

resource centre and you need one. We will do that before everything else." The department would have said, "We need an extra room for these special classes and we will build one before we do the general repairs and renovations." But apparently that part of the Education Department does not know what the planning side is doing. So we have four classrooms which are to be taken away from general use at Lathlain School and made available for special teaching. We do not argue about the need for this special teaching.

The man in charge, whose name is Leo Brice, is achieving excellent results. He has been told he has to fit those classes into four rooms, and the Lathlain School will lose the use of those rooms. The answer I was given to a question yesterday indicates the department does not know what the position is. It will say anything to shut us up. I will not be shut up because the parents of the children at Lathlain School are worried about what will happen.

Vote: Education, \$258 411 000—put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr Clarko.

BILLS (4): RETURNED

1. Alumina Refinery (Pinjarra) Agreement Act Amendment Bill.
2. Iron Ore (Tallering Peak) Agreement Act Amendment Bill.
3. Albany Woollen Mills Ltd. Agreement Bill.
4. Industrial Lands Development Authority Act Amendment Bill.

Bills returned from the Council without amendment.

LIQUOR ACT AMENDMENT BILL

Council's Message

Message from the Council received and read notifying that it did not insist on its amendment No. 6 to which the Assembly had disagreed.

ADJOURNMENT OF THE HOUSE: SPECIAL

SIR CHARLES COURT (Nedlands—Premier) [12.44 a.m.]: I move—

That the House at its rising adjourn until 11.00 a.m. today (Thursday).

Question put and passed.

House adjourned at 12.45 a.m. (Thursday).

Legislative Council

Thursday, the 25th November, 1976

The **PRESIDENT** (the Hon. A. F. Griffith) took the Chair at 11.00 a.m., and read prayers.

QUESTIONS ON NOTICE

Postponement

THE PRESIDENT (The Hon. A. F. Griffith): I advise that questions will be taken at a later stage of the sitting.

CLERK ASSISTANT OF THE COUNCIL

Attachment to the House of Commons

THE PRESIDENT (The Hon. A. F. Griffith): Before we proceed to orders of the day, I should like members to know that, following an invitation from the Clerk of the House of Commons, I have approved of the Clerk Assistant and Usher of the Black Rod (Mr J. G. C. Ashley) proceeding to the United Kingdom next year to undertake an attachment at the House of Commons.

Members may recall that in 1970 we were fortunate enough to receive a similar invitation and at that time, the Clerk of the Parliaments (Mr J. E. Roberts) received an attachment to the House of Commons.

Mr Ashley's visit will take place between April and July, and the attachment will enable him to observe the procedures of the House of Commons and the workings of its committees. I am confident the experience he will gain in the various parliamentary offices at Westminster will be of great benefit not only to him but also, of course, to this Chamber.

Following his attachment, Mr Ashley will take the opportunity of proceeding on long service leave during which time he intends to visit other Commonwealth Parliaments.

I feel sure that members will join with me in wishing him a successful tour of duty at the House of Commons, an enjoyable period of leave, and a safe return.

Members: Hear, hear!

LEGAL CONTRIBUTION TRUST ACT AMENDMENT BILL

Second Reading

Debate resumed from the 23rd November.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [11.06 a.m.]: The Hon. Grace Vaughan adjourned the second reading debate on this Bill; unfortunately, however, she is not in the Chamber at the moment. However, she has advised me it is only complementary legislation to the Legal Aid Commission Bill, which passed through this Chamber

yesterday, and that the comments the Opposition made in respect of that legislation apply also to this Bill. The Opposition intends to support the passage 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.

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Attorney-General), and passed.

DEATH DUTY ASSESSMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 23rd November.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [11.10 a.m.]: The Opposition supports the Bill because it will set in motion measures to provide some relief—particularly in cases where the property passes to the surviving spouse or to the children of the deceased—from crippling death duties.

It has always appeared to me to be a rather ludicrous state of affairs, although I know there are arguments against this, that when a person who has paid taxes all his life dies, the State can in certain circumstances move in and create hardship and suffering for those left behind.

This legislation does not seek to abolish death duties; but it will do a great deal in cases where relief is most deserving. In his second reading speech the Minister said among other things that the Bill was designed to review the whole system with special regard for the burdens imposed; to provide a time payment system for the payment of duty in hardship cases; and to institute a system of adjustments where shares are sold at a loss. Those objectives are very good.

There is one point on which I would like the Attorney-General to comment in his reply to the debate. The Bill makes some provision for adult children. Like other members of this Chamber, when the proposition was first mooted in the Budget speech I received quite a number of inquiries from people as to whether the provisions of the Bill would apply only in cases where property passed from spouse to spouse. A woman who might have looked after her aged parents for a long time would be excluded, although I understand the Bill does make provision, with some qualifications, for relief to be granted to *de facto* spouses.

Today the term "*de facto*" does not carry the same connotation it used to, but some old folk in the community consider that this disadvantages certain people. I know the Bill does not deal with those areas.

The definition of "adult child" would in practice provide some measure of relief to a person who has given his or her life to looking after, say, his or her aged mother, who suddenly dies. As a result that person could find himself or herself without means. The estate of the mother might be a small one. The fact that that person remained single to look after the mother is a private matter, but consideration should be given to such a person in regard to the payment of death duty. A number of people see this as a disadvantage against a *de facto* spouse.

There are many reasons that the Bill cannot abolish death duty altogether even though some of us might like to see that introduced. With those comments we on this side of the House support the Bill. I hope the Minister in his reply or in the Committee stage will touch on the matters I have raised.

THE HON. D. J. WORDSWORTH (South) [11.15 a.m.]: This Bill incorporates many amendments which will be looked at most favourably by those concerned with the payment of death duties. Death duties and the allied tax of Federal estate duty are very vile taxes.

The Hon. D. K. Dans: Did you say "vile" or "mild"?

The Hon. D. J. WORDSWORTH: I said they were vile taxes. Death duties and estate taxes are seen at their worst when they deplete an estate which a person leaves to his surviving spouse and children, so that they may be cared for after he or she dies, and to ensure they are able to survive through these difficult times.

The present generation is more readily able to accept the help of the Government, which meets the needs by way of social services of the surviving spouse and children of a man after his death. They know that the Government will provide for the family, and so they need have no great fears or worries.

However, the older generation still believes in family responsibilities and that people should make provision for their families in case of their premature death. It is despicable to see the Government taxing the savings a man has accumulated in his lifetime to care for his family after his death.

The amendments in the Bill will bring the State taxes up to date with inflation in respect of a certain group of people in the community. I commend the Government for this. I also commend the Government for introducing other amendments which are incorporated in the Bill.

