

Legislative Council

Thursday, 19 March 1992

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 2.30 pm, and read prayers.

PETITION - DRINK DRIVING

Penalties Increase - 0.05 Blood Alcohol Level Request

Hon Graham Edwards (Minister for Police) presented a petition from 1 231 citizens of Western Australia requesting the Legislative Council to increase penalties for drink driving and to reduce the minimum blood alcohol levels involved in drink driving to 0.05 per cent.

[See paper No 52.]

PETITION - DUCK SHOOTING

Prohibition Legislation Support

Hon Reg Davies presented a petition from 808 citizens of Western Australia urging Parliament not to declare duck shooting seasons and to legislate for the prohibition of any future duck shooting in this State.

[See paper No 53.]

PETITION - DUCK SHOOTING

Ban Legislation

Hon Reg Davies presented a petition from 7 737 citizens of Western Australia urging the Government as a matter of urgency to introduce into Parliament legislation which would permanently ban recreational duck shooting in Western Australia.

[See paper No 54.]

MOTION - STANDING ORDERS COMMITTEE REPORT

3 December 1991 Tabling - Order of the Day for Next Sitting

On motion by Hon J.M. Berinson (Leader of the House), resolved -

That the report from the Standing Orders Committee tabled in the Legislative Council on Tuesday, 3 December 1991, be made an Order of the Day, in Committee, for the next sitting of the House.

MOTION - STANDING ORDERS SUSPENSION

Casino (Burswood Island) Agreement (Third Supplementary Agreement) Disallowance Motion - Thursday, 19 March Debate

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [2.35 pm]: I move -

That Standing Orders be suspended so far as will enable the motion, notice of which was given on Tuesday, 17 March 1992, whereby the Casino (Burswood Island) Agreement (Third Supplementary Agreement) is proposed to be disallowed, to be dealt with and the question determined on Thursday, 19 March 1992.

Members will be aware that yesterday I moved to disallow the regulations of the Casino (Burswood Island) Agreement (Third Supplementary Agreement). This motion will enable the debate on that motion to be concluded during today's sitting. I understand from informal discussions with the Leader of the House that it is the Government's wish that that should be the case.

Question put and passed.

ACTS AMENDMENT (GAME BIRDS PROTECTION) BILL

Introduction and First Reading

Bill introduced, on motion by Hon Graham Edwards (Minister for Police), and read a first time.

Second Reading

HON GRAHAM EDWARDS (North Metropolitan - Minister for Police) [2.37 pm]: I move -

That the Bill be now read a second time.

This Bill is to put into effect the Government's intention to ban recreational duck shooting. The principle on which this legislation is based is that our native wildlife should be protected, admired and respected, not shot for pleasure. It reflects the widespread view that the institutionalised killing of wildlife as a form of recreation runs counter to the environmental sensitivity to which the community increasingly aspires. This Bill seeks to protect indigenous ducks, geese and quail from being shot for recreation and to eliminate the environmental damage caused by shooters to the State's fragile wetland nature reserves. Ministerial discretion to declare open seasons on ducks, geese and quail so that they can be shot for sport will be removed from the Wildlife Conservation Act, as will the capacity to prescribe licences in the regulations to allow recreational duck shooting. An ability to make regulations to control the taking of fauna subject to damage mitigation arrangements will be retained in the Act. In the Government's view it is wrong for nature reserves to become killing fields for duck and quail shooters when the reserves have been established to preserve protected fauna and their environment. Saving provisions in the Conservation and Land Management Act affecting the classification of certain nature reserves as shooting or hunting areas and the regulations governing the taking of game species will be repealed as part of the ban on recreational shooting of ducks and quail. As a matter of principle the Government opposes the institutionalised slaughter of any wildlife when there is no good reason for doing so. I commend the Bill to the House.

Debate adjourned, on motion by Hon Margaret McAleer.

STANDING COMMITTEE ON LEGISLATION - CRIME (SERIOUS AND REPEAT OFFENDERS) SENTENCING ACT AND CRIMINAL LAW AMENDMENT ACT

Report Tabling - Extension of Time

HON GARRY KELLY (South Metropolitan) [2.43 pm]: I am directed to report that the Standing Committee on Legislation has resolved that the time in which it has to report on the Crime (Serious and Repeat Offenders) Sentencing Act and the Criminal Law Amendment Act be extended from 31 March to 9 April. I move -

That the report do lie upon the Table and be adopted and agreed to.

Question put and passed. [See paper No 55.]

ADDRESS-IN-REPLY - FOURTH DAY

Motion

Order of the Day read for the resumption of debate from 18 March.

Debate adjourned until a later stage of the sitting, on motion by Hon Peter Foss.

[See page 308.]

**MOTION - CASINO (BURSWOOD ISLAND) AGREEMENT
(THIRD SUPPLEMENTARY AGREEMENT)**

Disallowance

Debate resumed from 18 March.

HON R.G. PIKE (North Metropolitan) [2.46 pm]: I have sought advice, of which the

House should take note, regarding the disallowance of the Casino (Burswood Island) Agreement (Third Supplementary Agreement). In another place the Minister for Racing and Gaming said that because of the urgency in allowing Returned Services League members to play two-up on Anzac Day, she has given an undertaking to introduce as soon as possible another agreement which will put right what is wrong in this agreement. The so-called putting right of that agreement - which is faulty vis a vis the ownership of the casino in terms of amounts of money instead of persons involved - is misguided. Those in this House who believe that everything will be okay if the Minister puts this matter right must bear in mind that what is presented here is an obscenity in law making. We must remember we are dealing with two distinct laws. One will allow Returned Services League members to play two-up on Anzac Day. The other deals with an agreement, which is part of a trust amendment deed, which will allow ipso facto foreign ownership in shares of the casino in the absolute defiance of the undertaking given in this House by Hon Joe Berinson, Hon Des Dans, Mr Burke and Mr Dowding that Western Australians would own the majority of shares in the casino. This agreement repudiates that undertaking.

Let us assume that the Minister for Racing and Gaming will do what she says she will do. I think the competent, but misguided, Premier is being assisted by a blancmange incompetent Minister for Racing and Gaming.

Hon Graham Edwards: What a load of rubbish!

Hon R.G. PIKE: That is a matter of record and we will hear what the opinion says about that.

The PRESIDENT: Order!

Hon Graham Edwards: She is not an incompetent Minister.

Hon R.G. PIKE: That is a matter of opinion. This agreement flies in the face of everything the Government said would take effect.

Hon Graham Edwards interjected.

Hon R.G. PIKE: We can listen to this gobbledygook from the Minister for Police, the so-called upholder of the law, but perhaps we can interpret his remarks as supporting the proposition which takes away from the people of Western Australia the right to own the casino. That is typical of his involvement in giving a guarantee to this House that the casino would be owned by the people of Western Australia.

Hon Mark Nevill: About 25 per cent of Bankers Trust is owned by Australians.

Hon R.G. PIKE: I will refer to Bankers Trust in a moment.

Hon Graham Edwards interjected.

The PRESIDENT: Order! The Minister for Police should cease interjecting.

Hon R.G. PIKE: Notwithstanding the fact that the Minister may intend to amend the agreements and resubmit them, the earliest time the Minister will be able to do that is six or seven weeks from now. That is because many breaks will occur in the Parliament's sittings. That will give the parties to the agreement more than enough time to act. The amendment relating to ownership takes effect only from the date specified in an amendment to the trust deed. I am advised that if the Minister does not execute the trust deed then the amendment relating to ownership takes effect only from the date specified in an amendment to the trust deed and that amendment cannot take effect unless it obtains prior approval of the Minister - section 17(1)(d) applies. If the Minister does not give approval, the supplementary agreement, not having been disallowed, is properly in force and places an obligation on the Minister to give that approval because there is nothing upon which the Minister can base a proper refusal; all conditions in the supplementary agreement have been satisfied. Therefore any party can seek prompt relief from the court against the Minister either in the nature of the declaration and/or mandamus writ, which is a writ ordering public officials to do that which they are obliged to do. That concludes my advice. Notwithstanding the best intentions of the Government, and I want to be objective enough to take its word at face value - although personally have serious doubts about the best intentions of this Government - the fact is that it has been misinformed and misguided in the past. Millions of dollars are at stake in this investment. Today is the last day on which it can become law and if the Government allows

this agreement, it will be too late in six or seven weeks' time to pass an amending agreement because the door will have been unlocked and the horse will have bolted. It will be legislation of no effect. This Parliament will stand forthrightly before the people of this State and be forced to state that it has reneged and repudiated an undertaking it gave that the casino would be owned by Western Australians.

Hon E.J. Charlton: Would you please explain what you mean by the door is left open? What do you think will happen?

Hon R.G. PIKE: If we take the Minister at her word, we find she said in another place that she had tabled a third supplementary agreement and had given an assurance that she will introduce an amendment the effect of which would be to limit the ownership. Hon Mark Nevill, who I notice is not in the House even though he is handling the motion, said in his contribution to this debate yesterday -

The Minister has given the assurance, which I will repeat, that she will not amend the trust deed . . . until the fourth amendment is passed through this House.

