear that the outlay for the MTT operations is $250m and the receipts are $50m. The Government subsidises it by $200m a year, and that is not acceptable to the Court Government. It seems that competitive tendering is the go. Competitive tendering is a respectable way of assisting the Government's mates. In fact, very little competition is involved in the arrangement that will follow the passage of this Bill. It will simply transfer the subsidy from the public sector to the private sector. I understand that six expressions of interest and five tenders have been received.

The Government is now running into a completely different problem; that is, a recent ruling by the Human Rights and Equal Opportunity Commission that any decision that will affect the future operations of organisations must take account of the provisions of the commission's Act. Has that been taken into account, and will it be included in the contracts or the regulations? We understood from the departmental briefings that the detail would be contained in each contract between the Department of Transport and the contractor. I presume it will be necessary to include regulations as well.

This Bill is very important to the families of Western Australia. Some members opposite were confused a while ago and interjected querying the relevance of my comments to the Bill. Transport is a central issue to families in Western Australia and, therefore, we should have draft regulations and draft contracts before this Parliament so that we can make an informed decision about this Bill. I absolutely oppose this Bill but that position is taken with very good reason and, to some extent, in the absence of information about what will happen following the passage of the Bill.

The Minister claimed that $46m must be saved, and that there will be a direct transfer of $12m from the MTT to the Department of Transport. There will be an increase in fares over three years totalling $14m. A further saving of $20m will be achieved from downsizing and restructuring. If these figures are not correct, I ask the Minister to provide the correct figures. The staffing level of the MTT has decreased from 420 to

212, with a further 60 staff to go. That has occurred in a relatively short period. Morale is very low at the MTT for a number of reasons. There is huge uncertainty about the future. The drivers particularly do not know what the future holds for them. They have been treated discriminately by this Government. Other occupations in the administration and engineering areas were allowed to indicate an interest in redundancy and to receive redundancy packages; not so the drivers. It appears they may be offered positions at only 80 per cent of their current wages. Even that is uncertain. These employees are very concerned about their future prospects and the opportunities they can offer their children. It is not an insignificant matter. Even government members are parents, and one expects them to understand the concerns parents have about their offspring and the opportunities they can provide for them.

The greenfields award was put forward by the Government on the understanding that it would save money and would somehow make the MTT competitive. I think it is a subterfuge, but that was the advice provided to us. The greenfields award is not acceptable to the rank and file, and is seen as a proposal to erode the conditions of drivers. They feel it is very unfair and that recognition is not given to the responsibility they take for passengers. Unlike the drivers of other heavy vehicles, they carry unrestrained human cargo, generally in heavy traffic. They must take extra care every minute of the day they are at the wheel. Even though all drivers of commercial vehicles take care, some occupations are more demanding than others, and bus driving certainly comes into that category. The bus drivers feel they have served the community well and are now being treated in an inhumane and inconsiderate way by the Government. Some of them are also conscious that the decimation of their union will leave them without protection or the staff to represent them. We are all wary in this House of the attitude of the Minister responsible for industrial matters in this State. The drivers have suggested that if flexibility and cost savings are achieved, they should benefit from those arrangements under the enterprise bargaining scheme, but no such opportunity is available to them.

The situation is most extraordinary because it appears the Industrial Relations Act may have been breached as a result of intimidation by the MTT. It has indicated that those employees who voted for the greenfields award would be looked after, with the implication that those who did not vote for it would not be. That is a reprehensible way to conduct industrial relations in 1994, but it indicates the type of pressure the organisation is under, unfortunately, because of the Government in office in this State. One senior MTT officer is alleged to have told drivers that if they did not accept the greenfields award, the MTT would rape their award.

That is not very comforting language to use to anybody, and not the sort of language one would expect from people in responsible positions. The drivers are very worried about their positions, the arrangements and the safety conditions for drivers working long hours. They believe recognition has not been given to the stresses associated with their job, and that their families stand to lose considerably as a result of this legislation. They also question how the quality of service will be maintained. They indicate that the number of drivers at the MTT is already approximately 100 fewer than the established number, that some work shifts are not being done every day, and that the frequency of service has already decreased on a number of routes.

The comments made to me by drivers or their representatives have not been irresponsible or superficial. They have considered stress related to the job, insurance when accidents occur, and many of the other aspects that must be taken into account in such an occupation. The Government wants to pass off that responsibility. I am not confident that the Government will introduce requirements to ensure a safe system of transport for the travelling public - the people we hope to encourage to travel in buses or trains rather than private cars.

I have a letter which will be of interest to the House. It is addressed to the Secretary of the Public Transport Union and is signed by Mike Wadsworth, Chief Executive of Transperth. The letter relates to the rejection of the greenfields award by the rank and file, and reads -

Further to the results of the recent ballot, despite the best efforts of all parties, and the alternatives detailed at the joint MTT/PTU depot presentations, I wish to advise the following.

1 With the extremely short lead time available before we are faced with competitive tendering for bus services, MTT has no option but to implement a number of changes to reduce cost structures in the bus operators areas. You will be aware that significant changes have already been implemented in the administration and maintenance functions.

That supports my contention about the downsizing that has occurred in significant proportions. The letter continues -

2 MTT will be making an application to the AIRC for the unrestricted use of part time bus operators as a matter of urgency.

3 MTT intends to reduce the starting allowance from 20 to 15 minutes as soon as practicable. If you do not concur that this is a reasonable time for carrying out the duties required would you please respond within 7 days.

4 Electronic Vehicle Management Systems will be introduced as soon as possible, to ensure equitable running times are provided. Any comments you may have as to operational procedures would be appreciated.

5 All existing operational arrangements will be reviewed. MTT reserves the right to vary any such procedures that are not bound by award or registered agreements. Prior advice will be provided as appropriate for any significant changes.

6 Trapeze will be re-configured to existing award parameters as soon as possible. This will necessarily be an evolving process, however in the early stages we expect an increase in "zone 5" shifts as global rostering options are progressively explored and implemented.

The Trapeze presentation for the PTU committee has been scheduled for 10.30 am on Wednesday 28 September (to be followed at 11.30 am by the Bus Division Consultative Committee for those affected). PTU participation in appropriate areas such as the dead head estimator process is welcome. You will appreciate that with the rejection of the proposed flexible working arrangements there will no longer be a need to address such areas as payroll procedures.

7 The Government's timetable for tendering bus services represents a business imperative for the MTT to implement these reforms with urgency, particularly as the delays in concluding the "Greenfields" award has already cost more than $500 000. If you were to indicate a desire on the part of the PTU to re-assess the ballot outcome, I will ask Alan Bray to be available to liaise with you on this matter.

It is a mystery to me what the $500 000 cost is all about. The statement is made that the Government's timetable for tendering bus services represents a business imperative for the MTT, but the Government must bring legislation to this House and it must at least conform to that requirement. If no requirements are in place people will be treated with disregard. Many of the allegations made to me by individual members of staff at the MTT, and by the unions, are well supported by that document from the MTT.

How will the tender process be a public process? It might be said that commercial confidentiality is involved and none of the information can be made available. However, this is a different situation. This is all about breaking up a public service and putting it out to the private sector. We will be dependent on those services to provide an integrated service for the community. We have a right to know because a huge amount of taxpayers' money will be involved to make the system work. A subsidy will be provided to the private sector without any accountability applying. It is an extraordinary situation. Other members will touch on that aspect during this debate. We want to know more

about it. If the Minister is interested in taking part in debate in a useful way, he should bear in mind that we want to know all about the tender process; how it will be accountable to the Parliament and to the public of Western Australia. If the Minister can address his mind to that issue we will be grateful. It is a reasonable request to make. We do not know about the draft regulations or contracts. We would like to know that adequate information will be available prior to this Bill being passed in this House.

I have referred to the need for public accountability in the tender process but other issues are associated with it. The Government has stated that it is a matter of commercial confidentiality and, therefore, the contracts will not be the subject of freedom of information legislation; that is, anyone interested in the arrangements for taxpayers' money and the private sector companies will never know the outcome, if the Government has its way. In addition, we have heard that Price Waterhouse will be reviewing the tenders; that somehow that puts the Government at arm's length, and will provide a credible opinion on the Government's activities.

As I understand it, a most extraordinary situation has developed in Victoria. It involves a person, Roger Graham, who was brought to Western Australia and who was apparently largely responsible for the arrangements here. The National Bus Company won the vast majority of tenders in Victoria. Not only was Roger Graham a consultant to the Victorian Government but also he held a position with the National Bus Company. If the Minister tells us that there is something reassuring about that, and that the Government brought Roger Graham across to Western Australia as a consultant on the McCarrey report, it will give us little comfort. We are very concerned about this matter. As I understand it, the situation is being examined in Victoria. We will take a great deal of interest in the activities which followed Roger Graham's involvement in Western Australia and in the outcome of the inquiry in Victoria. Many people have concerns. I used the word "corruption" earlier, and for that reason we will take an interest in the outcome of that case. Government members have not made any useful interjections during the course of my speech. It is obvious that the arrangements here are based on secrecy, not accountability. The Government may have been elected on a platform lauding accountability, but it has performed dismally in that regard ever since. I am afraid that it will now affect the whole public transport system in Western Australia. I refer to the draft tender documents which were mentioned in the third reading stage in the other place. Members of the Opposition made observations about the documentation which gave rise to some real concerns. It appeared that those documents had simply been borrowed from another jurisdiction. I advise bus companies which are perhaps thinking of entering into arrangements with this Government to take a great deal of care. The Government has not thought about what it is doing and what it will do. It is rushing ahead, threatening unions, saying that the unions have cost the Government $500 000 through the delay in the acceptance of the greenfields award. At every turn there are great inconsistencies, not unlike those in the Taxi Bill, which was introduced with incredible haste, yet which was a very undeveloped piece of legislation.

Mr Bloffwitch: There was a lot of misinformation.

Mrs HALLAHAN: The Government brought in three pages of amendments. I presume that means it has accepted that there was a need to change the Bill. That supports the case I am making.

Mr Bloffwitch: It was totally incorrect.

Mrs HALLAHAN: I suggest that the member for Geraldton keep his inane comments to himself.

The Minister in another place said that he envisaged the contracts would be for between five and seven years. People who have looked at the situation say that that period will be quite difficult for people to be providing a lot of investment in capital rolling stock on the roads, and it will not be long enough. It will have to be rolled over. The Minister will have the power to keep on renewing the contracts. That is what I meant when I talked about its being a very closed, unsatisfactory and unaccountable system.

Mr Bloffwitch: That is what they did with the contracts that are in existence now.

Mrs HALLAHAN: The member should either defend the Bill or keep quiet; he is adding nothing to the debate and he does not display the required level of concern on the matters I am raising.

As an aside, in the third reading stage the Minister in the other place said that if it was considered that a contract in a particular area was in the best interests of the Department of Transport as the operator, the Government would not call tenders for one or a number of reasons. Does that support my view that Transperth is to be reduced to a bus company, and that the Department of Transport will be an operator? That is quite a change of role for the department. Perhaps so many changes are taking place under this Government that have not been made transparent, that this has been put in place and members in this House have not been apprised of the changes.

Let us quickly look at the standard of buses. Western Australia's transport system is acknowledged by other States as one of great achievement. That is not without cost, but it provides a benefit and services to the community. Given the cost saving priorities that the Government is pursuing in this area, we will see a large impact on consumers and the quality of the services. Under this Government the average age of the vehicles has gone from nine years to 10 years. The contracts will allow for an average age of 12 years for vehicles.

This Government is saying that it simply will not need all of these buses when it lets out these contracts and therefore some of those vehicles will be available on some sort of arrangement, no doubt to be kept secret, to the private bus operators; however, those operators will be picking up a fairly aged fleet. The Travers Morgan report gives figures - they were correct at 1 July 1994 - that show Western Australia's fleet at that time was the third oldest, or maybe the second, of all fleets. When we compare our fleet with buses in other cities, our buses appear to have been well maintained and cared for. It does mean that the private contractors will be picking up vehicles which one would have thought were near the end of their service years.

The Travers Morgan study did not look at fares. However, it is acknowledged that fares in Western Australia are lower than those in other States. Since this Government came to power the fare increases have been substantial, with an average increase of 12 per cent in 1993 and 14 per cent in 1994. The Labor Government had a policy of long distance travellers being subsidised by short distance travellers, for very good reasons, one being that all of the social statistics about communities indicate that the families who are having the most difficulty in making ends meet are those who live on the first home buyer urban fringe.

