

Legislative Assembly

Thursday, 26 October 1989

THE SPEAKER (Mr Barnett) took the Chair at 10.45 am, and read prayers.

PETITION - GRAYLANDS HOSPITAL

Prison/Forensic Unit - Establishment Opposition

MR HASSELL (Cottesloe) [10.48 am]: I have a petition in the following terms -

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

We, the undersigned respectfully sheweth:

That the community is extremely concerned about Government plans to establish at Graylands Hospital a prison/forensic unit for mentally disordered offenders and persons who have committed serious offences but have been found "not guilty" by reason of insanity, particularly because such unit will now be in the heart of a residential area and close to a public primary school and private college and therefore your petitioners humbly request that:-

1. Plans to establish the prison/forensic unit be abandoned forthwith; and
2. Any future plan to open a prison/forensic unit within a populous suburb and next to schools and playgrounds be fully discussed with and justified to the community and all relevant authorities and interests before such future decision is made.

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 20 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 78.]

PETITION - ROYAL COMMISSION

Western Australian Government - Business Dealings Investigation

MR COURT (Nedlands - Deputy Leader of the Opposition) [10.50 am]: I have a petition in the following terms -

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

The petition of certain citizens respectfully sheweth:

We request that the Parliament institute a Royal Commission to investigate:

- the dealings of the Western Australian Government and the R & I Bank;
- the dealings of the Western Australian Government and the State Government Insurance Commission;
- the dealings of the Western Australian Government and the WA Development Corporation;
- the dealings of the Western Australian Government and the Burswood Casino;
- the dealings of the Western Australian Government and the Bond Corporation.

And your petitioners, as in duty bound, will ever pray.

The petition bears 31 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 79.]

PETITION - AIDS

Sufferers' Rights - Priority Request

MR COURT (Nedlands - Deputy Leader of the Opposition) [10.51 am]: I have a petition in the following terms -

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

The petition of certain Citizens of Australia respectfully sheweth:

Whereas for various reasons general members of the community are at risk of contracting Acquired Immune Deficiency Syndrome (AIDS) due to the actions of a small minority of people,

Therefore your petitioners pray that the parliament urgently correct the situation whereby the rights of some AIDS sufferers who are said to be knowingly engaged in practices that are likely to spread AIDS are being given priority over the right of uninfected members of the community to be protected from this seemingly fatal infectious disease.

And your petitioners, as in duty bound, will ever pray.

The petition bears 18 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 80.]

PETITION - LEDA BUSHLAND

Housing Developments - Preservation Request

MR MARLBOROUGH (Peel) [10.52 am]: I have a petition which reads as follows-

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 you to save the bushland at Leda from housing developments and to conserve the area as state reserve.

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 70 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 81.]

PETITION - LEGISLATION

Initiation and Veto - Citizens' Powers

MR COURT (Nedlands - Deputy Leader of the Opposition) [10.54 am]: I have a petition which reads as follows -

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

The Humble Petition of certain Citizens of Australia respectfully sheweth:

That your electors and citizens will not feel themselves to be participants in a truly democratic State until the legislative procedures of the Parliament are complemented by a constituted power of enrolled electors to directly initiate public referenda of questions which, if assented to by a majority of the electorate, shall be made laws irrespective of the will of the Parliament; and

That your petitioners therefore request the Parliament to make laws in the year 1989

which will constitute the power of citizens both to initiate and to veto legislation by means of an equitable, practicable and accessible process.

And your Petitioners, as in duty bound, will ever pray.

The petition bears 40 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 82.]

PETITION - SWAN BREWERY SITE

Demolition - Riverside Parkland Request

MR COURT (Nedlands - Deputy Leader of the Opposition) [10.56 am]: I have a petition which reads as follows -

To the Honourable the Speaker and Members of the Legislative Assembly in Parliament assembled:

- (a) The signatories to this petition believe that the Old Swan Brewery should be demolished and its site, and the old stables site, established as riverside parkland under control of the King's Park Board;
- (b) we believe that a majority of Western Australian citizens share our belief;
- (c) we therefore request that:
 - (i) the Government and the Western Australian Development Corporation (which is accountable to the people of the State through Parliament), halt all further work on the Old Swan Brewery site pending the outcome of a referendum of the people on the issue;
 - (ii) the Parliament adopt legislation for, and the Government facilitate, a referendum on the question of whether the Old Swan Brewery should be demolished and the area established as parkland;
 - (iii) the Government abide by the decision of that referendum.

Your Petitioners as in duty bound, will ever pray.

The petition bears 40 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 83.]

NOTICES OF MOTION

Argument Inclusion - Precise Wording Request

THE SPEAKER (Mr Barnett): A practice is beginning to occur in the House with the presentation of notices. A notice of motion containing the words of the motion should be precisely that. A practice is developing where the motion itself contains most, if not all, of the argument which will be put if and when the motion is debated. It is happening with increasing regularity. It is not proper for this to happen. If due care is not taken with notices of motion in the future, that part of the motion which I consider to be argument will be struck out and the motion put on the notice paper as it ought to be.

TOBACCO BILL

Introduction and First Reading

Bill introduced, on motion by Mr Wilson (Minister for Health), and read a first time.

NOTICE OF MOTION

Withdrawal

MR D.L. SMITH (Mitchell - Minister for Justice) [10.59 am]: I seek leave to withdraw the notice of motion which is in my name. The format of this motion was apparently moved

at the Select Committee. However, after discussing it with the Attorney, he believes the matters relating to parole are too important to be dealt with on the basis of a quorum of two of the members. Therefore I withdraw the matter and will have further discussions with the members of the Select Committee from the Assembly to see if we can reformulate the motion in a form which will be acceptable to all sides.

Leave granted.

MATTER OF PUBLIC IMPORTANCE - TOURISM INDUSTRY

Pilots' Strike Damage - Assistance, Government Support

THE SPEAKER (Mr Bamert): Members, I advise that today I received a letter from the Leader of the Opposition seeking to debate as a matter of public importance the implementation of actions to assist the tourism industry in Western Australia, particularly that section which has been so severely damaged by the pilots' strike.

[Five members rose in their places.]

The SPEAKER: In accordance with the Sessional Order, half an hour will be allocated to each side of the House for the purpose of this debate.

MR MacKINNON (Jandakot - Leader of the Opposition) [11.02 am]: I move -

That this House calls on the State Government to immediately implement and support actions to assist the tourism industry in Western Australia, particularly that section which has been so severely damaged by the pilots' strike by -

- (a) extending the promotion campaign of the Tourism Commission "Holiday now, holiday free next year" concept to the Northern Territory;
- (b) calling on the Federal Government to abandon the two airlines agreement which will hasten the settlement of the dispute and provide competitive air fares to aid tourist industry recovery; and
- (c) seeking support for a nationwide campaign - a WA Liberal Initiative announced last Sunday - to encourage Australians to "Holiday at Home" during 1990 in an effort to provide real support to the nation's tourist operations and reverse the outflow of more than \$5.4 billion which Australians currently take out of the country in foreign holiday spending.

The pilots' dispute which has continued for three months has caused enormous damage to the tourist industry of Australia and of Western Australia; damage that was referred to in last Saturday's *The West Australian* and last Sunday's *Sunday Times*. I am sure that members are aware of the damage that has been caused. In Perth our major hotels are suffering and the businesses which provide provisions to those hotels have been severely affected.

Not only that, the tourist facilities in the metropolitan area which international tourists visit have been significantly hurt as a consequence of the strike. The overtime of employees in the industry has been slashed and, in many cases, employees have been laid off. An industry which was to be the new growth industry of the 1990s as far as Australia is concerned is facing a major setback.

I returned yesterday from a brief visit to Broome and the impact of the pilots' dispute on the north of our State was very evident. I spoke to a major hotel operator in that town and he indicated that his hotel's occupancy rate now, the peak tourist season, is 20 per cent when it should average between 80 per cent and 100 per cent. That gives members a clear indication of the millions of dollars which have been lost to the town of Broome. The towns in the Pilbara have suffered in a similar way. The newsagent in Broome now sells 60 per cent fewer newspapers than he did 12 weeks ago. That business is a good measure of the impact that the pilots' strike has had on the town.

Many people have gone into the tourism business, some with large overheads, and interest payments have to be met. They had been looking forward to the peak tourist season to tide them over and in the next week or two they will be entering what is called the green season - the off-season. Imagine the devastation that will be caused to the tourist and related industries in the north west of our State as a consequence of the strike.

I met with members of the Chamber of Commerce in Broome on Tuesday, and even the people who are benefiting from the downturn in the tourist trade are concerned. I refer, in particular, to the coach operators who have been flat out, but they are concerned about the overall damage the strike has caused to the industry, in spite of the fact that they have gained from it. I said at that meeting that the only silver lining to come out of the cloud of the pilots' dispute is the need to continue the tourism campaign to which this Government is committed and to which we were committed when we were in Government. Members should think of the costs involved if the tourist industry is not given support to continue its momentum. Of course, that is very clear to the people who depend on the industry for their livelihood and to the people employed in the associated industries who, until recently, were not aware of the impact of the strike on them.

There is an urgent need for a comprehensive campaign by the Government, hopefully with bipartisan support in this House, to overcome these difficulties. That is the reason this motion concentrates on positive aspects and not negative aspects. For example, I could have included criticism of the Government for the cutback in the Tourism Commission's budget which I have done previously. However that I have not chosen to do so today because I want this debate to be positive to try to address a serious issue.

I could also have commented on what I see as the biggest scandal of all; that is, the tourism industry is in crisis as a consequence of the pilots' dispute and the industrial relations system is paralysed. What commendation is it to Australia's industrial relations system when, three months after the dispute began, we are no closer to a solution to the problem? If ever there was an endorsement of the need to change our industrial relations systems, this dispute underlines it.

I refer to the suggestions I have put forward to overcome the problem. The Government has embarked on a campaign which was highlighted in last Saturday's *The West Australian* to take a holiday now and have a holiday free. It is a good initiative and it has the Opposition's support. However, it was pointed out to me in Broome and towns like it in the Kimberley that it is not a promotion which will be of assistance to the people who live in the area. Great distances have to be travelled and it is difficult for people to arrange holidays, and many people are reluctant to travel by plane. The promotion will be of limited benefit to the people of the Pilbara and the Kimberley.

An excellent suggestion was made that we should be promoting, on the same basis as the Government's campaign, a campaign in the Northern Territory. The Northern Territory is a sizeable market for tourism into the Kimberley and Pilbara regions. The area has many unique attractions that would appeal to tourists. I am not referring only to Cable Beach at Broome, but also to the Fitzroy Valley, Bungle Bungle and Wittenoom. Those areas could be marketed actively and aggressively. Coach travel is not an impossibility into those regions and, as I understand it, the airline industry will be returning to some sort of normality in Darwin and surrounding areas in the not too distant future, hence our suggestion to extend the tourism campaign into the Northern Territory. We should not limit it to Western Australia, but should go a little further and give the people of the Kimberley and the Pilbara the support they are looking for as they head into what is arguably the most difficult time their industry has faced - the green season - after a devastating peak season which has been ravaged as a consequence of the pilots' dispute.

The Opposition's second suggestion is the deregulation of the airlines. It is interesting that not only did we discuss this issue at the meeting in Broome on Tuesday; it was also debated in the Federal Parliament yesterday. The two airline agreement contains a clause to the effect that the airlines will be deregulated from November 1990. We believe that section 6(1)(d) of that agreement has been breached; as a consequence, the Federal Government should throw that agreement out the window - which it has the power and authority to do - and bring forward to this year the deregulation process.

That would bring about some major changes and improvements to the airline system. First, the threat of competition would place immediate pressure on the airlines to try to find a settlement to what has become a very costly dispute. Second, it would enable those people who are in the business of promoting alternative airlines to get into that business earlier. This would result in competitive pressures which would lead to improvements in the level of service, the lowering of air fares, and the marketing of more attractive tourist packages,

which would materially assist States such as Western Australia, whose people are the most isolated in Australia - people such as those in the Pilbara, the Gascoyne, and the Kimberley. That would be a positive move; not one - as the Federal Minister for Transport, Mr Kim Beazley, was reported as saying - designed to support the Australian Federation of Air Pilots. The federation has not acted any better, nor any worse, than the companies or the Government. It is a tripartite disaster; none of the parties can be proud of the way they have handled themselves in a dispute which has left this country's reputation in tatters.

The second part of the motion calls on the State Government to support our call to the Federal Government to abandon the two airline agreement. That is a step in the right direction because it would bring significant benefits to Western Australia. For far too long now we have suffered from the tyranny of an agreement that was modelled to serve the Melbourne-Sydney-Canberra axis, not the people in Western Australia. The sooner we can get rid of that agreement, the better off we in Western Australia will be. It would be a very good initiative which would encourage and hasten the resolution of this costly dispute.

The third part of the motion seeks support for the proposal we announced last week, which has not yet been put before the Parliament; one which I would like to think the Government would support. We want to see promoted nationally throughout 1990 - when hopefully our airline system will be back in operation - the concept of encouraging Australians to "Holiday at Home". During this year about two million Australians will travel overseas, and spend about \$6 billion; a large part of that money could be retained in Australia if those people were to holiday at home. This form of promotion is an important role for Government. Tourism Commissions are established to support marketing campaigns to assist the States' tourism industries. We should provide the lead by initiating a call around Australia to launch that campaign at the Federal level, with the support of each of the States. We all remember the Australian Tourism Commission's marketing campaign in the United States, which featured Paul Hogan. That campaign was a marketing success of the first order, and brought about huge benefits for Australia. There is no reason to think that a similar campaign on a national level could not succeed to the same extent, given the support of Federal and State Governments, and the tourism industry. Industry would be crying out to provide the leadership and support for such a campaign by providing competitive tourism packages to get people back into a tourist mode. We have not thought up this idea willy nilly. We have discussed it at length with Sir Frank Moore, the Chairman of the Australian Tourism Industry Association, which is the peak industry body for the tourism industry in Australia. He made some further suggestions about the proposal which we announced last week. The first included a commitment by the Federal Government to provide a grant to enable the Australian Tourism Commission to mount a major overseas campaign to support the "Holiday at Home" concept at a Federal level. However, that is a matter for the Federal Government, not this debate.

We believe these proposals could result in a change to the present situation. There are thousands of Western Australians who choose to spend their holidays in Bali or Singapore, but when we think about the packages which have been put together over the last 12 months, where a person can holiday in Broome, for example, for the same period and for the same price, it is not difficult to imagine how successful such a campaign could be. I am sure thousands of Australians would be thrilled at the vista of the Bungle Bungles; those people who have been fortunate enough to go there would agree with me that it is a most magnificent sight, and compares with the Grand Canyon in terms of a visual experience.

The State Government's promotion of the concept of "Holiday now, holiday free next year" is good in that it addresses the problems faced in Western Australia, but it is not doing anything about Australia. We should support the "Holiday at Home" concept, which would result in spin off benefits for Western Australia because part of the drive of that campaign will be to encourage people in Sydney, Melbourne and Adelaide to holiday in Western Australia rather than in Hong Kong, Fiji or New Zealand, in order to enjoy many of the magnificent attractions we have in this State. That campaign would also encourage Australians to look at some of the tourist assets they have in their respective States, rather than holidaying overseas. The campaign would be based on appealing to the patriotism of Australians, to ensure that they see Australia first.

The campaign would help to restore in Western Australia what was until three months ago our fastest growing industry, and our second largest employer, which made a huge

contribution to Australia's future, and which by any measure - and I do not think this overestimates the impact of the pilots' dispute - is bleeding to death. If members doubt the severity of the comments I have made, I urge them to do as I have done: Go to Broome and talk to some of the people who have been devastated by the impact of this dispute; talk to the hotelier to whom I spoke, who said, "I have on my desk a stack of cancelled bookings, which has cost me in excess of \$700 000 during the last three months." An enormous amount of money which could have been injected into the local community has been lost. If we assume that every person involved would have spent the same amount of money again - that is, a total of \$1.4 million would have been spent by those people during that three month period, in addition to the air fare - and if we multiply that by three, which is the accepted multiplier effect, we find that in that one case alone, \$4 million has been lost to the Broome community as a consequence of the pilots' dispute. It is catastrophic and something must be done about it. It is not good enough to sit in this Parliament and be critical of one another, saying one side has better ideas than the other. We must be positive and find realistic alternatives to give assistance and solve this problem immediately so that we can get on with the job of building a better Australia for the future.

I commend this motion, particularly to the Government, which I hope will take the motion for what it is meant to be - a positive contribution towards trying to find a resolution for what has been a very difficult and almost devastating dispute, particularly for the tourism industry in Western Australia.

MR GRILL (Eyre - Minister for Tourism) [11.21 am]: The Government is prepared to support the thrust of this motion, but not the words, so I shall be bringing forward an amendment towards the end of my speech. The Government recognises the cooperation which has taken place in this House up to date in respect of tourism matters related to this strike. We respect the previous unanimity expressed in this House in relation to the motions brought forward by the Government and the Opposition. We do not want to break away from that cooperation and unanimity. We cannot support all the words in the motion put forward by the Leader of the Opposition, but we support the spirit of the motion. My amendment will come up fairly shortly.

Mr Court: Do you want us to type it?

Mr GRILL: That is being done now.

Having said that, we in the Government agree with the Leader of the Opposition when he points to the horrendous damage being done to the tourism and hospitality industries in Western Australia, and all the other ancillary industries, as a result of this airline pilots' strike. Let us also agree that all industries in Western Australia related to tourism have suffered more as a result of the tyranny of distance and our geographic isolation than those in any other State, and that includes Tasmania, which is probably more dependent on air transport than Western Australia. Tasmania has been dealt with much more kindly in terms of the limited capacity available by the two airlines.

Tasmania depends on airlines for about 80 per cent of tourists coming into the State. Western Australia's dependency is about 63 per cent for tourists coming in by air. However, in terms of the capacity available at the present time, by reason of its geographic position, Tasmania has had a far better share of the available capacity from both Ansett and Australian Airlines than has Western Australia.

On top of that, Western Australia has the problem that internally we rely on air traffic far more than any other State; far more than either Tasmania or Queensland. We agree that this airline strike has probably done more damage to Western Australia's tourist industry than it has done to any other State. We also agree with the comments of the Leader of the Opposition in respect of Broome and the Kimberley. These are very isolated parts of the State which are almost entirely dependent on air for tourism from the south.

We do have a market for tourism in the Northern Territory, and it is growing. We feel that there is some merit in the first item in the Opposition's motion that we should extend the promotion campaign of the Tourism Commission, "Holiday now, holiday free next year," or the double value WA campaign launched by the Premier last week to the Northern Territory. That campaign has already been extended to the Northern Territory. In fact the Royal Automobile Club of the Northern Territory has that campaign already under way. That

campaign will be followed with advertisements in the media in the Northern Territory to reinforce the marketing already going on under the umbrella of the Royal Automobile Club.

There is unanimity of thought, a cooperative spirit and deep concern for the industry in Broome and in the Kimberley generally. Broome is not the total of the industry in the Kimberley by any means, but we must appreciate that the peak of the season in Broome and the Kimberley has now passed; those centres are now into the very low part of the season and our campaign must be tailored with that in mind.

There is merit in extending that campaign to the Northern Territory. It is now a significant market for Kimberley tourism traffic. That campaign will be beefed up with advertising in the very near future. We agree almost entirely with the motion put forward by the Leader of the Opposition.

The second item in the Opposition's motion calls upon the Federal Government to abandon the two airlines agreement which it alleges will hasten the settlement of the dispute and provide competitive air fares to aid the recovery of the tourist industry. In the amendment I shall shortly put forward to the House, we simply want to note the action taken by the Federal Government to abandon the two airlines agreement by October 1990. In saying that and indicating that we are not prepared to go as far as the Opposition in calling for the abandonment of the policy immediately, I indicate that the two airlines policy as it presently operates was an initiative of the conservative Fraser Government.

Mr MacKinnon: We are well aware of that; that is why it lost Government.

Mr GRILL: One of the provisions of the agreement brought down by the Fraser coalition Government was that three years' notice needed to be given for the abandonment of that policy. Notice was given by the Hawke Labor Government on 7 October 1987, so it was a Labor Government which gave notice that the two airlines policy in its present form should cease to operate at the expiry of that notice, which was given as 30 October 1990. I can see no way to bring that date forward.

Mr MacKinnon: It can be. Under item 6(1)(d) of the Schedule, if the airlines are not providing the service they are in breach of the agreement.

Mr GRILL: I heard what the Leader of the Opposition said but I cannot see any way in which the date can be brought forward, in either a legal or a practical sense. Let me deal with the latter first. Other airlines are now waiting in the wings, gearing up to take advantage of the deregulation which will commence on 31 October 1990.

Mr MacKinnon: They have signed up a lot of the pilots involved in the current dispute.

Mr GRILL: That is probably true, but they will not be in a position to implement those flights much before that date. Secondly, I do not believe it would be appropriate for the Federal Government at this stage to enter into a very messy legal battle with the two incumbent airlines in respect of the abandonment of the two airlines policy. Indeed, it would be a very messy business to do that; so for all practical purposes it is most unlikely that the date could be brought forward from 31 October 1990.

We do not want to talk a lot of rhetoric or make empty sounds which sound good for the tourism and hospitality industries. What we want to do, firstly, is to give some recognition to what has been done already and then take some further practical steps which will help that presently very beleaguered industry.

Mr Court: Do you think the Federal Government should have become involved in the dispute in the way it has?

Mr GRILL: The Leader of the Opposition indicated in his speech that that was an area - I think he used the word "mire" - he did not want to get into. If the Deputy Leader of the Opposition wants to get into a debate which leads down this unproductive track, we can accommodate him, but the short answer to his question is that the actions taken by the Federal Government to date have been appropriate. Whether I agree with the style of them is another thing, but let us not get into that argument. I think there is general accord that we will not debate that side of it. Let us talk instead about what practical things we can do for the industry.

I do not think plunging the industry into a legal fight as to whether the date for deregulation

should be brought forward would be a good thing for the industry at the moment. The industry is already destabilised and we do not want to further destabilise it with action of that kind which would probably tie us up in the High Court long beyond 31 October 1990, which is the implementation date for the policy and the date by which at least two of the new companies which want to enter the field will be able to do so in a very productive way.

We in Western Australia have supported deregulation for some years now. We have been at the forefront and, once again, there has been cooperation between the Opposition and the Government in working towards that goal. Our combined concern has met with success in that regard. Western Australia has been in the vanguard in calling for deregulation because, in the past, although it may have served parts of the eastern coast well, the two airline policy simply has not served this State well; and it is the Labor Party which has been prepared to take that action - to grasp the nettle and deregulate the industry - in the hope, and the prospect, that the price of air fares will become more competitive between the east and west coasts, and between other parts of Australia. Therefore we should note and possibly even applaud the action taken by the Federal Government to abandon the two airlines policy by October 1990.

The third prong of the motion moved by the Leader of the Opposition relates to a national campaign to encourage Australians to holiday at home. The Government supports the sentiments of that part of the motion. We would like to see Western Australians and Australians take their holidays at home. It would be a dramatic fillip to the Australian economy at a time when we really need to do something about our balance of payments problem. So we support the sentiment; but, like many of the emotional calls to "Buy Western Australian", or "Buy Australian", the rhetorical call simply to take a holiday at home really does not work, despite the notion's being laudable.

Mr MacKinnon: Yes it does work, if it is marketed properly. It is like saying, "Throw another shrimp on the barbie." That would have not succeeded unless it was marketed successfully. It was, and it went like a bomb.

Mr GRILL: The Leader of the Opposition is quite right, but that promotion was specifically targeted at a market, mainly America. It portrayed Australia as a very desirable holiday destination, and along with that went a whole range of packages. This question has been grappled with by the Ministers of the various States and by the senior bureaucrats of the Tourism Commission or its equivalent in those States. Whether the State Government be Labor, coalition, as it is in the Northern Territory, Liberal, or National Party, as it is in Queensland, to a man the Ministers for Tourism and/or their senior executives have said that such generic and emotional rhetorical campaigns simply do not work. What is needed at this time is not an emotional campaign, or a general campaign, or a rhetorical campaign; what is needed is a campaign directed specifically at particular targets and not directed in a national sense in the way the Leader of the Opposition has indicated; although I would agree with him if he said it needed to be funded nationally. I think we would all agree with that, and certainly all the Tourism Ministers have agreed with that; but it is horses for courses and each State has a greater ability at this time to direct funds and resources at particular target markets rather than have a campaign run nationally, centrally from Canberra, which would not have the sensitivity or the local knowledge and which would not be able effectively to direct those resources and funds at the areas of need. That is the unanimous view of the Ministers for Tourism throughout Australia. Their view is that such a campaign should not be run centrally but should be run by the States, which have the ability, manpower, mechanisms and knowledge to direct the campaigns at the crucial areas and to do so very quickly. Therefore we cannot endorse a centralised campaign and for that reason the amendment I propose to move will not endorse the wording of that part of the Leader of the Opposition's motion.

