

# Legislative Assembly

Thursday, 9 October 1980

The SPEAKER (Mr Thompson) took the Chair at 11.00 a.m., and read prayers.

## SHOPPING CENTRE

### *Garden City: Petition*

MR PARKER (Fremantle) [11.02 a.m.]: I wish to present a petition from 225 retailers in the City of Fremantle. It reads as follows—

The Honorable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned retailers of Fremantle in Western Australia believe that there is an oversupply of retail floor space in the Perth metropolitan area. We believe that the proposed expansion of the Garden City Shopping Centre disregards the importance of Fremantle as a "subregional centre" as designated in the Corridor Plan, and contrary to the aims and objectives of the Metropolitan Region Planning Authority's retail shopping policy. We believe that approval of the proposed expansion before completion of the Fremantle Sub-regional Centre Study to be premature and that the consequences of such expansion will be catastrophic in so far as established businesses in Fremantle are concerned.

We therefore request that the Minister for Town Planning take account of the interim report of the Fremantle sub-regional study which recommended action to prevent further erosion of Fremantle's function as a sub-regional centre and that the extension of Garden City Shopping Centre be disapproved until such time as a thorough and immediate review of the retail shopping policy is completed and considered.

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 225 signatures, and I certify that it conforms with 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. 25.)

## BILLS (6): INTRODUCTION AND FIRST READING

1. Banana Industry Compensation Trust Fund Amendment Bill.  
Bills introduced, on motions by Mr Old (Minister for Agriculture), and read a first time.
2. Bee Industry Compensation Amendment Bill.
3. Beekeepers Amendment Bill.  
Bills introduced, on motions by Mr Old (Minister for Agriculture), and read a first time.
4. Colleges Amendment Bill.  
Bill introduced, on motion by Mr Grayden (Minister for Education), and read a first time.
5. Cemeteries Amendment Bill.  
Bill introduced, on motion by Mr O'Connor (Deputy Premier), and read a first time.
6. Road Traffic Amendment Bill.  
Bill introduced, on motion by Mr Hassell (Minister for Police and Traffic), and read a first time.

## BILLS (3): THIRD READING

1. Marine Navigational Aids Amendment Bill.  
Bill read a third time, on motion by Sir Charles Court (Premier), and transmitted to the Council.
2. Door to Door (Sales) Amendment Bill.  
Bill read a third time, on motion by Mr O'Connor (Minister for Labour and Industry), and transmitted to the Council.
3. Rural Relief Fund Act Repeat Bill.  
Bill read a third time, on motion by Mr Old (Minister for Agriculture), and transmitted to the Council.

## SALARIES AND ALLOWANCES TRIBUNAL AMENDMENT BILL

### *Second Reading*

SIR CHARLES COURT (Nedlands—Treasurer) [11.15 a.m.]: I move—

That the Bill be now read a second time.

The Bill before the House proposes two amendments to the Salaries and Allowances Tribunal Act—

one in relation to the method of providing for the salary of the Master of the Supreme Court; and

one to provide a statutory base for a new system of travel entitlements for members.

In respect of the Master of the Supreme Court, in 1979 Parliament passed the Acts Amendment (Master, Supreme Court) Act which had the effect of making the master a constituent member of the Supreme Court.

Prior to the proclamation of the Act on 11 February 1980 the master was an officer of the court with his salary determined by the Salaries and Allowances Tribunal in a similar manner to the salaries of senior Government officers.

Section 11B of the Supreme Court Act now specifies that the master's conditions of service are to be determined by the Governor from time to time, subject to the provisions of the Salaries and Allowances Tribunal Act.

As the master is now a constituent member of the Supreme Court, it is considered preferable that his salary be recommended by the Salaries and Allowances Tribunal in a like manner to salaries of judges of the Supreme Court, judges of the District Court, and stipendiary magistrates.

The Bill now before the House proposes an amendment which will include the Master of the Supreme Court in those offices to which the tribunal makes a recommendation as to remuneration. Other conditions of service relating to the office of Master of the Supreme Court will continue to be determined by the Governor in accordance with section 11B of the Supreme Court Act.

I think when I mentioned this matter unofficially to the Leader of the Opposition I referred to magistrates and overlooked the fact that we had previously tidied up the situation regarding them, and the outstanding position was that of Master of the Supreme Court.

By way of explanation to new members, the Salaries and Allowances Tribunal has power to make determinations in respect of the salaries of Ministers of the Crown, members of Parliament, and the top echelon of the Public Service. In respect of Supreme Court judges, District Court judges and magistrates—and now the Master of the Supreme Court—the tribunal has power only to make a recommendation. The historic reason for that is that at the time we brought in the Salaries and Allowances Tribunal Act, the judges were of the opinion that their salaries should not be determined by a tribunal, nor should they be determined by the Government of the day, but that they should be at the discretion of the

Parliament of the day, in view of their unique situation. Therefore, we overcame their objection by providing that the tribunal should make a recommendation as an independent body, and that the recommendation should lay on the Table of the House. If it is not challenged by the House within the prescribed period, it then becomes the legal remuneration of judges, magistrates, and now the Master of the Supreme Court.

For many years members' travel entitlements have been determined by the Government and varied from time to time as required.

Following the recently passed Constitution Amendment Act (No. 2), which validated agreements made between members and the Crown in relation to travel arrangements, it is now considered necessary for legislative authority to exist for the Executive to provide for travel allowances for members—particularly under any new proposals based on an "imprest" system.

The details of that will be circulated within the next few days for consideration by the parties concerned. After their reaction is obtained, we will implement the system if that is their wish.

The Bill amends the Salaries and Allowances Tribunal Act to provide that the Treasurer may from time to time make arrangements subject to conditions, restrictions, and limitations determined by the Treasurer in regard to the fares of a member of Parliament for travel in the State or elsewhere, together with a member of the family of that member of Parliament; also, the accommodation or other expenses incurred by the member of Parliament, but not the member of his family.

The matter will not come within the jurisdiction of the Salaries and Allowances Tribunal, but is included in this particular Act for convenience only.

Special provisions are contained in the Bill whereby the Treasurer may determine that members' travel entitlements shall continue to apply, not apply, or shall apply to a restricted extent only during the period between the House dissolving and the polling date.

The opportunity has been taken also to delete the word "Tribunal" from the title of the Act as this was considered to be somewhat misleading. The new title will more clearly reflect the purpose of the Act which is to deal with salaries and allowances.

I commend the Bill to the House.

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

## HOUSING BILL

### *Second Reading*

**MR LAURANCE** (Gascoyne—Honorary Minister Assisting the Minister for Housing) [11.21 a.m.]: I move—

That the Bill be now read a second time.

This Bill is to repeal the State Housing Act 1946-75, and to replace it with housing legislation more in keeping with requirements of today and of the foreseeable future.

The present State Housing Act was enacted in 1946. Although it has been amended on a number of occasions since, it has not been substantially changed in emphasis as community needs have altered over the years.

The existing Act has proved wanting in a number of respects. It also contains much relating to what is broadly administrative detail and on that account has become very cumbersome and an inhibiting element in maintaining an efficient and cost effective administration which could quickly adapt to changing economic circumstance and the introduction of new practices in the private sector.

In that context it seemed appropriate to completely repeal the legislation and introduce a new Act which would better meet requirements.

In the preparation of new provisions embodied in the Bill now being introduced to the House, the main aims have been—

- to have a clear statement of principles, and allow their implementation through a flexible administration;

- to ensure a continuing role for the Housing Commission in those fields which can be serviced only by a public housing authority;

- to provide a supplement to the private sector to ensure a complete service to those people requiring accommodation;

- to provide a more effective instrument of Government action in the total field of housing; and

- to ensure that at all times the policies and practices adopted by the Housing Commission are in conformity with the broad policies of the Government of the day.

The provisions of the Bill which represent important changes to the existing legislation are as follows: Firstly, the objectives have been broadened and clarified. No longer is the Housing Act to be confined to the provision of housing for persons of limited means. For much of what is wanted now, limited means is not a useful criterion; rather, we need to be able to cater for people, such as single workers and working

couples for whom, in many country centres at least, the private sector is making no provision.

The objects also clearly allow the commission to administer housing agreements between the Commonwealth and the State, and so avoid amendments to the Housing Act whenever there is a new agreement.

I come now to membership of the Housing Commission. The existing provisions place certain qualifications on membership and have at times inhibited the appointment of members with a particular competence relevant to the current activities of the commission.

It is proposed to retain a membership of seven persons including the *ex officio* membership of the General Manager of the commission. Beyond that all other special qualifications are to be removed and members will be appointed who have the experience and competence required to deal with the pertinent issues of the time.

At the same time the opportunity is being taken to change the open-ended method of appointments and come into line with current practice to provide for appointments for a specified term. There is also a provision for the appointment of a deputy for each member.

The powers of the commission have been stated in a clearer way. At the same time they have been extended to give legislative sanction to some aspects which have been developed over the years. These relate particularly to making the facilities of the commission and the services of its officers available to assist any organisation engaged in activities related to the objects of the Housing Act.

In regard to rental operations the commission has been inhibited by existing statutory provisions which do not allow renting other than to an eligible applicant. There is a demonstrable demand for assistance by the commission to non-profit organisations, particularly in the health and welfare fields, which require accommodation for staff or clients. Specific examples are St. John Ambulance, slow learning children's groups, child-care centres, etc. There is now to be a provision allowing the commission, with ministerial consent, to rent or lease to any public authority or body corporate.

There is also a specific power to fix rents and grant rebates. In regard to rebates, the procedures have in the past rested substantially on provisions in successive Commonwealth and State housing agreements. This is regarded as unsatisfactory and a specific authority in the Housing Act is seen as desirable and appropriate.

In respect of purchase assistance the existing Act contains a number of detailed and accounting matters which are no longer seen as appropriate items of legislative importance. Also the whole thrust of the Act is to purchase houses already built by the commission. Likewise, the additional powers to finance on mortgage are restrictive and overly detailed.

The new provisions are designed to allow maximum choice by the purchaser of style and location, and to permit a flexible financing approach which can readily adjust terms and conditions to changing circumstances. Where necessary such conditions can be tailored to the needs of different categories of applicants.

It must be emphasised that there will be no statutory power to alter any contracts of sale or mortgages in force at the time the new legislation comes into effect. Those are valid and binding contracts which may be altered only with the consent of both borrower and Housing Commission.

Finance provisions are essentially the same as in the present Act, but have been extended to allow all transactions of the commission to be handled through a single fund. This will facilitate and simplify accounting procedures and will also make easier the presentation of a single set of financial statements encompassing the whole of the Housing Commission's operations.

In addition to these major changes many provisions of a procedural and administrative nature in the existing Act are not now relevant and have either been deleted or revised to cater for present and future influences.

The result will be a modern, more flexible Housing Act to serve the public housing needs of the State.

I commend the Bill to the House.

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

#### *Message: Appropriations*

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

### **SALARIES AND ALLOWANCES TRIBUNAL AMENDMENT BILL**

#### *Message: Appropriations*

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

### **LAND TAX ASSESSMENT AMENDMENT BILL**

#### *Second Reading*

Debate resumed from 2 October.

**MR DAVIES** (Victoria Park—Leader of the Opposition) [11.29 a.m.]: One can always get an argument and a debate on taxation measures. However, in this case I am sure the Treasurer will be pleased to know the Opposition does not intend to oppose the Bill. The Treasurer has been very good to us—

**Mr Blaikie:** Hear, hear!

**MR DAVIES:** I hope the honourable member will make sure this trend continues. The Treasurer has been very good to us inasmuch as he has made available to the Opposition the material which had been supplied to him by the department so that we could assess the basis on which the amendments are being introduced. These documents helped us considerably because although the Bill sets out to do only two things, and is a relatively small Bill, complications could set in and arguments could arise regarding the interpretation of the legislation.

Having looked at the committee notes supplied by the Premier, and having read the Bill fairly carefully, I do not propose to raise any arguments which may or may not come into effect. We will wait and see whether the amendments which are brought in do the job we hope they will do. As far as I can see, they will.

The Bill proposes to phase in valuations over a three-year period, and to exempt completely from land tax the land with a residence when the land is in excess of 2.034 hectares, or five acres under the old system. Previously, only five acres or 2.034 hectares were exempt, and the rest of the land was subject to tax. Now, there are quite a few anomalies in this. I have had many complaints, and I am sure every member of the Parliament has had many complaints.

**Mr Nanovich:** Where were the anomalies in relation to the five-acre block being exempted from land tax?

**MR DAVIES:** People complained it was not fair that they should be exempt for five acres only when they had chosen that lifestyle and the land was slightly in excess of the five acres. I will use the imperial measures rather than continue to deal with hectares, because it is much simpler. The people complained that they were being disadvantaged, and they were not receiving the same entitlement as other people because of the lifestyle they had chosen.

There will no longer be any need for complaint in this regard. It does not matter whether one lives on 100 acres, provided it is just the residential block. That will be exempt.

Mr Nanovich: This is a very good move.

Mr DAVIES: There are provisions in the Bill which mean that if the land is divided subsequently, the Government can go back over five years and reassess the land tax for that period. This is similar to the provisions which apply at present in relation to churches and to educational establishments.

This will be difficult to interpret in some situations. Indeed, if it was not for computers it would be difficult to phase in the revaluations over a three-year period. I am not *au fait* with the workings of computers in this regard; but I imagine one would punch in the instructions, and the end result would be printed out. There would be an automatic one-third rise phased into the revaluation on the printed rate notice.

The only thing I want to query is the amount of money the Government will receive from this. I believe it will be a bonanza for developers—the people who have large tracts of land and hope to make a killing eventually. I do not think these people are very well regarded, generally. It is their business, and they are out to make whatever they can. I suppose they are entitled to do that, under the economic circumstances in which we work. I think they will benefit greatly.

I have had complaints in my office from people who have had a number of pieces of land in various areas—car yards in particular—and they have been hit severely by the increased valuations and the subsequent increases in rates. These people will no longer have a need to complain. I believe they are the people who should be helped. They are the small businessmen; and they are the ones the Government should be helping. They will enjoy the benefits.

I am not as sympathetic to the developers who grab large tracts of land, and who are prepared to sit on them until the price is right, or the time is ripe to foist the land onto the public at inflated rates. I appreciate that the rate the public is charged will be reflected in the taxes that the developers have to pay over a period. Nevertheless, if people are going to take advantage of the money they have, and obtain large tracts of land, I am not very sympathetic to them when it comes to taxation measures. I would much rather see a larger concession made available to the small businessmen who, I believe, are the backbone of the community. We can only see how this works out in effect.

I do want to talk about the amount of money that will accrue to the Government. In his second reading speech, the Treasurer said the cost to the Government this year would be about \$5.3 million. Over a period of time, when the programme is completed it will have cost \$33.1 million. I hope the public do not believe that this sum is being surrendered by the Government out of the generosity of its heart. All I can say is that the Government must have been embarrassed by the amount of money it would have received had the whole of the valuations been applied in any one year. It is difficult to work out how the Government assessed the sum of \$33.1 million.

I will deal with the history of land tax over past years. These figures are taken from the Financial Statement which was presented by the Treasurer when he brought down the Budget. The documents show that in 1977-78 the receipts were \$14.9 million. I will speak in round figures. That represented an increase of 24.6 per cent over the previous year. In the next year, the increase was 19.5 per cent. In 1979-80, the increase was 28.6 per cent; and it is estimated this year there will be an increase of 17 per cent. That is a considerable growth tax; and the increases in round figures have been \$3 million, \$5 million, and \$4 million over the past three years.

Members can see there has been an average increase in each year in excess of 20 per cent. If one takes this year's estimate in round figures of \$27 million and increases that by 20 per cent, in 1981-82 the return should be \$32.4 million. If one increases that again by 20 per cent, the figure will be \$38.9 million in 1982-83. Increasing that in the third year by 20 per cent, the figure will be \$46.7 million. That means that in three years from now there will be an increase of something like \$20 million. That is taken on the normal growth of about 25 per cent of the land being revalued each year. That seems to have been the increase in the past.

That is a fairly substantial figure, but it does not take into account the new valuations, and the effect of the valuations being phased in over three years. Looking at the extension I have done—and I want to be advised on this—if we take this year's figure at \$27 million, and we increase that by one-third for the 1981-82 year, that brings us up to \$35.8 million. If we increase it by another third during the next year, that will make the available land tax \$47.7 million. I am speaking in round figures. As members will appreciate, it makes it much easier to debate. From 1980-81 to 1982-83 there will be an increase of \$20.7 million.

The Treasurer has said that the cost to the Government over the period will be \$33.1 million

and I cannot relate that to the extensions I do on the existing figures when compared with the increases over the last four or five years. I suppose it does not really matter that at the best it is only an estimate. The only thing we can do is to watch the position closely and see how much tax is accruing to the Government over the years with this new system.

The Treasurer pointed out that a committee has been established to investigate rates and taxes and the application of valuations. It may mean that the full effect of the revaluations as they stand now will never be put into effect under this legislation. It probably means that some new system will be brought into operation and that the second or third phase of what is now proposed will never come about.

So, in summing up, the Opposition heartily endorses the suggestion that irrespective of the size of the piece of land, provided it is a residential block, the land should be free of land tax. Further, we believe that some relief is necessary as far as the application of revaluations in assessing land tax is concerned because, as I have pointed out, the estimated increase will be 17 per cent during the current financial year and that is well above the inflation rate, although slightly below the increase during the previous financial year. With the figures quoted by the Treasurer, I cannot see how there is expected to be a cost to the Government of \$33.1 million over the years. As I have indicated, there will be an increase of some \$20 million. Possibly the Treasurer is saying that the cost to the Government would be \$33.1 million only by surrendering part of the assessment at the present time.

As I have pointed out, there is provision for subsequent subdivision where exemptions have been granted, and this is the proper thing to happen. During the course of the inquiry the Government should be considering whether or not people who have large tracts of land which are not being developed at the present time, but which will subsequently be developed, should not similarly be back taxed.

As I have said, it is a simple Bill which proposes simple measures, but the application of those simple measures will be quite complicated. If we did not have computers it would be a great deal of work for the State Taxation Department; but hopefully it will not be more expensive to collect this tax under the new system than it would have been if the valuations had been allowed to stand.