High public transport fares impact on those people disproportionately to other families. We now have the situation being turned around. For example, the fares to Armadale and Jarrahdale went up very substantially, and pensioners and students were the most affected. I presume that over this three year period there will be more fare increases, and pensioners and students will again be savagely hit by this Government; but we do not hear one tweet of concern from members opposite about that.

The coalition's election document entitled "Transport - The Vital Link" is a two-page one. At the bottom of the document it is endorsed "For further information contact Eric Charlton." I do not know that anyone who is interested in transport would call him. Nothing in this document refers to the actions the Government is taking to destroy our integrated public transport system. It is unbelievable that this document does not make any reference to this Government's actions, given the significance of it to Western Australian public transport.

I will refer to some of the concerns that were expressed in a document that went out from the Public Transport Union. Some union members were dismayed to see an item on television - I did not see it - in which the Minister for Transport was dumping into a bin thousands of petitions in full view of the television camera. That is how the Minister for Transport feels about people: Treat them with disdain; do not entertain their views; and

dump the petitions in the bin. That is happening to the public transport system in Western Australia. It is indicative of the attitude of the Government on so many issues.

I express my appreciation to Hon Kim Chance, Hon John Halden and Hon Alannah MacTiernan in the other place. Hon Kim Chance was the shadow Minister prior to our recent change of portfolios, and he has been most helpful on issues that are currently running in this portfolio. I want a recognition on the public record for the very informed, considered and cooperative approach he has taken to his responsibilities as a member of Parliament. I also commend Trevor Greenham, Secretary of the Public Transport Union, who indicated his union's concerns with the changes that are being made. Also two bus operators, John Margio and Rob Kissin, have impressed me with the considered and constructive way they have made information available to me. It has all been documented and has not been based on rumour. As members would know, that is a refreshing change from some of the information that comes our way. Every piece of information they put before me to consider was backed up with a document that had either been placed on the notice board and made publicly available by the Public Transport Union or Transperth, or had been discussed in the media. On every occasion I found their information to be supported by other evidence. I would also like to express my appreciation to Dr Peter Newman of Murdoch University who has had a long interest in the public transport systems of Western Australia. I spoke to him briefly on some matters before speaking on this Bill. I am not associating any of the people to whom I have referred with any of the comments I have made in my speech, because that would be unfair, as I spoke to them at a time when I was still formulating my approach to this speech. Despite all the discussions I had and the reading I did, I still came to a position that is implacably opposed to this legislation.

I spoke to a union representative last evening on the question of superannuation. At that point, the union had no information that there would be any transitional arrangements for the 60 per cent of bus operators who contribute to the Government Employees Superannuation Fund. This morning in this House the Premier made his second reading speech on the Government Employees Superannuation Amendment Bill, which will impact on bus operators; I hope in a satisfactory way. There has been a period of very high stress and uncertainty for bus drivers, who do not know what their future will bring. They have reluctantly accepted that in some cases their jobs as members of the public sector will disappear, without knowing the ramifications on their superannuation contributions and their future security. I hope an analysis of the superannuation Bill that was second read in this place today will provide some comfort for those people; if not, it will be reprehensible.

The Opposition is opposed to the principle of this Bill, which is to destroy a public service which is so essential to families of varying incomes and to all individuals in this State. It is discriminatory that the metropolitan services will go out to tender, but country services will not, and that a huge investment of tax dollars in a transport system that will be conducted by the private sector will not be accountable to this Parliament. The Government should have taken steps to avoid that, given the platform on which it came to government and upon which it so often pontificates. The Opposition opposes this Bill.

MR GRILL (Eyre) [4.55 pm]: As the member for Armadale has so eloquently indicated, the Opposition opposes this legislation. I will be advancing the proposition that this legislation has a lot to do with an unhealthy preoccupation by government members with the Transperth deficit, and will ultimately result in reduced services, higher fares, a lower standard of living for Transperth employees, and, possibly, at the end of the day a reduction of the deficit. A number of government members have demonstrated this preoccupation in their resentment of this deficit.

It is a bit hard to know where to start such an argument, but a convenient starting point is the very good service which is presently provided in the metropolitan area by Transperth. Perth has one of the best bus transport services of any capital in Australia, possibly in the world. I am not able to judge those sorts of things, but during the period I was the Minister for Transport, some years ago now, there were many accolades for the way in which the Metroplitan Transport Trust operated the public transport system within Perth

and the metropolitan area generally. The bus services are reliable; they run to a timetable. Their cleanliness is apparent, which is not always the case in other cities. Bus stops and other facilities are convenient. I saw quite a few complaints about that sort of thing as Minister, but I understand that is normal. People want a bus stop close to their house, but not right at their door. People complain that the bus stop is either too far away or too close. The bus service has a very good safety record with a high level of expertise among drivers. The maintenance record and program for Transperth is as good as will be found anywhere within the public or private sector. A complaint we have heard in the past from some sources is that, if anything, it is a bit too good; it might be a little too gold-plated.

Given the fact that we have such a good service, why is the rhetoric about this legislation clothed in words like a more efficient, more effective and more responsive service, when we know that we already have a very efficient, effective, and responsive service? The member for Armadale used the word "subterfuge" on a few occasions. This legislation is not about efficiency, effectiveness or responsiveness. This legislation is about reducing the government deficit. I do not know whether that is necessarily a good thing. It sounds like a good thing, but all regular public transport systems anywhere in the world run deficits. I was in Hong Kong as Minister for Transport when a new train service was being introduced, and I asked whether that service would be profitable. I thought perhaps in a city with the population density of Hong Kong there would be room for a service of that nature to make a profit. They assured me, without any embarrassment, that that service would not make a profit and that services of that nature did not make a profit anywhere in the world.

Mr Lewis: That is accepted, but it depends upon the size of the subsidy and the deficit.

Mr GRILL: Yes, and it depends upon how the deficit is structured. At about the same time, I was in Singapore when the new underground public transport system was being constructed. The Singaporeans are very proud of that system. I asked them whether that system would make a profit, and they said that they hoped it would make an operating profit. When I asked, "What does that mean?", they said, "Well of course we are going to write off all of the capital debt." I understood from them, very clearly, that that capital debt would be written off and that if they could reach a break-even situation in regard to their operations, they would be more than happy. I do not know whether they have broken even, but that was not their target, and they realised that if the capital debt was taken into account, public transport systems around the world do not make profits but all run deficits.

The Minister for Planning, who is handling this legislation, made an interjection that it is the size of the deficit or the subsidy which at the end of the day is important. I agree with that, but it is a matter of balance. At the end of the day, all we will do in this legislation is reduce the level of service and the standard of living of the people who operate the service, and ensure that fares are increased rather than decreased. There are two sides to deficit reduction: One is to make the operator more efficient; the other is to increase fares. Everything that I have seen about this legislation and everything that I have heard at the briefing that the Minister so kindly made available to us last week indicates that fares have been increasing and will probably continue to increase steeply in the future. At the end of the day, it is a question of balance. If we simply reduce the deficit and at the same time reduce the service and increase fares, I would say the legislation has not been successful and that this bold new experiment is a failure.

Not only has Singapore embarked upon a number of exciting capital projects over the past decade or two and run a successful economy, but also it has had a policy of increasing wages. The Government realises that only by increasing the real take home pay of workers will there be an increase in their standard of living. This legislation is designed to push down fairly dramatically the wages, working conditions and standard of living of MTT employees. That is not a very desirable goal. The Singaporeans do not believe that is a desirable goal, but obviously there are people on the other side of the House who believe that is a goal that must be attained. We can debate that shortly.

Another starting point in this debate is the historical standpoint. I know this has been touched on by the member for Armadale, but I too was around in the 1950s when we had a privatised bus service in Perth, and I travelled on some of those buses. That was a pretty rag-tailed outfit, by and large, although some elements of it were fairly good. The Metro buses were probably the best of them.

Mr Bloffwitch: They had the flashiest buses. Beam had the worst.

Mr GRILL: Yes, the Beam buses were probably the worst. I do not want to slate them here.

Mr Bradshaw: Scarborough Bus Company was not too bad.

Mr GRILL: The whole operation at that time was patchy. There were good bits and there were bad bits. One could not say that it was integrated or uniform or that overall it was a good service for Perth. One could not say that it did not cost the Government money, because it cost the Government a lot of money. The reason that it folded at the end of the day was that the demands being made by the bus companies on the Government were such that the Government finally said, "Enough is enough. We will integrate the whole service and have a proper service in Perth." That is what we have had for the past 30 or 40 years, and my proposition is that it has served us very well. Sure, we run a deficit, but what public transport system does not run a deficit? There are certain trade-offs, and I am not sure that we want to see the trade-offs which are contemplated by this legislation. I am sure that we do not want to return to the fragmented services that I saw in Perth when I was a lad, where there was no integration and services did their own thing. It was, by and large, a rag-tailed operation.

Mr Lewis: You know that will not happen because the regulation will stay there so that they will have to operate to a game plan.

Mr GRILL: I agree that the system that will be put in place by virtue of this legislation will be a more sophisticated system, but in broad outline it will not be much different from the service which failed Perth in the 1950s.

Mr Lewis: You were six years old. How would you know?

Dr Watson: I caught Beam buses when I went to school at 15.

Mr GRILL: It is flattering of the Minister to say that I was six years old! I assure the Minister that I am quite old enough to remember those buses.

Dr Watson: You and I were at school together.

Mr GRILL: Yes. In fact, I lived quite close to Perth Modern School, and I think the member for Kenwick might have caught a bus to Modern School.

Dr Watson: I caught a bus from Maylands and a tram up Hay Street.

Mr GRILL: The Government has clothed this Bill in some fairly high flying and fancy language - efficiency, effectiveness and responsiveness. There is nothing wrong with reducing costs, but it must be done in an equitable way and without reducing services.

I thank the Minister for arranging a briefing for the Opposition by Mr Middleton and Mr Bogle from the Metropolitan Transport Trust. It appeared from that briefing that the glittering prize will be a 25 per cent reduction in costs. The MTT officers said that in the studies undertaken by Travers Morgan Pty Ltd and Price Waterhouse the private operators have, on average, been able to reduce costs in public transport by 25 per cent. The question is whether that should be balanced with the increased fares and a reduction in services.

Mr Lewis: They are talking about reducing costs by 25 per cent. That does not fit with your suggestion that fares will increase.

Mr GRILL: I will deal with that aspect later. I am saying that a 25 per cent reduction in costs is the glittering prize.

Mr Lewis: That is right, but you should not say that fares will increase.

Mr GRILL: I will comment on that shortly. I want to go through this Bill in a logical fashion. In the upper House there was debate on whether this legislation represented privatisation or simply contestability. I argue that it represents privatisation. I do not think it matters whether one calls it contestability or privatisation because, at the end of the day, the bus routes will progressively be handed over to the private sector and the employees of the MTT will have to accept a reduction in pay and working conditions.

Mr Lewis: That is a supposition

Mr GRILL: It is, but it can be supported. In recent history endeavours have been made to reduce the wages and working conditions of MTT employees. In respect of their wages, currently there are two awards on the books and the Public Transport Union award is effective for the MTT. The other award, the Transport Workers Union award, is somewhere between $60 and $100 less per week than the Public Transport Union award. The difference in the awards depends on whose figure one accepts. The figure put forward by Mr Middleton and Mr Bogle is $60, but the union secretary said that it is $100. Nonetheless, whether it be $60 or $100, or somewhere between the two, the truth is that it represents a substantial reduction in the take-home pay of employees. As a consequence the standard of living of the bus drivers and other MTT employees, who do all they can to ensure that we have the sort of bus service we have today, will be reduced.

An effort was made to put in place a greenfields award. The union cooperated in some respects, but it was forced into that position. It negotiated a greenfields award which included split shifts, part time employees and even longer driving hours. Unfortunately, that award did not get up; it was rejected by a plebiscite of workers and ultimately it was not supported by the union. It was unfortunate because what will happen is that as these contracts are let out to the private sector the employees will be forced into accepting positions, not under the PTU award, but under the TWU award because that will be the award embraced by the new private sector operators. If that does not come about, I can imagine a situation where the employers - the new contractors - will simply insist that all new drivers sign a workplace agreement.