Amendment to Motion

Mr GRILL: I move -

To delete all words after "That" with a view to substituting the following -

this House notes the action already taken by the State Government to assist the tourism industry in Western Australia in the light of the severely damaging pilots' strike and endorses in principle actions -

- (a) to extend the promotion campaign of the Tourism Commission "holiday now, holiday free next year" concept to the Northern Territory;

That is exactly the same as the first part of the motion moved by the Leader of the Opposition. My amendment continues -

- (b) taken by the Federal Government to abandon the two airlines agreements by October 1990; and

We do not believe that it is productive and practically possible to bring that date forward. My amendment continues -

- (c) that the State Government having already commenced a practical campaign to encourage Western Australians to "Holiday at Home" call upon other States and the Federal Government to take similar measures on a State by State and a national basis.

We believe there is something laudable about promoting the concept of holidaying at home and the campaign should not be directed centrally from Canberra, but should be endorsed and directed by the State Governments of Australia.

With those qualifications to the motion moved by the Leader of the Opposition, I hope they will be endorsed by both parties representing the Opposition.

MR GRAHAM (Pilbara) [11.41 am]: It is with a little trepidation that I speak to this amendment because the last time I spoke on this matter we had an unholy bunfight, yet the vote received bipartisan support.

Mr Court: Well, sit down then.

Mr GRAHAM: The member will have to be gentle on me today because I had a weekend at home last weekend.

Regarding the tourism industry in the north west, it always concerns me when people jump on a plane and fly from Perth to the glamour destination of Broome - I am not denigrating Broome, as it is a beautiful place and a lot of work has been done - but tend to ignore the other tourist destinations in the north west. Places other than Broome have a long established tourist industry, and I refer in particular to my home town of Port Hedland. The town has been severely damaged by the pilots' dispute and the small business people of the town continue to be hurt badly by the dispute.

Mr Court: In your area the business traveller is the most important.

Mr GRAHAM: I disagree with the member on that.

Mr Court: A lot of business people are no longer able to travel.

Mr GRAHAM: I cannot dispute that, but the tourist industry has been hit hard and there is a double effect on the whole package.

I do not want to go into the details of the dispute as to who did what to whom, but I was talking to an airline pilot the other day who is now working for a smaller airline. He said the main reason that the dispute had not been sorted out was that pilots were working on charter after they had resigned from the airline - and they are doing very nicely, thank you very much. They picked up their superannuation when they resigned and are now working. How the heck will the dispute be sorted out when the union does not keep its members on strike, and has not been able to get members back to work with the major airlines? I am critical of the Pilots Federation, but I will not spend time going into that.

Some people are doing some wonderful things in Port Hedland and have done so over the years. The money raised by the airport taxes were put to one side and people have lived with an airport which was not as glamorous as some others in the north west. They have waited until they are in a financial position to renovate Port Hedland International Airport, as is now happening. The town council has done a particularly good job as it has not only set about upgrading this facility, but also used local contractors to do the job instead of bringing somebody from Perth at a price. That is something that should happen more often; the local business people should be used in developing our facilities and resources in the north west. This is a major step forward by the Port Hedland Town Council.

It might be asked why I speak about Port Hedland International Airport when the House is debating the pilots' dispute. Every dispute and issue has its upside and its downside; the downside of the pilots' dispute is the enormous economic damage it has caused in Western Australia. The upside is that road and bus travel throughout the north west has increased enormously and I am happy to say that the middle of the range hotels and motels are doing very nicely. The Hillview Lodge at Tom Price is doing extraordinarily well out of the bus service which has increased to Tom Price. The bus service is delivering people to Port Hedland to travel internationally, and that is why I have some reservations about encouraging people to holiday at home. With an international airport at a small town like Port Hedland, it is possible to attract people from other regions to fly or catch the bus to the airport to travel internationally; that is a major bonus for the town.

I support the Minister's comments about the centralised and macro advertising campaigns not having much effectiveness. These campaigns should be run by the States and the towns at a local level so people can market their own destinations in a strategy laid down by the State. With those reservations, I am happy to support the amendment moved by the Minister.

MR MacKINNON (Jandakot - Leader of the Opposition) [11.48 am]: The Opposition accepts the amendment despite the fact the motion is now merely a motherhood statement; apart from that reservation, we are pleased to see the Government is suggesting that the "holiday free" concept will be extended to the Northern Territory. That is positive and a step in the right direction. The second part of the amendment does nothing to overcome the dispute, and merely endorses the Federal Government's action to deregulate the two airlines agreement. We supported that move at the time, and we still do, but the Opposition suggests that the date should be brought forward. While we endorse the comments made, this amendment weakens the commitment contained in the original motion. Paragraph (c) of the amendment states -

that the State Government "having already commenced a practical campaign to encourage Western Australians to "Holiday at Home" call upon other States and the Federal Government to take similar measures on a State by State and a national basis.

The State Government may have commenced a campaign, but it is not sufficient because, as we said earlier, it is not targeted as a national campaign. It should be targeted as a national campaign which gets to the root of a problem in a professional way. It can hardly be seen to be effective when the State's Tourism Commission's budget has been reduced by 18 per cent this financial year when it should have been increased by 18 per cent. Apart from paragraph (a) the Government's amendment is a motherhood statement which waters down the Opposition's motion. The Opposition supports the amendment, but apart from paragraph (a) the amendment does not do anything to overcome what is a severe problem. I am very disappointed the Government has not been big enough to see its way clear to endorse what is a serious attempt to overcome a tremendously difficult problem with which this nation has to grapple - it is an equally difficult problem for many small businesses in the tourist industry and related industries.

MR NICHOLLS (Mandurah) [11.51 am]: I am pleased that the Government has endorsed the first part of the Opposition's motion. The Minister was correct when he said that when the two airline agreement was made there was a three year period in which notice should be given of the change to that policy. I view the pilots' strike as a little more than an industrial dispute: I see it reaching proportions of a national disaster. Western Australians are feeling the effects of the strike and it really came home to me when the Minister said that 63 per cent of our tourist industry depends on the airline industry. Quite frankly, we have reached a situation where we need to go further than to agree with the abandonment of the two airline policy in October 1990. It was recently reported in the Press that the manager of the Hyatt Regency Perth Hotel said that as a consequence of the pilots' strike his hotel would lose \$1.5 million by the end of this month. That is indicative of the extent of financial losses being incurred by the tourist industry because of the pilots' dispute. We should not just accept the Federal Government's announcement that the two airline policy will be abandoned in October 1990 - we should request it to bring that date forward.

Mr Grill: If we do that we will be plunging into chaos.

Mr NICHOLLS: I am concerned that by October 1990 we will not have an integral tourism

industry which will be able to cater for the volume of tourists who will visit Western Australia because of the cheaper air fares and economical packages which will be offered as a result of the deregulation of the airlines, because they will not have survived the crisis they are undergoing. I make no bones about the fact that an industry and a business must survive in the marketplace. However, when an industrial dispute of this nature results in such an impact on another industry that it is sounding its death knell, and we have what is little more than a contractual arrangement, we should be putting every ounce of pressure we can muster on the Federal Government to terminate the two airline policy as soon as possible. If it were terminated by Christmas we may find that the tourism industry will not only survive but will flourish because of the travel packages that will be offered. We cannot sit back and wait for it - we cannot afford to wait until October 1990.

MR COWAN (Merredin - Leader of the National Party) [11.55 am]: It appears to me that we have adopted the usual practice of saying something differently, but nevertheless maintaining precisely the same principles. It is quite clear that members from all parties recognise the impact this prolonged strike is having on tourism. As the Minister said we are coming out of the main tourist season in Western Australia. The strike has had an enormous impact not only on traditional tourist resorts which have been referred to such as at Broome, but also on other areas, and I represent one of those. Tourism in that area, even though it has not been regarded as great, is still very much a growth industry and we still manage to attract a great number of people who come to Western Australia. Not all the visitors to this area of Western Australia are Great Eastern Highway road travellers - they are fly-drive tourists who like to visit the broadlands agricultural areas of Western Australia. The motion and the amendment have some relevance to the electorate I represent.

It is clear that one thing is missing; that is, there has been no real move to recognise the irresponsibility of the Australian Federation of Air Pilots in taking the action it did and not only to recognise that irresponsibility, but also to see to it that it is made responsible for the people who have been so badly hurt by its actions. The federation should be responsible for the loss of income and the general loss of revenue to that industry. The Minister's amendment should be further amended. We should make it clear that we should be offering financial support to a tourist operator within the Western Australian tourism industry for damages against the Australian Federation of Air Pilots. If we do that we will make it clear that not only do we strongly oppose the actions of the airline pilots, but also we make it clear to that federation and, for that matter, any other union, that where they take irresponsible action, action based on greed, the Government, in conjunction with the industry affected by the union's actions, will initiate legal action to recover damages from the people causing the loss of income.

I serve notice on the House that when the Minister's amendment has been passed I will seek to further amend the motion, so that it reads, "which offer financial support for legal action as a test case by an operator within the Western Australian tourism industry for damages against the Australian Federation of Air Pilots".

MR COURT (Nedlands - Deputy Leader of the Opposition) [11.59 am]: The Opposition supports the proposal put forward by the Leader of the National Party to make it clear that Australia, in 1989, cannot operate without an airline system. It is a disgraceful situation. We support the Leader of the National Party's proposed amendment, but would like it to go further - although we do not have time in this debate to go through the amendment process - to say that action should also be taken against the airlines and the Government, who are in an unholy alliance which has resulted in this dispute's continuing for the length of time that it has. It cannot be denied that the pilots pushed too hard, and were silly in trying to gain a 30 per cent salary increase, but that was then used as a signal for the airlines and the Government to become involved. We have now the situation where the tourism industry and the business community, which rely so heavily upon the airline system, are being crippled by this dispute. To get down to the personal level, I am sure many members are trying to help those constituents who have relatives who have died, or are dying, and have to get from one side of the country, or the State, to the other. This dispute is affecting the economy as a whole, and it is about time we had some means of stopping this sort of stupidity from continuing as long as it has.

Question (deletion of words) put and passed.

Motion - as Amended

The DEPUTY SPEAKER: The question now is that the words proposed to be substituted be substituted.

Amendment on the Amendment

MR COWAN (Merredin - Leader of the National Party) [12.02 pm]: I move -

To add the following -

- (d) which offer financial support for legal action, as a test case, by an operator within the Western Australian tourism industry for damages against the Australian Federation of Airline Pilots.

MR GRILL (Eyre - Minister for Economic Development and Trade) [12.03 pm]: The Government certainly supports the sentiments expressed in the amendment, but we cannot support the amendment. It would be entirely unprecedented for a Government to wade in on the part of some private individual, or group of individuals, to bring about a legal action of this kind. I do not believe it is the sort of precedent which we would like to set at this particular stage. However, if a group of individuals decided that it wished to take that sort of action, we would give it our encouragement and support, but not in financial terms. I notice that the Liberal Party is prepared to support the amendment, but goes further by saying that action should also be brought against the airlines and the Federal Government. That would make the whole situation very unclear; where would we start and where would we finish?

Mr MacKinnon: The Prime Minister is a disgrace to this nation.

Mr GRILL: I thought we were not going to get into that debate; I thought that was the Opposition's line a little while ago. We cannot support the amendment moved by the Leader of the National Party.

Amendment on the amendment put and a division taken with the following result -

Ayes (20)

Mr Bradshaw	Mr Grayden	Mr McNee	Mr Thompson
Mr Clarko	Mr Hassell	Mr Mensaros	Mr Trenorden
Mr Court	Mr Kierath	Mr Minson	Mr Fred Tubby
Mr Cowan	Mr Lewis	Mr Nicholls	Mr Wiese
Mrs Edwardes	Mr MacKinnon	Mr Strickland	Mr Blaikie (Teller)

Noes (25)

Mrs Beggs	Mr Graham	Mr Pearce	Mr Troy
Mr Carr	Mr Grill	Mr Read	Mrs Watkins
Mr Catania	Mrs Henderson	Mr Ripper	Mr Wilson
Mr Cunningham	Mr Gordon Hill	Mr D.L. Smith	Mrs Buchanan (Teller)
Mr Donovan	Mr Kobelke	Mr P.J. Smith	
Mr Peter Dowding	Dr Lawrence	Mr Taylor	
Dr Gallop	Mr Marlborough	Mr Thomas	

Pairs

Ayes	Noes
Mr Watt	Mr Bridge
Mr Omodei	Mr Leahy
Mr Shave	Dr Watson
Mr Ainsworth	Mr Parker

Amendment on the amendment thus negatived.

Question (substitution of words) put and passed.

Question (motion, as amended) put and passed.

CRIMINAL CODE AMENDMENT (INCITEMENT TO RACIAL HATRED) BILL*Second Reading*

MR GORDON HILL (Helena - Minister for Multicultural and Ethnic Affairs) [12.10 pm]:
I move -

That the Bill be now read a second time.

This Bill proposes to amend the Criminal Code to provide for offences relating to incitement to racial hatred and racial harassment, alarm, fear or distress. During its term of office the Government has clearly demonstrated its commitment to furthering the principle of equality of opportunity for all Western Australians, regardless of race, sex, religion or ethnicity. The introduction of the Equal Opportunity Act and the Multicultural and Ethnic Affairs Commission Act enshrined this principle in legislation.

Western Australia has the highest proportion of overseas born residents of any State in Australia; more than 27 per cent of our population originated from another country, and it is an indisputable fact that their contribution to our overall wealth is incalculable. We value them as honest, law abiding citizens of Western Australia, and as a Government we have a responsibility to ensure their safety and peace of mind in the same way that we have the responsibility to ensure that there is a peaceful environment in which all citizens of Western Australia can live. Therefore the continued activity of groups and individuals who threaten this peaceful existence and the opportunity for all Western Australian citizens to attain equal life chances has no place in our society.

Members would be aware of the ugly face of racism that has appeared in Perth in the form of a prolonged, highly-organised and large-scale racist propaganda poster and graffiti campaign. This campaign has had a deleterious effect on individuals and community groups who have been the target of such material. The principal evils of these campaigns are two-fold: They incite groups of citizens to hate each other, which affects community relations generally, and they make the people who are their targets greatly alarmed and afraid, and at risk of harassment from those mindless members of the community, or those who do not think for themselves. Neither of these evils is tolerable in Western Australian society.

In addition this campaign has had clearly adverse effects on our State's business migration and investment programs throughout the world and in South East Asia particularly. Western Australia is a sought after destination in settlement to Australia by business and investment migrants. The continued prosperity of our State is closely linked to the development of positive relationships with our South East Asian neighbours. These have been threatened in recent times as a result of these acts by racist propagandists.

The principal problem in halting these racist political campaigns has been one of detection. Unless they are caught in the act, those who plaster our streets and public buildings with extremist propaganda cannot be charged with existing offences relating to damage to property or littering. Even when they are caught in the act and can be charged, the penalties for each individual breach of existing criminal laws are relatively small, and were not designed to and do not address the underlying problem of the deliberate intention of those who carry them out and the highly para-militaristic organisation of the campaigns.

These problems are serious and damaging to our community. This legislation is intended both to protect our public order and to prevent serious interference with the right to a dignified and peaceful existence free from racist harassment and vilification. The legislation proposed today is the culmination of two years of exhaustive consultation, deliberation and action on behalf of the Western Australian Government.

In early 1988 the Government asked the Equal Opportunity Commission to prepare an options paper which outlined the legislative experience of other countries which had enacted racial vilification legislation. The document, completed by the Equal Opportunity Commission in May 1988, compared the arguments for and against in each model presented. After considering this report, Cabinet charged the Law Reform Commission, through the Attorney General, to consider what changes to the law, if any, were needed adequately to deter acts which incite racial hatred. As members know, the Law Reform Commission released its issues paper on this matter on 8 May 1989, together with the Equal Opportunity Commission's discussion paper. The commission invited public comment on this paper and

as a result received over 450 submissions. In addition, the Law Reform Commission undertook its own surveys of public opinion. It found that there was overwhelming support for legislative reform concerning incitement to racial hatred.

Finally, consultations held by the Multicultural and Ethnic Affairs Commission with ethnic community groups and associations and other interested parties have also concluded that there is substantial support for legislation to be introduced on this matter. To this end, the proposals of the Western Australian Government comprise four amendments to the Criminal Code. A two-tier approach has been created with the offences of incitement to racial hatred and harassment, alarm, fear or distress. To overcome the problem, it is essential to have legislation which works; that is, legislation which will stem the problem in question. To overcome the fundamental problem of detection of clandestine propaganda the commission recommended that it was essential to create "possession" offences. Mere possession of racially inflammatory material in public or private is not of itself made illegal under the proposed offences. The Code amendments which create the incitement to racial hatred provision provide penalties for the possession of racially inflammatory written or pictorial material for publication, distribution or display. This offence makes a person who has in his or her possession written or pictorial material which is threatening, abusive or insulting with a view to its being published, distributed or displayed by themselves or another, or who so publishes, distributes or displays it, guilty of an offence if he intends to incite hatred of any identifiable group thereby.

The second Code amendments deal with the display of racially inflammatory written or pictorial material which is not intended to incite racial hatred but which, if displayed to the public, will have serious deleterious effects. In terms of these offences of causing harassment, alarm, fear or distress, the Bill makes provision for a person who has in his possession written or pictorial racially inflammatory material which is threatening, abusive or insulting with a view to its being displayed, or who actually displays this material, to be guilty of an offence if the said display is intended to or is likely to cause serious harassment, alarm, fear or distress to any identifiable group.

The "display" offences are focused on the shock and affront that a display of offensive material causes to passers-by. Only that which is exposed and the public cannot help but see is caught by the legislation. In other words the legislation is aimed at the face, not the contents of, say, a pamphlet, book or journal. The contents will only attract liability if they are both racially inflammatory and intended to incite racial hatred.

The Government has determined that the offences may be tried summarily or upon indictment, those options left at the discretion of the defendant. In other words the defendant is entitled to a jury trial. If found guilty, the penalty for the more serious offence of incitement to racial hatred heard before judge and jury is a term of imprisonment of not more than two years or a substantial fine of up to \$250 000 as outlined in the Criminal Code, section 19(3). If tried summarily before a stipendiary magistrate and found guilty, the defendant is liable to a term of not more than six months' imprisonment or a fine of \$2,000. In relation to the serious harassment offences, the penalty is imprisonment not exceeding three months or a fine of up to \$1 000.

The effect of the amendments is to create two categories of offences relating to the possession or publication, distribution or display of racially inflammatory written or pictorial materials for the purpose of inciting others to hatred of any identifiable group. Furthermore, possession or display of the same materials which is intended or is likely to cause serious harassment, alarm, fear or distress to any identifiable group will also be an offence.

Freedom of speech is an ideal which is cherished in our democratic society. In this Bill, the Government has ensured that freedom of speech is not only not endangered but promoted. The Government recognises that the immediate targets of racist propaganda need their own rights of free speech to be protected by the law. Racist propaganda might interfere with freedom of speech by intimidating to silence those members of the community who are the butt of it. The free speech rights of citizens who are publicly harassed or terrorised or intimidated by hate propaganda are as important as those of people who create such propaganda or inflict it on the community.

The legislation deals with the known problems in Western Australia. It supplements existing State and Federal criminal laws which already penalise people who make verbal or physical

threats, assault or harass others. The legislation does not extend generally the thresholds by which speech is regulated under existing law. Speech which is "threatening, abusive, or insulting" is already regulated by the Police Act. Radio and television stations may not broadcast race hatred or racially vilifying material under the Australian Broadcasting Tribunal's radio program standard 3. We are not concerned with the person who engages in or expresses racist views in private conversation or who makes a racist joke. The legislation does not limit academic or scientific discourse in the public interest, nor does it discourage reasonable public discussion on related matters. However, we are concerned when what is published and publicised threatens the good order of society and the peace or safety of any Western Australian. When this occurs there is a need to declare such actions as a danger to the rule of law. The law is there to protect the rights of every person, not just the strong.

The Government has not recommended any change to the Criminal Code in terms of compensation to provide for additional rights for victims of race hatred or propaganda. The current provisions for injury, loss, damage or expense resulting from an offence are contained in the Criminal Code - section 719 - and in the Criminal Injuries Compensation Act, and they are adequate for the purposes of this Bill. This matter is considered to be a major priority for the Government. After the commission's year of research and consultation and the Law Reform Commission's release of its report last week, Cabinet's consideration of their proposals was accelerated to enable the Government to introduce this legislation into the House this week. The Government was able to act expeditiously because of the lengthy and careful consideration by the Law Reform Commission and the Government of all issues involved. The Government has responded to the serious problem of organised racist propaganda by criminal legislation, in the Criminal Code, specifically targeted to their activities.

It is the considered opinion of the State Government that, while legislation is an effective measure to address the immediate problems, it is not the long term solution to racial prejudice. While this legislation aims to stem the tide of hate propagated by these divisive and evil forces, our Government will move to continue appropriate community education programs which aim to overcome prejudices and to raise the awareness in the community of the value and benefits of our culturally diverse community.

This Bill contains amendments which are vital to social cohesion in our community; the safeguards, the checks and the balances are there to ensure that what we are proposing is to the overall benefit of all Western Australians.

I commend this Bill to the House.

Debate adjourned, on motion by Mr Kierath.

ACTS AMENDMENT (CREDIT) BILL

Second Reading

MRS HENDERSON (Thornlie - Minister for Consumer Affairs) [12.24 pm]: I move -

That the Bill be now read a second time.

This Bill deals with the problem that has arisen from the operation of credit unions incorporated in their State of origin carrying on the business of providing credit interstate. This problem has been common throughout Australia and similar amendments have been passed in New South Wales and Victoria and by way of exemption order in Queensland.

Although the position varies between States, credit unions are generally required to either obtain exemptions or register as foreign credit unions under the relevant credit unions legislation to gain exemption from the Credit Act and the Credit (Administration) Act if carrying on business interstate. If a credit union fails to gain exemption from the Credit Act or the Credit (Administration) Act, it may as a result lose interest charges on loans and in some cases lose the right to the amount financed and be fined if prosecuted.

Exemption orders current in Western Australia exempt registered foreign credit unions from Parts III to VIII of the Credit Act and the requirements of licensing under the Credit (Administration) Act. These orders do not exempt those credit unions which are not registered but are exempt by the registrar under the Credit Unions Act. It would appear that interstate credit unions operating in Western Australia have in some cases not only failed to

gain registration as foreign credit unions, but also failed to gain exemption and carried on business in this State. Under the Credit Act and the Credit (Administration) Act they may therefore lose their right to recover interest and principal. This has been occurring Australia-wide as a result of people moving interstate and maintaining their links with their credit union in their home State. As existing loans have been refinanced or new loans taken out, documents have been signed in other States which has involved the local Credit Act jurisdiction.

This Bill retrospectively amends the Credit Act exempting all credit unions incorporated in foreign States and Territories from Part III to VIII of the Credit Act and from the licensing requirements of the Credit (Administration) Act. The amendment also allows the Minister to fix by way of a notice published in the *Government Gazette* for the exemption to cease on a date to be fixed in the future. From that date onwards all credit unions incorporated outside Western Australia which carry on business in Western Australia will be required to comply with the Credit Act and the Credit (Administration) Act in the same way that local credit unions are now required.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Fred Tubby.

PARKS AND RESERVES AMENDMENT BILL

Third Reading

MR TAYLOR (Kalgoorlie - Minister for Conservation and Land Management) [12.27 pm]:
I move -

That the Bill be now read a third time.

