

# Legislative Council

Wednesday, 3 August 1983

The PRESIDENT (Hon. Clive Griffiths) took the Chair at 4.30 p.m., and read prayers.

## PUBLIC SERVANTS

### *Industrial Awards and Agreements: Petition*

On motions by the Hon. V. J. Ferry, the following petition bearing the signatures of 4 493 persons was received, read, and ordered to lie upon the Table of the House—

To the Honourable the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

- (1) The humble Petition of the undersigned citizens of Western Australia respectfully sheweth grave concern at
  - (a) the intention of the State Government to legislate to provide a law overruling industrial awards and industrial agreements registered with the Public Service Arbitrator;
  - (b) the refusal of the State Government and the Minister for Labour and Industry to allow access to arbitration on the merit of a claim for an increase in Public Service salaries.
- (2) Your petitioners protest in the strongest possible terms at this blatant attack upon the awards of the courts and in the interests of justice and equity humbly request that the Houses of Parliament deny the legislation sought.
- (3) Your petitioners protest at the Minister for Labour and Industry and the State Government refusal to allow the merit of an industrial claim to be dealt with by the Statute established Arbitration Courts and humbly request the Houses of Parliament to use its power to enable salary justice to be determined by an independent party to proceedings.

And your petitioners in duty bound will every pray.

(See paper No. 196.)

## QUESTIONS

Questions were taken at this stage.

## BILLS (3): INTRODUCTION AND FIRST READING

1. Petroleum Pipelines Amendment Bill.  
Bill introduced, on motion by the Hon. Peter Dowding (Minister for Mines), and read a first time.
2. Highways (Liability for Straying Animals) Bill.
3. Dog Amendment Bill.  
Bills introduced, on motions by the Hon. J. M. Berinson (Attorney General), and read a first time.

## SITTINGS OF THE HOUSE

### *Days and Hours: Motion*

HON. D. K. DANS (South Metropolitan—Leader of the House) [5.23 p.m.]: I move—

That notwithstanding S.O. 52 and commencing with the sitting of this House on Tuesday, 16 August 1983, the times at which this House meets for the remainder of the current session be 2.15 p.m. on Tuesdays and Wednesdays and 10.45 a.m. on Thursdays.

The history of the sitting times for the House has been regulated and maintained largely from circumstances which were endured by our predecessors during the last century. It is interesting to note that, while there does not appear to be any set times laid down for the commencement of sittings in those early days of the Legislative Council, the *Parliamentary Debates* of 1881 shows that sittings took place on Monday to Friday, as required, generally at 7.00 p.m. No doubt such times were to accommodate country members who would remain in the city throughout the particular part of the session; and, of course, to enable city members to attend to their private business during the day.

However, times have changed dramatically over more recent years since the advent of adult franchise for Legislative Council elections, equal salary entitlements for all members of Parliament, and the rapid advancement in the means of transport. In other words, we now take on being a member of this Chamber as a full-time occupation and the conduct of parliamentary work is no longer a part-time, after hours sideline.

Continuing with a brief outline of our sitting times, I indicate that from 1891 until about 1900 the House met by adjournment motion on a day-to-day basis, usually Tuesday, Wednesday, and Thursday, but at varying times. From about 1901 until 1907 the House met on Tuesday,

Wednesday, and Thursday by sessional order at 4.30 p.m. each day. In 1907, the House adopted a revision of Standing Orders, including a provision for meetings to be held at 4.30 p.m. on Tuesday, Wednesday, and Thursday.

Our present Standing Order No. 52 was adopted in 1961 and provided for the sitting times to be 4.30 p.m. on Tuesday and Wednesday and 2.30 p.m. on Thursday, although for a number of years prior to 1961 a special adjournment motion on Wednesday ensured that the House would meet at 2.30 p.m. on Thursday.

I am hopeful that the House will adopt the sitting times mentioned in my motion. One has to remember that the other place has adopted similar hours and that, up until the time of the last session, this Chamber found no problems attached to sitting hours similar to those of the Assembly. To adopt any other hours would place a great deal of strain on the business of answering questions, for a start.

Hon. A. A. Lewis: There could not be more strain than there is now.

Hon. D. K. DAns: I do not want to get into a verbal slanging match with Mr Lewis. We are trying to answer questions as fairly as possible. If one set of Ministers are in Parliament at 2.30 p.m. on some days and 10.00 a.m. on other days in the future, it will be impossible to answer questions in a short space of time. I hope members opposite bear that in mind.

In other States the sitting times for the Legislative Councils vary. In New South Wales the Legislative Council meets on Tuesdays and Wednesdays at 4.30 p.m. and on Thursdays at 2.30 p.m., and only very rarely sits after tea. In Victoria, and operating under sessional orders, the Legislative Council sits on Tuesdays at 3.00 p.m. and on Wednesdays and Thursdays at 11.00 a.m. The Legislative Council in South Australia sits on Tuesdays, Wednesdays and Thursdays at 2.15 p.m. The Legislative Council in Tasmania sits on Tuesdays at 1.30 p.m. and on Wednesdays and Thursdays at 2.30 p.m.

I commend the motion to the House.

HON. I. G. MEDCALF (Metropolitan—Leader of the Opposition) [5.28 p.m.]: I listened with some care to the comments of the Leader of the House in introducing his motion to alter the times of sitting of the House. Indeed, I have the advantage of his having informed me some 10 days ago that it was proposed that such a motion would be brought before the House. Therefore, I had the opportunity to confer with some members on my side to ascertain their views on this subject. As a result of that, I have informed the Leader of

the House that the members to whom I spoke were not prepared to agree to the changes. I will give the reasons that I am unable to agree to the motion in its present form, and I indicate now that I will propose an amendment.

It is not sufficient merely to say that something or other was the practice adopted in 1890 and it therefore ought to be changed today. The Leader of the House made it quite clear that things have changed vastly since that time and whereas previously there was perhaps justification for members being part-time members, that justification does not exist today. Indeed, I doubt that any member of this House regards himself as a part-time member of Parliament. If such a member can be found, I would like to hear from him. It would certainly mean he was not doing his duties as a member of Parliament. I do not believe any member of the House would regard himself as a part-time member in the sense used by the Leader of the House.

Members no longer consider themselves to be part-time, due to the fact that legislation has become far more complex. Far more Bills come forward these days for attention; far more things have been found to occupy the time of members of Parliament. This being so, we need more time than was previously the case in order to consider the business of the House. This means that we need more time between formal sittings of the House.

Very good reasons can be found to show that we should not hurry legislation through this House. I am sure all members would agree that legislation should not be hurried through under any circumstances. Occasionally there are good reasons for dealing with matters with some expedition. For example, at the present time five Bills are before the House and we have agreed that they be given priority over the Address-in-Reply. Indeed, we have already passed the Firearms Amendment Bill; we expedited it and agreed to its passage forthwith through all stages on the one evening because of the urgent situation which the Government outlined in relation to the breeding of starlings in the Esperance district. Clearly, other situations occur in which it is desirable for the business of the House to be expedited. That also applies to some revenue Bills. On some occasions supply, revenue and other Bills have been dealt with expeditiously for particular reasons.

We can always arrange to attend with considerable speed to the passage of particular legislation, but we should not shorten our parliamentary time in normal circumstances. We must have time to consider legislation properly. Members of the Opposition do not have any advisers on their payroll;

they do not have the facilities which Government Ministers have, and I speak with some knowledge, having been a Government Minister. Therefore it is necessary that private members of Parliament do their own work. There is nothing wrong with that, but it does take time. I found it was not easy to meet the deadlines of this week—even at this very early stage. For example, yesterday I had a committee motion to move. Today I am speaking on another motion. The Business Franchise (Tobacco) Amendment Bill is very important and will be before the House tonight. The Address-in-Reply is also on the notice paper and members who are speaking on more than one of these proceedings of the House find that there is a considerable call on their time between the formal sitting hours of the House.

Hon. Peter Dowding: We know the feeling well.

Hon. I. G. MEDCALF: I am pleased that the honourable Minister agrees with me. I think I should chalk that one up.

Hon. Peter Dowding: Not as to your conclusion but as to the demand!

Hon. I. G. MEDCALF: I still think I should chalk that one up. The honourable member has agreed with me.

Hon. J. M. Berinson: It might put your position in jeopardy.

Hon. I. G. MEDCALF: It is obvious that every clause and every line of a Bill should be studied, read, and examined in the light of the Act that it amends. This often requires a comparison with other legislation. It requires an examination of the second reading speeches in the other House, a perusal of the *Hansard* debate and often a reference to some person or body outside the House; it may be a local authority or another authority or a person who may have special knowledge of a particular matter. I am repeating things that every honourable member knows and does on the occasions on which he is particularly interested in a Bill. Most of us carry out this procedure in respect of the majority of the legislation that comes before Parliament.

[Resolved: That motions be continued.]

Hon. I. G. MEDCALF: Members who have made speeches—and that of course applies to all members of the House; because even the new members have made plenty of speeches on other occasions—know very well how much time must be devoted to the preparation of what might result in only a few minutes or perhaps half an hour of speaking. I do not know if members have timed it, but I did on one occasion. Of course, it depends on the particular address one is making, but I can recall once spending eight hours on a 20 minute

speech. That might seem ridiculous—perhaps I am a slow learner—but anyone who has devoted his time to making a speech would agree that a lot of time must be allowed for preparation.

Therefore, it is important for members of Parliament to have the time in between the sittings of the House in which to do their work. One usually spends much more time in the preparation than in the delivery of a speech; it is an obvious fact, but it must be pointed out. In our case, of course, we now have to prepare our own speeches; although even Ministers should prepare their own speeches. If they do not prepare their own second reading speeches, they most certainly have to go through them very carefully and edit them and change them. I would be most surprised if the current Ministers are not finding that they have to do exactly the same thing. That certainly applies to all members, all back benchers and members other than the three Ministers of the House. I do not believe that the average member of Parliament would be happy not to do his own work or that he would want to be regarded as a mere cipher or figurehead with somebody else doing the work for him.

In a way I am surprised that this motion in its present form should be before the House in view of the fact that I have mentioned that we can agree on some compromise basis. However, I suppose the honourable Minister has to proceed because, no doubt, he has received instructions and therefore we have to consider the motion which is before us today.

Time is absolutely essential to a proper consideration of matters before the House. That means time outside the sitting hours of the House. If these hours are crowded up our performance as members will deteriorate. Likewise, the performance of Ministers is liable to suffer and perhaps more members and Ministers will be absent doing other things during the time the House sits. One has only to go into the House in Canberra to see how few members and Ministers are present in the Chamber. It can sometimes be a shock to realise that while Parliament is allegedly sitting some members are just jolly well not there. We do not want that to happen in this House. Parliament should be strengthened, not weakened.

I make the point also that there is a need for meetings of members between sittings of the House. Members cannot work in isolation; they often need to meet frequently and have the benefit of hearing the views of others, including members of the public and their constituents. They often want to discuss current legislation with them, and this is an important part of a member's duties. We must remember that we are only here

as representatives of other people; we are not here in our own right. We must discover the reaction of our constituents and the public to the proposals which come before us in the business of the House. In addition to that, we have standing committees of the House, including Select Committees appointed from time to time, and we must allow for country members being in their own electorates for part of the week.

The proposal before us means that virtually all these committee meetings would have to be held on a Wednesday morning and that would be very difficult, particularly with a joint committee which would have to hold its meetings on a Wednesday due to the alteration in the sitting times of the Legislative Assembly; hence there would be not only a tremendous demand for limited premises, but also difficulties in crowding in committee meetings on the one morning of the week.

Country members of the Legislative Council need to service their electorates and this applies, of course, equally to Government country members as it does to Opposition members. They must spend part of each week in their electorates and this necessarily cuts down the time available to them in Parliament. They hope to strike a balance in the times allotted to their electorates and their duties in the House.

While it is easy to say this has been the position since the 1890s or the 1900s, this balance has been struck by history and it should not be changed unless there is very good reason. We should not change the system just because it is hallowed by time, or because it is now 50 years on. That is not a satisfactory reason. There must be a tangible reason.

I do not believe that any reason has been shown to us by the Leader of the House. I also believe that city members must have some regard for the problems and the travel requirements of country members. I do not see that there is a pressing need for Legislative Councillors to sit at the same time as the Legislative Assembly. No adequate reason has been supplied for that, other than the fact that we would be coinciding the times. That is not a reason; it is just stating the proposition.

Indeed, some good reasons exist for sitting at different times. To begin with, there are fewer members of the Legislative Council than there are members of the Legislative Assembly and hence the business of this House, traditionally, and on the whole, has been dealt with more expeditiously. Certainly, we do need time to consider any changes which may occur in legislation, as frequently happens, in the course of its passage through the Legislative Assembly.

It has been found that we have not had to sit on a Thursday on several occasions in times gone past and in those circumstances there does not seem to be any particular justification for sitting earlier on a Thursday. The afternoon has proved to be quite adequate when it has been necessary to sit on a Thursday. Of course, it was only in the early stages of a session that we did not sit on a Thursday to enable country members to get back to their electorates earlier than they would otherwise have done.

Finally, I repeat that we can always make changes later in the session, or towards the end of the session and have earlier sittings if we need them for some particular reason. There has never been any trouble about that. It has been traditional by arrangement between the Government and the Opposition and there is no reason in the world that we would not agree to it, just as the Government when it was in Opposition agreed with us in relation to the fixing of the times for special reasons.

Although I am opposed to the motion, I do wish to move an amendment to it. I indicate that we would be agreeable to certain changes to assist in accommodating the Government. For example, we would be prepared to meet early on Wednesday at 2.15 p.m. instead of 4.30 p.m. and on Thursday at 2.15 p.m. instead of 2.30 p.m. There seems little point in leaving it until 2.30 p.m. I find Tuesday afternoon and Thursday mornings extremely valuable and necessary times at this stage.

If the situation should change we would be prepared to have another look at it, but no convincing reason has been put forward so far to indicate that we should agree to the motion in its present form. I believe that my suggestions are desirable as a compromise between the hours requested by the Government and the alternative of leaving the hours as they stand at present. It is desirable as a compromise motion and I believe it ought to be acceptable to country members on both sides of the House.

#### *Amendment to Motion*

I move an amendment—

Delete the passage after the word "session" with a view to substituting the passage "be 4.30 p.m. on Tuesdays and 2.15 p.m. on Wednesdays and Thursdays".

HON. G. C. MacKINNON (South-West) [5.44 p.m.]: In supporting the amendment, I wish to add a few words to the comments of the Leader of the Opposition. I listened with a great deal of interest to Mr Dans when he brought this matter forward, because sitting times have been the sub-

ject of discussion for as long as I have been a member of this House. Some of his comments were accurately researched. Strangely enough, if we go back far enough in the history of this Parliament we find the fact that people living in a country area immediately necessitated their remaining in Perth for the entire session.

Hon. D. K. Dans: I am leaving that bit for last.

Hon. G. C. MacKINNON: One of the tragic victims of that system was Bert Styants, who—quite apart from stopping the gold stealing—moved to Perth and was defeated for pre-selection by Tom Evans. That was in the same year that I came into Parliament. Bill Grayden, Tom Evans, and myself came into this place on the same day in 1956. Quite a few members moved to Perth to obviate the difficulty of travelling. Indeed, there was a property on the hill in which those members were accommodated.

Hon. H. W. Gayfer: Was it a fact that when he came down here gold stealing stopped in Kalgoorlie?

Hon. G. C. MacKINNON: Mr Gayfer does not lose his wit. No, Bert Styants was the Minister for Police when he successfully stopped gold stealing.

It does not serve much purpose that other Parliaments do this, that, or the other; it only proves that their systems are different. What I would like Mr Dans to explain is how we will cope with the other changes that flow from this change. For instance, the Government is seeking to change the system of answering questions.

Hon. D. K. Dans: That will probably change in any case.

Hon. Garry Kelly: It has changed already.

Hon. G. C. MacKINNON: It is a matter of great concern and I would suggest that members read the debate relating to the absolute sanctity of answering questions, which took some time and in which the Hon. Peter Dowding and the Hon. Bob Hetherington participated.

It will not be possible for Ministers to continue the practice of answering questions which has existed in this House for many years. We must change it. Mr Dans said nothing about it, and he is a sincere and honest man; therefore, I have no doubt that it has slipped his mind.

Hon. D. K. Dans: No, it has not. I have discussed the matter with my leader and I will discuss it in my reply.

Hon. G. C. MacKINNON: The Hon. Des Dans will discuss it because I have brought up the matter.

Hon. D. K. Dans: You are getting old and feeble and deaf.

Hon. G. C. MacKINNON: Mr Dans keeps bringing up the point that I am old and feeble, but I am not getting fat and stupid like he is. Every time I speak in a debate, I am subjected to personal abuse and to the cruel words that Mr Dans uses. For example, last year he said that I was like an older player going back to play football. If he wishes to bring the debate to that sort of level, I can be just as cruel as he. I have just as good a tongue as he.

Hon. D. K. Dans: Even more so.

Hon. G. C. MacKINNON: I stood up absolutely determined to give the House the benefit of my years of experience, and not to enter into a stupid haranguing match with Mr Dans.

The PRESIDENT: Order!

Hon. G. C. MacKINNON: I want to point out that many serious problems will arise for the members of the House if this motion is passed. Mr Dans failed to explain those problems in his introduction of the motion. It is evident that a change will occur in the pattern and nature of this Parliament.

We have witnessed an interesting and complete metamorphosis of the Australian Labor Party. In my life-time I have seen a great change, from what I refer to as the "Joe Chamberlain principle-before-power Labor Party", to the "Bob Hawke victory-is-all Labor Party".

Mr Dans need not look so bemused; he is so far ahead of me that it does not matter.

Several members interjected.

The PRESIDENT: Order! I ask the members who are interjecting to cease their interjections, and I suggest to the honourable member that the motion before the House is that the words proposed to be deleted be deleted.

Hon. G. C. MacKINNON: What we are seeing is a metamorphosis of the entire procedures of Parliament under cover of a change in the sitting hours. I suggest that Mr Medcalf has gone too far in his amendment because, in his experience, he would undoubtedly understand, as an ex-Minister—I am sure he would have consideration for the current incumbents—the difficulty Ministers will have in sorting out the questions and vetting the answers.

I agree that the Government has employed an inordinate number of advisers, and maybe Mr Dan's reply is that among other things to keep them busy the advisers will tell the Ministers when it is time to have a cup of tea. However will the Ministers cope with their duties if sitting

hours are altered? There are many unanswered questions in relation to this proposal. I do not think that it is proper, fair, or reasonable for Mr Dans to suggest these changes without telling us about the changes which will flow from them.