They are both saying we have two propositions: One is to allow the members of the Returned Services League to play two-up on Anzac Day and the other deals with foreign ownership. The Government has in an obscene way put before us two agreements and one of them has nothing to do with the other. However, the Government is saying that in fairness to the RSL let us pass the motion and we will come back to the House and fix it later. It is one day's two-up, on Anzac Day, in a year that we are talking about. The advice I have received is that notwithstanding the best intentions of the Minister a writ of mandamus, or a writ of performance, can be taken out, and they have six or seven weeks in which to do it, and the Minister will be bound to sign the agreements even though she does not wish to.

Bankers Trust Australia Limited, banks and stockbrokers are quite properly in a business way associated with this deal, the essence of which is to transfer shares in the casino from Australian ownership to non-Australian ownership. So far it has been far too woolly and has not been expressed in simplistic terms and, therefore, I will give this example: Imagine that the total value of shares is \$1 000 which represents the transfer of control from within Australia to without Australia. Under the present agreement it would mean that if, for example, there were 11 investors, 10 of them must be Australian citizens. Those 10 investors could be investing \$100 out of the \$1 000. That would satisfy this agreement. The other \$900 could be held by one person living in Hong Kong or Timbuktu and the effective control would be in the hands of overseas owners. It would satisfy this agreement because there would be 10 Australians involved and one person from overseas.

Hon E.J. Charlton: Are you saying that regardless of what the Minister says she cannot allow that to take place? In the time between bringing in the new amendment can she legally do that?

Hon R.G. PIKE: Yes, I am saying that. I doubt whether the Minister has been properly advised. The advice I have is authoritative advice. I am not saying that my advice is 100 per cent correct. However, Hon Peter Foss says it is correct and he is better informed on legal issues than I am. Let us assume for the sake of the proposition that we are probably right. Can we risk the transfer of the control of the majority of shares in a Western Australian enterprise, when an undertaking was given to this Parliament that we would not so risk it, being transferred to overseas investors? On this point it looks as though we are 99 per cent right. What is the alternative? The alternative is that we have this agreement - two-up for the RSL and the disallowance which is an obscenity as far as the practice of this House is concerned. The Government and members from all parties are saying that they want the RSL members to have the opportunity to play two-up on Anzac Day. The Premier or the Minister for Racing and Gaming could go to the people in charge of the RSL and say, "We have a choice. We either allow the agreement to go through and you can play two-up or you forgo it for one year, because 25 April will come around before we can get this through." That in itself is an admission that there will be a time lag. The Government could also say to the RSL, "You all play two-up anyway and the police do not police it. The casino can forgo its small amount and if its heart is in the right place it will not be too worried about it."

It is ridiculous if one thinks about it. We are being asked to pass a law because the RSL members want to play two-up this Anzac Day. Most of them play it anyway. The guys

playing two-up in the Tammin hotel on Anzac Day will not stop playing the game. Will they stop playing two-up in Collie? Of course they will not.

This agreement is a farce and a trick. If the Minister were dinkum she would speak to the representatives from the RSL and I am sure they would forgo one day's two-up rather than have the casino in the hands of an overseas investor. The nub of the point is that with millions of dollars involved do any members imagine for one moment that Bankers Trust, the banks and stockbrokers do not have their overseas investors poised waiting to finalise this deal as soon as it is able to be finalised? One would have rocks in his head if he did not think that. Millions of dollars are involved as well as great slabs of brokerage and commission. These people have quite properly been doing their job as business people to effect this transfer and as a Parliament we are improperly hastening to ram this through because of one day's two-up a year. Let us have some common sense and be realistic and say that we did give the people of this State an undertaking that the casino will remain in the ownership of Western Australians and Australians. We have a commitment to honour that principle which already has been bastardised by the various laws we have enacted to try to prevent it. If that float went out to the Australian people, even in this climate it would be fulfilled. In any case, we are not in the business of passing partisan legislation for the manifest advantage of a few individuals; we are in the business of keeping the integrity of this Parliament in tact. Those members who vote to allow this agreement to proceed will be judged by the people of this State to have no integrity, and God knows the integrity of Western Australian politicians has been downgraded because of the fiasco and obscenity of WA Inc.

Can we afford for one day in the year to willy-nilly and in haste allow this to take place when the Minister has given an undertaking, which Hon Mark Nevill has repeated, that she will bring in another law to make it good? Members should think about this. Why did the Minister with all her professional advisers not in the first place honour the integrity of the Lawrence Labor Government and bring in a law which allowed ownership to such an extent that the majority of shares remained in Australian hands? We could become bogged down in legal issues, but in the end that is the only real issue. Those members who vote to allow this trickery to be imposed on the people of this State will be going against the oath they took when they became members of Parliament. I ask members to vote to make certain that this agreement is not allowed.

HON PETER FOSS (East Metropolitan) [3.00 pm]: I am alarmed by what has happened regarding this matter. Members must realise that the Casino (Burswood Island) Agreement Act confers a monopoly. Monopolies are not things that we readily confer in our society unless a clear public benefit comes from them for the people of Western Australia. Obviously, one of the matters of public benefit considered by everybody involved when this legislation was set up was that even though it was a monopoly it would be a 60 per cent Western Australia monopoly. I do not like monopolies at all, but given that one exists, I take comfort from the fact that 60 per cent of that monopoly is owned by Western Australians.

We have already learnt that by using the special provisions of section 17(1) concessions have been made by the Minister to allow that percentage to rise to 58 per cent. I deplore that happening. I note also that an exemption can be given only for a certain period. What period has been specified in this exemption? It seems to me that no period is specified. If so, the exemption is invalid. If a period has been specified it is important we know what it is so that we can see to what extent this Government and its Minister have got away from the undertaking given to this and the other House under the original legislation.

We are being asked to agree to this proposal on the basis that we will receive another undertaking from the Minister. I believe people in this House suspect undertakings given by the Government because of the completely unfulfilled undertaking given by Leader of the House regarding the State Government Insurance Office. That was a written undertaking from him and the Deputy Premier which was signed by both and which has not been carried out. They were going to do certain things, but they have not done them. It is particularly bad in this instance because the people of Western Australia were given an undertaking originally that the foreign holding in the casino would not exceed 40 per cent. That holding has gone beyond 40 per cent as a result of the Minister's giving exemptions. The holding will go beyond 40 per cent because of this amendment, yet we are asked to accept another undertaking that the Government will put things right later. Why should we accept such an undertaking when every other undertaking given by this Government has been breached?

I no longer trust this Government. I was foolish enough to take the word of Government Ministers on the SGIO. I will not be caught again. I will not accept any undertaking given by this Government either in writing or otherwise because it has failed to keep previous undertakings. This Government is without honour and its word is without honour! We should not believe a word its members say.

Hon Graham Edwards: You are a politician trying to score a point.

Hon PETER FOSS: Before I hear a word from anybody on the other side of the House I would like the Minister to stand and explain what happened to his word given to this House that the foreign holding in the casino would not exceed 40 per cent. What happened to the Minister's word and written undertaking given to this House over the SGIO? If the Minister wishes to say one word he should tell us why we should not treat members opposite as people without honour, because they do not honour their undertakings. The Government, by moving this amendment, is in breach of its earlier undertaking yet expects the Opposition to accept a worthless undertaking about this matter.

Hon Graham Edwards: Hamlet!

The PRESIDENT: Order!

Hon PETER FOSS: I believe that this agreement is deficient anyway. The point made by Hon Bob Pike is quite correct; once this amendment is made not only will it take effect and be perfectly proper for Bankers Trust Australia Ltd to use its provisions, but it would probably be negligent on the part of BT if it did not do so. The law has been changed so this can be done. It would be to the benefit of BT's clients, I expect, so it would do what I suggest. If BT did otherwise it may be open to action from its unit holders for not acting in accordance with their privileges. Where are the assurances from the Government that this will not happen? I do not believe the Government is able to give such assurances.

More must be done with this agreement because the original agreement was so badly drawn - so terribly drawn - that I believe an Australian trust purchasing units on behalf of a 100 per cent foreign ownership would not be excluded by this Act. If an Australian trust sold all its units to overseas buyers they could take up the rest of the units and we could see a 100 per cent foreign owned casino. This demonstrates how negligent this Government is. What is more, what it is doing in this instance is as suggested by Hon Bob Pike; that is, it is acquiring the whole amount other than the small amount held by Australian unit holders. It could all go to foreign owners.

The example given by Hon Bob Pike outlines the problem that we have with this agreement; that is, that we could see a trust with a large number of Australian unit holders who hold a small number of units and the majority of the units being held by people from overseas. We would then have a situation where despite the Government's undertakings a monopoly interest in the casino would go to overseas interests. I do not particularly like monopolies at all. Frankly, I am totally opposed to the casino. However, given that it is there, and given the fact that the intent was that it be owned by a monopoly of Western Australians, I will not accept anything, including one day of two-up for the Returned Services League, to allow an opportunity for BT to in the meantime register these funds and pursue the matter in order to carry out its duties. I support the motion. We owe it to the people of Western Australia to see that this monopoly imposed upon them does not end up being sold to overseas interests.