MR MINSON (Greenough) [12.28 pm]: I wish to add to and reinforce the comments I have made in previous debates on this Bill. If we are going to develop a national park or any public land that is of importance and that the public want to use, there are two ways to do it. The first is for the Government to do it, if it believes that the people of the State would like that to be done. It is not always possible to put facilities that are economical in parks and for that reason I believe it is quite in order for a Government to consider funding public facilities in national parks and reserves, particularly if the facilities contemplated are of the Rolls Royce variety.

The second way in which to fund facilities in parks and reserves is to ask the private sector to do it. The private sector must see the package as being economical or, alternatively a philanthropist may be quite happy to spend a lot of money on a development for which he will either receive no return at all, or not for a very long time. The argument about the Kings Park site has been causing quite a bit of concern. The debate went on for about eight hours the other day and people were getting a little bit sick of it. However, I am not opposing the Bill for the sake of opposition. An important principle is involved and the matter must be looked at again.

Following the Committee stage I made a few phone calls and spoke to a few other people. Under the original proposal the restaurant was to cost approximately \$4.7 million - I am talking in round figures. Approximately \$1.3 million was to be spent on extra facilities. This makes a total of \$6 million. That figure was based on a quantity survey done 18 months ago so we could reasonably add a percentage of about 20 per cent to that. I do not propose to do that for the purpose of this exercise. I approached one of the people who put in a tender for the Kings Park development who had very thoroughly researched the market in that area. He estimated that at the outside the gross takings for the whole development site would be \$5 million per annum. According to *The Australian Financial Review* of either yesterday or the day before, the average profit on turnover for that type of industry is between six and 10 per cent. Because of the special nature of the Kings Park restaurant, its site and the number of tourists and Western Australians visiting it each day, it is possible to receive up to 14 per cent return from the restaurant site. To be generous one could say that it is 15 per cent. Fifteen per cent of the \$5 million maximum estimated turnover comes to \$750 000. Would members please remember that figure.

Mr Taylor: When this was put out for tender in February 1989, that is the approved concept plan in total, the estimated cost was \$4.675 million.

Mr MINSON: That is true but that was for the restaurant site I understand.

Mr Taylor: No, for the concept plan which is really the lot.

Mr Blaikie: Who was the tenderer who replied to it?

Mr Taylor: It was advertised here, nationally, and in the Wall Street Journal.

Mr Blaikie: I know that. How many people applied?

Mr Taylor: I do not know how many. There were a number interested.

Mr Blaikie: There was one.

Mr Taylor: No, I know of two approaches in relation to this proposal.

Mr Blaikie: How many tendered?

Mr Taylor: None, that's why we have the problem we have today.

The ACTING SPEAKER (Mr Donovan): Order! While it is the practice in this House for interjections to be made to the member on his feet, it is certainly not the practice, as the member for Vasse knows, for interjections to come from members a long way from their own seats.

Mr MINSON: Thank you Mr Acting Speaker. I did not continue speaking then because I think the interjections from both sides were very helpful. However, I do not want this to become a heated debate. I would rather it be a cold debate on the facts as I see them.

Mr Taylor: I would agree with you. I do not think that what happened the other night was very helpful. If we are looking at a lease term of more than 21 plus 21, as Minister I will guarantee that I will speak - and if I am not Minister at the time whoever is Minister will make sure that he speaks - to the Leader of the Opposition and the Leader of the National Party in relation to this issue.

Mr Blaikie: It's about time you started to mellow.

Mr Taylor: I'm usually mellow unless I'm wild.

Mr MINSON: The debate seems to be getting heated which is one of the things I did not want to happen.

Mr Pearce: It should not be taking place at all. The third reading is not the place for rehashing second reading debates.

Mr MINSON: Excuse me, it is inappropriate for the Minister to say -

Mr Pearce: It is the truth, it is not inappropriate at all.

The ACTING SPEAKER: Order! The member will resume his seat. First of all the Chair agrees with your concern about what might happen to this debate specifically because it may well be in breach of Standing Orders. Secondly the debate on the third reading is in fact narrowed quite considerably and it is not appropriate, nor is it the practice in this House, to rehash second reading or Committee stage debates. Please bear that in mind members.

Mr MINSON: Thank you, Mr Acting Speaker. I will bear it in mind. The figures I mentioned the other night were given to me following a briefing with the Kings Park Board which the Minister kindly consented to allow us to have. Referring briefly to my comments which I made earlier about this Bill, that one would expect a businessman to want at least 20 per cent return on any outlay he made to build the restaurant complex because he has no capital equity at the end of it, calculating on 20 per cent of what it would cost to build the restaurant and the facilities which must go with it, and the outgoing rent which is to be charged at a commercial figure, I arrived at approximately \$1.3-1.5 million. That is roughly twice the amount that the proponent would be able to receive from the restaurant, at the absolute outside.

By extending the lease beyond 21 years one will not really create an economic situation because the person will not survive for 21 years unless, under these very special circumstances, that person happens to be something of a philanthropist. Since most of those in Western Australia seem to be going broke lately, it is probably unlikely that that will happen. I repeat that I do not want to oppose this Bill for the sake of opposition, but I really do feel quite strongly about it.

The architect's design chosen by the Kings Park Board was drawn up in response to an advertised competition. Some of the conditions of that competition were that it was not to be economical and that there was no cost constraint on it. One of the nice things about winning that competition was that the company which won it was to be allowed to provide the drawings for the construction of the whole facility. I had a phone call from a chap who said that halfway through the architect's drawing of these plans it suddenly occurred to them that nobody was going to be able to develop it economically. They therefore felt as though perhaps they would not get paid because one of the clauses in the agreement said that the successful tenderer for the development of the site would have to pay the architect. He assures me - and I admit that I have no way of checking this - that he advised the board that it was inappropriate to proceed. Nevertheless proceed they did. This Bill is before the House because it is imagined that by extending the lease time it will suddenly become economical. That will not happen; it will not become economical because whoever is doing it will either go broke or become disenchanted with the loss of money he is incurring and will want to sell the site. I do not want to go back to what was said a dozen times the other night -

Mr Pearce: The debate was summed up very well by the Leader of the National Party when he said that it was the most boring drivel he had heard.

Mr MINSON: It is inappropriate for the Leader of the House not to allow somebody else to express an opposing point of view. According to the telephone calls coming into my office, many people agree with me.

The Minister was mistaken in bringing this Bill before the House. I do not think he thought about it. We have two choices as far as I can see: We can either have the Rolls Royce development go ahead and acknowledge that no-one from the private sector will successfully be able to do that, or the Government can develop the site, as it is a public facility in a public reserve, in a way it believes the public think fit. If private enterprise is to develop this site, of necessity it will have to be done with regard to the economic situation. During the telephone calls I referred to earlier, I inquired about the economic situation. I was assured by the best restaurateurs in Perth that they could create the best restaurant facility in Australia, bar none, in Kings Park for \$1.2 million to \$2 million, plus the lease. They said it would take \$1 million to fit out the restaurant; incidentally, the Government's costing of \$5 million or \$6 million does not include the fittings, so that will involve an additional \$1 million.

Associated with that, the Government could build the toilet block and other facilities - which are proper for the Government to build. I am told that it would be quite economical for the project to go ahead on a 21 year lease period if the Government were prepared to allow companies to tender on that basis. This Government has proved that it cannot be trusted with something large, so now it cannot be trusted with something small. If the Government had thought about the Bill before presenting it, this Bill would not be before the House, as the Government would have asked the Kings Park Board to reconsider. The Government should canvass public opinion in considering what is appropriate.

In conclusion, I believe the Minister was mistaken, as was the member for Darling Range, the Leader of the National Party and all members on the Government back bench who voiced support for this Bill. I urge these members to go home and think about it more deeply, and for the Government to take this Bill from the House and resubmit a more appropriate one.

MR HASSELL (Cottesloe) [12.44 pm]: The legislation before the House has been debated at some length, yet it is deceptively simple. It seeks to remove a limitation contained in the Parks and Reserves Act relating to the lease of part of Kings Park. We are interested and concerned about this most prized real estate site in Perth; it is in the middle of a park which has literally millions of visitors each year and overlooks the city, the river, and South Perth, and looks in the direction of Fremantle. It is a prized commercial site. The present law states that the Kings Park Board, with the approval of the Governor, who acts on the advice of the Government, can lease this site for 21 years.

For some years there was a debate about the redevelopment of the site to provide a better restaurant, tearooms and kiosk facilities. We have reached the point where something is to be done. The Government says the site should be leased and the private enterprise lessee should develop the site, and we agree with that. We agree that a new restaurant and better facilities should be provided by private enterprise. That causes no dispute. What we do not

agree with is that the Government, without reference to the Parliament, should be able to effectively freehold part of Kings Park. That is what the argument is about. Whatever the Leader of the National Party may have said in his unnecessary remarks, the essential point is whether there should be a blank cheque available for the Government to freehold parts of Kings Park.

Mr Taylor: Did you not hear what I said a moment ago?

Mr HASSELL: The Minister came close to recognising the substance of the debate when he said a few minutes ago that he was prepared to give an undertaking that should the Government approve a lease, or propose to approve a lease, exceeding 42 years, whether he was the Minister or not, the matter would be discussed with the Leader of the Opposition. I do not attack the bona fides of the Minister, as that is an important concession to our argument; it is the nub of the serious debate on this Bill; however, it is not adequate. In view of the history of this Government, we cannot accept that an undertaking by this Government will be carried out. I can recall some undertakings given by Brian Burke about what he would do about overseeing the State Government Insurance Commission.

Mr Trenorden: He said he would refer it to a Select Committee come hell or high water.

Mr HASSELL: Yes, and the absolute undertaking was broken. The problem is that this Government is not to be trusted with business dealings.

The ACTING SPEAKER (Mr Donovan): Order! I have said that Standing Orders clearly affect the parameters of the debate during the third reading. Specifically, the debate should be confined to the content of the Bill. It is not acceptable, as I pointed out earlier, to rehash debate from the second reading and Committee stages. Standing Orders state that it is not appropriate to have debate ranging any further than strictly within the confines of the Bill.

Point of Order

Mr BRADSHAW: I believe the member is talking to the point.

The ACTING SPEAKER (Mr Donovan): Order! I cannot accept that. The member is canvassing my ruling. The member can take other action. The ruling I made is clearly consistent with Standing Order No 294 and I refer the member to that Standing Order.

Debate Resumed

Mr HASSELL: I do not want to range outside the Bill, but I want to emphasise that if the Government were to produce a Bill which had a proper parliamentary control on the term of the lease it is my understanding, from the debate, that we would support it.

The Opposition supports the fact that there should be a redevelopment of the facilities at Kings Park and that it be undertaken by private enterprise. What it does not support is a blank cheque for the Government to turn part of Kings Park into freehold title. A very important point which goes to the heart of the issue is that if a lease is granted for more than 50 years we are effectively freeholding the land. That is exactly what the Opposition cannot accept in relation to Kings Park. A provision is needed in the Bill to provide for parliamentary scrutiny.

I heard the Leader of the National Party discuss this issue on the radio this morning and he said that this legislation provided for effective accountability because it included accountability to the Minister. The Opposition is saying that that is not effective accountability. The accountability must be to the Parliament and the accountability is through the provisions of the law. The provisions of the law proposed by this Bill are to give the Government a blank cheque. We are virtually saying to the Government that there is no limitation and that it can enter into any commercial arrangement it likes in respect of any length of lease it likes. Is it understood by members of this House that under this legislation the Government could grant a 999 year lease of a part of Kings Park? It could be granted to Laurie Connell. On the track record of this Government, God knows where it would go. That is the point which the Opposition is on about and that is the reason the Opposition will not give up too easily, regardless of whether it bores some people or distresses others. It is the Opposition's job to make the point. It was only a few years ago that a similar type of simple legislation was introduced into this Parliament by Brian Burke. It was the Northern Mining Corporation (Acquisition) Bill.

The ACTING SPEAKER: Order! The member will resume his seat. I remind the House and the member that Standing Order No 294 governs the conduct of third reading debates. A member is not allowed to proceed beyond the confines of the Bill and I ask the member for Cottesloe, for the last time, to confine his remarks to the Bill.

Mr HASSELL: I am trying to confine my remarks to the Bill, but members have to be able to argue the matter when debating a Bill. I am trying to explain to the House why it is that after all this time we still oppose the Bill; why it is that when the Government says it wants to develop and improve the site, that we agree; why it is when the Government says it should be done by private enterprise, we agree; why it is that when the Government says it wants the private sector to pay for it, we agree; why it is after all those agreements, we oppose the Bill. The Opposition opposes the Bill because it is giving a blank cheque to the Government to freehold part of Kings Park which is the best prime commercial site in the whole of this State.

The Leader of the National Party says that under the legislation there is accountability to the Minister. The Opposition believes that accountability to the Minister is not enough. There must be accountability to the Parliament, through the provisions of a law which would provide that the lease can be for a term not exceeding a certain time or, alternatively, providing that the Government can make any agreement it likes subject to disallowance by either House of Parliament and by it being laid on the Table of either House of Parliament. It is not enough when making a law to simply rely on an undertaking from the Minister regarding a long term matter. We are talking not only about this year. To give an undertaking that if the Government went beyond 42 years the Minister would make sure the matter was taken up with the Leader of the National Party and the Leader of the Opposition is not enough. We do not have a guarantee that the Government will call tenders. It could enter into one of its negotiated deals which we have witnessed in the past. It may be similar to legislation we had in the past out of which arose WA Government Holdings Ltd, the petrochemical deal and Exim. It was only simple legislation and it comprised only two columns in the 1983 *Hansard*. What the Minister and the Government have in mind for the site might be absolutely acceptable. My colleague, the shadow Minister, has questioned the commercial viability of what the Government says it has in mind and that might be a substantive point. The Government's intentions may be very good. The Government may be wrong about what it says is the commercial viability of its proposals and the member for Greenough may be right, but at the end of the day that is not the ultimate point. The ultimate point is that the Government wants a blank cheque in relation to part of the land in Kings Park.

Anyone who has lived in Western Australia for most of their lives knows the sensitivity of the Kings Park issue. They would know what happened when we were keen to hold the Empire Games in Perth and when the authorities wanted to put a swimming pool in Kings Park. If ever there were a white man's sacred site, it is Kings Park. It is really a sensitive issue and for Kings Park to be dealt with by the Government without limitation is not acceptable. The Opposition stands by that and will continue to oppose a provision which is no more, nor less, than the granting of a blank cheque to the Government. I repeat that the law the Government wants to pass will allow a 999 year lease, a 99 year lease, a 60 year lease or an 80 year lease, of part of Kings Park. Any lease over 50 years, depending on the ground rent and the obligations that go with it, is effectively the granting of freehold title. If anyone is prepared to give me a grant of any piece of land for 60 years I would be happy as I would consider it to be freehold land.

Sitting suspended from 1.00 to 2.30 pm

Mr HASSELL: I will not have much more to say, but I believe the Minister should think seriously about this matter.

Mr Taylor: You are asking me to think seriously about the terms of the lease; is that right?

Mr HASSELL: The issue is that the Government wants to have open slather.

Mr Taylor: Despite what I said before lunch?

Mr HASSELL: The Minister's offer of an assurance was an inadequate response to the need for this House to be properly accountable to the Parliament and not to simply rely on a Minister's undertaking. If this legislation were passed, and we were to grant a 25, 40 or

50 year lease, who would remember the Minister's undertaking in 50 years' time - or even in two years?

The former Premier of this State, Brian Burke, made a dreadful mistake when he politicised Rottnest. Rottnest is an issue about which everyone is interested, and on which the Parliament has taken an expansive view over a long period. Brian Burke came along and thought he would play merry hell with Rottnest.

Point of Order

Mr DONOVAN: As I understand it, third reading debates are quite strictly confined to the content of the Bill at hand. The second reading debate and the Committee stage of this Bill have ranged through a wide number of issues, and I believe the member would be out of order, during the third reading debate on a single clause Bill of this nature, to refer to a former Premier's actions.

The SPEAKER: It is certainly true that the third reading debate provides an opportunity for debate to continue, confined to the content of the Bill only. This matter is sometimes difficult to rule on, and the best way to handle this point of order is to say that it is well taken; and on that basis, to caution members who may wish to speak on the third reading that their comments should be confined to the Bill. However, the member for Cottesloe indicated that he was about to sit down. He was probably about to draw him remarks to a close, and it might be somewhat premature of me to cut him short.

Debate Resumed

Mr HASSELL: Thank you, Mr Speaker. I had intended to sit down quite soon, but I wanted to draw a parallel between Rottnest and Kings Park. Kings Park is a matter about which most Western Australians - especially city dwellers - feel very strongly. It is a matter about which there should be a general consensus between members of this House, as there used to be about Rottnest. This legislation proposes to give the Government a blank cheque to make changes to the operations of Kings Park, without the Parliament's playing any role. The Government wants to redevelop the restaurant, tearooms and kiosk facilities in Kings Park; the Opposition agrees. The Government wants the redevelopment to take place with the private sector providing the finance; the Opposition agrees. The Government wants the operation to be commercially viable; the Opposition agrees. The Government says the only way to do that is by allowing the Government to decide on a lease term of any length of time it likes; it wants a blank cheque. The Minister has conceded the Opposition's concern about this by saying he will give some undertakings. We believe they are inadequate. The Minister should introduce a Bill which will provide that the lease term can be extended beyond 21 years, to a maximum limit. If he wants that time period to be very long, then he should state that the lease arrangements are subject to disallowance by either House; then the Government of the day will have to justify to Parliament any commercial deal which it may choose to make.

The arrangement proposed in this Bill will invite a continuation of our opposition. It will invite a party politicisation of a debate about Kings Park - which has always been political, but not party political - because everyone has an interest in Kings Park, as they do in Rottnest, the liquor laws, and dogs. If the Minister wants to turn this into a party political debate - as Brian Burke did with Rottnest - he can go ahead, but he will be making a grave mistake. We will not agree to the Government's having a blank cheque to turn into freehold land what is the prime commercial site in Perth, because once an indefinite term is put into the lease, that is what it will be doing. We support the objective of redeveloping this area, but not the change to this key clause of the Bill. It is a matter of importance and principle on which we must continue to stand firm. I oppose the third reading of the Bill for those reasons.

MR STRICKLAND (Scarborough) [2.38 pm]: This very short Bill provides for a change of the period of review from 21 years, or less, to a period which may be 21 years, or more, with no cap on the length of the term. I wonder what is an appropriate period of review. It may be that if we were to go for a 42 year project, we would have to realise that the developer would be locked into that investment for 42 years. The situation would be able to reappraised if what had been approved were not appropriate in 42 years' time. I support the members who have spoken against extending the lease period without there being a cap on

that time. We must bear in mind that the people of this State look to the Parliament to protect and look after their interests and what they perceive is necessary in Kings Park.

We all recognise that the Kings Park Board has been established to manage Kings Park - to run the day to day affairs, put up proposals, and so on. However, our one say in this is to give consideration to what is proposed, which is to extend the term. It is right and proper that we consider that because the proposal is to upgrade the commercial aspect of Kings Park, and the justification for the Bill is, "If you do not give us a longer lease, we cannot fund it." That is perhaps the fundamental issue for us to consider: Should we use commercialisation as justification to amend an Act which simply sets down what people thought at the time - and by the way, that time has lasted for, I think, 94 years - should be an appropriate period of review? It is very healthy to review all sorts of things from time to time, and 21 years is not a bad period of time to be locking ourselves into, but if we lock ourselves into any longer period who knows what people in the future will think when they have something which they consider to be an eyesore or just something which should not be there and yet can do nothing about it until the expiry of the 42 year period?

I want to place on record my concern that when we went into the Committee stage I asked some serious questions and I have not received the answers. For some reason, because of the way in which the debate ensued, and despite the fact that the Minister said he would answer the questions, we have reached this stage and still many of those questions have not been answered.

There are two components to the proposal contained in the Bill - the commercial aspect of the proposal and the associated public works - and I have been trying to identify the proportion between the two components. We were told via an answer across the House that in order to secure \$6 million worth of development we needed 42 years of lease. I asked whether, if that were the case, if we were to have \$3 million worth of development, it would be reasonable to assume that we could do that with a 21 year lease. If the answer to that is yes we would be able to focus on the relevance of the development that is proposed. If we can get \$3 million worth of development for a 21 year lease - which we are allowed to do under the existing legislation - it has been pointed out that for \$3 million we could get an awfully big project. Shopping centres have been built for \$3 million or less. In fact, we heard earlier that we could get the equivalent of the best restaurant in Australia for a \$1.5 million building cost, with \$500 000 to be added to that for fitting out costs. If that is the case, why are we considering this very big, \$6 million proposal in Kings Park? That concerns me. Big projects are great if they are appropriate, if the need has been established, and if there is a demand for them; but I am not aware of the demand. I know there is an urgent need to upgrade, but how far should we go? This is an up-up-upgrade.

What worries me also is that during the debate, while every member is entitled to put forward a viewpoint, one of the opinions expressed was that, for one reason or another, if one argues against this proposal one is arguing against private enterprise. I think exactly the opposite is true. People have been arguing that in private enterprise it is the scale of the development - how big it is, and in what sort of time frame it can be built - and members on this side have been at pains to point out that perhaps what is needed is not a commercial proposition anyway.

They are the sorts of questions that concern me. I believe that with a commercial component it is a great idea - that we should involve private enterprise and ask people to put their money up front and run the business - but the lead in the saddlebags appears to be the public works component. I have tried, by asking some questions to which I have not received answers, to establish the relativity between those two components. If we asked someone to do \$1 million worth of public works and hooked them into a \$4 million project, that would represent a lot of lead in the saddlebags. That is why the Government is saying it needs at least 42 years.

The whole thing must be considered. Let us have something that is appropriate and upmarket - it is Kings Park, after all - but what exactly are we talking about? I cannot get answers to my questions. It disappoints me that somehow or other this whole debate has not allowed people on this side of the House to have their questions answered, even during the Committee stage. If they were answered and we were given a reasonable level of knowledge which satisfied us, perhaps there would be a little less opposition from us. We simply want the information and the facts, but we are unable to get them.

I conclude by saying that, like the previous speakers, I am concerned about the open-endedness of this proposal. I do not believe we should amend Acts simply to reduce periods of review which are commonsense - at present that period is 21 years, which is a long time anyway - on the basis of wanting to do some commercialisation which may or may not be viable in any event.

MR MENSAROS (Floreat) [2.47 pm]: If we had a computer in this House which took statistics, in much the same way as in some of the United States Houses and as they do at cricket matches, it would show that I very rarely speak on the third reading as well as the second reading of a Bill unless I handle the Bill. I want to clear up, however, what is, to my mind at least, a misconception or misunderstanding which came out of the debate on this Bill. As it turned out, the Bill is not only an important one but also is one which commanded a tremendous amount of interest.

This misunderstanding is an accusation that the Liberal Party gave up its policies; that it would advocate something like the Government's running business.

Mr Cowan: That is what the member for Applecross said.

Mr MENSAROS: I will try to develop my argument and then I would be very interested in what the Leader of the National Party has to say. It defies my comprehension as to how this misconception came about, and particularly how it can be maintained. As the member for Cortesloe said, and as I said during the second reading debate, it appears that, looking quite objectively at things, the aim of the Government and the aim of members on this side of the House is exactly the same; that is, to give a reasonable facility - one which is needed and which answers the demand - to the public of Western Australia and particularly the metropolitan area, and in addition, of course, to the many tourists who visit Kings Park.

There is no argument about that aim. Arguments can be made about the means to the achievement of the aims. The Government claims that the aim cannot be achieved with a maximum 21 year lease. The Government also claims that this point has been proved because it has not received an acceptable offer within the 21 year limit. Therefore, how do we interpret the needs of the public in connection with the continuation of the restaurant concept? Perhaps the improvements which are needed should be considered, more so than the services entirely unconnected with the restaurant.

The more mature members - in age, not only service - will remember that the Kings Park Restaurant has not always been in place. A kiosk served the area and a well known member of the Legislative Council, Dr Gordon Hislop, had lunch there all the time; I often saw him there. Obviously the present day restaurant is an improvement on that previous facility; obviously it can be claimed that that satisfied the demand which emanated from the increased population, generally speaking, and the reorganisation in the maintenance of Kings Park. It has even been said that the present restaurant was a little before its time - yet it was justified at the beginning.