As members will appreciate the benefits are now extended to unmarried persons and to the children of *de facto* relationships. This legislation also makes provision for the payment of death duties by instalments. In his second reading speech the Minister said the Taxation Department has never forced an estate to dispose of property in order to meet death duties. I presume he meant that we have not seen in the newspapers reports indicating that the Taxation Department took action to sell property for nonpayment of death duties, in the same way as a mortgage sale is advertised. Nevertheless, I find it very difficult to believe there has never been a forced sale of property in an estate as a result of the nonpayment of death duties.

Now, if evidence of hardship can be shown one will be able to obtain the postponement of the payment of death duties for three years, or one may elect to pay them by instalments. If this is an extension of what has been in vogue, then obviously the Taxation Department has been demanding payment a lot sooner than the period I have mentioned. I would be very surprised if in the past some extreme cases of hardship have not arisen because of the requirement to meet these taxes.

Speaking personally, if I should be involved in a fatal accident and members of my family had to meet the death duties they would find it very difficult to dispose of my estate which happens to comprise some farm land. I have a farm near the Duke of Orleans Bay in the Esperance area, where today 75 per cent of the land within 25 miles of my property is up for sale.

Those properties total about 100 square miles in area, and they are within 25 miles of my property, and most have been listed with stock firms for sale. In these circumstances one can imagine what will happen if my farming land has to be disposed of, particularly in the present severe economic climate.

While to some extent the provisions in the Bill will make the position easier, in allowing time for the payment of these taxes, the difficulty is to sell the land at a favourable price to meet the death duties.

One of the interesting features to be introduced by means of this measure—and Mr Dans has already raised this point—is that if an estate contains shares and they drop in value then the lesser value can be accepted for death duty valuation provided those shares are sold within 12 months. That is a very good point. I have seen estates—particularly during the nickel boom—suffer considerably. In one instance, an estate included a considerable number of Poseidon shares valued at \$280. The estate was frozen until probate was worked out, but when the shares were sold they were down to \$20. Yet, probate was assessed on the earlier

figure of \$280. That broke the particular family completely. That is the sort of thing one hears about, and in such cases death duties are certainly shocking.

A question I pose to the Minister is why should this provision apply only to those who have shares? Why not apply it to those who have real estate? I have just quoted my own example. Quite obviously, the bone of contention today is that the particular provision will apply more to those investors in the city, rather than those involved in rural industry. I think it will be found that the amendments contained in the Bill will benefit mostly those people who live in the city, and that great difficulties will be experienced still in rural industries.

I hark back to my previous remarks: If a property had to be sold in order to pay death duties, obviously it would need to be lower than the market value in order to realise a sale. Yet, of course, probate is granted on valuation of current or previous sales. I believe we could experience a drop in the value of land at Esperance—and other farming land in Western Australia—perhaps nowhere equal to the drop we experienced on the Stock Exchange some years ago. Yet, we are quite readily agreeable to see a revision of valuations for those who own shares.

Most of the revision which will occur as a result of the passage of this Bill allows for inflation with regard to one type of estate only: that is the estate which goes from spouse to spouse or from spouse to dependent children. It will also allow the Treasurer to defer payment if an estate is a dwelling and occupied by a surviving spouse, providing that the total value of the estate is worth less than \$100 000. That provision will be most acceptable. Once again, it shows the Government is prepared to look at the effect of inflation.

The amendments also cover the brother-to-sister situation. The Minister said the many amendments which have been made to the Act have been in regard to the removal of anomalies, and to ensure equity, consistency, and clarity. That is very nicely worded. We are aware that Professor M. C. Cullity has been engaged by the Government as a consultant for some years. To be quite honest, I have not had the opportunity to go through each individual amendment which he has suggested.

I totally disagree with the manner in which this legislation has been introduced. Perhaps some may say it is appropriate that Bills dealing with death duties are usually introduced in the dying hours! The situation is that the measure came before this House only in the last couple of days. I have been unable to get a copy of Professor Cullity's report. The Bill has not received any examination by this

Chamber, and it received very little examination in the other place. I have telephoned accountants and solicitors in St. George's Terrace to get their opinions on this measure, but no examination of it has been made by them. To me, it is rather frightening the way this sort of legislation comes before Parliament. Quite frankly, it will take some months before we understand exactly what is incorporated in the many amendments contained in the Bill.

It sounds rather satisfying to hear the Minister say that this measure will remove anomalies and ensure equity, but the interesting question is: How will the anomalies be removed, and what clarity will occur? I am sure that most of the clarity will be in favour of the tax collector rather than the taxpayer. We have witnessed in the past great difficulties in this regard. As an example, I mention the persons who take out insurance on a spouse-to-spouse basis. That has been one way by which one could provide, to a certain extent, for death and estate duties. However, that procedure has met with difficulty because if it can be shown that the breadwinner, or the husband, has been paying the premium the insurance policy is automatically included in his estate. That seems a little harsh. In other words, it is recognising that whatever happens the wife cannot have an income, and whatever happens the husband is said to be paying the premiums on the life insurance policies.

Quite frankly, I have not been able to see exactly how this Bill will affect the situation in the future. Obviously, if it took Professor Cullity three years to come up with these recommendations, it will take more than half an hour for members of Parliament to be able to study them. As I have said, while we have been told the report is available, I am afraid I have not been able to find it, and I have not been able to find anyone else who has seen it.

I was rather surprised to learn that it was a Liberal Government which asked Professor Cullity to draw up the recommendations, because from his reputation I should have thought it would have been the Opposition who would have asked him.

The Hon. I. G. Medcalf: Why do you say that?

The Hon. D. J. WORDSWORTH: I gathered that impression from his comments when he presented various papers with regard to estate and death duty legislation. I was rather appalled at his various views.

The Hon. I. G. Medcalf: I do not think that is correct; he has no political bias whatsoever.

The Hon. D. J. WORDSWORTH: I cannot argue because I have not read his report.

The Hon. I. G. Medcalf: I have attended his lectures, and I thought he was most unbiased.

The Hon. D. J. WORDSWORTH: I am glad to hear the Attorney-General make that statement, and I will take his word for it. Unfortunately, other people view his remarks from the other side.

The Hon. I. G. Medcalf: They probably did not understand what he said. It was very involved and it took me three years to follow his reasoning.

The Hon. D. J. WORDSWORTH: The Attorney-General is really highlighting the difficulty we have with legislation such as that now before us.

The Hon. I. G. Medcalf: It is very complex.

The Hon. D. J. WORDSWORTH: I wonder just where we are going with this matter of indexing death duties. Members have heard me bring up the question of indexation before, particularly in regard to land tax. I think the land tax charges were first levied at this particular rate in 1924. I have been unable to ascertain when death duty rates were last changed, but it is obvious they should have been upgraded in this legislation. Rather than upgrading the rates, the Government has upgraded the spouse-to-spouse concessions, and I commend the Government for that move—it is very good. However, let us be honest. As I said earlier, this affects only a very small proportion of estates. It would affect very few people in my electorate. Very few farmers leave their estates to their spouses, and indeed, very few would die leaving their farms to dependent children.