We will watch with a great deal of interest the amounts of money which do accrue to the Government from year to year and only hope that the figures the Treasurer has quoted will turn out to be correct. By extending them in the manner I have done—and it may be an oversimplification—it appears the Government will still get a bonanza as far as land tax is concerned. Fortunately, some sections of the community which have suffered in the past will enjoy some benefit in the future.

**SIR CHARLES COURT** (Nedlands—Treasurer) [11.45 a.m.]: I thank the Leader of the Opposition for his support of the Bill and I rise to comment on some of the points he made. He referred to a comment I made when introducing the Bill to the effect that if we had not introduced this type of phasing-in provision we could finish up with some \$33.1 million by the time the programme is completed. I queried the figure myself when it was first represented to me, but the officers produced a chart showing how the tax would compound if we did not introduce this measure to phase in new valuations. I emphasise that the phasing-in arrangement, which is to be on a one-third, one-third basis, relates only to new valuations. Those people who are fortunate enough to have valuations which the valuer does not catch up with remain on that level. It is not as if the whole valuation figure lifts automatically regardless of actual valuation.

There are some areas which—because of lower economic development, or because they are less attractive—under the valuation system we use, do not have increases in valuations to any great extent and, in fact, some have virtually stood still, but they would be the exceptions rather than the rule, especially in the metropolitan area. I emphasise that the phasing in applies only to the increased valuations.

I also make the point—and this was touched on by the Leader of the Opposition—that the legislation is intended to be holding legislation to remove an anomaly until such time as we can get the benefit of the McCusker report. Whether or not that report produces something better in practical terms than what we have done on a holding basis is something we can tell only when we have the report. I do not envy the committee its task. Its members are trying to find a way to assist Governments to overcome the anomalies which arise because of the situation we have built into our taxing and charging methods related to land valuations.

When inflation was not very high and valuations produced increases of fairly modest percentages, we could live with the situation; but

now we finish up with increases of 200 or 300 per cent in valuations. This makes for anomalies, particularly when the rate or charge involved is directly related to a service given. It creates tremendous anomalies between people receiving exactly the same service from an instrumentality; some people find themselves paying infinitely more than others who are fortunate enough to have a low valuation.

Mr Davies: Do you think we might need to have an annual variation of rates, much the same as with local government?

Sir CHARLES COURT: If we could have annual valuations, or if we could accept a situation where we had a better method than that used now and where we started everyone off on the same base as with local authorities, we would have an ideal situation by adjusting all rates so we compensated for the valuation increases and we earned only the amount of extra income needed or that to which we were reasonably entitled. Over the years local authorities have been able to adjust their rate in the dollar. The ratepayer pays a little more, but he does not get an automatic increase of horrendous percentage merely because the valuer has been to work.

Mr Davies: The value goes up and the rate goes down.

Sir CHARLES COURT: Usually, if the valuation rises, the rate comes down. The net result is that, hey presto, the ratepayer usually pays a few per cent more—perhaps 10 per cent, 15 per cent, 20 per cent or whatever is necessary. But land tax is far too big a thing to handle in this way.

I cannot for the life of me see how we could get to a situation of having all valuations move at the one time, unless we had some situation where the department went through all of the valuations of the State and then held those in year one or year two at the present level until the next lot were finished and then gave everyone a valuation on the one day. That would produce anomalies, especially where we have some fast-growing areas and values are going up quickly. Three years can make a big difference.

I would not like to hazard a guess as to what the McCusker committee is likely to recommend after it has taken evidence from the community and professional people. In the meantime, it has been stated quite fairly by the Leader of the Opposition that we have endeavoured to introduce a holding measure to cope with the situation. I want to emphasise, one cannot carry out an arbitrary calculation of the income, because the phasing-in arrangement proposed by this

legislation relates to new valuations and not to the total valuations that are subject to land tax.

However, it was demonstrated that, until the cycle has been completed over a few years, if this was not introduced, the Government would be \$33.1 million better off.

Mr Davies: It would break your heart to give away that.

Sir CHARLES COURT: I know we could not get away with that, because one has to be realistic about the matter. However, that is the import of it.

Of course, once it has gone the full cycle, it does not have the same effect; but when we are going through the cycle of phasing in, the effect would be quite dramatic—indeed, quite devastating—if we did not introduce a Bill of this kind.

I noted the comments of the Leader of the Opposition in regard to the growth factor in the tax and I agree with him. It is one of the growth factors which we have. However, we have arrested the growth, hopefully in a realistic manner, by bringing in the phasing-in arrangement.

The Leader of the Opposition referred to the fact that this could be a bonanza for developers. The Government considered that aspect and, after taking advice, determined it would not be. There is no argument about the residential part of the matter, but we could have an anomalous situation.

We must bear in mind the residential qualification applies to only one lot, but it could be 50 acres, 100 acres, or more in size. However, as far as this legislation is concerned, if it is a residential lot, it would be exempt.

Therefore, we have had to introduce legislation so that, if this aspect was being manipulated by a person taking advantage of the exemption we have granted, he would be caught up in the retrospectivity tax once the approval for the subdivision was given. In other words, he could not use the residential qualification as something of a tax evasion or tax avoidance measure, as the case may be.

However, in the case of developers holding broadacres, one has to realise development charges today have become prohibitive. They are in a high interest field where the developers usually are borrowing money on a bridging basis, which is the dearest of all money. They are in a field where they are paying all the rates and charges which go with the property, and land tax is not the only area of charges which is increasing.

We want to encourage developers, particularly the professionals in the field, to hold broadacres ahead of need, because, if they do so, the end result is the land can come onto the market at a cheaper price. The worst result is if developers go out and buy broadacres too late when the acquisition costs have been built up against them with the expectancy of development in those areas.

The sooner developers can get access to broadacres for potential development, the lower will be the costs they will have to charge to get the land onto the market.

Mr Davies: We could have an argument about that, but we will not do so today.

Sir CHARLES COURT: They are subjected to heavy charges. I have looked at complaints which have been made about the involvement of the Government in land development where people are worried mainly because of the depressed market. However, my own view is that, once the market lifts, there will be less cause for concern in that regard.

For the information of the Leader of the Opposition, I should add one of the developer's complaints at the moment—and we find this is louder when the market is depressed—is that Government instrumentalities are handling too large a proportion of the total market.

In order to look at this matter we have to go back to the days of the Brand Government when the Rural and Industries Bank was involved in land development in order to stimulate the amount of land available for development. When we found there was a critical shortage, we had to take emergency action in connection with the developers themselves and bring some of them together so they could rationalise the development and speed up things. They reacted very well to this.

Since then, a number of Government agencies have become involved in real estate development of the residential type. These agencies include the Urban Land Council, the MRPA to a certain extent, and the Rural and Industries Bank has continued in this field. The SHC has its piece of the action also, because, with the effluxion of time and the changing character of various residential areas, it becomes necessary to sell SHC land in the market on a developed basis. Of course, the advantage of that is, every cent received for that land, after the cost of development, goes into the SHC's own activities to provide more houses.

The combination of all these factors means it is a rather formidable force in the real estate and land development business. The Government has

found this, in itself, has had its advantages in stabilising the price of land.

We sometimes hear that the Urban Land Council, in the type of development it undertakes, goes onto the market with an auction and puts up 60, 70, or 80 blocks of land. On occasions, very few of those blocks are sold at the auction. People are inclined to think this indicates a depressed market. In fact, what it means is the council is developing in a different type of area from many developers. Although there has been a very slow response at auction to their particular type of land, the fact is, before the next auction takes place most of that land has been sold over the counter for the reserve prices nominated.

Therefore, a good service has been rendered and as long as the Government does not get involved too heavily in this activity, it could be a very important force in stabilising the value of land. I repeat, we do not want to get involved too heavily, because we are going to rely more and more on the developers for the main thrust in the development of serviced land ahead of need and in a variety of suburbs in view of the higher demands expected in the future.

I believe I have answered the queries raised by the Leader of the Opposition and I thank him again for his support.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

Bill passed through Committee without debate, reported without amendment, and the report adopted.

## METROPOLITAN REGION TOWN PLANNING SCHEME AMENDMENT BILL

### *Second Reading*

Debate resumed from 2 October.

MR DAVIES (Victoria Park—Leader of the Opposition) [12.00 noon]: This Bill is consequential to the Land Tax Amendment Act. It defines the owner of a property at a certain time so that the tax can be properly assessed against that owner.

There is not the slightest reason for the Opposition to oppose this legislation and it does not.

Question put and passed.

Bill read a second time.



*In Committee, etc.*

Bill passed through Committee without debate, reported without amendment, and the report adopted.

**BUSINESS FRANCHISE  
(TOBACCO)  
AMENDMENT BILL**

*Second Reading*

Debate resumed from 2 October.

**MR DAVIES** (Victoria Park—Leader of the Opposition) [12.04 p.m.]: This is another Bill which is simple in itself, but which could be complicated in its application. Once again, the Premier was good enough to supply me with his copy of the Act with the amendments worked into it so that I could readily assess what was proposed.

The Bill does several simple things. It abolishes the \$10 fee which a retailer is required to pay when he applies for a licence to sell tobacco goods and it abolishes the \$1 charge which is applied when a licence is transferred from one person to another. It also provides for an appeal to the Treasurer against the commissioner's decision not to issue or not to transfer a licence.

Because of the nature of this legislation and because it is of recent application we should expect some amendments to it. We have those amendments now. This legislation is a taxing measure. It is a growth tax because there is a small growth each year, although it is not a great amount.

If one looks at the financial statement provided by the Premier one will find that the estimated growth this year is less than \$1 million. It is probably about \$0.8 million.

There are probably those amongst us who may say that the tax should be much greater because if it were we might discourage people from smoking. Whilst cigarettes are available I can applaud the Government's decision to continue to obtain more revenue from their sale. I do not know whether taxing them would stop people smoking—it might stop some people, but it would not stop completely the smoking habit. It is probably not the best way to approach the problem anyway.

I do not wish to lead into a discourse on the rights or wrongs of smoking except to point out that this would be an opportunity—and I am sure there are some people in the House who would like to see the tax increased—to increase the tax.

This legislation does not increase the tax, it merely puts right some of the things which were a little clouded in the past. In an attempt to do that the Government has decided that although a

retailer must have a licence he does not have to pay the fee of \$10. This will cost the Government something like \$47 000, which is not a large amount.

As the Premier said when introducing the legislation, this is one of those irksome charges which should not be inflicted on the business community. The Premier also pointed out that the \$10 was not a fair charge because some retailers sold hundreds of thousands of packets of cigarettes while others only sold a handful; yet they had to all pay the same charge.

So, we are surrendering a sum of \$47 000 although it will be necessary for a retailer to obtain a licence as before.

For taxes applied at base level the wholesaler pays \$100 for a licence and then 10 per cent of his sales over a previous period as a tax. That will still remain and there is also provision to block what might be one loophole; and that is, when the retailer obtains cigarettes from a source other than a wholesaler within the State. In such a case the retailer can obtain his licence free of charge but he will have to pay 10 per cent of his sales over a period.

Obviously, a tax which will net us about \$10.6 million a year is one well worth having. I do not know whether or not it is likely to be the subject of a challenge because we are taxing interstate trade. I think that has been looked at closely, not only by the Government when introducing this legislation but also by the industry itself.

I do not know whether or not the appeal which is provided—that is, if the Commissioner of State Taxation refuses to grant a licence an appeal can be made to the Treasurer—is an appeal from Caesar to Caesar. We can presume that the Treasurer will look at the factors objectively and give a decision accordingly.

The appeal may be necessary—as I understand the second reading notes—so that the Commissioner of State Taxation can refuse to transfer a licence because of some loophole which has apparently been found to exist in the Eastern States and which has not been used or applied in this State, but could well be used or applied in the future.

In order to block the transfer the Commissioner of State Taxation will not transfer the licence. If the person affected is unhappy with that decision, he will be able to appeal to the Treasurer. I do not know that that is the best avenue or the best line of appeal, and whether or not the appeal should be to a magistrate. However, I will not oppose the proposition; it is not worth arguing about at this time. Firstly, it is likely there will be few cases

when transfers take place. I understand the incidence of transfers is not great. Secondly, I am quite certain that if an appeal to the Treasurer of the day was refused, and the firm concerned was still unhappy with the decision, the firm certainly would approach the Opposition and complain. The matter would then receive further attention.

We are pleased to see that the charge of \$10 for the issue of a retailer's licence is to be abandoned; also that the transfer fee, which seems to be inequitable anyway, is to be abandoned. We are pleased to see that there is to be an appeal provision if a transfer is not granted. The turnover tax remains the same, and we support the Bill.

**SIR CHARLES COURT** (Nedlands—Treasurer) [12.12 p.m.]: I thank the Leader of the Opposition for his support of the Bill. If I recall correctly, there are just two matters on which I should comment. The first is the question of whether a tax encourages or discourages smoking. I am afraid that people who want to drink or smoke give only a passing thought to the tax on their drink or cigarettes. I am old enough to remember when excise was imposed on beer. We do not know what protests really are like these days, compared with what went on then. The excise was a trivial amount at the time but everyone was going to go on the water wagon, and boycott hotels and beer. For the first hour or two it worked, but as the day got hotter and time went on everyone forgot about the boycott. I think the Commonwealth Government imposes quite horrendous increases on liquor these days, as it has done over the last 10 years, but there is hardly a ripple on the water because people have become numb to such price increases.

In the case of tobacco, the argument was raised that the Government was getting a vested interest in tobacco. This matter was debated seriously. On the more humorous side, when talking about tobacco tax with Treasury officials—and it occurred again on this occasion—I found that the majority of senior Treasury officers were heavy smokers. When we have conferences I am usually the only one who does not smoke.

Mr Davies: That is unusual these days.

**Sir CHARLES COURT**: It is. The Treasury officers have said that because of the pressure under which they work they take refuge in smoking! They also said that I should make it public that the Treasury officers were imposing a tax in the field in which they were big taxpayers. Almost without exception, they are heavy smokers.

The other point which was well covered by the Leader of the Opposition related to the question

of refusing transfers. It is quite unashamedly a very simple and rather unorthodox method of dealing with tax avoidance. For that reason, the only people who would appeal to the Treasurer under normal circumstances would be those trying to avoid the tax. We are fortunate in that we have the benefit of the experience in other States. We do not think the problem will become as serious in this State, unless there is a large growth factor in our population and it becomes worth while to try to manipulate across our border. But, between New South Wales and Victoria, and between New South Wales and Queensland, where comparatively large centres are established just across each border, they have very much the same problem as they have had with wheat being transferred across borders under section 92 to defeat the marketing controls.

It was felt that whilst amending the Act we should take the precaution of including this very simple but effective method of overcoming tax avoidance. I supported it. An appeal to the Treasurer normally is not a good thing. We built an appeal provision into the Land Tax Act because we could find no alternative mechanism to handle a situation confronting us, and to give the taxpayer some way of explaining his case when his opinion differed from that of the Commissioner of State Taxation. We found an appeal to other than the Treasurer was too hard to define on the issue involved.

The number of appeals have not been as great as I expected. The Commissioner of State Taxation, knowing that I have some professional knowledge of how the taxation system works, and how the taxpayers are situated, has represented his case very expertly and very carefully. As a result of appeals to the Treasurer there have been a number of modifications after consideration of the case presented by the taxpayer and the case presented by the Commissioner of State Taxation. By and large, that has worked very well. There have been no serious problems. Naturally, those who do not have their appeals allowed are not happy with the system, but those who do have their appeals allowed in whole or in part think it is not a bad idea.

The appeal system under the present measure covers a slightly different situation. I cannot imagine there would be many appeals, and mainly it would be a question of people deliberately seeking transfers as a means of tax avoidance.

Mr Davies: Getting back to operating interstate, that would be hard to police. If a person holds a retail licence, what kind of proof would there be that he was not buying from a registered wholesaler?

Sir CHARLES COURT: I think the inspectors have a fairly effective way of knowing who is trading in tobacco. Also the trade itself is fairly vigilant. People in the trade are often the best policemen.

Mr Davies: That is true.

Sir CHARLES COURT: A combination of the two factors works out.

I want to refer to the question of the power which is given to the Commissioner of State Taxation, and which is subject to appeal. The Leader of the Opposition touched on this delicate question of what is excise and what is an enforceable State tax. We have to be very careful we do not implement machinery that endangers the basic principles accepted by the trade. It is a very delicate mechanism, as came out in the Hamersley case over receipts tax. However, this tax has been examined and accepted by the trade and the Government as being a genuine State tax, as long as it is imposed on a transaction which has taken place during the previous year.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

Bill passed through Committee without debate, reported without amendment, and the report adopted.

## RURAL AND INDUSTRIES BANK AMENDMENT BILL

### *Second Reading*

Debate resumed from 2 October.

MR DAVIES (Victoria Park—Leader of the Opposition) [12.21 p.m.]: This is another simple measure. I suppose it could best be described as bringing the Act up to date and streamlining the procedures in one or two places.

The Rural Department of the Rural and Industries Bank has always been known by that name, and I can understand the confusion it would cause, particularly when overseas countries are dealing with the bank and find they are talking to the Rural Department but are really dealing with general banking. So, the obvious thing has been done. The Act will be amended so that the Rural Department will now be known as the "General Banking Department", and we endorse that change.

The other amendment relates to the system whereby the bank is able to trade with its staff. Previously the permission of the Governor was

required to allow an employee of the R & I Bank to obtain a loan from the bank. This authority is to be handed to the commissioners, who are able to delegate to senior officers. I do not see anything wrong with that. If we cannot trust the commissioners and senior officers of the bank, whom can we trust?

Guidelines are to be set down for loans to staff. From inquiries I have made, it seems the bank steers a middle course on this. Various conditions apply in all commercial and private banks. These are considered and, with the approval of the Minister, a set of conditions is established for employees of the R & I Bank. The commissioners of the bank are also employees of the bank, and it is quite likely that at times they would require loans. The Governor, through the Minister, will now grant approval for commissioners to obtain loans; but no-one in the bank, be he a teller or a commissioner, will be in a more advantageous position than anyone else in regard to the conditions applying to loans.