Is it correct that the public wants not only improvements to the restaurant but also an extremely high quality restaurant? Someone said that perhaps we need a Rolls Royce quality restaurant which will cater for the elite. Perhaps there is such a demand. An argument can be made on that point but I do not think that is the need, although I should admit that the park is one of the best parts of the metropolitan area. All levels of society use Kings Park so we cannot say that there is a demand only by the elite for such a service.

These questions should be considered: Do we want private enterprise to run the restaurant so that it will be profitable? If so, this can be done with a 21 year lease. Or do we want private enterprise to run the restaurant in a profitable way to the extent that from the excess profit - after taxes and rent - it can cater for the works which normally are undertaken by the Kings Park Board? Therefore, indirectly the taxpayer pays. Perhaps higher rentals can be charged, and the Kings Park Board pays out from the profits not only for the other facilities such as a cheap food outlet - and that is legitimately within the conditions of the restaurant lease - but also the bicycle hire facilities, gardening, and other things. If that is the aim, then it is understandable that the Government wants a longer lease, that it wants to establish an elitist restaurant which makes an extensive profit. Those profits will pay for the normal activities of the Government - or the board.

That process is not Liberal Party policy; and we are not ashamed of that. Our policy is not to

have Government-run businesses. But the Government's proposal in fact is the contrary; businesses should be asked to run Government. We should create a franchise which is so lucrative that out of the profits the Government activities can be financed, either directly or indirectly by charging high rents. Businesses should be run in a normal competitive private enterprise atmosphere; business should not alone subsidise the activities of the Government. We are for smaller government; that is understood. We are for lesser bureaucracy, and that is also understood.

The priorities should be judged by the Government of the day. It should judge public opinion on what services are required and to what extent the taxpayer should be taxed and charged in order to provide those facilities. The public services should not be divided in an indirect way by having a business enterprise which is so lucrative it can pay for all these things.

I wanted to clear up the misconception that the Liberal Party has changed its policy and would want to see Government-run businesses.

MR BRADSHAW (Wellington) [2.57 pm]: I wish to reinforce the Liberal Party's position on this legislation. I was interested to hear during debate on this Bill that a 21 year lease plus a 21 year option is to be offered. The Bill does not say that; it is open-ended. The Bill gives no guarantee about a 21 year lease with a 21 year option. This anomaly should be corrected. A definite and lesser time span should be set in relation to the lease. To say 21 years is not long enough for a commercial enterprise to receive a good return is erroneous. If the Minister were to speak to people in the commercial world he would find that this is so. If people in business cannot receive a return within 21 years, they will never do so because they would go bankrupt in the meantime - or the business would have been sold at a greatly reduced price.

The member for Marmion asked what the public works component would be but he has not received an answer. Reconstruction of the roads in the area will take place and that is not a good thing. A question was asked about what percentage of the \$6 million to be spent on the venture would go towards public facilities such as public toilets. We have not received the answers to these questions.

Kings Park is a very special place in Western Australia. It is not just like the local park; it is a place people hold in extremely high regard; it is sacrosanct and people believe it is an area that should be touched as little as possible by commercialisation. I am concerned that it may become overcommercialised. Kings Park is a place where people should be able to take walks, ride their bikes and enjoy the tranquillity, the views and the overall surroundings. People do not necessarily go there to enjoy merry-go-rounds or any other commercial entertainment that could take place there. Some years ago there was a lot of discussion about whether a swimming pool should be constructed in the area. I believe there should not be. I know we already have a tennis club there. That mistake has been made and we must put up with it, but the rest of the park should be left intact. If we overdo commercialisation we might begin to erode the benefits of Kings Park.

The Opposition supports the need to upgrade the facilities in the area; that is not questioned by this side of the House. The facilities are ageing and need major upgrading, but the amount of upgrading required is debatable. We certainly do not need to overcommercialise the area. Plenty of other places in Western Australia have good river views if that is what people want while they eat. In that regard people in the industry say they could build a top quality restaurant - the best in Australia - for a total cost of probably \$3 million, yet this project is going to cost \$6 million. What are we going to finish up with for that amount of money? The Opposition does not support the open ended aspect of the Bill. The wording should be tightened to include the length of time for which the area can be leased. I oppose the Bill on those grounds.

MR CLARKO (Marmion) [3.04 pm]: The Minister interjected during the third reading debate to make the commitment that he does not intend to have a lease term other than 21 years, plus a further 21 years.

Mr Taylor: That is correct.

Mr CLARKO: In other words, he sees the maximum time frame as 42 years. Everyone would appreciate that that is a genuine statement by him and I will take his word for it; that is

how I judge him. However, he cannot make any commitment on behalf of others who might follow him. We hope there will be a resignation shortly within the upper echelons of his party and he could well be the Premier tomorrow.

Mr Taylor: That is like being anointed by the devil.

Several members interjected.

The ACTING SPEAKER (Dr Gallop): Order! I think the member should come back to the point at this stage.

Mr CLARKO: I read it in the paper.

Mr Taylor: Like being anointed by the devil, it will not happen.

Mr CLARKO: It is central to the point. This Minister, whom I can trust, says the maximum lease would be for 42 years, but he cannot guarantee that on behalf of those who come after him. I was trying to add a little colour as I described that possible change because I do have great confidence in him. If his side is to stay there, he would make an ideal leader. We do not know what will happen; we cannot forecast the future in that sense. Therefore, the Government has made a big error in clause 3 of the Bill, where it says that we will take away the time commitment of 21 years from the original Bill and we will then be able to enter into arrangements with the prospective tenant. I believe that the people who framed this legislation in 1895 deliberately put in the time frame of 21 years. One did not become an adult till one was 21, the whole of one's pre-adulthood which was a significant period. I believe 21 years is still a significant amount of time today. As my colleague said a few moments ago, the Government is trying to make a change for one reason, and that is the belief that this project cannot be financed unless the lease is for longer than 21 years. However, in drafting the legislation the Government did not know what time it would be, so we have this very woolly arrangement which allows for a period of 42 years, and of course there is no commitment to that. It is an infinite amount of time which would be provided in the future. If we were debating this matter with regard to leasing the restaurant on any land under the Crown's control that would be one thing; but I think that, without labouring the point, those of us who were born in Western Australia know about the very special nature of Kings Park. That is why, when we look at Kings Park, we find that there is very little development in that area, particularly commercial development. Perhaps the restaurant is the only example of commercial development in Kings Park.

As a young man I quite often used to go to the Kings Park Tennis Club - a place I enjoyed very much - where I met some very attractive people many years ago. A lot of people have had pleasure playing tennis at Kings Park. In earlier times I understand Hale School had part of that park, but when an attempt was made to construct a swimming pool in Kings Park it almost brought down the Government. A swimming pool is a place to be used by the public at large. Almost anybody could have used the swimming pool that was proposed for the area; it is something that very few people would object to. A swimming pool is probably the classic thing which we put in our parks and reserves today. The idea caused tremendous resentment in the community of Perth. When the people of Perth find out that there is a proposition to remove something that has been in place since 1895, that is the time of 21 years, and replace it with an unlimited period, they will rise up very strongly against it because this is only being done to enable the funding of a very, very large restaurant which is perhaps too big and too costly for the park. Therefore we should not break these old, wise rules that have been written many years ago. If we make this break now, why would the Government not agree to put a tavern in Kings Park in a few years' time? Plenty of people would probably say there would be great advantage in having a tavern. People who are not wowsers would believe it to be quite nice. No doubt one could put a magnificent patio out the front of such a bar and people could sit there and enjoy themselves. The Government has already wasted a couple of years of its life fighting over the question of the old Swan Brewery and the tavern proposed for that site. In terms of locations, if it were not Kings Park, this would be a far better spot for a tavern. The people of Western Australia have already opposed all of these things and I am sure will continue to do so.

This brings me to another important point with this legislation: If it passes through the two Houses over the next few weeks we will have the legislation wherein the time frame will be taken out and the terms and conditions of the lease will require only the Governor's approval

which, as we know in almost every case is merely an endorsement of the view of the Cabinet of the day. If one takes out that 21 years which is set down in section 5(5) of the original Act we will find it will be placed in trust -

... for the purpose of a Public Park, with power to lease those lots for the purposes of a tearoom, restaurant, and kiosk for the sale of refreshments -

The time element having been removed, the section would then go on to read -

- under such terms and conditions as the Governor may approve.

That is what will happen if this Bill is successful. The Government will have failed to put in a new time. There are some people on this side who talk about, say, a 30 year period being acceptable; that is very close to 21 years. It would be an accommodating position to allow an extension of that time. What will the other terms be? The Government has not been able to clearly explain the time element, so how can we believe that it will do the right thing in terms of the other conditions of the lease? We cannot be sure of that.

Mr Taylor: Even the existing changes, without any other change, would mean that is the case. The existing thing has been there since 1978.

Mr CLARKO: I take the Minister's point. The member for Scarborough said that if there were included in the lease some terms which the people of Western Australia found unacceptable we would not be able to do anything about it for 42 years. If another person were the Minister and he did not think as carefully as this Minister it could be 142 years because that is the way in which the legislation is worded.

Mr Strickland: A decision is being made about something that may not be considered again for 42 years.

Mr Taylor: Not if it is 21 years and 21 years.

Mr CLARKO: We are looking at that situation.

Mr Taylor: The Act was amended in 1978 by one of your Ministers.

Mr CLARKO: In terms of 21 years?

Mr Taylor: Not the 21 years.

Mr CLARKO: I think it has been in the legislation since 1895. If we change the legislation the situation that may prevail in regard to the proposed restaurant may still prevail in the year 2089. It is a logical assumption because that is what has happened in the past. We are considering something that may take place a long way down the track. For the sake of trying to accommodate a marvellous concept, which everyone agrees is very nice, of a local firm, we are suddenly told that the development would not work under the existing maximum time period. Therefore, we should get rid of the time period to allow the marvellous building to be constructed. Someone may say we should move from the 21 year fixed term which I consider to be quite long, to an unlimited term. The point I am trying to make is that in that case the terms and conditions will not last a maximum of 21 years - the old situation was a maximum of 21 years.

Mr Taylor: Section 5 of the Act was amended in 1978 to add after the word "tearoom", the words "restaurant, and kiosk for the sale of refreshments, for any term not exceeding twenty-one years and under such terms and conditions as the Governor may approve".

Mr Blaikie: Prior to 1978 they were permitted to have only a tearoom. The Act did not permit a restaurant and that was the principal reason for the amendment to the Act.

Mr Taylor: The 21 years was added in 1978.

Mr CLARKO: We understand that the 21 year term was in the Act previously.

Mr Taylor: It was added in 1978.

Mr CLARKO: I am sure the Minister will agree that the term could have been repeated. I was told that 21 years was the maximum period. The 1978 amendment allowed for a restaurant and kiosk facility in Kings Park. It was some time ago. Twenty one years is a long time, but the Government wants to move to unlimited time. I wonder how people could make business decisions more than 21 years in advance. How does one anticipate the inflation rate? If Paul Keating were still the Federal Treasurer in 21 year's time just imagine

what this country's deficit would be. How does one work out one's lease repayments to a time span of 42 years? In 1978 a restaurant and kiosk was added to the legislation and now we are confronted with a situation where the lease will be for an unlimited period. If the terms and conditions of the lease were to come before this Parliament the Opposition would be in a position to give consideration to what the Government seeks to do.

Kings Park is a very special place and the existing restaurant is the only commercial outlet in the park. The proposed restaurant will be larger and some people may say that it will be of a scale the economics of which cannot be justified unless this draconian amendment is made. I am opposed to it and the people of Perth are very wary of changes to facilities in Kings Park which keep coming up every time we mention the old Swan Brewery. If the Government is going to make a major change we should have a frank debate on it. The Opposition should be in a position to fully debate the proposition and it finds the unlimited time clause to be unacceptable.

MR LEWIS (Applecross) [3.16 pm]: Anyone observing this debate would have to ask why the Liberal Party is saying so much about this legislation and how important Kings Park is to the people of Western Australia. The Liberal Party has been debating this Bill for many hours. Some people have suggested that what we are debating is of no consequence and we should not be delaying the debate in this way.

Dr Alexander interjected.

Mr LEWIS: That is the member's opinion and every member is entitled to his opinion. It is very important and perhaps the Minister should realise the depth of feeling in the Opposition over this matter.

Mr Parker: We do not think that at all. We think you are filibustering.

Mr LEWIS: I would like the Press to hear what the Deputy Premier just said: He said that the Liberal Party is filibustering this issue because it does not believe in what it is about. The Opposition is trying to stop this Government from giving freehold title to development in Kings Park. It is about giving an open cheque -

Dr Alexander: How many times have we heard that phrase? It has been at least 25 times.

Mr LEWIS: Members opposite will keep on hearing it because they are not getting the message. We have heard about the indigenous people of Australia and their sacred sites. They have great affinity with that land. In the past the Labor Party has recognised that, as has the Liberal Party and other political parties. To many Western Australians Kings Park is a sacred site. The Liberal Party is not prepared to stand aside and let the Labor Government do its deals for an extended period for some commercial development in Kings Park which will not work. That is what the argument is about. It is not about having a grandiose restaurant but about whether we want to give away control over what happens at Kings Park and remove from the scrutiny of this Parliament its right to ensure that every 21 years someone has to front up to show that they have been doing the proper thing in relation to the privilege they have been given of trading in Kings Park. Members should realise that Kings Park is the most unique piece of real estate from many points of view that one can find, whether that be from a commercial, aesthetic or natural point of view. It enhances the City of Perth. We believe strongly that it is not fair, right or proper and this Government is not accepting its responsibility as chancellor of this piece of real estate, to give an open lease to the first developer who comes along and will fall in line by proposing a \$5 million or \$6 million deal for the park.

There has been one offer so far and that person has told the Government that its proposal would not work. However, the Kings Park Board would not talk to that tenderer, who said that one cannot spend \$6 million there because the return will not be sufficient so it will never work. This Government would grant a developer the right to develop a project in Kings Park to a plan accepted generally as being grandiose, "so it must be accepted". That plan is not viable or the Government would not want to extend the lease for another 21 years.

The Government is giving the developer permission to do what he likes. Six months into the planning, after the architectural and feasibility studies have come to Government - as has happened in the past in relation to other buildings in this town that I will not mention - the developer will come to the Government and say, "I am sorry, but the figures do not stack up. We cannot go ahead with the deal." Government members will go into the back room,

scratch their heads and say, "What are we going to do? We have taken the deposit, the developer has spent money and we have to save face. We cannot sack the developer and re-tender because we will have egg on our face because the developer will say it will not work." Members can guess what will happen; the place will be redrawn as a project which will work and which will cost \$2 million or \$2.5 million all up. The Government will then have its PR machine saying, "This is what we will do because this is a better plan." The developer will then have what he wants, a viable situation that will work within the 21 years, and he will also have the benefit of a 42 year or 50 year lease. That will be the scenario that comes before this Government in six months or nine months, members can bet their lives on that.

I have taken advice from people in the restaurant industry who have informed me that there is no way in the world an operator can spend \$6 million on a project in the park because it will not work in five, 10, 20 or 100 years - it will never work. This is not a matter of whether the project involves free enterprise or whether the Government will do the development, but of two fundamentals: Will the proposal that the Government has put to tender and the board has stuck with against all advice from people in the restaurant industry that it will not work be viable? The board is proceeding blindly and pig-headedly saying that this plan is what it wants, that it is a beautiful plan and, "We want it." Unfortunately, the board does not have commercial skills at its disposal to analyse or understand that if one cannot get something to work in 21 years it will not work at all. The board says, "That does not matter, we want that plan and will pursue it until the end of the day."

What will happen is that the Government will give away Kings Park for at least 42 years. If the developer went to the board and said that he needed 50 years for the project he would get that, too. My advisers tell me that there are a couple of caveats that developers would put on a project developed in the park, and not on a \$6 million deal but on a \$2.5 million to \$3 million deal including their fit out. They would then be prepared to accept a 21 year lease, but on the basis that - and I would like the Minister to listen to this because it is a proposal that has been put to me - the incoming lessee would have to pay the depreciated value of the establishment and the cost of putting the facility in place. That is a sensible option. The Minister shakes his head.

Acting Speaker's Ruling

The ACTING SPEAKER (Dr Gallop): I ask the member to resume his seat. I have been very lenient with the member for Applecross. I do not know whether he was in the Chamber earlier today, but there was a clear ruling from the Chair which outlined in succinct terms the difference between a second reading debate and a third reading debate. I will quote from the *Guide to Parliamentary Procedure* page 59, as follows -

The debate on the third reading is restricted to the content of the Bill as reported from the Committee stage and is not as wide as the debate on the second reading.

That direction must be interpreted in the precise context of the debate. It seems to me that the member for Applecross has had every opportunity during the second reading debate and the Committee stage of the Bill to raise the types of matters he is now raising. As I understand it, a speech on the third reading is meant to summarise some of the issues and to say in a clear and concise way precisely how that member regards the Bill. It is not meant to be a free-ranging debate to raise new material relating to the Bill.

I have been very lenient with the member, but he is not only transgressing the spirit of the third reading but also indulging in repetition, so I ask the member to return to his main argument before us, which deals with the amendment to the parent Act and to do so in a clear and concise way and not repeat matters that he raised earlier in his speech and which do not depart from the spirit of the third reading of the Bill.

Debate Resumed

Mr LEWIS: Thank you, Mr Acting Speaker. Without canvassing your ruling at all -

The ACTING SPEAKER: Order! The member for Applecross will resume his seat.

Mr LEWIS: You haven't heard what I was about to say.

The ACTING SPEAKER: I do not need to hear the member for Applecross. He will apologise to the Chair for his recent comment.

Mr LEWIS: I apologise.

The ACTING SPEAKER: I was trying to advise the member for Applecross how to follow Standing Orders to the spirit and letter in his speech and I did not invite him to canvass my judgment on this matter. He should return to the main part of his speech.

Point of Order

Mr CLARKO: I must say that I thought the member for Applecross said he was not going to canvass your ruling, Mr Acting Speaker. I think you have already indicated that it is difficult for you, as Presiding Officer at the moment, or the member, to accurately determine what one can do during a third reading speech. It seems to me that wherever you can say, "This Bill has gone through the stages up to now, but if it goes through in this way, despite the fact we tried to amend it during the Committee stage, all we are doing is leaving the situation as it is." I urge you not to do that. He would have thought he was trying to do that. I think you will agree, Sir, and you have shown a certain degree of latitude because of the difficulty of defining the precise position where we should be.

The ACTING SPEAKER: I think the member for Marmion will appreciate that I actually intervened at the point at which the member for Applecross invited the Minister to respond to a suggestion. It seemed to me at that time that he was clearly transgressing the purpose of a third reading debate. That is the only time at which I intervened. I think he should have done what he was doing at the Committee stage, or during the second reading debate. I would like him to return to his speech.

Debate Resumed

Mr LEWIS: I am really not sure how to say what I want to say, but at times, in the course of debating legislation, between the first, second and third readings, and after due consideration of the broad ranging debate, points may be made which direct one's attention to other points which need to be made. That is the whole purpose of having three readings. I am very much aware, Sir, of your studies of parliamentary practice and the like - I do not question your knowledge for a moment - but it seems to me that the reason we have third readings, and why the convention is not to go straight from a second reading to a third reading, is to give members of a duly elected Parliament the opportunity to reflect on the debate.

The ACTING SPEAKER: Order! I have asked the member to return to the debate. I shall be happy later today or at some other time to sit down and have a chat with him about the meanings of the first and second readings, the Committee stage and the third reading stage of debates, but, as the rules are outlined, I believe I have interpreted them correctly. I really want the member to get on with the issue at hand. I am trying to assist him in this matter.

Mr LEWIS: I think I have made my point anyway. Restaurateurs brought to my attention overnight the fact that a restaurant needs to be fully refurbished and refitted about every five years if it is to maintain a standard suitable to the clientele expected to use it. A period of 21 years would probably involve three or four refurbishments. With 40 years, that would probably involve eight refurbishments. To set up an ordinary restaurant, we are talking about something like \$1.2 million for a 250 or 300 seat restaurant.

It must be understood that the 40 years is really of no consequence; the question is whether 21 years is sufficient. My understanding is that if we cannot do it in 21 years, it cannot be done at all. I want the Minister to reconsider what I said earlier. Obviously there is some proposal in the pipeline, but I cannot understand why he is not prepared to consider a 21 year lease on the basis that if a person inherits that lease as a result of the lessee not being successful, the incoming tenant could not pay to the restaurateur the depreciated value of the asset. That would get around the problem and there would be no need to amend the legislation. It has served the people of Western Australia and the Kings Park Board for 94 years; it could remain unaltered. With a very simple redoing of the commercial sums we could have a very satisfactory restaurant and facilities to serve a broad spectrum of patrons of Kings Park for the next 21 years with no problems at all.

I can understand, from a human point of view, that the board has put a lot of work into this by developing the plan resulting from this competition. It was thrilled with the plan presented. Everyone wants the best, but one cannot always have what one wants. There are constraints of cost, affordability and other things. The message coming through is that notwithstanding the board's good intentions, the plan is unaffordable in the form in which it was tendered.

Mr Taylor: That is absolutely right; that is why we are here.

Mr LEWIS: The easy solution, according to the Minister, is to say, "Okay, let us change the 94 year old requirement."

Mr Taylor: That is right.

Mr LEWIS: We are saying that that is not the way to go. The way to go is to review the proposal presented and say to the board that it is not affordable, it should go back to the architect or to someone else and get alternative advice.

Mr Taylor: Are you so easily satisfied with second best?

Mr LEWIS: It is not a matter of being satisfied with second best. It is a matter of cutting your suit according to the cloth. I understand from good authority that even the architect, who is a friend I hold in high esteem, has had second thoughts and has advised the board that the design in its present form is not viable.

Mr Taylor: Under the 21 year lease, that is correct.

Mr LEWIS: It will not work with a 40 year lease either.

Mr Taylor: Just wait and see.

Mr LEWIS: The points have all been made. There are other ways of skinning a cat. There is never only one way to do something. It is a wise person who is prepared to reflect and say, "Let us have another look at it. Rather than amend a Statute which has been on the books for so many years and give freehold title to some lucky developer of Kings Park, let us see if we can work within the constraints of the existing legislation and the commercial constraints which go with the whole development." That is what this matter is all about. The Liberal Opposition in this Parliament will fight to the very end, and that is why our voice has been heard long and loud on this whole matter. We are not prepared to sit here without a fight. We make the point, which is vital for all Western Australians, that we oppose the freeholding of part of Kings Park.

MR COWAN (Merredin - Leader of the National Party) [3.39 pm]: I have heard nothing to convince me that the National Party should change its mind. It is very clear that the principle of making sure that that site is redeveloped without cost to the taxpayer is embodied in this Bill. Consequently the National Party, which supports this philosophy, has no intention of changing its mind. The National Party certainly supports the third reading of this Bill. The fears expressed by the Liberal Party in relation to this legislation all seem to centre around something which many people might regard as a spurious argument - that is, by granting a lease to developers for a period in excess of 21 years one is granting freehold title. Everyone knows that to be blatantly untrue. Freehold title means precisely that - something which is transferred in fee simple. If there is a lease, no matter what its terms, that lease remains a lease and subject to conditions. In this case those conditions can be applied by the Kings Park Board or by the Governor in Executive Council. A simple way of supporting this legislation, which supports a philosophy the National Party espouses, yet at the same time addressing those issues about which the Liberal Party is concerned - in other words, the tenure, terms and conditions of the lease - is as follows: The first and perhaps most important way, and the one which would give the greatest detail, would be to ask or demand of the Government, or make it one's policy to seek, to have a Bill brought before this Parliament which ratified the lease agreement made between the Kings Park Board and the developers. That would give the full details of the lease terms and conditions, which would then become public knowledge. Secondly, one could seek an amendment of this legislation. The National Party supported this legislation and saw no need for its amendment. However, the Liberal Party saw some problems with the operative clause of the Bill. However, we did not see the Liberal Party producing any amendments as a result of its fears. I have instructed an officer of my staff to draft some amendments and to make sure they are placed on the Legislative Council's Notice Paper. These amendments will make sure that the lease contains the 21 years, with a 21 year option to renew.