HON E.J. CHARLTON (Agricultural) [3.07 pm]: The two previous speakers have outlined a number of possibilities as to what could happen in these circumstances. I would like someone to tell me as an extension of the advice I have received whether what the Minister has said she will do she is totally able to do. If this Minister says, "I shall do this"; can she do it? She should be sure that she can do the things she claims she can do. Hon Bob Pike and Hon Peter Foss have both questioned whether, if this agreement were passed, the Minister could allow the transaction referred to to take place. Has Bankers Trust Australia Ltd given a commitment, which I understand has been given and which has been reported to me, that it has no intention of proceeding along the lines outlined by the two previous speakers who said BT has a business responsibility to pursue?

We should be told about these things. This whole business is a mess. Everybody agrees about that. Why has this situation arisen in this State? Why should we allow things to take place because someone has become aware that a mistake was made in this matter in relation

to the Australian shareholders? I am totally opposed to foreign investment unless it is for the benefit of the State; that is, unless it will create new businesses or developments that otherwise would not have occurred in Australia. I am totally opposed to anything that is simply an avenue to bring in money from overseas to make more money for overseas people and not benefit Western Australians. I am not a casino fan but I have been to one or two other venues at the casino which provide entertainment, sporting fixtures, and so on, and they are an absolute bonus for Western Australia. It is a matter of weighing up the advantages and disadvantages.

Hon Derrick Tomlinson: Not when the owners are taking the profits out of the State.

Hon E.J. CHARLTON: Absolutely, and that is what I have said.

Hon Tom Helm interjected.

Hon E.J. CHARLTON: We are talking about people in Australia owning something in Australia.

Hon Tom Helm: I support that.

Hon E.J. CHARLTON: That is good. I have two questions for which I want straight and categorical answers; not opinions but totally committed answers. Firstly, can the Minister for Racing and Gaming do what she says she will do? Secondly, what is the position of Bankers Trust in this situation?

Hon Fred McKenzie: Could you repeat those questions?

Hon E.J. CHARLTON: The Minister for Racing and Gaming has said that she will not authorise actions that will allow certain things to happen; that is, she will hold back until she brings forward another amendment in a few weeks' time in order to overcome the problem that has been created by the current imbalance. She has said she will not allow that to take place and will overcome that by bringing a further amendment to the Parliament. My question is: Does the Minister have the legal right to do what she says she will do? That question has already been asked by the two previous speakers, and it has been suggested that perhaps she cannot withhold authorisation.

Hon W.N. Stretch: I think you should repeat that question when the Attorney General is in his seat. He is the senior law officer in the State and should listen carefully to what you have said.

The PRESIDENT: Order!

Hon E.J. CHARLTON: Perhaps the Attorney General's hearing is so acute that he was able to hear it from where he was.

The PRESIDENT: Order! I am a little disappointed that members are taking advantage of the fact that some other members need from time to time, as a result of business they are carrying out, to be out of their seats. It is quite foreign to the accepted standards of this place for people to refer to the fact that someone is or is not in his seat. I do not like it; I think it is a trend that should be discouraged.

Hon E.J. CHARLTON: My second question was: Can a member of the Government give us an undertaking that Bankers Trust, an important part of this scenario, will not take advantage of the current situation if we allow this amendment to proceed? I hope all members are clear about the questions I am asking, because I want them answered.

When National Party members discussed this matter a short time ago we were advised that the Liberal Party agreed - as we do - with the Government's position that a serious anomaly and deficiency existed. I have here a letter written by Hon Barry MacKinnon, the State Leader of the Opposition, in which he agrees to that position, so we thought we all agreed that there was a serious anomaly but it would be fixed; we had that in writing. However, when the Leader of the Opposition in this place raised the matter, we discovered that the situation might not be as we thought it was.

Another point which has also been put to me but which has not yet been mentioned in this House needs clarification; that is, if we were to disallow this agreement, we would overcome one perceived problem but we might well create another.

Hon Fred McKenzie: How would we create another problem if we disallowed the agreement?

Hon E.J. CHARLTON: Is Hon Fred McKenzie supporting the disallowance?

Hon Fred McKenzie: No, I just want to know.

Hon E.J. CHARLTON: I am about to tell the House. If we were to disallow it we would take the Government back to the previous situation.

Hon Max Evans: It would be unlimited.

Hon E.J. CHARLTON: Yes, and therefore there would be a complication about the Government's bringing in another amendment to overcome the next problem. So while it is correct to say that if we allow this to go through we will leave the door open, by disallowing it we might open another door, and that might continue until we have something upon which we all agree would fix the whole problem. On one hand this is a very simple situation which can be sorted out, but on the other hand, because of the way it is to be done, it could create a minefield - which is not uncommon; it is like many other things the Government has done. Because of the rules of the Parliament it is necessary for this matter to lie on the Table for 12 days, which is why the Government cannot bring it forward. We are locked into that situation, but that requirement is there for a very good reason.

We have it in writing, the Leader of the Opposition has agreed to it, the National Party has discussed it and believes it is right, and in turn has supported it in writing and given a commitment that if this is done everything will be right. We are all at one on the matter, although I do not know the Independents' view. Therefore, without further delay, I want my two questions answered, as well as this one: If the agreement were disallowed, what would be the Government's position? In other words, would we create another anomaly?

Hon George Cash: Perhaps the Government might adjourn the debate in order to get some answers for you.

Hon Graham Edwards: I am prepared to do that.

Hon E.J. CHARLTON: The National Party is very concerned about the perceptions that have been created and would like them clarified as much as humanly possible.

HON D.J. WORDSWORTH (Agricultural) [3.20 pm]: Briefly, like others I feel we have been misled by the Government on the matter of the Burswood Casino. We were assured in this House that, no matter what, the one arm bandits, as they are commonly known, would not be installed at the casino. I have not been down to the casino, but these machines are in place - although they do not involve pulling an arm, as they operate electronically. If that was not a con trick, I do not know what was. We are now receiving another assurance from the Government, and I am not inclined to trust it.

Debate adjourned until a later stage of the sitting, on motion by Hon Fred McKenzie.

[See page 311.]

LIMITED PARTNERSHIPS BILL

Second Reading

HON J.M. BERINSON (North Metropolitan - Attorney General) [3.22 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to introduce amendments to legislative provisions which govern the formation of limited partnerships in order to improve their utility as a legal entity to raise venture capital for developing new industries and encouraging investment. The changes proposed are also in line with the Government's economic strategy which sets out to create the best possible investment environment for industry. The legislation was foreshadowed in the Premier's economic statement, the WA Advantage, released in February of this year.

Western Australia has had limited partnership legislation in place since 1909. The initial legislation was introduced with the purpose of providing small business operators with a vehicle to raise capital from investors who were prepared to accept the risk involved in advancing capital for future profit sharing. Generally, this involves raising venture capital that does not fit within the ordinary sense of providing security over assets. Investors also receive taxation benefits on some ventures for initial establishment costs, and can claim losses as a tax deduction against other income.

Investors who contribute as limited partners have the knowledge that the level of their liability is limited to the level of their capital contributions. Limited partnerships provide a relatively simple and inexpensive commercial vehicle to establish legal entities to raise venture capital for speculative or higher risk projects.

In Western Australia limited partnerships have been particularly popular in developing agriculture, horticulture, film production and mining ventures. For example, over the last decade the average yearly registration was 73, compared with 14 for the previous decade. The limited partnership structure is common in many major overseas countries, including the United States of America, the United Kingdom, Canada, New Zealand and South Africa. At present three other States have limited partnerships legislation. The Tasmanian Act was enacted in 1908. In Queensland amendments were passed in 1988 to its Mercantile Act to establish a separate Partnerships (Limited Liability) Act, while in 1991 New South Wales established legislation to allow for the formation of limited partnerships by amending its Partnership Act.

The possibility of uniform legislation affecting limited partnerships across Australia has been discussed with the Commonwealth. However, at this stage there are no plans to proceed along this path. Although there would be obvious benefits in having uniform provisions across Australia, particularly in the area of recognising liability for businesses that trade in jurisdictions outside their State of origin, the proposed Bill contains provisions to recognise corresponding laws.

The Bill now introduced is broadly based on models adopted in Queensland and New South Wales. The proposed legislation in Western Australia follows from recommendations of an interdepartmental committee which examined the existing limited partnerships legislation. In its review the committee collaborated with key industry bodies and examined arrangements in other States. From the workings of the committee the following key conclusions emerged -

The Limited Partnerships Act should be retained as a legal facility to raise venture capital for developing industry opportunities and to encourage new investment.

The provisions of the Act concerning the number of limited partners should be changed from 20 to unlimited. Queensland and New South Wales have adopted this approach as it allows flexibility and it avoids the current problem of "back to back" arrangements.

There should be improved controls to protect consumers by requiring the inclusion of the words "a limited partnership" on all business documents and in the business name of the partnership.