Subsection (8) of proposed new section 40 of the Act provides that under certain circumstances the standard arrangement can be exceeded on the recommendation of the Minister and with the approval of the Governor. I understand that from time to time the bank might need the services of a specialist on a permanent basis and it might be necessary to bring that person from overseas or another State. The conditions under which he is required to settle might necessitate additional funds being made available to him. I understand that in the last five years this has occurred on perhaps two occasions, but special conditions must apply on the recommendation of the commissioners to the Minister, and the Governor's approval is necessary. I have no argument about that.

So, we are changing the name of one department from "Rural" to "General", and we are bringing up to date the conditions under which employees, including the commissioners, may receive loans from the bank.

Subsection (9) of proposed new section 40 makes it perfectly legal for an employee of the bank to have an account with the bank. Apparently at some time it has been queried whether employees were excluded. Whether or not that is a genuine area of concern does not really matter. The new provisions in the Bill make it absolutely certain that an employee can "trade" with the bank and be no less advantaged than any other person. We support the Bill.

SIR CHARLES COURT (Nedlands—Premier) [12.26 p.m.]: I thank the Leader of the

Opposition for his support of the Bill, which he has adequately covered, including his last comments regarding dealings with the bank. It would be quite incongruous for employees to be in any way inhibited. The Bill also overcomes any suggestion about rates of interest if they have deposits with the bank and at a later date it is suggested that they are improperly dealing with the bank. We want to encourage them, because while they might have some favoured conditions in a minor way as far as loans are concerned, we would prefer they did business with the bank in regard to loans on houses and other matters. If they are not a good risk, who is?

The bank is expanding its activities. It is moving in a very sensible, cautious way. The Government's attitude towards its reserves as far as its outstanding accounts are concerned has been realistic to enable the bank to build up a solid situation. That will continue to be done.

The bank has also embarked on a number of things which have been announced by the Government, such as the acquisition of an interest in Perpetual Finance and the joint venture arrangement with Tricontinental. It is a means of enabling the bank to keep pace with modern banking practices and have added facilities for customer needs. The R & I Bank is also stepping up its understanding and expertise in overseas banking, and all in all it is making steady progress in a sensible way, without trying to overdo things.

I thank the Opposition for its support of the Bill.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

Bill passed through Committee without debate, reported without amendment, and the report adopted.

## RECORDINGS OF PROCEEDINGS BILL

### *Second Reading*

**MR O'CONNOR** (Mt. Lawley—Deputy Premier) [12.31 p.m.]: I move—

That the Bill be now read a second time.

In 1975, Parliament passed the Recording of Evidence Act. The Act was designed to give statutory authority to the recording of court proceedings. Due to a number of technical difficulties associated primarily with the drafting of regulations it has not been possible or practicable to proclaim the 1975 Act.

The difficulties which arose were studied in detail by senior Crown Law Department officers and it became apparent that it would not be possible to cover the needs of the various courts and tribunals due to the variety of situations to which the Act needed to relate.

As a consequence a decision was made to draft a new Act and repeal the existing legislation.

In preparing the Bill which is now before the House, care has been taken to ensure that, as far as is practicable, future technological changes will not present any problems or conflicts with the proposed provisions.

The definitions contained in the Bill are largely self-explanatory, but I would draw attention to two of these.

"Proceedings" for the purpose of this Bill are defined as oral proceedings before a tribunal, but do not include committal proceedings under part V of the Justices Act or proceedings which have an order issued by the Attorney General in the terms of the proposed section 7.

The definition of "Tribunal" means any person or body constituted as a court under the law of Western Australia or any person who by law or with the consent of the parties, has authority to hear and examine evidence or a Royal Commission.

Power is contained also in the Bill for the provisions to apply to any tribunal declared to be so for the purposes of the Bill. Such a declaration can be varied or revoked.

The order, when given, means that the proceedings can be recorded or transcribed and this becomes the official record of the tribunal. Power is contained also in the Bill for such a tribunal to apply the provisions to all or part of the proceedings. The decision as to whether this is done rests with the tribunal which has been declared as such for the purposes of this Bill and would depend upon the importance of the case, convenience, and economy.

The Bill contains also provisions regarding applications for copies of the transcript where a person is a party to the proceedings and in instances where he is not.

It is proposed that certain persons will be appointed recorders for the purposes of this legislation and whilst they are so appointed will be officers of the tribunal. Recorders or registrars of tribunals will be empowered to certify transcripts which are required to be produced as evidence in any hearings.

Custody of the record of proceedings or transcript will be vested in the registrar or a person specified as the custodian of records.

Attention has been given also to the destruction of records and varying time limits will apply before this can be done, depending on the nature of the proceedings dealt with by a particular tribunal and whether such a tribunal has requirements to keep records under the provisions of another Act of Parliament.

The remainder of the Bill deals with formalities associated with the judicial recognition of the signatures of recorders or officers certifying a transcript under this Bill, definition of offences and penalties for the commission of an offence.

The remaining provision permits the Attorney General or registrar, as the case may be, to delegate the powers and functions contained in this Bill other than the power of delegation.

In summary then, the Bill will provide procedures for the control and security of the recording of proceedings in the Supreme Court, District Court, and Family Court, and provides a system which will allow the extension of that control to selected other courts, tribunals, and to Royal Commissions.

Mr Davies: Before you sit down, under which portfolio will this come?

Mr O'CONNOR: I believe it is the responsibility of the Attorney General. I am introducing the Bill on his behalf.

I commend the Bill to the House.

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

#### *Message: Appropriations*

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

### **APPROPRIATION BILL (CONSOLIDATED REVENUE FUND)**

#### *Second Reading: Budget Debate*

Debate resumed from 8 October.

MR TRETHOWAN (East Melville) [12.26 p.m.]: I realise the economic stringency under which the Government has been placed in framing State Budgets, over the past few years and that this has been even more apparent in the current year. I congratulate the Government in being able to bring down its sixth consecutive balanced Budget. It is a real tribute—

Mr Pearce: It is a Government short of ideas and dollars.

Mr TRETHOWAN:—to the Government's economic management of the affairs of the State. It has been clearly demonstrated that one of the difficulties in framing the Budget has been the necessity to take cognizance of the potential excessive wage pressure.

Mr Skidmore: Oh rubbish! I proved that wasn't so last night.

Mr Old: You did not prove it to us.

The ACTING SPEAKER (Mr Watt): Order!

Mr Skidmore: We called a quorum to get you all in to listen.

Mr TRETHOWAN: This, together with the problems of the cut-backs in the Loan Council funds which have resulted from the introduction of the special loan funds in relation to the resources development has provided a tighter than usual constraint upon the Budget. However, in spite of this, the Budget is balanced and I believe it is a fine economic document.

Mr Davies: He has a little nest egg to balance it with.

Mr TRETHOWAN: The importance of this kind of economic management can be seen very clearly in relation to resource development. Without a set of ground rules, without a knowledge that sound economic policy is being demonstrated by government, resource development does not take place, and it does not take place because essentially this industry has a very high risk factor.

The risk associated with the industry deters many people from entering it. Without the knowledge that factors which would detrimentally affect the industry have been minimised, very few, if any, would enter it. As I have said before, the future of this State depends on our resource development. The development of our energy, mining, agricultural, and primary industry resources will produce the wealth and employment that will ensure a good lifestyle for the people of this State.

However, before mineral and energy deposits can be developed, they must be found. Finding them requires exploration, and exploration requires risk. It is very important to bear in mind that anyone who undertakes an exploration programme will incur very high costs and must face a very high risk factor. Therefore, it is essential that suitable rewards be available upon finding a mineral or energy deposit—particularly in the area of petroleum—to justify the

expenditure of such large amounts of money, and to justify undertaking such a high level of risk.

However, the benefits to the State and to the people of Western Australia should such deposits be found and be developed, are immense. They provide a stimulus not only through royalties, rates, and taxes which go directly to the State Government to provide services to the people of Western Australia, but also by the fact that for every person who is directly employed upon the site of a development project, the community increases by another 10 persons. It is in fact the multiplier effect of that additional population throughout the economy of the State which provides the real stimulus to the economy and the real stimulus to the creation and growth of jobs.

Mr Carr: You have to do something to make up for your works programme, don't you?

Mr TRETHOWAN: We in this State have been very fortunate that through the sound economic policies of the State Government, as well as the sound economic policies of the Federal Government, we have recently managed to achieve a significant degree of resources development, and it is that resources development which has provided for this State one of the highest levels of job creation within the Commonwealth.

Mr MacKinnon: Hear, hear!

Mr Carr: It hasn't happened in the Public Works Department, has it?

Mr TRETHOWAN: This degree of job creation is the envy of most other States, particularly New South Wales; and in fact it is not only recognised by Governments and by business throughout Australia, but also it is recognised by ordinary people in other States, because they are the ones who are coming to Western Australia looking for work in increasing numbers over the last few years. This is a result of the job creation that has occurred in this State, and it is a significant compliment to the sound management of the State's economy.

Mr Pearce: Why have we the second highest level of unemployment, then?

Mr Clarko: They have come here from the other States.

Mr TRETHOWAN: I have just pointed that out; people are coming here from other States because we are the best State in respect of employment.

Mr Pearce: If that theory is correct, why aren't they going back now that we have the second highest level of unemployment?

Mr MacKinnon: Because they know where the future is.

The SPEAKER: Order! The House will come to order! I would like to point out that the member for East Melville is one of the most orderly members of the Chamber in that he does not interject when others are speaking. I would ask members to accord him the opportunity to address the House in the manner in which he allows other members to address it.

Government members: Hear, hear!

Mr Barnett: It is probably largely because he is still in his apprenticeship.

Mr Clarko: You will never get out of yours.

Mr Barnett: You haven't started yours yet.

Mr TRETHOWAN: One of the best ways to judge an individual organisation is upon its track record. It is upon the track record of this Government that companies are prepared to find and develop resource industries; it is upon the track record of this State Government that they have come here and that we have seen resources found and seen those resources developed.

I was not surprised to find that the comments of the Leader of the Opposition on this Bill were essentially constrained in relation to the management affairs of the State Government. In fact, it was interesting to note that a large proportion of his speech appeared to centre on denigrating the policies of the Commonwealth Government.

Mr Hodge: You haven't read the Premier's speech, have you?

Mr TRETHOWAN: I was surprised that the Leader of the Opposition has not observed the success we have achieved in this State in relation to the development of our resources, as a result of the sound economic management of the State Government. This has led to the creation of jobs and the creation of a lifestyle of which we can be proud. I am surprised that he has not passed that message on to his Federal colleagues; that he has not passed on to them that the only sound way to create jobs and the only sound way to improve the standard of living of the people of Australia is through job creation based on real economic wealth, and in this country real economic wealth comes from the development of our natural resources.

However, that message does not seem to have got through because the policies that have been announced by the Federal Opposition are again those of irresponsible expenditure and increased taxation. Particularly damaging in this regard is the proposed resources tax, because this cuts at

the very basis of the future growth and development of this country. The Federal Opposition again, as it did in the era of 1972 to 1975, threatens to kill the geese that lay Australia's golden eggs.

Mr Tonkin: We are not getting any golden eggs; they are going overseas.

Mr TRETHOWAN: I was not surprised to read an article in the *Daily News* of Wednesday, 8 October, a headline which stated, "Polls cut shares by millions". The article went on to say—

Hundreds of millions of dollars were wiped off share values across Australia today as the possibility of a Labor election victory grew.

Mr Tonkin: That is a strike by capital.

Mr TRETHOWAN: I continue to quote—

Falls outnumbered rises 15 to one as sellers scrambled to unload their stocks.

Mr Tonkin: A strike by capitalists!

Mr TRETHOWAN: The article continued—

One trader described the share reaction to the latest Morgan Gallup Poll—showing Labor with a lead of six per cent over the Liberal-CP coalition—as a "bloodbath".

Mr Tonkin: Do you believe in strikes?

Mr TRETHOWAN: Now, Mr Speaker, if that is the reaction of investors to the threat of a possible Labor Government, what would be their reaction if the threat became a reality? The reality would be that the whole resource industries of Australia would be threatened.

Mr Tonkin interjected.

Mr Blaikie: Give him a go!

Mr TRETHOWAN: There would be virtually no more exploration for minerals—

Several members interjected.

Mr TRETHOWAN: —and this would be particularly damaging—

#### *Points of Order*

Mr BLAIKIE: On a point of order, Mr Speaker—

Mr Tonkin: I bought \$5 000-worth yesterday!

Mr BLAIKIE: My point of order is related to the fact that members opposite have continually maintained a barrage of interjections, and it appears to me—

The SPEAKER: Order!

Mr BLAIKIE: —that they are trying to make it impossible for him to be heard.

The SPEAKER: Order! The member will resume his seat. I am afraid that I do not concede

the point of order taken by the member for Vasse. I point out that only a few seconds ago he himself interjected and said, "Give him a go", which is just as disruptive and disorderly as the interjection which prompted him to say that. I have already said that I would like the House to maintain order and to allow the member for East Melville to make his speech in an orderly fashion. I reiterate that request.

Mr H. D. EVANS: Mr Speaker, I think the implication in the point of order raised by the member for Vasse is a reflection on your control of the Chamber, and it should be withdrawn. Certainly as far as this side of the House is concerned, you are controlling the Chamber very well and the member for Vasse should not make sniping remarks in a point of order. I think he should withdraw.

Mr Sodeman: You are a fool.

The SPEAKER: Order! I have stated the position in respect of the point of order which was taken, and I will take no further action.

#### *Debate Resumed*

Mr TRETHOWAN: The introduction of a resources tax would severely limit, if not totally halt all exploration for minerals, particularly petroleum, in this country. We particularly need exploration for petroleum products. It is vital to the future of our economy and, indeed, for the future of the economies of other nations. However, should there be the introduction of a resources tax exploration and development would cease and, in fact, many projects currently awaiting commencement would be cancelled or severely slowed.

Mr Tonkin: Which oil company are you representing?

Mr TRETHOWAN: The whole progress of the mining industry in Australia would slowly grind to a halt under the dead hand of socialism.

Mr Tonkin: Do you mind if I use that original quote?

Mr TRETHOWAN: Were this to happen, every person in this country would be affected. Such a decision would more particularly affect every person living within the State of Western Australia, because we depend greatly upon the development of these projects for the growth of our population, for the employment of our children and for the future level of our standard of living.

Mr Tonkin: Which company are you representing?

**Mr TRETHOWAN:** In spite of the incredibly efficient management of this State's economy by the Court Government, the imposition of a resources tax by a Labor Federal Government would place us, as a State, in a very serious situation.

I again commend the Government on its Budget. I know that in partnership with a Commonwealth Government which pursues sound and responsible economic policies, it will provide for the 1980s a future of which we, in this State, can be proud.

I commend the Bill to the House.

*Sitting suspended from 12.52 to 2.15 p.m.*

**MR SIBSON (Bunbury)** [2.15 p.m.]: I would like to make some remarks in regard to the Budget. Firstly, I would like to commend the member for East Melville for having made my speech in a much more eloquent way than I could make it.

**Government members:** No, not true.

**Mr SIBSON:** It is ironical that the member for East Melville and I did not compare notes, but he made a speech similar to the one I have prepared.

**Mr Pearce:** The same set of notes, sent by party headquarters.

**Opposition members interjected.**

**The SPEAKER:** Order! The House will come to order!

**Mr SIBSON:** It is significant that the material I have selected for my speech is the same as that selected by the member for East Melville. I believe that is indicative of the fact that some of the things that have been said by the Opposition here and the Federal Opposition are relevant. I suppose the reason there is so much noise from the Opposition at the moment is that they appreciate the things which have been said in recent times are not the sorts of things with which the electorate would agree.

I would like to make reference particularly to the comments by the Premier of New South Wales, who also now happens to be the President of the Australian Labor Party. In his Press release on 6 October, he said—

There was a paradox of a resources boom hand in hand with the second highest level of unemployment in Australia.

Had that been said by almost anyone else in Australia, one could perhaps accept it. As it comes from the Premier of New South Wales—

**Mr Pearce:** He has a very good employment record.

**Mr SIBSON:** It is diabolically significant that he should say that in the light of the fact that in Western Australia in the last 12 months no fewer than 28 000 extra jobs were created to give employment to the people here, and at the same time we have seen an influx of over 7 000 people into this State from the Eastern States, from Tasmania, and from New Zealand. A very large proportion of those people have come from New South Wales. It is an indictment of the Opposition which criticised the unemployment situation in Western Australia when so many jobs are being created, and greater opportunities are existing; and yet people are coming in from the Eastern States and taking the jobs. The majority of those people are coming from New South Wales, where they are having so much trouble in obtaining employment.

**Mr Bertram:** Will you give us a few figures on that? No, I did not think you could.

**Mr SIBSON:** The figures are there.

**Mr Skidmore interjected.**

**The SPEAKER:** Order!

**Mr Skidmore interjected.**

**The SPEAKER:** Order! The House will come to order! I suggest that the interjections cease. We have a situation in which some people on one side of the House do not want to assist the member for Bunbury, and he has a few mates on his side of the House who do want to assist him, and are attempting to assist him. It would be better if no interjections were forthcoming, and he were left to address his remarks to the Chair. The member for Bunbury.

**Mr SIBSON:** I will continue my remarks. I want to reiterate, because I think it is important, that we in this House and the people of Western Australia appreciate the situation we are in. Almost every day we have Press releases coming from the Opposition and from other people saying derogatory things about what is happening in Western Australia.

**Mr H. D. Evans:** Oh, shame!

**Mr SIBSON:** We have the best employment record in the whole of Australia, and yet we still have people who insist on denigrating that performance.

**Mr Williams:** Who are those people?

**Mr SIBSON:** The Opposition is No. 1 cab off the rank.

**Mr H. D. Evans:** Shame.

**Mr SIBSON:** It is not only that situation that concerns me. We have started what will be one of



the greatest moves forward in the history of this State.

We can forget the 1960s, the late 1930s and the early 1950s and start thinking of the new era of the 1980s when, because of the diligence, the tenacity, and the work done to put this State on the map throughout the world—and we have received world acclaim for what has been done—we will see this State go ahead. We have received world acclaim for the development of our bauxite industry.