Mr Taylor: If you are prepared to put that up in the Legislative Council - 21 years with an option to renew - and it goes forward in the Legislative Council and comes back here, I will accept it.

Mr COWAN: I thank the Minister. The fact of the matter is that the Liberal Party made no

effort to amend the clause which seemed to worry it so greatly. There are two options available: Firstly, to seek an undertaking from the Government that a Bill to ratify the lease agreement should be presented to Parliament - which would have been a simple option to take but which was not mentioned - and secondly, to put in some provision which changes the open-ended nature of the provision about which everyone is arguing. The National Party will ensure that that amendment is moved in the other place. I will give the Government plenty of opportunity to see that amendment on the Notice Paper, and time, if it believes the wording is not accurate - because the Minister must accept that we do not have the access to legal resources which the Government has - to suggest changes.

Nothing has been said in this third reading debate that has convinced the National Party to change its mind. The National Party is very much in favour of the philosophical principles behind this Bill. The National Party would never throw them away because of some fear which could be resolved by taking action, especially by seeking to have any lease agreement ratified by this Parliament. That should have been the action taken and it absolutely surprises me -

Mr Strickland: The Bill could be defeated in the other place.

Mr COWAN: The Bill does not have to be defeated there because we want to see the principle of private developers developing that facility at no cost to the taxpayers. We want a guarantee that it will occur. That is the reason the Bill was brought before Parliament. It was not brought before Parliament because the Government thought it was necessary but because the Kings Park Board put in a submission saying it was necessary for the private development of that commercial area at no cost to the taxpayers. Instead of the Liberal Opposition commending the Kings Park Board for its submission and commending the Government for accepting the board's recommendations, the Opposition seems to be saying that although it supports that principle, it must oppose it for some reason its members cannot explain properly. I am afraid the National Party is not prepared to play that game in this place. The National Party will continue to stand by its philosophical principles so that people know precisely where we are going and will be able to differentiate between the National Party and the Liberal Party. The Liberal Party seems to be moving in ever decreasing circles. That is a real problem for the Liberal Party but it is not for the National Party. The National Party supports the Bill.

MR BLAIKIE (Vasse) [3.47 pm]: I oppose the third reading of this Bill. This legislation is about the importance of Kings Park to the people of Western Australia and to the future of Western Australia. A recognition of that importance is the fact that Kings Park was established by the people of Western Australia in 1899. This legislation is also a reflection of what the Parliament believes Kings Park will mean to the people of this State in the next 200 or 300 years.

I find it deplorable that the media did not bother to read the legislation when it was first introduced. There is a collective responsibility upon not only the Parliament and the people of Western Australia but also those who report parliamentary proceedings to consider legislation before Parliament. The media must bear their shares of the responsibility in respect of this. In my view the media abrogated their responsibilities in this regard by failing to see three or four weeks ago what this legislation contained. The media have not been taking a proper interest in what the Government is proposing to do in this matter. This legislation was introduced three or four weeks ago, debate then ensued and the various parties have taken up their positions, but this was not adequately reported. I challenge the Government, all members of Parliament and the media - because the media have a far wider responsibility than do members of Parliament to report accurately parliamentary matters, which they generally do - to answer this question: How many people have seen the plans the Government is talking about? How many people are aware of the Kings Park Board's intentions? I venture to say that the media would not know because they have not talked to the developers or to the restaurateurs. The media listen to the haranguing by the Government, and to the comments of the National Party and other members of Parliament, and receive an overview of the situation. That is one thing, but the facts are more important; the facts need to be considered and fully understood.

Members of Parliament can do all the talking they like, but the wider responsibility rests with the media to accurately report the facts to the public. I have been in this place long enough

to know that members of Parliament tell their stories and they do not necessarily cover the facts. I remind the House again of the very important and positive role that the media had in relation to the previous legislation applying to Kings Park. The media heard those proposals but when they went to the site and realised what was to happen they reacted in a positive way. The Government had stated that only a small piece of land would be taken out. Having a wider responsibility, the media said, "It is not a little piece of land; it is a big chunk of land which the Minister is talking about. In reality the land is three times bigger than the Minister led the Parliament to believe." I emphasise that wider responsibility which the media have to report the facts to the people of Western Australia.

The main issue is that the Government wants to delete the words which relate to the term of the lease not exceeding 21 years and allow the Kings Park Restaurant and tearooms to be leased under terms and conditions that the Governor may see fit; that is, an indefinite term. The proposal also is to have a restaurant and associated facilities. The restaurant will cost about \$4.7 million. The Minister has stated that this is what the Kings Park Board wants. I challenge the Minister again. I will bet London to a brick - I will even up the ante and bet London to two bricks - that not one person outside this place has bothered to find out what can be bought for \$4.7 million. We could buy five Margaret River hotels or three Margaret River hospitals. I have been told by restaurateurs in this State that if a restaurant were established at that cost - bearing in mind there is no need to buy the land - not one restaurant in Australia would be as big. I believe that a function centre will not be included in this venture, and this staggers the restaurateurs. I challenge the Leader of the National Party at this stage. I will bet London to a brick again, that the Leader of the National Party has not bothered to consult anyone in the restaurant business. If he had done so, he would not have made those statements. I challenge anyone to telephone the various restaurant proprietors and ask what can be bought for \$4.7 million. We should ask where can we find an equal to this proposal.

Members of Parliament have their theories and their political science but they are not very pragmatic in relation to the business world. People in the business say that if a person cannot make a business work within 21 years, they never will. They say, "If the sums add up, it will work." When I asked them whether a longer lease was needed if the sums did not add up, they said that in that case it would not work even with a 50 year lease.

I challenge the Minister to give the people of Western Australia the facts. Which people in the restaurant business has the Minister consulted? The Minister may have consulted with the developers but he has not consulted with the restaurateurs. I have spoken to restaurateurs involved in large-scale developments.

Mr Taylor: The member is wrong about the consultation process. I will not name the people consulted because I know what the Liberal Party does to people who appear to be working with the Kings Park Board or anyone else.

Mr BLAICKIE: The Minister can hide behind any cloud he wants. I challenge the Minister - in fact I challenge anyone, even members of the media - to ring at random some of the restaurateurs in Western Australia and ask what sort of restaurant could be built for \$4.7 million, working on the basis that the land will not be paid for.

Mr Kierath: It could build a couple of schools.

Mr BLAICKIE: Of course. We may be able to build a restaurant, but it will fail irrespective of the terms of the lease because people will not patronise the place enough. I am told that perhaps with two or three million dollars we could build a unit which could be serviced. The doubt is whether we could buy a viable unit. Members should go to Northbridge and look at the facilities there.

Dr Alexander: Yes.

Mr BLAICKIE: Northbridge is in the member for Perth's electorate. It is the heart of the restaurant industry of Western Australia. There are some pretty big facilities in Northbridge. However, if the land cost is taken out of those businesses, no facility in Northbridge would cost in excess of \$2 million. If the land were included it certainly would. I repeat, not one restaurant in Northbridge would be worth in excess of \$2 million. Many of those restaurants would handle in excess of 900 000 people a year. Some of those facilities, like La Mirage, are excellent. I would like to know what one would get in Northbridge for \$4.5 million. I

believe I could buy a convention centre for that price. However, this Government is not building a convention centre and the people of Western Australia would not permit a convention centre to be built in Kings Park. The member for Perth with his planning knowledge would not want to see one built there because Kings Park should be used by people only for short term recreation. It is not intended that people should use facilities in Kings Park for five or six hours at a time, as would happen with a convention centre.

It is a fallacy for the Government to come into this place and say it is going to build a restaurant in Kings Park that will cost \$4.7 million. The buildings at Mulberry Farm would be worth approximately \$5 million, but that sort of building would not be acceptable in Kings Park. The Minister's second reading speech was full of vagaries. He has not been prepared to submit any plans for scrutiny by this House and he has not been prepared to give members the opportunity to understand precisely what is planned.

The Leader of the National Party's position has changed significantly because he now says that he has instructed a member of the other place to move an amendment to the legislation setting the lease period at 21 years plus 21 years. Obviously he has had second thoughts. A couple of days ago he had no doubts whatsoever about the term of the lease for the Kings Park facilities.

Irrespective of those second thoughts, the restaurant industry has informed me that if a restaurateur does not make it in that industry in 21 years, he would not make it in 50 years. If the money proposed to be provided for the facility does not make it work, the amount should be reduced so that the proposition becomes viable.

I have said already that we need a positive vision for Kings Park and the Government needs to be responsible about it. This matter has highlighted the fact that the Government should have the responsibility for making decisions in relation to Kings Park removed from it and all matters in that regard should be brought to the Parliament under advice from the Kings Park Board. The board's recommendations should be considered by Parliament for it to make a decision.

So many members have stressed the importance of Kings Park in the State's heritage. Its significance cannot be underestimated. There is no reason why this debate should have been so emotional; it should have been rational and reasonable. If the Government had fully cooperated with the Parliament and taken it into its confidence, very little of the heat that was generated by the debate would have occurred.

As I said in the second reading debate, in the last 10 years there have been four amendments to the Kings Park legislation. Of the first two amendments, one was introduced by the Liberal Party in 1975 and the second was introduced by a Labor Government in 1983. The amendments included changes to tenure, to leasehold and the way those matters are presented to Parliament for consideration. The Parliament accepted the wisdom of what was given to it. In this instance and in the case of Bernie's hamburger site which was dealt with by this House 18 months ago, there has been no wisdom, no consultation and no understanding. There are plenty of examples of the Parliament's approving the changes to be made to Kings Park without debate. However, on this occasion, as on the occasion 18 months ago, changes have been resisted. The reason for that resistance is the complete lack of understanding by the Government of any sort of practicalities about the restaurant industry.

The restaurant industry has advised me and other people that if their businesses are not viable in 21 years, they will never survive. I hope that far greater attention is given to the comments by members on both sides of the House. I hope the people of Western Australia are consulted about what they think of the proposal because, at the end of the day, we are only the custodians of that Crown land and the people should have an opportunity to say what should go on there. I believe that once the people understand what the Government proposes for that area, the proposal will be rejected. If ever an opportunity presented itself for a poll to be conducted among the people of Western Australia, it is on this issue. That is part of the wider responsibility that flows not from the members of this House but from members of the media. I hope they accept that responsibility. With those remarks I totally oppose the third reading.

MR KIERATH (Riverton) [4.10 pm]: It is sad that some people have misunderstood the

difference between leasehold and freehold arrangements. One of the benefits of a leasehold arrangement is that terms and conditions are set which apply for a limited period. None of us can look into a crystal ball and see what the future holds, so in many cases a lease agreement is struck on the basis of the foreseeable future. That is an important factor, because it underlies the difference between leasehold and freehold. Conditions are set for a limited period and at the expiry of that period a complete review can be made of the fundamental decisions underlying that lease. When a property is sold freehold, certain rights are given away and there is no longer any control over the property. A leasehold arrangement for a long period can be considered a de facto freehold arrangement because the conditions, which will be binding for a long time, are set many years in advance. So long as the basic conditions are complied with no changes can be made to the leasehold agreement during that period. I am sorry the Leader of the National Party is not in the House to hear my comment, because it is basic to the whole argument. One of the points made by the Opposition is that the benefits of leasehold agreement are that the rules and conditions can be regularly and frequently reviewed and, if necessary, tenders can be called and a new lessee appointed. That is the very basis of leasehold arrangements. Sometimes in a leasehold arrangement a decision is made on the length for which the rules will stand. When changes are made, it may be decided to continue with the same ground rules but to increase the rent to cover the terms and conditions. It is fundamental to this whole argument, and it is one point that has been glossed over. There seems to be no understanding of this aspect.

It should be clearly understood that if the project cannot stand after 21 years, it will not stand after 42 years. That is at the heart of this proposal to remove that clause. The Leader of the National Party indicated that he would like amendments to be moved in another place to allow for the inclusion in the Bill of a maximum period of 42 years. The Opposition does not agree that that term should be included. The Opposition considers that 21 years is long enough for a leasehold arrangement. By making an arrangement which allows control to be given away this Government will effectively lose control of that development; it will be a de facto sale. If a body owns a property freehold it has full control of all that happens to that property. When it is leased under certain conditions someone else is given a degree of control. However, the basis of leasehold arrangements is the regular reviews of the terms and conditions.

The other essential ingredient in understanding why the package did not work in the first place relates to the market value rent. The market value rent is the amount that can be obtained for a business in the marketplace. This facility caters for a number of people and is situated in a prime location. It has a marketable value for which people are prepared to pay rental in order to run a business and to make a profit. That is the very essence of the matter. If a package is put together and the public is asked to consider it, but for some reason no-one is prepared to agree to the terms and conditions, that package is not marketable in its existing form. Therefore, that form should be reviewed; and certainly the lease period should not be extended. That is defeating the whole purpose of the exercise and goes against the benefits obtainable in leasehold arrangements.

A very important question was asked earlier as to how many tenders were received. The Minister replied that no tenders had been received. In fact, I understand one tender was received, although it was non-conforming. Perhaps I am wrong, and the Minister will correct me, although I know that that is not in order during the third reading. Who submitted this tender? Bearing in mind that a prime location is involved in this package, if no-one tendered it means the market is not interested in the proposition. Unless someone determines the market value of the land, this proposition depends on such things as the buildings and so on. The value must be put on the buildings, but not on just a restaurant with seating capacity for 270 people. The development will involve a lot more public works which will escalate the price of the complex. Because of the other things included in the complex it becomes difficult to attract a market value rent for the development. If the restaurant were isolated from the remainder of the development, it might be a different situation, even if the development were extremely upmarket. Under those conditions it might be possible to obtain the market value rent. However, if the restaurant were too upmarket, and it was necessary to provide the other facilities, the development might be unprofitable. That indication was given by the response to the tender package, and that is why I was disappointed at the Minister's response which was to double the period of the lease

arrangement. It completely misses the essential ingredient and the underlying principle that it is not marketable. Therefore, the Government should reconsider the mix and amend it to make it marketable. Perhaps some of those facilities are not viable with the proposed mix. If that is the case, alternative ways should be sought for funding this facility. Surely it is in everyone's best interest to develop a viable project rather than one which will fall over?

What makes a restaurant profitable? A number of matters need to be taken into consideration. I understand that the net profit from most restaurants is between six and 10 per cent. No doubt some operators can do better than their competitors on the basis of their entrepreneurial and other skills. Reference was made earlier to the operator of one of the best restaurants in Perth who said he could get a return of 14 per cent on his restaurant as a result of his knowledge, skill and expertise. He has fine tuned his business to such an extent that he is able to maximise the profit.

Mr Taylor: Who is that?

Mr KIERATH: I will not mention his name.

Mr Taylor: You were having a go at me because I would not mention the names of the people interested in the Kings Park development. I wonder why you are not mentioning names now.

Mr KIERATH: The person to whom I refer is the existing restaurateur at Kings Park who believes he can get a 14 per cent return on a restaurant. The going rent for a restaurant in round figures is approximately five per cent of turnover. Let us assume a restaurateur can obtain his 14 per cent profit maximum, and that he is a brilliant operator performing to the best of his capabilities; it is difficult to relate a development cost of \$5 million to a rent of five per cent of turnover. The current rate of interest on most commercial loans is in excess of 20 per cent - probably 22 or 23 per cent. In order to complete the equation it is necessary to look at the maximum turnover for a facility such as this.

The existing restaurateur believes it will be in the vicinity of \$5 million; I believe that is a bit optimistic. If we work on the basis of a maximum turnover of \$5 million, and we take five per cent of that, we will get a substantial figure. If we then take into account the net profit of 14 per cent, and even if we take into account that five per cent, it will mean that if interest rates are higher than 19 per cent the establishment will not be able to run at a profit. That is because the capital cost of building the facility will be about \$5 million, and the maximum turnover of such an operation is \$5 million; and those figures just happen to relate for some reason; I am not sure what it is. At any rate, interest rates will have to be lower than 19 per cent in order for the venture to make a profit. There is no prospect of that happening in the immediate future, although some people in this country are trying to convince us otherwise. For an initial outlay of \$5 million the development will generate an estimated turnover of \$5 million, so financially the development will not be a goer. That is the bottom line, and I thought I should explain that in detail to the Minister and members opposite because they do not seem to be able to understand basic economics. That is why this development proposal will not work in 21 years, nor even in 42 years. It must work in less than that period if it is to have any prospect of success. The existing proposal is too expensive for a viable commercial development; the only way to have such a development is to change the mix.

The Minister interjected earlier to say he was prepared to guarantee that the period of the lease would be 42 years. When we look at the existing complex, which I am sure was considered to be a first class facility when it was built 30 years ago, and if we believe everything the Minister has said about it - that the people have tired of it, and it is no longer the showplace that it should be - if we approve a development for 42 years we may find ourselves in the position of being stuck for an additional 12 years with a facility we do not want. I would go further and say that any leasehold arrangement which has a fixed term, and which requires the lessee to maintain or renovate the property, does not give that lessee an incentive to keep the property in a first class and pristine condition towards the end of that lease term; he may allow it to run down. Heaven help us if we are faced with the situation of a facility which, after 30 years, has been run down, yet we are stuck with a third, fourth or even fifth rate place for a further 12 years! The Minister's example about why we need to redevelop this area shoots down in flames his own argument.

The Leader of the National party explained the difference between a leasehold and a freehold arrangement. The principle of a leasehold arrangement is that it allows a person to take over the day to day control of a facility for an agreed period, and at the end of that period, the ground rules can be changed; in other words, if we were to have a lease period of five years, we could reassess the situation at the end of that period. A leasehold agreement provides the opportunity for frequent reviews; not to make those review periods so long that we will end up with what is virtually a de facto freehold arrangement.

Another point raised by the Leader of the National Party was that the Parliament could ratify the terms of a lease. I do not believe the Parliament should involve itself in the day to day running of an enterprise or project. The interests of the public are best served by frequent leasehold reviews. That is why the Opposition did not want to amend this Bill at the Committee stage. We believe that a 21 year period is more than satisfactory, and will give the Kings Park Board the ability to grant either a short or a long term lease; an extension beyond 21 years will give away control of Kings Park. I was surprised that we on this side of the House have come under a bit of criticism for the stand we have taken, because all we have been doing is exercising our right, as members of Parliament, to be responsible for what is a very important part of the heritage of Western Australia, one which no-one would dispute is a showcase in not only Western Australia but Australia. If we were to allow a lease for 42 years, on the basis of the Minister's guarantee, the Parliament would lose control. The situation will be totally different in 42 years' time; in fact, it may be very different in 10 years' time. In 10 years' time it would still be possible to reconsider any redevelopment proposal, but 42 years would go beyond the life in the Parliament of most members. It will be left to someone else to carry out that review.

It is getting very close to the time that I was given a message about, and I seek leave to continue my remarks at a later date.

Mr Taylor: No way; it is not on.

The ACTING SPEAKER (Mr Ripper): Are you persisting with your request?

Mr KIERATH: Yes, I am, Mr Acting Speaker.

Leave denied.

Several members interjected.

Mr Pearce: We are debating the Kings Park Bill, and when the debate is finished, we will go on to other matters.

Mr Court: I know, but the Minister said we would stop at 4.30 pm to go on to other matters.

Mr Pearce: I did not. I said we will finish this Bill and then go on to other matters.

The ACTING SPEAKER : Order! Does the Deputy Leader of the Opposition wish to speak on the third reading of this Bill?

MR COURT (Nedlands - Deputy Leader of the Opposition) [4.30 pm]: I certainly do want to speak on the third reading of the Parks and Reserves Amendment Bill, but the arrangement we had was that we would have one hour to debate the stamp duty legislation that went through this House without debate last week. We have an option of closing this debate and speaking for one hour because of the Government's trying to ram that stamp duty Bill through. I will speak very briefly on the third reading of this matter, because we do want to have an opportunity to discuss that stamp duty Bill.

The point the Liberal Party wanted to get across is that we would not allow legislation to go through this House which gave an open-ended arrangement in relation to the lease agreement. The Minister now says he will accept a limit being put on the time, so the Minister himself must agree that the position he was so adamant in supporting the other night, when he said there was nothing wrong with this legislation -

Mr Taylor: I will deal with that when I speak.

Mr COURT: I will tell members why the Minister is going to change it - it is because the public have learnt in the last couple of days what will happen at Kings Park. My constituents have started to find out about it and have been contacting my office to say that it is absolutely scandalous.

We have the right to debate this Bill in this House. My constituents are now starting to find out about it, and they do not want us to pass a Bill which gives the Government an open-ended agreement. We could ask the Government why, if it wanted to put a time limit on it, it did not do that in the first place, but the whole point of this debate - and we have received advice from a number of people about this - is that within 21 years the private sector could do a development which would be advantageous to all parties.

So, when we talk about the philosophies involved, it is our philosophical thinking that the private sector should do this development. We know it could do it quite easily within a 21 year period because we have spoken to different parties who have said they could put that proposition together. The Minister came into this House with an absolutely ridiculous piece of legislation. It will leave this House in that form and I certainly hope that, because of the numbers on the Government side, we do not end up with legislation that gives the Government an open-ended agreement, as is the case right now.

MR TAYLOR (Kalgoorlie - Minister for Conservation and Land Management) [4.33 pm]: In reply to the pathetic contributions from the Liberal Party benches, I am reminded of my eldest son who, as a little lad of about two and a half years, wanted to hear the story of the animals of Farmer Jones every night before he went to bed. I think we read that story night after night for about six months. We read it time and time again, and I was reminded of that during the debate on this Bill over the last two days. It is in keeping with the attitude of this Liberal Opposition, which has the standard of a two and a half year old in terms of the quality and repetitive nature of its debate.

Mr Court: Do you accept that there should be an open-ended lease?

Mr TAYLOR: I will deal with that right now. When that matter was first raised, I think by the member for Applecross, I said by way of interjection on Tuesday that I was prepared to accept a lease of 21 and 21 - in other words 42 - but the nature of the debate coming from the Liberal Party then was that this was unnecessary, that the whole project was unnecessary, unworkable and unbankable, that it could not be managed and was totally inappropriate for the site, and that the nature of the architect's drawings for the site was also inappropriate. In addition, the Opposition was afraid there might be foreign ownership of the site, and so it went on. There is no doubt whatsoever that the view of the Liberal Party on this matter as of Tuesday was that it was unnecessary. I made it very clear on Tuesday that I was quite prepared to say, and I put it on the Table of this House in saying, that it would be a 42 year maximum. I said that, as the Deputy Leader of the Opposition well knows.

Mr Court: At that time I said that I would take your word that it would happen.

Mr TAYLOR: That is dead right. The Deputy Leader of the Opposition said he would take my word for it, so he should not say that I have changed my mind in relation to this issue.

Mr Court: I said I would take your word but I said you might not be the Minister later on.

Mr TAYLOR: I said on Tuesday that that was my intention with regard to this matter.

Mr Court: But you did not say you would put it in the legislation.

Mr TAYLOR: I made it very clear, but what members of the Liberal Party said on Tuesday was that they did not think this was necessary at all, and the entire proposal to make changes in relation to Kings Park was ridiculed by members opposite. Their attitude turned around today when the member for Cottesloe said he agreed to the development. He also said he agreed that private enterprise should fund the development and that the public sector should not be paying for this development. That was the turning point for some members of the Opposition. I am quite happy that the member for Cottesloe said that, because I saw it as an opportunity to make it very clear to this House that, as the Leader of the National Party said in this House on Tuesday and again today, the Liberal Party does not know where it is going. It is going around and around in circles. It could not but be worried about what happens to it as it goes around in circles, because it can end up in only one place, which is probably the place it is best left.

What this Liberal Opposition has argued for is a second-rate development - coming, no doubt, from thoughts that belong to a fifth-rate party. It wants a second-rate development which the member for Riverton said should be only a restaurant. He suggested we go to the public and tender for a facility that relates only to a restaurant and nothing else, and that we

forget about all the other bits and pieces that were seen as part of this proposal for Kings Park. I am not prepared to accept a second-rate facility, and nor are the public of Western Australia. They will not accept a second-rate facility which is a restaurant and not much else. That is what the member for Riverton said, and he said we should make it work over 21 years and do away with all the other bits and pieces. He said we should forget the kiosk for the public, and the souvenir shop, and the information booth, and the rearrangement of the roads, and all the other bits and pieces that would make it a valuable and worthwhile development. I am not prepared to do that because that would be selling out the public of Western Australia. I am not prepared to sell them out on these sorts of issues because it is too valuable an opportunity to let slip.