I do not know whether members are aware of the definition of a dependent child. In the parent Act a dependent child is defined as one under the age of 16 years or one under the age of 25 years and receiving full-time education at a school, college, or university, or employed under an agreement for an apprenticeship. There are two other categories set out, one is an invalid pensioner and the other is a child employed in full-time housekeeping for her parent prior to his death.

I was particularly concerned with the first three categories which refer to children either under the age of 16 or under the age of 25 engaged in full-time studies. That is a very good provision, but members will note that I asked the Minister what opportunities to attend schools or universities up to the age of 25 years were available for the children who wish to go on the land. There are very few opportunities indeed. The chances of the son of a farmer undertaking a university course are practically nil, and there is no opportunity for him to undertake an apprenticeship. So this legislation has been

prepared for the majority of estates—of course mainly in metropolitan areas—and it certainly does not cover those people in farming areas.

I feel I ought to give some examples of the effect of death duties on some farming estates. It is rather frightening to see what is happening through inflation.

I have here some figures prepared by the Farm Management Foundation. The foundation is run by a group of people who are doing a very fine job in adult education of the farming community. The example is given of a wheatbelt farmer whose net estate in 1973 was valued at \$156 000. By 1976, through inflation mainly, that estate had doubled in value. In 1973 the Western Australian probate on an estate of \$156 000 was \$17 200. With Federal estate duties added, the total tax payable was \$26 200. On the inflated value of the estate today, the State death duty would be \$75 400, and if we include the Federal estate duty, the total death duties payable would be \$117 500. In other words the farm value has doubled but the tax has quadrupled.

This is what is happening with inflation, and yet the Government has made no effort whatever to amend the table.

I would like to give members another example from the magazine *Cornerstone* which is published by the Farm Management Foundation. In the May, 1976, edition of the magazine, the example is given of a property held jointly by husband and wife. In May, 1974, the estate was valued at \$158 000. Where one partner dies, the estate tax is levied on half the value of the estate, and in 1973, that would have been \$79 000, on which the death duty would have been \$3 000—a reasonable amount and one I think which the estate could have managed quite easily.

If we presume that that estate has doubled in value through inflation, it is now worth \$302 000. If one partner dies, the tax on half the estate value will be \$23 200—an increase of over 700 per cent. This is yet another indication of the harshness of this tax and the fact that the rates should have been examined.

Funnily enough, we even have a Government department which is endeavouring to help farmers overcome taxation difficulties. Many people believe that farmers are simply endeavouring to dodge taxation, but we can hardly describe it that way when a Government department has set up a section to help farmers cope with the problems of death and estate duties.

In an article prepared by Mr Peter Hackett and appearing in the *Agricultural Bulletin* of June, 1976, an example is given of a wheatbelt farmer who owns 2 000 acres. Over the period from February, 1973, to March, 1976, the death

duties on that estate increased from \$28 000 to \$109 000. There is no hope that the farming community can carry taxes and penalties of this order. All members who represent rural electorates are coming under great pressure from their electors, and quite rightly so. One wonders whether the Government should examine further its philosophy in respect of death duties.

I understand that perhaps Cabinet Ministers are too busy to listen to such programmes as "Monday Conference", but that is a pity because in the programme of the 11th October of this year, the eminent private enterprise philosopher, Professor Frederick Hayek, spoke about political philosophy. If they had heard it I am sure Ministers would have taken another look at death duties. Of course, Professor Hayek won the Nobel Prize for economics, and he has been very outspoken on private enterprise and the capitalist system.

When talking to Mr Moore on this *Monday Conference* programme held in the Sydney Opera House on the 11th October, he drew the attention of those present to the changes in socialism over the last 40 years. Professor Hayek said—

... 40 years ago ... socialism had a very precise meaning—the nationalisation of means of production, distribution and exchange; the transfer of all industrial equipment under the control of the State and central economic planning. Now I still would maintain that all countries which have attempted this form of socialism corresponding to the original Marxian tradition all have turned totalitarian. But the fact is that since I wrote, "The Road to Serfdom", and that's partly because this danger was recognised, the socialists have changed their programme and have attempted very largely to achieve their ultimate goal of changing the distribution of incomes not by controlling production but by taxation and re-distributing it.

Professor Hayek has written a very interesting book on the subject. It is entitled *The Road to Serfdom*, and I wonder whether we are on the road to serfdom with the death duties we impose in this country.

The point he is making is that no longer do socialists have to control the means of production, distribution, and exchange; they can do it very easily by levying high taxation. It is about time the non-socialist Governments began to realise they are playing into the hands of the socialists by inflicting heavy taxes, particularly on such groups as the farming communities. If they continue to inflict such high taxes, there is no way in which we can continue the freehold system of land tenure—taxes are just too great. This is the reason the rural community is so worked

up about the subject of death duties. I believe the amendments in this Bill are excellent—

The Hon. D. W. Cooley: Do you mean the rural community or the farming community?

The Hon. D. J. WORDSWORTH: It depends on the use of the word "rural".

The Hon. D. W. Cooley: Rural or farming—that is all I want to know.

The Hon. D. J. WORDSWORTH: Farming may be the more appropriate term, because we are referring to those on farms. However, I believe the rural community is aware of the problem because rural people live with it.

The Hon. Grace Vaughan: Some of the rural population would be swelling the ranks of the rural poor, as we saw in the Henderson report.

The Hon. D. J. WORDSWORTH: The rural poor made up the biggest percentage.

The Hon. Grace Vaughan: Yes.

The Hon. D. J. WORDSWORTH: Farmers are swelling those ranks. There is no doubt about that. Perhaps it appears that nonsocialist Governments nowadays are fighting for the centre of the road when it comes to policy. They are trying to please the maximum number of people, and are forgetting their philosophy in regard to the capitalist system.

The Hon. R. F. Claughton: All parties do that.

The Hon. D. J. WORDSWORTH: That is so. There is a great fight for the centre of the road, and I am afraid our Cabinet Ministers fall into the same category.

The Hon. D. W. Cooley: Your people do believe in some form of socialism.

The Hon. D. J. WORDSWORTH: I am pointing out they believe in a lot more than they realise. However, this legislation does undoubtedly bring a lot of benefits, as I have said, to a certain group. I think people should read with great care the exact wording of the Minister's second reading speech.

A lot of people have felt—and the Press has written up the fact—that the policy is to phase out death duties over three years. That is not so, however, because the policy given in the Minister's second reading speech is to phase out death duties from spouse to spouse over three years.