I am pleased an Opposition member reminded me of the advances made in the bauxite industry, because we do have the potential to establish one of the greatest eras in bauxite and alumina mining in the world. Not only will we be able to mine and refine the product but we will also be in a position to move into the final stage—the smelting stage. This development will put to rest all the arguments with which the Opposition has belted us around the ears since the early 1960s, when it felt we were selling our products too cheaply.

Mr Skidmore: Of course you are.

Mr SIBSON: Opposition members do not like it because we have managed to get ourselves into a situation where we are able to produce the power, the economy, the know-how, and the financial structure necessary to encourage industries to establish here, particularly the alumina industry which will eventually see the establishment of a smelter. All this results from the good faith the Government has shown.

Liberal Governments have always said categorically that they would establish these industries, firstly at the mining stage, secondly at the refining stage, and thirdly at the smelting stage. We have progressed very well over this period of time. I know it hurts members opposite to realise that the goal they thought we could not achieve is now at our doorstep.

Mr Carr: What about the PWD retrenchments?

Mr SIBSON: If the member wants to talk about that subject he is entitled to do so when he is on his feet; but I am talking about the situation where we will be able to create the economic climate in this State to allow us to generate enough finance to employ all those people who are in jeopardy. They are in jeopardy because of the things done in the mid-1970s by the Whitlam Federal Labor Government, which created an economic situation in this country which was almost intolerable.

Several members interjected.

Mr Pearce: What about Deakin?

The ACTING SPEAKER (Mr Watt): Order!

Mr Tonkin: What did he ever do to you?

The ACTING SPEAKER: Order!

Mr SIBSON: I have plenty of time. I intended to speak for only 30 minutes, but I have a possible 45 minutes and if Opposition members want me to continue for the extra 15 minutes, that is all right with me.

Mr Pearce: We would like to put you on the hustings.

Mr SIBSON: When Mr Wran was in Western Australia he spoke about—

Mr Bryce: Double income tax.

Mr SIBSON: —tax avoidance schemes and the Labor Party's policy.

Mr Young: If it had not been for John Howard crunching down on tax avoiders in this country the Opposition would not even know about them. He has done more against tax avoiders than any previous Treasurer in this country.

The ACTING SPEAKER: Order!

Several members interjected.

The ACTING SPEAKER: Order! The House will come to order! I remind members of the Speaker's statement last night about members continuing to speak when the Speaker is on his feet. The member for Bunbury.

Mr Skidmore: The Minister would hold up—

The ACTING SPEAKER: Order!

Mr Skidmore: —in this State—

The ACTING SPEAKER: Order! When the member for Swan was on his feet last night he asked for the protection of the Chair from the interjections of the member for Bunbury and I would have thought he would extend the same courtesy to the same member on this occasion.

Mr Skidmore: I have been waiting for you to do that to me, and I will now walk out.

Mr SIBSON: The point I had intended to make about tax avoidance schemes, which the Minister for Health made so eloquently by interjection, was that more has been done by this Federal Government and Mr Howard to track down tax avoiders than has ever been done before. All Mr Wran is trying to do, all that the Labor Party would do if it were elected, is what we have already done. That is well worth remembering.

Mr Bryce: It is a billion-dollar industry.

Mr SIBSON: Mr Wran spoke about an investment allowance—and what a double-take the ALP has done on this. The ALP has said it would raise an extra \$1 350 million and one of the

ways it would do this was to crack down on tax avoidance and introduce a wealth tax. On the other hand it has also said, to allay the fears of the voters, that it would not do these things in the forthcoming Parliament, or for three years, and so the taxpayers of Australia will pick up the tab for the \$1 350 million per annum. I presume that is for each of the next three years. The ALP has said it would not introduce legislation to control these schemes in regard to tax avoidance and investment allowances. So what sort of a mess will the country be in at the end of the three-year term?

If the true value were placed on the \$1 350 million, it would probably amount to two or three times more.

Mr Bryce: Pick any figure!

Mr SIBSON: The member for Ascot is a school teacher. He is well educated and he knows what I am talking about.

Mr Bryce: You are so right!

Mr SIBSON: The member for Ascot would know that the figures being used are ultra-conservative. If a Federal Labor Government came to power at the next election, within 18 months we would have a situation in this country far worse than that which we experienced during the term of the Whitlam Government. We all know what happened then.

It is not right for any political party to say it will spend thousands of millions of dollars of taxpayers' money. It is not right for any political party to say it will raise this money in a certain way and then, when it comes under pressure and feels a disapproving atmosphere blowing around its ears, say it will not carry out such a policy during its first parliamentary term. What a ridiculous comment to make!

As all Opposition members are aware, we cannot print money and keep the economy on an even keel. At this stage we are still paying the price of the decisions made during the era of the Whitlam Government.

Mr Bryce: You are not very good managers. The Liberal Government has spent five long years at the helm and it is still crying for help.

Mr SIBSON: I intended to speak for only 30 minutes, but if necessary I shall use the full allocation of time available to me, if Opposition members persist in their interjections.

Mr Bryce: This is the most interesting speech you have ever made.

Several members interjected.

The ACTING SPEAKER: Order!

Mr SIBSON: I should like to refer to the Treasurer's speech on the Budget. In particular, he made the following comments—

The strong performance of our export industries resulted in Western Australia's overseas trade surplus reaching \$2.4 billion—

That figure is significant, but the next figure is even more significant. To continue—

—almost 45 per cent above the surplus in 1978-79.

Despite the economic problems we have experienced, Western Australia is proud of its performance in the industrial sphere as far as exports are concerned. Members opposite bleat continuously about the dreadful things this Government is doing.

Mr Bryce: Unemployment is at a record level.

Sir Charles Court: You should have a look at today's figures.

Mr SIBSON: I did not intend to mention today's figures, because I thought it would be unfair to do so as it is obvious members opposite have not seen them yet. The latest figures produced in regard to the employment and economic situation in this State indicate Western Australia is in the best position compared with the other States in Australia.

I should like to return to the performance of our export industries. Members will recall the years during which we in this State rode on the sheep's back. During that time the income from the wool cheque established the Australian economy. The wool cheque carried us over many difficult years, but in later years we have been able to move into other income-producing areas with the extraction of iron ore and the production of alumina, to name only two of the fields into which Western Australia has ventured. It is a pity the member for Collie is not present because coal plays a large part in our economy.

As a result of these industries, we have been able to establish a viable economy in this State which is unequalled throughout the world. We have taken Western Australia from a situation in which it had to go cap in hand to Canberra, to a State with a strong economy.

I know members opposite say nothing has changed, despite the fact that today the economy of this State is extremely strong, especially in the export area.

It is a pity people in the Eastern States and the Federal Government do not understand fully the part played by the economy of this State in the well-being of the Australian nation. I refer to relations of mine in Sydney who happen to

support the same political party as I represent and the attitudes they have adopted to Western Australia.

Mr Bryce: A family weakness!

Mr SIBSON: It is obvious when one speaks to people in the Eastern States that they do not appreciate the significance of the economy of Western Australia to the rest of Australia. They simply say, "In Sydney we take in one another's washing, and we get along quite nicely. We are quite happy with the economy."

We will never be able to illustrate to our friends in the Eastern States how important the economy of Western Australia is to the whole of Australia, unless members opposite stop knocking and rubbishing their own State. They persist in trying to convince people throughout Australia that Western Australia is heading in the wrong direction. If members opposite felt an affinity with the people of this State, they would support the position here. Indeed, not only would they support it, but they would also tell some of their colleagues in the Eastern States how important the economy of Western Australia is to the well-being of the Australian nation. Nearly 25 per cent of the gross national product comes out of Western Australia.

Mr Bryce: You have followed the Premier hook, line, and sinker.

Mr Young: That is true!

Mr Bryce: It is necessary to do that to get into the ministerial stakes, is it?

Mr SIBSON: Many developments are taking place in this State. The North-West Shelf development is one of the greatest projects ever to be initiated not only in Western Australia, but in fact throughout the world.

Mr E. T. Evans: Have you been there to have a look?

Mr SIBSON: As a result of the income provided by the North-West Shelf development, people throughout Australia will be able to live in the manner to which they have become accustomed. A number of people today live in a very satisfactory position in Australia.

Mr Bryce: Two million live below the poverty line.

Mr Sodeman: Whose poverty line?

Mr Bryce: Two million people live below the poverty line mentioned in the report of the Henderson committee.

Mr SIBSON: The economy of Western Australia will enable people throughout the country to live in a very comfortable way.

Several members interjected.

Mr Sodeman: It is just as well you do not answer the member for Kalgoorlie. You would be having a battle of wits with an unarmed man.

Mr SIBSON: I should like to return to a couple of points the Treasurer made in his speech on the Budget. These matters are significant, because the factors important to the economy of this State have not been emphasised adequately.

Mr Tonkin: Do you think Sir Charles Court is the best Premier the State has ever had?

Mr SIBSON: Unequivocally.

Mr Bryce: That is a sure sign that he is ambitious!

Mr SIBSON: I should like to refer to some figures mentioned in the Treasurer's speech on the Budget. These figures refer to employed labour. We all talk about unemployed labour, but members should recall that 93 people out of 100 in this State have a job. That is what we tend to forget. During the last year employed labour in Western Australia has increased by 4.1 per cent, compared with the Australian average of 2.9 per cent.

I will make a point of repeating the figures: The number of employed labour has increased by 4.1 per cent for Western Australia compared with the overall figure for Australia which is 2.9 per cent.

There has been a reduction of 3.8 per cent in the unemployed figure. However, we still have the Opposition and we still have the news media, which is not interested in my speech, saying that the unemployment figures are dreadful. That simply is not true.

Mr H. D. Evans: Turn it up; they are rotten!

Several members interjected.

Mr SIBSON: I am prepared to wait until the noise subsides because I believe we must show consideration for the *Hansard* reporter.

I wish to refer to another point the Premier made in his Budget speech and that is the continuing trend towards increased urbanism. The Government which I support has done an immense amount of work in regard to regional development and in its attempts to build up population densities in the regional areas to ensure that they are better places in which to live and that they have better facilities.

Mr Bateman: What are you doing in that regard?

Mr SIBSON: I do not think the member should buy into that argument because I can shoot him down in flames.

Unfortunately the figures indicate that the growth of the metropolitan area over the last 12 months has increased from 68.2 per cent to 74.1 per cent. I do not believe this is the fault of the Government's policy because had it not been for the strong policies the Liberal Party has espoused the growth in this area would have increased even further.

It is unfortunate that throughout our history everything has been based traditionally in the City of Perth. Initially, the numbers were small but the area was great. As a country member I have no objection to that except that I believe it is time for us all to come to grips with our problems in relation to the adverse growth of the metropolitan area as opposed to other regions.

In fact, the member for Kalgoorlie would agree with me on this point because of the traumas Kalgoorlie has had to endure.

Mr E. T. Evans: Thanks to your Government.

Mr SIBSON: The member for Kalgoorlie should not make too many comments about that because he has mentioned a very pertinent point. Had it not been for this State Liberal Government's action of a rescue operation at Kalgoorlie, Kalgoorlie would not be what it is today.

Mr E. T. Evans: Name one instance.

Mr SIBSON: The member knows the instances as well as I do. The people of Kalgoorlie should be aware of the support they have had from Liberal Governments, both State and Federal. That assistance has enabled Kalgoorlie to survive and continue as the great region it is.

The Whitlam Government virtually closed the door on Kalgoorlie because it could not see a dollar in it for the Federal coffers. Kalgoorlie was going through a rough period so the Government closed the door on Kalgoorlie.

The State Government at the time gave Kalgoorlie its rescue operation. The example of the Whitlam Government's actions illustrates what could happen to a region if Governments deny assistance under the regional development concept.

As a result of the Liberal State Government's actions we have seen the establishment, consolidation, and extra growth of the Pilbara region. We have seen what has occurred in the south-west and the growth will continue as an absolute identification of what this Government has done with regard to regional development.

Despite that fact, the figures still show an increase in the metropolitan scene. Had it not been for the policies of this Government the

economic situation of this State would have been much worse than it is. Unless we can encourage people to work in mundane jobs, such as the rural and mining industries, and unless we can encourage people to take up jobs in the secondary and tertiary industries, and unless we can encourage people to live in regional areas and make their own decisions, we will not have growth in the regional areas. We will still have decisions made in the central Perth area.

Many people who hold high professional positions choose to live and work in regional areas. There are many people in the teaching professions who live in the regional development areas and the Education Department is aware of the benefits of these professionals living and working in those areas.

Another section of the private sector which has had great success in the regional areas is the medical profession. Because of the solidarity within the south-west region, Bunbury has been able to attract medical professionals to build up one of the best medical professional situations in the State. We have in the City of Bunbury—which services the whole region of the south-west—specialists who are world renowned. These specialists have chosen to live in Bunbury despite the fact that they could make more money in the city and metropolitan areas.

The policies of this Liberal Government have encouraged professionals to live in regional areas and thus provide good services for those areas.

If one wishes to live in a regional area, education and health are the top priorities and I believe that the south-west region, and the City of Bunbury, are good examples of Government and private enterprise accepting the challenge to go forward and establish a regional concept.

It is important that the members of the Opposition accept that challenge and put down the political mallet. To accept that challenge they must show some responsibility in their approach to this matter because if members of the Opposition continually denigrate the successes in our communities and deny the beneficial effects which flow on, they will bring about a continuance of the growth of the metropolitan area. I have heard the members of the Opposition in this House say we should take action to slow down the growth of the metropolitan area. The way to do that is to support efforts to create regional development.

There is another matter I want to comment on and which I believe is absolutely pertinent to what will happen in this country in a few days time. I am referring to the Federal election which will

take place on 18 October. Anybody who moves within our community, and those people who read yesterday afternoon's issue of the *Daily News*, realise that it is a case of "shades of 1972". That is what people are saying. The headlines in yesterday's *Daily News* stated that the polls had cut share values by millions of dollars. That is what the Opposition is scared about. That is the worst indication which could have been published so far as the Labor Party Opposition is concerned. Members opposite realise that the people of Western Australia, in particular, can remember the 1972-1975 era. They can remember what happened to the very basis of our economy.

Mr Bertram: You have not sold one share.

Mr SIBSON: The reaction of the Western Australian public, in this way, is indicative of what Western Australian people are frightened of.

Mr Bateman: That is not the Australian public; that is overseas shareholders. That is the tragedy of this country.

Mr SIBSON: If a Labor Government is elected on 18 October the economy of this nation will fall apart.

Mr Bateman: What a lot of rot.

Mr SIBSON: The shareholders in this country appreciate and realise that the policies of a Federal Labor Government will sound the death knell for any respectable company in this country.

Mr Bateman: Read who the shareholders are.

Mr SIBSON: To say this country is run by overseas finance is ridiculous.

Mr Bateman: That is a dictatorial attitude. Why do you not join the Nazi Party?

Mr SIBSON: The whole economy of this nation—

Several members interjected.

The ACTING SPEAKER (Mr Watt): Order! The House will come to order!

Mr SIBSON: Thank you, Mr Acting Speaker. The whole economy of this nation has been built on the fact that we have been able to encourage overseas capital.

Mr Bateman: And overseas shareholders are running the country.

Mr SIBSON: The reason we have been able to develop this country is that most of the time we have had a stable conservative Government. People in other countries can understand and predict the future of Government policy in this country. Any member opposite who tries to tell me it is not necessary for us to have overseas finance needs to do his homework. We do not

have the resources in this country, in a financial sense, to undertake necessary development. We have to rely on overseas finance. Some of the greatest countries in this world have become established on finance borrowed from overseas.

Mr E. T. Evans: Which countries? America?

Mr SIBSON: I want to make the point once again that the headline which appeared in yesterday's issue of the *Daily News* is indicative of the feeling of the people of Western Australia despite recent polls. I am always very pleased when the polls reflect adversely against us a little because it lulls the Opposition into a false sense of security. Adverse polls also cause the electors of this State, and the electors of the Commonwealth, to look again at the situation. People begin to realise that the industries they represent, and the areas in which they work, are able to grow and become secure only because of the fact that we have a strong, stable, and on-going Government. The people of Western Australia, and of Australia, know that situation can be achieved only through a Liberal conservative Government.

Over a period of many years it has been proved that a Government of the complexion of the Australian Labor Party is destined to do one thing. Mr Hayden spelt it out clearly—a Labor Party Government is destined to nationalise every industry in this country.

Mr Sodeman: Shame!

Mr SIBSON: A Federal Labor Government will nationalise every industry in this country. That is what the platform of the Australian Labor Party states unequivocally. Every member of the Australian Labor Party signs a pledge to support that thinking.

Mr Bryce: We abolished the pledge. Do you not know?

Mr SIBSON: Not only do members sign the pledge to support that thinking, they do better than that. They also sign the pledge to support the abolition of State Governments.

Mr Bryce: We abolished the pledge.

Mr SIBSON: It is obvious I have touched a tender nerve.

I believe that when members of the Opposition are electioneering they quietly use the Liberal Party philosophy knowing full well that if they get into Parliament they have to toe the line.

Mr Bryce: Have you a copy of our small business policy?

Mr SIBSON: Members opposite use that kind of deceit when electioneering. I have had Liberal Party people come to me and say that the

Australian Labor Party candidate was a very nice fellow.

Mr Bryce: And the member for Bunbury agrees that he is.

Mr SIBSON: However, people who make those statements to me have to appreciate that the ALP candidate has signed a pledge committing himself to the nationalisation of every industry in this country.

Mr Tonkin: That is untrue.

Mr SIBSON: That commitment includes the nationalisation of our banks, which was written into the ALP policy in the 1930s and 1940s.

Mr Bryce: Your history is pretty poor. You should go back to selling cars.

Mr O'Connor: Fair go!

Mr SIBSON: I make the point that the ALP also will nationalise the motor vehicle industry in this State, and in this country. The motor vehicle industry was built purely as a result of enterprise.

Mr Bateman: It was established by American nationals.

Mr SIBSON: Many experts in the major manufacturing countries of the world said that a car industry could not be established in Australia. Not only has it been established, but also it has survived.

Mr Bryce: Thanks to Ben Chifley.

Mr SIBSON: I give Ben Chifley full credit for what he did. It is a pity members opposite did not follow his line of thinking.