I have no doubt that when this legislation goes through the Parliament we will have a great opportunity, both for the people in Western Australia to make the most of Kings Park and for people who are interested in running a restaurant and other facilities in Kings Park; and I will add this: Those members opposite who pretend to have some commercial experience would well know that when valuable sites are offered, as is this site, people will fall over themselves to develop them. Local government, in those situations, will always take the opportunity to say, for example, in relation to a shopping centre development, "If you want to do your development on that site you will also provide public facilities. You will provide toilets, and open and pleasant areas, and a whole range of things for the public because you are getting a very valuable commercial opportunity".

What is available at Kings Park is also a very valuable commercial opportunity and I will not let that commercial opportunity slip through to the extent that these second-rate Liberal Party members would have it slip through. All they want to see is a second-rate, half baked facility instead of a facility of which the public of Western Australia not only will be proud but also will use for many years to come. The developer of this facility, whoever it is, will be paying a commercial rental and also will be paying to ensure that the public of Western Australia see at Kings Park not just a restaurant so that people with expensive tastes can eat there but a whole range of facilities - tearoom, kiosk, information centres, souvenir shops, and so on.

Mr Blaikie interjected.

Mr TAYLOR: First, I will deal with the member for Vasse who is so thick that he suggested this matter has been hidden from the public. A public competition was held, and an announcement made in October last year regarding the results. A large function was held in Kings Park to make sure that many people would know what was going on. Information and drawings were published in either *The West Australian* or the *Daily News*, I cannot recall which. I was aware that this legislation was coming before this House and I made sure that the Opposition had the opportunity to be briefed on this issue. The member for Vasse took that opportunity; is that correct?

Mr Blaikie: You are making the speech!

Mr TAYLOR: The member will not admit that if he attended the briefing, he has been misleading this House. If he did not attend the meeting, he was too lazy. It is one or the other.

Members of the Opposition were given and took the opportunity to attend a briefing by the Kings Park Board. I made sure that happened because I consider that Kings Park is very dear to the hearts of Western Australians. As the member for Cottesloe said, this matter should not be politicised.

Mr Cowan: My grandfather was lost in Kings Park in 1840.

Mr TAYLOR: Was he found?

Mr Cowan: Yes, but days later.

Mr TAYLOR: Was he a farmer?

Mr Cowan: No, he was the Clerk of the Legislative Council, and secretary to Governor Hutt.

Mr TAYLOR: That is a good story. We might name part of the restaurant after him.

Mr Cowan: Don't you dare!

Mr TAYLOR: This issue is an important one for Western Australians, and that is why I made sure that the Opposition received the opportunity to be briefed in this matter. Some members took the opportunity.

Some comments of benefit have been made, but others have been foolish and political in an attempt to make something out of an issue that does not exist. The proposal presents an opportunity for Kings Park. At the moment we have an accretion of buildings in the area which has occurred over a number of years.

Mr Court: Because of your bungling!

Mr TAYLOR: Most Western Australians would call the present situation a disgrace. I do not know whether it is a disgrace but it is definitely not up to standard.

The lease terminated in January this year and since then it has operated on a monthly basis. As I have said, we now have the opportunity to go ahead with the development. I made the point to the Leader of the National Party that I am prepared to accept a proposal - and I will even have the drafted proposal presented in the Legislative Council - that will ensure that the legislation provides for a 21 year term lease with an option of a 21 year renewal. I am certain that with the 21:21 renewal option developments will take place.

Mr Blaikie: That is a significant change.

Mr TAYLOR: It is not. Last Tuesday night I made it clear that we sought a maximum of 42 years.

Mr Kierath: Why didn't you just change it? You have bungled.

Mr TAYLOR: No I have not bungled. The Liberal Party - particularly the member for Cottesloe - has made the change; I accept what the member for Cottesloe said. The Liberal Party has agreed to the development; it has agreed that private enterprise should be the developer, and that the public sector should not pay. That was not the Liberal Party position last Tuesday. The Liberal Party did not agree with the development and did not agree that private enterprise should be involved. The Liberal Party did not know which way to go - with private enterprise, the public, or out the back door where it belongs. We have seen a significant change in attitude. Perhaps the Deputy Leader of the Opposition or the member for Vasse can make clear why the member for Cottesloe stated the position of the Liberal Party.

Mr Blaikie: Keep going!

Mr TAYLOR: The member for Vasse cannot make up his mind whether to support the member for Cottesloe. What rabble, on that side of the House.

We will end up with a very good facility for the public, something which all Western Australians will put to good use. The opportunity for a 21:21 lease will ensure that the development will get under way. We will be able to amortise the investment, ensure that the prices are kept as low as possible, and ensure that all Western Australians can enjoy the facility as much as those people who can afford expensive things. That has always been the objective of the Government and will continue to be.

Mr Nicholls: Does the Minister stand by the statement that this venture cannot be commercially viable within 21 years?

Mr TAYLOR: I have no doubt that if people like the member for Mandurah and others want a second-rate development - that is, only a restaurant and a couple of attachments - that would work in a commercial sense. Developers would probably knock us over in the rush to do that, but I am not prepared to accept a second-rate development. I am prepared to accept a development that ensures that the people involved pay a commercial rental, and that they also pay for the other facilities that the public demands and should have; that is, facilities such as the kiosk, tearooms, information centre, souvenir shop, the rerouting of the road, and facilities which make up a very good development - along the lines recommended by those eminent people who judged the architectural competition and considered the proposal by the Kings Park Board as acceptable.

Mr Blaikie: This will not work commercially; wake up to reality.

Mr TAYLOR: Time will tell. Already people have been to the Kings Park Board and suggested that with a 21:21 lease -

Several members interjected.

The DEPUTY SPEAKER: Order! No cross interjections, please.

Mr Blaikie: No doubt overseas investors will flock in by the thousands.

Mr TAYLOR: I am sure the Deputy Leader of the Opposition is excited by the member's taking up my time.

Mr Court: Don't laugh! The Government made a commitment on Tuesday that we would debate stamp duty.

The DEPUTY SPEAKER: Order! The Deputy Leader of the Opposition should know that this is not the time for that argument. The continued interjections should cease.

Mr TAYLOR: More often than not I make short speeches rather than long speeches, but as long as members interject I will respond. If the Deputy Leader of the Opposition has control on that side of the House, he should just lean over and say, "Cut out the interjections" or "Sit down and shut up." Do the members opposite not want to shut down the debate?

Mr Court: No, we wanted to adjourn it at 4.30 pm.

Mr TAYLOR: If the member wanted to adjourn it at 4.30 pm he should tell a few of those nutters on the other side of the House that all afternoon they have been going over what they did on Tuesday. It was pointed out to them by at least three people in the Chair -

Mr Court: And you have changed your position. You have gone from an open-ended agreement.

Mr TAYLOR: - that their actions were well outside Standing Orders.

Mr Court: You know that the public would not accept an open-ended agreement.

Mr TAYLOR: And they continued to go on. If that is what members think about the proposal I will be quite satisfied with the defeat. My objective in relation to this legislation was to have all three parties accept that we were recommending a reasonable development for Kings Park; that it was something that Western Australia needed and something that could work. The member for Cottesloe and other members have also indicated in their speeches that the development was needed.

Mr Lewis: I don't think anyone has ever denied that.

Mr TAYLOR: Oh yes, the Opposition has. On Tuesday members were saying that not only was it not needed, but it would not work financially. Now at least the Liberal Party is saying that it agrees with the development, that private enterprise should fund it and that it agrees, as far as the public is concerned, that we should not be involved in it. If it makes members happy to think that I have given in and, instead of the amendment indicating that the lease is open ended, agreed that it should be written in as 21 plus 21, if that is a victory for the Opposition I am pleased. As I said on Tuesday that was exactly my objective.

Mr Court: You've backed down.

Mr TAYLOR: If it is the member's view that I have backed down and the Opposition has won, that is pleasant. That means this legislation will go through the upper House and the people of Western Australia will see a reasonable and special development at Kings Park that will last for many years to come.

I apologise for taking up the Opposition's time, but I will not listen to the tripe and repetition that has gone on in the last couple of hours in relation to this issue. I will not listen to people ignoring Standing Orders during the third reading debate while the member for Riverton expects me to continue with this debate next Tuesday. As far as I am concerned that is not on.

This amendment has had a very wide ranging debate and I am more than satisfied with the outcome. If, when this legislation comes back from the Legislative Council, it includes the accepted amendment which I will draft, I will put it to the National Party and if they accept it as their leader has indicated they will, I will be very happy with that, as I am sure in due course will the people of Western Australia.

Question put and a division taken with the following result -

Ayes (28)

Mrs Beggs	Mrs Edwardes	Mr Parker	Mr Trenorden
Mr Carr	Mr Graham	Mr Pearce	Mr Troy
Mr Catania	Mr Grill	Mr Read	Dr Watson
Mr Cowan	Mrs Henderson	Mr Ripper	Mr Wiese
Mr Cunningham	Mr Gordon Hill	Mr D.L. Smith	Mr Wilson
Mr Donovan	Mr Kobelke	Mr P.J. Smith	Mrs Buchanan (<i>Teller</i>)
Mr Peter Dowding	Dr Lawrence	Mr Taylor	
	Mr Marlborough	Mr Thompson	

Noes (15)

Mr Bradshaw	Mr Grayden	Mr MacKinnon	Mr Strickland
Mr Clarko	Mr Hassell	Mr McNee	Mr Fred Tubby
Mr Court	Mr Kierath	Mr Mensaros	Mr Blaikie (<i>Teller</i>)
Mrs Edwardes	Mr Lewis	Mr Nicholls	

Pairs

Ayes	Noes
Mr Bridge	Mr Watt
Mr Leahy	Mr Omodei
Dr Gallop	Mr Minson
Mrs Watkins	Mr Shave

Question thus passed.

Bill read a third time and transmitted to the Council.

BILLS (5) - RETURNED

1. Financial Institutions Duty Amendment Bill
 2. Public Trustee Amendment Bill
 3. Change of Names Regulation Amendment Bill
 4. Judges' Salaries and Pensions Amendment Bill
 5. Transport Co-ordination Amendment Bill
- Bills returned from the Council without amendment.

MOTION - SUSPENSION OF STANDING ORDERS

Stamp Act - Amendments Effects

MR PEARCE (Armada - Leader of the House) [4.57 pm]: I move, without notice -

That so much of the Standing Orders be suspended as is necessary to enable consideration forthwith of the following motion -

That this House note the effect of recent amendments to the Stamp Act in Western Australia.

I am moving this motion in order to give some members the opportunity to speak on the Stamp Bill now who did not have the opportunity last week. I undertook to do that voluntarily, not by any agreement or deal, at the beginning of this week, pursuant to the events of last Thursday. I do not propose to speak to the motion and I will withdraw it at 5.30 pm without a vote, to allow question time to take place. After the debacle this afternoon and to some extent yesterday, although then it was a different kind of debacle, and on Tuesday during the debate on this Bill, members cannot expect to be allowed to carry on in the way they did during the third reading of the Kings Park Bill, go home at 11 o'clock as a standard arrangement every night and not have gags or other measures discipline the debate.

Mr Court: We will stay here as long as you like.

Mr PEARCE: If the Opposition wants us to work on the basis of debate by exhaustion so

that members can carry on like pork chops then we are quite happy to do that. We have operated the House in the past with some internal discipline by all members; in other words when there are so many members in the House and many debates taking place, each of us requires a little bit of discipline so that colleagues can have a fair say.

Government members have shown a very disciplined approach to these matters, but that same approach has not been taken by members of the Opposition. That is the reason I declined to bring this debate on at 4.30 pm as I originally intended. It is reasonable, after sufficient time for discussion on these matters, that they be voted on. I am making this commitment to allow more time for the debate despite the fact that I had agreement from the Opposition that these matters would be discussed to their finality by 5.30 pm last Thursday. The Government is making more time available for debate on that issue although we had an agreement that all members would have an opportunity to say what they wanted by that time. This is not a precedent for future Government action and I do look forward to the cooperation of members to make the House work smoothly to allow members all the time they need to debate legislation in a fair way and have it passed. The House has operated very successfully on that cooperative basis.

Mr Court: The stamp Bills went through without any debate.

Mr PEARCE: That was because the Opposition agreed that the Bills would be through in that time if the Government held off debate for two days. Two weeks, twice the amount of time normally allowed, was not enough time for the Opposition members to prepare themselves for the debate. They lack internal discipline.

Mr Court: There is discipline and it is starting to worry you.

Mr PEARCE: There is none. We have a spectacle day after day in which the eternal bickering between the National Party and the Liberal Party and between different members of the Liberal Party means that the measures before the House are not being debated in a full and proper way.

Mr Court: Then why did you want to stop the Kings Park debate? Why did you sit me down after a couple of minutes?

Mr PEARCE: We did not sit down the Deputy Leader of the Opposition.

Mr Court: You said that at 4.30 pm you would allow us to debate the stamp Bills, but you would not adjourn the debate because you wanted to finish that Bill today.

Mr Wiese interjected.

Mr PEARCE: The member for Wagin made the right point.

Mr Court: Sit down and give us a chance to debate it.

Mr PEARCE: The Deputy Leader of the Opposition is in a bad mood. I know he had a bad day yesterday and unfortunately he fluffed a few things. We all do that on occasions. However, it is incumbent upon each of us to wake up smiling the next morning and to carry on as though we had not made a fool of ourselves the previous day.

The DEPUTY SPEAKER: The question is that so much of the Standing Orders be suspended as it necessary to enable the Leader of the House to move a motion.

Question put and passed with an absolute majority.

Mr Pearce: It is just as well that the Government voted for the motion because the Opposition did not have the sense to vote for it.

Mr Fred Tubby: Stop sulking.

Mr Pearce: I suggest to the member for Roleystone that he withdraw that comment or I will withdraw the motion and continue with Orders of the Day.

Several members interjected.

Mr Pearce: Mr Deputy Speaker, I withdraw the motion.

Mr Clarko: How can you?

Mr Pearce: I will not move it. We can go on with Orders of the Day.

The DEPUTY SPEAKER: It is not necessary for the Leader of the House to move that motion. If that is what he is proposing we will resume Orders of the Day.

**COMMERCIAL TENANCY (RETAIL SHOPS) AGREEMENTS AMENDMENT
BILL***Second Reading*

Debate resumed from 25 October.

MR LEWIS (Applecross) [5.04 pm]: What an extraordinary state of affairs. I can understand that Government members are rather flustered and do not know in which direction they are going.

Mr Wiese: The Bill that was scrambled through the other week lowered the stamp duty from \$2.50 per \$1 000 to 40¢ per \$1 000. That is how stupid -

The DEPUTY SPEAKER: Order! I advise the member for Wagin that we are not debating the stamp Bills as a result of the events of the last few minutes. I remind the member for Applecross who was on his feet at the time of that rather untimely interjection - I can understand the member's frustration - that we are dealing with the commercial tenancies Bill.

Mr Court: You will have egg on your face over that Bill because you have made a mistake.

The DEPUTY SPEAKER: Order! The member for Applecross has the floor.

Mr LEWIS: If goodwill prevailed all the time it would not be necessary to have this legislation. We must bear in mind that it is a fact of life that we have disagreements over many issues. Agreements lead to disagreements and that is the reason for this legislation.

I would like members to listen to what I am saying: Nowhere in the Minister's second reading speech is reference made to retrospectivity clauses in this Bill. Within the legislation there are seven or eight specific clauses which will be retrospective to 1985 when the Bill was first proclaimed. It is disgraceful that retrospectivity of the kind proposed in this legislation did not rate a mention in the Minister's second reading speech.

The Bill is certainly trying to bring more equity between the tenant and landlord.

Unfortunately, it is not the way to go. The fair trading legislation contains specific sections which allow codes of conduct to be accepted and enforced by virtue of the Commercial Tribunal. Once we start legislating to direct what two people will do by way of agreement we are going down the track to restricting civil and individual rights.

The legislation for commercial tenancies is in place by virtue of the fact that people in commerce are ingenious enough to find ways around things that should not be done. Of course, that is the reason we are amending the legislation. I forecast that this will not be the last time this legislation will be amended - it will be amended many times because it is difficult to legislate against human nature.

Earlier in my life my family were involved in a grocery retail store in Fremantle. They were also involved in a newsagency and a fish and chip shop. As a young man I worked in those establishments and later in life I was fortunate to become a proprietor of commercial property. In that regard I have witnessed commercial tenancy from both sides - a tenant under a landlord and a landlord who has tenants. As I am speaking to this Bill, it is proper that the House know that I have certain interests in retail establishments. This also means that I have some understanding of what I am talking about. Parts of this legislation go a little beyond the pale. I refer particularly to what I consider to be retrospective legislation outlined in some of the clauses. I accept that there are changes to the definition of "landlord" and how disclosures are made, to key money and how rents will be adjudicated upon, and suggest that all those clauses are retrospective, as I understand it. I have sought advice on this matter and find that the Bill makes these matters retrospective to the time the original legislation was proclaimed. If that is incorrect, I would like the Minister to tell me so.

On that premise I submit to the House situations could arise where this provision will prove to be absolutely draconian. I understand the reasons for the redefinitions; they are to ensure that when leases are written the obligations in those leases will pass to the new landlord on the sale of a property and that new landlord will then not have an out from that lease. One must bear in mind that this legislation will give the registrar power to adjudicate and compensate for loss. That will be retrospective to 1985. At that time a landlord may have sold a property which was sold again in 1986 and again in 1987. Tenants may have lost their

lease because of the change in ownership, which I accept should not have happened notwithstanding the fact that there was no law at that time specifying that that should not happen. However, this legislation will give tenants who were in a property three or four years ago the ability to approach the registrar who, under the definition of "landlord" in this Bill, may award compensation. That is draconian and unjust in the extreme.

I accept the reasons for disclosure which appear in the parent Act need to be improved. We all know of situations where tenants have been told, for instance, that a major retailer is building alongside a business, or a store is being built down the road, that it is only a couple of years away and that if the person hangs in they will be all right over a period of time. We know such untruths have been told by some owners. I can see a need to amend the legislation so that full disclosure of intent and what is to happen down the line will be formally recorded in the lease for a commercial tenancy. Of course, the disclosure clause goes to the extreme in the amendment and says that a tenant who has a disagreement during the course of their five year tenancy - and a five year tenancy is compulsory under this legislation - and who believes that the landlord has misled them - notwithstanding whether he did or did not - can be awarded compensation retrospectively by the registrar.

Mrs Henderson: That is not true.

Mr LEWIS: That is what the Minister will have to clarify. I say to the Minister for Consumer Affairs that this Bill and the parent legislation are written in such legalese that they are extremely difficult to understand.

Mrs Henderson: It is written in normal language.

Mr LEWIS: It is not. It is written in extreme legal language. I suggest to the Minister that it is no wonder tenants have difficulty knowing their rights when they cannot understand this legislation.

Mrs Henderson: Just because the member for Applecross cannot understand the legislation it does not mean that others cannot.

Mr LEWIS: The Speaker was asked yesterday why the Minister for Consumer Affairs had staff sitting in the Speaker's gallery taking notes when they should not be. His explanation was that the Minister could not understand the legislation and needed her staff to write down what was being said about it. I know that I am not very bright, but this is extremely hard legislation to understand.

Mrs Henderson: It is not hard to understand.

Mr LEWIS: It is. If the Minister asked any member on this side of the House, some of the members on her side, people in retailing or landlords whether they know what it is all about she would find that they have difficulty in understanding it.

Mrs Henderson: I went to a meeting of landlords the other day and they had no difficulty with it.

Mr LEWIS: Is that why I have a 33 page report here put together by Mallesons in relation to an amending Bill of 15 pages? That is how convoluted the legislation is! If I am incorrect I accept that, but it is incumbent on the Minister to explain these matters. It may be that when we get into the Committee stage she will explain fully the retrospective clauses as she has been silent on them until now.

Mrs Henderson: I have not been silent.

Mr LEWIS: The Minister has. It was not mentioned in her second reading speech.

Mrs Henderson: It is clear in the Act.

Mr LEWIS: I have just told the Minister how hard the Act is to read.

The DEPUTY SPEAKER: We appear to be diverting from the debate. I point out that the remarks made by the member for Applecross about the Speaker a few minutes ago ran the risk of reflecting on the Chair and of attempting to draw the Chair into debate. Neither is proper under Standing Orders and I ask him not to transgress that way again.

Mr LEWIS: There was no reflection on the Chair. I apologise if there was, but there was none.

The DEPUTY SPEAKER: I said I thought the member for Applecross ran the risk of doing both of those things. I do not think it is then prudent for him to stand and deny what I have said. Let us leave the matter at that and get on with the second reading.

Mr LEWIS: There are retrospectivity clauses in relation to key money - is that true Minister?

Mrs Henderson: I will answer when the member for Applecross has finished.

Mr LEWIS: The Minister does not know.

Mrs Henderson: I do know. I said that the clauses were retrospective, but the member for Applecross has not bothered to read the second reading speech.

Mr LEWIS: We all know that in 1988 a new liquor Act was put in place in this Parliament. That Act contained provisions ensuring that licensees owned their licences notwithstanding a commercial situation whereby many hundreds and perhaps thousands of those licences were technically owned by the owners of the premises. Those licences were lent for a certain period to the licensee on the basis of what was written in the lease. With the coming into operation of the Liquor Act last year, I think wrongfully, those hundreds of licences, paid for and owned by the owners of the premises rather than the tenants, resulted in people being disfranchised. They lost many thousands of dollars because they had paid for those licences to be transferred to their premises. That licensing Act removed, in a technical sense, their ability to recoup that loss. As I understand this Bill - and I stand to be corrected - it compounds that situation. It removes the right of that landlord, on the transfer of the licence, ever to recoup the capital cost of the licence.

The terrible thing is the retrospectivity. This provision goes back to 1985 and states that any moneys paid for a liquor licence, even prior to 1988, can be claimed. Under this amending Bill, claims can be made against a landlord for a refund of the premium paid when the lease was granted to the tenant. That is absolutely draconian. I have never heard of anything so far removed from equity before. The Minister does not even understand what will happen as a result of this legislation.

Mrs Henderson: I understand; just listen.

Mr LEWIS: Does the Minister think it is fair to take hundreds of thousands of dollars from someone who has paid for something, even going back four years to do it?

Mrs Henderson: Why don't you listen? Your party supported those amendments to the Liquor Act.

Mr LEWIS: The fact is that this legislation is retrospective in the extreme and grossly unfair and inequitable. When the public knows about it, it will put pressure on the Minister to ensure that this clause does not prevail, because the landlord or the owner of the premises must be able to recoup the many hundreds of thousands of dollars which have been paid for the privilege to sell liquor from those premises.

Mrs Henderson: Have you not heard of rent?

Mr LEWIS: The Minister suggests one can charge an appropriate rent for the premises. Does the Minister not know that the Bill prevents the charging of differential rent for different types of stores? It actually prescribes that the rent will be struck on the vacant possession of the shop, notwithstanding its use. The Minister has just shown her ignorance by suggesting one may recoup losses by way of higher rent. This amending Bill prohibits the charging of higher rent, whether the shop is a pizza bar, a liquor store or a laundromat. The rents are all the same for vacant possession.

Mrs Henderson: You are wrong.

Mr LEWIS: The Minister is wrong. I want her to tell us that this is not the position.

Mrs Henderson: I am telling you, you are wrong.

Mr LEWIS: This retrospective clause picks up rents. If an agreement cannot be reached under a lease, if both tenant and landlord are unhappy about the rent decided on, this legislation enables them to elect to go the statutory route. They can approach the Valuer General, or elect to have two independent valuers in order to come to a decision. That is acceptable. But if they still cannot agree, they can have another bite at the cherry and ask the

registrar to make a decision. The registrar is not technically qualified to make a decision on the rent of a commercial property; that is why we have licensed valuers.

Mrs Henderson: What would you do?

Mr LEWIS: There should be only two ways. If a lease is silent on how a dispute over rent should be solved, there should be provision for the two parties to go to arbitration. After all, there must be an ultimate arbiter between tenant and landlord. I do not suggest that that is wrong. One may have provision in a lease for deciding rents. After studying the terms of the lease, the landlord or the tenant may say, "No, I do not accept that decision."