It does not even mention from spouse to dependent children; it is from spouse to spouse; and when this plan has been completed the Government will then look at other forms of relief.

I think this is rather frightening and I would like the Minister to perhaps correct the impression and indicate that when the Government is returned to office it will look further at the question of death duties and

will not wait until the spouse-to-spouse programme is completed in three years; because a lot of people have waited till now for a revision in death duties.

As many as 20 000 people have had their estates considered by the State Taxation Department while we waited for this legislation. It was part of the policy of this Government and it has taken 2½ years for it to come forward with this concession, and now it has finally come forward with it for a certain group of people only; namely, those who will benefit from the spouse-to-spouse exemption.

If I have not made my point clear I reiterate that rural communities are completely dissatisfied with this matter. Very few farmers leave their estates to their spouse; I might say they probably have enough brains not to do this. I am rather disgusted to see the final sentence in the second reading speech which says in effect that the Government will keep inflationary factors well in mind when it considers exemption.

That is a nice thing. It is very nice to think we are having our money taken to save inflation in this country, and I would like the Minister to think again about that aspect. It is one of the most insulting remarks I have heard and it is odd the Government should start using the excuse of inflation as a reason for not revising the probate law.

I have been somewhat critical, perhaps, of the lack of indexation in the probate tax scale, but I do commend the Government for what it has done in bringing in changes to the various sections of the Act. Undoubtedly a lot of particularly difficult and hardship cases will be alleviated with the raising of the spouse-to-spouse allowance and the incorporation of some other amendments.

I do hope the Government when it is returned at the next election—

The Hon. S. J. Dellar: That will be a long time.

The Hon. D. J. WORDSWORTH: —will come forward with a policy which will provide for some form of indexation in regard to this matter.

THE HON. N. McNEILL (Lower West—Minister for Justice) [11.50 a.m.]: I appreciate the comments of the Leader of the Opposition and Mr Wordsworth in relation to this Bill and I am, of course, pleased to think they are prepared to give the measure their support.

A number of queries have been raised, and I am not sure to just what extent they are specific and whether they can be answered specifically, because as each of the speakers has said—and indeed as I have said and as others have recognised—the whole subject is extremely complicated and, therefore, one really needs to have a look at the particular cases that

may be raised to have an appropriate understanding of the application both of this law and the proposed amendments to it.

I would like to make some observations on the query raised by Mr Dans. If I heard him correctly he referred to what he described as the adult child; which is not to be confused necessarily with the dependant or orphan child.

I think Mr Dan's query is whether in view of the fact that certain provision is made in the Bill for *de facto* relationships and the like, there was a greater recognition given to the position of the other beneficiaries—

The Hon. D. K. Dans: That is right.

The Hon. N. McNEILL: —one class of whom may be regarded as amongst the adult children group to whom he was referring. I think I have it right.

The Hon. D. K. Dans: I think so; I hope I had it right.

The Hon. N. McNEILL: There is no specific reference to the child situation. In other words, there is no alteration in the definition of a dependent child. That is only a starting point. Therefore it follows that there is no change, or provision, or concession, or allowance made specifically for what may be termed an adult child. As I have said, there is no specific provision for this.

However, it does follow that the beneficiaries of whom the adult children are such a group, do in fact benefit from the increased allowances and concessions being given from the spouse-to-spouse arrangement. Also, because of the manner in which the deductions and exemptions are allowed—that is in relation to the deductions and exemptions applied on the net estate and the rate of duty thereby being so affected—it will mean in effect that when we increase the spouse-to-spouse exemption the adult children, the grandchildren, and other beneficiaries will, as a consequence, likewise benefit; because they will get the benefit of the carrying-on effect in terms of the rate of duty that will be applied.

There is a reference to this in my second reading explanation, and I think it covers the point raised by the Leader of the Opposition. It is referred to on page 8 of the notes and states—

It is proposed to raise the level of allowance for a surviving spouse to \$50 000 and the allowance for an orphan child to \$35 000.

So there is an immediate initiative which will have a continuing effect. To continue—

It is pointed out that under the system of assessment adopted in this State, the effect of the allowances is not only to benefit the surviving

spouse and the children; it also produces a benefit to other family beneficiaries not in these specified categories.

This occurs because, as a result of the deduction of the allowances, a lower rate of duty is applied to other family beneficiaries who do not qualify for the allowance. These are adult children, grandchildren, other issue, or dependent parents.

I hope that may answer the query raised by the Leader of the Opposition.

The Hon. D. K. Dans: It is not all I desire but the answer is correct.

The Hon. N. McNEILL: I am giving an explanation. There is no specific provision made, but this group does in fact benefit because of the lower rate of duty.

I think this also has relevance, and may provide a partial explanation, if not satisfaction, to Mr Wordsworth, because he referred to the same thing.

In his remarks Mr Wordsworth referred to a comment I made that the probate people—the Taxation Department—had not caused a forced sale for probate purposes; that is to the best of the great knowledge I have of this situation. This is not only as a consequence of the information which is now conveyed to me in the handling of this legislation, but it has been my experience over a long time; and I made a speech in this House a long time ago—very early in my years here—in relation to death duties and the imposition of probate tax in which I expressed the view that I would like to see first of all the Commonwealth vacate the field of probate and estate duties so that we would have only one single taxing authority in this field as a prelude to an eventual phasing out of death duties altogether. Some members may not have been in the House at the time I made this speech, and I do not think Mr Wordsworth would have been here, and while they may have good reason for not recalling what I said, I did make the speech to which I have referred.

However, it is a philosophical question and certainly one of policy as Mr Wordsworth has observed. Nevertheless, not being the Treasurer, I am certainly not able to give the unqualified assurance Mr Wordsworth seeks in relation to the total abolition of probate and death duty taxes.

The Hon. D. J. Wordsworth: I did not press that at all; I asked that it be indexed.

The Hon. N. McNEILL: The same thing would apply; not being the Treasurer and speaking in this House as only the representative of the Treasurer, I am in no position to give such an assurance. However, I think Mr Wordsworth recognised in his speech and it has been conveyed, that this question of probate law and its review is a continuing matter.

I think we have made considerable strides in this legislation; it constitutes a great improvement. Although Mr Wordsworth expressed some support for it, I think it was faint praise and a viewpoint which in many respects we can share. The legislation, however, constitutes a very significant step, and a certain commitment has been made in respect of the spouse-to-spouse aspect; bearing in mind that the legislation will effect some 90 per cent of the estates.

The Hon. D. J. Wordsworth: That is not correct. Read your notes. It is 90 per cent of the spouse-to-spouse provision; there is a difference.

The Hon. N. McNEILL: That is a separate question. I was not intending to mislead either Mr Wordsworth or the House; that is a point I was discussing. I am not saying that it is 90 per cent of all possible estates—however, I hope the point is understood, that there is in fact a considerable concession and benefit being made.