I conclude that point by saying that the motor vehicle industry is a perfect example of the way in which Australia has been able to establish its own industries.

Despite all the problems the motor vehicle industry has suffered over the years, it is still with us; and although it will have to go through a period of reorganisation and rethinking, provided a Government committed to nationalisation does not get hold of it, we will see the production of the motorcar expand; but more than that, the component section of the industry will grow to such an extent that we will be exporting components all over the world. That can only be done and it can only succeed if it has the support of a Liberal conservative Government which will allow it to work and expand within the demands of the economy.

Mr Acting Speaker (Mr Watt), I thank you for assisting me to deal with some of the rabble on the other side. I close my remarks on the note that I think the Opposition realises the dilemma it is in and is running for cover.

### *Point of Order*

Mr BRYCE: On a procedural point, I would like to indicate that there is absolutely no malice on this side of the House in respect of the member for Bunbury and his endeavours to get his points across. I wish to indicate that we will be quite pleased to agree to an extension of time if the member for Bunbury would like it. We will be happy to support an extension of time for five minutes.

The ACTING SPEAKER (Mr Watt): There is no need for a procedural motion. Any member is free to move a procedural motion if he so desires, but it is not a matter for discussion around the Chamber. The member for Bunbury has indicated that he has concluded his speech and I think an extension is unnecessary.

### *Debate Resumed*

Debate adjourned, on motion by Mr E. T. Evans.

## **CHIROPRACTORS AMENDMENT BILL**

### *Second Reading*

Debate resumed from 30 September.

MR HODGE (Melville) [3.03 p.m.]: The speech by the member for Bunbury is certainly a hard act to follow. It was a very entertaining speech.

Mr Blaikie: We will give you due consideration.

Mr HODGE: This Bill to amend the Chiropractors Act 1964 is a rather half-hearted attempt by a complacent and inept Government to patch up an ineffective, outdated Act. The Bill amends three of the 27 sections of the Act and seeks to add three new subsections to existing sections.

This is the first attempt since 1964 to amend the Act. It has been ignored since it was passed in this House in 1964. I would have thought the Government would be anxious to take this opportunity to make a major overhaul of the Act, to try to rectify some of the problems, loopholes, and glaring deficiencies in the present Act, to bring it up to some form of relevance to today's standards, and hopefully to bring it into some uniformity with legislation in the other States and adopt the recommendations of the committee of inquiry which was set up by the Federal Parliament in 1977. None of those things has been done in this Bill.

In my opinion, the Bill is a piece of window dressing and is not really relevant. It will not do much at all to resolve the difficulties facing the chiropractic profession in Western Australia. I

believe the Act should be thrown out and a completely new Act should be brought in which would fulfil the needs of the profession in this State.

The Webb report, as the report of the Federal committee of inquiry into chiropractic is known, recommended that each State should legislate in a similar manner so that there is some degree of uniformity throughout Australia. The Government has chosen to accept some parts of the Webb report which suit it and to ignore many other parts of the report, which I will mention later.

The Minister for Health announced these changes over 12 months ago. He issued one of his three-foot long Press releases, as his office is prone to do. It came out on 3 October 1979, telling the world what he intended to do. It has taken 12 months to implement the promises he made then, although he said at that stage he hoped to introduce amending legislation in the session of Parliament which was current in October 1979. I do not know why it has taken so long to bring in these amendments. They are not dramatic and did not require much thought.

The Chiropractors Act was passed in this Parliament in 1964, following a very exhaustive inquiry. A Select Committee of this House was set up to examine chiropractic. The committee ran out of time and was turned into a Royal Commission in 1959. The Royal Commission sat in 1960 and produced a report which was presented to the Parliament. Five major recommendations were contained in the Royal Commission's report, and unfortunately the Liberal Government of the day largely ignored them.

Mr Tonkin: Who was on the Royal Commission?

Mr HODGE: Mr John Tonkin was a member of it, and other Labor and Liberal members of this Assembly. The report was largely ignored. Only a few of the recommendations were accepted. When he introduced the legislation in 1964, the then Minister for Health acknowledged that in those days it was trend-setting legislation. It was the first Act introduced anywhere in Australia to try to regulate the profession. The Minister acknowledged there would probably be deficiencies and problems arising out of the Act. In fact, the then member for Melville (Mr John Tonkin) pointed out many deficiencies in that legislation, and he has proved to be quite right. He pointed out areas which would pose problems, and they did and still do. This Bill does little to rectify them.

The Bill is largely a cosmetic, superficial job which fiddles with a few areas but does not resolve most of the underlying problems faced by the profession. When the Act was drawn up in 1964 it was probably a reasonable piece of legislation, bearing in mind that there was nothing else on which to model it. But the profession has changed dramatically since 1964. Society has changed a great deal, and what was relevant and suitable then is completely out of date and inadequate in today's conditions.

Once Parliament established that Act in 1964, it promptly forgot about it. It has never been back to this Parliament from that day to this. The Act established a registration board which has been largely ignored by Parliament and the Government since 1964. It has virtually been allowed to operate on its own, unchecked, and I am afraid it has not done a good job. In fact, I think it has done a positive disservice to the State and to the chiropractic profession in the State.

One of the basic shortcomings of the Chiropractors Act was that it failed to provide for equal representation from the major associations representing the chiropractic profession. The Act named one association only—the Australian Chiropractors Association—and it did not name the other major association—the United Chiropractors Association, the largest association for this profession in Australia.

Mr John Tonkin noticed this deficiency when the original Bill was being debated in the House. He said that if we did not ensure that chiropractors with different backgrounds and representing different groups were represented, and if one group gained control of the board, the other group would not get a guernsey. That is precisely what has happened. One group of chiropractors—namely, those trained overseas, mostly from the United States and Canada—has had control of the board since 1964 and has refused to allow anyone trained in Australia to be registered in this State. That is a very undesirable situation.

Mr Young: You will admit this Bill is trying to overcome that problem?

Mr HODGE: It is not doing anything about the problem, and that is why I am so disappointed with it.

Mr Tonkin: It is a closed shop.

Mr HODGE: If the Minister thinks the Bill does something about the situation, he has been misled.

Mr Young: This Bill sets the standard for registration in Western Australia to be an Australian-based college.

Mr HODGE: True.

Mr Young: And you say that is doing nothing about it?

Mr HODGE: The Minister does not understand that the Australian-based college is a college owned and operated by the same group—the Australian Chiropractors Association.

Mr Young: You are paranoid about it. There is nothing we could do that would satisfy you.

Mr HODGE: There is.

Mr Young: Okay, you tell us.

Mr HODGE: If the Minister will just bear with me, I will develop my argument. I was about to point out another major deficiency in the present Act. Either the Government has not recognised this deficiency, or it has refused to do anything about it. This Act protects only the title of "chiropractor"; that is, a person must be registered with the board to use the title "chiropractor". The Bill does not prohibit anyone from practising chiropractic. Any quack or unqualified person can set up to practise chiropractic provided that he calls himself something other than a chiropractor. This situation is doing the profession no good at all. It is a dreadful oversight in the legislation. Had we adopted up-to-date legislation such as recommended in the Webb report, that problem would have been rectified. The legislation in every other State of Australia prohibits the practice of chiropractic by unregistered people; our legislation prohibits only the use of the title "chiropractor", and that is completely and utterly useless.

The Bill before us today is seeking to introduce some measure of control over the operations of the board. Of course for years the board has never had to submit audited reports. It has never had to provide reports to the Minister. In fact, the Minister's control over the board has been very doubtful. The Chiropractors Registration Board has never tabled a report in this House. This Bill will do something about that, and certainly I am pleased about that move.

The Act should not have remained in existence for so long when it contained such glaring deficiencies. Several years ago I pointed out these deficiencies to the Government, but it has done nothing until now. It is incredible that a board can be established with the right to impose fees and a control over a person's right to earn a living and work at his chosen profession, and yet that board is not subject to any real control by the Government.

The Chiropractors Registration Board is not subject to the Auditor General, the Ombudsman, and only in a very limited way is it subject to the Minister. Certainly it is not subject to this House because its reports have not been tabled here. If the Minister had requested reports, these might have been forthcoming—we do not know about that. So this legislation will do something to bring the board finally a little more under the control of the Government—where it should have been in the first place.

The Bill before us will provide some form of an avenue of appeal from decisions of the board. It is fundamental that some appeal should have been written into the original Bill. I would like to quote the remarks of Mr John Tonkin on 3 September 1964. They appear on page 741 of *Hansard*. Mr Tonkin said—

As far as I can see, there is no provision in the Bill for anyone to make an appeal if he is refused registration. I think that is a definite weakness and it should be remedied. I do not like this stand-and-deliver attitude without the right of appeal.

Then on page 743 of the same *Hansard* he said—

... I think we ought to put in a provision for an appeal. Even though it may never be used, it is a very good safeguard. It keeps boards on the rails to know that if they do not do the right thing the avenue is there for an appeal against what they do. It is an admirable provision to have in all legislation; otherwise we breed dictators, such as we have in the T.A.B., where they can tell anybody what they like and get away with it because there is no appeal.

So the Government cannot claim it was not warned. Back in 1964 Mr Tonkin pointed out there was no appeal from decisions of the board, and now 16 years later the Government has acted to include an avenue of appeal to a magistrate of the local court. I question whether the appeal to such a magistrate is appropriate in the case of a board with such powers. The Chiropractors Registration Board can deny a person the right to earn his living in his chosen profession. I believe we should have adopted the recommendation of the Royal Commission which was that the avenue of appeal should be to a judge of the Supreme Court. The Government ignored that recommendation.

Another provision in the Bill before us seeks to increase the fines for breaches of the Act and breaches of the regulations. Some of the fines will be increased by 500 per cent, and some by as much as 1 000 per cent. In my opinion the



inclusion of such penalties is virtually useless. As I have said, the provisions of the Act are almost unenforceable. In the last 16 years there have been only two successful prosecutions for breaches of the Act, and only three successful prosecutions for breaches of the regulations. So that is a total of five successful prosecutions in 16 years—not a dazzling record and hardly an indication that a great deal of lawbreaking is occurring in this profession. So it is very strange the Minister thinks that a huge increase in the fines will have some beneficial effect on the chiropractic profession.

The real problem facing the profession is that quacks and unqualified people can operate and so give the profession a bad name. Provided such a person does not use the title "chiropractor" no-one can touch him. The Government is doing nothing about that aspect of the problem; probably it does not understand it.

Mr Young: Would you prefer that those penalties were not increased?

Mr HODGE: I think I would accept an increase in the penalties if the other amendments before us would result in sensible legislation; legislation designed to overcome all the problems in the profession. Increasing the penalties in isolation is virtually useless.

Mr Young: Will you vote against the increased penalties in Committee?

Mr HODGE: I intend to oppose the Bill in total. I do not feel particularly strongly one way or the other about the penalties; I am just pointing out to the Minister that the increased penalties will achieve nothing. They will not bring about an improvement in the chiropractic profession. As I said, there have been only two successful prosecutions for breaches of this Act in 16 years and so I do not believe that the amount of the fines is really very important. The Minister is mistaken if he believes that increasing the amount of the fines to such an extent will do something beneficial.

The latest figures I have from the Chiropractors Registration Board show that 110 chiropractors are registered in Western Australia. Of those 110 chiropractors, 102 were trained in foreign countries, and eight were registered under the grandfather clause; that is, they were practising chiropractic in 1964 when the legislation was passed, and they were granted registration. So in Western Australia there are eight grandfathers—as we call them—and 102 foreign-trained chiropractors. If that is not a closed-shop situation in the chiropractic profession in this State, I do not know what is.

The Act allows the Chiropractors Registration Board, which is dominated by foreign-trained chiropractors, to control a very lucrative closed-shop situation for those chiropractors. However, the public are the ones who are suffering because they have virtually no choice about to whom they will go if they want to have chiropractic treatment. They must go to a foreign-trained chiropractor.

In every other State of Australia, Australian-trained chiropractors are recognised and registered. Every other State of Australia has adopted modern legislation in the past two years—varying from State to State—which recognises the two major associations which represent Australian-trained chiropractors.

I believe the Government should have introduced a Bill to provide for equal representation on the board from the two major associations. That is not only my view; the Minister seems to think I have some peculiar quirk about this point. I would like to quote to the Minister and to the House a portion of the Webb report. The Government holds up that report as being the one which should be followed, and as being the most authoritative report prepared in Australia on the question of chiropractic. I quote as follows from page 129 of that report—

The Committee recommends that a Registration Board be established under the Manipulative Therapists (Chiropractors and Osteopaths) Registration Act and that it should be composed in the majority of competent practitioners. It considers also that these should be Ministerial appointments and not defined in the Act as representing organisations.

I hope the Minister is listening to this.

Mr Young: I am listening. I am glued to my seat.

Mr HODGE: The quote continues—

However, it is suggested that these representatives should be drawn in balanced proportions from lists submitted by the major responsible professional organisations\*.

\* In regard to chiropractic, the Committee suggests that the two responsible organisations are the Australian Chiropractors' Association and the United Chiropractors' Association of Australasia.

The Minister obviously knows very little about this subject. I am trying my best to bring him up to date and to put him in the picture.

Mr Young: I am very grateful.

Mr HODGE: He appears to have little interest in the matter; that is probably why we have such an inadequate Bill before us today.

Mr Young: What, because of your help?

Mr HODGE: No, perhaps because he has not sought my help. The registration boards that have been established in South Australia, Victoria, New South Wales, and Queensland have all followed the advice of the Webb report. Each of those States has drawn up legislation which provides for equal representation on its board from the two major associations. This is the only State in Australia which has not done that.

We were trend setters in 1964; we were leading Australia in this field, but now we are lagging behind. We in Western Australia are the laughing stock of Australia in this area.

Mr Young: Do you mean that if we do not follow the rest of Australia we are dragging our feet?

Mr HODGE: Of course we are. We were the trend setters in 1964, and we were the first State to register chiropractors and to have an Act controlling them.

Mr Young: Are you saying that if we do not follow everyone else we are a laughing stock?

Mr HODGE: Is the Minister suggesting that every other State, the Webb report, and all the other committees are wrong, and he is the only one who is right?

Mr Young: I have seen that happen in respect of so-called uniform legislation.

Mr HODGE: Is the Minister holding himself out as an expert?

Mr Young: No.

Mr HODGE: The Minister told me the other day that he does not necessarily have to accept the advice of his departmental experts or of various boards and committees. In that case, from where does he get advice? Does he rely upon his own general knowledge, or does he rely upon someone else?

Mr Young: I accept that advice which I consider to be most appropriate. In fact, I recall a young member of Parliament representing Melville writing a letter to me and suggesting that I appoint someone to the board. I took considerable notice of that suggestion; subsequent inquiries revealed that the suggestion might have been right, and I accepted it.

Mr HODGE: That is the first time the Minister has accepted my advice. I put him on the right track then, and I am hoping today he will continue to accept my advice. I think I know a

little more about the subject than he does, and he might learn something if he sits there and concentrates hard.

Mr Pearce: There will be a test afterwards.

Mr Bryce: And he wasn't a school teacher, either.

Mr HODGE: We have the ludicrous position in this State where people who are qualified and can practise in any other State as chiropractors are denied the opportunity to practise and to earn a living in Western Australia. We had the position some 12 months ago where a man who graduated in this country—in Victoria—and who was registered by the Victorian registration board came to this State and started to practise, and he was harassed by the Australian Chiropractors Association and/or the Chiropractors Registration Board. It is very hard to distinguish at times whether the board or the Australian Chiropractors Association is doing things. It seems that the board is treated at times merely as a branch of the Australian Chiropractors Association.

We saw a very sordid and squalid incident in which a private detective was hired to act as an agent provocateur to try to persuade people to break the law, and where he succeeded the board pounced on them and prosecuted them. Of course, to my great pleasure, the board was thrown out of court on its ear and it has not attempted to do that since. It is most significant that the ACA picked up the tab for hiring that private detective. It also paid the board's court costs. That makes one wonder who is running the board.

The amendment in the Bill which will require the board in future to be accountable in some form to the Minister and in some form to this Parliament, is long overdue. I cannot imagine how an Act ever got through this Parliament in the first place which established a board that was not required to have its books audited or examined by the Auditor General.

In fact it appears that there is no legal necessity for the board to have its books audited at all. That will be rectified in due course if this Bill passes through the Parliament.

The board well and truly requires the supervision of Parliament; so does the Minister, because some of his actions in the past have been questionable to say the least. I know of a case in which a person applied for registration in this State. He filled out the appropriate form and paid the fee required under the regulations, and sent his application to the board. He had his application returned to him along with his unbanked cheque, and was told abruptly, "We

don't register Australian-trained chiropractors, so be on your way." I had to make numerous representations before the former Minister (Mr Ridge) finally acted and issued a written rebuke to the board. I have a copy of it if anyone does not believe me and would like to hear it. The former Minister finally rebuked the board in respect of its high-handed attitude in not accepting the application and in returning the person's unbanked cheque. That is the sort of procedure we have seen from this board in the past.

Another major change that is to be made to the Act is one to which I take strong exception. It is the one which requires the Western Australian Chiropractors Registration Board to consult a company set up by the Australian Chiropractors Association and incorporated in Victoria. This Western Australian Government board must consult a company in Victoria before it draws up regulations in respect of the qualifications necessary for a person to be registered as a chiropractor. I find that incredible; in fact, I cannot believe the Government is serious when it suggests that sort of approach. Of course, that is completely and utterly opposed to the recommendations of the Webb report—a report which, by his actions, the Minister has indicated he does not set much store by.

This course is not followed in any other State in Australia. I cannot imagine any other Government having the gall to place this sort of provision in an Act of Parliament. It is quite amazing that a Western Australian Government board must consult a Victorian company, which is funded by the Australian Chiropractors' Association—a private association—before it can make a decision on something. It really makes the mind boggle!

The Webb report gave some considerable thought to the role of this private company. It is called the Australasian Council on Chiropractic Education Ltd. and I am told it is funded principally by the Australian Chiropractors' Association and, to a small degree, by the New Zealand Chiropractors' Association. At page 166 of its report, the Webb committee of inquiry has this to say about that council—

More recently the Australian Chiropractors' Association and the New Zealand Chiropractors' Association have been responsible for setting up an Australasian Council on Chiropractic Education, which would perform a similar function within Australia to that performed in North America by the Council on Chiropractic Education there . . .