There should be provided provisions that enable the Government to inspect records and investigate complaints.

There should be provided provisions for maintaining and auditing accounts.

There should be improved registration procedures, establishing clear rights and obligations of limited partners and providing for public disclosure and inspection of terms and arrangements.

There should be provided restrictions on certain persons becoming general partners - this particularly applies to undischarged bankrupts and persons having previous convictions involving fraud and dishonesty.

The introduction of these changes will improve the Western Australian legislation by removing some of the perceived impediments which prevent its effectiveness in being used to raise venture capital. Additionally the Government has decided to remove the imposition of stamp duty which is currently levied on capital contributions by limited partners. As a result of the changes proposed in the existing legislation, which was established in 1909, the Government has decided to introduce a new Bill in the form of the Limited Partnerships Bill. Apart from introducing substantial changes, the new Bill provides a clear and better structured piece of legislation.

The Bill will allow the formation of limited partnerships to continue provided they are registered and comply with the provisions of registration. Transitional provisions in the Bill will allow limited partnerships already formed to continue. Limited partnerships consist of

one or more general partners, who manage the business and have unlimited liability, and one or more limited partners. Limited partners invest in the partnership but may not participate in its management. Their liability is limited to the extent of their contribution unless they become involved in the management of the partnership, whereupon they lose their limited liability. The contribution of their limited partner may be made in the form of cash or property. All management decisions are the sole responsibility of the general partner or partners.

A limited partnership may have any number of limited partners although the number of general partners must comply with provisions of the corporations law that govern outside partnerships. The Bill prescribes information which must accompany an application to register a limited partnership. The limited partnership will come into existence upon the registration of the statement containing particulars of the partnership and following the issue of a certificate by the Commissioner for Corporate Affairs.

Registration is intended to give notice to creditors of the details of the partners, particularly those who will be liable if the partnership fails. The register of limited partnerships will be open for public inspection. Any changes to the registered particulars must be notified to the commissioner for amendment to the register, including the dissolution of the partnership or the cessation of the business. Changes involving, for example, the admission or withdrawal of a limited partner, or an alteration to the extent of a limited partner's liability, will not take effect until the prescribed notice containing particulars of the change has been lodged.

The Bill provides penalties for failure to provide notification of changes in the registered particulars of limited partnerships. A limited partner shall not take part in the management of the business; however, any limited partner who takes part in the management of the business loses the benefits of the statutory limitation on liability. The Bill provides that a limited partner is not to be regarded as taking part in the management of the business - so as to incur unlimited liability - merely because the limited partner acts in a number of other roles, such as the giving of professional advice to the partnership, providing a guarantee or indemnity, or being an employee, agent or independent contractor of the business.

To provide sufficient control on the operations of limited partnerships, the Bill places an obligation on every general partner to keep such accounts and records which explain the financial position of the partnership and cause such accounts to be audited and lodged with the Commissioner for Corporate Affairs. A limited partner will have the right to inspect the books and records of the partnership.

In order to inform persons dealing with the limited partnership as to the limitation of liability, it is proposed that every business document issued on behalf of the partnership bear the firm name and the words "a limited partnership" so as to signify to the public the fact of limited liability. Additionally, a copy of the certificate of registration is to be on public display in the registered office and in every place of business of the limited partnership. The Bill also incorporates provisions that empower the Commissioner for Corporate Affairs to inspect the books and records of a limited partnership. This provision is considered necessary in order to conduct investigations into the operations of limited partnerships to protect the interests of investors and consumers who may have dealings with a particular partnership.

Finally, the issue of taxation is an important attraction to investors in the limited partnership structure, compared with the corporate structure. As the formation of a limited partnership does not involve the creation of a separate legal entity, limited partners are able to claim as deductions all of the expenses of the partnership in the year in which they are incurred. With long term projects, it is not uncommon for them to incur operating losses during the early stages. Unlike a company, these tax losses are immediately available to the limited partners to be claimed as deductions against their assessable income. Taxation advantages outlined above are important to investors in venture capital type operations as they balance in part the risks involved. The Government is also endeavouring to convince the Commonwealth to review its existing policy on the taxation treatment of limited partnership drilling funds to stimulate increased investment in petroleum exploration. This will make drilling funds more attractive to speculative investors.

This Bill will be of considerable interest to the business and legal community, and I propose to allow it to lie on the Table for a two month period to allow for public consideration and comment.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Peter Foss.

ADDRESS-IN-REPLY - FOURTH DAY

Motion

Debate resumed from an earlier stage of the sitting.

HON MURIEL PATTERSON (South West) [3.33 pm]: I thank His Excellency the Governor, Sir Francis Burt, for opening this session of Parliament. I want to raise several issues of concern in my electorate. However, before I continue I welcome and congratulate Hon Kim Chance on his admission to the House. His appointment is good news and bad news to the Liberal Party. The good news is he is a country man and a farmer; the bad news is he is sitting on the wrong side of the House.

Hon T.G. Butler: I would not go that far. We think you are.

Hon MURIEL PATTERSON: In the light of all that has been said about unemployment I draw members' attention to the fact that the current legislation to force two days' closure on general retail shops to celebrate Anzac Day is without precedent. To qualify the Monday holiday by opening shops only if the businesses pay double time and a half rates is the ultimate in hypocrisy. In a country experiencing its worst ever unemployment the Government is further compounding the problem by once again making employers pay that difference in payment, which is by far more than anything they can afford. I make the plea to the Government to take immediate steps to remove these imposts on businesses and let us get on with trying to make this country the best in the world. Once and for all Australia should get rid of its image of a banana republic. Others feel as I do.

I noted in the *Sunday Times* of 15 March the heading "Australia 'no bed of roses'" together with a photograph of Ita Buttrose, Bruce Ruxton, Peter Couchman, the State President of the Institute of Chartered Accountants, Ron Swinney and the former New Zealand Prime Minister, David Lange. They attended the annual State Congress of the Institute of Chartered Accountants of Western Australia. Sweeney of the *Sunday Times* said that Ita Buttrose is the queen of female business brains - I am not totally sure of that. He went on to say -

A believer in "people power", Ms Buttrose said that Australians did not use their individual power.

"Australia is in a frightful mess," she said.

"Politicians are only short-term people, but individuals can have more effect. They can change things - people who are not afraid to stand up and be counted.

"We need an overhaul of the tax system, the education system needs more funding, restructure is needed for youth to get work, reform is required on the water-front, and penalty rates, double rates and leave loading all need to go.

Further on in the article Mr Ruxton claims -

It is sad we are here today talking about this. Look at the unemployment. For Australia to get back, we need to get manufacturing back into harness.

The Government must undo the handcuffs on private enterprise. We are now a welfare state where less work is done for more money.

I feel sorry for the youth of today. They don't get a lot of encouragement. Every fortnight I visit a school, getting a standing ovation from the students and long faces from the staff.

We used to have a work ethic in this country. Now all they want to do is pull rorts.

Another concern of mine is the term "national heritage". It is one of those amiable phrases which, by definition, should never cause dispute or controversy. After all, who could object to the concept of nationhood or the need for a nation to conserve its heritage? However, two concurrent events which occurred in the south west are making many residents question the real rather than the apparent meaning of these two innocuous words. The first is the

extraordinary decision by the Australian Heritage Commission to block-list 330 south west farms in the Shires of Denmark and Warren. No prior consultation took place with any of the farmers concerned. Canberra spoke and everyone jumped. There is a proposed three month education period, followed by a three month appeal period during which landowners can object to the Australian Heritage Commission. That is a real farce. It is as if a householder's only recourse after a burglary is to appeal for a fair trial before a panel of burglars and housebreakers. Not that the part time Chairman of the Heritage Commission and his six part time commissioners would view it in that light. Their response to the natural alarm of the farming families of the south west of this State was to send an information kit weighing 750 grams which insisted that a listing in the register places no direct constraint on owners of private property or on local government. However, it said nothing about the potential for indirect legal constraints in the years ahead. Once the six month educational and appeal period has elapsed there is no turning back: A farm will be deemed to have acquired some heritage value and will therefore be a fair target for indirect intervention by other, as yet unspecified, instrumentalities. Not that one must search far through the wad of platitudes to uncover an agenda. A memorandum of understanding concluded by the Executive Director of the Heritage Commission and the Executive Director of the Department of Conservation and Land Management, Dr Shea, spells it out all too clearly. Under section 30 of the Federal Australian Heritage Act of 1935 a person may not take any action such as granting an export licence for woodchips which will adversely affect a forest area already on the National Estate Register unless no feasible alternatives are available.

I refer to a paper by the Federal Minister for the Environment, Mrs Ros Kelly, called "Solutions for agreement on national State forests". On page 3 she says that the most important aspect of the project is that its results represented a "win-win" situation. What the heck does a "win-win" situation mean, and for whom? It is more likely a lose-lose situation 330 times over. If the Minister's arithmetic is correct, the only conclusion that can be drawn is that Western Australia now faces a 97 000 hectare land grab so that an equivalent area of National Estate forest is freed for even more intensive logging under the provisions of section 30. On page 4, she says further -

Lands in all tenure classifications, including conservation reserves, multiple use forests and private lands are under consideration. Another 40 small sites, significant for their floral species, will also be considered for listing. The AHC and CALM are confident that all the extensive areas of significance have now been identified.