I know it is somewhat difficult for the newly-elected members and those members who have not held a portfolio to understand the pressures on a Minister. I am quite sure that Ministers of the new Government are at work quite early in the morning.

It has always been so that newly-elected Governments—especially after being so long in the wilderness as has the Australian Labor Party—have a lot of catching up to do; so they are busier still.

Hon. Robert Hetherington: They have to catch up on their legislation too.

Hon. G. C. MacKINNON: Of course, that follows and it is only natural after a party has not been in Government for many years. This Government has been in power for only three years out of 12. The Labor Party would have been keeping notes on the legislation it would like put through this House and, of course, it wants its programme implemented immediately. Members opposite consider that this State has been unjustly run, even though we say it has been well run because we have been running it. However, the Government now wants a change and I can understand that. I believe it has been misguided.

The point I am making is that we as members of Parliament, want to operate, as Mr Medcalf said, in the way in which we have habitually operated.

What the Government does in Victoria is its business; that Parliament has adapted to a different system. I do not know what the practice is in Victoria because I am not a member of the Parliament of that State. However, I have been a member of this Parliament for 28 years and during part of that time I have been a Minister, so I am accustomed to our system. I am not saying that I am so accustomed to it or in love with it no changes should be made, but it would be far more reasonable if Mr Dans were to advise the House of the changes that will take place. I would expect the leader of this Chamber to pose the first question, but he is not smart enough to pose the second question. However, he could go as far as the third. What I mean is that the leader should tell us that if we did such and such the following would result. He could at least tell us how we would cope with the change.

Another question that I would like to ask is this: If these changes are adopted, when will we

have time to hold meetings in order that we can look at various Bills?

For instance, will the Minister allow a draftsman to be present during all debates in order to ascertain the changes that should be made?

Hon. H. W. Gayfer: He does not have to. There are speakers in the rooms and members can listen to the debates there.

Hon. G. C. MacKINNON: Mr Gayfer is luckier than I because I do not have a speaker in my room. I do not know what I did to upset the House Committee or the President. However, I am pleased that some members do have them in their rooms.

It is not unusual in some Parliaments to obtain the advice of experts in the Chamber, or certainly in the building. We do not have this facility available to us. In many Parliaments that I have visited Government officers sit in the President's Gallery in order that members of Parliament can discuss with them points that arise during debates.

Some Bills that will come before this House will be complicated and I would like to know when we will have the time to seek the information we would require. Mr Medcalf has already advised the House that we do not have available to us the help that is available to the Government. We do not have the array of advisers that the Australian Labor Party has. However, that is a different debate and I do not enter into it at this time.

Several members interjected.

Hon. G. C. MacKINNON: The Government has moved all civil servants sideways in order that the Government has advisers to run this country.

Several members interjected.

Hon. G. C. MacKINNON: That was tried in British Columbia in the 1970s. The Labor Party was just as suspicious as this Government and it did not last long in power.

Hon. P. G. Penda: How long did it last?

Hon. G. C. MacKINNON: It lasted for only three years.

I accept the proposition that we must keep up with the times and, in order to do this, we must have changes. On a previous occasion I have said that our slavish adherence to attendance in this Chamber must disappear, and it will disappear. It does not happen anywhere else in the world. I went into the Legislative Assembly earlier today and I noticed that not many Government members were present.

Hon. D. K. Dans: You are becoming a regular tittle-tattle.

Hon. G. C. MacKINNON: The current procedure will change and I have no objection to that. However, what I object to now is that we are debating a motion and the subsequent amendment that certain words be deleted and other words be substituted; but the principle of the argument remains much the same. My real beef is that Mr Dans has not advised us fully of the changes that will be made. He has learnt this trick already from Mr Dowding. All we have learnt so far is that we are to commence sittings at a different time. That is utter rubbish, because what the Minister is setting out to do is to change the whole nature of the procedure of this House. I do not mind if he wants to do that.

Hon. Fred McKenzie: You have a suspicious mind.

Hon. G. C. MacKINNON: I have gained it from my 28-year association with members of the Labor Party. Mr President, you would have been amazed at me when I first came into this place, because I did not have an ounce of suspicion in me.

Several members interjected.

The PRESIDENT: Order!

Hon. G. C. MacKINNON: It is incumbent on Mr Dans to advise the House of the ramifications of this little change when he replies to this debate.

Hon. D. K. Dans: We would have more time at home and more time for studying Bills. I will tell you about it later.

Hon. G. C. MacKINNON: I think it would be only fair if the Leader of the House seriously addressed himself to the changes that this alteration will make, and then we would be in a position to consider the matter in a different light. Perhaps the Minister will change the system so that questions are answered only once a week. Is this one of the changes the Minister has in mind? I will bet this matter has been discussed in Cabinet in an endeavour to get out of answering questions. Members of the Government are afraid.

Hon. D. K. Dans: I have spoken to Mr Medcalf about it.

Hon. G. C. MacKINNON: Until I know the full ramifications, I will support the amendment.

*Sitting suspended from 6.00 to 7.30 p.m.*

HON. H. W. GAYFER (Central) [7.30 p.m.]: "More time at home" were the exact words used by the Leader of the House when he indicated his reasons for introducing the proposed new hours contained in the motion.

Hon. Tom Stephens: "To research Bills", he said.

Hon. H. W. GAYFER: Those were his very words. If those words are not in *Hansard*, I cannot explain the reason, but I certainly heard them expressed in that way. I had no intention to rise to my feet in this debate until I heard the Leader of the House say that.

Hon. D. K. Dans: But you always say that.

Hon. H. W. GAYFER: All I can say is the Leader of the Government is lucky he has a home to which to go when the House is not sitting, because for two or three nights of the week, many country members do not have a home to which to go. Perhaps they have a hotel room to which to return. However, country members do not begrudge the time they spend in the House. They do not look to spend the time instead relaxing at home or doing whatever they do there.

Hon. D. K. Dans: I am getting too fat for that, Mick!

The PRESIDENT: Order!

Hon. H. W. GAYFER: Members of the Government have no idea what it is like to service a country electorate. Really and truly, Mr President, Government members are talking out of the backs of their heads. They do not understand that the average country member—

Several members interjected.

Hon. H. W. GAYFER: It is all very well for members who leave their electorates and move to Perth to live; but the average country member has two days a week to spend in his electorate.

Hon. D. K. Dans: I want to give you more time at home.

Hon. H. W. GAYFER: The Leader of the House should listen to what I have to say and see whether he can counter it. The average country member has two days a week—Mondays and Fridays—to spend in his electorate. On those days he is able to contact schools, shire councils, and other instrumentalities which work five days a week. He then has Saturday and Sunday during which to contact sporting clubs, meet social commitments, etc.

Central Province covers 12 000 square kilometres. From where I live it is 300 miles there and back to Dalwallinu; it is 280 miles there and back to Bencubbin; it is 200 miles there and back to Southern Cross; Merredin is one of my closest suburbs and it is 150 miles there and back; it is 180 miles there and back to Northam; it is 160 miles there and back to York; and it is 80 miles there and back to the very closest town, Quairading.

The Government has no comprehension of the amount of travelling which must be done by country members. Members opposite might ask, "Well, why come home on a Monday night? Why don't you go right through?" The answer to that is that we want to have more time at home, too. That is why we try to get home on Monday and Friday nights; we want to be with our families and we have as much right and entitlement to that as any other man who is working for a living.

Government members: Hear, hear!

Hon. H. W. GAYFER: If a country member is to service his electorate, he needs at least the ability to spend Monday and Friday nights at home. If he has Monday night at home, he must travel to the city on Tuesday morning. That gives him enough time to look at the accrued business in his office here, if he does not have an electorate office. Alternatively, it gives him time to prepare for debate in the House. He also has to attend party and committee meetings on Tuesday afternoon, therefore he has little time to spare before the House sits at 4.30 p.m.

The same situation applies on Wednesdays. It is a concession that the House sits at 2.30 p.m. on Thursdays. It is a concession; it is not something which will do any of us any good, because we want to get into this place and work as long as this place is open in order to do the work.

We in the country have an axiom that when someone wants to get a job done—when one wants to plough a paddock or something of that nature—one works until the job is finished. One does not go home during the night when it is time one should enter a debate.

I draw attention here to Parkinson's law which says in effect that the speeches will be as long as time allows.

Hon. Peter Dowding: And that is infinity.

Hon. H. W. GAYFER: The earlier we are here in the morning, the longer the debate will be.

Hon. Peter Dowding: The honourable member would prove himself right.

Hon. H. W. GAYFER: As an Opposition we have done one thing wrong; that is, we did not agree to sit on Thursdays at 10.45 a.m. If we did that, once the Ministers got rid of their arrogance, they would realise they have a job to do. They have a difficult job and they will get frustrated. Even Mr Dowding will be going up the wall very quickly instead of trying to contain himself as he is doing at present. Members should mark my words: there would be a different atmosphere in this House if we met at 10.45 a.m. on Thursdays.

Hon. Peter Dowding: Come on! You want it and we will take it!

Hon. H. W. GAYFER: In deference to the Minister's health I believe we should sit at 2.30 p.m. on Thursdays; however, this bears thinking about, because I am sure the Minister for Mines will be heading for a nervous breakdown.

Seriously, Mr President, I firmly believe that, in order to cover my electorate which has 28 shires, I need as much time as I can get out in the bush and that situation should apply to all country members. If a crisis occurs and it is necessary to see somebody, and if demands are placed on our time on Tuesday or Wednesday mornings, they should not be such that we do not have the ability to drive to one of our closest towns and back to conduct an interview. Such a visit could take approximately six hours. Time does not stand still out in the bush!

What does it matter to a city member when the House sits? He can get a pair, shoot out to a school or a shire council and have an interview, and return within an hour. Country members cannot do that sort of thing; therefore, the best we can do is come into this place and work as long and as hard as the body will stand it so that we can get out of the House and back into our electorates. That is what we need to do instead of thinking about going home early at night to look at television, Mum, or something like that.

Hon. D. K. Dans: I want to let you service your electorate.

Hon. H. W. GAYFER: Country members do not have Mum here to look at, so we are not very sympathetic in this respect.

You, Sir, might have guessed that I am not exactly in favour of the suggestion to lengthen the hours of this House. I would have found it quite interesting to sit at an earlier hour on Thursdays but only for the reasons I have outlined. I certainly hope that, after I have sat down, you, Sir, will give Mr Dowding an opportunity to help out his leader by giving him the call.

HON. PETER DOWDING (North—Minister for Mines) [7.39 p.m.]: I submit to this House and to you, Sir, that the amendment should not be passed, because none of the members who has spoken has really addressed himself to the facts. The Leader of the Opposition came closest to it by suggesting some reasons that—

Hon. A. A. Lewis: Didn't the Leader of the Government address himself to the motion?

The PRESIDENT: Order!



Hon. PETER DOWDING: The honourable member who interjected rarely addresses himself to anything substantive.

Hon. A. A. Lewis: You are insulting your own leader again!

Hon. PETER DOWDING: The realities of the sitting hours are these: In the last session of Parliament, we had 51 sitting days in a period of 21 weeks. Nine of those sitting days were Thursdays and, on three of those Thursdays we sat after 11.00 p.m. On 12 of the other sitting days we sat after 11.00 p.m. On the whole, we sat an average of 4.5 hours per sitting day.

The Government suggests here an appropriate way to deal with the business of government, which is not simply something in the nature of a gentlemen's club where we sit around, have the odd toddy, and a bit of a chat about our electorates; it is a House of Parliament where we are expected to deal with matters of high principle, although some members opposite choose to denigrate that aspect. The occupation of a member of Parliament is not simply to come into the House, have a chat in the evenings, and go back to his electorate during the day. As the Government, we submit the issues to be addressed here need to be dealt with during proper hours, at a proper time, by members who are awake and alert and attending to the issues.

When one looks at the average time spent in the House during the last session, one can see absolutely no reason exists for this House to sit until 11.00 or 12.00 p.m., or one, two, or three in the morning.

Hon. G. E. Masters: You usually walked out at midnight.

Hon. PETER DOWDING: There is no excuse for that sort of arrangement of business and it was not the wish of the Opposition of the day that we should start so late in the afternoon and continue debate all night. The reality is people in the electorates are entitled to expect us to attend to the business of the House during reasonable hours. During the 21 weeks of the last session, the House dealt with business on only nine Thursdays. Bearing that in mind, it is easy to see the arrangement of the hours of the House has nothing to do with efficiency or practicality. With great respect to the Hon. Mick Gayfer, it has nothing to do with the interests of country electorates.

As members well know, it has been the policy of the Government—this has been discussed quite openly and frankly with the Opposition—that we ought to sit two weeks on and one week off; two weeks on and two weeks off; three weeks on and

one week off; another three weeks on and one week off; then the last four weeks of the session. Such a programme would give members who represent remote electorates plenty of time to attend to business there on a weekly basis. We cannot design the interests of this House around the majority of the members of the Upper House who represent close country electorates like that of the Hon. Gordon Masters who represents the far-flung region of the outer metropolitan area; and—

Hon. G. E. Masters: You should know.

Hon. PETER DOWDING: —the Hon. Mick Gayfer. I have about as much chance of driving to my electorate and back before 2.30 p.m. as he has of doing some substantive work on a Bill.

Hon. Tom Knight: But you don't care.

Hon. PETER DOWDING: The reality of the matter is that we cannot simply pretend that we can pop off in the morning and service everyone in the electorates we represent. To suggest that we have a system of Government that depends on that sort of attitude indicates that the Opposition has no intention to try to modernise the form of the House; no intention to provide a system of government that is acceptable in most democratic societies where the members sit proper hours and the business of the House is conducted during those hours.

The reality is that the performance of members deteriorates, and if any member opposite thinks he looks good carrying on about legislation at 3.00 a.m., members of the public would disagree. There is no doubt the public are entitled to expect members of Parliament to be alert and awake when dealing with the issues here. That means members of Parliament should do their homework and speak on legislation in a sensible way. It does not mean addressing that legislation in the early hours of the morning.

If the hours proposed by the amendment were adopted we would sit at 4.30 p.m. on a Tuesday. However, the practice of the House, as members of the public may know if they read *Hansard*, has been to suspend the sitting for afternoon tea if the sitting commenced at 2.30 p.m. On Thursday afternoons we have actually risen for afternoon tea. The Government suggests that we sit at 2.15 p.m. on a Tuesday and sit until a reasonable hour to dispense with the business of the House; and on Wednesdays that again we sit 2¼ hours earlier. I do not expect that change will make a substantial difference to the people in either of the positions referred to by the two Opposition speakers when commenting in favour of the amendment.

The Hon. Graham MacKinnon is just against change; and the Hon. Mick Gayfer at least al-

leged that he had some reasons for not accepting the Government's proposal. The forms of this House will be better served if we adopt hours that represent a properly working House of Parliament, and not one which is designed to be a club for people to come to when they have knocked off work, and to sit here and have a nice dinner and chat with their mates about their electorates. It is far more important than that. The Government's view and my view is that it is entirely appropriate that the amendment not be accepted and that the motion put by the Leader of the House be accepted.

**HON. A. A. LEWIS (Lower Central)** [7.46 p.m.]: We have heard two Ministers speak on this subject. The first said that in previous years this House has followed the sitting hours of the Assembly. If he did not mean that, he should shake his head to let me know.

**Hon. D. K. Dans:** It was with the exception of the last sitting.

**Hon. A. A. LEWIS:** I have been a member in both places, and I have not noticed that this House follows the hours of the other. The Minister misled the House, because I know we have not followed the sitting hours of the Assembly. It is extremely interesting to note that in previous years when sitting times have been changed, they were changed only after agreement by both sides. Anybody who read the recent debate in the other place on the change in sitting hours will know that for the first time in the history of the Assembly, changes to the sitting hours were forced through that place. There was no consultation; the bully boys just forced through the changes, in the same way as certain people are trying to force those changes through this place. They will not be able to do so. This is the consensus Government we have been asked to believe is so good!

**Hon. Garry Kelly:** A good Government like we have had for the last nine years!

**Hon. A. A. LEWIS:** The Hon. Garry Kelly has not been here long enough. He does not understand because he has no knowledge of what has happened, and he cannot even understand what we are talking about now.

**Hon. Garry Kelly:** That's right.

**Hon. A. A. LEWIS:** That is right, and I wonder how he understands even English.

**The PRESIDENT:** Order!

**Hon. A. A. LEWIS:** His Whip will speak to him.

Mr Dowding told us a few moments ago that the proposed rearrangements have nothing to do with efficiency, and he wondered why we should

make such a fuss about the proposed change. I will mention the Leader of the House in a moment, but I will deal now with Mr Dowding. I love to do that because he is the man, a member of the Labor Party, who has disappeared often from this House to leave his colleagues to carry the bundle. He disappears to his electorate after floating in to this place and firing a few shots. On many occasions he has taken colleagues with him while he does a bit of electoral work in the north.

**Hon. Tom Stephens:** I am very indebted to him.

**Hon. A. A. LEWIS:** This messenger boy is one of the colleagues Mr Dowding occasionally takes with him. The Government must realise it has the responsibility to hold the House. Mr Dowding should not float in, race around, fire a few shots, and then leave to let everyone else carry him. During the last Parliament all of us who were here knew that when things got a little hot for Mr Dowding he disappeared to the north.

**Hon. Robert Hetherington:** That all seems like nonsense to me.

**Hon. A. A. LEWIS:** It may seem like nonsense to Mr Hetherington, but he knows it is true. Day after day he and his colleagues carried Mr Dowding.

**Hon. P. H. Lockyer:** With dignity!

**Hon. A. A. LEWIS:** They carried him with much dignity, and a sort of compassion which I did not think was possible for anyone to feel for someone who undermines his colleagues at every step he can.

**The PRESIDENT:** Order! I ask the Hon. A. A. Lewis to refer his remarks to the amendment to the motion, the amendment being that the words proposed to be deleted, be deleted.

**Hon. A. A. LEWIS:** I agree with that, and I am explaining why.

**Hon. D. K. Dans:** Thank goodness you have told us.

**Hon. A. A. LEWIS:** I will not mislead the House as did the Leader of the House when he spoke about previous sessions; and I will not mislead the House as did the Minister for Mines when he spoke of efficiency and so on. How would that Minister know anything about the efficiency of this House? He has never been here. Even last night he disappeared.

**Hon. D. K. Dans:** That was with my permission.

**Hon. A. A. LEWIS:** I am glad he had the permission of the Leader of the House. Mr Dowding may as well be sent out; he is no use to this place.

Hon. Robert Hetherington: That is a gross reflection on the Minister.

Hon. Peter Dowding: He is such a pathetic speaker that nobody is worried about it.

The PRESIDENT: Order! Will members cease their interjections. In that way the member on his feet may be able to conclude his remarks.