The Committee of Inquiry does not recommend that status be given to the Australasian Council on Chiropractic Education by Registration Boards or Governments. The definition of acceptable educational standards must ultimately be a matter for the State Registration Boards. It would, however, be highly desirable for standards to be uniform throughout the Commonwealth. This would be achieved if they accepted as a yardstick the new qualification based on the Government-supported course discussed in the last section, after this has been approved by the Australian Council on Awards in Advanced Education. Alternatively a National Advisory Committee could be set up under the aegis of the Post-Secondary Education Commission to approve professional courses in chiropractic.

Such a Committee should have representatives from the two main professional associations of chiropractors, the Australian Chiropractors' Association and the United Chiropractors' Association.

I do not think we need it spelt out any clearer than what the Webb committee of inquiry thought about this organisation, an organisation which the Government today is attempting to write into a Statute. The Minister did not attempt in his second reading speech to justify this proposal; he glossed over this point. I do not know what the Minister has against the United Chiropractors' Association or against Australian-trained chiropractors. I hope he will enlighten the House on this matter when he replies. Perhaps he once had a bad experience with a chiropractor, which has influenced him.

Mr Young: No, I have not. Do you not consider Victoria is in Australia?

Mr HODGE: Of course I do.

Mr Young: I maintain that the Victorian college sets the standard we should accept, and you maintain the Sydney college sets a more appropriate standard. Yet I am supposed to be against Australian-trained practitioners. I am quite prepared to concede that Sydney is in Australia.

Mr HODGE: The Minister is not listening; I am not saying that. I have never come out against the Victorian college. I have inspected that college and I found it to be quite adequate. What does the Minister have against the other college? Why is he ignoring the other group? He is leaving it out in the cold all the time.

Mr Young: Why do you suggest I have something against Australian-trained chiropractors?

Mr HODGE: The Minister is ignoring the biggest college in Australia, backed by the biggest organisation.

Mr Young: If I am advised not to accept the qualifications provided by the New South Wales college, and I accept that advice and choose to accept the standards offered by the Victorian college, you say I am not accepting Australian-trained chiropractors.

Mr HODGE: Will the Minister tell me who gave him that advice?

Mr Young: I received the advice from two principal sources. My departmental officers advised me that the Victorian college was infinitely superior to the Sydney college. The Radiological Council of Western Australia has found that some graduates—not all—from the Victorian college are competent in that field, whereas none of the graduates from the New South Wales college is competent. In addition, an independent group of Liberal Party members formed themselves into a committee to inquire into this matter. They travelled to the Eastern States at their own expense and examined both colleges, and returned with the same advice I had received from the other two sources. Incidentally, the Liberal Party committee inspection was carried out on a non-professional basis.

Mr HODGE: I thank the Minister. I urge the Minister to seek more information on this matter, and to obtain better advice than he has received to date, because the advice he has been given is inaccurate. I also ask the Minister to study the Webb report, which is acknowledged as the most comprehensive and thorough inquiry into chiropractic in our history. That report recommended that graduates of the Sydney college be recognised.

Mr Young: Have you read the New Zealand report into chiropractic? It is one of the most thorough reports I have seen.

Mr HODGE: That report was compiled in another country. I am referring to the Australian situation.

Mr Young: The only college mentioned in the New Zealand report is the one we recognise.

Mr HODGE: Does the Minister know why? The other team simply did not get a guernsey because it was not invited to participate. No inspection was made of the New South Wales college by the New Zealand committee.

Mr Young: Did the New South Wales body come forward and offer?

Mr HODGE: They were not even invited to make a submission. The Minister should be careful when quoting that report. I am referring to a report compiled in Australia relating to the situation in this country. We should clean up the situation in Australia before we start worrying about New Zealand. I suggest that the Minister study the Webb report before forming a view on this matter.

I also recommend to the Minister a report commissioned by the New South Wales Government—a Liberal Government, in case the Minister suggests a little bias could be involved—which found that the Sydney college set very high standards, and that graduates of the college should be recognised. I suggest the Minister study the regulations of the New South Wales registration board, which acknowledges that the Sydney college is a college of very acceptable standards. The Minister might be interested to know that the New South Wales Government has refused to recognise the college in Melbourne—the college the Minister believes is the ultimate.

Mr Young: Doesn't that make a bit of a farce of it all? Obviously it does, when the New South Wales authority recognises its own college, and not the Victorian college as being of a high standard.

Mr HODGE: I do not know about that. I realise some rivalry may be involved.

To return to the council which the Minister believes should be consulted before we in Western Australia make a move, I hope the Minister realises that this organisation is dominated by one group. Only one group is represented on this body; only one group funds it, and it recognises only one college; namely, the Victorian college.

The Minister probably also realises that the Victorian college is in some danger of closing if it does not obtain Federal funding. We do not know at this stage whether or not it will receive those funds. The college has stated openly it is in financial trouble, and that if it does not receive funding it may close. I do not know what the position will be in this State if it does close. We are legislating to name the Victorian college, and that college may go out of business.

Mr Williams: I am led to believe that problem has been overcome.

Mr HODGE: I hope it has, and that the college has received adequate funding. I am not opposed to the existence of that college; it is of a very high standard. I am opposed to the attempt to freeze

out the other college. In my humble opinion, the Sydney college is of a higher standard than the Victorian college. It has been established longer and its graduates hold superior degrees. They hold a Bachelor of Science degree, majoring in anatomy, from the University of NSW, which is higher than the degree bestowed by the Preston Institute of Technology.

Mr Young: How many people in Western Australia hold that degree?

Mr HODGE: If the Minister is asking how many members of the UCA and graduates of the Sydney college have been registered here, the answer is, "Not one." This board will not register them; it does not acknowledge them.

To the best of my knowledge, no graduates of the Sydney college have ever applied to the Radiological Council of Western Australia for an X-ray licence. Therefore, I would be very surprised if the council told the Minister that graduates of the Sydney college were not up to scratch in this field. Graduates of the Sydney college do not place the same importance and emphasis on X-ray procedures as do graduates from the Victorian college. There is a difference in philosophy.

Mr Young: I am sorry if I gave you the impression that they did, because I did not intend to. What I meant to say when I referred to the Radiological Council was that it had found certain members of the Victorian college to be of a higher standard.

Mr HODGE: The Minister gave me the impression that graduates of the Sydney college would not be considered.

Mr Young: I am sorry. If I said that, or gave that impression, I was wrong.

Mr HODGE: I ask the Minister to think again about this decision to name a company incorporated in Victoria as the body that must be consulted. I can see no justification for that. I believe the board here should be the arbiter. It should be an impartial board that has equal representation on it from both sides. The board should make the decisions for this State. We should not have to consult a company set up in Victoria. I understand it has been incorporated in that State and in no other State of Australia.

The public is being denied access to the best chiropractic treatment by the registration of one part of the profession in this State only. The public do not have freedom of choice. If people want to go to a Sydney college graduate, they cannot. They have to wait until they can go to Sydney, Melbourne, Adelaide, or some other place. The Governments in every other State of

Australia have recognised the graduates of that college. The two most populous States, Victoria and New South Wales, hold the Sydney college in high esteem. Yet for some obscure reason, the Government of this State, I suggest on the advice of the board which is dominated by one side, does not recognise that college.

I think the Minister is taking his advice from the board, which is slanted one way. I ask him to reconsider this matter, and to give the other side a fair go. He is naming the Melbourne college, and he is saying that if anyone else wants to be registered, they have to run the gauntlet of having their applications knocked back and then going to a court with an appeal.

Mr Young: Not necessarily, because you have made the automatic assumption they will be knocked back. I have tried to structure the board in such a way, in recent times, that there would be equality of views when the board has to consider a person's registrable qualifications. Clearly, the regulations give them the power either to register someone of the Victorian standard or a like standard.

Mr HODGE: I understand that. However, in the past the board has always interpreted the rules to mean that the only colleges which were of the right standard were ones located in the United States or Canada; and the ones located in Australia were not of the right standard.

Mr Young: In fact, they were directed to take that view by the regulations; but I have changed them.

Mr HODGE: But the Minister has not changed the composition of the board sufficiently. I know he has appointed one representative of the UCA; but the Minister knows how the numbers game works. There are three foreign-trained chiropractors on the board.

Mr Young: We have an independent chairman, who is a legal practitioner; we have two members of the Australian Chiropractors Association; we now have a member of the United Chiropractors Association; and there is one person who is a member of neither association, as I understand it.

Mr HODGE: I realise that.

Mr Young: That seems to be going pretty close to equality.

Mr HODGE: I acknowledge that; but the Minister would realise there is not much consolation when one is beaten in a ballot by one vote. One might say, "We got beaten by only one vote that time, not 10"; but it still does not make much difference in the end. He knows that the third, so-called independent chiropractor was

trained in a foreign country. We know that his sympathies are not with the Australian-trained chiropractors. So, whether they are defeated by one vote or 10 is irrelevant. The numbers are still against the Australian-trained chiropractors.

Mr Pearce: Are you saying the Chiropractors Board is being manipulated?

Mr HODGE: The Acts in every other State of Australia recognise Australian-trained chiropractors, as set out in the Webb report. If the Minister had changed the Act to exclude the name of the Australian Chiropractors Association, as recommended by Webb, and had asked each association to submit a panel of names to him, he could appoint representatives from each organisation in equal numbers. That is what should have been done, and it is a great pity it has not been done.

Over the years, the profession in this State has suffered badly because of this Act. The people have been denied access to graduates of that other school of chiropractic. They have a different philosophy and different methods of treatment. The people should have been given a choice.

Because there has been a closed shop, a private club, the fees have been increased. The people are paying through the nose for their treatment. If people who belonged to the other association were allowed to work in this State, the competition would be very helpful; and as a result of the competition and rivalry, the fees would go down.

The overseas-trained chiropractors place more reliance on the use of X-rays. In fact, some of them refuse point blank to treat a patient who will not submit himself to an X-ray.

Mr Williams: That appears to be common sense.

Mr HODGE: It may appear to be common sense to the member for Clontarf, but it is not to me.

Mr Pearce: Do you use X-rays in your dry cleaning shop? What do you know about chiropractic?

Mr HODGE: In my office I have copies of X-rays taken by American-trained chiropractors. The X-rays are of such a poor standard that they do not show fractures in bones. The person who gave me the X-rays went to a radiological clinic to have X-rays taken in an expert manner, which showed clearly that he had a fracture. However, the ones taken by the foreign-trained chiropractor were of such poor technical quality that they did not show the fracture. That is not an isolated case. It has happened frequently.

Mr Young: It may not be isolated; and I do not deny it. However, you would not deny that many chiropractors, regardless of their training, would be guilty of much the same sort of thing, and an inability to read the picture if they had taken it properly?

Mr HODGE: I believe the graduates of the Sydney college do not place the same emphasis on X-rays. They do not demand that in every case the people submit to X-rays. Many of them do not attempt to take the X-ray themselves. They send the patient to have the X-ray taken elsewhere.

The widespread use of X-rays by chiropractors is dangerous. I would prefer that chiropractors did not use X-rays at all.

Mr Williams: I cannot accept that remark.

Mr HODGE: The member for Clontarf may not. I know that a lot of people will not accept it. That is my personal view. I have reservations also about general practitioners using X-rays. In addition, the constant use of X-rays provides an avenue of extra expense for the patients.

I will conclude my remarks now. I have covered the major points I wanted to mention. I am opposed to this Bill. It is not what we want. It will not achieve what the Government thinks it will achieve. It is a half-baked measure, and the Bill should be withdrawn. The Act needs to be overhauled completely, and replaced with up-to-date, fair legislation.

MR BERTRAM (Mt. Hawthorn) [3.49 p.m.]: As already intimated, the Opposition opposes this Bill, really because it has been given no other choice. I suppose it could be said accurately that the Bill is before the House at the moment because of the activities of the member for Melville, the Opposition's shadow Minister for Health. I certainly congratulate him.

Mr Bryce: So do I.

Mr BERTRAM: I congratulate him for the work he has done since he took over this responsibility just a short time ago. It is quite obvious that he is very well informed on matters to do with chiropractic.

Mr Williams: He has shown nothing of the sort.

Mr BERTRAM: He is better informed than anyone else in this Chamber on this question.

Mr Williams: Absolute rubbish!

Mr Bryce: Whom would the member for Clontarf nominate as his expert in this Chamber on the subject?

Mr Williams: I will discuss it later.

Mr Pearce: You could do with a manipulation on your ears.

The **SPEAKER**: Order! I think the member for Mt. Hawthorn is addressing the House.

Mr **BERTRAM**: It is somewhat disappointing, because it is not as though I monopolise the debates in this Parliament, that I have to contend with the gentleman over yonder who is interrupting me and trying to steal my thunder completely.

I repeat: the member for Melville, the Labor shadow Minister for Health, is better informed by far on matters to do with chiropractic than anyone else in this Parliament. He has been to considerable lengths to become informed in that manner and the speech he has just concluded is ample evidence that he knows what he is talking about. I congratulate him for that reason and I congratulate him for his work generally since he has become the Labor shadow Minister for Health.

The member for Melville has already made a name for himself whilst the Minister has made some sort of a name, but not one that has enhanced his reputation. On the contrary, it is becoming apparent that he is not measuring up to the responsibilities of his portfolio. He is making mistakes and he is taking notice of evidence which he should disregard. That is just another form of making mistakes.

As has been said, the Opposition opposes this Bill because it really has no alternative but to do just that. At the very best the Bill is disappointing and at the very worst it is a disgrace. What has happened here is fairly obvious. The member for Melville has applied considerable pressure on the Minister and has been very active on this question of chiropractic because he knows, and anyone who knows just a little about the subject would be very well aware, that the law in Western Australia on this question is substandard—and that is giving it a good rating. The member for Melville is intent on doing something about this problem and that reflects great credit on him.

What has happened here is that the Minister has decided he had better be seen to be doing something and so he has produced this thing which has the imprint of being a Bill, but it is certainly not worthy of the name. It really does not tackle the problem of the unsatisfactory law in relation to this matter in Western Australia. It almost aggravates the situation. I do not suppose we can expect another Bill in the near future.

The Minister has heard the member for Melville and I suggest what the Minister ought to do is to let the Bill stand over for a while so that the Minister may come to grips with the realities of the situation.

The position today is totally different from that of 1964. In 1964 the Hon. John Tonkin, mainly, was the person endeavouring to get some recognition for chiropractic. As most of us will remember, up to that point, chiropractors were regarded with a considerable amount of reserve, if not suspicion or worse.

John Tonkin did not happen to share that view. He believed chiropractic had something to offer. History has clearly shown him to be right once again. But he had a solid battle before he was able to initiate a Select Committee in the first place. And then along came a Bill in 1964 which really was just a very ordinary Bill and which was recognised by John Tonkin to be just that. It is now 1980. It was an ordinary Bill then but now it is an extraordinarily poor old Act. I think this is the first amendment in 16 years.

The position was that in 1964 the Bill at least broke the inertia; it gave chiropractors some recognition; it gave some heart to people needing their services. The few people who went to chiropractors in those days often did so in a secretive manner or refused to tell their general practitioners. However, gradually, chiropractors became more acceptable—the in-thing. In the same way, only a few years ago people used to sneer at the concept of acupuncture. They do not do that now that I am aware of.

The great thing about the 1964 Bill was that at least it broke through the barrier and made a start. It was the first breakthrough legislatively in Australia. If we look around now we find that Victoria had an Act in 1978 as did New South Wales. I think all the other States have Acts which are worth while, yet we are still left lamenting with this old Act. The worth of chiropractic is well acknowledged in South Australia also, and many people are resorting to treatment in this field. This Bill, on one hand, is to do with health, limbs, and lives. On the other hand, it is to do these days with literally millions of dollars for the people practising it.

#### *Leave to Continue Speech*

Mr **BERTRAM**: As I have just opened my remarks it is opportune now for me to move—

That I be given leave to continue my speech at the next sitting of the House.

Motion put and passed.

Debate thus adjourned.

#### **QUESTIONS**

Questions were taken at this stage.

# **WESTERN AUSTRALIAN MARINE AMENDMENT BILL**

## *Second Reading*

**MR RUSHTON** (Dale—Minister for Transport) [4.30 p.m.]: 1 move—

That the Bill be now read a second time.

The Western Australian Marine Act provides for those matters concerning the safety of life at sea and is relevant to both the commercial and private boating community. It provides authority to regulate to ensure the safety and well-being of all persons using State waterways.

There are certain areas of water which, because of adverse weather conditions, become seasonal hazards to the boating community, and in particular to the inexperienced. A case in point is the sand bar across the entrance to the Mandurah Estuary which becomes extremely hazardous during the winter months of each year.

Members will recall that in recent weeks a double fatality occurred on the Mandurah bar when a small craft was capsized. Another case occurred this year when flood conditions at the mouth of the Murchison River resulted in the capsizing of a 38-foot vessel with the loss of life of a deckhand.

At present the only statutory authority available for closing waters requires the promulgation of a notice in the *Government Gazette*. This requires a minimum of three days and is obviously not suitable in emergency situations.

The Bill seeks to rectify the position by permitting the department to direct an authorised person to close to navigation specific areas of navigable waters which, for reasons of safety, should be closed to all or some vessels whilst the particular hazard remains. The closure will be effective for seven days unless it is previously renewed or cancelled.

Authorised persons are defined as a member of the Police Force, an inspector of the Harbour and Light Department, or any person so authorised by the department in writing. The proposed amendment would provide for a maximum

penalty of \$500 for failure to comply with an order.

The Bill also seeks to provide power to make regulations to enable the Harbour and Light Department to exempt certain vessels or classes of vessels from the requirement to carry all or some of the prescribed safety equipment when they are competing in aquatic events approved by the department.

Exemption would be provisional on the department being satisfied that sufficient precautions have been taken to ensure the safety of competitors. It is unreasonable and impractical for small craft, such as catamarans, whilst racing in closed in-shore waters to carry items of equipment such as anchors and distress flares where adequate supervision by way of, say, rescue boats has been provided.