I believe that the State Minister for the Environment must stand firm against his Federal counterpart on that land and many other areas across the south west and tell her in no uncertain terms that our productive farming land is not negotiable now or ever. I give credit to the State Minister, who has negotiated with Mrs Kelly and has called a halt to this proposal. I understand that 330 blocks have been released until further consultation with farmers can be held. I congratulate the State Government on that and I hope that it remains true and fair to our Australian farmers.

I refer now to the contentious 132 kV powerline to the mineral sands mine at Beenup near Augusta. The facts are soon told but they are not so easily understood. The Beenup Power Supply Consultative Environmental Review Executive Summary by the State Energy Commission of Western Australia in September 1991 reveals that "SECWA's preferred option is for an overhead power supply 132 kV from the Manjimup substation", 90 kms to the east. On page 4, the consultants state -

Information from surveys conducted during the public consultation programme identified that for residents in the area, the four most important issues were:

- interference with agricultural land use;
- conflict with residents lifestyles;
- health risks; and
- devaluation of private land.

Also identified during the public consultation was the preference for SECWA to use the Manjimup to Beenup corridor.

My colleagues in the Liberal Party and I totally support mineral sands mining at Beenup. At no time has the Liberal Party wished to delay this project. We think it is an excellent

opportunity for employment and for the State's wealth. However, we question the decision by the Government to ignore the consultant's preferred option for the route of the powerline by accepting the second option. Page 5 includes the environmental options for the route of the powerline as follows -

Picton-Beenup via the Great North Road - impacts on 126 private properties and 58 buildings, with environmental impact on The Rapids, Mowen and Blackwood Conservation Parks;

Picton-Beenup via Margaret River - impacts on 179 private properties and 103 buildings, and passes through the hinterland of Margaret River frequented by tourists. The visual impact of this line is the highest of the three options; and

Manjimup to Beenup - limited social impact (only 18 private properties) but requires the most clearing of the options (320ha). This option also passes through Karri forest, some of which is interim listed with the Australian Heritage Commission.

The Manjimup option is considerably shorter than the other options - 90km compared with 131km for Margaret River Option and 114.5km for the Great North Road option.

Surely this matters. It continues -

SECWA's preferred corridor option is the Manjimup to Beenup corridor. Second preference is the Picton to Beenup via Great North Road option and third preference is for the Picton to Beenup via Margaret River option.

The Manjimup option will cost \$12.5 million, \$2.5 million less than the Great North Road option, and the Margaret River option will cost \$17 million. The summary continues -

all corridors cross areas which are interim listed with the Australian Heritage Commission. SECWA is confident that the impacts on these areas, particularly for the Manjimup option can be reduced to an acceptable level;

only 20ha of the Karri forest to be impacted by the Manjimup Option has not been previously logged.

My colleague, Paul Omodei, and I looked at that option. I could see no reason for SECWA not following that road, because it has been used already for logging and requires only another 20 kilometres to be formed.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Hon MURIEL PATTERSON: Environmentally, the State Energy Commission's Manjimup option would seem to be a clear winner. Only 20 hectares of previously untouched karri forest would need to be cleared compared with the impact of option two on three conservation parks at The Rapids, and the Mowen and Blackwood Rivers. Therefore, why is it that, despite all the evidence, the present Western Australian Government is hell-bent on forcing SECWA to build a 25 kilometre longer, \$2.5 million more expensive, socially unacceptable powerline from Picton to Beenup?

I attended several meetings at the Capel Shire with my colleagues, and with Hon Doug Wenn. We heard the people speak of their concerns about having the powerline go through their properties on the Picton-Beenup route. It is an intolerable situation when the Western Australian Municipal Association and the 11 shires all support SECWA on the Manjimup route; they all oppose the Picton route. People turned up in large numbers to public meetings and opposed the Government's preferred plan. People are worried about their health, because the farms are not small and some farmers already have three high-powered lines through their properties. I do not know what is the Government's aim. I do not know why it has chosen the Picton-Beenup route instead of following the opinion from SECWA. Hon Tom Helm said he hoped I would not give the Government a hard time. I will make Hon Tom Helm an offer: If he can persuade his Government to listen to the farmers I assure him I will be the first to give credit where it is due. I sincerely hope that Hon Tom Helm will support my argument. Already one of his colleagues supports the route through Manjimup. The Manjimup Shire, and the farmers on the 18 properties through which the proposed line

will go, all support the Manjimup route. I hope that the Government will look again at this contentious issue and satisfy the needs of the people concerned. I also ask the Government to refrain from publicly calling this group of people a minority group.

One would have thought that if SECWA were so well funded that the Government could ask it to provide an extra \$2.5 million for the Beenup line, it could afford to be generous in its dealings with Graham Ravenhill of Narrikup. This farmer is investing \$100 000 in a dairy on his property, which is a great asset to the State. To bring the powerline to that dairy he requires one post, one transformer, 75 metres of wire, and \$4 768. Bearing in mind that he is already an established creditworthy client, no way could such a man default on his electricity account or fail to pay the amortisation on his powerline over an agreed number of years; yet, under duress, SECWA is being presented with the extra \$2.5 million bill to by-pass the Australian Heritage Commission's tiny patch of wilderness and is being forced to demand an up-front payment from a farmer who is trying to earn a living for himself and his family and make a contribution to this nation. At such moments, one can quickly recognise the cockeyed priorities which have taken this once prosperous State and converted its abundant assets into an overseas debt approaching \$10 billion.

Finally, I have a copy of a submission from the Walpole Primary School building committee. Very briefly, the school was built in 1953 with a single main building of three classrooms, a principal's office, and an open verandah. It has an adjacent lunch shed. It is still substantially the same building almost 40 years later. Meanwhile, the surrounding population of Walpole has grown. The area has experienced something of a land boom so the school now accommodates 125 primary school students and 30 preprimary students - all crowded into the original building plus a twin demountable. The school has a Colourbond wet weather shed paid for and built by the P & C association. Is this the way the clever country is preparing its human resources for whatever challenges lie ahead in the twenty-first century, whatever it has in store? Any Government which can happily spend an additional \$2.5 million in order not to disturb whatever flowers, insects or frogs live in our forest blocks should not have any difficulty outlaying money to provide a good standard of amenities for the children in the wettest part of the State. The Walpole Primary School also sent me a photograph of the toilets that were put up for the school staff. I will not say any more about that. The Minister for Education can see that the photograph speaks for itself. I ask the Government to look at the isolated places where students and parents have no alternative to sending their children to their local school. The Government should at least ensure that the school amenities are reasonable. They do not need to be flash, just comfortable.

Debate adjourned, on motion by Hon K.M. Chance.

MOTION - CASINO (BURSWOOD ISLAND) AGREEMENT (THIRD SUPPLEMENTARY AGREEMENT)

Disallowance

Debate resumed from an earlier stage of the sitting.

HON REG DAVIES (North Metropolitan) [4.22 pm]: I am not au fait with big business dealings or high fliers, but I do know a little about old diggers and two-up. I may be a little naive, because when I read the Minister for Racing and Gaming's statement on the Casino (Burswood Island) Third Supplementary Agreement it quelled any fears that I originally held. However, after listening to the debate today and after closer scrutiny of the ministerial statement and the agreement, certain doubts have been raised in my mind.

Firstly, it appears that regardless of the ministerial statement, or the Minister's intent, if this agreement is not disallowed by the Parliament today its full conditions will come into effect as from midnight tonight; regardless of the Minister's statement it will be a legal agreement. I have had discussions with the Minister and I have outlined my concerns to her. I understand that to satisfy the agreement a further signature is required to ratify the foreign persons provision brought about by clause 3(1)(a). That is all terribly confusing to one with little knowledge of these matters.

Before I feel competent to vote on this very important issue I would like the Attorney General to answer some questions, some of which Hon Eric Charlton has already articulated: Has the Minister the power to hold up the conditions of the third supplementary agreement,

which has already been signed, until the fourth supplementary agreement is signed? In other words, is the Minister's agreement sufficient in law? Can the Attorney confirm or deny rumours that Bankers Trust Australia Ltd has already on-sold a percentage of its units and, if so, to whom? I am not one for rumour mongering, but I have heard this afternoon that nine per cent of BT's 26 per cent of unit shares has already been on-sold to Japanese interests. If that is the case that would take overseas interests to 67 per cent. That is obviously contrary to the intent of the original Bill, which was a 40:60 ownership ratio. The answers to those two questions will influence my vote on this matter.

In summary, there is sufficient doubt about this agreement and it is obvious that we need to allow two-up to be played on Anzac Day by the old diggers. It is something they are certainly looking forward to.

Hon Graham Edwards: What about the young diggers?