Hon. A. A. LEWIS: Mr Dowding spoke about the average of 4.5 hours a day we work. I may be a little simple—

Hon. Peter Dowding: You said it.

Hon. A. A. LEWIS: —and even as simple as Mr Dowding. He referred to the nine Thursdays we sat and the average of 4.5 hours a day. Why the blazes would we need to start at 10.45 a.m. on a Thursday?

Hon. Robert Hetherington: So we can go home early.

Hon. A. A. LEWIS: Now we get to the point. The Government is not worried about electorates or doing its job; all it wants to do is allow members to go home early.

The PRESIDENT: Order! I asked members to cease their interjections, and I asked the member addressing the Chair to ignore interjections and to proceed to talk about the question before the Chair if he wishes to continue to speak.

Hon. A. A. LEWIS: I wish to proceed to speak. I am glad you quietened down those unruly interjections. The points made by the Government did not follow any logical sequence.

Hon. Robert Hetherington: You wouldn't know.

Hon. A. A. LEWIS: That is an interesting remark coming from the Hon. Robert Hetherington because we have not heard from him yet. When he rises he might tell us why he believes the Government's points have followed a logical sequence. The Leader of the House told us we have always followed the sitting hours adopted in the other place, but he was patently wrong. Anybody who has studied this matter knows that the Assembly was bludgeoned into accepting a change of hours. The bully boys were at work again. Mr President, you need only to read the report of the debate in that other place to know that the bully boys were at it again. The Government can try to bully me as much as it likes, but all its members put together will not be able to change my position, whether they try to use force or so-called intelligent arguments.

Hon. Robert Hetherington: You are like a centurion tank.

Hon. A. A. LEWIS: I will refer now to the problems faced by country members. Mr Gayfer dealt with those problems extremely well.

Hon. Robert Hetherington: We are trying to look after the country members.

Hon. A. A. LEWIS: This Government cannot understand the problems confronted by country members.

Hon. Robert Hetherington: Don't tell us that!

Hon. A. A. LEWIS: If Government members understood the problems confronted by country members they would not talk the nonsense they do.

I refer now to the running of the House. City members are able to attend functions, school meetings or whatever they like to attend in their electorates, but country members are disadvantaged as a result of the distances they must travel. I ask members to consider the House Committee, which you, Mr President, chair with distinction. Meals and suppers must be provided, and many other functions must be carried out to cater for members of this Parliament. We have the Library Committee, the Printing Committee and the House Committee, all of which require a great deal of work to be done by members.

The amendment moved by the Leader of the Opposition would give members time to do the things around this House that must be done. Mr President, you and I know that Government members may not like some of the things done around the House, but you and I know about the tremendous amount of time it takes to get these things done.

Hon. Robert Hetherington: It always has.

Hon. A. A. LEWIS: That is correct, but the work done was not given recognition by the Government in proposing the motion. That is why the Leader of the Opposition had to move to delete certain words. I was disappointed with the Leader of the House; he has sat on a number of the committees. I know why the Minister for Mines raved as he did; he has never helped anybody in this House, he has helped only himself. He has always been involved in self-aggrandisement and promoting himself.

Hon. Robert Hetherington: Personal abuse is no argument.

Hon. A. A. LEWIS: It was interesting that the Leader of the House made remarks against Mr MacKinnon, so I see no reason for my not taking a leaf out of the book of the Leader of the House.

Hon. D. K. Dans: He defended himself.

Hon. A. A. LEWIS: It is the responsibility of the Government to hold the House, but at this

very moment there are not enough Government members to do so; they are out of the House, so it is left to the Opposition to carry on the business of this place.

Hon. Fred McKenzie: We have only 13 and you have 21.

Hon. A. A. LEWIS: I am not worried about that. If Government members want to claim the spoils of Government they must accept the responsibilities of Government. No use is served by their trying to talk about the numbers they have or do not have.

Hon. Fred McKenzie: Not with a rotten, gerrymandered system like we have.

Hon. A. A. LEWIS: The member should not remark about a Bill that has been introduced in another place.

The PRESIDENT: Order! The member is inciting the interjections and I suggest that if he wishes to proceed he should speak to this motion, to which he has barely made reference since he has been on his feet.

Hon. A. A. LEWIS: Well, Sir, I would hate to disagree with you—

The PRESIDENT: Order! If the honourable member wishes to disagree with me there is a procedure for doing so.

The Hon. A. A. LEWIS: Yes, Mr President. Can I just deal again with the responsibility of the Government: It is to hold the House.

Hon. Robert Hetherington: It is starting to sound like tedious repetition to me.

The PRESIDENT: Order!

Hon. A. A. LEWIS: Well, Sir, you have asked me not to answer inane interjections so I will not. What all of this has to do with the motion is that if we have these drastically altered hours the Government will have fewer members in their seats than it has now. That is the worry; the responsibility of government is probably too much for members opposite and that is showing up already.

We deal with debates of "high principle"—I think that is how the Minister for Mines referred to them—and we are dealing with no reason to sit all night. We will have times, even under this Government, when we will sit long hours. I do not think that altering the hours of sitting would make any difference to that.

I will refer to the last week of the Tonkin Government when, under the beautifully organised system of that Government—which the Hon. Mick Gayfer and I know about because we were in another place—the House sat from 2.30 p.m. on Tuesday to about 3.30 a.m. on Wednesday. It

then sat from 10.30 a.m. on Wednesday until 4.30 a.m. on Thursday and from 10.20 a.m. on Thursday until 5.15 a.m. on Friday, then from 10.30 a.m. on Friday until 6.00 a.m. on the Saturday. Now that was a Labor Government.

Hon. Garry Kelly: When did we have one of those?

Hon. A. A. LEWIS: It was during the Tonkin regime, the revered Tonkin, not the one we have now.

Hon. Garry Kelly: Are you calling him a bogeyman?

Hon. A. A. LEWIS: I do not think he is a bogeyman and I do not think he has the quality of John Tonkin.

The PRESIDENT: Order! Get back to the amendment.

Hon. A. A. LEWIS: I was quoting the hours we sat under that Government.

Hon. Garry Kelly: This is the Burke Government.

Hon. A. A. LEWIS: I am trying to address my remarks to the motion. The Minister for Mines was talking about hours and arrangements, but the point I am making to Mr Dowding is that I like the present arrangements and the present hours and they have nothing to do with the efficiency of the place. The member is a shaft in his leader's back because his leader has told us that all this was meant to be in the interests of efficiency. Again, of course, the Minister for Mines is taking over from his leader. He talked about deterioration of performance. I wonder if he remembers that, because when we had those late sittings Mr Dowding spent very little time here. He used to disappear, maybe to prepare for his second job the next day.

We want a proper working House. We want all members to have an opportunity to work within this environment and the amendment of the Leader of the Opposition will give us that opportunity.

Members know that in addition to the running of the House, country members have a great deal of electoral work to do. I would suggest that if the Leader of the House had a conference with the Leader of the Opposition he would agree to the amendment.

HON. I. G. PRATT (Lower West) [8.06 p.m.]: I support the amendment because if ever we needed a reason to delete these words we were given them very clearly by the Hon. Peter Dowding who crystalised the very essence of his party's attitude towards country people and country voters when he said that the sitting times

of Parliament had nothing to do with the interests of country electors.

Hon. Peter Dowding: Come on, get your quote right.

Hon. I. G. PRATT: He continued to say that we cannot design our hours around the interests of country members.

Hon. Peter Dowding: I said you could not design them around the ones close to the metropolitan area and ignore the remote areas.

Hon. I. G. PRATT: It seems the member is making as much of a mess of his interjection as he did of his speech.

Hon. Peter Dowding: Do not mislead.

Hon. I. G. PRATT: I am not misleading. The member can check *Hansard* if he likes. I would be quite happy for him to do that.

The PRESIDENT: Order! I ask the honourable member to ignore interjections and address his comments to the Chair.

Hon. I. G. PRATT: As I was saying, before I was rudely interrupted, the honourable member said the sitting hours of this House had nothing to do with the interests of country electors.

Hon. Peter Dowding: Rubbish!

Hon. I. G. PRATT: He continued to say that we could not design our hours around country members.

Hon. Robert Hetherington: Rubbish!

Hon. Tom Stephens: You know he didn't say that, so withdraw and go on.

Hon. I. G. PRATT: This is the level of integrity we are to expect from the Government members. I am not surprised. It is what I expected. If the member wishes to challenge me let us check the record. His comment clearly labels his attitude and his party's attitude to country people.

I represent an electorate which is not as far-flung as that of Mr Gayfer but one which stretches from Armadale to Australind. My electorate is one which can be travelled from one end to the other within two hours and it is an electorate in which the people expect me to travel.

Hon. Tom Stephens: And probably keep going, too.

Hon. I. G. PRATT: I guess one must feel an amount of pity for Mr Stephens and perhaps we might feel more if he stood up and made his own speech.

The PRESIDENT: Order! I ask the honourable member to ignore the interjections and to address his comments to the amendment and to the Chair.

Hon. I. G. PRATT: I am endeavouring to do that, Sir, and I thank you for your advice. The business we deal with in this House is not purely the business of the Government, it is also the business of Parliament and the business of representation. If the Ministers opposite stand up and suggest we have no rights in this House and that the country people we represent have no rights in this House—

Hon. Peter Dowding: Grow up!

Hon. I. G. PRATT: —then that view is completely unacceptable to me and I am sure it is unacceptable to other members who represent country people.

If this is the attitude that the Government expresses about country members and country electors then it is obvious, if we allow this sort of attitude to continue without having reasonable hours of sitting, we can expect in future representation will be dramatically diminished the country people will receive no consideration at all from this Government—if it is still in existence.

I often carry out electorate work on the morning of a sitting day, although it is for an entirely different reason than that put forward by Mr Gayfer. Nevertheless, it is one which deserves consideration while Mr Gayfer has to spend most of his time in the mornings of sitting days attending Government departments and making representations on behalf of his electors. I am able to do that on a Monday or Friday. However I do spend time travelling around my electorate. The suggestion that we should meet earlier on Thursday mornings would achieve two hours of extra sitting time but that time could be achieved quite easily with an extra 40 minutes spread over the three days we sit now.

It has been my experience that when we sit in the mornings we take longer to debate subjects; we do not get through our work any quicker. However, that extra time between 10.45 a.m. and 2.00 p.m. is valuable time to members in Mr Gayfer's situation and members in a situation similar to mine such as the Hon. Colin Bell, the Hon. Gordon Masters and the Hon. Neil Oliver. We are expected to be available for our electors just as Metropolitan members are expected to be available for their electors. As you know, Mr President, having represented the South-East Metropolitan Province for many years, although you have many electors you can call on them relatively easily because your electorate is smaller and electors have easy access to you. However, the situation is vastly different for Mr Gayfer and other country representatives. By changing the hours of sitting on a Thursday morning we will

reduce the opportunity for country electors to obtain the sort of representation they deserve from the people they elect to Parliament.

I support this amendment because there is a strong need for us to protect the rights of country people in this House, and I shall continue to do so.

**HON. TOM KNIGHT** (South) [8.13 p.m.]: I support the amendment moved by my leader and in doing so say that if it were left to me, I would leave the sitting times as they are. The amendment we have moved makes some concessions in favour of the Government.

I support the previous speakers because I represent a rural area also and what has been said about the service that should be provided for country electors is true.

On Tuesday, Wednesday, and Thursday mornings I spend my time contacting Government departments and Government Ministers on behalf of the people I represent in the country areas. If I were not able to do this in the three days I am in Perth—and I am prepared to sit here until 1.00 or 2.00 a.m.—I would have to do it on Mondays and Fridays or spend another day out of my electorate, or make costly trunk calls.

I believe the most important duty of a member of Parliament is to represent those people who elected him. To do so, I need to be able to meet with Government officers to discuss the problems my electors are confronted with and report back to my electors on a Monday and Friday.

If we bring forward our sitting hours we will cut into the time required for committee meetings. We need to have time for those meetings. It surprises me that Mr Stephens, Mr Nevill and Mr Brown have not jumped up to support this amendment because they represent country electors and must know exactly what I am talking about.

Hon. Peter Dowding: They are probably more efficient than you. Better representation.

Hon. TOM KNIGHT: That is the type of reply one would expect. The Minister has criticised our leader because what has been suggested does not comply with his belief. That does not surprise me when I think of the many times the Minister has been in his electorate when we have been sitting here.

When I am expected to be in Parliament I am here in Parliament. When I am dealing with my people—

The PRESIDENT: Order! I ask the honourable member to address the Chair.

Hon. TOM KNIGHT: Two matters need to be looked at—the work we have to do in Perth as

country members and the work we have to do in our electorates to represent the people who expect to be represented by members. We cannot do that if we are sitting here in Perth. We have homes to go to here but we do not necessarily have our wives here. Mine comes to Perth five or six times a year. I would rather sit in this House at night than go home to an empty flat. Country members would agree that members such as you, Mr President, would like to be home at night with their families, and we would not deny that. I am speaking of myself and other country members. The proposed sitting hours would take away the time available to me to represent my people in Perth to the Ministers opposite and to contact them.

The Ministers also need that time to allow us to contact them. If they are sitting here they are not in their offices, and often it is important to contact a Minister and get a correct answer rather than get a wishy-washy response through the department. I would like to see the sitting times remain as they are. They are convenient and help country members working in the city to get back to their electors and their families.

I fully support the amendment moved by the Leader of the Opposition.

**HON. D. K. DANS** (South Metropolitan—Leader of the House) [8.17 p.m.]: I hope the House will reject the amendment and vote for the motion. I have been rather surprised tonight. I gave a very short speech on what I considered to be a fairly light matter—a change of hours in the Legislative Council. The debate somehow or other has ranged over a number of issues, most of them not related either to the motion or the amendment.

We have had a lesson in geography by Mr Gayfer and on how he services his electorate. I am not sure what that means. We had a long dissertation from Sandy Lewis; Mr Knight has been on his feet; and other members have been talking about country electorates. I believe all the electors of this State should be properly catered for by their representatives; but that has nothing to do with this motion. If one looks at the other States of Australia and the Commonwealth Parliament, one sees the majority adopted sensible sitting hours a long time ago. That is what we are trying to do here.

With your indulgence, Mr President, I will quote from *Hansard* of 9 July 1907 to show that this is not the first time people have tried to amend the hours. These remarks were made in the Legislative Assembly but they are pertinent to our debate. Mr W. D. Johnson, the then member for Guildford, spoke and if members free their

minds they will hear the same debate as was raised here tonight. The *Hansard* report states—

As on similar occasions, he appealed to the House to alter the hours of sitting. For years we had started later in the day and finished late at night or early in the morning; we had started late in the year and finished late. We always made a bad start and an equally bad finish.

How true! To continue—

Early in the session members did not attend to their duties, apparently because of the heavy responsibilities which they assumed during recess.

It seems to me I have heard that before. To continue—

Was it desirable that members should be allowed to give the best portion of their day to private business and the worst to affairs of State? Some did not reach the House till 7.30, and not till 8 o'clock did they get a grip of business. Then, about 11, they became talkative, when members who had attended to business were thinking of going home. No member could do his duty so well in an afternoon shift as in a day shift. The Federal Parliament realised that better work could be done during the day, and therefore sat at 10 a.m. Let us start early and finish after an eight-hour shift. Then we should do so much work in the early months of the session that we should not have to rush business as the most important business was rushed at the tail end, . . .

The problems we are talking about tonight were manifest in the Legislative Assembly in 1907. Tonight's debate is exactly the same. To refer again to the *Hansard* of 1907, Mr G. Taylor, the then member for Mt. Margaret, said—

The experience of the past showed that it was much better to have earlier sittings. Probably the Treasurer would be armed with the old excuse that without late sittings Ministers would not have the opportunity to administer their departments or to bring down Bills to the House. No doubt Ministers had a difficulty in that respect, but the Government had already had seven months in which to closely watch the administration of departments. Last session Ministers repeatedly asked members to go into recess . . .

He went on—

No business man would start his business at 4.30 o'clock in the afternoon and hope for any degree of success. It behoved members, owing to the way the State was drifting and owing to its financial position, to give the amendment every consideration,

That is the nub of the matter. We are not asking country members to disregard their electorates. We are not asking members to spend less time in this Chamber. In fact, we are asking members to spend a little more time.

The motion moved by the Government relates to other matters such as the fact that an earlier start raises the possibility of finishing earlier and that we will be sitting two or three weeks and then have a week off like every other civilised Parliament in the Commonwealth of Australia. I do not agree with the Leader of the Opposition that something should not be changed just because it happened yesterday. This is 1983 and it seems to me that the forces of conservatism and the change resisters are still as firmly entrenched in this Chamber as ever they were.

Let us look at what we are arguing about because it is important. The Leader of the Opposition argues that by sitting at 2.15 p.m. on Tuesday and Wednesday and 10.45 a.m. on Thursday, the time available to members to do research will be reduced to unacceptable levels. I reject that; I think he is arguing against himself. An examination of the hours that the Council has sat over the years shows that, on many occasions, particularly in the first month or two of a session, the House has risen by 6.00 p.m. or soon after resuming at 7.30 p.m. All members know that to be true.

The effective time spent in this Chamber is therefore two to four hours with 1½ hours "wasted" for the dinner break. Members should bear in mind that when we sit at 2.15 p.m. we knock off for afternoon tea after sitting for roughly an hour or 1½ hours. When the House sits late to 10.00 p.m. or 11.00 p.m. the 1½-hour break must again be extracted.

By sitting at 2.15 p.m. the House would complete its business on some days by 4.00 p.m., in the first instance, and possibly by 6.00 p.m. in the second instance. On other occasions the House could rise well before midnight instead of the early hours of the morning when not many members, if any, have full possession of their wits. Some of us who will recall the House commencing at 11.00 a.m. and still sitting at 11.00 a.m. the following morning. I admit it was an extraordinary situation.

Hon. V. J. Ferry: Filibusters!

Hon. D. K. DANS: We were here all night long.

Hon. V. J. Ferry: You kept the debate going.

Hon. D. K. DANS: We have been criticised in the Press and by the medical fraternity, and the people at large for being so stupid as to try to run the affairs of the State at 2.00 a.m., 3.00 a.m. or

4.00 a.m. I go back to the observation made in 1907 that no sensible businessman would commence his business day at 4.30 p.m. It must be remembered that in those days to be in business required a much lighter effort. If members consider the pressures on us today they must conclude we are all dopey to sit at such hours.

On other occasions as necessary the House could rise well before midnight instead of the early hours of the morning when members are not in full possession of their wits. That is what the motion is about; it is not about all the other matters that have been flung into the ring. Adjourning early would provide the necessary time for members to carry out research for the following day. It must be remembered also that the proposal to create committees, if adopted, will relieve a great deal of Chamber work in the consideration of heavy legislation and perhaps other matters. The Leader of the Opposition yesterday moved to establish a committee system in this House. He spoke of the fine work the committees could do.