Another point on which I would like to make an observation is the rates of duty. I shall certainly draw to the attention of the Treasurer and the commissioner the remarks of the Hon. D. J. Wordsworth in relation to the scale of rates of duty which are applied. He said that these have not been reviewed, but once again I think we need to bear in mind—I am not offering this as an excuse—that those rates of duty are influenced by the extent of the exemptions or concessions now being made available. I give that answer in reply to a query Mr Dans raised, but I shall draw the point Mr Wordsworth raised to the attention of the Treasurer and the commissioner.

I cannot recall the exact words used by Mr Wordsworth and I do not wish to be accused of misquoting him, but he referred to an attempt to keep the matter under review because of inflationary effects. I suppose it would be very difficult to say how much the increase in property values is due to inflation and how much is due to demand for one purpose or another. In other words, there is capital appreciation for a number of reasons, one of which may be inflation which may or may not be real. Certainly I know that property values in my areas have changed considerably, not necessarily because of inflation.

The Hon. R. F. Claughton: Both up and down.

The Hon. N. McNEILL: Yes, but mostly up, and the general trend is up.

The Hon. D. J. Wordsworth: Cars have doubled in price and houses have doubled in price. One would assume that a fund would double with or without other factors occurring and just through inflation.

The Hon. N. McNEILL: That may be so. I qualify my remarks by saying that the increase in property values may be regarded as capital appreciation of a sort.

Some people may be more certain as to the proportion of capital value which is due to inflation and how much of it is as a consequence of some other influence. Mr Wordsworth may have some knowledge of that. There may be an increased demand for a certain type of farming property which gives an enhanced value to it.

This is a continuing problem. In my role of representing my constituents' problems to the taxation department the problem of the value which is struck for probate purposes and the extent to which inflationary effects are taken into account is one that comes up all the time. My experience leads me to believe that the Commissioner of Taxation has adopted a fairly reasonable view. In other words, he has not just accepted the actual market value of the property as the probate figure. Nevertheless, that reasonable view may still impose hardship.

During the considerable number of years before and after the making of that speech to which I referred earlier, I and others in the Liberal Party with whom I was associated went to a tremendous amount of trouble to try to find specific cases where sales had been forced as a consequence of the imposition of death duties. I must confess that no specific case has ever been brought to my notice. Claims and assertions were made that this was happening and I do not doubt that the imposition of death duties caused hardship which, in the ultimate, may have caused some to think about selling to make life a little easier. But we are talking about an actual forced sale situation which, it has been claimed over a number of years, has occurred. I repeat that I have no knowledge of any such case and I have explored and examined a great many that have been brought to me.

The only other matter I can comment on now is the report of Professor Cullity which has been the basis of many of the Government's proposals and the amendments contained in this Bill. It is true that Professor Cullity, an acknowledged expert and authority, has spent a great deal of time on this matter, and practising professional people such as lawyers and accountants spend a lifetime engaged in an understanding of the complexities of the death duty and probate law. Therefore, it would be impossible for us as lay people within the Parliament to get a proper understanding.

From the information that has come to me it is not quite right to say that people in the practising professions have not had an opportunity to examine the Bill because representations have been made to me by professional people in St. George's Terrace as a consequence of the interpretations they have placed on the Bill. In fact, the amendments on the notice paper appear as a consequence of some of those examinations. But I acknowledge that it will take a long time for the most expert person to gain a

thorough knowledge of these matters. A great deal of faith must be placed in Government departments, particularly the Taxation Department, when legislation such as this is brought down so that the purpose of it, as stated in the general policy objective outlined in the second reading speech, will be achieved.

If any further questions that need to be raised are raised at the Committee stage, I shall endeavour to refer them to the commissioner so that members may be satisfied to the greatest extent possible. It may not be possible to get from the commissioner a full answer to any complicated queries before the Parliament rises because such queries may need a considerable period for thorough examination. Nevertheless, I am prepared to take all steps I can to satisfy members on any additional queries they may have. I thank members for their support.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. N. McNeill (Minister for Justice) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 10 amended—

The Hon. N. McNEILL: This is the clause with regard to which I have an amendment on the notice paper and to which I referred a moment ago. The object of the amendment is to make sure that an anomalous situation is not left which is in conflict with the objective of the legislation.

I think it is necessary for me to read the notes for the sake of accuracy and for the record. Subparagraph (ii) of paragraph (a) of clause 4 of the Bill would substitute a new paragraph (c) in subsection (2) of section 10 of the Act. The purpose of the paragraph is to make liable to death duty any property in respect of which the deceased has given any power of appointment unless it is proved that the deceased person has no beneficial interest in the property within three years before his death. That is the general principle conveyed in the amendment.

However, it has now been pointed out that the paragraph could operate unfairly in two cases. The first is where the deceased has not been the beneficial owner of the property within three years of his death; for example, where power of appointment was exercised more than three years before he died. In this case it would be inconsistent with other provisions of the Act to require property to be brought back into his estate for duty. I think that is a fairly straightforward proposition and certainly is the intention of the legislation.

The second case is that of a trust which has been created by the deceased person with a nominal sum and to which other

persons have subsequently contributed large sums of money. I am sure members may have knowledge of such cases. It would be inequitable if paragraph (c) were to bring back into the estate of the deceased anything other than the amount he has actually contributed. The proposed amendment is designed to prevent the paragraph operating unfairly in these two regards. I think that is a straightforward and simple explanation which overcomes the possibility of an anomaly arising. I move an amendment—

Page 5, lines 13 to 16—Delete the passage "person had no beneficial interest in the property at any time within three years before his death;" and substitute the following—

person—

- (i) was not the beneficial owner of the property at the time of the giving of the power;
- (ii) was not the beneficial owner of the property at any time within the period of three years before his death; or
- (iii) had no beneficial interest in the property at any time within the period of three years before his death;

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 5 to 8 put and passed.

Clause 9: Section 31 repealed and re-enacted—

The Hon. N. McNEILL: I move an amendment—

Page 14, line 12—Add after the word "person" the words "for the purposes of this Act".

Once again this amendment is designed to further clarify the provision. It is designed to ensure that the provisions of the Act relating to the deferment of duty apply not only when the deceased was the sole owner of an interest in the matrimonial or family home, but also when he had an interest in that home as a joint tenant.

Amendment put and passed.

The Hon. N. McNEILL: I move an amendment—

Page 14, line 16—Add after the word "residence" the passage "or of an amount equal to the value, immediately prior to the death of the deceased person, of any interest in such a dwelling house held by the deceased person immediately prior to his death,".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 10 to 14 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. N. McNeill (Minister for Justice), and returned to the Assembly with amendments.