Mr Lewis: They may want to.

Mr Brown: Perhaps new employees will have no choice.

Mr Lewis: They do not have to take the job.

Mr GRILL: We have had this argument before.

Mr Brown: If the job is offered to them and they do not take it, they will lose the unemployment benefit.

Mr GRILL: Whatever happens, their rate of pay will be reduced.

Mr Lewis: Workplace agreements often mean that they will have more take-home pay.

Mr Brown: It is a trade-off and their working conditions will be reduced.

Mr Lewis: Is it not reasonable for people to want to earn more money?

Mr GRILL: The savings will be made through lower wages. There is simply no other scope for reducing costs. The costs will not be reduced by a reduction in maintenance costs. Price Waterhouse agrees that the MTT has the best and most efficient maintenance system in the country. From where will the saving be made if it is not through a reduction in wages? When Mr Middleton and Mr Bogle were pressed on this issue they invariably came back to the question of the award, lower wages and a reduction in conditions.

Mr Lewis: Perhaps the job can be done with fewer people.

Mr GRILL: Perhaps the Minister will tell the House from where the savings come if it is not from a reduction in wages and conditions.

Mr Lewis: There could be fewer people working in that situation and they may be prepared to work longer hours and not take breaks.

Mr GRILL: That will mean lower hourly rates of pay, drivers will be at the wheel for

longer periods and questions of safety will be raised. It seems to me that private operators will be mean and lean when they get these contracts. They will probably be nothing more than a couple of pirates operating out of a back room and the overhead costs will continue to be picked up by the MTT. These pirates will operate under the TWU award or an agreement which will be usury. The only area in which savings can be made is through a reduction in wages and conditions. The Minister and the ministerial advisers must come back to this question because there is no scope elsewhere to pick up that $46m saving that the Government is talking about. As I said, it will come down to a situation where a couple of pirates will be operating out of a back room and there will be no complaint procedure and no timetable for bus services and the buses will be rarely cleaned.

Mr Tubby: I thought you were a supporter of private enterprise.

Mr GRILL: In certain circumstances I am; however, private enterprise has failed this State in this area, under very much the same regime the Government is endeavouring to put back in place. I was around in the 1950s and travelled on the rag-tailed operations which were in place at that time. I do not want to return to that situation, and anyone who can remember that period does not want to either. We have a damned good service in this State. We do not want to return to that situation at the expense of the livelihood and standard of living of the people enjoying a job within the MTT.

Mr Tubby: No-one said we are going back to that.

Mr GRILL: That is the inevitable conclusion. Where will the savings be made? They will not be made in maintenance or capital utilisation. No-one has criticised the MTT about the way in which it has utilised capital or maintained its fleet. The maintenance of this fleet is a model, not just in Australia, but around the world. The only conclusion is that the $46m saving this Government wants to achieve will come out of the pockets of the people who are already employed in the operations.

The member for Armadale raised a question which I hope will be answered by the Minister in his response to the second reading debate. If these franchises, which in effect will be mini-monopolies, are to operate for a period of five or six years, and if buses within the MTT operate for 20 years and have a write-off period in excess of 15 years, as we know they now do, will there not be overwhelming pressure at the end of that period simply to roll over the contract, irrespective of the sort of operation being run, the sort of service being offered to the public, and the usurious ways in which that company may be treating its employees at that time? I believe, as does the member for Armadale, that it will be irresistible; the Government will simply have to roll over those contracts. There will be no other option. The only other option I can see is that the MTT will continue to supply all of the operating components of the service, and that the contracts which are let out will in fact not be contracts to operate a bus service at all, but simply to supply labour. When we spoke to Tony Middleton and Stuart Bogle in a briefing last week they conceded that in all likelihood that could happen. If that occurred, it would be proof positive that the only savings that will be made in this system the Government is foisting on the public of Western Australia will be made at the expense of the workers. That is the only conclusion one can come to if those contracts at the end of the day are simply labour only contracts.

I have a suspicion that that is what they will be - labour only contracts, with the buses and the rest of the system, including the finance, being supplied by the Government. The Minister can contradict me if he likes, but I do not think he will because he probably appreciates that that option is likely. That puts the lie to all of these fancy words about efficiency, effectiveness and responsiveness and simply means that at the end of the day the reduction in this deficit will be to the detriment of the work force.

The other side of the equation - this is something Middleton and Bogle did not deny the other day - is that this Government has a policy of high fares. If we consider the recent history of the fares, it is strongly supported. In 1993 there was a 12 per cent increase in fares. What was the inflation rate in 1993? It was less than 3 per cent. In 1994 there was a 14 per cent increase with inflation less than 3 per cent.

Mr Lewis: They are still the lowest fares in Australia; do you know that?

Mr GRILL: The Minister agrees that the Government is going to put up the fares. Is that right?

Mr Lewis: No, I didn't say that at all.

Mr GRILL: That is what the Minister implied. This Government will probably lower the deficit, but it will do so at the expense of almost everyone who uses the bus system in Western Australia, and at the expense of the employees who now operate what is the best bus system in Australia and one of the best in the world. The system proposed in the Bill is not a good system. The Government should be ashamed of itself for bringing it forward in this fashion. It will be a failure.

[The member's time expired.]

MS WARNOCK (Perth) [5.25 pm]: I join my colleagues in opposing this Bill. I will leave an opportunity for some of my other colleagues to explore the issues relating to the Bill. I have heard the member for Geraldton's comments already about the lack of a bus service in Geraldton.

Mr Bloffwitch: If only we had a bus service.

Ms WARNOCK: It is not surprising that I will address the issue of the bus services in Perth, notwithstanding the member for Geraldton's view about metropolitan bus services. I will ignore them, if he will forgive me for being so disrespectful.

A good public transport system is one of the most important attributes of a modern city. At the same time, it is also one of the most important public services for a community that calls itself a proper community; a community that looks after its citizens. A community's commitment to equity for all its citizens demands that it provides a proper system of transport for all; for commuters, children going to school and, most importantly, for the aged, the disabled, and those who are not able to afford private transport.

The major preoccupation for a public transport system is that it should be an effective and responsive public service. As many here will know - my colleagues in this place and the other place have mentioned it - the Government took over an inefficient and unprofitable transport system in Perth in the late 1950s. I will not be coy about this: Like many of my colleagues I can also remember the bus system in the 1950s. I remember travelling to Darlington on the Beam buses. I read subsequently as an adult that this private system became a public system in the late 1950s, largely because the private operators who were operating a series of different coloured buses - the different bus companies who were operating the small bus operations in the various suburbs - got themselves into difficulties. Thus, this collection of problems was turned into the respected public transport system we have in Western Australia today.

Like my colleagues, I will not deny that it is an effective public transport system, as it is now. We have electrified rail and modern buses which cover a large, sprawling, and mainly thinly populated, metropolitan area. It is all the more remarkable that Western Australia's public transport system is so respected because it is one of the most difficult places in the world in which to run a public transport system, given there are fewer people over a larger area. It is much more difficult to run a public transport system in Perth than in heavily populated cities such as Amsterdam or Paris, or any of the other bigger cities in the world. One of my colleagues has alluded to the *Choice* magazine edition for September which put the Perth public transport system at the top of the tree. It quotes commuters being well satisfied with the public transport system, and suggests that Western Australia is doing the right thing by the public in providing such a good system. It says that the fares are among the lowest in the country.

Mr Lewis: They are the lowest in the country.

Ms WARNOCK: They are still among the lowest in the country. Recently, the system has been expanding with integration to produce a faster and more efficient system. We all support a public transport system as it is at the moment. Therefore, it is disturbing -

Mr Cowan: When did you last catch a bus?

Ms WARNOCK: Quite recently. I live in the middle of the city, and when I travel up and down the city I catch a bus.

Mr Lewis: The free service.

Ms WARNOCK: Yes. When I worked in the city, I lived at the other end of the city and I would travel on buses every day. It is a good system.

Mr Cowan: How long ago was that?

Ms WARNOCK: It is a very good system. I travelled regularly on it a couple of years ago. I still occasionally travel on it when I have something to carry up and down the Terrace.

Mr Cowan: When was the last time you caught a bus?

Ms WARNOCK: It was quite recently. I am a great admirer of the system.

Mrs Hallahan: When was the last time the Deputy Premier caught a bus?

Mr Cowan: They do not have a passenger service our way.

Mrs Hallahan: That is why he is unsympathetic.

Mr Cowan: I have travelled on a bus.

Mrs Hallahan: To ask your question, which you and another Minister asked with such power: When?

Mr Cowan: I wanted to ensure that the member was supporting the MTT.

Ms WARNOCK: This is a very interesting conversation, but some of my colleagues indicate that they are keen to speak in this debate, so I must bring the dialogue to an end.

Mr Lewis: I thought you were filling in time.

Ms WARNOCK: No; we all want to speak. It is immensely difficult to run a public transport system at a profit in any city in the world, but in a city of the size and demographic nature of Perth it is impossible.

It is disturbing that in debating a proposal which involves a drive for more efficiency, we hear a very familiar economic rationalist creed. The Opposition has nothing against efficiency, but it depends upon what is being sacrificed in the pursuit of efficiency. This drive towards efficiency will inevitably lead to a deterioration in the standard of public transport, going back to a period we all remember rather dimly.

I have a friend who has studied these transport systems around the world; I spoke to him this morning. He said that under this proposal he fears a return to the bad old days of public transport; that is, a time in which too many bad operators were looking only at the attractive commuter routes. He thought that the service level would suffer under this proposal in the long term. He said that the cost cutting would result in a loss of staff, and this is already happening. People in offices answering telephones to provide information are being laid off, and cleaners are being sacked resulting in a deterioration in standards of cleaning and maintenance. Our currently well maintained buses will obviously be allowed to run down under this proposal. Anyone who has used a public transport system in other parts of the world knows how easy it is for services used by many people to become run down regarding cleanliness and maintenance.

If private operators are keen to maintain their margins, they will put off buying a new bus or maintaining existing ones. Also, these operators will not maintain standards on unprofitable routes in the outer suburbs. A public transport system is a public service and it involves a cost to the community. In exactly the same way as it costs the community to have good quality roads, schools and hospitals, the community must pay for buses and trains. This is part of our quality of life. Therefore, we must be prepared to pay for the systems. I hasten to add that this does not mean that we should be careless with public money.

Nevertheless, the public demands a decent service, and we must weigh up the cost with efficiency. We cannot let the current very high standard we have in Perth deteriorate because private operators want to cream off the best routes for profit and leave the more difficult routes to their own devices. This is a widespread fear; therefore, the Opposition cannot support the Bill.

The Minister has told us that the proposed reforms will save $46m. The member for Eyre has asked the obvious question: From where will the savings come? The obvious answer is that this will arise from a reduction in the quality of service, less maintenance and the shedding of labour. I agree that in some cases it may be possible to shed some labour in an endeavour to make the operation more efficient. We have seen this Government shed labour in a number of different operations - we have spoken about this before - and experience indicates that it will not show a delicate hand when shedding labour in the drive for "more efficiency".

It is pleasing that the *Choice* magazine should describe the public transport system in Western Australia as the best in Australia. For some years now Transperth has been busy modernising and improving its service. It has been trying to persuade more of us to use public transport. Also, other people in the community have been supporting this push through a concern for the environment and other such issues. These people tell us that it is important that we shed our ties with the car - a tie I have - and use public transport in consideration of pollution and the environment.

Mr Cowan: When are you going to start using public transport?

Ms WARNOCK: I have already explained that I used the system when I worked in the inner city - it works well for people commuting to office jobs. The Deputy Premier will be pleased to know that the other day I read about smaller, user friendly buses being incorporated into our system. These buses have wider entrances and are closer to the ground to allow disabled people and those with arthritis in the knees to board. These buses are to be introduced next year under the Better Cities program. As the city representative in this place, I can only applaud that initiative. I am happy to find reason to applaud something in the Government's transport plan. The emphasis in a public transport system must be firstly to provide a good service to the public.

Mr Grill: I do not think that mini buses for women with prams, or bigger people, will be suitable.

Ms WARNOCK: The buses in question are not the same as those suggested some years ago. I was not attracted to the mini buses, like those used at airports. I refer to a new bus used in cities around the world which is close to the ground and has a very wide mouth, and these are designed for shorter routes around the city. They provide a more frequent service. The commuter routes require larger buses.