If the committees are established some of the arguments advanced tonight by the Leader of the Opposition will be taken away. He cannot have it both ways.

With regard to the Government providing answers to questions under the proposed new sitting times, it must be remembered that the practice on Thursdays has been to defer questions until later in the sitting. This could well continue. Questions asked on Thursdays will present no trouble for answering at the normal time on Tuesdays. Questions on Wednesdays present the only problem, but that could be treated in a like manner to Thursdays by deferring them until later in the sitting.

I know the Opposition has the numbers and that members opposite have probably made up their minds, but they have not given enough consideration to the proposition advanced by the Government—not nearly enough. The Leader of the Opposition conveniently forgot his long dissertation on the value of committees to this House.

Hon. I. G. Medcalf: Not at all.

Hon. D. K. DANS: In years gone by when the Hon. Margaret McAleer moved a similar resolution, I spoke in glowing terms and saw it turned down by the Leader of the House. That is history and a fact of political life. The Opposition is simply trying to re-enforce its majority and let us know it has large numbers on the other side, and can turn down not only this simple piece of legislation, but also other legislation.

Hon. I. G. Medcalf: Not at all.

Hon. D. K. DANS: Let us see. No cogent argument has been advanced by the Opposition; the closest anyone got to that was the argument put by the Leader of the Opposition to deny the Government the right to set the sitting hours in this House.

I hope members will support the motion and defeat the amendment.

Amendment (deletion of passage) put and a division taken with the following result—

#### Ayes 18

Hon. W. G. Atkinson	Hon. I. G. Medcalf
Hon. C. J. Bell	Hon. N. F. Moore
Hon. V. J. Ferry	Hon. Neil Oliver
Hon. H. W. Gayfer	Hon. P. G. Pandal
Hon. Tom Knight	Hon. I. G. Pratt
Hon. A. A. Lewis	Hon. W. N. Stretch
Hon. P. H. Lockyer	Hon. P. H. Wells
Hon. G. C. MacKinnon	Hon. D. J. Wordsworth
Hon. G. E. Masters	Hon. Margaret McAleer (Teller)

#### Noes 12

Hon. J. M. Berinson	Hon. Robert Hetherington
Hon. J. M. Brown	Hon. Garry Kelly
Hon. D. K. Dans	Hon. Mark Nevill
Hon. Peter Dowding	Hon. S. M. Piantadosi
Hon. G. J. Edwards	Hon. Tom Stephens
Hon. Kay Hallahan	Hon. Fred McKenzie (Teller)

#### Pair

Aye	No
Hon. John Williams	Hon. Lyla Elliott

Amendment thus passed.

Amendment (substitution of passage) put and passed.

#### Motion, as Amended

Question (motion, as amended) put and passed.

### SUPPLY BILL

#### Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. J. M. Berinson (Attorney General) read a first time.

#### Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [8.35 p.m.]: I move—

That the Bill be now read a second time.

This measure seeks the grant of supply to Her Majesty of \$1 240 million for the works and services for the year ending 30 June 1984 pending the passage of Appropriation Bills during the Budget session later in the year.

The Bill seeks an issue of \$1 100 million from the Consolidated Revenue Fund and \$80 million from moneys to the credit of the General Loan Fund. Provision is also made in the Bill for an issue of \$60 million to enable the Treasurer to



make such temporary advances as may be necessary. The amounts sought are based on the estimated costs of maintaining the existing level of services and works, and no provision has been made for any new initiatives which must await the introduction of the Budget.

Before turning to the actual provisions of the Bill, I will comment briefly on the financial results achieved in 1982-83. The 1982-83 Budget, which was presented to the Parliament on 30 September last, forecast a balanced Budget with both revenue and expenditure estimated at \$2 335.5 million. In the event, revenue fell short of the estimate by \$10.6 million and amounted to \$2 324.9 million after bringing to account interest earnings on Treasury cash balances of \$31 million. Expenditure totalled \$2 339.1 million—some \$3.6 million more than expected—the net result being a deficit of \$14.2 million on the year's operations.

The out-turn for the financial year just ended has already received considerable publicity, and suffice to say that when the Government assumed office in February, indications were that the deficit could be of the order of \$21 million. Later, more ominous trends emerged which indicated that unless corrective action was taken the blow-out could be in excess of \$30 million.

Looking at the Budget result in a little more detail, subdued real estate demand and difficult economic conditions were responsible for a \$17 million shortfall in taxation revenue with payroll tax and stamp duty contributing \$16.5 million of this figure. Mining revenue and timber royalties were also less than expected; but these areas were more than offset by increased revenue earned by public utilities, largely due to increased grain haulage by Westrail.

On the expenditure side, while total outlays were held close to budget, there were some significant variations. That is to be expected, given the magnitude and diversity of the State's Budget.

Areas in which the major variations occurred were—

Education—expenditure exceeded the allocation by \$8.6 million due mainly to higher than expected salary and wage costs.

Transport services—despite efforts to contain expenditure, the overall Budget allocation to Westrail, Stateships, and the Metropolitan (Perth) Transport Trust was exceeded by about \$8 million. In the case of Westrail, however, the overrun was offset by higher traffic receipts.

Interest payments to the Commonwealth were \$7.8 million below estimate, reflecting the uncertainty of forecasting interest rates

and changed arrangements with the Commonwealth.

Natural disaster payments were about \$3 million above estimate.

With regard to the current financial year, the Government is firmly committed to a responsible policy of balancing the Budget. Notwithstanding the discipline that will be required, members can be assured that we are already taking positive steps to achieve that goal.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. I. G. Medcalf (Leader of the Opposition).

### **BUSINESS FRANCHISE (TOBACCO) AMENDMENT BILL**

#### *Second Reading*

Debate resumed from 2 August.

**HON. I. G. MEDCALF** (Metropolitan—Leader of the Opposition) [8.39 p.m.]: Various reasons have been put up for bringing this legislation before the Parliament. Those reasons are to do with persuading people to give up smoking. It is futile to call this Bill anything other than a revenue Bill, and I will say why in a moment.

Over a period of time, the tobacco franchise has been used as a means of obtaining revenue for the Government; there is no point in saying it has been used for any other purpose. In 1976, a tax of 10 per cent was imposed. I am omitting the basic fee of \$100, which was later reduced to \$20. I am calling this a tax, but I suppose to be strictly correct I should call it a fee. Really, it amounts to the same thing.

A licence fee of 10 per cent was imposed in 1976, and in 1981 it was increased to 12.5 per cent, purely for revenue purposes. I do not think anyone has made the excuse that any other reason was involved. Now the amount is to be increased, under the proposals in this Bill, to 35 per cent.

If the figure collected from the 12.5 per cent tax during the financial year just completed was \$16.5 million, mathematically a tax of 35 per cent would bring in a sum of the order of \$40 million plus. Various figures have been put up for this, and \$46 million is said to be mathematically correct.

Those figures are on the basis of increasing the percentage return on current sales, but it has been suggested that there will be a drop in smoking because the Bill is designed to persuade people not to smoke. I would be the first to say that we do not know to what extent a drop might occur. Clearly some people will smoke less because of the extra cost; but nobody knows to what extent that will affect the final outcome.

I am not asking the Government to make a forecast, because it would not know. A figure of 10 per cent has been mentioned; I suppose that is an easy figure to pluck out of the air. However, if the drop were to be 10 per cent, the Government would still receive \$40 million in tax. The amount of the return to the Government could well be of the order of \$40 million during a normal financial year, based on a 35 per cent franchise; but the extent of the drop is a bit of a guess.

The Premier stated originally that he believed an extra \$15 million would be received by way of revenue as a result of the increase in the franchise to 35 per cent from 12.5 per cent. If one adds \$15 million to \$16.5 million, one has \$31.5 million. However, I have suggested that the amount of the return will be higher. I am informed that the Under Treasurer made an estimate of \$19 million. That is \$4 million higher than the Premier's original estimate. In the debate in another place, it was suggested that, for Budget purposes, it is likely that a figure of \$21 million would be adopted. So, we have three figures being used.

If one adds the \$21 million, representing the increase in the total return I am talking about—the extra—and \$16.5 million, one has a figure of \$37.5 million as the total amount. Therefore, it is pretty safe to say we are talking in terms of a figure of the order of \$30 million to \$40 million. It is quite safe to say that; it allows for a \$10 million leeway.

If we say that the Government is to spend \$2 million out of \$30 million to \$40 million on health education, it will be spending really only a small proportion of the total tax. Therefore, it is a travesty of reason to say this is a health education measure. It is a revenue measure; let us not delude ourselves about that. This Act has always been used for that purpose and it is still being used for that purpose.

Hon. Fred McKenzie: Do you really think it is a revenue-raising measure?

Hon. I. G. MEDCALF: It is clearly a revenue-raising measure; I have no doubt about that.

It is quite true to say that some money is to be spent on health education because the Minister has told us so and we have no reason to doubt his assurance. I fully accept that the Government proposes to spend not less than \$2 million a year on health education to encourage people to give up smoking.

What the Government is doing then, is imposing a tax on smokers on the basis that it is good for their health, because, the Government says that if it increases the tax on cigarettes, they will give up smoking.

Hon. J. M. Berinson: I think the logic there is impeccable.

Hon. I. G. MEDCALF: It is extraordinary. The Government says the tax is good for their health, because it will stop them from smoking. I am sure the Minister will correct me if I am wrong in saying that this is the Government's attitude.

The tax is discriminatory in that it is a tax on smokers only. It means that the price of cigarettes and tobacco will go up, and these represent part of the basic commodities which many people find they require. The price will go up despite the fact that the Government made a promise in general terms to keep prices down.

The tax is discriminatory, sudden and very substantial. It is also retrospective. What is more, it is already being collected from the public. I do not know that it has yet been paid into the Treasury, but it is being collected from the public. The price of these products has already risen in the shops.

Therefore, the tax is being collected before it is legal, which is bad in principle. I would have thought that it would be better to make sure of the legal basis of a tax before a Government started to collect it from the people. I can imagine what would happen in any other walk of life if people started imposing charges that they were not legally entitled to impose. It seems the Government has a special dispensation, but I do not think that is a good thing. A Government should not behave differently from the rest of the community and cause prices to increase before there is any legal basis for it. It would be very bad if that were perpetrated by a company or a private individual in selling its or his goods or merchandise without having the authority to increase the prices. It would probably represent a breach of several laws.

If this Bill does succeed in stopping people from smoking by putting up the price of tobacco products—that is one of the alleged objects of the measure—this will have an indirect effect on employment. That is a bad thing, because it will cause employment to be reduced. Now is not the time to be reducing jobs. No-one who has a job now should be prevented from keeping his job. There is a time and place for everything and, if there is a time for transferring people from what might be regarded as a non-essential industry to an essential industry, it is not when no other jobs are available. When we have a surplus of jobs is the time to start reducing work in non-essential areas.

This proposal has other bad features. The tax—and I call it a tax, although theoretically it is a licence fee—is based on a Federal tax. The amount of this tax is increased to the extent that the prices of tobacco products already bear a Federal tax. If that Federal tax is 66c in the dollar, the tax that this proposal comprises is increased by virtue of the Federal tax.

Hon. J. M. Berinson: That applies even under the current rate of 12.5 per cent, so there is no change.

Hon. I. G. MEDCALF: It is a tax on a tax, which is a bad principle. The 35 per cent increase is on a price that includes a Federal tax, so it is a double tax. Two-thirds of the cost of a packet of cigarettes is already taxed.

This is a savage tax by virtue of its extent and its suddenness. It will penalise pensioners and the poor who smoke. I suppose those who do not smoke are very pleased with themselves. But smoking is a comfort for many old people, whether or not it is good for them. I can say this having read the many letters I have received; if I did not know it before, I know it now. The number of people who claim to be pensioners and who claim to be smokers, and who have told me this in the letters that I have received in the last few weeks, has shown me how upset many people are. These people are in the habit of smoking and they say they derive great comfort from the habit. It may seem extraordinary to non-smokers that smokers can derive pleasure and comfort from this habit. The Premier has said he enjoys smoking, although he wishes he could give it up. But many people do not wish to give it up, surprising as it may seem.

I know there is a lot of public disquiet over this tax. I know this from the letters I have received. I am sure Government members have received similar letters. The people writing have complained about things which have nothing to do with cigarettes. They have asked what right the Government has to impose this tax on them when it is spending so much money appointing advisers. They ask what right the Government has to do this when it is spending such a lot of money refurbishing offices in the Superannuation Building. They have mentioned a figure of \$200 000 although I do not know where they learnt of that figure. I thought the Premier said it was \$124 000, but I guess the pensioners would not be impressed with the give-or-take of \$100 000. They have referred also to losses on the Perth-Fremantle rail service. They believe that will be a major area of loss to the Government, and they understand a lot of money has already been spent

on it. These are the things they have complained about.

Hon. Fred McKenzie: They might be taking it out on the railways because they are not allowed to smoke on trains, and they are getting nasty about it.

Hon. P. H. Lockyer: Don't be absurd.

Hon. I. G. MEDCALF: Perhaps I should tell the pensioners, not only that are they being charged more for their cigarettes, but also that Mr McKenzie says they are not allowed to smoke on trains.

Several members interjected.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order!

Hon. I. G. MEDCALF: Many pensioners complain about the Government's spending spree while it is prepared to increase the tax on their humble cigarettes. They have also complained about the extra travel allowances given to Ministers' wives and children. I have not categorised all their complaints; I have not gone right through the letters for the purposes of the debate because I think the point has been made.

Disquiet has been evidenced also by the petitions that have been circulated. One circulated yesterday was signed by almost 32 000 people, so it cannot be airily dismissed. It was dismissed in the other place because it was said to be inspired by tobacco companies. That rather belittles the intelligence of the people signing it. To have 32 000 people sign a petition shows there is a lot of public disquiet.

A feature which should be mentioned is the obvious loophole in the legislation in that it can be defeated by people using mail orders. It seems to me there is nothing to prohibit people from purchasing cigarettes by mail order direct from another State, so long as they do not re-sell them. That is an enormous loophole.

I will not go into some of the legal aspects of this legislation; that will be something for a future time. The Government's substantially increasing this tax involves some basic problems. As I said, it is perhaps more rightly a licence fee or a franchise, but it might be construed to be a tax. I wonder to what extent the Government considered this point when it made its apparently hasty decision to take this action.

I would like to hear from the Minister about the incidence of business which might be transferred out of the State. I would like to hear also of the Government's proposals to enforce the provisions of the legislation.

These are two separate areas: One deals with private purchases of tobacco products and the other deals with the purchase of tobacco products for re-sale. I appreciate that the latter is a different kettle of fish and I know the Minister has said that the penalties in the Bill will reduce the second aspect. He believes it will deter bootlegging. I wonder how the Government will achieve this.

The penalties to be imposed are very severe. There will be a \$5 000 penalty in lieu of a \$200 penalty for supplying wrong information to a question. If a person is found on premises and supplies the wrong information, he is liable to a \$5 000 fine. This is the case should he inadvertently give the wrong information, as I understand it, although some protection is afforded in a section dealing with self-incrimination. But the person would have to prove that he did not know and that he had reasonable grounds for not knowing the information if he fails to answer. This is in the Act now; it is not something new introduced in this Bill. These points have not been introduced by the Government; this has been the situation since 1975.

The problem now is that, because the penalties have been so substantially increased, what may well be an injustice is highlighted. The increased penalty is the tough part in this situation. To be quite fair, I understand that the Government does want to increase the penalties in order to deter people from breaking this revenue law. After all, certain special provisions must attach to revenue laws and I understand that the Government is relying on the increased penalties; however, it has acted with a rather broad brush and I wonder to what extent it has looked into the individual offences which may be committed by members of the public under the existing Act and the Bill which amends it. These questions about the extent of the increased penalties have now become very relevant.

I mention the subject of change of address. What if a person or a retailer changes his address and does not notify the commissioner? He will have the wrong address on his certificate of licence. He will face a penalty of \$1 000 which will now be prescribed in law; previously it was \$250. No protection is written into the legislation. The extent of penalties is a matter worthy of comment. When one increases penalties one must be pretty careful to be very selective so that comparatively minor offences are not brought within the scope of the increases by an all-embracing measure.

I feel constrained to draw attention to one or two other curious features of the Bill. The first is a very obvious point: the Bill creates a higher

price for cigarettes coming into or sold in Western Australia compared with prices in other States. Cigarettes coming into this State attract a higher price than the place they originated from, whether it be South Australia, Queensland, Victoria, or anywhere else.

In 1900 it was decided to form a federation of the Australian colonies.

Hon. J. M. Berinson: That sounds awfully like centralism.

Hon. I. G. MEDCALF: Yes, it is extraordinary, is it not? One of the basic reasons for doing this was to prevent customs duty applying different prices in different States, so that articles coming from one State to another would not attract a higher price in particular States and customs duties imposed at the borders would not apply. Now, if we look at this carefully, we see that exactly the same result is being obtained by a different means.

Hon. J. M. Berinson: You might say the same thing about the lamb shipment that came into Perth yesterday.

Hon. I. G. MEDCALF: Once cigarettes coming into Western Australia from South Australia, cross the border, they attract a higher price and this money goes to the Government. I draw the honourable Minister's attention to this point. I know it is easy to explain this matter, but it is rather an interesting and curious feature of the legislation, is it not?

Hon. J. M. Berinson: Interesting; but irrelevant, I suggest.

Hon. I. G. MEDCALF: I am sure that if one looks at this matter from the point of view of Treasury it is completely irrelevant, but when one takes an historical look at the situation that applied previously, one sees a remarkable similarity between the two situations. It is a curious situation.

Another curious feature of this matter is that had the Government increased the tax to only 25 per cent it would still receive approximately the amount that the Premier said it would receive. He said he intended to raise \$15 million by this tax. Had he imposed a 25 per cent increase he would have got \$14.1 million, which is very close to the \$15 million he suggested. A fairly broad brush seems to have been applied to this in a rather hurried manner.

The Government's decision has all the hallmarks of haste. I draw another matter to the Minister's attention so that he will have the opportunity of replying to it and acquainting me with his view of the situation; I mention the apparent

differences between sections 4 and 18 of the amended Act. Section 18 is a very drastic section and the amending Bill increases the penalty under that section from \$500 to \$10 000 and the licence is automatically lost; however, it is only the penalty that is increased under the Bill. Under section 4 of the Act as amended, if a person is found upon premises and fails to answer a question posed by the commissioner, that person can plead that he did not know the answer and could not reasonably have known it. That is an excuse that he could plead, which is provided in the Act. If he is able to answer the question he must do so, even if his answer tends to incriminate him and no proceedings will be taken against him. The penalty under the amending Bill for failing to answer the question under that section is \$5 000.