COAL MINES REGULATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 24th November.

THE HON. S. J. DELLAR (Lower North) [12.22 p.m.]: This Bill proposes a number of amendments to the Act. It is significant that the last time the Act was amended was in 1965. Like other members, both here and in another place, I have been waiting with bated breath for something like six months for the Bill to be debated, because it has been on the notice paper in another place for something like that period.

The legislation as originally introduced was ill-founded and was prepared without any consideration of the opinion of the unions, companies, and other interested bodies such as the Chamber of Mines. I do not believe the reasons given at the time apply in toto because only this week, in the last days of the session, the Bill which was introduced something like six months ago has been amended in no fewer than a dozen places.

I believe the Minister for Mines has shown scant regard for the wishes of the people I have mentioned; that is, the unions and the companies involved. It is worth noting that over the years the unions in the Collie area have shown themselves to be most responsible. They have had a very good understanding and relationship with the management of the mining companies producing the coal and it is approximately 16 years since there has been any industrial trouble at Collie.

The original legislation was introduced by a Minister who, in my opinion, has shown scant regard for or interest in a town which produces perhaps the most important source of fuel supply for the production of electricity.

The Hon. G. C. MacKinnon: You must not reflect on a Minister in another place.

The Hon. S. J. DELLAR: I am not reflecting on him. I am indicating that in my opinion he has shown little regard for or interest in the town. If he had shown a little more interest perhaps there would not have been the necessity for the Bill to be amended some six months after it was introduced.

I do not intend to discuss the Bill at any great length because I am advised by members in another place—and I accept their advice—that the amendments made there are acceptable to the unions

and management and therefore they are acceptable to the Opposition. However, as I said, it is a pity the Minister did not have the courtesy and decency in the first place to discuss the proposals with the people involved, particularly in view of the stated objective of this Government; that is, to work in close harmony with the unions.

As I said a few moments ago, with the amendments the Bill now contains the Opposition in this Chamber intends to support the legislation in its entirety.

THE HON. A. A. LEWIS (Lower Central) [12.26 p.m.]: I will not be quite as kind to the Government as was Mr Dellar. There has been no consultation with the mining unions in Collie. It worries me greatly that I have been making representations for a period of seven or eight months about this matter, but no notice was taken of those representations until last week.

The situation is very similar to that applicable to the coalmine workers' pensions in regard to which we are getting no results for the very conservative union in Collie which is doing a great deal of good for all sides of the industry.

I have one query. On page 7 of the Minister's notes he states that a person from outside with open-cut experience must have only one year's experience in coal before he can obtain his certificate whereas a person in Collie in the open-cut mine must have three years' experience before he can obtain his certificate. I believe that a person from outside should have at least two years' experience in other open-cut operations and then one year in coal before he can obtain his certificate of competency.

This matter should be tidied up, and I would ask the Minister to refer it to the Minister for Mines to ascertain whether at the earliest possible opportunity this could be done, or at least ensure that the board is notified that this is the intention of the Bill.

As I have said, I deplore the delay before the amendments were placed on the notice paper. I also deplore the delay which has occurred in respect of the miners' pensions because I do not consider there is any excuse for the delays. The Government's tardiness does nothing for industrial relations.

Despite that, I support the Bill.

THE HON. G. C. MacKINNON: (South-West—Minister for Education) [12.28 p.m.]: I am grateful to the two members for their support of the Bill. I find it incredible that such a co-operative Minister should have occasioned the criticism which was echoed by both members. I could not believe all the fault would be on the side of Mr Mensaros, because I know he is the soul of conciliation and co-operation at all times.

Nevertheless, as is always the case on these matters, the point raised will be brought to his attention and I am sure it will be adjusted in the fullness of time.

I commend the Bill to the House.

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.

Third Reading

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Minister for Education), and passed.

SUPERANNUATION AND FAMILY BENEFITS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 23rd November.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [12.34 p.m.]: The Opposition supports this Bill but there are a couple of things I would like to say about it. One is that the State Superannuation Board is, of course, a very important institution in this State. Until the happy day when we have a national superannuation scheme, the State scheme points to the kinds of provisions which should be made for all those in employment and are being made in a commendable way for the public servants who retire and desire to have a secure future.

Another aspect is that I notice the investment possibilities of the board have been widened to include the acquisition of property, which points up the very important fact that the State Superannuation Board is dealing in many millions of dollars. The surplus to be disbursed is something like \$16 million. Therefore, because the board must have the permission of the Treasurer before it can do anything with its money, it can be a very helpful fiscal tool for the Government.

We approve of the Bill and hope the State Superannuation Board will continue to provide an example of retirement provisions for the rest of the community.

THE HON. N. McNEILL (Lower West—Minister for Justice) [12.35 p.m.]: I express appreciation to the Hon. Grace Vaughan and the Opposition for their support of the Bill. What Mrs Vaughan said is true; a very useful fund can be available for other purposes and there seems to be no reason why it should not be put to the best possible use. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. J. Heitman) in the Chair; the Hon. N. McNeill (Minister for Justice) in charge of the Bill.

Clause 1: Short title and citation—

Sitting suspended from 12.37 to 5.30 p.m.

Progress

Progress reported and leave given to sit again, on motion by the Hon. N. McNeill (Minister for Justice).

QUESTIONS (8): ON NOTICE

URANIUM MINING

Information to Students

The Hon. **LYLA ELLIOTT**, to the Minister for Education:

(1) Further to my question of the 11th November, 1976, concerning the propagandising of schools by the Australian Uranium Producers' Forum, and in view of the fact that the opponents of uranium mining and nuclear waste disposal in this State do not have the resources of the Australian Uranium Producers' Forum, will the Minister agree to the Education Department using its resources to ensure a balanced presentation of the opposing case to students on this vital question?

(2) If not, why not?

The Hon. G. C. MacKINNON replied:

(1) and (2) Schools receive a good deal of propaganda on a wide variety of issues. The Education Department does not intend responding by producing and distributing equally biased opposing material.

As stated previously, the policies of the Education Department are designed to ensure the fair presentation of differing viewpoints and principals and teachers can be generally relied upon to achieve this end.

2. LIQUID PETROLEUM GAS

Safety Regulations

The Hon. G. E. MASTERS, to the Minister for Education, representing the Minister for Fuel and Energy:

(1) Which Government department is responsible for safety regulations, distribution, and use of LP gas in Western Australia?

(2) Is an investigation currently taking place to change the existing regulations and controls?

(3) If the answer to (2) is "Yes"—

(a) which department is carrying out the investigation;

- (b) what changes are expected to take place; and
- (c) are the proposed changes likely to result in an increase in price of LP gas to the consumer?