They are entirely different buses, and I think they will work well. I did not like the idea of small buses when I first heard of them. The first principle of a public transport service must be that it provides a good public service for those people in the community who need it. It should be of good quality, efficient, reliable and certainly safe. Opposition members do not take the view that this can be provided only by the private sector. Indeed, in common with John Kenneth Galbraith, another supporter of public enterprise, I believe the public sector has an obligation to be efficient.

As I have said previously, it depends on how that efficiency is to be arrived at. In Perth we would certainly not want to take the route followed by Britain. I have read a great deal lately about the British reforms to its public transport system. Its recently introduced private bus services are not providing the previous level of service to citizens. The transport specialist I spoke to this very morning said that the place is full of old buses operated by private companies trying to pick up good, profitable routes and abandoning the outer suburbs. People are just not getting the same level of service that they were before.

A Canadian transport official who visited Perth in August of this year to address a seminar said, "Healthy cities are always the ones with comprehensive transport systems."

He commented that all Australian cities were at a crossroads and all tossing up about whether they should virtually abandon public transport and accept the fact that a huge majority of people will always use the private car; and, therefore, whether to consider putting in more freeways or whether to improve the public transport system and try to lure more people onto buses and trains and, in our case, onto ferries. Members have often heard me speak of the proposed northern bypass and my opposition to the now abandoned - thank goodness - open trench and to the equally obnoxious open freeway on the surface.

Mr Lewis: You supported the surface option. Don't be a hypocrite.

Ms WARNOCK: I am talking about an open freeway on the surface. A big, wide, fat freeway.

Mr Lewis: You supported it.

Ms WARNOCK: No.

Mr Lewis: Yes you did.

Ms WARNOCK: No I did not. I supported a two-way pair, which is an entirely different thing from a massive freeway through the middle of Northbridge.

Mr Lewis: You changed your ground quickly.

Ms WARNOCK: Not at all. We do not have time to argue about this, but I am happy to argue about it on any other occasion. I say in parenthesis that I still have personal reservations about the need for the bypass. I cannot resist a couple more little nips, but I will abandon this territory soon. I am still receiving regular representations - and this is why I mentioned it - from light rail exponents and other environmentalists who want a greater emphasis on a fuel efficient public transport system rather than another freeway, even one that is underground.

Mr Lewis: Your head is in the clouds.

Ms WARNOCK: My feet are firmly on the ground.

Finally, although the Opposition does not support this legislation it is not because it does not want to see an efficient, reliable and safe transport system. Of course we do and anybody would. We are simply not convinced that this is the most successful way to achieve it. We fear these changes will mean a return to the bad old days of deteriorating infrastructure and deteriorating services in the less profitable areas of public transport abandoned by the private sector a long time ago. This would not serve the Perth community well and, more importantly, it would damage an important public service for some of the less advantaged members of our community. For those reasons I oppose the Bill.

MR BROWN (Morley) [5.46 pm]: I too oppose the Bill. It is important when looking at the Bill to look first at the motivation of the Government in bringing the Bill to this place. The motivation is very clear indeed. Indeed, the Minister by way of interjection this afternoon has once again reiterated the prime motivation of the Government for this Bill. The motivation is essentially to reduce the subsidy currently paid by the Government for the Perth passenger services. That prime motivation is not brought about by wanting to improve services to commuters, or to be innovative and provide different methods of transport, or to provide some new system or new transport routes or whatever else. It is not based on any of those factors at all but simply on the desire to slash from government spending a significant amount of dollars that are currently spent by way of subsidy on the passenger services.

Mr Lewis: Isn't that a laudable thing?

Mr BROWN: I will come to that. That motivation is on top of the motivation that has been present from the day the Government took office. We have seen a number of steps the Government has taken in this regard. My colleague the member for Eyre has referred to the fare increases that have taken place of 12 per cent in 1993 and 14 per cent in 1994 and who knows whatever percentage next year. It is all very well to say, "These fares are

still the lowest in Australia. In comparison with other capital cities they are competitive." However, fares cannot be increased by 26 per cent or 28 per cent without an impact on the community.

A recent report from, I believe, the Brotherhood of St Lawrence indicates that one of the major issues affecting ethnic communities in this country, particularly people in those communities on modest incomes, has been the increases in taxes and charges in the last couple of years by the Government. Their living standards have been reduced proportionately to the increases that have taken place in government charges and taxes. If one adds these fare increases to the other imposts that have been imposed, one sees the significant contribution this has made to the poverty of such families.

Let us consider the suburb of Beechboro, which my electorate spreads across, and a family with two children, one of whom is attending TAFE, with one parent in full time work and one in part time work, with one car and with one or two members of the family using public transport. A chart has been made of the increased taxes and charges imposed on them in the life of this Government, which is the last 20 months. It shows that the increases in taxes and charges, including increased bus fares, amount to some $440 per annum. For many ordinary wage and salary earners and for many people on modest incomes paid by way of pensions or other benefits, it has meant significant increases in their cost of living which in every case has not been compensated by improved incomes. Therefore, in the life of this Government we have seen a reduction in the living standards of such people.

What is the issue? The issue is motivation, as I have said, and that is motivation to reduce costs. It is true that all Governments have a responsibility to the taxpayer to ensure that public funds are used efficiently and effectively.

That is the responsibility of each Government, irrespective of its political persuasion. However, one cannot rely on that principle alone, and that principle does not allow Governments to abrogate their social responsibility. In determining the allocation of its resources, a Government must determine the social impact of that allocation. That means it is required to assess its values; that in making these decisions the Government makes a determination in its own ranks about its value system and what it believes is appropriate for the people who are affected by its decisions. This Bill in effect is seeking to move closer and closer to a user pays policy in public transport.

Mr Lewis: Is that a bad thing?

Mr BROWN: If one held up the singular principle of taxpayers' resources being used effectively and efficiently, and that were the sole criterion, user pays would be absolutely correct, and that would be the end of the story. However, that is not the only role of Government; its role is not simply to balance the books or improve the bottom line. The role of a caring and concerned Government is to look at the ways of exercising its discretion -

Mr Lewis: Do you know what is the current subsidy to the public transport system?

Mr BROWN: I was told at the briefing that it was $250m.

Mr Lewis: What is the percentage in terms of the fare box?

Mr BROWN: I understand that the cost is $250m, of which the Government recoups $50m.

Mr Lewis: It is more than $250m because there is a community subsidy as well. It is currently subsidised by 86 per cent.

Mr BROWN: Opposition members attended the briefing the other day and I imagine that had the Minister wanted that information conveyed to us, it would have been presented at the briefing. Be that as it may, I am not arguing from the specifics of a particular amount, but from the broad principle.

Mr Lewis: Fares cover only 14 per cent of the cost. Be fair.

Mr BROWN: Who uses the public transport system? Is it the lower paid workers or the

high income earners? Are lots and lots of services running to Nedlands, Dalkeith and other such suburbs to pick up the residents in those areas? No, they are not. Many services are provided for schoolchildren and youth who are the low income people. The services are also provided in suburbs in which middle and low income people live, and are used by families who own only one car.

The question that must be asked is whether the Government wants to provide the services for those people. If the Government wishes to provide them, it must incur the cost. Alternatively, it could decide to provide that service but increase the cost. If it increases the cost, it increases the need for these people to look at alternatives. They may consider buying an old car - one that uses leaded petrol and clogs up the city with pollution - and doing a number of other things to minimise the cost of getting to and from work. Those are the value judgments the Government must make.

The Government's value judgment on the social benefits of supporting low and modest income earners, and overcoming transport, policy and route problems, is to subsidise the public transport system. It subsidises it significantly for the social costs which are for the wellbeing of the community. Governments do not do it unashamedly, but do it very clearly. What happens when a Government decides not to do that? The cost increases to the individual.

In this debate we have not heard the argument about whether a fare moves singularly from X to Y or singularly whether the Government increases or decreases the subsidy, but a value argument about the type of community we are prepared to support in Western Australia. It has been said in this debate that many of these problems will be overcome because the Government will regulate the system; there will not be wholesale privatisation; and, the Government is not selling simply a portion of the metropolitan area to a bus company which may provide a service between 7.00 and 9.00 am, and 3.00 and 6.30 pm, and at no other time. It is said that the Government will regulate the frequency of services, the fares, the routes and the quality of the buses provided.

Mr Lewis: That is the intention.

Mr BROWN: It is also said that this will not result in a diminution of the services currently provided. Is that on the public record?

Mr Lewis: We shall tender on the basis of everything you have said.

Mr BROWN: I also understand from the briefing we received from the Minister's officers that the policy of the Government is that the service will not be diminished.

Mr Lewis: That is the intention.

Mr BROWN: That crucial and substantial issue is not reflected in the Bill before this House.

Mr Lewis: Of course it is not, because it is a Bill to allow this thing to happen.

Mr BROWN: Hence the problem.

Mr Lewis: We do it by regulation.

Mr BROWN: The Minister and I know that regulations are changed by Governments. Of course, they must be laid on the Table of the House and can be disallowed, but that is a very difficult process.

Mr Cowan: Especially when you do not have the numbers.

Mr BROWN: It is even more difficult then! The concern is that even with the best intentions, when tenders are called, those received may just fit the criteria at the margin. It is very compelling and seductive for those in charge to accept a tender that is at the margin, and to accept another tender that is at the margin, and to continue that process until gradually, like a slowly growing cancer, the level of service declines.

I refer to an area in which this has happened over the years - the contract cleaning industry. Every time the levels have reduced in the service contracts in that industry, they have done so very gradually to the point at which the level of cleanliness in most

buildings is nowhere near as high as it was 20 years ago. It is very seductive and the change happens very slowly. Indeed, I am afraid that even with the best intentions system - let alone when best intentions are not present - at some point we shall see a diminution of the services currently provided. The compelling criterion on those who are allocating the contracts is to reduce the price.

What is the model? I asked that question at the briefing. I admit it was a short briefing, but I have looked at the debates here and elsewhere and I can see no model to show where savings will be made.

[Leave granted for speech to be continued.]

Debate thus adjourned.

House adjourned at 6.01 pm

APPENDIX A

TABLE O

LAND TAX

	Land Tax Revenue	Change From Previous Year	Revenue In 1989/90 Dollars	Change From Previous Year	Per Capita Revenue In 1989/90 Dollars
	$	%	$	%	$
1976/77	11,994,647	-3.3	34,467,376	-14.0	28.93
1977/78	14,946,740	24.6	38,822,701	12.6	31.90
1978/79	17,855,148	19.5	42,818,101	10.3	34.61
1979/80	22,961,754	28.6	50,354,724	17.6	40.05
1980/81	25,735,777	12.1	51,886,647	3.0	40.41
1981/82	29,544,705	14.8	53,620,154	3.3	40.61
1982/83	35,026,134	18.6	57,703,680	7.6	42.59
1983/84	42,574,106	21.5	65,599,547	13.7	47.52
1984/85	49,758,361	16.9	73,716,090	12.4	52.50
1985/86	52,061,379	4.6	71,414,786	-3.1	49.68
1986/87	59,020,939	13.4	73,592,193	3.0	49.81
1987/88	63,361,455	7.4	73,761,880	0.2	48.68
1988/89	74,228,137	17.2	80,420,517	9.0	51.60
1989/90	91,947,948	23.9	91,947,948	14.3	57.59
1990/91	115,865,333	26.0	110,242,943	19.9	67.83
1991/92	133,577,432	15.3	126,135,441	14.4	76.56
1992/93	128,486,476	-3.8	120,968,433	-4.1	72.58
1993/94 (est)	122,500,000	-4.6	111,717,578	-7.6	66.33

AVERAGE ANNUAL GROWTH RATE	NOMINAL %	REAL %	REAL PER CAPITA %
Past 5 Years 1988/89 To 1993/94	10.5	6.8	5.1
Past 10 Years 1983/84 To 1993/94	11.1	5.5	3.4
Past 15 Years 1978/79 To 1993/94	13.7	6.6	4.4
Total Period 1976/77 To 1993/94	14.6	7.2	5.0

QUESTIONS ON NOTICE

DE FACTO RELATIONSHIPS - LEGISLATION, INTRODUCTION

364. Mr D.L. SMITH to the Attorney General:

When does the Attorney General intend to introduce legislation relating to de facto relationships and disputes arising out of such relationships?