The Bill does not seek authority to exempt small craft travelling individually but only those competing in company.

The final provision in the Bill is cosmetic only. There has been a long-standing problem in relation to the regulation-making powers of the Act.

The Act is divided into a series of parts each dealing with a different aspect of marine affairs and with its own authority for making regulations.

When the legislation was originally drafted it was intended that the section authorising the making of regulations, section 17, should be of general application, but this does not appear from the particular regulatory powers contained in the various parts and has been frequently overlooked, leaving problems with both the amendments and their administration.

The opportunity is being taken to remedy this defect. However, the regulatory provisions of the various parts have not been altered other than to include a reference back to regulation 17 making it clear that the general regulatory powers apply throughout the Act.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Pearce.

*House adjourned at 4.34 p.m.*



## QUESTIONS ON NOTICE

### QUARRYING

#### *Limestone*

1038. Mr BARNETT, to the Minister for Mines:

- (1) In regard to the report on limestone quarrying in the Joondalup area commissioned by the Joondalup Development Corporation, what are—
  - (a) the mining tenement numbers;
  - (b) the names of the holders in each case;
  - (c) minerals nominated in each case;
  - (d) status of the land on which they are situated at the time of approval in each case;
  - (e) the dates of each application and dates of approval in each case;
  - (f) conditions of approval in each case?
- (2) (a) Which of the above mining tenements were not subject to a mining warden's court hearing;
- (b) what specific inquiries were made of the respective applicants either by the Mines Department or the mining warden of the purpose to which the nominated minerals were to be put, or the manner of processing before sale by the applicant?
- (3) In regard to each mining tenement, to which State Government departments and/or agencies were applications referred for information and for advice?

Mr P. V. JONES replied:

- (1) to (3) Considerable research is necessary, and I will advise the member when information is available.

## CONSERVATION AND THE ENVIRONMENT

### *Coastal Zone*

1039. Mr BARNETT, to the Minister representing the Minister for Conservation and the Environment:

- (1) What action has taken place since the Environmental Protection Authority suggested environmental policy on the State's coastal zone in 1976?

- (2) What is the Environmental Protection Authority now doing in regard to this matter?
- (3) When is it envisaged that the Environmental Protection Authority will be in a position to recommend that a particular policy be implemented?

Mr O'CONNOR replied:

- (1) to (3) The EPA developed guidelines for an environmental protection policy on the State's coastal zone in 1976. These guidelines were released in the form of a working draft for public comment during 1977, when extensive discussion on coastal management in Western Australia took place.

Following consideration of submission and with the advice of the Conservation and Environment Council, the EPA recommended the appointment of a coastal planning and management advisor. After some delays in recruiting a suitable person, the position was filled in July 1980. Working with a senior level steering committee the coastal planning and management advisor is to review the draft guidelines and, in the latter half of next year, report to the Conservation and Environment Council on a system of coastal management most suitable for the State. His report will include a review of the role and effectiveness of environmental policies in this respect.

After consideration of this report, the CEC will provide advice to the EPA who will in turn make recommendations to the Government.

## CONSERVATION AND THE ENVIRONMENT

### *Star Swamp*

1040. Mr BARNETT, to the Minister representing the Minister for Conservation and the Environment:

- (1) In regard to Star Swamp has the Minister yet received the views of Professor A. R. Main concerning the area of land that should be reserved at this site?
- (2) If "Yes", on what date did he receive these views?

- (3) What has Professor Main proposed in regard to the setting aside of land at this site?
- (4) What action does the Minister intend to take in regard to the views expressed by Professor Main?

Mr O'CONNOR replied:

- (1) Yes.
- (2) 22 May 1980.
- (3) Professor Main's report confirms the findings of the Environmental Protection Authority.
- (4) The Minister for Conservation and Environment has the matter still under consideration.

102	Chidlow
113	Chidlow
114	Chidlow
79	Clarkson
82	Clarkson
99	Clarkson (2 units)
107	Clarkson
108	Clarkson
129	Clarkson
131	Clarkson
116	Lloyd
30/31	Chidlow (4 units)
6	Weld
134	Cnr Parker & Clarkson
89	Cnr Collins & Clarkson
97	Davey
103	Cnr Chidlow & Clarkson
84	Lewis
95	Cnr Clarkson & Collins
27	Throssell
30	Markey
8	Lyon
73	Throssell
91	Collins
130	Clarkson
87	Lewis

1041. *This question was postponed.*

## HOUSING

### Northam

1042. Mr McIVER, to the Honorary Minister assisting the Minister for Housing:

- (1) How many homes, all types and including Government Employees' Housing Authority, have been constructed in Northam since 1 July 1977?
- (2) Where are they situated in Northam?
- (3) From what resources were they financed for construction?

Mr LAURANCE replied:

- (1) 60.
- (2) As per schedule below.
- (3) These properties were constructed with funds provided under—

- (a) Commonwealth-State Housing Agreement;
- (b) Aboriginal Housing Agreement;
- (c) Government Employee's Housing Authority.

### Schedule

Lot Number	Street
112	Agett (2 units)
119	Agett (2 units)
123	Agett (2 units)
106	Barrow
109	Barrow
110	Barrow
127	Barrow (2 units)
128	Barrow
3	Burnside (9 units)
2	Chidlow (9 units)

## EMPLOYMENT AND UNEMPLOYMENT

### Government Departments and Instrumentalities: Cutbacks

1043. Mr DAVIES, to the Minister representing the Minister for Fisheries and Wildlife:

- (1) As a consequence of the State Budget and works programme, are any cutbacks in employment expected in the departments and other Government agencies under the control of the Minister he represents in this place?
- (2) If "Yes"—
  - (a) how many jobs will be involved;
  - (b) in what sections and job categories of the departments and authorities concerned will they occur;
  - (c) in what locations will they occur;
  - (d) is it expected that any sacking will occur?

Mr O'CONNOR replied:

- (1) and (2) See answer to question 1044.

## EMPLOYMENT AND UNEMPLOYMENT

### *Government Departments and Instrumentalities: Cutbacks*

1044. Mr DAVIES, to the Premier:

- (1) As a consequence of the State Budget and works programme, are any cutbacks in employment expected in the departments and other Government agencies under his control?
- (2) If "Yes"—
  - (a) how many jobs will be involved;
  - (b) in what sections and job categories of the departments and authorities concerned will they occur;
  - (c) in what locations will they occur;
  - (d) is it expected that any sackings will occur?

Sir CHARLES COURT replied:

- (1) It is inevitable that there will be reductions in staff employed on some works and in some areas as jobs are completed or works scaled down to enable other projects to be undertaken.

There will also be increased employment on other jobs and in other areas.

This situation is inevitable from year to year as the structure and emphasis of the works programme changes to meet new needs.

It is not practicable to continue spending in a particular area as work on projects runs down, simply to maintain the workforce in that area, although it must be said that this annual occurrence is exacerbated this year by the reduction in Loan funds available for general works, despite a big lift in expenditure on electricity generation projects financed under special borrowing approvals.

- (2) (a) to (d) There will, as always, be many changes in employment by contractors and subcontractors as some works are completed and others commenced and the Government does not have access to the information requested in this sector of the work force.

As to direct employment by departments, it is not possible to say, at this early stage of implementation of the 1980-81 works programme what exact overall changes in employment will occur.

Retrenchments will be kept to the minimum, but the final numbers must, of necessity, also be influenced during the year by any wage and salary increases in excess of national wage case indexation decisions.

## EMPLOYMENT AND UNEMPLOYMENT

### *Government Departments and Instrumentalities: Cutbacks*

1045. Mr DAVIES, to the Deputy Premier:

- (1) As a consequence of the State Budget and works programme, are any cutbacks in employment expected in the departments and other Government agencies under his control?
- (2) If "Yes"—
  - (a) how many jobs will be involved;
  - (b) in what sections and job categories of the departments and authorities concerned will they occur;
  - (c) in what locations will they occur;
  - (d) is it expected that any sackings will occur?

Mr O'CONNOR replied:

- (1) and (2) See answer to question 1044.

## EMPLOYMENT AND UNEMPLOYMENT

### *Government Departments and Instrumentalities: Cutbacks*

1046. Mr DAVIES, to the Minister for Agriculture:

- (1) As a consequence of the State Budget and works programme, are any cutbacks in employment expected in the departments and other Government agencies under his control?
- (2) If "Yes"—
  - (a) how many jobs will be involved;
  - (b) in what sections and job categories of the departments and authorities concerned will they occur;
  - (c) in what locations will they occur;
  - (d) is it expected that any sackings will occur?

Mr OLD replied:

- (1) and (2) See answer to question 1044.

# EMPLOYMENT AND UNEMPLOYMENT

## *Government Departments and Instrumentalities: Cutbacks*

1047. Mr DAVIES, to the Minister for Works:

- (1) As a consequence of the State Budget and works programme, are any cutbacks in employment expected in the departments and other Government agencies under his control?

(2) If "Yes"—

- (a) how many jobs will be involved;
- (b) in what sections and job categories of the departments and authorities concerned will they occur;
- (c) in what locations will they occur;
- (d) is it expected that any sackings will occur?

Mr MENSAROS replied:

- (1) and (2) See answer to question 1044.

# EMPLOYMENT AND UNEMPLOYMENT

## *Government Departments and Instrumentalities: Cutbacks*

1048. Mr DAVIES, to the Minister for Resources Development:

- (1) As a consequence of the State Budget and works programme, are any cutbacks in employment expected in the departments and other Government agencies under his control?

(2) If "Yes"—

- (a) how many jobs will be involved;
- (b) in what sections and job categories of the departments and authorities concerned will they occur;
- (c) in what locations will they occur;
- (d) is it expected that any sackings will occur?

Mr P. V. JONES: replied:

- (1) and (2) See answer to question 1044.

# EMPLOYMENT AND UNEMPLOYMENT

## *Government Departments and Instrumentalities: Cutbacks*

1049. Mr DAVIES, to the Minister for Transport:

- (1) As a consequence of the State Budget and works programme, are any cutbacks

in employment expected in the departments and other Government agencies under his control?

(2) If "Yes"—

- (a) how many jobs will be involved;
- (b) in what sections and job categories of the departments and authorities concerned will they occur;
- (c) in what locations will they occur;
- (d) is it expected that any sackings will occur?

Mr RUSHTON replied:

- (1) No.
- (2) (a) to (d) Not applicable.

# EMPLOYMENT AND UNEMPLOYMENT

## *Government Departments and Instrumentalities: Cutbacks*

1050. Mr DAVIES, to the Minister for Health:

- (1) As a consequence of the State Budget and works programme, are any cutbacks in employment expected in the departments and other Government agencies under this control?

(2) If "Yes"—

- (a) how many jobs will be involved;
- (b) in what sections and job categories of the departments and authorities concerned will they occur;
- (c) in what locations will they occur;
- (d) is it expected that any sackings will occur?

Mr YOUNG replied:

- (1) and (2) See answer to question 1044.

# EMPLOYMENT AND UNEMPLOYMENT

## *Government Departments and Instrumentalities: Cutbacks*

1051. Mr DAVIES, to the Minister for Education:

- (1) As a consequence of the State Budget and works programme, are any cutbacks in employment expected in the departments and other Government agencies under his control?

(2) If "Yes"—

- (a) how many jobs will be involved:

- (b) in what sections and job categories of the departments and authorities concerned will they occur;
- (c) in what locations will they occur;
- (d) is it expected that any sackings will occur?

Mr GRAYDEN replied:

- (1) and (2) See answer to question 1044.

#### EMPLOYMENT AND UNEMPLOYMENT

##### *Government Departments and Instrumentalities: Cutbacks*

1052. Mr DAVIES, to the Minister for Local Government:

- (1) As a consequence of the State Budget and works programme, are any cutbacks in employment expected in the departments and other Government agencies under her control?
- (2) If "Yes"—
  - (a) how many jobs will be involved;
  - (b) in what sections and job categories of the departments and authorities concerned will they occur;
  - (c) in what locations will they occur;
  - (d) is it expected that any sackings will occur?

Mrs CRAIG replied:

- (1) and (2) See answer to question 1044.

#### EMPLOYMENT AND UNEMPLOYMENT

##### *Government Departments and Instrumentalities: Cutbacks*

1053. Mr DAVIES, to the Chief Secretary:

- (1) As a consequence of the State Budget and works programme, are any cutbacks in employment expected in the departments and other Government agencies under his control?
- (2) If "Yes"—
  - (a) how many jobs will be involved;
  - (b) in what sections and job categories of the departments and authorities concerned will they occur;
  - (c) in what locations will they occur;
  - (d) is it expected that any sackings will occur?

Mr HASSELL replied:

- (1) and (2) See answer to question 1044.

#### EMPLOYMENT AND UNEMPLOYMENT

##### *Government Departments and Instrumentalities: Cutbacks*

1054. Mr DAVIES, to the Honorary Minister assisting the Minister for Housing:

- (1) As a consequence of the State Budget and works programme, are any cutbacks in employment expected in the departments and other Government agencies under his control?
- (2) If "Yes"—
  - (a) how many jobs will be involved;
  - (b) in what sections and job categories of the departments and authorities concerned will they occur;
  - (c) in what locations will they occur;
  - (d) is it expected that any sackings will occur?

Mr LAURANCE replied:

- (1) and (2) See answer to question 1044.

#### EMPLOYMENT AND UNEMPLOYMENT

##### *Government Departments and Instrumentalities: Cutbacks*

1055. Mr DAVIES, to the Honorary Minister assisting the Minister for Industrial Development and Commerce:

- (1) As a consequence of the State Budget and works programme, are any cutbacks in employment expected in the departments and other Government agencies under his control?
- (2) If "Yes"—
  - (a) how many jobs will be involved;
  - (b) in what sections and job categories of the departments and authorities concerned will they occur;
  - (c) in what locations will they occur;
  - (d) is it expected that any sackings will occur?

Mr MacKINNON replied:

- (1) and (2) See answer to question 1044.

#### EMPLOYMENT AND UNEMPLOYMENT

##### *Government Departments and Instrumentalities: Cutbacks*

1056. Mr DAVIES, to the Minister representing the Attorney General:

- (1) As a consequence of the State Budget and works programme, are any cutbacks in employment expected in the

departments and other Government agencies under the control of the Minister he represents in this place?

(2) If "Yes"—

- (a) how many jobs will be involved;
- (b) in what sections and job categories of the departments and authorities concerned will they occur;
- (c) in what locations will they occur;
- (d) is it expected that any sackings will occur?

Mr O'CONNOR replied:

(1) and (2) See answer to question 1044.

## EMPLOYMENT AND UNEMPLOYMENT

### *Government Departments and Instrumentalities: Cutbacks*

1057. Mr DAVIES, to the Minister representing the Minister for Lands and Forests:

(1) As a consequence of the State Budget and works programme, are any cutbacks in employment expected in the departments and other Government agencies under the control of the Ministers he represents in this place?

(2) If "Yes"—

- (a) how many jobs will be involved;
- (b) in what sections and job categories of the departments and authorities concerned will they occur;
- (c) in what locations will they occur;
- (d) is it expected that any sackings will occur?

Mrs CRAIG replied:

(1) and (2) See answer to question 1044.

## QUESTIONS WITHOUT NOTICE

### PUBLIC WORKS DEPARTMENT

#### *Employees: Retrenchments.*

271. Mr CARR, to the Minister for Works:

I draw attention to the fact that on Tuesday he was able to give me a detailed account of retrenchments at the PWD depot at Geraldton. He indicated he would give more details about further retrenchments in a statement on Wednesday. How is it he was unable to

give details of retrenchments at other depots at the sitting yesterday and again in answer to a question by the Leader of the Opposition today?

Mr MENSAROS replied:

The answer is that detailed plans have not been framed yet.

## FOODLAND ASSOCIATED LTD.

### *National Country Party: Speaker's Ruling*

272. Mr PEARCE, to the Speaker:

I seek your ruling. You will remember that yesterday a member of the Opposition sought to raise a question relating to the Mr Fabulous food store. You said you would rule the question out of order because at that stage you were unaware of the detail of the writ involved. Have you obtained the details of the writ which would enable you to rule on the admissibility of questions?

The SPEAKER: I have a copy of the writ in my hand and it would seem to me that any question related to the matter of this particular company and the parties to the writ would be inadmissible in this House.

Mr Pearce: Could you indicate the parties involved in the writ?

The SPEAKER: The plaintiff is the National Country Party of Australia (WA) Incorporated and—

Able Finance Corporation Pty Ltd

(First Defendant)

and

Peter Douglas Mayo  
Brian Douglas Horgan  
Robert John Walker and  
Richard John Kearns

(Second Defendant)

Maypen Nominees Pty Ltd  
Brian Douglas Horgan  
Janet Ann Horgan  
Robert John Walker and  
Judith Anne Walker, trading as  
Maypen Management Services (a firm), third defendant.

### *Point of Order*

Mr PEARCE: May I ask for a further ruling, Sir. Would questions directed to the Minister for Police and Traffic

relating to police inquiries into the financial collapse be out of order also?

Mr Old: Of course they would!

Mr Bryce: Since when were you the Speaker? When did he require the prompting of the Minister for Agriculture?

The SPEAKER: Order! I want to tell the member for Ascot or any other member who interjects or speaks whilst I am on my feet that I will have to take the appropriate action.

I adhere to my original statement that it would be inappropriate for me to allow questions to be asked in this Parliament which related to matters concerning the persons and companies which are involved in this particular case which is currently before the Supreme Court.

#### *Questions (without notice) Resumed*

#### EMPLOYMENT AND UNEMPLOYMENT

##### *Government Departments and Instrumentalities: Cutbacks*

273. Mr DAVIES, to the Premier:

- (1) When and why did the Premier instruct his Ministers not to answer the questions I asked today in relation to Government employment levels?
- (2) Did the Premier issue the instructions because he did not want to embarrass the Fraser Government on the eve of a Federal election, with regard to the unemployment the new federalism policy will cause in this State?

Sir CHARLES COURT replied:

- (1) and (2) I presume that the Leader of the Opposition is referring to the series of questions he asked in identical form of different Ministers today.

Mr Davies: That is spot on!