The Hon. G. C. MacKINNON replied:

- (1) The transport and storage of LP gas is not controlled by legislation in Western Australia at present.
- (2) Some time ago the Australian Transport Advisory Council formulated a model code for the transport of dangerous goods by road. Some States have adopted this code, others, including Western Australia, have not. It is expected that the Government will consider the advisability of so doing in the near future.
- (3) The answer to this question will flow from the decisions taken in (2) above.

3. GRAIN Diseases

The Hon. D. J. WORDSWORTH, to the Minister for Justice, representing the Minister for Agriculture:

- (1) What grain varieties have broken down with disease this year?
- (2) What new and improved varieties are in the plant breeding pipeline which may be able to overcome these diseases?
- (3) Is it intended to step up variety trials and plant seeding in the coming season?
- (4) At this stage, can recommendations be made as to suggested varieties in the different rainfall zones?

The Hon. N. McNEILL replied:

- (1) There has been no case confirmed of any grain variety resistant to disease breaking down this year.
- (2) The Department of Agriculture has specific programmes for breeding wheat varieties resistant to rust, septoria and flag-smut; lupin varieties resistant to grey spot, anthracnose and phomopsis and rape varieties resistant to black-leg. It also uses barley varieties resistant to net-blotch and scald and oat varieties resistant to rust as parents in its breeding programme.
- (3) Yes. In 1976 a wheat breeder returned from study leave in the U.S.A. and a lupin breeder and a plant pathologist were appointed to work on grain resistance to disease.
- (4) Recommendations will be published within the next two weeks.

4. MT. LAWLEY SUBWAY Upgrading

The Hon. LYLA ELLIOTT, to the Minister for Health, representing the Minister for Transport:

- (1) Is it a fact that the Main Roads Department has a plan in hand for the upgrading of the Mt. Lawley subway to reduce the traffic bottle-neck there?
- (2) If so—
 - (a) will the Minister describe that plan; and
 - (b) will he table it?

The Hon. N. E. BAXTER replied:

- (1) The Main Roads Department has prepared a preliminary working plan, based on a concept plan adopted by the Metropolitan Region Planning Authority. Because there is a possible variation to this plan involving alternative land acquisition, the matter has been referred to the MRPA for a decision so that a final plan can be drawn up. Therefore variations in details to the Main Roads Department plan might be made.
- (2) (a) The plan prohibits all right-turn movements which are catered for by alternative routes.
- (b) No, not until finality is reached.

5. DRIVE-IN THEATRE South Hedland

The Hon. V. J. Ferry, for the Hon. J. C. TOZER, to the Minister for Education, representing the Minister for Housing:

In view of the fact that, on the 1st October, 1975, in answering a series of questions on the drive-in theatre at South Hedland, the Minister advised that negotiations were to proceed with the three "accredited developers" who had shown interest, would he now please advise—

- (a) the outcome of the negotiations with each party;
- (b) whether all three interested parties were provided with the opportunity to submit development proposals for the new site of reduced area; and
- (c) the current state of negotiations aimed at achieving a drive-in theatre at South Hedland as soon as reasonably practicable?

The Hon. G. C. MacKINNON replied:

- (a) Following the receipt of development proposals from three interested parties, each party was invited to discuss their proposals more fully, which they did, and as a result the Commission considered that the development proposal offered by one of the parties was more positive and attractive than the other two.
- (b) No.
- (c) The selected developer has recently been invited to submit a firm proposal for the development of the Drive-in Theatre.

6. MIDLAND TECHNICAL SCHOOL

New Structure

The Hon. LYLA ELLIOTT, to the Minister for Education:

- (1) Is it the intention of the Government to build a new Midland Technical School?
- (2) If so—
 - (a) when; and
 - (b) where?
- (3) If not, why not?

The Hon. G. C. MacKINNON replied:

- (1) Yes.
- (2) (a) As soon as finances become available.
(b) O'Connor Road, Wexcombe.
- (3) Not applicable.

7. RURAL RECONSTRUCTION SCHEME

Applications and Grants

The Hon. D. J. WORDSWORTH, to the Minister for Justice, representing the Minister for Agriculture:

- (1) In regard to the funds made available this year to farmers in Western Australia under the Rural Reconstruction Act—
 - (a) how many applications were received;
 - (b) how many applicants were rejected;
 - (c) what range of grants were made;
 - (d) what was the total amount allocated; and
 - (e) what was the total amount available for distribution?
- (2) What new funds have been made available?
- (3) What changes have been made to the conditions under which these funds will be allocated?

The Hon. N. McNEILL replied:

- (1) Up to the 15th November, 1976—
 - (a) 73;
 - (b) 25;
 - (c) \$10 000-\$96 000;
 - (d) \$1 558 574;
 - (e) \$1.7 million.
- (2) \$3.25 million is likely to be available for the second half of the 1976-77 financial year under a new scheme.
- (3) Discussions on a new Rural Adjustment Scheme to operate from January 1, 1977, have been finalised and the formal agreement is expected to be signed shortly. The major changes in the new scheme include new forms of assistance for—
 - (a) carry-on finance for industries in a depressed condition;
 - (b) farm improvement funds for development of production on land currently owned by an applicant;
 - (c) household support to provide a living allowance for non-viable farmers intending to move off their farms.

8.

BEEF INDUSTRY

Grants

The Hon. D. J. WORDSWORTH, to the Minister for Justice, representing the Minister for Agriculture:

- (1) Under the Special Aid granted to assist those engaged in the beef industry in Western Australia, will the Minister please advise—
 - (a) number of applications received;
 - (b) number of applications rejected;
 - (c) average allocation granted;
 - (d) maximum individual grant allowed by the legislation;
 - (e) total funds granted to the State; and
 - (f) total funds distributed?
- (2) What are the conditions under which further funds have been allocated by the States Grants (Beef) Amendment Bill recently passed by the Federal Parliament?
- (3) What sums were allocated to Western Australia from the \$15 million this legislation made available.

The Hon. N. McNEILL replied:

- (1) (a) 353;
(b) 181;
(c) \$6 127;

- (d) \$10 000;
 - (e) \$0.8 million by the Commonwealth;
 - (f) \$1 047 695.
- (2) The States Grants (Beef) Amendment Bill has not yet been passed by both Houses of the Federal Parliament. It is understood that the conditions under which further funds have been allocated are similar to the previous legislation covering Aid to the Beef Industry. The proposed changes to be introduced include an increased amount available to producers in the pastoral zone from \$10 000 to \$15 000 for the 1977-78 year. A further loan of up to \$10 000 is available to other beef producers for the 1977-78 year.
- (3) The basis of allocation is understood to be similar to that in the original allocation where Western Australia received \$0.8 million out of a total of \$19.6 million.