Mrs EDWARDES replied:

My apologies for the delay in responding. The timing of such legislation is a decision for Cabinet and the Government's legislative program.

POLICE - OFFICERS, EMPLOYMENT STATISTICS

1424. Mr RIEBELING to the Minister for Police:

(1) How many commissioned officers are now employed in the Police Force?

(2) How many commissioned officers are now employed in -

(a) investigations branch;

(b) general duties;

(c) traffic branch;

(d) others?

(3) How many police officers are now employed in -

(a) CIB;

(b) general duties;

(c) traffic branch;

(d) others?

(4) How many new police officers were employed in the financial year of 1993-94?

(5) How many retirements from the Police Force took place in the financial year -

(a) 1993-94;

(b) 1992-93;

(c) 1991-92;

(d) 1990-91;

(e) 1989-90?

Mr WIESE replied:

I have been advised by the Commissioner of Police as follows -

(1) 192.

(2) (a) 34 - relates to crime operations command - not only CIB.

(b) 107 - includes country traffic personnel.

(c) 18 - relates to metropolitan traffic only.

(d) 33.

(3) (a) 932 - relates to crime operations command - not only CIB.

(b) 2 492 - includes country traffic personnel.

(c) 517 - relates to metropolitan traffic only.

(d) 265.

Note: The totals in question (3) include all ranks.

(4) 126 recruited for attrition.

(5) (a) 68.

(b) 31.

(c) 27.

(d) 32.

(e) 39.

GOVERNMENT EMPLOYEES SUPERANNUATION BOARD - DAVIS, NEVILLE

Crown Law Department, Response to Case

1433. Dr EDWARDS to the Attorney General:

When will the Crown Law Department provide a response to the Government Employees Superannuation Board regarding the case of Mr Neville Davis who has been awaiting advice from the board since December 1993 in relation to calculation of retirement benefits?

Mrs EDWARDES replied:

The Crown Solicitor's Office advises me that it has no record of a request for advice from the Government Employees Superannuation Board in respect of a Mr Neville Davis. I would be pleased to investigate the matter if the member would supply me with more details concerning the case. Further, the member should note that the Crown Law Department was abolished on 30 June 1993.

ROYAL COMMISSION INTO COMMERCIAL ACTIVITIES OF GOVERNMENT AND OTHER MATTERS REPORT - APPENDIX I, MINISTER OR STAFF, INFORMATION

1469. Mr McGINTY to the Minister for Police:

(1) Has the Minister, or any member of his staff, been provided with or briefed on any of the contents of appendix 1 of the report by the Royal Commission into Commercial Activities of Government and Other Matters?

(2) If so, when was the information received and from whom?

Mr WIESE replied:

(1) No.

(2) Not applicable.

POLICE - LOCKUPS

Aboriginal Women; Body Searches

1486. Dr WATSON to the Minister for Police:

(1) During each month of 1994, how many Aboriginal women were put into police lockups in -

(a) Roebourne;

(b) Wiluna;

(c) Kalgoorlie;

(d) Derby;

(e) Katanning?

(2) What are the criteria for body searches on women?

(3) What personnel conduct such body searches?

Mr WIESE replied:

I have been advised by the Commissioner of Police as follows -

(1) (a) Roebourne

January	18
February	32
March	14
April	27
May	17
June	16
July	12
August	15
September	10
As at 18 October	6
Total	167

(b) Wiluna

January	93
February	112
March	101
April	90
May	41
June	62
July	91
August	67
September	50
As at 18 October	13
Total	720

(c) Kalgoorlie

January	28
February	25
March	40
April	19
May	22
June	24
July	26
August	21
September	44
As at 18 October	32
Total	281

(d) Derby

January	31
February	18
March	20
April	23
May	16
June	16
July	29
August	16
September	21
As at 18 October	28
Total	218

(e) Katanning

January	6
February	4
March	4
April	2

May	0
June	10
July	7
August	9
September	7
As at 18 October	0
Total	49

(2) A prisoner must be searched by a member of the same sex, except in cases of extreme urgency or danger.

(3) Female police officer, female matron or other suitable female person.

WOMEN, POWER AND POLITICS CONFERENCE, ADELAIDE - MINISTER'S ATTENDANCE

1490. Dr WATSON to the Minister for Women's Interests:

(1) Did the Minister attend any of the sessions of the Women, Power and Politics Conference in Adelaide?

(2) If so, which ones?

(3) What registration fees were paid for the conference?

(4) From which budget were the fees paid?

Mrs EDWARDES replied:

(1) Yes.

(2) The session held on the morning of Saturday, 8 October 1994 which included the opening, keynote address and the conference dinner held on Saturday evening. The conference provided the opportunity to meet with many women around Australia and from overseas, and I was pleased to have been one of the 28 women from Western Australia to have had the opportunity of attending.

(3) $150 - the cost of the Saturday session only.

(4) Office of the Minister for Women's Interests.

GOVERNMENT PUBLICATIONS - "ISSUES PAPER No 11"

1553. Mr GRAHAM to the Minister for Water Resources:

(1) What was the cost of production of the document "Issues Paper No 11 - August 1994"?

(2) What was the purpose of producing the document?

(3) What was the cost of distribution of the document?

(4) To whom were the copies distributed?

(5) Where was the document printed?

(6) By which company was the document printed?

(7) Is the document a regular production?

(8) If so, how often is the document produced?

Mr OMODEI replied:

(1) $1 676.

(2) To provide Wastewater 2040 stakeholders with basic information on waste water treatment and disposal.

(3) $900 approximately. The precise cost is unknown, as the document was mailed out with other Wastewater 2040 information.

(4) To stakeholders in Wastewater 2040.

(5)-(6) Print West Pty Ltd of Midvale.

(7) The document will be produced during the life of the Wastewater 2040 project.

(8) Reprinted if required.

GOVERNMENT PUBLICATIONS - "ISSUES PAPER No 12"

1554. Mr GRAHAM to the Minister for Water Resources:

(1) What was the cost of production of the document "Issues Paper No 12 - August 1994"?

(2) What was the purpose of producing the document?

(3) What was the cost of distribution of the document?

(4) To whom were the copies distributed?

(5) Where was the document printed?

(6) By which company was the document printed?

(7) Is the document a regular production?

(8) If so, how often is the document produced?

Mr OMODEI replied:

(1) $2 026.

(2) To provide Wastewater 2040 stakeholders with basic information on waste water treatment and disposal.

(3) $950 approximately. The precise cost is unknown, as the document was mailed out with other Wastewater 2040 information.

(4) To stakeholders in Wastewater 2040.

(5)-(6) Print West Pty Ltd of Midvale.

(7) The document will be produced during the life of the Wastewater 2040 project.

(8) Reprinted if required.

GOVERNMENT PUBLICATIONS - "ISSUES PAPER No 13"

1555. Mr GRAHAM to the Minister for Water Resources:

(1) What was the cost of production of the document "Issues Paper No 13 - August 1994"?

(2) What was the purpose of producing the document?

(3) What was the cost of distribution of the document?

(4) To whom were the copies distributed?

(5) Where was the document printed?

(6) By which company was the document printed?

(7) Is the document a regular production?

(8) If so, how often is the document produced?

Mr OMODEI replied:

(1) $1 903.

(2) To provide Wastewater 2040 stakeholders with basic information on waste water treatment and disposal.

(3) $950 approximately. The precise cost is unknown, as the document was mailed out with other Wastewater 2040 information.

(4) To stakeholders in Wastewater 2040.

(5)-(6) Print West Pty Ltd of Midvale.

(7) The document will be produced during the life of the Wastewater 2040 project.

(8) Reprinted if required.

GOVERNMENT PUBLICATIONS - "ISSUES PAPER No 14"

1556. Mr GRAHAM to the Minister for Water Resources:

(1) What was the cost of production of the document "Issues Paper No 14 - August 1994"?

(2) What was the purpose of producing the document?

(3) What was the cost of distribution of the document?

(4) To whom were the copies distributed?

(5) Where was the document printed?

(6) By which company was the document printed?

(7) Is the document a regular production?

(8) If so, how often is the document produced?

Mr OMODEI replied:

(1) $2 174.

(2) To provide Wastewater 2040 stakeholders with basic information on waste water treatment and disposal.

(3) $950 approximately. The precise cost is unknown, as the document was mailed out with other Wastewater 2040 information.

(4) To stakeholders in Wastewater 2040.

(5)-(6) Print West Pty Ltd of Midvale.

(7) The document will be produced during the life of the Wastewater 2040 project.

(8) Reprinted if required.

GOVERNMENT PUBLICATIONS - "ISSUES PAPER No 15"

1557. Mr GRAHAM to the Minister for Water Resources:

(1) What was the cost of production of the document "Issues Paper No 15 - June 1994"?

(2) What was the purpose of producing the document?

(3) What was the cost of distribution of the document?

(4) To whom were the copies distributed?

(5) Where was the document printed?

(6) By which company was the document printed?

(7) Is the document a regular production?

(8) If so, how often is the document produced?

Mr OMODEI replied:

(1) $2 174.

(2) To provide Wastewater 2040 stakeholders with basic information on waste water treatment and disposal.

(3) $950 approximately. The precise cost is unknown, as the document was mailed out with other Wastewater 2040 information.

(4) To stakeholders in Wastewater 2040.

(5)-(6) Print West Pty Ltd of Midvale.

(7) The document will be produced during the life of the Wastewater 2040 project.

(8) Reprinted if required.

GOVERNMENT PUBLICATIONS - "WASTEWATER 2040 - DISCUSSION PAPER"

1558. Mr GRAHAM to the Minister for Water Resources:

(1) What was the cost of production of the document "Wastewater 2040 - Discussion Paper"?

(2) What was the purpose of producing the document?

(3) What was the cost of distribution of the document?

(4) To whom were the copies distributed?

(5) Where was the document printed?

(6) By which company was the document printed?

(7) Is the document a regular production?

(8) If so, how often is the document produced?

Mr OMODEI replied:

(1) $33 677.

(2) To respond to stakeholder concerns at the end of stage 1 of the Wastewater 2040 consultation process.

(3) $2 450 approximately. The precise cost is unknown, as the document was mailed out with other Wastewater 2040 information.

(4) To stakeholders in Wastewater 2040.

(5)-(6) Kaleidoscope Print and Design Pty Ltd of West Perth.

(7) No.

(8) Not applicable.

GOVERNMENT PUBLICATIONS - "ISSUES PAPER No 1"

1559. Mr GRAHAM to the Minister for Water Resources:

(1) What was the cost of production of the document "Issues Paper No 1 - August 1994"?

(2) What was the purpose of producing the document?

(3) What was the cost of distribution of the document?

(4) To whom were the copies distributed?

(5) Where was the document printed?

(6) By which company was the document printed?

(7) Is the document a regular production?

(8) If so, how often is the document produced?

Mr OMODEI replied:

(1) $2 069.

(2) To provide Wastewater 2040 stakeholders with basic information on waste water treatment and disposal.

(3) $450 approximately. The precise cost is unknown, as the document was mailed out with other Wastewater 2040 information.

(4) To stakeholders in Wastewater 2040.

(5)-(6) Print West Pty Ltd of Midvale.

(7) The document will be produced during the life of the Wastewater 2040 project.

(8) Reprinted if required.

GOVERNMENT PUBLICATIONS - "ISSUES PAPER No 2"

1560. Mr GRAHAM to the Minister for Water Resources:

(1) What was the cost of production of the document "Issues Paper No 2 - August 1994"?

(2) What was the purpose of producing the document?

(3) What was the cost of distribution of the document?

(4) To whom were the copies distributed?

(5) Where was the document printed?

(6) By which company was the document printed?

(7) Is the document a regular production?

(8) If so, how often is the document produced?

Mr OMODEI replied:

(1) $1 917.

(2) To provide Wastewater 2040 stakeholders with basic information on waste water treatment and disposal.

(3) $450 approximately. The precise cost is unknown, as the document was mailed out with other Wastewater 2040 information.

(4) To stakeholders in Wastewater 2040.

(5)-(6) Print West Pty Ltd of Midvale.

(7) The document will be produced during the life of the Wastewater 2040 project.

(8) Reprinted if required.

GOVERNMENT PUBLICATIONS - "ISSUES PAPER No 4"

1561. Mr GRAHAM to the Minister for Water Resources:

(1) What was the cost of production of the document "Issues Paper No 4 - August 1994"?