Mrs Henderson: That is not true.

Mr LEWIS: It is true.

Mrs Henderson: You have not read the Bill properly.

Mr LEWIS: The landlord and the tenant can then revert to what I call the legal route. After that, if they still do not agree, they can appeal to the registrar. So somebody who is unhappy can have three grabs. The proper way to go is this: If the lease provides statutory terms for deciding the rent they should mutually appoint a single arbiter, or each appoint his own. They should not be allowed a double or a triple grab.

Mrs Henderson: You have misunderstood it; read it again.

Mr LEWIS: That piece of legislation is the most convoluted piece of legislation I have ever tried to read. I accept it is difficult, but what I am suggesting is that the retrospectivity clauses associated with the rent clause may result in a situation where someone who disagreed with his landlord over rent some two years ago could go to the registrar who would then adjudicate on the matter. I want the Minister to explain to the House if that is not true.

Mrs Henderson: I shall; do not worry.

Mr LEWIS: The retrospective clauses, on my reading of the Bill, are wrong. If they mean what I believe they do, this Bill should be withdrawn and corrected so that the retrospectivity does not affect those people concerned with those matters.

Mr Gordon Hill: What will convince you that you are wrong?

Mr LEWIS: I am happy to accept that I may be wrong.

Mr Gordon Hill: The Minister said you are wrong.

Mr LEWIS: I suggest that the Minister may be wrong.

Other parts of this legislation impact on commercial tenancies, and these should be considered. Leases should be entered into as a result of agreement between the two parties with goodwill. The way to do that is through a code of conduct. The New South Wales Government is on the verge of introducing a code of conduct to do just this. A code of conduct has been agreed to which is designed to prevail over commercial tenancies and leases and associated rents. I can see reason for that. Rather than putting belts and braces on legislation, as we are doing with this Bill, the Government would have been wiser had it taken more time and looked at the code of conduct endorsed by the landlords and tenants in order that disputes be amicably resolved by way of the Fair Trading Act.

[Leave granted for speech to be continued at a later date.]

Debate thus adjourned.

[Questions without notice taken.]

House adjourned at 6.00 pm

QUESTIONS ON NOTICE

DUGONG - POPULATION SIZE SURVEY

Shark Bay, Exmouth Gulf, Ningaloo Marine Park - Completion Date

1264. Mr GRAYDEN to the Minister for Conservation and Land Management:

- (1) When is it anticipated that the data analysis of the July 1989 population size survey specifically designed to estimate the size of the dugong - *Dugong dugong* - population in the Shark Bay, Exmouth Gulf and part of Ningaloo Marine Park areas will be completed?
- (2) When is it anticipated the result of the analysis will be made public?

Mr TAYLOR replied:

- (1) Estimates from the July 1989 surveys of the numbers of dugongs present in Shark Bay, in Exmouth Gulf and the northern section of the Ningaloo Marine Park have been completed. The Shark Bay population was estimated to be 10 146 +/- 1 478 indicating the area supports one of the world's major dugong populations. The combined Exmouth Gulf-Ningaloo Marine Park population was estimated to be 1 964 +/- 363, divided almost equally between the marine park and the gulf.
- (2) The estimate of the Shark Bay dugong numbers was included in an article in *The West Australian* on 14 October 1989. Publication of the analysis will be available when data processing problems are overcome.

FOXES - CONTROL PROGRAM

Conservation and Land Management Department

1267. Mr GRAYDEN to the Minister for Conservation and Land Management:

- (1) What is the nature of the fox control programs conducted by the Department of Conservation and Land Management?
- (2) In what areas have the programs been conducted?
- (3) How many specific fox control programs have been conducted?

Mr TAYLOR replied:

- (1) Selected and rare and endangered fauna species occurring on conservation reserves are protected from the depredations of foxes by the application of fox-specific baits.
- (2) Wheatbelt nature reserves at Karroun Hill, Boyagin Rock, Nanjeen Hill, Mt Caroline and Tutanning; Dryandra State Forest and Cape Range National Park.
- (3) Seven.

FOXES - CONTROL PROGRAM

Environmental Priority Area - Government Liaison

1268. Mr GRAYDEN to the Minister for Conservation and Land Management:

- (1) Has there been any liaison between the Commonwealth Government and the Western Australian Government in respect of the July 1989 statement by the Prime Minister that fox control has been identified as an environmental priority area and that the Commonwealth Government would take new measures to control foxes?
- (2) If yes -
 - (a) what form will the new measures take; and
 - (b) when is it anticipated that the measures will commence to be implemented?

Mr TAYLOR replied:

- (1) Yes. The Prime Minister's announcement followed the 1989 CONCOM meeting where fox predation on native fauna was discussed as a matter of

national importance. The matter was initiated as a CONCOM agenda item in WA.

- (2) (a) Funds have been allocated to the Commonwealth Scientific and Industrial Research Organisation to commence research on methods of biological control of foxes. Funds have been allocated to the Department of Conservation and Land Management to carry out the relevant ecological research; and
- (b) 1990.

STATE FINANCE - ESTIMATES OF EXPENDITURE
Western Australian Government Holdings Ltd - Allocation Details

1316. Mr COWAN to the Treasurer:

- (1) Will the Treasurer provide details of the specific purposes of the allocation of \$62.3 million for Western Australian Government Holdings Ltd referred to in item 78 of Division 25 of the Estimates?
- (2) To whom will the moneys be paid?
- (3) What part, if any, of the \$62.3 million is -
 - (a) for payment to persons or organisations engaged as agents or consultants;
 - (b) for the honouring of guarantees or contractual commitments;
 - (c) for ex gratia payments to persons or organisations who may have a claim against WAGH as a result of the failure of the petrochemical project to go ahead as agreed; and
 - (d) for the payment of loans?
- (4) Will the expenditure of \$62.3 million complete all the obligations of WAGH in relation to Petrochemical Industries Limited?
- (5) If not, what is the current estimate of the balance that will still be owing at 30 June 1990?
- (6) Has the Government or WAGH made any expenditure of a capital nature or made any repayment of a loan that was used in an expenditure of a capital nature in relation to the petrochemical project?
- (7) How much of the \$62.3 million has already been expended?

Mr PARKER replied:

- (1) See the answer to question 677(1).
- (2) WAGH.
- (3) (a) See (1) above; and
 (b)-(d) allocations have been made to meet contractual obligations, to reduce reliance on external debt, to meet interest payments on loans and debentures and for the operating expenses of WAGH. For a detailed breakdown see the answer to question 677(a).
- (4) No. See the answer to question 677(c).
- (5) See the answer to 3(b)-(d) of this answer.
- (6) PIL made project expenditures from funding advanced by WAGH.
- (7) \$16 122 862.79, by way of payment of interest on debentures and funds raised for the purpose of interim finance.

TRADE UNIONS - MISCELLANEOUS WORKERS UNION

Minister for Labour - Agreement Details

1320. Mr KIERATH to the Minister for Labour:

- (1) What was the detail of the agreement reached between the Minister and the Miscellaneous Workers Union, which was to apply from 1 January 1989?
- (2) What was the increase in evening and weekend shift penalties?
- (3) What date had the Western Australian Industrial Relations Commission handed down its decision to verify this agreement?
- (4) Did the Western Australian Industrial Relations Commission vary the agreement in any way?

Mr TROY replied:

- (1) Subject to ratification by the Western Australian Industrial Relations Commission it was agreed to vary the method of paying penalty rates prescribed under the Hospital Workers (Government) Award and the Enrolled Nurses and Nursing Assistants Award from a percentage to a flat rate. The new flat rates agreed were -

\$10.38 afternoon and nightshift, Monday to Friday

\$41.57 Saturday

\$83.14 Sunday

The change to flat rates reimbursed employees equally for disabilities associated with working shifts regardless of their classification.

- (2) The quantum of the increase varied depending on the employees' classifications and shifts worked. Some classifications received a decrease.
- (3) On 6 June 1989 to be effective from 1 July 1989.
- (4) Yes. The operative date.

FORESTRY - DIEBACK

South West Land Division

1353. Mr HOUSE to the Minister for Conservation and Land Management:

- (1) How many hectares are known to be affected with the disease dieback in the South West Land Division of Western Australia?
- (2) How many known separate outbreaks are there of the disease dieback in the South West Land Division of Western Australia?
- (3) How many people are currently employed by the Government to help control or eradicate this disease on a -
 - (a) full time basis; and
 - (b) part time basis?
- (4) What amount of money has been specifically identified by the Government in the 1989-90 Budget for the control of the disease dieback?
- (5) What control measures are being put in to place to -
 - (a) stop the spread of dieback in Western Australia; and
 - (b) cure those areas already affected with dieback?
- (6) What measures are being taken by the Government to increase research into the problem known as dieback with the view to finding a permanent solution?
- (7) Has the Government any figures to indicate on a percentage basis the increase in area known to be affected by dieback over the past five years?

Mr TAYLOR replied:

- (1) An exact figure is not available for the South West Land Division but it is estimated to be 400 000 hectares.

- (2) Not known.
- (3) All of the field staff of the Department of Conservation and Land Management are responsible for dieback control in their day-to-day operations. There are also 13.7 staff and contract employees currently involved in *Phytophthora* research.
- (4) \$73 339 not including salaries.
- (5) (a) The department emphasises education of the public and appropriate hygiene and supervision of operations on all CALM lands.
(b) It is difficult to speak of a "cure" but the department may apply fungicidal treatment, silvicultural operations and replanting, where appropriate.
- (6) Research is continuing in the department as indicated in (3), and other research organisations are encouraged by the department to consider dieback issues.
- (7) No.

NATIONAL PARKS - LEEUWIN NATURALISTE

National Trust Home "Ellensbrook" - Accessibility Improvement, Expenditure

1360. Mr MacKINNON to the Minister for Conservation and Land Management:

- (1) What is the total amount to be expended in the Leeuwin Naturaliste National Park in support of improving accessibility to the National Trust home "Ellensbrook"?
- (2) What will that expenditure provide in the way of car parks, caretaker's facilities, etc?

Mr TAYLOR replied:

- (1) \$95 000.
- (2) To provide an access road from Caves Road to "Ellensbrook" and the beach, with a car park at either destination. A further \$62 000 is to be expended on recreation facility development around "Ellensbrook". The homestead is the responsibility of the National Trust. Caretaker's facilities are to be developed by the trust at a future date, when funds become available.

EDUCATION - TECHNICAL AND FURTHER EDUCATION

Office of Adult Migrant Education Division - Teachers, Full Time Employment

1369. Mr MENSAROS to the Minister assisting the Minister for Education with TAFE:

- (1) How many teachers are employed on a full time basis in the Technical and Further Education Office of the Adult Migrant Education Division?
- (2) How many of these do actual classroom teaching and what are their average weekly hours spent in the classroom?

Mr TROY replied:

- (1) Thirty-six.
- (2) Thirty, with the average weekly classroom hours being 19.4.

INDUSTRIAL LAND DEVELOPMENT AUTHORITY - LAND PURCHASE

East of Wangara, Wanneroo

1406. Mr CLARKO to the Minister for Economic Development and Trade:

- (1) Is the Industrial Land Development Authority in the process of purchasing or resuming land for industrial purposes east of Wangara in the City of Wanneroo?
- (2) (a) Is it proposed to exclude from industrial resumption adjacent land owned by North Whitford Estates and Amarek; and

- (b) if yes, why are these two holdings to be excluded?
- (3) Have certain other landowners expressed a desire to also go it alone but been refused?

Mr GRILL replied:

- (1) An area of land in the Wangara/Landsdale area is the subject of improvement plan No 23, administered by the Department of Planning and Urban Development. In consultation with the department, the Industrial Lands Development Authority will be negotiating with owners of land within this area for the purchase of their holdings.
- (2) (a) No. However, resumption of any land within the improvement plan area would be undertaken only as a matter of last resort.
- (b) Not applicable.
- (3) Yes.

EMPLOYMENT AND TRAINING - JOBLINK PROGRAM
Government Funding

1418. Mr MacKINNON to the Minister for Employment and Training:

- (1) What funding has been allowed by the Government during the year ending 30 June 1989 for the Joblink program?
- (2) What funding was allowed to the Joblink program during the year ended 30 June 1989?
- (3) Would the Minister list the Joblink programs and the amounts paid to each during the year ended 30 June 1989.

Mr TROY replied:

- (1) 1 322 899.
- (2) As above.
- (3) Projects funded from Joblink in 1988-89 -

Whitford	68 905
Balga	54 745
BTG Rockingham/Kwinana	59 058
BTG South	63 815
Clontarf	27 855
Dome	62 301
Adult Worklink	51 864
Forrestfield	61 503
Kanwork	51 626
Midland	50 392
Nedlands	47 971
CWAI	60 275
Bedford	70 173
Outcare	30 000
Armadale/Kelmscott	73 960
Willetton	55 813
Murray	52 755
Fremantle Migrant Resource Project	66 109
North Perth Migrant Resource Project	58 676
Catholic Migrant Employment Project	85 533
Co-scope	67 716
BTG Osborne Park	59 783
Project Employment	42 071
TOTAL	1 322 899

SOUTH WEST DEVELOPMENT AUTHORITY - LAND ACQUISITION
Sale - Purchase and Sale Prices

1450. Mr MENSAROS to the Minister for South-West:

- (1) Has any land been sold by the South West Development Authority which it has acquired previously?
- (2) If so, what was this land(s) and what was/were the respective purchase and sale price(s) of such land(s)?

Mr D.L. SMITH replied:

- (1) Yes.
- (2) (a) Land at Glen Iris for future port expansion was purchased at a cost of \$1.120 million and on-sold to the Bunbury Port Authority and the Main Roads Department at the same price.
- (b) Westrail land was sold for \$3.5 million which was paid into Consolidated Revenue Fund as the land had come from Westrail at no cost to the authority.

FOUNDRY INDUSTRY - WESTERN AUSTRALIAN FOUNDRY INDUSTRY COUNCIL
Existence

1453. Mr MENSAROS to the Minister for Economic Development and Trade:

- (1) Does the Western Australia Foundry Industry Council - initiated by the Minister's predecessor, the then Minister for Industrial Development in 1985 - still exist?
- (2) If so, who are its members?
- (3) What concrete and detailed results has the council achieved in its aim to restructure and modernise the foundry industry?

Mr GRILL replied:

- (1) Yes.
- (2)

Mr R. Laity	- Chairperson
Mr I. Irving	- Industry representative
Mr A. Stafford	- Trade Union representative
Mr N. Dragicevich	- Technology and Industry Development Authority representative
- (3) The council has met regularly since 1985. It has been instrumental in encouraging foundry companies to participate in the national industry extension service and other Government programs designed to increase competitiveness. The council has also been involved in issues including disposal of silicate sands, availability of loam sands and scrap metal, local industry participation in major purchasing, promotion of the foundry industry and the development of appropriate training courses to meet future skill requirements.

A report recently completed on the Western Australian foundry industry by independent consultants found that the council has made a useful contribution to the stature of the industry and recommends the council continue.

EDUCATION - GOVERNMENT SCHOOLS
Asbestos Roofs and Ceilings - Health Risk

1464. Mrs EDWARDES to the Minister for Education:

- (1) What Government schools have asbestos roofs and/or asbestos ceilings?
- (2) Have inspections been made of all these schools to determine whether the asbestos roofs and/or ceilings contribute a health risk?

- (3) If not, why not?
- (4) If so, which schools were determined as constituting a health risk and requiring rectification?
- (5) Has the Ministry of Education a policy for replacing asbestos ceilings and roofs at all Government schools?
- (6) If so, when?

Dr LAWRENCE replied:

An expert committee has been convened to advise on aspects to which this question refers. When the group has made its report, the relevant information will be publicised.

In general terms the answers to the questions are as follows -

- (1) The majority of schools will have some sort of fibro-cement sheeting used in the construction. Such sheeting is likely to contain a proportion of asbestos.
- (2) Yes.
- (3) Not applicable.
- (4) Only those which had asbestos insulation, limpet asbestos, lagging or asbestos fire blankets, required attention. Such material has been removed by accredited processes.
- (5)-(6) The asbestos cement sheeting is not considered a hazard if it is in a stable condition and is not abraded. Where a major extension or a significant upgrade is made to a school and this work involves breaking into the existing roofing, consideration is given to replacing all the roof sheeting at that time.

EDUCATION - SWAN VIEW SENIOR HIGH SCHOOL *Transportables*

1468. Mrs EDWARDES to the Minister for Education:

- (1) Are there demountables or transportables located at Swan View Senior High School?
- (2) If yes, how many are there in 1989?
- (3) How many will be on site in 1990?

Dr LAWRENCE replied:

- (1) Yes.
- (2) Four transportables.
One science room - specialist transportable.
- (3) Two transportables.
One science room - as above.

EDUCATION - SWAN VIEW SENIOR HIGH SCHOOL *Construction Date - Repair and Renovation*

1469. Mrs EDWARDES to the Minister for Education:

- (1) When was the Swan View Senior High School built?
- (2) Has the school received a complete repair and renovation since that date?

Dr LAWRENCE replied:

- (1) Stage 1 opened in 1977. Further stages have been completed since.
- (2) Maintenance is undertaken on the basis of condition. All necessary maintenance for the buildings has been done as required. Current maintenance needs are minimal.

EDUCATION - SWAN VIEW SENIOR HIGH SCHOOL
Flooding - Rectification Cost

1470. Mrs EDWARDES to the Minister for Education:

Will the Minister please advise the cost of rectifying the flooding of the Swan View Senior High School and when such funds will be made available?

Dr LAWRENCE replied:

\$4 150. This is a minor works project for consideration by the district education office committee.

EDUCATION - GRASS PATCH PRIMARY SCHOOL
Art Room and Community Centre - Construction Funds

1471. Mrs EDWARDES to the Minister for Education:

Will the Minister please advise when funds will be made available to the Grass Patch Primary School for -

- (a) the conversion of a shed to an art room; and
- (b) construction of a community resources centre?

Dr LAWRENCE replied:

- (a) The parents and citizens' association, in conjunction with the local minor works committee, is proposing to fund the work.
- (b) This project is also being funded locally.

EDUCATION - BOYANUP PRIMARY SCHOOL
Normal Classes - Areas

1472. Mrs EDWARDES to the Minister for Education:

- (1) Are normal classes being held in areas other than a classroom at the Boyanup Primary School?
- (2) If so, please describe those areas?

Dr LAWRENCE replied:

- (1) No; however, other areas are utilised for small group work.
- (2) These are library, staffroom and central area.

EDUCATION MINISTRY - GOVERNMENT SCHOOLS
Occupational Health, Safety and Welfare Department - Prohibition Notices, Procedures

1473. Mrs EDWARDES to the Minister for Education:

Will the Minister please advise what procedure is carried out within the Ministry of Education when the Department of Occupational Health, Safety and Welfare places an improvement or prohibition notice on a Government school to rectify such work?

Dr LAWRENCE replied:

The following procedure is as per direction issued to schools by the Director of Human Resources, 24 May 1989 -

If an Improvement or Prohibition notice is issued the following action is required -

- 1 Principal to sign on behalf of Ministry of Education and identify the school concerned.
- 2 ORIGINAL to be sent to District Superintendent.
- 3 Photocopy to be sent to Senior Consultant, Occupational Health, Safety and Welfare Unit.
- 4 Photocopy to be displayed near worksite that is affected.
- 5 Principal explores possibilities to rectify the problem and make necessary arrangements to have problem resolved.

- 6 Principal to inform elected health and safety representatives (if applicable) that problem has been resolved and action has been taken.
- 7 District Superintendent to sign ORIGINAL to indicate notice order has been completed and sent to DOHSWWA.
- 8 District Superintendent to contact Senior Consultant, Occupational Health, Safety and Welfare Unit when problem has been resolved.

EDUCATION MINISTRY - BOYANUP PRIMARY SCHOOL
Tuckshop and Extra Teaching Area - Submission

1474. Mrs EDWARDES to the Minister for Education:

- (1) Has the Boyanup Primary School forwarded a submission to the Ministry of Education for a school tuckshop and an extra teaching area facility?
- (2) If so, what is the cost of these works?
- (3) When will such works be commenced?

Dr LAWRENCE replied:

- (1) Yes. A submission has been made to the District Education Office to fund the facility.
- (2) The estimated cost is \$8 000.
- (3) As soon as an acceptable quote is received.

EDUCATION MINISTRY - CANNINGTON PRIMARY SCHOOL
Parents and Citizens' Association - Drain Fill-in Correspondence

1475. Mrs EDWARDES to the Minister for Education:

- (1) Has the Ministry of Education received correspondence from the Cannington Primary School Parents and Citizens' Association to fill in a drain which abounds the school?
- (2) If so, what date was the first piece of correspondence received?
- (3) What steps have been taken to comply with the request of the P & C association?

Dr LAWRENCE replied:

(1)-(3)

No correspondence on this matter has been received from the parents and citizens' association. However, it did write to the Water Authority in June, and the matter was referred directly to the ministry by the local MLA, Dr Judyth Watson, and also by the principal. The matter has been investigated but funding is not available to undertake the work immediately.

EDUCATION - SWAN VIEW SENIOR HIGH SCHOOL
Music and Computer Programs - Facilities

1476. Mrs EDWARDES to the Minister for Education:

Will the Minister please advise what facilities are provided at the Swan View Senior High School to facilitate the music and computer programs?

Dr LAWRENCE replied:

Music has been timetabled into a seminar room. Computer programs have a purpose-built room.

EDUCATION - VARLEY PRIMARY SCHOOL
Preprimary Children - Statistics

1477. Mrs EDWARDES to the Minister for Education:

How many preprimary children are taught at the Varley Primary School?

Dr LAWRENCE replied:

Ten.

EDUCATION - VARLEY PRIMARY SCHOOL
Construction Date - Repair and Renovation

1479. Mrs EDWARDES to the Minister for Education:

- (1) Will the Minister please advise what date the Varley Primary School was built?
- (2) Has the school received a complete repair and renovation since that date?

Dr LAWRENCE replied:

- (1) 1979.
- (2) Maintenance is undertaken on the basis of condition. The establishment of priority for such maintenance, from this year, rests with the District Education Office. All necessary works to maintain the school have been undertaken. The current assessment of need at this school is for some minor repairs and repainting.

EDUCATION - VARLEY PRIMARY SCHOOL
Teaching and Administrative Staff - Statistics

1483. Mrs EDWARDES to the Minister for Education:

Will the Minister please advise the number of teaching staff and administrative staff at the Varley Primary School?

Dr LAWRENCE replied:

The staffing at Varley Primary School comprises -

The principal plus one full time teacher.

Part Time Teachers

0.5	Preprimary Teacher
0.15	Music Specialist
0.3	Administrative Relief
0.1	Non-contact Time
0.05	District Extra

Non-teaching Staff

0.4	School Assistant
0.5	Preprimary Aide

EDUCATION - VARLEY PRIMARY SCHOOL
Staffroom - Overcrowding

1484. Mrs EDWARDES to the Minister for Education:

- (1) Will the Minister please advise whether there is overcrowding in the staffroom/office at Varley Primary School?
- (2) If so, would this constitute a breach of the Occupational Health, Safety and Welfare Act?

Dr LAWRENCE replied:

- (1) The space is limited and is currently under review to provide separate staffroom and office.
- (2) No.

STATE FINANCE - BUDGET ALLOCATION
Education, Minor Works - District Officers

1485. Mrs EDWARDES to the Minister for Education:

Will the Minister please detail the amounts of money allocated to each of the district officers for minor works allocations in 1988-89 and in the proposed 1989-90 Budget?