Under section 18, irrespective of whether or not he is found on the premises—in other words, wherever he might happen to be—if he gives a false or misleading answer to an oral question by the commissioner he is guilty of an offence. He has committed the offence by giving a false and misleading answer to the commissioner's question. He cannot plead in a court that the answer tends to incriminate him because he has already committed the offence.

It is not as though he is going to convict himself in court proceedings. He cannot plead that he did not know the answer. That is a curious situation which is already in the Act. I am not pretending that it is covered by this Bill, but the problem is that that divergence in those sections is heightened by the changes in the penalties. The penalty under section 18 is to be \$10 000 plus loss of licence and under section 4 it is to be \$5 000. The Government should look into this matter. There seems to have been some haste in the preparation of this amending Bill.

Finally, the Minister referred to a loophole having been closed by this legislation. I hope that it has been closed, but I would be grateful if he would explain what the loophole was.

**HON. P. H. LOCKYER** (Lower North) [9.10 p.m.]: I do not wish to speak for very long in this debate; I just want to make it quite clear that while I oppose the Bill in principle, and although I am a non-smoker, I do not abhor smoking in itself and I support those old people in the community whom the Leader of the Opposition mentioned in his speech.

I was concerned at the number of older people in my electorate—mainly in excess of 60 years of age—who have approached me and expressed concern for the extra cost of cigarettes which will perhaps leave them in the situation of having

to omit something else from their meagre budgets. For this reason the Government should reconsider this section of the community.

I am in favour of the campaign to encourage younger people either not to take up smoking or to give it up. If the Government is true to its word and it does spend the amount of money it suggested on various campaigns with this aim in mind, it should be commended. I agree with the Leader of the Opposition that, by and large, this is really a tax; however, in all fairness, it is a tax successive Governments have used. There are not a lot of areas which Governments can attack, but I wonder if the cigarette industry is getting hit too often. The Government has mooted that later this session it will bring in legislation to restrict cigarette advertising. However, that is another Bill and I shall certainly oppose it on its introduction, but for a very different reason.

In my view, no Government has a mandate to attack a certain section of the community; on this occasion the section of the community being the hardest hit comprises the people who can least afford it.

It may be appropriate for the Government to look at this section of the community. It would not be appropriate for a person who has spent a large proportion of his lifetime and who is now approaching his twilight years, to give up what he considers to be a satisfying part of his life. My father is approaching 80 years of age and has been smoking since he was 15. I do not intend to tell him he should give up the habit now; I have suggested it to him over a great number of years because I believe it has done him no good. His argument is that he has approached the grand old age of almost 80 years without smoking affecting him, and my argument is therefore thrown out the door.

However, the situation is different with young people. It is very important that we try to assist them to give up the habit because medical science has pointed out that it is bad for them. The Government should aim to assist them in that area. I will agree with the Government if it does so. Perhaps the Minister in charge of the Bill should take into consideration the older people of the community who are being hit very hard by something they simply do not deserve. Perhaps inflation, rising costs and charges have hit this sector of the community the hardest.

I worry about what will be taxed next and what other areas the Government will look at. Will it attack the areas where it thinks it is doing the least amount of good? I take into consideration people who drink, and the liquor industry. As the Hon. A. A. Lewis says, we should tread carefully

in this area. Is it not better to spread the burden upon a lot more people? Would it not have been preferable to take a small amount of licence fee, or tax, or however one wants to put it. If we say cigarettes kill X number of people per annum, would it not be correct to say that alcohol has an effect on X number of people per annum, as does the road toll, as do the effects of the consumption of too much salt or sugar? This is a complex and interesting problem and one that leads people to think that certain sections of the community can take only so much.

I would be very surprised if a large number of people gave up smoking because of this extra tax. Should this be the case I would be the first person to stand in this Chamber and say, "I was wrong and the Government was right".

I suggest once more that perhaps the pensioners should be given some form of compensation because I believe they will leave something out of their budgets which they could well and truly need and which, in fact, they should have in order that they can keep up their habit of smoking. I believe those people who have been smoking for a number of years, regardless of the cost, will still buy cigarettes. For that reason I oppose the Bill.

**HON. MARGARET McALEER (Upper West)** [9.16 p.m.]: In times past I remember members who now occupy the Government benches sometimes complaining that the then Government's second reading speeches were far from explanatory of the Bill that was in front of them. It seems to me that I have never come across a second reading speech that gave so little explanation of the Bill in question and which could even be thought to be fairly irrelevant to the Bill.

It is really straining belief beyond breaking point to introduce a money-raising measure of this magnitude simply as a first step in a comprehensive campaign to try to reduce the appalling cost of smoking.

In proceeding throughout the second reading speech in this vein the Government has left itself open to charges of being confused about the Bill or being hypocritical, or, possibly, both. When the Government first announced its intention of raising this exorbitant amount the average man or woman in the street simply shrugged and said, "The Government is looking for money". I think that was fair comment because, after all, since the Government took office it has been telling us how much it is in need of money—from the Government's election promises we all understood that, too.

We all know that State Governments have difficulty in finding ways of raising money. There

are not many avenues open to them because most of the field is covered by Federal Government income taxes, excise taxes and sales taxes. The institution of a valid measure of raising money is a difficult business and the Business Franchise (Tobacco) Act has always been one of the most successful ways of doing this. If I remember correctly it was pioneered by Victoria. This has been discussed by the Leader of the Opposition in a different sense.

I believe the community has accepted this as a form of raising money because it is levied on an article which is strictly not a necessity of life, even for confirmed smokers like me. Certainly, for many people whatever the restrictions placed on smoking and whatever the risks may be, it is one of the pleasures of life and, for some, it is a great comfort.

**Hon. Robert Hetherington:** Like a dummy.

**Hon. MARGARET McALEER:** There are all sorts of things that are comforting.

The Government excuses its large increase in the levy solely by pretending that it is imposing it for the good of the community at large and for smokers and potential smokers in particular. The Government does not know what amount it is likely to raise because I do not think anyone has set a figure on it. It is clearly out of proportion with what the Government intends to spend on the antismoking campaign. I agree that the Government claims that the higher the cost of tobacco products the more it will reduce the amount smoked. But who will it reduce it for? It will not influence anyone in this Chamber who smokes. As other members of the Opposition have pointed out, the people who will most likely be affected are those who are on small incomes such as the unemployed, pensioners, and people whose pay cheques are already stretched to the point where they have lost elasticity. It will not really affect those people for whom the price is not wholly prohibitive—it will be like the increases in petrol prices. People may reduce their consumption at the first shock, but they will become used to the increased price and return to their former level of consumption—luckily for the Government or it would be a one-off money raising effort.

The Government leaves itself open to the charge of being hypocritical because it is raising money which will be used for sundry purposes but all the Government talks about in the second reading speech is the appalling tobacco-caused carnage. All it has done in addition to that is to detail its antismoking campaign. No indication has been given as to what it will do with the rest

of the money, how much money will be raised, and how it arrived at the figure.

One must say that the Government is confused and one can suppose, from the lack of information given to us on all these matters, only that Cabinet sat around and played a game such as, "Think of the figure". The figure of 25c as an increase on a packet of cigarettes was one that seemed acceptable. The Government or the Cabinet was not sure of the amount the increase would produce. The Government is really not sure about anything as far as anybody can find out, despite our immense amount of questioning.

When the Government put forward its proposal to reduce the salaries of civil servants in higher income brackets it comforted itself and the community in general with the knowledge that only 4 000 people would be affected and with the proposition that those 4 000 people could well afford to be sacrificed for the general good of the community. The Government probably comforted itself with the thought that it could afford to sacrifice such a small number of votes, but yesterday I presented a petition to the House bearing nearly 32 000 signatures from smokers and retailers, who represent a much greater number of voters. They see the Government's threat to jobs as an inflationary measure, as an excessive price increase, and as authoritarian and discriminatory. The signatories to that petition came from every suburb in Perth and from all over Western Australia—from Midland, Bassendean, Lockridge, Medina, Kenwick, Redcliffe, Belmont, Balga, Heathridge, Welshpool, Osborne Park, Bedford Park, Woodlands, Noranda, and Tuart Hill. They also came from towns such as Wundowie, Boulder, Kalgoorlie, Tom Price, Derby, Carnarvon, Geraldton, Moora, Dandaragan, Merredin, Dowerin, Quairading, Pingelly, Boddington, Williams, Wagin and Esperance. They came also from all the towns in between. I know because I had a good look at them and had to count them.

Hon. Fred McKenzie: I am pleased there are none from Arrino.

Hon. MARGARET McALEER: Unfortunately Arrino has lost its status as a town.

The Government is accountable to all these people and those people whose jobs may be affected by this legislation. It is not good enough for the Government to put forward a second reading speech which is all waffle about its antismoking campaign and not to explain how much money is to be raised—and why—and where it is to be spent.

The Government is accountable not only to these people but also to the Parliament. It appears to me it is treating Parliament with contempt when it offers that sort of speech as a second reading speech to a money raising Bill.

HON. A. A. LEWIS (Lower Central) [9.26 p.m.]: To commence, I declare an interest.

Hon. Garry Kelly: You should disqualify yourself.

Hon. A. A. LEWIS: That shows the honourable member's knowledge of the House. Burke's bandits strike again!

Several members interjected.

Hon. A. A. LEWIS: It is not a bad phrase; even Mr Hetherington can understand it. Here we go with another taxing measure when this Government promised it would not increase a thing. It has now deceived the public once more and it does not even know the amount that it will raise from this tax. It shows how hypocritical the Labor Party is in its health education campaign. Let us look at the whole question and let us be fair about it.

Hon. Robert Hetherington: That will be a change.

Hon. A. A. LEWIS: It would be were Mr Hetherington speaking, but, as members know, I am open to convincing on all sorts of matters. The day that Mr Hetherington crosses the floor and supports his own beliefs rather than those of his Caucus is the day he can come back and talk to me; however, to date he has never done that.

Hon. Robert Hetherington: Never talk to you!

Hon. A. A. LEWIS: Mr Hetherington has never crossed the floor, because he is caucused into everything he does, as is every other member of his party.

Several members interjected.

Hon. A. A. LEWIS: Let us look at the price of cigarettes. The tax on a \$1.80 packet of cigarettes is \$1.03 and the manufacturer and the retailer receive 77 cents. By the time one takes the Federal and State taxes we are reaching the stage, as the Hon. Phil Lockyer stated, similar to that of alcoholic beverages where one third of the price comprises the cost of the article and taxation takes up the rest.

This morning I was speaking to a gentleman in Melbourne who was at one stage the director of a large multinational cigarette company. He told me that one semi-trailer load of cigarettes carted from Queensland to Western Australia and sold would result in a profit of \$200 000.

Hon. J. M. Berinson: But they cannot do that.

Hon. A. A. LEWIS: No, they cannot.

Hon. J. M. Berinson: Neither can he.

Hon. A. A. LEWIS: He is out of the business and he does not want to engage in practices of that nature. I will let the Attorney General rest on that because he would hate any criminals coming into Western Australia. However, anyone wealthy enough can purchase cigarettes by mail order from other States, according to this Bill.

Again, the poor person is most unlikely to have the money to send away to purchase one, five, or 10 cartons of cigarettes. The Labor Party is hitting the workers and the pensioners yet again. The member near me can "tut, tut, tut" as much as she likes, but I happen to represent a lot of these people.

Hon. Kay Hallahan: Working people?

Hon. A. A. LEWIS: If the member does not think that Collie coalminers and what will be left of the workers in the timber industry after the Shannon River decision that this Government is about to make, are workers, I do not know who are. They are probably the hardest workers in the State. These people are always supported by the Liberal Party.

I am worried a bit about this mail order business. We have heard figures quoted left, right, and centre. The figures I have are slightly different from those of the Leader of the Opposition, and slightly different from those of the Hon. Phil Lockyer. As I understand it, for the present financial year the estimated revenue if the licence fee stays at 12.5 per cent, is \$17.5 million. If there is no reduction of consumption, with the 35 per cent licence fee, the estimated revenue is \$49 million—an increase of approximately \$32 million. A five per cent reduction would mean an estimated revenue of \$46.5 million; a 10 per cent reduction would mean an estimated revenue of \$44 million; a 15 per cent reduction would result in an estimated revenue of \$41.6 million; and the figure with a 20 per cent reduction is \$39.2 million.

I suggest to the House that it will be mainly workers and pensioners who will be forced out of smoking, and those who have enough strength to give it away. I believe that with the reduction in the number of smokers and the number of people who can afford to buy their cigarettes from the Eastern States there will be a 20 per cent decrease in sales.

Even with a 20 per cent reduction in the number of people purchasing cigarettes, the increased estimated revenue is near enough to \$22 million. This is a straightforward taxing measure, particularly when we consider that the Govern-

ment is offering, as I understand it, \$6 million over three years—

Hon. J. M. Berinson: Minimum.

Hon. A. A. LEWIS: —to be spent on a health programme. While we are dealing with that health programme, it has been rumoured to me around the city that the media contract for this programme has been let already to Odgers Advertising Pty. Ltd. without any tenders having been called for. If this is true, it is worrying for two reasons. The first is that no tenders were called and the second is that Odgers handled the Australian Labor Party election account. It worries me that a contract could be let without tenders being called. The Attorney General referred to the \$6 million to be spent on this programme as a minimum amount over a three-year period, so this would probably be the biggest advertising contract let in WA.

Hon. J. M. Berinson: But the whole \$6 million will not be spent on advertising, Mr Lewis. It is an antismoking campaign which takes many forms.

Hon. A. A. LEWIS: I hope I am wrong, and perhaps the Attorney can tell me, but my understanding is that the whole programme is being handled by that company—setting out everything involved. As the Attorney knows, many of these programmes are given to a company to handle. It seems to me that this is the largest advertising account ever in WA and it was let without tenders being called. I am not saying there is anything shonkie about it, but, if the rumour is true, it is a little peculiar that a contract of such size was let to a company which happened to handle the ALP election advertising.

We have "Burke's boys" in our advisers; are we now to have "Burke's bounty" to the friends of the Labor Party? I wonder whether the Premier and the Government intend to conduct Government business in that way?

Hon. H. W. Gayfer interjected.

Hon. A. A. LEWIS: That might be the case—Burke and Wills certainly could not be accused of being a multinational company.

It is obvious that the Government has shed any regard, electorally or otherwise, which it had—and I doubt that it did have any—for the pensioners and workers. The Government is now beginning to high fly the business community. Can the Government be trusted in this matter? I hope the Attorney can tell me whether the whole programme has been let to that company, because I do not believe this Bill should be passed by the House without answers to these questions.



Can the Government be trusted? Where will it lead the State if these rumours—and I suggest to the Attorney General that they are only rumours—are true? These are considerations the public will have to weigh up in time and I am sure the public will make a wise decision if these allegations and rumours are true. They will know what the Government's record is like. If we have "Burke's bounty" and "Burke's boys", the whole show will be run by "Burke's bandits".

I have emphasised the immensely huge difference between the price of cigarettes here and in Queensland. The difference is about \$200 000 on a semitrailer load. I believe it is fair to use Queensland as a comparison because it is a developing State as we are and it needs money the same as we do. I believe its present Government is a better financial manager than the one we have and that is borne out by the promises made by the ALP when in Opposition and broken by it when in Government.

I am horrified that the pensioners and the workers will have to bear the whole weight of the Government's taxing measures. Again it is a section of the community that is carrying the burden. I am told by my colleague, Mr Wells, that the average Australian person who smokes purchases one packet of cigarettes a day, so such a person will be taxed an additional \$352-plus a year. The Government cannot say that these people will get the health or education benefits from this exercise. The Government cannot say that the total amount raised will be used for that type of programme. The Government is hiding under the cloak of a very clever media campaign; and may I congratulate it for that campaign. However, it is costing the public an extra \$22 million. I believe the Government ought to be honest about this Bill and say that it is a revenue raising measure.

Hon. J. M. Berinson: We have been honest about it. We have specified what proportion is actually to be spent in that way.

Hon. A. A. LEWIS: That is marvellous, Mr Attorney, except that it took three stabs before anyone was able to get the figure right! Now we are being told how much the measure is expected to raise. I am aware that the Attorney is merely handling the Bill in this House, but his leader made a botch of these figures. Either that, or he is trying to con the people.

Before I allowed the Attorney General to interject, I was going to sit down. I am horrified at the attitude of the Attorney. I want to know whether or not the rumours are true. I want to know whether Odgers has this account and whether it is as big as I am told it is. Was the con-

tract let without tenders being called? I do not believe the House should pass the Bill unless the Attorney can answer those questions. If he can answer them and if he can convince the rest of the members of the House that maybe this is a worthwhile tax, I will be very pleased.

Personally, I oppose the Bill because I believe this is a sectional tax imposed on those of us who happen to like a cigarette. I admit I have a declared interest. What will be the next thing that the Government is going to tax? Will it be grog or sex? We are reaching the stage where we do not know where the Government is going. I do not think it knows itself where it is going. There is no way that any member in this House could support the Bill.

HON. N. F. MOORE (Lower North) [9.42 p.m.]: In the time I have been in the House I have listened to a number of comments by members, who are now on the Government benches, about second reading speeches. I think the Hon. Robert Hetherington would probably recall some of his grander speeches on this subject. On several occasions he criticised the then Government for ministerial second reading speeches which contained no information, or information which was irrelevant to the Bill, or which bore very little relationship to what the legislation was all about. The second reading speech to this Bill was in that vein. I read through it several times to try to find out what sort of income the Government expected from this revenue measure. It was not mentioned.

The second reading speech went into a great deal of detail about smoking and how the Government proposes to try to educate people to give up the nasty habit and yet, in what is essentially a revenue measure, we find no mention of the anticipated revenue to be raised. I agree with the Hon. Margaret McAleer in her comments about the second reading speech and I hope it will not be a trend which the Government will follow.

Hon. J. M. Berinson: Don't you agree with your own leader though—it is probably not possible to estimate it accurately?

Hon. N. F. MOORE: At least the Attorney General could have given us a rough idea. He could have said, "The estimated revenue is a certain amount, give or take \$10 million". Surely it would have been possible to determine how many cigarettes are consumed each year and then to say that the consumption would be reduced by a certain percentage because of the price rise. I think the Government could then come up with an approximate figure of the estimated revenue. When the Government made the decision to in-

crease the licence fee, surely it was important to have some idea of the amount of revenue it would raise.