(2) What was the purpose of producing the document?

(3) What was the cost of distribution of the document?

(4) To whom were the copies distributed?

(5) Where was the document printed?

(6) By which company was the document printed?

(7) Is the document a regular production?

(8) If so, how often is the document produced?

Mr OMODEI replied:

(1) $1 917.

(2) To provide Wastewater 2040 stakeholders with basic information on waste water treatment and disposal.

(3) $450 approximately. The precise cost is unknown, as the document was mailed out with other Wastewater 2040 information.

(4) To stakeholders in Wastewater 2040.

(5)-(6) Print West Pty Ltd of Midvale.

(7) The document will be produced during the life of the Wastewater 2040 project.

(8) Reprinted if required.

GOVERNMENT PUBLICATIONS - "ISSUES PAPER No 5"

1562. Mr GRAHAM to the Minister for Water Resources:

(1) What was the cost of production of the document "Issues Paper No 5 - August 1994"?

(2) What was the purpose of producing the document?

(3) What was the cost of distribution of the document?

(4) To whom were the copies distributed?

(5) Where was the document printed?

(6) By which company was the document printed?

(7) Is the document a regular production?

(8) If so, how often is the document produced?

Mr OMODEI replied:

(1) $1 937.

(2) To provide Wastewater 2040 stakeholders with basic information on waste water treatment and disposal.

(3) $900 approximately. The precise cost is unknown, as the document was mailed out with other Wastewater 2040 information.

(4) To stakeholders in Wastewater 2040.

(5)-(6) Print West Pty Ltd of Midvale.

(7) The document will be produced during the life of the Wastewater 2040 project.

(8) Reprinted if required.

GOVERNMENT PUBLICATIONS - "ISSUES PAPER No 6"

1563. Mr GRAHAM to the Minister for Water Resources:

(1) What was the cost of production of the document "Issues Paper No 6 - June 1994"?

(2) What was the purpose of producing the document?

(3) What was the cost of distribution of the document?

(4) To whom were the copies distributed?

(5) Where was the document printed?

(6) By which company was the document printed?

(7) Is the document a regular production?

(8) If so, how often is the document produced?

Mr OMODEI replied:

(1) $1 877.

(2) To provide Wastewater 2040 stakeholders with basic information on waste water treatment and disposal.

(3) $900 approximately. The precise cost is unknown, as the document was mailed out with other Wastewater 2040 information.

(4) To stakeholders in Wastewater 2040.

(5)-(6) Print West Pty Ltd of Midvale.

(7) The document will be produced during the life of the Wastewater 2040 project.

(8) Reprinted if required.

GOVERNMENT PUBLICATIONS - "ISSUES PAPER No 7"

1564. Mr GRAHAM to the Minister for Water Resources:

(1) What was the cost of production of the document "Issues Paper No 7 - August 1994"?

(2) What was the purpose of producing the document?

(3) What was the cost of distribution of the document?

(4) To whom were the copies distributed?

(5) Where was the document printed?

(6) By which company was the document printed?

(7) Is the document a regular production?

(8) If so, how often is the document produced?

Mr OMODEI replied:

(1) $1 943.

(2) To provide Wastewater 2040 stakeholders with basic information on waste water treatment and disposal.

(3) $900 approximately. The precise cost is unknown, as the document was mailed out with other Wastewater 2040 information.

(4) To stakeholders in Wastewater 2040.

(5)-(6) Print West Pty Ltd of Midvale.

(7) The document will be produced during the life of the Wastewater 2040 project.

(8) Reprinted if required.

GOVERNMENT PUBLICATIONS - "ISSUES PAPER No 8"

1565. Mr GRAHAM to the Minister for Water Resources:

(1) What was the cost of production of the document "Issues Paper No 8 - August 1994"?

(2) What was the purpose of producing the document?

(3) What was the cost of distribution of the document?

(4) To whom were the copies distributed?

(5) Where was the document printed?

(6) By which company was the document printed?

(7) Is the document a regular production?

(8) If so, how often is the document produced?

Mr OMODEI replied:

(1) $2 204.

(2) To provide Wastewater 2040 stakeholders with basic information on waste water treatment and disposal.

(3) $1 000 approximately. The precise cost is unknown, as the document was mailed out with other Wastewater 2040 information.

(4) To stakeholders in Wastewater 2040.

(5)-(6) Print West Pty Ltd of Midvale.

(7) The document will be produced during the life of the Wastewater 2040 project.

(8) Reprinted if required.

GOVERNMENT PUBLICATIONS - "ISSUES PAPER No 9"

1566. Mr GRAHAM to the Minister for Water Resources:

(1) What was the cost of production of the document "Issues Paper No 9 - June 1994"?

(2) What was the purpose of producing the document?

(3) What was the cost of distribution of the document?

(4) To whom were the copies distributed?

(5) Where was the document printed?

(6) By which company was the document printed?

(7) Is the document a regular production?

(8) If so, how often is the document produced?

Mr OMODEI replied:

(1) $2 204.

(2) To provide Wastewater 2040 stakeholders with basic information on waste water treatment and disposal.

(3) $1 000 approximately. The precise cost is unknown, as the document was mailed out with other Wastewater 2040 information.

(4) To stakeholders in Wastewater 2040.

(5)-(6) Print West Pty Ltd of Midvale.

(7) The document will be produced during the life of the Wastewater 2040 project.

(8) Reprinted if required.

GOVERNMENT PUBLICATIONS - "ISSUES PAPER No 10"

1567. Mr GRAHAM to the Minister for Water Resources:

(1) What was the cost of production of the document "Issues Paper No 10 - August 1994"?

(2) What was the purpose of producing the document?

(3) What was the cost of distribution of the document?

(4) To whom were the copies distributed?

(5) Where was the document printed?

(6) By which company was the document printed?

(7) Is the document a regular production?

(8) If so, how often is the document produced?

Mr OMODEI replied:

(1) $1 937.

(2) To provide Wastewater 2040 stakeholders with basic information on waste water treatment and disposal.

(3) $950 approximately. The precise cost is unknown, as the document was mailed out with other Wastewater 2040 information.

(4) To stakeholders in Wastewater 2040.

(5)-(6) Print West Pty Ltd of Midvale.

(7) The document will be produced during the life of the Wastewater 2040 project.

(8) Reprinted if required.

GOVERNMENT PUBLICATIONS - "THE FLOW, No 1"

1568. Mr GRAHAM to the Minister for Water Resources:

(1) What was the cost of production of the document "The Flow, No 1 - October 1993"?

(2) What was the purpose of producing the document?

(3) What was the cost of distribution of the document?

(4) To whom were the copies distributed?

(5) Where was the document printed?

(6) By which company was the document printed?

(7) Is the document a regular production?

(8) If so, how often is the document produced?

Mr OMODEI replied:

(1) $4 160.

(2) To inform stakeholders of the progress of Wastewater 2040.

(3) $900 approximately. The precise cost is unknown, as the document was mailed out with other Wastewater 2040 information.

(4) To stakeholders in Wastewater 2040.

(5)-(6) Muhlings Printers Pty Ltd of West Perth.

(7) The document will be produced during the life of the Wastewater 2040 project.

(8) The document is produced every two months.

GOVERNMENT PUBLICATIONS - "THE FLOW, No 2"

1569. Mr GRAHAM to the Minister for Water Resources:

(1) What was the cost of production of the document "The Flow, No 2 - December 1993"?

(2) What was the purpose of producing the document?

(3) What was the cost of distribution of the document?

(4) To whom were the copies distributed?

(5) Where was the document printed?

(6) By which company was the document printed?

(7) Is the document a regular production?

(8) If so, how often is the document produced?

Mr OMODEI replied:

(1) $3 280.

(2) To inform stakeholders of the progress of Wastewater 2040.

(3) $600 approximately. The precise cost is unknown, as the document was mailed out with other Wastewater 2040 information.

(4) To stakeholders in Wastewater 2040.

(5)-(6) Muhlings Printers Pty Ltd of West Perth.

(7) The document will be produced during the life of the Wastewater 2040 project.

(8) The document is produced every two months.

GOVERNMENT PUBLICATIONS - "THE FLOW, No 3"

1570. Mr GRAHAM to the Minister for Water Resources:

(1) What was the cost of production of the document "The Flow, No 3 - February 1994"?

(2) What was the purpose of producing the document?

(3) What was the cost of distribution of the document?

(4) To whom were the copies distributed?

(5) Where was the document printed?

(6) By which company was the document printed?

(7) Is the document a regular production?

(8) If so, how often is the document produced?

Mr OMODEI replied:

(1) $4 255.

(2) To inform stakeholders of the progress of Wastewater 2040.

(3) $2 200 approximately. The precise cost is unknown, as the document was mailed out with other Wastewater 2040 information.

(4) To stakeholders in Wastewater 2040.

(5)-(6) Muhlings Printers Pty Ltd of West Perth.

(7) The document will be produced during the life of the Wastewater 2040 project.

(8) The document is produced every two months.

GOVERNMENT PUBLICATIONS - "THE FLOW, No 4"

1571. Mr GRAHAM to the Minister for Water Resources:

(1) What was the cost of production of the document "The Flow, No 4 - April 1994"?

(2) What was the purpose of producing the document?

(3) What was the cost of distribution of the document?

(4) To whom were the copies distributed?

(5) Where was the document printed?

(6) By which company was the document printed?

(7) Is the document a regular production?

(8) If so, how often is the document produced?

Mr OMODEI replied:

(1) $4 290.

(2) To inform stakeholders of the progress of Wastewater 2040.

(3) $900 approximately. The precise cost is unknown, as the document was mailed out with other Wastewater 2040 information.

(4) To stakeholders in Wastewater 2040.

(5)-(6) Muhlings Printers Pty Ltd of West Perth.

(7) The document will be produced during the life of the Wastewater 2040 project.

(8) The document is produced every two months.

GOVERNMENT ADVERTISING - MINING TENEMENT APPLICATIONS
The West Australian

1575. Mr GRAHAM to the Minister representing the Minister for Mines:

What was the cost of advertising mining tenement applications in *The West Australian* for the year ended 30 June -

(a) 1986
(b) 1987
(c) 1988
(d) 1989
(e) 1990
(f) 1991
(g) 1992
(h) 1993
(i) 1994?

Mr C.J. BARNETT replied:

The Minister for Mines has provided the following response -

The arranging of and cost of advertising mining tenement applications is a matter between the applicant and the newspaper. Information as to the cost is not kept by the Department of Minerals and Energy.

GOVERNMENT ADVERTISING - MINING TENEMENT APPLICATIONS
Kalgoorlie Miner

1576. Mr GRAHAM to the Minister representing the Minister for Mines:

What was the cost of advertising mining tenement applications in the *Kalgoorlie Miner* for the year ended 30 June -

(a) 1986
(b) 1987
(c) 1988
(d) 1989
(e) 1990
(f) 1991
(g) 1992
(h) 1993
(i) 1994?

Mr C.J. BARNETT replied:

The Minister for Mines has provided the following response -

The arranging of and cost of advertising mining tenement applications is a matter between the applicant and the newspaper. Information as to the cost is not kept by the Department of Minerals and Energy.

GOVERNMENT ADVERTISING - MINING TENEMENT APPLICATIONS
North West Telegraph

1577. Mr GRAHAM to the Minister representing the Minister for Mines:

What was the cost of advertising mining tenement applications in the *North West Telegraph* for the year ended 30 June -

(a) 1986
(b) 1987
(c) 1988
(d) 1989
(e) 1990
(f) 1991
(g) 1992
(h) 1993
(i) 1994?

Mr C.J. BARNETT replied:

The Minister for Mines has provided the following response -

The arranging of and cost of advertising mining tenement applications is a matter between the applicant and the newspaper. Information as to the cost is not kept by the Department of Minerals and Energy.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT - CROWN LAND RESERVE ZONING AMENDMENT, NEGATED BY LOCAL SCHEME

1620. Mr McGINTY to the Minister for Planning:

Is the Minister able to comment on whether a section 33A zoning amendment to a Crown land reserve under the Metropolitan Region Town Planning Scheme Act, after it has been gazetted, is negated by any subsequent local authority review of its town planning scheme where the local authority has incorporated an alteration to the precinct boundary zoning including the whole area of the Crown land reserve?