Hon REG DAVIES: As Hon Graham Edwards probably knows, the Vietnam veterans were not as enamoured of two-up as the old First and Second World War diggers. I like to stand by and watch them enjoy themselves on Anzac Day.

Hon Graham Edwards: I agree entirely.

Hon REG DAVIES: Surely the answer is that, if there is sufficient doubt, we should disallow this agreement and draft a separate Bill to allow two-up to take place on Anzac Day. The answers provided by the Leader of the House are obviously vital to the outcome of the disallowance motion which is before us.

HON J.M. BERINSON (North Metropolitan - Attorney General) [4.26 pm]: Without wishing to sound as though I am complaining about the course of events I must say that the way in which this proposal to disallow the agreement has arisen has thrown up a real problem. The third supplementary agreement was tabled as far back as 14 November last year and the objections which have arisen were brought to the attention of the House only yesterday; that is, within one day of the last possible day on which a disallowance motion could be passed.

Of course, we all understand the special circumstances that led to that position arising and as I understand it they really rested on the fact that the doubts only arose during the summer recess so that this week was the first opportunity to have the matter aired. Nonetheless I would have hoped that people like Hon Bob Pike, who today raised highly specific questions, would have been in a position at least to do it yesterday rather than today within an hour of an adjournment. There is very great difficulty in responding adequately to questions such as he raised literally within minutes of that having been done. I am not in the position to provide the unequivocal sort of replies that he and other speakers would prefer. However, as a number of interested members will be aware, the opportunity has been taken over the last half or three quarters of an hour to have discussions directly with the Minister and I believe that the position will be fairly clear in respect of the various matters raised.

I refer first to Hon Reg Davies' question about rumours that Bankers Trust had allocated nine per cent of its units to Japanese investors. On two minutes notice it is not possible for me to adequately address an issue like that. I understand, however, that the Minister for Racing and Gaming has spoken to Hon Reg Davies and, among other things, has pointed out that even with a nine per cent allocation the 80 per cent requirement would not be breached. Whether the nine per cent has been allocated simply cannot be checked within a couple of minutes.

Hon Reg Davies: You say that it still stays within the required 80:20 per cent.

Hon J.M. BERINSON: The Minister for Racing and Gaming advised me that even with a nine per cent allocation the guidelines would not be breached. I emphasise that I am not in a position, and I think the Minister at a moment's notice is also not in a position, to comment on the accuracy of the figures.

Hon Bob Pike and Hon Eric Charlton also asked some questions. The Minister has consulted with the Crown conveyancer and he has said that he cannot see any basis on which Bankers Trust could force the Minister to amend the trust deed. The relevant provision is in clause 18(1)(d) of the agreement and it unequivocally states that the trust deed cannot be altered or amended without prior approval of the Minister. The advice which the Minister

has from the Crown conveyancer is that that approval cannot be required from the Minister. Even apart from that formal position, the Minister also advises me that the Office of Racing and Gaming has received verbal assurances from Burswood Resort (Management) Ltd, as the manager and the trustee, that it will not seek to amend the trust deed unless the fourth supplementary agreement has been passed. The Minister also understands that the agreement not to amend these matters in advance is to be followed up in writing. However, that has not yet come to hand.

I, together with other members, wish that a more definitive response could be provided. However, circumstances in which questions only emerge at the death knock have limited the response which can be given. I hope that members will accept this as adequate to their needs, especially in view of the public undertakings of the Minister to take further action as required.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [4.34 pm]: I thank members who have contributed to the debate on this disallowance motion. The agreement deals specifically with two matters: One is an increase in the ownership of the units in the Burswood Property Trust and the other is the provision of support for the playing of two-up within a 200 kilometre radius of the Burswood Casino by Returned Services League members on Anzac Day. During the debate members have raised facts revealing that in 1985 the Government promised that foreign ownership of the casino would not exceed 40 per cent. Now we find that the Government varied the original agreement to allow an additional 18 per cent foreign ownership at a later date, forcing it up to 58 per cent. The agreement now before the House will enable foreign ownership to increase to more than 80 per cent, and uncertainty has been expressed about whether the limit will be 80 per cent. Many people in professional practice in Perth would argue that the wording of the agreement will enable foreign ownership to exceed 80 per cent.

It is also important to recognise that advice referred to in the debate shows that the status of the agreement is somewhat uncertain. That is, the agreement, and probably earlier agreements, may be deficient in some form and that the Government's intent may not be realised. It should be emphasised that the Government has given undertakings to this House before that it would not do certain things and those commitments have never been honoured, as the *Hansard* record shows. The Government acknowledges that it is unsure of all the answers. Now members have had to listen to the Government ask them to trust it. The Government is saying, "We think it will be okay, but even if it is not we promise not to do certain things." However, it has been suggested, not by the Government but by professional advisers to the Opposition, that the Government may find that if this agreement is not disallowed the control and authority that the Government, or the Minister, believes she has may not be in accordance with advice which has been tendered to the Government. This agreement has been handled in a haphazard way. The Attorney General suggested that he was somewhat concerned that notice of the disallowance was given only a few days ago. The agreement has lain on the Table for some time. I gave notice of the disallowance within the prescribed time and in accordance with the procedures of this House. I do not apologise for that.

Hon J.M. Berinson: I do not question that at all. I just expressed the wish that the people who had reservations which they expressed today might have been able to give indication of them earlier.

Hon GEORGE CASH: I understand the dilemma facing the Attorney General, but that raises other matters, including whether this House should agree to the Government's acknowledgement that it cannot answer the questions members are raising. Members of this Parliament are entitled to raise questions that concern them. The fact that the Government comes into this House and states that it is unable to answer the questions that have been raised indicates to me that it is in contempt of the Parliament. I am sure it is not a deliberate contempt of the Parliament, but for a Government to propose legislation, be it by regulation or otherwise, and come into this House and say that it cannot explain the total ramifications of it is not good enough and does not strengthen the Government's case to have the regulation agreed to by the House.

The second issue contained in the agreement is the playing of two-up in Returned Services League clubs within 200 kilometres of the casino on Anzac Day and the Liberal Party

supports that proposition. Should this agreement be disallowed today there is time for a Bill to be introduced and dealt with speedily by both Houses of the Parliament to ensure that two-up can be played in RSL clubs on Anzac Day this year. The Government really shows no credibility if it says that part of the reason for the urgency of this motion today is that RSL members want to play two-up on Anzac Day. The RSL would recognise that good legislation is what this Parliament is all about. It is not about ramming something through the Parliament for the convenience of the Government or one select group.

Why was provision not made for the Royal Australian Air Force Association, the merchant marine association, and the naval association to also be afforded the opportunity to play two-up on Anzac Day. Perhaps the Government forgot that those associations exist.

Hon Graham Edwards: We never forget them because they are very important people.

Hon GEORGE CASH: I agree with the Minister, but the agreement does not allow those associations' members to play two-up on Anzac Day.

Hon Graham Edwards: They are identified as returned servicemen.

Hon GEORGE CASH: The agreement does not have that written in it. According to the advice we have had they will be precluded from playing two-up.

Hon Graham Edwards: They are classified as returned servicemen and many of them are members of the RSL.

Hon GEORGE CASH: I understand what the Minister is saying, but that is not what is in the agreement.

Several members interjected.

Hon GEORGE CASH: While I agree with what the Minister is advancing - that is, the members of those organisations should be able to play two-up on Anzac Day - the agreement is deficient because it does not provide for that. Unless the Government intended that, we have another problem.

When the Government introduces legislation into this House the onus is on it to prove its case and to convince the Parliament of the worth of the proposition before the Chair. It is clear to me that the Government has failed miserably to support its case on this agreement. We now have more questions unanswered than were answered in relation to my motion and that in itself should be sufficient reason for members to support the disallowance motion. I remind members that in voting for the disallowance of the agreement they will not preclude the Government from introducing another amendment at the earliest opportunity to clarify whatever the Government's intent is on this issue. The agreement before the House should not be agreed to in its present form.

The Government has the opportunity to respond to the various matters that have been raised by members on this side of the House and I urge members to support the disallowance motion.

Division

Question put and a division taken with the following result -

Ayes (7)		
Hon George Cash	Hon R.G. Pike	Hon Margaret McAleer
Hon Max Evans	Hon W.N. Stretch	(Teller)
Hon Muriel Patterson	Hon D.J. Wordsworth	
Noes (12)		
Hon J.M. Berinson	Hon Graham Edwards	Hon Doug Wenn
Hon T.G. Butler	Hon Tom Helm	Hon Fred McKenzie
Hon K. Chance	Hon B.L. Jones	(Teller)
Hon E.J. Charlton	Hon Murray Montgomery	
Hon Reg Davies	Hon Sam Piantadosi	

Pairs

Hon P.H. Lockyer
Hon Barry House
Hon N.F. Moore
Hon P.G. Pandal
Hon J.N. Caldwell
Hon Derrick Tomlinson
Hon Peter Foss

Hon John Halden
Hon Kay Hallahan
Hon Mark Nevill
Hon Tom Stephens
Hon Bob Thomas
Hon Cheryl Davenport
Hon Garry Kelly

Question thus negatived.