It has been suggested that the minimum expenditure on the health programme will be \$2 million and quite clearly this is less than the revenue to be raised. We have heard different figures bandied around from various sources, so unquestionably this is a taxation measure. The Attorney General has said that the Government has already announced this intention, but if so, it was done in very fine print. I do not recall having seen any public statement by the Government that this is a taxation measure.

In fact the Government ought to come out and say so and, if it is not a taxing measure, it should say that all the money raised from it will be used for an education programme. If the Government can give an undertaking to that effect, we can say it is not a revenue-raising or taxing measure.

The Hon. Margaret McAleer referred to the way in which the decision to pick out a certain percentage increase was reached. She talked about members of the Cabinet sitting around thinking of a figure. I do not think it was as simple as that, because, in my judgment, the Cabinet worked out a figure which would increase the licence fee to such an extent that the Government would raise enough revenue for the purposes it had in mind, but which would be small enough not to reduce the number of cigarettes consumed.

Of course, some people just cannot afford the increases which have been suggested. They are the very poor people—those on pensions or fixed incomes, and in other situations of that nature. They will find it very difficult. However, essentially there will be a very minor reduction in the number of cigarettes consumed. This normally happens when the price of cigarettes is increased.

Hon. J. M. Berinson: Do you think there will be no disincentive to children?

Hon. N. F. MOORE: Bearing in mind the amount of money many children have to spend nowadays, I doubt it will be a great disincentive. It may be initially, as all things of this nature are, but in the long run the situation will not change much at all.

Hon. J. M. Berinson: On what do you base that assumption?

Hon. N. F. MOORE: I base that opinion on experience in the past. Every Federal Budget contains an increase in the price of cigarettes and for a very short time after the Budget has been announced the number of cigarettes consumed decreases; however, that tends to change after a

while and the situation returns to normal in due course.

In this instance the Government is seeking a rather steep increase in the tax on cigarettes and initially there will probably be some reduction in the number of cigarettes sold, but that will last only a short time and people will then become accustomed to the new price and will continue to smoke. I do not think people will stop smoking because of an increase in the price of cigarettes; they will stop smoking only when they realise the habit is bad for their health.

This is a very cynical tax-raising measure masquerading as a health measure. The Minister's second reading speech refers to health, but says nothing about taxation; therefore, in my opinion, the Bill is a masquerade.

I shall reluctantly vote for the Bill, because I consider it to be a revenue Bill and I do not believe on this occasion the House should deny the Government the revenue it expects to raise by this measure. The Bill quite clearly is a revenue-raising or taxing measure and it is designed to raise money for the Government's various programmes. Therefore, the Government ought to come out and say that is exactly what it is all about.

**HON. P. H. WELLS** (North Metropolitan) [9.47 p.m.]: I have decided I shall make some remarks on this Bill in relation to what it lacks. The Hon. Margaret McAleer had the right idea when she said it was an affront to this Parliament and this House for a Bill of this nature, that purports by report—this is not contained in the Bill—to raise \$21 million, to be introduced. Figures between \$16 million to \$46 million have been mentioned, but no real account has been given by the Government as to why the extra money is needed and of the areas in which it will be spent.

What other boardroom in the country would allow any of its members to present such a fickle idea to the effect that a certain amount of money must be raised, of which two per cent, or some other amount, would be spent in a particular area.

This revenue Bill when passed will raise up to \$46 million and it is proposed to spend approximately seven per cent of that amount. The Government, through the Minister in this House, should give us some idea why it needs this extra money and, if it does not do so, this House of Review should exercise some of its privileges. Perhaps the Treasurer should be asked to come to this House and explain the position. Where else in this country would someone be asked to make a decision based on such flimsy information?

In his second reading speech the Minister indicated that tobacco-related illness cost the State

\$65 million. Perhaps that is an argument in support of the proposition that the tobacco industry should pay a little more towards the State's health costs. That is not a bad argument. Just in case that was the argument, I consulted the relevant source to see how much the tobacco industry was paying in taxes.

The Minister is right when he says that the tobacco industry does not pay \$65 million in tax to the State Government. I understand the Federal Government gives us a grant which goes towards the State's health care costs, although I do not know the full ramifications of that. The Federal income is approximately \$684 million—

Hon. J. M. Berinson: Has the Commonwealth ever explained how it spends that sum?

Hon. P. H. WELLS: Has the State Government ever explained how it intends to spend that \$16 million?

Hon. J. M. Berinson: Precisely. Therefore, why does the question arise all of a sudden?

Hon. P. H. WELLS: That sum goes into Consolidated Revenue out of which health care costs are paid. In 1981-82 the population of Western Australia represented 8.7 per cent of the total Australian population. Total receipts from tobacco excise in that year were \$687.084 million. Our portion of the amount Western Australians paid would have been \$59.8 million, taking the State's income from tobacco licence fees in that year to \$10.2 million. Therefore, the cigarette industry would have paid \$70 million. That still left \$5 million to the various Governments to splash around after they had paid all the health care costs. One may well say they took that money and spent it on Ministers' overseas trips.

Hon. J. M. Berinson: The Commonwealth is profligate in that way.

Hon. P. H. WELLS: The point is, that figure represents the cost to the industry in this State and I have just checked the situation.

I do not suggest the money will not be spent in that way, so it brings me back to my original question which was: How about telling us the way in which the money will be spent so that we can make some judgment as to whether the Government has some responsibility in terms of the Bill before the House?

The Government tells us it will raise a certain amount of money—I will not argue whether it is \$16 million or \$40 million—and that it will spend \$2 million of that. I do not think the Government knows exactly how much it will raise. The Hon. Norman Moore asked what sort of reduction in smoking the Government expected to achieve. A

figure mentioned to me by an executive officer of the Cancer Council of WA, Stephen Woodward, indicated the likely reduction in cigarette smoking as a result of a one per cent increase in the price of cigarettes. I do not know the authority for this figure, but the Cancer Council should be able to be relied on in this matter. A one per cent increase in the price of cigarettes is likely to result in a 0.7 per cent decrease in consumption. I have calculated that, if that decrease in consumption occurred, the Government would still raise approximately \$16 million to \$20 million in revenue. It has told us it will spend \$2 million of that and I believe we should be told the way in which the rest of the money will be spent so we can make a judgment on this matter.

Hon. J. M. Berinson: How about using your imagination?

Hon. P. H. WELLS: Imagine what would happen if the Auditor General went around to a Government department and asked, "What are all the expenses you have here?" and an officer said, "Use your imagination". I doubt the Attorney would accept that sort of answer in his own department or in any of the associations with which he is involved. Imagine what would happen at a meeting of lawyers if the Attorney said, "I suggest we increase the fee by approximately 35 per cent so that we can spend five per cent on advertising". Someone would then ask, "Why do you want the other 30 per cent?" and the Attorney would say, "Just use your imagination. The Treasurer wants to go on an overseas trip". All I am saying is that, as a House of Review, we are entitled to an explanation of this matter and that is all I am asking for.

It is an affront to the Parliament to dish up Bills like this without any explanation. I am almost certain that, based on the statistics, a reduction in sales of cigarettes will occur. For example, Ministers are the ones who do most of the interstate travelling. I gather they have influential friends who will find the price of cigarettes a little high and will say, "Mr Berinson, here is \$50. Will you buy me some cigarettes while you are in Melbourne?"

Hon. Robert Hetherington: He will say "No".

Hon. P. H. WELLS: That is what happens in Europe and I do not believe it will be any different here. Will such a situation be illegal and, if it is, what will happen to a parent who gives the same amount of money to his child and says, "Go out and get me the cigarettes"? The same situation could apply to one's next door neighbour and I ask: Is that realistic? I understand such a practice is not regarded as retailing, so what hap-

pens when one goes interstate? I can see the position now. It will be similar to what occurs when one goes overseas. Everyone will come round and say, "While you are in Queensland, would you get me \$50-worth or \$100-worth of cigarettes?" I am just talking about friends—buddies and advisers.

I believe a decrease in the sale of cigarettes will occur because people will buy their cigarettes elsewhere. Not only Ministers but also their advisers will go interstate, and I understand many of their other friends will make such trips also.

I shall raise another matter now, because I believe it is time this House was treated with a bit of respect and things were placed in order.

Hon. Robert Hetherington: That's a change!

Hon. P. H. WELLS: I mentioned this matter to the Attorney last night and he recognised it. The whole system here has been designed to ensure that the Opposition cannot make a decision and this Bill is an example of that. The Government believes that if it does not tell members of the Opposition what it is spending its money on, the Opposition cannot make a decision about the matter. If the Government spends the money on something that is not right, and the Opposition does not know about it, it cannot tell the Government it is not right. Therefore, the Opposition is kept in the dark in the first place. The Government has decided to make certain it is as difficult as possible for us to work out the changes contained in the Bill.

This is really a very small Bill. Before one was able to ascertain what the Government sought to do in this Bill, one had to obtain copies of previous amendments, which were numerous. All those amendments had to be taken into account before one could ascertain the contents of the Act which the Government sought to amend.

Hon. Robert Hetherington: We have all had to do that.

Hon. P. H. WELLS: In this age of computerisation it is about time we had a loose-leaf system in order that members of Parliament might know from the beginning what the law is.

The Attorney has told me that we are working towards that situation and, of course, an up-to-date copy of legislation is available in the House if one can get hold of it. However, I simply point out the difficulties confronted by members before they start to examine the Bill. When one wishes to look at the Local Government Act, one has to employ a team of advisers to put it together, because so many amendments have been made to it. I do not know how councils are able to understand it.

Hon. Fred McKenzie: Whom do you blame for that? You were in government for nine years.

Hon. PETER WELLS: I wonder whether we are moving in a very dangerous direction with this Bill. I am not certain what the people who have been caught by it will do. I believe the Government has a vested interest in this matter.

Let us look at the situation in regard to pensioners and the fact that, during the war, we fed cigarettes to people. If we want to be honest, we must admit that the Government was no better than the drug pushers on the streets, because in those days it fed cigarettes to people and they became addicted to them. It then turned the screws on those people. If one looks at the Federal Government tax on cigarettes, one will see that in 1971-72 it was increased by 9.59 per cent; in 1973-74 by 18.14 per cent; in 1974-75 by 13.04 per cent; in 1975-76 by 16.83 per cent; in 1978-79 by 21.77 per cent; and, in 1982-83 by 16.66 per cent.

Incidentally, after each of those rises the number of children smoking cigarettes increased, according to reports provided by the previous Government and figures produced by various other authorities.

I am concerned that the people who will find it most difficult to give up smoking will start to grope for something else to smoke—anything they can put together. Most members may recall that when they started to smoke years ago when they were young they would smoke anything they could.

Hon. Robert Hetherington: Home-grown tobacco.

Hon. P. H. WELLS: In 1975 Dr Everingham, then the Federal Minister for Health, made the statement, as reported in *The West Australian*, that if the price of cigarettes were increased many people would try to grow tobacco in their backyards. I am told that if people do that, although it has been suggested that would be free enterprise, they would subject themselves to certain health risks. The people on low incomes will suffer real difficulties, and that is something about which I am concerned and about which the Government should be most concerned.

The Hon. Phil Lockyer was right when he referred to the effect this increase will have on pensioners. I am told that the average number of cigarettes smoked per person in Australia is 20 a day. The proposed increase is 25c, with an additional 5c for the retailer and 3c imposed by the Federal Government in income tax. One needs to earn money to be able to spend it. That will make the increase 33c for each packet. The end result is that a person not required to pay sales tax will

have to pay an extra \$2.10 a week for his cigarettes and a person who has to pay sales tax, will have to pay an extra \$2.31 a week. The effect on a pensioner, not taking the tax into account, will be that it will take 2.6 per cent of his pension to pay for this increase.

I again remind members that in the war years the Government of the day gave people free cigarettes. Those people are now the pensioners to whom I refer. The Government created their addiction. If I remember correctly, one person was successful in obtaining compensation from the Government for a tobacco-related disease. An unemployed person will pay 3.4 per cent of his weekly income in increased tobacco taxes, and a person on the average yearly wage of \$18 544 will pay 0.8 per cent of his income. As an example, a member of Parliament—

Hon. A. A. Lewis: Is this before or after the pay cut?

Hon. P. H. WELLS: We should not worry about that. A member of Parliament will pay 0.3 per cent of his salary as a result of this increase.

Hon. Fred McKenzie: But what about the pay cut?

Hon. P. H. WELLS: We will have to wait until that legislation is before the Parliament. It will be different from this Bill because already the increased tax is being taken from the public by retailers, who know that if they do not they may well have to pay large sums of money when this Bill is passed.

The Premier of this State, the best example, will pay less than 0.2 per cent of his salary as a result of this increase. I hope he will be the first person to avail himself of this quit-smoking campaign.

I intended during question time to ask the Minister about the Government's intentions. To make certain I do not transgress the Standing Orders I would like to ask it now. It is related to this matter, and I hope the Attorney General will answer my query during his reply. In the event that this Bill is passed, will the Government consider providing funds to those organisations that have already spent their time and money in support of an antismoking campaign? I refer to organisations such as the National Heart Foundation and the Seventh Day Adventist Church. Will those organisations benefit from the money allocated by the Government to the antismoking campaign? Will the money be spent entirely within Government authorities—by the Government? If this money is to be spent only by the Government, what guarantee can the Minister give that the money will be spent entirely on the prevention of cigarette smoking, and not on something else?

Further, who will be responsible for the monitoring of the programme and reporting to the Minister?

Hon. J. M. Berinson: I really would prefer you to put that question on notice.

Hon. P. H. WELLS: If the Attorney General cannot provide the answer I suggest he seek the advice of his advisers. I am told they are in the Parliament, so perhaps a message could be sent to them.

Hon. N. F. Moore: There are the speakers.

Hon. P. H. WELLS: I thought they might be listening, and might like to whip up here to tell us what will happen.

Hon. I. G. Medcalf: The only thing one can hear in the passageways is your voice.

Hon. P. H. WELLS: If the Attorney General cannot provide the answer now we should leave deliberation of this Bill until tomorrow or the day after.

Hon. J. M. Berinson: There is great urgency in this matter, which I will explain.

Hon. P. H. WELLS: If we have the opportunity to ask questions, surely the Minister should give himself the opportunity to reply. If his advisers, who normally sit in the corner of this Chamber, are not available now, surely arrangements could be made to delay the passage of this Bill so that we can be provided with a proper explanation. We are entitled to that explanation in order to make our judgment. The Attorney General wants me to support this Bill, but he will not answer my questions. He has said the information is not available, and it cannot be found in the Bill, or in the second reading speech. In all fairness, and considering that the Government wants to reform the parliamentary procedures, we deserve answers to our questions. The Government should give us reasons for wanting us to support the Bill. I am one of the supporters in this place of a campaign to stop cigarette smoking, and I am asking reasonable questions. I expect answers. If ever there is to be worthwhile reform in this place, the Government must come forward with the goods and explain to members why this Bill is necessary.

The Hon. Margaret McAleer identified the crux of the problem.

Hon. Robert Hetherington interjected.

Hon. P. H. WELLS: The Hon. Robert Hetherington has seen fit to interject rather than rise to speak. If he wants to speak I am quite happy now to sit down.

HON. TOM KNIGHT (South) [10.10 p.m.]: I have decided to speak on this Bill this evening to voice a protest on behalf of the people who do not

have the opportunity to do so themselves. The Hon. Margaret McAleer put before this House a petition with 33 000 signatures objecting to the measure before us. It is a cruel, wicked, and obnoxious piece of legislation; it will hit hardest the people who can ill afford to pay this obnoxious tax. I am one who smokes cigarettes, but I doubt if many members know that I do. I might have one in a week, or in a month, and then I might have a packet in one night. I choose to smoke but I am not addicted to cigarettes. I enjoy a smoke when I want one.

Hon. J. M. Berinson: Is the new tax more obnoxious than the existing one in other than percentage terms?

Hon. TOM KNIGHT: I object to this increase to be imposed on the people of this State whom I represent, and whom the Attorney General represents. People in his electorate resent the introduction of this measure.

Hon. J. M. Berinson: But do you have any objection to the tax itself?

Hon. TOM KNIGHT: I had nothing to do with its introduction, but I now object to this increase, which will hit at the people who can ill afford it. Funnily enough, they are the people the Government continues to say it supports—workers and pensioners. These people cannot afford this sort of increase.

The main reason I want to address this legislation is that in my electorate I am aware of an elderly pensioner who is completely bed-ridden in a nursing home, and the only pleasure she has left in life is to smoke cigarettes. That is all she has, and unfortunately the nursing home takes all her pension to pay for her upkeep and medical care. Her brother is obliged to buy her cigarettes, but he does not earn a terribly big income because he is an ordinary worker. This cost has imposed a financial burden on him and his family. He said to me that because he is the brother of this elderly pensioner he feels obliged to allow her the only luxury she has left in life.

Will the Government show compassion to people in these situations, whom it is hitting between the eyes with this increased tax? Will it provide free packets of cigarettes to these people who have nothing else left to live for? Of course, I do not support the idea of children smoking cigarettes—I strongly object to that—but we should do something for the people this Government is knocking between the eyes, the people it says it supports.

As an example, the father of a low income family may smoke, and may have tried dozens of times to quit the habit. If he is not able to do so,

he will use more of the family's income to pay for his cigarettes. This will mean that the family will not be able to get the little things they have come to expect such as Christmas and birthday presents. The children will suffer, not Mum or Dad. Members have seen this happen time and time again with people addicted to alcohol. It is the children who suffer.

This tax will create a great deal of suffering in low income groups, particularly pensioner groups. I have referred to a factual example of an elderly pensioner. She was the reason for my rising tonight to make the Attorney General aware that this Bill will hit the people who can ill afford to pay this increased tax. It is an obnoxious imposition on the people of this State, and I cannot say I will support it.

HON. V. J. FERRY (South-West) [10.14 p.m.]: It is quite obvious the Government is concerned about having this legislation passed quickly through the Parliament. A number of speakers from this side of the House have spoken tonight, but, apart from the Attorney General, not one person from the other side has spoken. That is an extraordinary state of affairs. I do not know whether the Government has told its members in this place that they should not speak on this Bill because that might spoil a good story, or because the Government believes this Bill is of no great importance.

Hon. Neil Oliver: They have been told by Caucus.

Hon. V. J. FERRY: Good gracious me, I never would have guessed! It is a lack of courtesy to this House that Government members will not speak in support of this legislation.

Hon. D. K. Dans: I recall one of your leaders getting dumped for stonewalling one of his own Bills.

Hon. V. J. FERRY: This matter was brought in rather belatedly, because, as was explained, the public are already paying this increased tax. That is why the Government is trying to rush it through. The Government should have thought of that before it brought in the Bill.