Mr LEWIS replied:

The member's question is unclear. The Metropolitan Region Scheme has precedence over local government authority town planning schemes, specifically in respect of "reserved" land, but for "zoned" areas the local scheme prevails. The status of land as a "Crown Land Reserve" does not necessarily reflect a particular zone or reservation in either the local or regional scheme.

PARLIAMENT HOUSE - DIGITAL AUDIO EQUIPMENT, COMMITTEE ROOM

1624. Mr McGINTY to the Speaker:

(1) With reference to question on notice 1298 of 1994, who is the officer referred to in the answer?

(2) Which companies are or were involved in negotiations relating to digital audio?

(3) When did the officer referred to above begin negotiations with each company?

(4) When did the officer's spouse acquire the interest in the company?

(5) In which company was the interest acquired?

(6) How many shares were purchased?

(7) On what date was the company notified that the officer had been withdrawn from the decision-making process?

(8) Was the company notified in writing or by other means?

(9) What was the outcome of the discussions with the Auditor General on Tuesday, 27 September 1994?

The SPEAKER replied:

(1) Mr C.R. Hall, Deputy Chief Hansard Reporter.

(2) Southern Group Limited, and Digital Technologies Pty Limited.

(3) Mr Hall was involved in discussions regarding voice recognition and digital audio with Southern Group Limited since mid 1992, and with Digital Technologies since August 1993. Mr Hall was not involved in negotiations as a decision-maker, his role was to evaluate the technology. However, he would have had input to the decision-making process when that stage was reached had he not asked to be removed from that process prior to this matter being brought to the attention of the House or its officers.

(4) 2 and 3 August 1994. Mr Hall became aware of the shareholding on 9 August and notified the Chief Hansard Reporter on the same day.

(5) Southern Group Limited.

(6) Mr Hall has advised that his spouse has declined to reveal details of her private shareholdings. However, details are readily available from the share registry.

(7)-(8) The managing director of the company was advised by telephone on 15 August 1994, immediately upon his return from overseas.

(9) The Chief Hansard Reporter and the Information Technology Manager met with the Assistant Auditor General, who agreed to provide the services of one of his officers, Mr Lindsay Preece, to assist in the evaluation of digital audio technology. At the meeting it was also decided that to ensure conformance with public sector practice the assistance of the State Supply Commission should be sought in respect of calling for requests for proposals and/or tenders. The Chief Hansard Reporter, the Information Technology Manager, and Mr Preece are continuing the evaluation. It is anticipated that a request for proposals will be advertised so that all available technology may be evaluated.

ISAACS, ROBERT - GOVERNMENT EMPLOYMENT

1629. Mr LEAHY to the Minister for Aboriginal Affairs:

(1) During what dates was Mr Robert Isaacs employed in the Minister's ministerial office?

(2) Has Mr Isaacs now been chosen to fill the vacant Director of Aboriginal Housing position in Homeswest?

(3) At the time of employing Mr Isaacs in his ministerial office was the Minister aware of the nature of the allegations about Mr Isaac's involvement in the sale of the Aboriginal Advancement Council Hostel in Grand Promenade, Bedford?

(4) Was the Minister also aware of other allegations about Mr Isaacs' involvement with the Binyardi Corporation?

Mr PRINCE replied:

(1) Mr Robert Isaacs was employed in the Minister's ministerial office from 25 January 1994 to 31 March 1994.

(2) Applications for this position have closed and interviews will be held shortly.

(3)-(4) No.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE, DEPARTMENT OF - INSPECTORS' EMPLOYMENT

1648. Mr BROWN to the Minister for Labour Relations:

(1) How many inspectors are employed in the Department of Occupational Health, Safety and Welfare?

(2) What is the classification of each inspector?

(3) How many:

(a) improvement notices were issued by inspectors in the -

(i) 1992-93 financial year;

(ii) 1993-94 financial year;

(b) prohibition notices were issued by inspectors in the -

(i) 1992-93 financial year;

(ii) 1993-94 financial year;

(4) How many inspectors are engaged full time on inspectorial duties?

(5) How many inspectors are engaged on other than inspectorial duties?

(6) What other duties are carried out by inspection referred to in (5) above?

Mr KIERATH replied:

(1) 93 inspectors.

(2)

Level 3	1
Level 4	62
Level 5	16
Level 6	5
Level 7	4
Senior Executive Service	5
	93

(3) (a) Improvement Notices -

(i) 1992-93 4 461

(ii) 1993-94 3 275

(3) (b) Prohibition Notices -

(i) 1992-93 580

(ii) 1993-94 606

(4) 80 inspectors.

(5) 13 inspectors.

(6) Design review, conducting training courses, policy formulation, medical examinations, project work, data analysis and management.

HOMESWEST - SUPPORTED ACCOMMODATION ASSISTANCE PROGRAM, BANDT-GATTER REPORT, HOMES AND UNITS CONSTRUCTION

1656. Mr BROWN to the Minister for Housing:

(1) Has a detailed examination been carried out on the number of additional houses/units Homeswest will need to build to implement recommendations of the recent Bandt-Gatter report on the Supported Accommodation Assistance Program?

(2) If so, how many homes/units are planned?

(3) When will such homes/units be provided?

(4) If an examination has not been carried out on the number of additional homes/units recommended under the Bandt-Gatter Report -

(a) will such an examination be carried out;

(b) if so, when?

Mr PRINCE replied:

(1) No.

(2)-(3) Not applicable.

(4) (a) Yes.

(b) Once agreement has been reached with the commonwealth Minister on the implementation plan and timetable which is to be forwarded to the commonwealth Minister for Housing and Regional Development by the Minister for Community Development by 30 November 1994.

QUESTIONS WITHOUT NOTICE

ROYAL COMMISSION INTO COMMERCIAL ACTIVITIES OF GOVERNMENT AND OTHER MATTERS - SECOND REPORT RECOMMENDATIONS, GOVERNMENT SUPPORT

537. Dr GALLOP to the Premier:

I refer the Premier to the National Party campaign to discredit the royal commission and, in particular, to the continued arrogant treatment of the judiciary by his Deputy Premier in continuing to claim, despite outright public denials by the commission, that the commissioners barely had time to read part 2 of the report and simply accepted someone else's writings; and to comments by Mr Brinsden who said outside this House this morning that he was forced to go public and protect the royal commission's reputation and rebuke the Deputy Premier's claims "because I was so irritated by the inaccuracy of what he said". I ask -

(1) At what point will the Premier stop this disgraceful campaign to discredit the royal commission and its findings and pull his Deputy Premier into line?

(2) At what stage will the Premier stop ducking and diving and give an unequivocal guarantee to adopt all of the recommendations for better government contained in part 2 of the royal commission's report?

The SPEAKER: Before the Premier answers that question, I point out that we have quite a good practice in this House of allowing some material to support the basis of a question. The Deputy Leader of the Opposition is bordering on the extreme in some of the elements within that question.

Mr COURT replied:

(1)-(2) To deal with the last part of the question first, we have never accepted all of the recommendations in the second report. We have said we accept most of the commission's recommendations, and as a Government we have already implemented many of its suggestions, where we believe it to be appropriate in relation to a number of matters. It may be that the Deputy Leader of the Opposition has a blanket acceptance of everything that comes out in a report. Is that what he does? Does he accept all of the things in the report?

Dr Gallop: That is not the issue we are addressing.

Mr COURT: The Deputy Leader of the Opposition asked me the question.

Dr Gallop: The issue is the statement about the Deputy Premier in relation to the process -

Mr COURT: Read out the last part of the question.

Dr Gallop: Mr Brinsden said he had intervened "because I was so irritated by the inaccuracy of what he said".

Mr COURT: Read the last part of the question.

Dr Gallop: Get on with the issue.

Mr COURT: No, read the last part of the question.

Dr Gallop: Will you give an unequivocal guarantee to support the report of the royal commission?

Mr COURT: I just asked the Deputy Leader of the Opposition whether he would support all the recommendations.

Dr Gallop: We certainly are.

Mr McGinty: It is about time you did too, Premier.

The SPEAKER: Order!

Mr COURT: We have made it clear that we support most of their recommendations. I am not aware of any comments Mr Brinsden made today. I have a great deal of respect for Mr Brinsden. He has done a terrific job on the victims' advisory committee and also in his work in relation to the Parole Board. I am not aware of his comments and I will see them first.

ABORIGINES - KALUMBURU ABORIGINAL COMMUNITY
Pandalo, Mary, Accommodation

538. Dr HAMES to the Minister for Aboriginal Affairs:

(1) Is the Minister aware that Ms Mary Pandalo, OAM, of the Kalumburu Aboriginal community in the north west of Western Australia is of the opinion that she will not survive another wet season in her current accommodation?

(2) Will the Minister advise the House of any action he can take as a matter of urgency to resolve this situation?

Mr PRINCE replied:

(1)-(2) I thank the member for a little notice of the question. The member and I were fortunate some weeks ago to visit the Kimberley and we went to Kalumburu and met the lady in question. If I recall correctly, she is in her eighties. She is a most remarkable person, but she is in quite frail health. The situation at Kalumburu is that two housing projects are being completed. One is the construction of 12 new houses at a total cost of $1.7m, and the other is the upgrading of 15 existing houses - the better of them - at a cost of $2.58m. The total cost of construction going on at Kalumburu at present is $4.28m. Homeswest has contributed $2.74m and ATSIC has contributed $1.54m.

Dr Watson: We started them.

Dr Turnbull: You didn't! I went there one week after you were there.

The SPEAKER: Order!

Mr PRINCE: It is a construction and upgrading program which was begun in this calendar year, and not before, and it is more than somewhat overdue.

Dr Turnbull interjected.

The SPEAKER: Order!

Mr PRINCE: The problem is that even with that amount of money and the number of new houses and the upgrading, the community has made priority decisions concerning who will occupy the new houses and who will occupy the upgraded houses. It has a severe overcrowding problem, and in many instances more than 20 people are living in small, two or three bedroom houses. The community has made a decision that Mary, who is a single person living on her own, cannot go into one of the new or upgraded houses. She is quite desperate about that, and I can appreciate why. She spoke to me and to the member for Dianella when we were there. As a result of that, the Aboriginal Affairs Planning Authority wrote to the community upon my return to Perth asking that special consideration be given to this lady so that she might have better accommodation in the wet. I have also contacted the Chief Executive Officer of Homeswest and asked him to contact the contractor engaged in the upgrading to see whether with some additional funding, some repairs and maintenance can be done on the house in which this lady lives.

Mr Blaikie: Have you had a request from the local member?

Mr PRINCE: No. The purpose is to ensure that the house she lives in will enable her to survive in this wet. I saw the home in which she lives. It is bare earth floor, poles and tin. It is probably one of the original houses built in the late 1920s or early 1930s. It is not acceptable. I can understand why the community has made its decision, given the total nature of the situation. If there is anything I can do to give this lady better living conditions for the next three to six months, it will be done.

HOMOSEXUALITY - AND FAMILY, GOVERNMENT POLICY

539. Mr BROWN to the Minister for Community Development:

I refer to recent comments made by federal Liberal leader Alexander Downer on his attitude to homosexuality, including -

a comment reported in *The Australian* of 24 October 1994 where he stated, "your sexual preference is your choice and I wouldn't expect you to interfere with anybody else's . . ."; and

a comment in *The Australian* of 4 June 1994 where he said, ". . . if children were happy and well cared for it did not matter if they were in a single parent or gay family".

(1) Do the Minister's policies on the family support this view?

(2) If not, will the Minister explain how homosexual couples fit within the Government's definition of a family?

Mr NICHOLLS replied:

(1)-(2) The question is really -

Mr Ripper: Too hard!

Mr NICHOLLS: No, it is a dilemma. The question may be a little too hard for the member for Belmont to grasp. The key issue is what is best for children.

As part of the Year of the Family campaign in Western Australia, the Government made it clear it was not trying to indicate what were good or bad families. As an individual, I have made it clear that where people cannot naturally conceive children - that is, lesbian or homosexual couples - we should not be trying to provide children for those people.

Mr Ripper: What is your position as Minister?

Mr NICHOLLS: It is not to make some sort of gesture - as Opposition members might try to do - to appease minority groups in the community. The Government takes the view that we need to consider what is best for the child. Many families are living in lesbian or homosexual relationships -

Mr Brown: What is your attitude?

The SPEAKER: Order!