ADJOURNMENT OF THE HOUSE - SPECIAL

On motion by Hon J.M. Berinson (Leader of the House), resolved -

That the House at its rising adjourn until Tuesday, 31 March 1992.

House adjourned at 4.49 pm

QUESTIONS ON NOTICE

LAND TAX - VALUATIONS
Valuer General's Revaluation Powers

3. Hon P.G. PENDAL to the Attorney General representing the Treasurer:

- (1) With reference to land tax assessments under what circumstances has the Valuer General power to revalue individual land valuations?
- (2) Are any legislative changes proposed to his powers in this regard?
- (3) If so, what are the details of the planned changes?

Hon J.M. BERINSON replied:

- (1) The Valuation of Land Act directs the Valuer General to value any land which has not been separately valued or where in his opinion it is necessary or expedient to do so, or if the value thereof has for any reason significantly increased or decreased in relation to the value of similar land in the district.
- (2) No.
- (3) See (2).

HICKMAN, MR SYD - GOVERNMENT REDUNDANCY PACKAGE

17. Hon GEORGE CASH to the Leader of the House representing the Premier:

- (1) Did Mr Syd Hickman, former senior private consultant to the Premier, receive a redundancy offer and payout from the State Government?
- (2) If yes, what was the total amount paid and what are the details of his total service with the State Government?
- (3) Has Mr Hickman's last position of Manager, Defence Industries, Department of State Development, now been abolished as part of the redundancy package agreement?
- (4) If not, who now occupies the position?
- (5) Was Mr Hickman given preference for the redundancy payment over other public servants of long service standing?
- (6) If yes, why?
- (7) Will the Minister provide a list of all public servants and other Government officers who have accepted or been approved for a redundancy payout who were appointed or joined the Public Service since 1983?

Hon J.M. BERINSON replied:

- (1) Yes.
- (2) Consistent with longstanding practice, actual payment details for individuals are not made public. However, payment to Mr Hickman was made in accordance with the formula used for all other payments made under the special voluntary severance scheme.
- (3) Yes. Several positions within the Department of State Development were redesigned and amalgamated and the agency had its FTE level reduced by one.
- (4) Not applicable.
- (5) No.
- (6) Not applicable.
- (7) Considerable resources would be required to be applied to provide the information sought. I am not prepared to commit those resources. However, I can assure the House that whether an applicant commenced prior to or after 1983 was not a factor used when approving applications.

GUARDIANSHIP AND ADMINISTRATION ACT - PROCLAMATION DATE

18. Hon GEORGE CASH to the Attorney General:

When will the Guardianship and Administration Act 1990 be proclaimed?

Hon J.M. BERINSON replied:

1 July 1992.

CHILDREN'S COURT - NEW BUILDING COMPLETION DATE

19. Hon GEORGE CASH to the Attorney General:

(1) Will the proposed new Children's Court be completed in June 1992?

(2) If no, when is it expected the building will be completed?

Hon J.M. BERINSON replied:

(1) Yes.

(2) Not applicable.

PRISONS - NEW METROPOLITAN PRISON PLANS

20. Hon GEORGE CASH to the Minister for Corrective Services:

(1) Are there any plans to establish a new prison in the metropolitan area?

(2) If yes, where will the prison be located?

Hon J.M. BERINSON replied:

(1)-(2)

The Department of Corrective Services, as part of its overall strategic plan in terms of providing and projecting accommodation requirements to the year 2000, is examining a number of options.

MOTORCYCLES - NOISE POLLUTION

No Mufflers - Complaints Increase

21. Hon GEORGE CASH to the Minister for Police:

Has there been an increase in complaints within the past 12 months relating to the noise pollution caused by motor bikes not being fitted with a muffler?

Hon GRAHAM EDWARDS replied:

No.

POLICE ACT - SECTION 8 AMENDMENT

23. Hon GEORGE CASH to the Minister for Police:

Further to question on notice No 156 of 28 March 1991, when the Minister advised that amendments were being drafted to amend section 8 of the Police Act, could the Minister advise when the amending legislation will be presented to the Parliament?

Hon GRAHAM EDWARDS replied:

Amendments to section 8 of the Police Act will be included in a new police force administration Bill to be introduced into the Parliament later this year.

VICTIMS OF CRIME - SUPPORT UNIT

Northern Suburbs Consideration

24. Hon GEORGE CASH to the Minister for Police:

(1) Has the Government given consideration to the location of a victims of crime support unit in the northern suburbs?

(2) If yes, where will such a unit be located?

(3) If no, will the Minister undertake to give consideration to such a unit in the forthcoming State Budget?

Hon GRAHAM EDWARDS replied:

(1)-(2)

The current crime victims support unit located in Fremantle is in the process of expanding to cater for the whole metropolitan area. The expanded victim support service will be located in either the Perth central business district or West Perth. On 31 January 1992, Cabinet approved the allocation of an additional \$840 000 for the 1991-92 and 1992-93 financial years, for the establishment of the victim support service to provide a service for the whole metropolitan area. A 008 facility will also be provided for country residents.

(3) Not applicable.

STATE EMERGENCY SERVICE - ESTABLISHMENT LEGISLATION
Unit Constitution Agreement

25. Hon GEORGE CASH to the Minister for Emergency Services:

- (1) What is the current status of the specific legislation for the State Emergency Service?
- (2) Has a constitution for the State Emergency Service been agreed to by the various State Emergency Service units around Western Australia?

Hon GRAHAM EDWARDS replied:

- (1) The development of the State Emergency Service establishment legislation is currently being considered.
- (2) Meetings have been conducted with local units and a draft model local State Emergency Service unit constitution has been developed within the SES. It is expected that units will agree in principle to this draft. As a model constitution, it is intended that local State Emergency Service units will retain the ability to adapt this model to suit their local requirements and unit management structure.

MINDARIE TIP - GROUND WATER TESTING

26. Hon GEORGE CASH to the Minister for Police representing the Minister for Water Resources:

- (1) As recent sampling by the CSIRO detected increasing levels of ammonia, increased concentrations of dissolved organic carbon, chloride, sodium and magnesium at the Mindarie Tip, has there been any sampling carried out on the ground water aquifer which is located immediately under the tip?
- (2) If no, will the Minister undertake to have such sampling carried out?
- (3) If not, why not?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following reply -

- (1) Ground water quality is being tested in the vicinity of the Mindarie tip as part of CSIRO's study of the impacts of the tip. The testing has not detected any change in ground water quality so far. Testing will continue to see whether any unexpected, undue changes occur in the future.

(2)-(3)

Not applicable.

PRISONS - FOREIGN INMATES REPATRIATION LEGISLATION
Participating Countries

40. Hon GEORGE CASH to the Minister for Corrective Services:

- (1) When will legislation be introduced to permit the repatriation of foreign inmates presently held in Western Australian prisons to their homeland?
- (2) Which countries are participating in the scheme?

- (3) Will Western Australians presently serving sentences in other participating countries be eligible to be repatriated to Western Australia?
- (4) If yes, how many Western Australians are currently being held in prison in these countries?

Hon J.M. BERINSON replied:

(1)-(4)

This proposal is at a very early stage and will require agreement and legislative action by the State and Commonwealth Governments before any international treaties are entered into by the Commonwealth Government with overseas countries.

LAND TAX - ASSESSMENTS

Crown Land Leases

85. Hon George Cash to the Attorney General representing the Treasurer:

- (1) Is land tax able to be assessed on land leased from the Crown?
- (2) Which Act and section of such Act provides for such a levy?

Hon J.M. BERINSON replied:

(1) Yes.

(2) Land leased from the Crown is assessable for land tax because of the definition of "owner" in section 5(1) of the Land Tax Assessment Act and the provisions of section 15(1) of the Act. Section 5(1) defines "owner" to include -

every person entitled to the land under any lease or licence from the Crown with or without the right of acquiring the fee simple; and

every person entitled to use the land for a business, commercial, professional, or trade purpose under an agreement or arrangement with the Crown, or any agency or instrumentality of the Crown, or a local authority or any public statutory authority.

Section 15(1) provides that land tax is payable by an owner of land.

WATER AUTHORITY OF WESTERN AUSTRALIA - HOMESWEST TENANTS, BOOR STREET, CARNARVON *Outstanding Water Accounts*

97. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Water Resources:

- (1) How many tenants of Homeswest houses situated in Boor Street in Carnarvon are in arrears with their water accounts?
- (2) What are the individual amounts of these arrears?
- (3) What steps are being taken to collect these arrears?
- (4) Has the cessation of water supplies to these tenants been considered?
- (5) If not, is it considered an accepted practice for other clients of the Water Authority of Western Australia to expect continuation of supply even if they are in arrears?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following reply -

- (1) In 1987, Homeswest and the Water Authority reached an agreement that tenant liabilities would transfer to Homeswest if the tenant failed to clear an account rendered by the Water Authority. Because these debts are transferred to Homeswest, the Water Authority has no legitimate interest in - and no way of determining - the number of accounts that may still be outstanding.