It is another case of the Burke Government's raping the community. The community is being raped financially. We heard prior to the election that if the Labor Party were elected to Government it would not increase anything at all. The Labor Party gave quite a list, but I will not go through it; it is well known. It said it would not increase charges or taxes and said, "Vote for us and you will be in great hands". Well, people certainly are in great hands; they will be disadvantaged by this taxing measure.

Someone suggested that no matter what it is called, whether it is called a charge, a tax, or an imposition, people will have to pay. The people who will have to pay will be those who can least afford it. It seems an extraordinary action for a Labor Government to be contemplating a move that will disadvantage people in the lower echelons of our society. These people are being raped financially; there is no question about it.

This tax will have grave repercussions for the Government all over the State. The Burke Government is not an honest one at all because prior to the election its members said they would not increase charges.

This is similar to the Fremantle-Perth railway situation—the Government is determined to spend money. Why has not the Government said it wants money for X, Y, and Z to serve the community? The Labor Party, prior to the election, said to the people that if elected to Government it would not disadvantage them. The Labor Party said it would reduce prices, and when it was elected to Government it brought in legislation against excessive prices. However, of course, it did not say anything to people about increased taxes at that time. We now have a situation where the Government's back-bench members will not support the Minister. Therefore, this is bad legislation.

**HON. D. J. WORDSWORTH (South) [10.18 p.m.]:** As a reformed smoker, I am very antismoking and I detest having smoke blown in my face or having a cigarette set up in an ashtray where the smoke wafts into my eyes. I object to such antisocial practices, but I find it difficult to support this legislation. I cannot do so on three counts: Firstly, the present tax would adequately fund any of the Government's objects in its five-pronged attack on smoking. Secondly, I do not believe that a major escalation in a tax would reduce the amount of smoking in the community. Thirdly, I believe that a disproportionately high tax in this State will disadvantage storekeepers and those who sell cigarettes.

To expand a little on that: We were told in the Minister's second reading speech that less than one-tenth of one per cent of the current tax went to education and that only 0.13 per cent of the \$57 million collected over the last five years was devoted to antismoking campaigns. If that does not leave enough money for the Government to fund its five-pronged attack, what amount does it require?

It is really quite ridiculous that the tax should be increased when the present tax is utilised to such a small extent. There is no argument at all

that not enough funds have been collected to carry out the Government's proposed measures.

No logic has been put forward in the argument that the increase in tax will make people give up the smoking habit. If an increased tax will have this effect, the same argument could be applied to increasing income tax to alleviate unemployment. It is the same sort of argument.

Hon. Robert Hetherington: It is not at all.

Hon. D. J. WORDSWORTH: It is the same as saying that, if the tax is increased, people will give it up.

Hon. Robert Hetherington: That is not the same argument.

Hon. D. J. WORDSWORTH: Do we increase land tax to try to make people sell their land? This business of increasing tax for that reason does not carry any logic at all.

Hon. J. M. Berinson: The point is that we do not want to force people to sell their land, but we do want to encourage them to stop smoking. Isn't that the difference?

Hon. D. J. WORDSWORTH: Why does it apply to cigarettes and not to land? Why will the act of increasing taxes make people give up smoking?

Hon. Garry Kelly: Land is not a health hazard.

Several members interjected.

Hon. D. J. WORDSWORTH: I think someone said his logic is impeccable.

Hon. Robert Hetherington: Your logic is "peccable".

Hon. D. J. WORDSWORTH: Previous speakers have pointed out that this increase in tax will affect the pensioners and those on low incomes and they are the people least able to afford this tax.

It is not fair to direct such a high level of taxation at one group of people. Of course we have other reasons for increasing taxes and this has been done with petrol and diesel fuel. The object of this was to direct people into other forms of fuel use such as liquid gas. A tax is not levied on liquid gas used in a motor car. The whole object of this fuel tax was to make people change their habits. I am concerned an increase in the tax on cigarettes will have the same effect—it will not move people from their habit of smoking tobacco to the alternative.

Mr Wells suggested that the Government's move may encourage people to grow tobacco in their backyards. Of course he did not speak about drugs—

Hon. Garry Kelly: Pot?

**Hon. D. J. WORDSWORTH:** —and what may happen if people started to grow pot.

That does not seem to go too much against Labor Party principles. It seems the Labor Party thinks that some leniency should be shown to those who grow their own pot.

Some concern has been expressed that this increase in tax will encourage people to get their supplies of tobacco from other States. I raise the subject of what this increased tax will do to the normal trade that comes through our stores, whether it be the corner store, the newsagent, or the tavern.

Cigarettes are sold widely and some businesses are dependent upon the sale of cigarettes. If I believed that this tax would result in people giving up smoking I would not be so concerned. However, I am concerned about the traders because I feel we will see a mail order system arise. This is occurring already and of course people will order full cartons of cigarettes from interstate. Once again the pensioners will be hurt.

For the reasons I have given I believe there is very little argument from the Government in support of this legislation. We have not received any information about how this revenue will be spent and I will have to hear a much better argument from the Government before I can support the Bill.

**HON. J. M. BERINSON** (North Central Metropolitan—Attorney General) [10.25 p.m.]: In introducing this Bill I described it as an antismoking measure and that is what it is. It is based on a judgment, supported by the views of the industry itself, that the most effective single means of reducing the consumption of tobacco products is higher prices. That fact is confirmed by experience over many years and the effect of analagous excise increases is a fact which is well documented in the areas of both tobacco products and liquor.

**Hon. H. W. Gayfer:** Documented by whom?

**Hon. J. M. BERINSON:** Documented by the industry, Mr Gayfer. Indeed, I am sure Mr Gayfer will recall that invariably before a Commonwealth Budget is brought in all members of Parliament—Commonwealth and State—and anyone else who is interested in pursuing the matter, receive lengthy submissions from the liquor industry indicating the dramatic effects that higher excise has had on its product. I am sure the member will recall that.

Several members interjected.

**Hon. J. M. BERINSON:** No-one who has spoken in this debate has denied the proposition

that higher prices deter tobacco consumption and that it is the most effective form of deterrent.

Admittedly, Mr Medcalf was just taking a rule of thumb when he argued on the basis that the proposed increase might produce a 10 per cent decrease. Mr Lewis, again for the sake of argument, took a 20 per cent potential reduction out of the air. I do not bind those gentlemen to those arguments but implicit in them was an acceptance of the view that higher prices lead to lower consumption. No-one has denied that a reduction of tobacco consumption is desirable, so it seems to me that we are agreed in at least two respects: We are agreed on the antismoking objective and we are agreed on the fact that higher prices constitute an effective means, if not the most effective means, of pursuing that objective.

However, the agreement seems to be limited to the theory, or the principle, of the matter. When it comes to the implementation, the Opposition balks and says that we are going too far. How far is too far? It is too far to go as far as the Government proposes that we go. We should go to some lesser point. Indeed, if I understand correctly, some, if not all, of the Government members were inclined to believe that we should not go anywhere at all. I want to say that that is a disturbingly negative approach and seems to fly in the face of the two propositions which have general acceptance in this House.

**Hon. H. W. Gayfer:** You know that you said some of the "Government" members don't want to go anywhere.

**Hon. J. M. BERINSON:** I meant Opposition members and that must have been obvious, Mr Gayfer, as was the mistake that was made in the same way when for several days people kept calling Mr Medcalf the Leader of the House.

Somewhere in the course of discussion there was a shift of the ground of debate, away from the merits of higher prices as a disincentive to tobacco consumption, to the claim that this Bill was a rip-off because far more will be raised by the increase in the fee than will be spent in the health education programme.

To the extent that that argument was seriously advanced, I am bound to say it reveals an appalling ignorance of real-life situations and of real political and financial situations. Many political decisions have more than one effect; there would be few political decisions which do not. The analagous position of the Commonwealth fuel levy was raised by one honourable member, and who could deny that it has constituted a very important impetus to fuel conservation strategies? No-one could deny that, yet at the same time it is



equally true that, while that was going on on the one hand, the Commonwealth Budget also benefited and continues to benefit at the rate of something over \$3 billion a year.

So too with this measure. Smoking disincentives by means of price increases need an effective level in order to achieve the objective. At that level, State revenue will inevitably benefit by more than could reasonably be suggested be expended on an antismoking campaign. A benefit to revenue results; it is a spin-off. I do not beat about the bush or deny for a moment that that is a particularly welcome spin-off, especially in the context of the huge medical costs which smoking-related diseases impose on the State. But I invite honourable members opposite equally to concede that the excess is in fact a spin-off rather than a major objective.

Mr Wells made an extraordinary demand; he demanded to know, and that I specify in particular, where the excess of income over expenditure on health education programmes would be spent. I invited him at that point to use his imagination and he nearly had a relapse. I assure the honourable member I did not intend to be insulting. I was not even inviting him to strain himself. The truth is, I thought that the answer would be self-evident to any honourable member. The excess funds will go to the same place that the original 12.5 per cent licence fee goes, and that stamp duty, payroll tax, and every conceivable tax levy and licence fee go—into Consolidated Revenue. Its purpose once there is to be devoted to the needs of the State. That is where it is going and I ask Mr Wells to please believe I was not intending to convey anything other than that in my friendly interjection at the time of his request.

The Hon. P. H. Lockyer: Shades of Sir Laurence Olivier!

Hon. J. M. BERINSON: Some specific questions were put to me and I will answer them to the best of my ability. If I omit an answer I welcome any additional approaches from honourable members, and I undertake to obtain the information as best I can. I refer in particular to the question put by the Hon. Sandy Lewis, who asked whether a particular firm received a contract of a particular magnitude. I simply do not know. I undertake to find out, although I would prefer it if the honourable member agreed in return to provide me with a specific list of questions to ensure I understand their full import.

The Hon. Peter Wells asked whether it was proposed to provide funds to voluntary organisations in the field in the course of the health education programme. Again the answer is that I do

not know. The reason is that the programme is still in the course of preparation. It has not been finalised, and assumptions could not be made in advance of the order of magnitude of the programme. In any event, it needs care in preparation. I undertake to obtain the answer for the honourable member and to provide it to him.

Hon. P. H. Wells: Who is putting the programme together?

Hon. J. M. BERINSON: It is being put together under the auspices of the Minister for Health.

Questions were raised by Mr Medcalf and others about evasion and avoidance and what was called by some "bootlegging". Reference was made in this respect to the loss of revenue from mail orders. Obviously, that has been taken into account, but again the judgment of the Government is that to the extent that that sort of avoidance—legal, we concede—will occur, it will be limited in amount and, in our view, short term. In our view, it is more than not likely to be short term because of two considerations. The first is the fact that people tend to get tired of making special arrangements for relatively small savings, and that is all that would be involved in bringing over a couple of cartons of cigarettes by mail. Secondly, there are reasonable grounds for expecting that the move in our own fees will, before too long, be mirrored by other States, so that there will be no advantage to that sort of interstate traffic.

The question of bootlegging or the illegal aspects of evasion is tied to the high and deterrent penalties to be found in this Bill. No reasons exist for believing they cannot be policed effectively.

A number of other specific matters were raised, and I will deal with them briefly. Mr Medcalf asked about the difference in treatment between the amendment to section 4 and the amendment to section 18. The difference, in my view, is based on the fact that section 4 deals with investigations, whereas section 18 deals with actual offences. The honourable member will have noted, I think, that while the penalties in both these provisions are increased substantially, the increases are proportionate to current penalties rather than the same. In other words, while the end penalty for one is now \$10 000 compared with \$5 000 for the other, this represents the same proportion as existed previously.

In section 18 a penalty of \$500 is now specified and in section 4, a penalty of \$200. The proportion I now note is in fact different, but only slightly so.

The honourable member also asked me to particularise a loophole which was said in my second reading speech to be closed. That referred to the following situation: Under the present Act, a licence fee must be paid by a retailer, but he is freed from that obligation if he buys his cigarettes from a licensed wholesaler or another retailer. It is possible under the present terms of the Act that a retailer in Western Australia could buy in bulk from a retailer in another State who is not licensed and who therefore does not pay fees under the WA legislation. For that reason, the exemption which applies to purchases from another retailer is now amended so as to be limited to purchases from another intrastate retailer.

I conclude on the point at which I started. This Bill is what it claims to be in the first place—an antismoking measure. It certainly has important revenue implications. I do not deny that. Indeed I welcome the recognition of that by honourable members opposite as well as their recognition of the consequences which should properly flow from that in terms of their attitude to this Bill.

I urge the House to support the second reading.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Deputy Chairman of Committees (Hon. I. G. Pratt) in the Chair; the Hon J. M. Berinson (Attorney General) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Section 10 amended—

Hon. P. H. WELLS: Clause 5 provides the increase of 35 per cent and the various situations in which the Government may collect money. It is the part of the Bill that will provide the Government with the revenue.

Apart from the fact that the Attorney did not know any of the answers, I would have thought there was reason for reporting progress and dealing with the Bill tomorrow. The Attorney could not tell us who was putting the programme together. He did not know how much money was coming in. Despite the fact that it is purely a revenue Bill, the Attorney said it is supposed to be an antismoking Bill.

I question the sincerity of the Government. Tonight during question time I received an answer to a question about the Government's intentions with this Bill. In question 88, I asked if the Premier, when he was the Leader of the Opposition, had given any undertaking to a representative of the tobacco industry that the ALP, if elected, would not introduce into the Parliament a

Bill relating to tobacco advertising. Although the Premier told me that, to his knowledge, he did not do that, people in the tobacco industry have told me clearly that not only Burke, the Premier, but also Wran and Cain, gave undertakings to the tobacco industry that they would not introduce Bills to eliminate advertising.

In the second reading speech, we were told that the income derived from this legislation would be part of the antismoking programme; but we have seen a shift. It may be that the advertising people were lying; and perhaps they should be brought to this Chamber so we can determine who is telling the truth.

We are told that there is a possibility of the Government's introducing legislation to eliminate advertising and the promotion of tobacco. In view of the fact that the Attorney said this Bill is a revenue Bill, has the Government decided not to go ahead with its legislation on the advertising and promotion of tobacco products? If so, why has it shifted from saying that it would not go ahead?

I ask the Attorney what has happened since the Government came into office to make it change its mind.

Hon. J. M. BERINSON: I am not sure of the relevance of the question to clause 5; but I assure the Chamber that this measure is part of a comprehensive antismoking programme. A number of the items in that programme were specified in my second reading speech. The advertising aspect was only one of a number listed as currently under consideration.

I cannot take that any further, and I do not think the honourable member or the Committee would expect me to anticipate future Government decisions.

I assure the Committee that we will have a comprehensive antismoking programme, and that the funds devoted to it will be, as announced, not less than \$6 million over the next three years, although it may well be more. In the course of our further consideration—in the near future, I might add—the question of the advertising of tobacco products will be clarified further.

Clause put and passed.

Clauses 6 to 9 put and passed.

Title put and passed.

#### *Report*

Bill reported, without amendment, and the report adopted.

#### *Third Reading*

Bill read a third time, on motion by the Hon. J. M. Berinson (Attorney General), and passed.

**LOCAL GOVERNMENT AMENDMENT BILL***Receipt and First Reading*

Bill received from the Assembly; and, on motion by the Hon. Peter Dowding (Minister for Mines), read a first time.

*Second Reading*

**HON. PETER DOWDING** (North—Minister for Mines) [10.53 p.m.]: I move—

That the Bill be now read a second time.

This Bill concerns local government rating and has been brought forward as a matter of urgency because local authorities are currently finalising their budget deliberations and determining their municipal rates for 1983-84.

It proposes that the Local Government Act be amended to provide an option to councils to phase-in over a three-year period increased valuations which result from a general valuation of a municipal district.

The Government's attention has been drawn to the fact that many ratepayers are likely to experience severe rate increases in 1983-84 as a result of the revaluation of their properties coming into effect for rating purposes this financial year.

The Minister for Local Government informed councils some time ago of the Government's intention to introduce this legislation to enable them to defer the finalisation of their 1983-84 rates, should they so desire, until the outcome was known.

Members may be aware that the Metropolitan Water Authority has for several years provided for the phasing-in of rates by limiting the amount of increase in rates which may occur per assessment in any one year. In addition, the Metropolitan Water Authority is using a new scheme this year which provides for the phasing-in of valuations over a three-year period.

These and other alternatives have been investigated in the course of considering the practicability of introducing a scheme which would provide for a method of phasing-in of municipal rates to reduce the effects of increased valuations occurring in the course of a general valuation.

Under the provisions of this Bill, councils will be able to alleviate, by spreading the introduction of the higher valuations over a three-year term, the impact of rate increases caused by a revaluation. In the first year, rates will be assessed on the basis of the old valuation plus one-third of the difference between the old and the new; in the second year it will be the old plus two-thirds the

difference; and in the third year the new valuation will apply fully. Where a new valuation is the same as or less than the former valuation, the council shall apply the new valuation.

It is emphasised that each council will have to decide for itself whether it wishes to adopt this phasing-in scheme.

In acknowledging the concern of some ratepayers and councils over the possibility of massive rate increases for 1983-84, the Government has acted quickly to bring this amending legislation to the Parliament in order to provide councils with a power to enable them to soften the impact on the ratepayers concerned, should they so desire to utilise such an option.

The Government has not provided for the introduction of a ceiling on the percentage increases to ratepayers because this would have overly complicated the scheme for councils at this late stage. Nevertheless, the Government intends to examine the feasibility of providing for such a ceiling on a subsequent occasion.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. I. G. Pratt.

**ADJOURNMENT OF THE HOUSE**

**HON. D. K. DANS** (South Metropolitan—Leader of the House) [10.55 p.m.]: I move—

That the House do now adjourn.

*Ministers of the Crown: Advisers*

**HON. N. F. MOORE** (Lower North) [10.56 p.m.]: I do not think the House should adjourn until I advise members of the most extraordinary announcement made by the Premier today. He made available to the Press a list of advisers who have been appointed by his Government since it was elected to office. I will advise the House of some of the names of those advisers, and I will point out a couple of matters which are of considerable interest.

The advisers appointed under the heading "Cabinet" are as follows—

	Salary	
D. Mitchell	43 500	Principal Ministerial Adviser
M. Naylor	34 700	Ministerial Adviser (Policy Development)
B. Pratt	34 700	Ministerial Officer (Special Services)
T. Butler	34 700	Ministerial Adviser
J. Kobelke	23 900	Research Officer
M. Hale	26 700	Ministerial Officer
B. Goodridge	34 700	Ministerial Adviser on Tourism

Finally, in the Premier's section, we have V. Ermacora, salary \$18 086, title "Personal Assistant Ministerial Adviser to Ministerial Advisers". Therefore, we now have not only a long list of

ministerial advisers, but also an adviser to the ministerial advisers. As the Hon. Graham MacKinnon said, we can see where the tobacco money is going.