Dr LAWRENCE replied:

Minor Works Allocations

District	1988-89 \$	1989-90 \$
Albany	169 600	177 700
Cockburn	184 100	187 100
Esperance	114 300	115 200
Melville	161 300	171 400
Narrogin	137 700	143 500
Peel	183 500	206 700
Willetton	191 600	203 000
Armadale	171 700	172 900
Bunbury North	131 400	132 600
Bunbury South	148 100	157 900
Hedland	147 700	153 000
Karratha	150 000	161 000
Manjimup	96 700	125 200
Perth South	162 200	188 900
Thornlie	183 000	192 300
Geraldton North	120 600	148 400
Balga	194 900	202 800
Joondalup	235 600	250 100
Kimberley	155 400	171 900
Geraldton South	161 600	161 600
Scarborough	224 700	226 900
Swanbourne	161 200	189 300
Bayswater	212 400	219 900
Darling Range	182 300	184 500
Kalgoorlie	203 000	224 700
Merredin	130 900	130 900
Moora	125 400	125 400
Northam	146 700	154 100
Dianella	167 400	191 100

ROADS - MAIN ROADS DEPARTMENT
Local Road Funding Distribution - New Formula

1494. Mr COWAN to the Minister for Transport:

- (1) (a) Has the Main Roads Department steering committee produced a new formula for the distribution of local road funds; and
 - (b) if yes, what is the new formula?
- (2) (a) Has the new formula been accepted by the local government authorities; and
 - (b) if no, what steps are being taken to arrive at an acceptable formula?
- (3) (a) What is the amount of Commonwealth funds for distribution for the years 1988-89 and 1989-90; and
 - (b) how much in those years will be allocated to -
 - (i) country city and town councils;
 - (ii) metropolitan councils;
 - (iii) country shire councils; and
 - (iv) special grants?
- (4) What in percentage terms is the rise or fall in funds for each of the above categories between the two years?

Mr PEARCE replied:

- (1) (a) A steering committee, comprising representatives of the three local government associations and the Main Roads Department, recommended principles for distributing Federal local road funds for the 1989-90 financial year. These principles were subsequently approved by the Federal Minister for Transport. I will send the member a copy of these principles.

- (b) In the principles approved by the Federal Minister, the funds were distributed in the following proportions -

Metropolitan Councils	15.81%
* Country Cities & Towns	6.56%
Country Shires (including the Towns of Mandurah and Port Hedland)	68.32%
City of Kalgoorlie-Boulder	2.31%
Special Projects	7%

* Bunbury, Geraldton, Albany, Narrogin and Northam.

This distribution was subject to the condition that no council would receive less in 1989-90 than in 1988-89.

- (2) (a) These principles were agreed to by the three local government associations. The associations also agreed that the distribution for the remainder of the Australian Centennial Roads Department Act - 1 July 1990 to 31 December 1993 - should be based on a further review. This review is in progress and should be completed about the end of April 1990.
- (3) (a) 1988-89 - \$38.3 million.
1989-90 - \$42.4 million.
- (3) (b) and (4)

	1988-89 \$	1989-90 \$	% Increase
Metropolitan Councils	5 271 470	6 703 440	27.16
Country Cities & Towns	2 957 990	2 957 990	-
Country Shires (including the Towns of Mandurah and Port Hedland)	25 904 260	28 965 410	11.82
Kalgoorlie-Boulder	939 560	1 006 130	7.09
Special Projects	2 099 000	2 767 030	31.83
	31 172 280**	42 400 000	14.06

** Excludes \$1 127 720 received in 1988-89 to pay councils for grants made in previous years but not recouped in those years.

EDUCATION - PINJARRA PRIMARY SCHOOL

Sick Bay - Upgrading Plans

1499. Mr BRADSHAW to the Minister for Education:

- (1) Is the Minister aware that the Pinjarra Primary School's sick bay has no running water and no shower facilities?
- (2) Are there plans to upgrade the sick bay to a satisfactory standard?
- (3) If so, when?

Dr LAWRENCE replied:

(1)-(3)

A medical room is provided, as a current standard, to all new primary school administration blocks. A program of upgrading existing schools has been under way for some years. Pinjarra Primary School is to be included in the program, as funds permit.

EDUCATION - PINJARRA PRIMARY SCHOOL
Classrooms - Sufficiency

1500. Mr BRADSHAW to the Minister for Education:

- (1) Are there sufficient classrooms at the Pinjarra Primary School?
- (2) If not, what does the Minister intend to do to relieve the current situation?
- (3) How many five year old preprimary students are expected or registered for Pinjarra Primary School next year?
- (4) Will there be sufficient places next year at the preprimary section of the Pinjarra Primary School for all five year old students who wish to attend?
- (5) If no to (4), what arrangements will be made for those five year olds not able to be accommodated at the Pinjarra Primary School?

Dr LAWRENCE replied:

- (1)-(2) There has been an increase in numbers enrolled at the school this term, and an additional temporary classroom will be provided as soon as possible.
- (3) Seventy-two are currently registered.
- (4)-(5) There are enough places for five year olds between the Pinjarra and Carcoola centres. The listed enrolments for Pinjarra exceed the capacity of that centre and possible options to provide alternative accommodation without the need to travel to Carcoola are being investigated.

RAILWAYS - FREMANTLE-MANDURAH
Extension Plan - Route

1507. Mr HASSELL to the Minister for Transport:

- (1) Is there any plan in existence for the extension of the Perth-Fremantle railway to Mandurah?
- (2) Has any potential route been identified?
- (3) Has any land reservation been made?

Mr PEARCE replied:

- (1) There is at present an interdepartmental committee which is investigating the possibility of a railway to Mandurah. An extension from Fremantle is one of the options being examined.
- (2) Various possible routes have been identified.
- (3) No.

PETROCHEMICAL PROJECT - STATE ENERGY COMMISSION
Energy Supply Contracts - Termination

1510. Mr COURT to the Minister for Fuel and Energy:

When did the State Energy Commission of Western Australia terminate its energy supply contracts with the petrochemical project?

Mr CARR replied:

Following the Supreme Court order to wind up Petrochemical Industries Ltd SECWA has, under cover of a letter dated 18 October 1989, taken steps to terminate the contract as provided for under the terms of that contract.

PETROCHEMICAL INDUSTRIES LTD - LIQUIDATOR
*State Energy Commission, Contract Withdrawal - Project Assets Devaluation,
 Government Notification*

1511. Mr COURT to the Deputy Premier:

- (1) Has the liquidator of Petrochemical Industries Ltd notified the Government that the withdrawal of the State Energy Commission of Western Australia's

energy supply contracts to the petrochemical project has severely lowered the asset valuations of the project?

- (2) If yes, when was that advice given?

Mr PARKER replied:

- (1) No
(2) Not applicable.

SMOKE POLLUTION - INTERNAL FIRES

Domestic Premises - Regulations

1513. Mr MENSAROS to the Minister for Environment:

Are regulations in force covering smoke nuisance or pollution from internal fires like slow combustion stoves in respect of domestic premises?

Mr PEARCE replied:

No regulations are in force under the Environmental Protection Act to cover smoke nuisance or pollution from internal fires such as slow combustion stoves in domestic premises. Where disputes or problems arise from such stoves, they are normally resolved by local government officers negotiating with the affected parties.

QUESTIONS WITHOUT NOTICE

SUPERPHOSPHATE - RAIL TRANSPORT

Regulation Inefficiency - Revenue Loss

251. Mr McNEE to the Minister for Transport:

- (1) Does the Minister consider the regulation to transport superphosphate by rail inefficient?
(2) Does the Ministers consider it causes revenue loss to Westrail and adds to costs to farmers?
(3) If so, will the Minister deregulate the transport of superphosphate in the interests of all Western Australians?

Mr PEARCE replied:

- (1)-(3)
No.

CONSUMER PRICE INDEX - SEPTEMBER FIGURES

Newspaper Report - 8.5 Per Cent Inflation Rate

252. Mr CUNNINGHAM to the Treasurer:

- (1) Is the Treasurer aware of the article in tonight's *Daily News* concerning the September quarter Consumer Price Index figures?
(2) Is the article correct in claiming that the inflation rate in Perth is 8.5 per cent?

Mr PARKER replied:

- (1)-(2)

I thank the member for Marangaroo for the question. The article - and I think it is probably not the only article in the *Daily News* which falls into this category - is incorrect. There is no basis for suggesting that the inflation rate for Perth, for Western Australia, or for Australia as a whole for that matter, is 8.5 per cent. We have tried valiantly to find how it was possible for the *Daily News* to come up with that figure, but we have had no success. It is clear from the figures released today by the Australian Bureau of Statistics that the annual figure for Perth as a result of the last announcement is 7.8 per cent, not 8.5 per cent; by contrast the national figure is eight per cent. Obviously 7.8 per cent is higher than the Government would have liked; it is comparable

with the figure in the United Kingdom, where similar economic conditions prevail with high demand and balance of trade deficits. Nevertheless, the figures reveal the reason for the 7.8 per cent, which is still creditable by national standards at least. Mortgage interest rate charges contribute by far the most to the increase - in other words, high interest rates - along with the flow on impact of high interest rates on the housing market, which contributes nearly half of the total figure.

There are a range of areas which contribute to that figure. However one specifically mentioned by the *Daily News* was Government charges. Government charges contributed 0.16 per cent. In other words the figure, instead of being 7.8 per cent, would be 7.64 per cent were it not for Government charges. By comparison, that is less than half the contribution of Government charges, including the fuel franchise levy and so on, in New South Wales, which has a much higher inflation rate. The Government's charges here have contributed 0.16 per cent to the overall inflation rate, and 0.34 per cent is the amount resulting from the charge increases in the only Liberal State in Australia, which is New South Wales.

MINISTERS OF THE CROWN - OVERSEAS TRAVEL
Expenses - Disclosure Refusal

253. Mr HASSELL to the Premier:

- (1) Why does the Premier continue to refuse to disclose the costs of tours on business he and his Ministers incur on overseas travel?
- (2) Is the Premier aware that these costs are regularly disclosed in the Commonwealth Parliament?
- (3) Does he not acknowledge that the public of Western Australia, which have been subjected to large increases in Government taxes for fuel, cigarettes, financial institutions duty, stamp duties and payroll tax, are entitled to have full disclosure of the way in which these taxes are expended?
- (4) If not, why not?

Mr PETER DOWDING replied:

(1)-(4)

There is full accountability under the procedures of the Financial Administration and Audit Act, which is a much more accountable piece of legislation and places much higher levels of accountability on the Government than ever existed under the Liberal Administrations in this State. However, we adhere, for the same reasons as the party of the member asking the question adhered, to certain practices in relation to ministerial expenses.

STATE FINANCE - ARNOTTS BISCUIT COMPANY
Government Assistance - Newspaper Advertisement

254. Mr DONOVAN to the Premier:

Is the Premier now in a position to answer the assertions made last night by the member for Applecross in relation to assistance provided to the Arnotts Mills & Ware biscuit company?

Mr PETER DOWDING replied:

The member for Applecross, along with other members opposite, is gaining a very well deserved reputation for misleading the community. I think it has reached a stage where every assertion coming from the Opposition benches needs to be tested before it is given any credibility at all. For example, the Deputy Leader of the Opposition made such a fool of himself yesterday over allegations in relation to the reasons there was no move in the Court of Disputed Returns dealing with issues about which the Liberal Party had complained. It turned out, as he well knew at the time I suspect, that the reasons had nothing to do with the superannuation entitlements of members on this side of the House. Due either to the ineptitude or the gutlessness of his

own members - one or the other - we need to give careful consideration to the member for Applecross, who yesterday suggested that the Government, in publishing a statement to inform the community at large about Government programs to assist small business in particular, had somehow erred by referring to assistance given to Arnotts Mills & Ware.

The member concerned implied that the advertisement talked about grants to the company. In fact it does not talk about grants; it talks about Government assistance, which can be grants in the form of the national industry extension service, as was the case with Arnotts Mills & Ware. NIES is federally funded but administered by the State. All the work and contact is done by State officers, as are the recommendations about who should receive assistance. The fact is that the company has no objection to the Government's stating it has received approval from NIES to undertake the total quality management program and to attend a world competitive manufacturing workshop. A Mr Geoff Williams, the managing director of Arnotts Mills & Ware, indicated that he is a strong supporter of NIES and believes the implementation of the NIES programs in his company will improve its competitiveness. He stated he has a good working relationship with TIDA and has regular contact with TIDA officers. I am informed that Mr Williams has indicated a willingness to have his company in the advertisement and he has also confirmed that he did not speak to Mr Lewis and knows of no other Arnotts executive who did.

BUSINESS FRANCHISE (TOBACCO) BILL - AMENDMENT DELAY

Legislation Provisions - Retrospective Application

255. Mr STRICKLAND to the Treasurer:

In view of the distinct possibility that there will be a delay in the passage of the amendment to the Business Franchise (Tobacco) Bill through the Parliament, will the Treasurer advise whether the provisions of the legislation will apply retrospectively back to 1 November 1989 in order that affected businesses can take due heed?

The SPEAKER: Order! I cautioned members earlier about the asking of questions. Not even a part of that question is in order. May I suggest that newer members either consult with some of their more experienced colleagues or, indeed, with the clerks of the House when asking that sort of question. That question is out of order.

MINISTERS OF THE CROWN - ELECTORATE VISITS

Local Members - Notification Convention

256. Mr TRENORDEN to the Premier:

- (1) Is the convention of informing of local members of impending ministerial visits to electorates still observed by the Premier's Government?
- (2) If so, will the Premier ensure that Ministers are told so that the convention continues into the future?

Mr PETER DOWDING replied:

(1)-(2)

The answer is yes, but there are times, due to the pressure of business, oversights on the part of staff or simply the urgency of the visit that mistakes are made. I hope that we maintain the convention, as we certainly intend to. When I was in Opposition, I was regularly ignored by Liberal and National Party Ministers, but we wish to carry out the convention as far as is practicable.

PEEL INLET - ALGAE PROBLEMS

Public Warnings - Dawseville Cut Alternative

257. Mr NICHOLLS to the Minister for Transport:

- (1) Is the Minister aware of the public warnings which were issued through the media recently regarding the algae problems in the Peel Inlet?

- (2) Is the Minister aware of an alternative to the proposed Dawesville Cut which will solve the algae problem in the Peel Inlet?
- (3) If the Minister is not aware of the alternative, will he be recommending that the construction of the Dawesville Cut commence before the end of 1989?

Mr PEARCE replied:

(1)-(3)

The position of the Government regarding the Dawesville Cut is that it intends to construct it. A decision was made a year or two ago subject to studies being undertaken. The studies were carried out, and a decision was made at the end of last year. Some preliminary work had to be done before the Cut could go ahead, including design for the sand by-pass, preliminary drilling work, the position of the road across the Cut and other such things. When we were about to go ahead with a decision, a range of people, including the member, raised environmental questions concerning the Cut - the member's speech was not the only one. People raised the possibility of alternative methods and I called a halt to works on the Cut and asked the Environmental Protection Authority to conduct an environmental review of the proposals.

Some people at the EPA were angry when I did that because they felt it cast aspersions on them as they had already reviewed these matters. I assured the EPA that this did not reflect on the professionalism of its efforts so far, but we had to be sure with such an environmentally sensitive project before we proceeded. None of the alternatives, including the member's disappearing bacteria, represented a better alternative to the Dawesville Cut. Therefore, the decision that the Government made some time ago was upheld and the project will go ahead.

PULP AND PAPER INDUSTRY - LIBERAL PARTY DOCUMENT

Australian Conservation Foundation News Release - Government Response

258. Mr BLAIKIE to the Minister for Environment:

In regard to the news release by the Australian Conservation Foundation headed "ACF Praises Liberal Pulp and Paper Document", dated 25 October 1989, wherein it said the Liberals had clearly stolen the march on the WA Labor Party on this issue, what is the Government's response, and does the Government intend to establish yet another plethora of committees on this most important public issue of a pulp and paper industry in Western Australia?

Mr PEARCE replied:

I am amazed by this sudden awareness of environmental issues by the Opposition. I have sat in this House for some time as the Minister for Environment and this is the first time, except for earlier in the week, that I have had questions asked of me in this capacity.

Mr Parker: You could say the same thing about 12 or 13 years ago.

Mr PEARCE: That is right. I am starting to feel a little old these days as I remember when the Liberals were talking about greenies as though they were from foreign planets or were fifth columnists and ought to be exterminated. I remember Sir Charles Court in the seat next to the one I now hold turning to the greenies in the gallery and waving his hand around saying that he was glad that they were on our side and not on his. I take it that that view has changed.

Mr Court: I am glad you are referring to him as it was getting late in the week and you had not mentioned his name. He gets upset if it is after 4.00 pm on Thursday and you have not mentioned his name.

Mr PEARCE: It makes one feel old when one can remember when the Liberal Party stood for something.

My understanding of the Liberal Party policy regarding pulp mills is that it is proposing to have two instead of the one which is being spoken about by the

proponents of pulp mills. The Liberal Party may feel that it is twice as environmentally conscious in having two rather than one. I can tell anybody proposing pulp mills in this State that they should not take it for granted that the proposal will get an automatic approval. No pulp mill will go ahead in this State unless it is environmentally cleared.

BUSINESS FRANCHISE (TOBACCO) ACT - AMENDMENT

Retrospective Application - 1 November 1989

259. Mr STRICKLAND to the Treasurer:

Will the Treasurer advise whether retrospectivity, back to 1 November 1989, will apply to the amendment to the Business Franchise (Tobacco) Act?

Mr PARKER replied:

It is a little hard on 26 October to be talking about retrospectivity back to 1 November, but I will do my best. It is hard to imagine that the Opposition in the Legislative Council will take control of a Budget Bill out of the hands of the Government.

Mr MacKinnon: Why?

Mr PARKER: Because it is an unconscionable thing. I make two points: Firstly, I understand that the concerns expressed by some members of the other House regarding this matter were that they had not had the opportunity to see the Minister for Health's legislation in terms of the Health Promotion Foundation. I understand that steps have been taken to remedy that perceived defect. I hope that will result in an immediate dealing with the legislation. Secondly, it is a well established principle of taxation law that the Government announces the date prospectively. The only person who made a great habit of retrospectivity was the former Federal Treasurer, Mr John Howard, now a backbencher. Certainly, every Government announced a date of operation prospectively and that stands whether the legislation is passed by that date or not. Taxation legislation can work in no other way. The clause which provided for this Bill to operate from 1 November prospectively will - and I hope the Bill is passed before then - result in the Bill operating from 1 November whatever date the Bill is passed. That can be expected in all taxation legislation. If the member is concerned about how business operators will be affected in terms of collecting charges, I advise that they should collect from 1 November as though the higher charges were in place.

RAILWAYS - COMMUTER TRAIN

Toodyay-Northam-Perth - Westrail Costs and Viability Report

260. Mr TRENORDEN to the Minister for Transport:

(1) Has the Minister received from Westrail a report on the costs and viability of a commuter train between Toodyay and Northam and Perth?

(2) If so, will he table that report?

Mr PEARCE replied:

(1)-(2)

I have seen the report which Westrail forwarded to me. I am happy to provide the member with a copy of the costings. Looking at the cost of coaches that would be necessary and the cost of operating against the potential passenger traffic, it would mean a fare of \$31 a day, and it would still run at a loss at that rate. A round fare of \$31 would not be attractive to people in the area and passenger levels would be low.

Mr Trenorden: There can't be much difference between that and the proposed Joondalup line.

Several members interjected.

Mr PEARCE: I have probably given enough lectures today, but a cost benefit analysis of transport covers a range of things. The Northern line, taking into

account the capital cost, will not pay its way - no urban transport system ever does. The Joondalup railway will transport tens of thousands of people a day and if we do not transport them by train a road provision would have to be made.

Mr Trenorden: It is the same argument.

Mr PEARCE: It is, but if the member cannot see the difference between transporting tens of thousands of people and about 120 people a day, I feel sorry for him. The people who would be transported by that train are travelling on the road now and it does not require tens of millions of dollars to be spent on expanding that rail system in order to cater for the 120 people who may want to use the train. If the member feels that additional road costs would be involved as an alternative for the patronage of that train, perhaps he would let me have the figures on what that kind of analysis is based. Other transport economists have made that calculation. I am prepared to provide the member with the Westrail report and I will do so in the next few days.

PETROCHEMICAL PROJECT - STATE ENERGY COMMISSION
Energy Supply Contracts - Termination

261. Mr COURT to the Minister for Mines:

In answer to question 230 on Tuesday the Minister stated that the State Energy Commission of Western Australia had terminated its energy supply contracts to the petrochemical project. In answer to question 1510 today he said that steps had been taken to terminate the contracts. Have the energy supply contracts actually been terminated?

Mr CARR replied:

When I gave the answer on Tuesday it was on the understanding that the decision had been made to terminate the contracts. I am not exactly sure whether the technicalities and formalities have been completed. The decision has been made that they will be terminated in the terms of the answer today.

TRANSPORT COMMISSION - MACHINERY DEALERS
Travel Permit Requirement - Removal Request

262. Mr McNEE to the Minister for Transport:

- (1) Is the Minister aware of the requirement for machinery dealers to obtain a permit from the Transport Commission to enable them to travel beyond certain distances from their place of business to carry out repairs or transport machinery for repair or sale?
- (2) Will the Minister remove this impediment, thereby removing from the industry an unnecessary interference?

Mr PEARCE replied:

(1)-(2)

That is the kind of issue that members should take up as a case in the normal course of events rather than asking a question about it. It is the height of laziness for members to make representations on behalf of a proportion of their constituency on the basis of asking a question in Parliament. It is not a serious matter to take up on behalf of a small proportion of the member's constituency.

Several members interjected.

Mr PEARCE: If the member can find someone to write a letter for him I am prepared to consider his constituency representation.

COMMUNITY SERVICES - SAAP FUNDING
Government Agreement - Update

263. Mr NICHOLLS to the Minister for Community Services:

- (1) Has an agreement been signed between the Western Australian Government

and the Federal Government to update the previous agreement for SAAP funding?

- (2) If not, why has the agreement not been signed?
- (3) Have any funds been received from the Federal Government as a result of the Burdekin report into homeless youth?
- (4) If not, why not?

Mr D.L. SMITH replied:

(1)-(4)

I thank the member for the question which is the first question I have had the opportunity to answer as Minister for Community Services, Minister for Justice and Minister for South-West. Just as important, I have won a bet which I had with the Minister for Multicultural and Ethnic Affairs on the basis that we would actually not be asked a question during this session.

An agreement has not been signed, but I expect that it will be signed within the next two weeks. Within the agreement there is provision for the State to receive its proper share of the extra moneys allocated by the Federal Government in its Budget this year in response to the Burdekin report. Unfortunately, that allocation of funds is required to be matched by the State. As the Federal Government's Budget was released after this State's Budget had been set, the matching funds were not included in the Budget. Therefore, we have had to go back to Cabinet for approval for those funds. There have also been problems in relation to some of the categories of people eligible for SAAP for services and we have had to carry out negotiations in relation to changes to accommodate them. There have also been problems with administrative costs. All of these have taken time to negotiate and I expect the agreement will be concluded in the next few weeks.

RAILWAYS - AUSTRALIND TRAIN SERVICE

Busselton - Extension Progress

264. Mr BLAIKIE to the Minister for Transport:

Following statements made by the Government during the recent election campaign, what progress has the Government made on extending the *Australind* train service to Busselton?

Mr PEARCE replied:

The matter of extending train services is being considered in a number of areas.

Mr Blaikie: It was your commitment.

Mr Peter Dowding: It was your commitment to extend trains, but you stopped those services. You actually closed them down. Your record is terrible.

Mr PEARCE: We have a number of transport experts on this side of the House. The question of the Government's electoral commitments in regard to the extension of train services is being considered at present. Westrail is working on proposals for these extensions. It was never the Government's intention when it put forward its election program that everything would be concluded within six months or within a year. It is a four year program and at the end of that time those commitments will be honoured. Members opposite cannot ask why these things have not been done at this stage. Preliminary consideration has been given to the extension of that service and I would not expect it to be put into effect in the next few weeks.

RAILWAYS - ELECTRIFIED SUBURBAN SERVICE

Imported Equipment Suppliers - Special Arrangements

265. Mr COURT to the Minister for Economic Development and Trade:

What special arrangements have been made with the major suppliers of imported equipment for the electrification of the suburban rail system which will encourage new local manufacturing industries in this State?

Mr GRILL replied:

The special arrangements are actually embodied in counter trade arrangements which the Department of Trade and Development has made with those suppliers. Those counter trade arrangements are many and varied and include the establishment of new businesses within Western Australia. One of those was a tannery in the south of the State and other businesses are being planned.

Mr Court: Where will it go?

Mr GRILL: The tannery will be established at Capel. There will be a whole range of other trade opportunities which will be of benefit to the State. I cannot outline all of them now. If the member puts the question on notice I will answer it.