Sir CHARLES COURT: The procedure for handling that particular matter was consistent with what we have done in similar cases where members of the Opposition have sought to have a wide-ranging series of questions spread over many Ministers when obviously the answers could come from one source. It was not a question of instructing Ministers; it was mainly a matter of good sense and good procedure. In many

cases—not in all cases, but in some cases—they sought advice as to the appropriate answer in the circumstances.

Mr Davies: All we want is the truth.

Sir CHARLES COURT: Members opposite have the truth.

Mr Davies: We have not got the truth.

Sir CHARLES COURT: I am amazed that the Leader of the Opposition asked the question. I could understand an Opposition back-bench member who does not have ministerial experience asking the question; but the Leader of the Opposition knows the Budget procedures and he knows how these matters are handled over the course of a year. It is not done day by day.

#### EMPLOYMENT AND UNEMPLOYMENT

##### *Government Departments and Instrumentalities: Cutbacks*

274. Mr DAVIES, to the Premier:

Referring to the answer given by the Premier to question 1044, which was asked today, I should like to know why he says his Government is unable to provide information on retrenchments of Government employees when the Minister for Works was able to provide such information to the members for Geraldton and Fremantle on Tuesday, and the Minister for Transport was able to supply information to me on a similar question.

Why has it suddenly become impossible for other departments to assess the situation when clearly it could be done last Tuesday?

Mr Bryce: A cover up!

Sir CHARLES COURT replied:

I am surprised the Leader of the Opposition is pressing the matter.

Mr Davies: I just want the truth.

Sir CHARLES COURT: Firstly, in the case of the Minister for Works it is something which has actually happened. It is something which is with us now, whereas, secondly, in the case of the other portfolios, these matters are spread over the whole year and they vary from time to time.

For example, one part of the question I answered related to contractors and I said their employees are not directly under the control of the Government. Jobs finish and the employees move to other venues. The Public Works Department carries out jobs in certain places. They do not leave the people there forever, they bring them to other places which are appropriate.

On reflection, I am sure members will realise the answer I have given is appropriate and these issues will be dealt with, as is normal, throughout the year.

Mr Davies: You have lost control!

## POLICE

### *Commissioner: Criticism*

275. Mr TRETHOWAN, to the Minister for Police and Traffic:

- (1) Is the Minister aware of the recent attacks that have been made upon the Commissioner of Police in order to denigrate him?
- (2) Is it a fact that the commissioner has always demonstrated the highest degree of professional competence and independence in carrying out the sometimes very difficult tasks that face the Police Force in maintaining law and order in this State?

Mr HASSELL replied:

- (1) and (2) I advise the member for East Melville that I am most concerned about the constant attacks being made on the Commissioner of Police—

Mr Bryce: The Commissioner of Police makes attacks on members of Parliament. He is a disgrace!

### *Point of Order*

Mr SKIDMORE: The question seeks an opinion from the Minister and I feel it is inadmissible on those grounds.

The SPEAKER: The Minister may well be expressing an opinion, but I listened carefully to the question asked and it was not asking for an opinion; it was asking for facts. Therefore, the question is admissible.

### *Questions (without notice) Resumed*

Mr HASSELL: Some of the recent attacks which have been made on the Commissioner of Police relate to what is occurring in the due process of law in the courts and are not in fact matters concerning the Commissioner of Police at all. Therefore, those attacks are particularly unfair and unjust.

Mr Davies: What are they? Will you detail them?

Mr HASSELL: What is the Leader of the Opposition asking me to detail?

Mr Davies: The attacks which are being made.

Mr HASSELL: I am referring in particular to some attacks which have been reported today in the news and in other places as a result of speeches made by some of the members of the party represented by the Leader of the Opposition and attacks made on other occasions.

### *Point of Order*

Mr SKIDMORE: On a further point of order, Sir, I raise with you the question as to whether or not the Minister is entitled to continue answering the question in view of the fact that he is obviously giving an opinion.

If the question in its original form did not indicate it sought an opinion, it certainly appears the Minister for Police and Traffic is giving an opinion now. Therefore, I rule it is inadmissible.

Government members: You rule!

Mr SKIDMORE: I shall correct that by saying that I believe the question is inadmissible.

Mr Clarko: You are behaving in a very stupid manner.

Mr SKIDMORE: The brain of the member for Karrinyup would fit into an egg shell.

The SPEAKER: Order! Both the member for Swan and the member for Karrinyup will be asked to move outside the House if they continue to speak whilst I am on my feet.

The question which was asked was admissible and it is up to a Minister or any other member to whom a question may be directed, to choose the way in which he will answer.



*Questions (without notice) Resumed*

Mr HASSELL: I want to assure the House, despite the banter from members opposite, that I regard this matter very seriously. The Commissioner of Police in this State is a senior public officer in Western Australia.

Mr Bryce: He attacks members of Parliament at the drop of a hat.

Mr HASSELL: The Commissioner of Police has the highest responsibilities to all the citizens in this State and he has the highest reputation in Western Australia.

Several members interjected.

Mr HASSELL: All the Commissioner of Police gets from members opposite is a series of cowardly, scurrilous attacks.

Several members interjected.

Mr HASSELL: The attacks made on the Commissioner of Police are cowardly and scathing. I have no doubt—

Mr Bryce: The Commissioner of Police attacks members of Parliament.

Several members interjected.

The SPEAKER: Order! I want to draw the attention of the House to a ruling I gave during the last session of Parliament and also to a warning I gave in the early part of this session of Parliament with respect to the conduct of the House during the time questions without notice are being taken.

I am prepared to concede there will obviously be some interjections during the asking and answering of questions without notice and I believe I have been extremely tolerant in allowing interjections in recent times.

I say to members of the House that I am not prepared to allow questions to continue while the person asking a question or answering a question is being subject to harassment and a barrage of interjections. It is just not fair to the person who is asking the question and it reflects no credit at all on the House. If the barrage of interjections continues I will do something I do not like doing; that is terminate questions without notice.

Mr HASSELL: I have no doubt the purpose of many of these vicious attacks which are being made on the Commissioner of Police is to destroy the Police Force by dividing its leader and the person

responsible for its discipline and its control from the force he must lead and control.

Several members interjected.

Mr HASSELL: I have no doubt that the people who are making these attacks, particularly a member in another place, are setting out quite deliberately to undermine the authority of the Commissioner of Police.

Several members interjected.

The SPEAKER: Order!

Mr HASSELL: The commissioner has a responsibility to all the people of Western Australia. The commissioner carries out his duties with great ability and great dignity.

Government members: Hear, hear!

Several members interjected.

The SPEAKER: Order!

Mr HASSELL: If the members of the Opposition and members in another place continue their barrage of vicious attacks on the commissioner, as far as I am concerned, it will do them no good at all. All they will do is succeed in—

Several members interjected.

The SPEAKER: Order! Will the Minister come to the point?

Mr HASSELL: If we take out the time during which I have been interrupted by members of the Opposition—because they do not wish to hear my reply—we will find that my answer has been quite short.

Several members interjected.

Mr HASSELL: I say again the vicious attacks on the commissioner—

Several members interjected.

*Withdrawal of Remark*

The SPEAKER: Order! In the interests of retaining a reasonable standard of behaviour I must ask the member for Karrinyup to withdraw the remark he made across the Chamber to the member for Ascot.

Mr CLARKO: Mr Speaker, I am happy to withdraw any remark which you find improper. I would just hope that other members in this House will follow the same standard.

Several members interjected.

*Questions (without notice) Resumed*

Mr HASSELL: I will conclude my answer to the question by saying the Opposition will not succeed in its campaign to destroy the authority of the Commissioner of Police in the running of the Police Force in this State.

**HEALTH***Laboratory Services*

276. Mr HODGE, to the Minister for Health:

My question is a follow-up to a question I asked on notice yesterday. I asked why the State Government was considering allowing private pathologists to take over the work of the State Health Laboratory Services in Government hospitals.

The Minister gave me a strange answer and I request clarification. The Minister said the action was at the request of the Australian Medical Association, in recognition of the anticipated events and the Government's policy of cost containment.

Can the Minister clarify "recognition of anticipated events"?

Mr YOUNG replied:

The situation was that certain private pathologists had given notice of intention that they wished to go into public hospitals and provide a service. The Government had no objection to that, but there was some doubt as to whether or not the pathologists might be moving into the hospitals with the intention of taking the best and leaving the rest.

In other words they might do all the tests which result in the highest fees for providing a service which was not a 24-hour one and leave the tests for which they might not have been paid the optimum fee.

The Government had no objection to the private pathologists providing that service; however, it is necessary for them to negotiate with the Government to give it an opportunity to insist that if they were to provide any service in the hospitals, the Government would require them to provide a 24-hour service and to

carry out all the tests at that hospital required by that hospital.

The Government felt it should negotiate with the pathologists with the aim of entering into an agreement with them, hospital by hospital. Those were the "anticipated events" the Government wished to guard against.

**SMALL BUSINESSES***Advisory Service*

277. Mr SODEMAN, to the Honorary Minister Assisting the Minister for Industrial Development and Commerce:

- (1) When was the Small Business Advisory Service first established in Western Australia?
- (2) Has there been a charge in the past for the service supplied by the State Government Small Business Advisory Service?
- (3) Will there be a charge by the service in its proposed new form?
- (4) How many inquiries has the service dealt with to date?
- (5) How do country proprietors avail themselves of the service?
- (6) How has the service been upgraded to meet the changing requirements of small business?
- (7) When is it anticipated that the new board will be formally constituted and operational?
- (8) When will legislation in respect of the new incentives programme as announced by the Premier on 2 July 1980 be introduced into State Parliament?

Mr MacKINNON replied:

- (1) January 1976.
- (2) No.
- (3) There is no charge for counselling services. The board may desire to administer specialist services for which it considers that a share of these costs should be borne by the individual business benefiting therefrom.
- (4) 10 823 to 30 September 1980.
- (5) By reverse phone call facility at any time—325 3388. Also by counsellors regularly visiting country areas. By writing to or visiting the service whilst in Perth, 7th Floor, Wapet House, 12 St. George's Terrace, Perth.

- (6) The service has been upgraded by increased funds as follows—

1979—\$98 000 including salaries and administration expenses

1980—\$170 000 total.

Amongst the ways in which the service will use these funds is to—

- (a) expand staffing;
  - (b) run seminars on a Statewide basis;
  - (c) finance board inquiries into areas/problems affecting small business, to enable the service to then submit to Government its suggestions in relation to these problems;
  - (d) increase frequency of counsellors' visits to country areas.
- (7) The board has been formally announced and has held one meeting. Incorporation under its new memorandum and articles of association is expected within the next few weeks.
- (8) The Crown Law Department has been given instructions to complete the preparation of legislation and it is considered that the Bills will be introduced in Parliament during this session.

## ANIMALS

### *Experiments*

278. Mr SKIDMORE, to the Minister for Health:

My question relates to question 993 on notice on 7 October when I asked the Chief Secretary to provide me with the number of experiments performed on living animals in the year 1978. His answer to me was 9 398.

I ask the Minister—and I realise he would not have the information here today—will he undertake to advise me of the species involved, the number of species involved, and the type of experiments which took place on those 9 398 animals?

Mr YOUNG replied:

I will undertake to do that. Perhaps the member could indicate to me whether he wishes to put that question on the notice paper or requires me to answer it privately.

Mr Skidmore: I would be happy to receive a private answer.

## HEALTH

### *Laboratory Services*

279. Mr HODGE, to the Minister for Health:

Will the Minister give a guarantee that if the State Health Laboratory Services' work in Government hospitals is handed over to private pathologists, no employee of the State Health Laboratory Services will lose his job because of this decision?

Mr YOUNG replied:

It is about time some members of Parliament realised that when Governments have to make decisions such as this, they cannot give those sorts of guarantees.

I will make every effort to ensure if the work which is done in public hospitals is undertaken by private pathologists within the realms of financial reason, no-one will lose his job.

At the same time, members must realise that someone's work cannot be done by someone else and the worker expects that person to still have his job. The member for Melville ought to recognise the fact that the natural laws of supply and demand ought to take effect.

## STATE FINANCE

### *Income Tax: State*

280. Mr WATT, to the Treasurer:

- (1) Has the Treasurer read the Political notes in today's issue of *The West Australian* written by the Leader of the Opposition, implying that the Western Australian Government may be considering the imposition of a State income tax?
- (2) Has there been a change of his previously stated intention not to proceed with a State income tax?

Sir CHARLES COURT replied:

(1) and (2) I thought I had answered this question very explicitly yesterday. Yes, I did read this morning's column and I can assume only that the Leader of the Opposition desperately was trying to keep things going for the Federal election, and that he had not had time to cancel the column after I had answered the question asked by the Deputy Leader of the Opposition.

The simple fact is it is over 12 months since I said the Government had no intention of introducing such legislation. At two meetings of Premiers of all political parties, in August and September, it was unanimously stated by way of a public statement by all Premiers that we had no intention of supporting stage two of the Commonwealth's income tax sharing scheme.

## POLICE

### *Commissioner: Criticism*

281. Mr DAVIES, to the Minister for Police and Traffic:

I reject the overall sweeping content of the reply which the Minister gave earlier to the "Dorothy Dix-er" question. Will the Minister give us details of all the wide-ranging attacks he claims have been made by the Opposition on the Commissioner of Police?

### *Point of Order*

Mr NANOVIH: On a point of order Mr Speaker, I take exception to the remark made by the member for Kalgoorlie when he referred to me as "the hangman from Wanneroo". I ask that he withdraw.

Several members interjected.

The SPEAKER: Order! The type of expression used is not one that adds anything to the decorum of this House. I would say simply it is inappropriate, and I invite the member for Kalgoorlie to withdraw the statement.

Mr E. T. EVANS: I will gladly withdraw the remark about the member for Whitford, if he will withdraw the remarks implying that I should be in gaol.

The SPEAKER: Order! That remark highlights the dilemma facing me. I believe it is appropriate for the Speaker to ask for withdrawals, and try to prevent members from using offensive language. I did not hear the exchange.

When the member for Mt. Hawthorn ceases talking I will continue. It seems the member for Whitford said something which provoked the remark from the other side. I certainly hope this sort of behaviour will cease.

### *Questions (without notice) Resumed*

Mr DAVIES: I was saying I reject the all-embracing nature of the reply given by the Minister for Police to an earlier question, and ask him to detail the wide-ranging—I think that was the term he used—attacks on the Commissioner of Police by the Opposition, and to name the members concerned.

Mr HASSELL replied:

I do not intend to canvass all the people who made the attacks, except to name two of them.

Mr Davies: Well, do not make such wide-ranging statements.

Mr HASSELL: The Leader of the Opposition has attacked the Commissioner of Police publicly in the past few weeks.

Mr Davies: I have not.

Mr HASSELL: And so has a member for the North Province in another place.

### *Point of Order*

Mr DAVIES: Mr Speaker, on a point of order—

The SPEAKER: Order! The Minister will resume his seat. The Leader of the Opposition has risen on a point of order.

Mr DAVIES: On a point of order, will the Minister detail when I attacked the Commissioner of Police? His statement is quite wrong, and it is a slight on myself and on the Commissioner of Police.

Mr Bateman: It is a slight on all of us. I am no bloody coward. I will give him coward! I am sorry, Mr Speaker.

The SPEAKER: Order! It is inappropriate for members of this House to impugn improper motives on the part of other members. However, the Minister for

Police and Traffic was asked to name the people whom he was of the view had done something, and he was answering the question.

Although it is obvious that the answer is offensive to the Leader of the Opposition, I think it is not for me to ask the Minister for Police and Traffic to withdraw. I simply hope the Minister for Police and Traffic will use temperate language in answering the question.

Perhaps it would be more appropriate if the question were passed in and placed on notice.

Mr Davies: I will give the Minister an opportunity, I am certain.

- (2) Is it further true that the day labour work force supervisors have, in fact, submitted tenders on those projects?
- (3) Have some or all of the projects been carried out by the day labour work force because the prices submitted were lower than those tendered by private enterprise?

Mr RUSHTON replied:

- (1) to (3) The rather extensive information sought is not known personally to me. I ask that the question be placed on the notice paper.

#### *Questions (without notice) Resumed*

### HOUSING

#### *Construction Programme*

282. Mr WILSON, to the Honorary Minister Assisting the Minister for Housing:

- (1) In which localities will the 161 new dwellings to be constructed by the State Housing Commission in its programme for 1981 be built?
- (2) How many dwellings, and what type will be available in each locality?

Mr LAURANCE replied:

- (1) and (2) There is a considerable amount of detail involved in providing the specific details of the metropolitan programme.  
In order to provide a correct reply, I ask that the question be placed on the notice paper.

### ROADS

#### *Day Labour Work Force*

283. Mr PARKER, to the Minister for Transport:

- (1) Is it true that the Main Roads Department has been putting out to tender projects which previously would have been carried out by the day labour work force?

### EDUCATION: PRE-PRIMARY

#### *Centre: Tom Price*

284. Mr SODEMAN, to the Minister for Education:

- (1) Has air-conditioning at the Tom Price Pre-primary School been approved in the 1980-81 Budget?
- (2) If the answer to (1) is "No", when is it envisaged that the air-conditioning could be installed?
- (3) If "Yes", what are the anticipated commencement and completion dates for the project?

Mr GRAYDEN replied:

I thank the member for some notice of the question, the answer to which is as follows—

- (1) Yes.
- (2) Not applicable.
- (3) The Public Works Department has been asked to proceed with the works required as soon as possible. Commencement and completion dates will be known as soon as tendering procedures can be completed.

**POLICE**

*Rape Squad*

285. Mr T. J. BURKE, to the Minister for Police and Traffic:

What action, if any, has the Minister taken to help to resolve the dispute involving his department and those members of the Police Force who make up the rape squad, and who are on call 24 hours a day?

Mr HASSELL replied:

I ask the member to put the question on the notice paper.

**NOONKANBAH STATION**

*Accounting of Exercise*

286. Mr DAVIES, to the Premier:

When is it anticipated we will have an estimate of the cost of the Noonkanbah operation?

Sir CHARLES COURT replied:

I will confer with the Minister for Resources Development, and ascertain when it is appropriate for him to make a statement as was promised in connection with the drilling operation.

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