Mr NICHOLLS: These people care for children and receive support from the Government and/or its agencies because it involves either biological parents or guardians. Adoption, foster care or IVF procedures involve a moral dilemma with which the community needs to deal. Currently, decisions are made taking into account the best interests of the child. Invariably, the best interests of the child are served either by looking for a heterosexual couple to provide a father and mother role, or a sole parent who has the capacity to meet the needs of the child; but there are some occasions where homosexual or lesbian couples care for children and receive support.

When talking about calling for my public support for or advocation of the idea that we should try to promote the notion - as promoted by the Labor Party federally and interstate -

Mr McGinty: Alexander Downer is on your side.

The SPEAKER: Order!

Mr NICHOLLS: Members opposite advocate that the only way we will provide a good family structure is to promote gay rights or homosexual or lesbian couples as being equated to the family that every child should be able to be part of -

Several members interjected.

Mr NICHOLLS: We should continue to focus on the best interests of the child to try to promote balanced, strong, respectful and loving families.

Mr Brown: Do you agree with Alexander Downer?

The SPEAKER: Order! We have heard that point before.

Mr NICHOLLS: The issue is what we, as a Government, are doing for people in Western Australia. Many people around Australia, such as members opposite, are trying to appease minority groups -

Mr Brown: Alexander Downer is one of those, is he?

The SPEAKER: Order! The member for Morley.

Mr NICHOLLS: - with the notion of capturing the gay and lesbian vote.

Several members interjected.

The SPEAKER: Order! I formally call to order the member for Morley.

Mr NICHOLLS: The Government is considering the best interests of the child. We have clearly demonstrated as part of the Year of the Family campaign -

Several members interjected.

The SPEAKER: Order!

Mr NICHOLLS: We have made it clear that we will focus on the benefits and strengths of families.

Dr Gallop: I am glad that I am not in the Liberal family. We would not get much support.

The SPEAKER: Order! I ask the Minister to bring his answer to a close.

Mr NICHOLLS: We are promoting the notion that the best interests of children are our primary concern. We are not trying to capture the minority group vote by trying to appease those groups in the way members opposite are trying to do.

WOMEN'S REFUGE - KOOLKUNA

540. Mrs van de KLASHORST to the Minister for Housing:

Can the Minister give me any advice on the progress of the construction of the Koolkuna women's refuge?

Mr PRINCE replied:

The Eastern Region Women's Group, which uses the Aboriginal name Koolkuna, was funded $400 000 under the 1993-94 crisis accommodation program, $70 000 of which was spent on purchasing appropriate land. That left $330 000 to build the refuge. When the first tenders closed on 30 June, only one tender was received, of more than $500 000. Tenders were called again in August, and all tenders were again over the budget price, two of them by a considerable amount. As a result, Homeswest determined that the project was probably overspecified, so the architects were directed to redraft the specifications. The project will go to tender again this Saturday in *The West Australian*. The tender period will be three weeks, and I understand that the Shire of Mundaring, which is involved in negotiations over this matter, has indicated that local builders may be interested in tendering. I hope to see the project going, preferably in the New Year.

PLANNING LEGISLATION AMENDMENT BILL - WITHDRAWAL DEMANDS

541. Mr KOBELKE to the Minister for Planning:

I draw the Minister's attention to the editorial in *The West Australian* today which says, "It is time Mr Lewis confronted reality" over the planning legislation amendment Bill. When will the Minister confront reality and accede to the Labor Party's demands that he withdraw the Bill now that its flaws have been so thoroughly exposed, and enter into honest and rational consultation with the various interest groups to achieve improvements to the State's planning legislation?

Mr LEWIS replied:

As members of the Opposition know, the coalition Government is a listening government.

Several members interjected.

The SPEAKER: Order!

Mr Brown: Is it a listing Government?

Dr Edwards: Not to the left!

The SPEAKER: Order!

Mr LEWIS: I defy anyone in this House to question the principle of the development of the planning legislation. It is on the record that members opposite support it.

Several members interjected.

The SPEAKER: Far too many members are interjecting. I must admit that a moment ago some interjections were very good. However, there are too many interjections at the moment. The Minister cannot be heard and he must be heard.

Mr LEWIS: It is interesting that *The West Australian* is a precursor of every question asked by members opposite. My compliments to *The West Australian* for doing the Opposition's job.

Members opposite locked themselves into the principle of the Bill six or seven months ago. They have not worked out that with the formation of the Subiaco Redevelopment Authority, the principle was enunciated. Members opposite came on board and supported the principle. I clearly recall that, and maybe that is the reason for the deathly silence from the Opposition. Members opposite know jolly well that the principle is right. Members opposite are riding on the backs of the conservation movement and the environmental movement, and getting *The West Australian* to do the job for them. That is the truth of the matter.

The Royal Australian Institute of Planners, the Association of Consulting Planners of Australia, and the Western Australian Municipal Association support the legislation totally.

Mr Kobelke: In part.

Mr LEWIS: No, in total! Eminent legal people support it. Unfortunately, until recently those opinions were not published in *The West Australian*. The legislation has received an absolute bevy of support, and it is disappointing in the extreme for the media to say that it is one-sided legislation. The suggestion that the Chamber of Commerce and Industry is against the legislation is fallacious. Indeed, at this very moment we are discussing it with the CCI.

Several members interjected.

The SPEAKER: Order!

Mr LEWIS: I am only just starting - I am not finished at all! The truth of the matter is that this legislation has widespread public support. Interestingly, the rabble on my right has not made one whimper or received one line of coverage in the Press during the campaign to discredit this legislation.

LAKE CLIFTON - STROMATOLITES PROTECTION

542. Mr MARSHALL to the Minister for the Environment:

The stromatolites at Lake Clifton are part of a 2 000 year old reef formation that represents the first forms of life on the planet. A recent newspaper article criticised the Environmental Protection Authority's approval of relaxed conditions to allow subdivisions and bores around the lake, thus putting the health of the stromatolites in jeopardy. What action is being taken to protect the stromatolites?

Mr MINSON replied:

I thank the member for some notice of his question. As members will be aware, the Environmental Protection Authority and I have been concerned for some time about the potential impact of new developments in the Lake Clifton area. The EPA has decided to adopt a non-statutory, small stick approach to this question.

Mrs Henderson: A small stick?

Mr MINSON: As opposed to a big stick.

Mrs Henderson: With bores on every block!

Mr MINSON: The strategy is being developed in cooperation with key Government agencies, such as the Water Authority of Western Australia, the Department of Agriculture, the Commonwealth Scientific and Industrial Research Organisation, the Geological Survey, the Department of Planning and Urban Development, and the Shires of Waroona and

Mandurah. Once implemented, the strategy should ensure the ongoing survival of the stromatolites. The development of the strategy requires careful negotiation rather than a big stick approach. The EPA strategy seeks the cooperation of landowners as well as relevant local authorities and government agencies. Officers of the Department of Environmental Protection have attended public meetings in the area, and have distributed a discussion paper, to which many landowners have responded. The draft strategy will be released towards the end of November and will be available for general public comment.

Mrs Henderson: Is that not a little late?

Mr MINSON: No. I also understand that the Water Authority has applied for funding from the Commonwealth to carry out a monitoring and research project for Lake Clifton.

TELEVISING OF PARLIAMENT - INTRODUCTION

543. Mr McGINTY to the Premier:

I remind the Premier of his undertaking on 27 April 1993 to introduce the televising of Parliament. Given that 18 months has now elapsed, and that the Premier has received the report of the committee which developed the proposals, when will the Premier honour his pledge or is he having second thoughts after observing the performance of his Ministers and as a result of his reticence to answer questions, except those which he has rehearsed?

Mr COURT replied:

I have received a report from the Presiding Officers in relation to the different options available for the televising of Parliament. One of the cheap options involves cameras simply being placed in the Public Gallery. Another option is more expensive, and we are considering the funding of the more expensive proposition so that the televising of Parliament can be done professionally.

HOOKWORM - ABORIGINAL COMMUNITIES, TREATMENT

544. Dr HAMES to the Minister for the Environment representing the Minister for Health:

(1) Can the Minister advise of the success of the management program for hookworm in Aboriginal communities in the north west of Western Australia?

(2) Does the Minister support annual treatment of all members of the community in susceptible areas to manage this serious infestation?

Mr MINSON replied:

(1)-(2) I thank the member for Dianella for his question, and its notice as it was necessary to seek counsel from the Health Department and the Minister. The community-wide treatment of the Aboriginal community with the most severe epidemic of hookworm - Kalumburu - was undertaken in 1993, using Albendazol, a drug especially approved for this purpose. The prevalence of hookworm fell away from in excess of 75 per cent of the population to zero. I understand that subsequent re-infection from environmental sources has led to an infection rate of about 20 per cent of the population.

The hookworm incidence in an adjoining community of Oombulgurri is more local in its distribution, and treatment is provided on an individual basis. The essential elements in hookworm eradication have been known for some time. Since the national hookworm eradication campaign of 1919 and following, containment requires an environment free of faecal contamination. Therefore, the ultimate success of such a program relies

on environmental health in the area, with the proper operation of septic tanks and such facilities. The treatment of the individual can lead to only temporary eradication if other aspects are not considered. The drug therapy must be combined with proper environmental health issues, which have been lacking for some time. As the Minister for Aboriginal Affairs knows, on many occasions the services are provided but not maintained; the success of a program can depend upon this maintenance.

ELEVATIONS NIGHTCLUB - CRIMINAL ACTIVITY

545. Mr CATANIA to the Deputy Premier representing the Minister for Police:

Unfortunately, the Minister for Police is not able to be here this afternoon. As some notice has been given of this question, the Deputy Premier has kindly consented to provide an answer.

(1) Will the Minister for Police advise the House how many charges have been laid against people in and around the Elevations Nightclub?

(2) Has the Minister received advice on the issue of criminal activity in and around Elevations Nightclub?

(3) If so, when did he receive the advice and what action did he take?

(4) Has the Minister received advice about the decision by the Minister for Planning to uphold an appeal to extend the nightclub, and whether police clearance was obtained?

(5) If so, when did the Minister receive that advice and what action did he take?

Mr COWAN replied:

If the Speaker will allow me to provide the answer I was given by the Minister for Police, I will do so.

The SPEAKER: Please do.

Mr COWAN: The Minister for Police thanks the member for notice of the question. The answer reads -

(1) This specific information is not available.

(2) Yes, by way of draft response from the Commissioner of Police to a matter raised by a member of Parliament which was forwarded to the member in 1993.

(3) August 1993. The matter was brought to the attention of the Commissioner of Police and as this is an operational matter it is the responsibility of the commissioner to take whatever action he deems necessary.

(4) No.

(5) Not applicable.

HOMESWEST - CAREY PARK, BUNBURY, VACANT PROPERTIES

546. Mr OSBORNE to the Minister for Housing:

The Bunbury City Council has expressed concern at the number of vacant Homeswest properties in the Carey Park suburb of Bunbury. Will the Minister advise what will be done to avoid the waste of resources and the deterioration of street standards which have occurred as a result of these property vacancies?

Mr PRINCE replied:

The member quite correctly raises a matter concerning the redevelopment of Carey Park which was discussed this week, I understand, by Bunbury

City Council. Some of the aspects of the redevelopment of Carey Park were brought to the attention of Homeswest and me some months ago. It seemed at that time that some of the basic assumptions upon which the redevelopment was proceeding might not come to pass. The Carey Park concept plan and the future evaluation and forecast report between them looked at Carey Park really in isolation and not as part of the overall property market of Bunbury. Accordingly, Homeswest asked for a consultancy by State Management Group Pty Ltd to look into the way in which the plan for the redevelopment of Carey Park was proceeding and how it might perhaps be amended. The feasibility analysis was handed to me yesterday so I have had a chance to look at it only briefly. Homeswest has taken some action to tidy up the blocks where houses have been demolished and removed. Of the 11 vacant houses, six have been placed in the hands of real estate agents for private rental. Of the others two have been very badly damaged. If they are reparable, they will be repaired; if they are not, they will be demolished. The others will be repaired with a view to having private tenants in them as an interim measure while the Carey Park redevelopment is looked at. It is not intended to change substantially what is going on but merely take into account changes in occupation in Carey Park and Bunbury generally and also changes in land demand since the plan was originally developed. The result will be a one in nine Homeswest presence in the area, and for blocks that are able, to be sold on the open market. The matter will proceed.