(2)-(3)

Not applicable.

(4) No.

(5) The Water Authority does not disconnect services to any of its customers who might be in arrears. Authority policy is to consider restricting flow to properties when normal recovery action proves unsuccessful. All outstanding accounts attract an interest charge.

POLICE - LICENSED PREMISES

Lingerie Dancers and Topless Barmaids Conditions

99. Hon GEORGE CASH to the Minister for Police:

What is the current police operational procedure in respect of lingerie dancers and topless barmaids working on licensed premises in Western Australia?

Hon GRAHAM EDWARDS replied:

The Police Department's liquor and gaming branch is responsible for the policing of licensed premises in Western Australia. Licence conditions relating to the dress and behaviour standards of staff and entertainers on licensed premises are published in the *Government Gazette*, 17 January 1992. Whenever a breach of these conditions occurs relevant action is taken.

FIRE CONTROL - DOWN ROAD INDUSTRIAL LAND, ALBANY

Responsibility

102. Hon MURRAY MONTGOMERY to the Minister for Emergency Services:

As the Down Road industrial land near the Albany airport is outside the area controlled by the Western Australian Fire Brigades Board, what authority would take responsibility for fire control?

Hon GRAHAM EDWARDS replied:

The Albany Shire is responsible for fire control of the Down Road industrial land, via the agency of its Bush Fires Brigade.

ELECTIONS - ASHBURTON BY-ELECTION

No Government Funding Assurance

103. Hon P.G. PENDAL to the Attorney General representing the Premier:

In view of charges pending in the courts over the alleged misuse of a ministerial franking machine, will the Premier give an unequivocal assurance that no Government funds have been used to write to Ashburton electors in the past three months promoting the Government's cause?

Hon J.M. BERINSON replied:

In the course of normal Government business Government officers and Ministers write to a great many Western Australian businesses, organisations and individuals throughout the State, including the Ashburton electorate. If the member considers the normal conduct of Government business to be "promoting the Government's cause", then I am delighted but therefore unable to give him the assurance he seeks.

I can assure him, however, that all Labor Party campaign material has been funded by the Western Australian branch of the Australian Labor Party. I would hope that in turn, a similar assurance will be forthcoming from the Leader of the Opposition. I am not heartened, however, by a copy of a campaign letter I have received, which is printed on what appears to be Parliament House Leader of the Opposition letterhead. I would hope that this is in fact an imitation letterhead printed and posted at the expense of the Liberal Party and not the taxpayer.

QUESTIONS WITHOUT NOTICE

POLICE - JUVENILE RELATIONS *Harassment Reports - Support for Police Officers*

32. Hon GEORGE CASH to the Minister for Police:

I refer to articles published in today's *The West Australian* which imply that some police have not acted with absolute propriety in their dealings with juveniles. Will the Minister join with the Opposition and indicate his support for the many police officers in Western Australia who work beyond the call of duty and who would not wish to be associated with any of the references that are published in today's newspaper, and on whom we rely to protect the public from lawbreakers?

Hon GRAHAM EDWARDS replied:

I thank the Leader of the Opposition for the question because it gives me the opportunity of responding on behalf of those police officers who, by and large, serve the State exceptionally well. I have no difficulty in supporting or defending those officers. We have to take the opportunity of looking at the report - although I regret having to use that word because it is not a report; it is a discussion paper and should be taken as a discussion paper - because it makes the disclaimer that much of what is contained in it is anecdotal and unsubstantiated. It is unfortunate that, because a number of the cases to which the discussion paper refers go back quite some time, it is very difficult to deal with them after the event. I suppose in many respects what is contained in the discussion paper could be seen as a grab bag of dissatisfaction from some sections of the community. It is important that we try to sift through the paper and decide what is vexatious and what needs to be dealt with. For that reason, I intend to refer the discussion paper to the Commissioner of Police for his comment, and also to the committee that I am, coincidentally, in the throes of establishing to address the whole question of police-juvenile relations.

I am not trying to turn this answer into a ministerial statement, but the question was rather long and I need to be a bit expansive in my answer. I was greatly encouraged to see in the discussion paper the support that was recognised and given by all members of the various parties who sit on the Select Committee into Youth Affairs for the community policing initiatives that are now being undertaken in Western Australia. Those initiatives are doing much to bring together police officers and young people, and are very valuable. I would like the committee that I am putting into place to look at those sorts of initiatives, and to give me some advice about which initiatives it sees as most worthwhile and which initiatives we should give greater support to. I was pleased also with the comments about the school based police officers because too many young people do not come into contact with the police unless it is in the course of the police doing their duty, and sometimes young people do not see the real, human face of police officers and do not get to know them well enough. The school based police officers have a great role to play in turning around much of this perception within the community.

The fact that this has been put forward as a discussion paper gives me hope that we can address some of the positives and get on with looking at what support we need to give to police to enable them to improve further the very good initiatives upon which they are embarking already. I have no difficulty, therefore, in responding positively to the point made by the Leader of the Opposition.

POLICE - REGIONALISATION OF TRAFFIC PATROL PROPOSAL *Manpower Increase or Decrease*

33. Hon W.N. STRETCH to the Minister for Police:

Will the Minister indicate to the House whether the proposal to regionalise traffic control will lead to a greater or a lesser number of general duties and

traffic police officers in the country; that is, outside the metropolitan area and the major provincial cities and towns?

Hon GRAHAM EDWARDS replied:

Greater. However, I will be in a better position to expand upon that when the House resumes after the recess next week.

POLICE - REGIONALISATION OF TRAFFIC PATROL PROPOSAL

Status

34. Hon MARGARET McALEER to the Minister for Police:

Does the proposal for the regionalisation of the traffic patrol still have the status of a proposal or will it happen regardless? I understood from the regional traffic meeting at Kalbarri the other day that there was still some room for negotiation on this matter.

Hon GRAHAM EDWARDS replied:

It is very much the way the police want to go with their planning and implementation of planning in country areas. It will not happen overnight, of course, but will be phased in over a number of years. Therefore, while it is very much the way the police want to go, there is still an immense amount of room for discussion and negotiation at the local level. Overall, it is a good concept and one which I will be pleased to advise the House on further in a couple of weeks.

GUARDIANSHIP AND ADMINISTRATION ACT - PROCLAMATION DELAY

Amendments Reason

35. Hon MAX EVANS to the Attorney General:

In respect of the Guardianship and Administration Act 1990, which was assented to on 7 September 1990 but will not be proclaimed until 1 July 1992, can the Attorney General explain whether the reason for the delay from 7 September 1990 to 1 July 1992 is the amendments that he introduced the other day; and, if so, why has it taken so long to introduce those amendments?

Hon J.M. BERINSON replied:

This tribunal is a very new institution from the Western Australian point of view and there has been a need for a great deal of preparation. It was only in the course of that preparation, which included consultation with equivalent bodies in other States, that the need for the amendments that I moved this week emerged. Frankly, until that stage it was not apparent that the demand on the chairperson of that tribunal would be likely to be so great that it would take the whole time of a Supreme Court judge rather than part time, and in many respects unnecessarily. Other measures, however, have had to be adopted, including the selection of the public guardian and arrangements for proper accommodation and administration of the board. The date of 1 July was set eventually in order to fix a very firm date beyond which there would be no doubt. All of that is proceeding on the basis that we can get sufficient cooperation in this House and in the Assembly to ensure the passage of the Bill in good time.

WESTERN AUSTRALIAN CRICKET ASSOCIATION - TOBACCO CONTROL ACT EXEMPTION

36. Hon MAX EVANS to the Minister for Sport and Recreation:

- (1) When does the present exemption under the Tobacco Control Act for the Western Australian Cricket Association expire?
- (2) Has the Minister given a further exemption to the WACA for next season's Sheffield Shield international matches sponsored by Benson & Hedges? If not, will he give an exemption?
- (3) If so, will the Minister for Health give an exemption?

- (4) If no exemption is given, what will be the impact on cricket in Western Australia?
- (5) By what date does the Australian Cricket Board require an exemption?

Hon GRAHAM EDWARDS replied:

(1)-(5)

The main part of the question should be delivered to the Minister for Health, so I suggest the member place the question on notice. I will confer with my colleague, Hon Keith Wilson, and provide the answer. The member should keep in mind that in part he asking for a judgment.

POLICE - NANNUP POLICE STATION

Lake Jasper Juvenile Recidivist Program - Manpower Increase

37. Hon W.N. STRETCH to the Minister for Police:

- (1) Has the Minister been requested to appoint extra police to the Nannup Police Station as a result of the Lake Jasper juvenile recidivist program? If so, what is his response?
- (2) If not, will the Minister insist that if the program goes ahead at Lake Jasper as planned the one man police station at Nannup be upgraded with extra staff to cope with the perceived threat to the community?

Hon GRAHAM EDWARDS replied:

(1)-(2)

As the member knows, as the Minister for Police I am not the person who makes decisions on police deployment. I will, however, take note of the question and discuss the matter with the Commissioner of Police. I will get back to the member on his question.