ELECTORAL ACT AMENDMENT BILL (No. 2)

Returned

Bill returned from the Assembly without amendment.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. N. McNEILL (Lower West—Minister for Justice) [5.40 p.m.]: I move—

That the House at its rising adjourn until 2.15 p.m. on Tuesday, the 30th November.

Question put and passed.

ADJOURNMENT OF THE HOUSE

THE HON. N. McNEILL (Lower West—Minister for Justice) [5.41 p.m.]: I move—

That the House do now adjourn.

Mr R. Mullen: Allegations by the Hon. D. W. Cooley

THE HON. W. R. WITHERS (North) [5.42 p.m.]: On Tuesday night in this House I was very disappointed to hear a member under parliamentary privilege malign a citizen of this State who is a man of good character. I am sure the member concerned would not dare repeat those words outside the House because he knows he would be involved in litigation which would be a very costly lesson to him.

I personally do not believe the member had any personal knowledge of the man he maligned, nor do I believe the member would deliberately lie. Because of these factors I consider the member in question was given information which he used without checking its authenticity.

I have checked the words in the *Hansard* record and found the remarks made on Tuesday night about Mr R. Mullen were very inaccurate. It is essential that this House be advised and made aware of the inaccuracies in what Mr Cooley said on Tuesday night.

Firstly, Mr R. Mullen is a chemist at Wickham, not at Port Hedland as mentioned by Mr Cooley. This alone will show how unreliable was the information given to the honourable member.

Secondly, Mr Mullen has worked and invested in the north, and to suggest any of his material assets are ill-gotten gains is despicable and very inaccurate.

The Hon. D. W. Cooley: What business is it of his whether union funds are spent on ALP property?

The Hon. W. R. WITHERS: That has nothing to do with the accusation against this person that he owned an aircraft which he had obtained with his ill-gotten gains. This shows the lengths to which some people will go when they are upset with somebody who is seeking the truth. Perhaps there is the fear the man concerned will find the truth and pass it on to others. To prevent the man determining the truth and others finding it, we have someone who is willing to malign a citizen of this State.

Thirdly, the accusations of overcharging and the supposed use of sample drugs for prescriptions are, in the words of Mr R. Mullen, "not true". Mr Mullen has now asked that the Consumer Affairs Bureau immediately investigate the accusations which were made against him in this House. This request was passed on to the bureau yesterday. I hope Mr Cooley will assist the Consumer Affairs Bureau by providing the investigating officers with the names of his informants.

I also hope Mr Cooley will subsequently apologise to any person he may have denigrated through inaccurate information which he has passed on under parliamentary privilege.

Reports: Tabling

THE HON. D. J. WORDSWORTH (South) [5.45 p.m.]: While Mr Cooley is perhaps waiting to reply to what Mr Withers has said, I draw your attention, Mr President, and the attention of Ministers, to the fact that a number of reports which should be tabled in this Chamber do not seem to get here. Yesterday I was looking for the report of the State Government Insurance Office, and I think I am correct in saying the last time such a report was tabled in this House was in 1973.

Various Statutes state that reports must be tabled in this House. I believe some endeavour should be made to ensure they are laid upon the Table of the House, and

if they are not tabled the departments should be requested to abide by the legislation.

Question put and passed.

House adjourned at 5.46 p.m.

Legislative Assembly

Thursday, the 25th November, 1976

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

HERITAGE COUNCIL BILL

Introduction and First Reading

Bill introduced, on motion by Mr Grayden (Minister for Labour and Industry), and read a first time.

QUESTIONS ON NOTICE

Postponement

THE SPEAKER (Mr Hutchinson): I advise members that there is difficulty with printing of the notice paper and a special one has been prepared for the House. I further advise that questions will be taken at a later stage of the sitting.

APPROPRIATION BILL (CONSOLIDATED REVENUE FUND)

In Committee

Resumed from the 24th November. The Chairman of Committees (Mr Thompson) in the Chair; Sir Charles Court (Treasurer) in charge of the Bill.

Progress was reported after division 39 (Education) had been agreed to.

Part 8: Minister for Labour and Industry, Consumer Affairs and Immigration—

MR JAMIESON (Welshpool—Leader of the Opposition) [11.06 a.m.]: I want to take the Minister to task for a statement he made in reply to a Dorothy Dix question some while ago in which he took to task some figures I have quoted in respect of employment and such matters. People make mistakes. We picked up the mistake of \$1 million that the Premier made earlier in the year. He acknowledged that the mistake had been made and there is no doubt that it was a genuine mistake. We also had some problem with figures and percentages associated with some fares.

Mr O'Connor: Rail freights.

MR JAMIESON: Yes, rail freights. My deputy dealt with that yesterday. But with respect to the matter I am raising we have found that on double-checking our original figures they were substantiated. For the sake of correctness I have prepared the facts on this matter. After examining what the Minister had to say it appears

that either the figures he quoted are not consistent with the official figures held on record within the Department of Employment and Industrial Relations relating to the number of man days lost through industrial disputes in Western Australia, or the purpose for which the figures were given is inaccurate in terms of the respective lives of both Governments.

According to the latest official figures published by the Bureau of Census and Statistics the number of man days lost through industrial disputes in Western Australia for the period commencing April, 1974, to the beginning of September, 1976, was 508 100. For a similar period under the Tonkin Government the number of man days lost was 217 900. Quite clearly the number of man days lost through industrial disputes under the Court Government is twice the number lost in the same period under the Tonkin Government.

Under the Court Government from April, 1974, to the end of July, 1976, there were more than 556 industrial disputes. For a similar period under the Tonkin Government there were only 280 industrial disputes. Again this illustrates that there have been twice as many industrial disputes under the Court Government as there were under the Tonkin Government over this period.

It is always difficult to estimate the loss of wages because of the escalation in wages structures and that sort of thing, but as best as we can bring this out, industrial disputes under the Court Government have cost workers an estimated \$12.7 million for the period commencing April, 1974, to the beginning of July, 1976. For a similar period under the Tonkin Government there was an estimated \$3.7 million in wages lost through industrial disputes. Quite clearly, therefore, the estimated loss in wages under the Court Government is three times as great as that for a similar period under the Tonkin Government.

Finally, I refer to the number of man days lost because of the fuel and energy legislation. It might be worth looking at the many ways in which the Court Government has provoked industrial disputes. One clear example is the dispute which occurred in October, 1974, over the State Government's fuel and energy legislation. More than 105 000 man days were lost in October, 1974, due to stoppages in protest against the Government's legislation.

As I have said, one can make mistakes, but when figures are quoted we expect they have been checked by the department. When they are checked out by a department we expect they have been checked out correctly by the department.

If departments, through their Ministers, make statements which do not tally, naturally we check them and on the check it was found that our original statement was on the ball. I suggest that if a point is to be scored off the Opposition or the