I ask that the Government indicates to us whether it has now realised that the ministerial advisers are suffering from the same lack of knowledge as the Ministers were when they had to appoint advisers, and now the advisers are being appointed to advise the advisers.

Question put and passed.

*House adjourned at 10.57 p.m.*

## QUESTIONS ON NOTICE

### COMPANIES CODE

#### *Fees*

69. Hon. I. G. MEDCALF, to the Attorney General:

- (1) Has an increase in fees payable under the Companies Code been approved?
- (2) If there has been a percentage increase, what is the percentage?
- (3) Does any increase apply generally or to what extent?

Hon. J. M. BERINSON replied:

- (1) and (2) At its meeting in Mackay on 14 July 1983, the ministerial council for companies and securities approved an increase in fees of 10 per cent.
- (3) The increase will apply to all fees payable under the Companies Code subject to any rounding off which may be necessary to ensure that fees are expressed in whole dollar terms.

### WATER RESOURCES

#### *Capel, Dardanup and Bunbury South: Investigation*

70. Hon. V. J. FERRY, to the Minister for Mines representing the Minister for Regional Development and the North West:

- (1) In accordance with undertakings given in the "Bunbury 2000" development strategy, will the Government institute a comprehensive investigation of the water needs of Capel, Dardanup, and in particular the area located at the southern boundary of Bunbury and North Capel?
- (2) If so, when will this work commence?

Hon. PETER DOWDING replied:

- (1) and (2) As the member will be aware, a comprehensive investigation of water resources is presently being undertaken on a State-wide basis.

The South West Development Authority is examining the progress of this report, and will recommend appropriate action to achieve the undertakings in the "Bunbury 2000" development strategy.

The Minister is mindful that the areas in question have a high priority.

### HOUSING: GOVERNMENT EMPLOYEES' HOUSING AUTHORITY

#### *Water Tanks*

71. Hon. TOM McNEIL, to the Minister for Mines representing the Minister for Housing:

With reference to question 21 of 27 July 1983—

- (1) Is the Minister aware that three water tanks totalling 9 000 gallons, sited at the GEHA residence of the Binnu Primary School, have split on two occasions, and lost their entire contents as a result of the ground not being compacted?
- (2) Would the Minister advise the cost incurred in repairing and refilling the tanks for the third time?

Hon. PETER DOWDING replied:

- (1) One water tank split, not three, initially due to faulty workmanship when it was installed. Repairs were carried out to the tank; however, it split a second time as the repairs were unsatisfactory. Ground compaction was not a factor in either case.
- (2) Costs of repairs and refilling the tank were met by the building contractor on each occasion.

### INDUSTRIAL RELATIONS

#### *"Entitlement on Termination of Employment"*

72. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

- (1) Is the Minister aware of an application before the Federal Court on entitlement on termination of employment?
- (2) Does the Minister know that the application is supported by the Federal Government?
- (3) Does the WA State Government support the proposals in principle?

- (4) Would the WA State Government support a similar application in Western Australia?

Hon. D. K. DANS replied:

- (1) No. However, there is an application before the Commonwealth Conciliation and Arbitration Commission by the ACTU known as the "job security test case" which includes a claim as to entitlement on termination of employment.
- (2) The Australian Government has supported the application in principle only.
- (3) The Government of Western Australia has appeared in the proceedings to support the application in principle only.
- (4) This is a matter that would need to be carefully considered having regard for all of the relevant circumstances when and if a similar application is made.

#### LAND: BOARD

##### *Chairman*

73. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Lands and Surveys:

- (1) Was Mr J. C. Tozer appointed as Chairman, Land Board, in August 1982, as reported in *The West Australian* on 27 August 1982?
- (2) Does the fact that Mr Tozer's name is not listed on page 74 of the *Government Gazette* of 21 July 1983, titled "Register of Government Boards and Committees", indicate that he no longer holds the post, Chairman, Land Board?
- (3) If so, when and under what circumstances was the service of Mr Tozer terminated?
- (4) According to the entry in the *Government Gazette*, D. G. Dore—retired person and described as a former member of Parliament—was appointed Chairman, Land Board, on 30 May 1983. Was the appointment of Mr (or Mrs) D. G. Dore made as a replacement for Mr Tozer and, if so, why?

Hon. D. K. DANS replied:

- (1) Yes.
- (2) Yes.
- (3) and (4) A review into the positions of chairmen (2) of the Land Board was made by the present Government.

Following this review, Cabinet determined that the services of Mr Tozer were no longer required.

Subsequent to this decision and following consideration of the nominations received for the vacant chairman position, Mr D. G. Dore was appointed on 30 May 1983.

Unfortunately, the entry in the *Government Gazette* of 21 July 1983, was incorrect in stating Mr Dore was a former member of Parliament. In fact, Mr Dore is a retired bank manager.

74. *This question was postponed.*

#### COMMUNITY WELFARE

##### *Utility Consumption Subsidy*

75. Hon. TOM KNIGHT, to the Minister for Mines representing the Minister for Youth and Community Services:

The pamphlet produced by the Minister outlining the Government's utility consumption subsidy of up to \$5 000 states under the heading "General Criteria" that applicants must have dependant children living at home. Will the Minister explain why the subsidy has been restricted in this way?

Hon. PETER DOWDING replied:

This criterion was established to ensure that this component of the Government's welfare package reached those in greatest need. It should be kept in mind that the utility consumption subsidy is designed to complement an expanded SEC rebate on supply charges of up to \$54.70 per year. This rebate is available to all pensioners and beneficiaries holding Department of Social Security health cards irrespective of whether dependant children are at home.

#### PASTORAL LEASE: NOONKANBAH STATION

##### *Aboriginal Reserve*

76. Hon. N. F. MOORE, to the Leader of the House representing the Minister for Lands and Surveys:

- (1) Has any consideration been given by the Government to converting the Noonkanbah pastoral lease into an Aboriginal reserve?

- (2) If so, has a decision been reached, and when can it be expected that this decision will be implemented?

Hon. D. K. DANS replied:

- (1) No.  
(2) Answered by (1).

## RACING: CLUBS

### *Rationalisation*

77. Hon. D. J. WORDSWORTH, to the Leader of the House representing the Minister for Employment and Administrative Services:

- (1) Has the WATC met with the Government or presented submissions concerning the rationalisation of race meetings?  
(2) If so, which race clubs would be phased out—  
    (a) in the immediate future; and  
    (b) at a later stage?  
(3) What action has the Government taken or is contemplating taking to support such rationalisation?

Hon. D. K. DANS replied:

- (1) No.  
(2) (a) and (b) Answered by (1).  
(3) The Government will consider action to be taken after receipt of a written submission by the WA Turf Club on the Baxter Honorary Royal Commission report, which it is understood will include details of a proposed rationalisation of race clubs by the WA Turf Club.

## RECREATION: FOOTBALL

### *State-of-origin Match: Children*

78. Hon. TOM McNEIL, to the Attorney General representing the Minister for Education:

- (1) As it was reported that thousands of school children were in attendance at the State-of-origin football game between WA and Victoria played at Subiaco Oval on 12 July 1983, would the Minister advise—  
    (a) whether the children's attendance at the game was with the approval of the Education Department;  
    (b) whether the decision to attend was left to the discretion of the school principals;  
    (c) how many children attended; and

- (d) how much were the children charged for transport to the ground and admittance?

(2) Were the children invited guests of the WAFL?

(3) If "Yes"—

- (a) which metropolitan schools were invited; and  
(b) which country schools were invited?

Hon. J. M. BERINSON replied:

- (1) (a) The WAFL was given approval by the Education Department to invite schools to attend Subiaco Oval on 12 July. The State game was preceded by the final of the CIG Cup, a competition in which most metropolitan Government high schools took part;  
(b) the league sent letters inviting a specified number of children from each Government and non-Government school in the metropolitan area. It was left to the discretion of principals to accept or reject this invitation;  
(c) approximately 7 000 persons from schools, including supervisors, attended the game;  
(d) no charge for admission was made. Costs of transport were decided by the individual schools.  
(2) Yes.  
(3) (a) All metropolitan and some near metropolitan schools were invited;  
(b) a number of country schools accepted the invitation. It is understood that several country schools which did not receive invitations approached the league and were issued with invitations.

## DECENTRALISATION

### *Government Purchasing*

79. Hon. V. J. FERRY, to the Minister for Mines representing the Minister for Regional Development and the North West:

In accordance with undertakings given in the "Bunbury 2000" development strategy, what progress is being made to decentralise Government purchasing by establishing a regional Government Stores complex and by giving regional officers greater financial autonomy?

Hon. PETER DOWDING replied:

The South West Development Authority has been in contact with the Controller of Stores to ascertain if it is possible and if so the most practical way of bringing about a regional Government Stores complex.

Prospective premises have been looked at by the authority and the Public Service Board. The Controller of Stores is due to visit Bunbury shortly for further discussions on the matter.

#### LAND: AGRICULTURAL

##### *Release: Dalwallinu and Perenjori*

80. Hon. W. G. ATKINSON, to the Leader of the House representing the Minister for Lands and Surveys:

- (1) What is the present status of proposals for the release of new farming land within the Shires of Dalwallinu and Perenjori, north of Goodlands?
- (2) What action is being taken in relation to the release of the land for farming?
- (3) When will the action be completed?
- (4) What obstacles stand in the way of completion of the release of the land?
- (5) In view of the fact that this matter has been proceeding for many years and that many representations have been made and studies undertaken, will the Minister expedite completion of the project?
- (6) Will the Minister advise the Shires of Dalwallinu and Perenjori of the precise position, and keep them informed of progress?

Hon. D. K. DANS replied:

- (1) to (5) Upon taking office, the Government considered that a review of agricultural land release was desirable. To this end, a committee of review was formed comprising the Minister for Lands and Surveys, the Minister for Agriculture, and Fisheries and Wildlife, and the Minister for the Environment.

This review committee is being assisted by the respective departmental permanent heads and by a working party of officers.

The terms of reference include a requirement for the committee to review the adequacy of the current system of assessing the suitability of Crown lands

for release for agriculture and the impact of such release on the environment.

It was decided that, apart from two releases in the Ravensthorpe area, all other release proposals would be deferred pending the results of the review. This decision affects any further land release in the Shires of Perenjori and Dalwallinu.

The review committee hopes to complete its task by the end of the year and will shortly be inviting written submissions from relevant organisations and the public.

- (6) A deputation, introduced by Mr R. J. Tubby, MLA, from the Shires of Perenjori and Dalwallinu, was received by the Minister for Lands and Surveys this morning and the subject was discussed at length.

#### MINING: NOONKANBAH STATION

##### *Agreement: Aboriginal Organisations*

81. Hon. N. F. MOORE, to the Minister for Mines:

As it was reported in *The West Australian* on Saturday, 16 July 1983, page 4, that the following Aboriginal organisations were involved in negotiating an agreement with the International Energy Development Corporation—

- (a) Marra Worra Worra Aborigine Corporation;
- (b) Kimberley Land Council;
- (c) National Aboriginal Council—

- (1) Will the Minister confirm or deny that representatives of these bodies were in fact involved?
- (2) Can the Minister advise the names of the individuals who represented the Aboriginal organisations at the negotiations?
- (3) Were there any other organisations involved in the negotiations?

Hon. PETER DOWDING replied:

- (1) I refer to the answer to the question without notice from the honourable member on 27 July 1983 on this subject. The Government did not attend the negotiations, either as a party or an observer.

- (2) Inquiries have suggested that many individuals were involved in meetings; they have not been identified to the Minister.
- (3) Not known.

**MANJIMUP: CANNING CO-OPERATIVE CO. LTD.**

*Finance*

82. Hon. A. A. LEWIS, to the Minister for Mines representing the Minister for Economic Development and Technology:

- (1) Has the Minister received a reply from the Federal Government with regard to interest-free finance for the Manjimup cannery?
- (2) If "Yes", is the Federal Government making the money available?

Hon. PETER DOWDING replied:

- (1) The Minister for Agriculture has written to the Federal Minister for Primary Industry on this matter and a reply has been received.
- (2) No decision has been made by the Federal Government to provide money to the cannery. This matter is to be the subject of further examination.

**EDUCATION: COLLEGE**

*Canning: Enrolment*

83. Hon. P. G. PENDAL, to the Attorney General representing the Minister for Education:

- (1) What is the total enrolment at the new Canning College?
- (2) What number of the total are TAE students?
- (3) What non-TAE courses are available?
- (4) What number of the total enrolment are in non-TAE courses?

Hon. J. M. BERINSON replied:

- (1) 865 (as at 31 July 1983).
- (2) 601.
- (3) Systematic Training in Effective Parenting.  
Stress Management.  
Personal Development.  
Assertiveness Training.  
Effective Communication.  
Natural History (Introduction of WA flora and fauna).  
Natural History (Flowering Plants of WA).  
New opportunities.

Learning how to learn.

SPEAK (Speak Publicly, Effectively, Accurately and Knowledgeably).

Secondary Upgrade in English, Mathematics and Science.

English as a Second Language.

EPUY (Educational Programme for Unemployed Youth).

Art in Motion.

Self Development.

- (4) 264.

**EDUCATION: PRIMARY SCHOOL**

*Binnu*

84. Hon. TOM McNEIL, to the Attorney General representing the Minister for Education:

Would the Minister advise what plans are currently being considered for the reticulation of the school oval at the Binnu Primary School now that the school has a regular water supply and the Northampton Shire Council and the Binnu P & C will undertake to provide the necessary machinery and labour?

Hon. J. M. BERINSON replied:

In 1980 the Shire of Northampton and the Education Department agreed to consolidate the local recreation area with the school site. This was on the basis of a shared cost of developing an oval.

Sharing of costs has not been negotiated with the shire; but it is expected that this will be on the usual basis of a 50:50 agreement on development and maintenance.

**APPRENTICES**

*South-west*

85. Hon. V. J. FERRY, to the Minister for Mines representing the Minister for Regional Development and the North West:

In accordance with undertakings given in the "Bunbury 2000" development strategy, what will be—

- (a) the increased number of apprentices employed by Government agencies in the south-west;
- (b) in what agencies will they be placed; and
- (c) when will this undertaking be implemented?



Hon. PETER DOWDING replied:

- (a) to (c) The South West Development Authority has, as yet, not investigated the situation in depth. However, action is being taken to increase everything possible is done to increase apprentice employment opportunities in the Bunbury area to accommodate school leavers at the end of 1983. This action includes canvassing of Government departments and agencies in the area.

#### MINING: NOONKANBAH STATION

*Agreement: Mr Stephen Hawke*

86. Hon. N. F. MOORE, to the Minister for Mines:

Did Mr Stephen Hawke at any time meet with the Director General of Mines to discuss any aspects of the agreement between the International Energy Development Corporation and the Aboriginal community at Noonkanbah?

Hon. PETER DOWDING replied:

No.

#### TOURISM

*Cockatoo Island*

87. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

- (1) Can the Minister say what stage has been reached in negotiations with BHP Minerals for Cockatoo Island to become a tourist resort?
- (2) Will the Minister give an assurance that such a development will be carried out and operated by the private sector?
- (3) If so, what method will be used to determine who in the private sector will be given operating rights?

Hon. D. K. DANS replied:

- (1) An interdepartmental committee is currently assessing all matters involved in the acquisition and maintenance of the facilities on the island for possible future use as a tourist resort. Formal negotiations with the company will be entered into at an early date.
- (2) and (3) A decision on the future use of the island has yet to be made.

#### HEALTH: TOBACCO

*Advertising: Premier's Undertaking*

88. Hon. P. H. WELLS, to the Leader of the House representing the Premier:

Did the Premier, as Leader of the Opposition in 1982, give an undertaking to any representative of the tobacco industry that the ALP, if elected to Government, would not introduce into Parliament a Bill restricting tobacco advertising?

Hon. D. K. DANS replied:

Not to my knowledge.

#### MINISTER OF THE CROWN: MINISTER FOR INDUSTRIAL RELATIONS

*Mr Jim McGinty*

89. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

- (1) Does the Minister have, as one of his chief advisers, Mr Jim McGinty, and is Mr McGinty paid by the Government on a full-time basis?
- (2) Does Mr McGinty carry out work for the trade union movement with the authority of the Minister?
- (3) Is the Minister aware of any remuneration, as defined in the Wages and Salaries Freeze Act, including expenses from the trade union movement, received by Mr McGinty since he has been employed as a ministerial adviser?
- (4) Does the Minister know that Mr McGinty intervened on Tuesday, 14 June 1983 on behalf of the Hospital Service and Miscellaneous Workers Union before the Industrial Commission?
- (5) Have there been any other occasions to the Minister's knowledge, when Mr McGinty has been involved in union business while employed as a ministerial adviser?

Hon. D. K. DANS replied:

- (1) Yes.
- (2) No. When Mr McGinty commenced employment with me, it was understood that certain on-going commitments arising out of his former employment with the Hospital Service and Miscellaneous Workers' Union would need to be honoured. These specific commitments were honoured with my authority.

- (3) No.
- (4) Yes.
- (5) Yes.

90. *This question was postponed.*

## ROAD

### *Northam-Pithara*

91. Hon. W. G. ATKINSON, to the Minister for Mines representing the Minister for Transport:

- (1) Does the Main Roads Department have plans to upgrade the Ballidu-Pithara section of the Northam-Pithara road to a wider seal?
- (2) Are funds available for this work in the current financial year?
- (3) If not, when is it likely that funds will become available?

Hon. PETER DOWDING replied:

- (1) There are no immediate plans to widen the existing 3.7 metre sealed pavement.
- (2) No.
- (3) Having regard to the volume of traffic presently using this section of the road relative to other road needs and funds available, the Minister is unable to forecast a likely start for the widening of the existing pavement.

## PUBLIC WORKS

### *Wilson Inlet*

92. Hon. D. J. WORDSWORTH, to the Leader of the House representing the Minister for Works:

- (1) What work has been carried out to improve the interchange of water between Wilson Inlet and the ocean?
- (2) What other work is intended?
- (3) Which channel is considered the most desirable?
- (4) Will dredging take place to overcome added siltage and to provide a channel back to where there is a greater depth of water?

Hon. D. K. DANS replied:

- (1) (a) The bar opening process has been studied, and optimum parameters have been identified;
- (b) a sill behind the bar, which inhibited water exchange at low mean sea levels, has been removed.

- (2) No further work near the bar is programmed, although the need for dredging for navigation safety within the inlet is being examined.

(3) Not known at this time.

- (4) See (2), as there is no known "added siltage" inhibiting the normal levels of water exchange between Wilson Inlet and the ocean.

93. *This question was postponed.*

## TOURISM: FORUM

### *Complaints*

94. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

- (1) Has the Minister received a complaint from the Shire of York regarding the exclusion from the June tourist forum of people operating at the "grass roots level" of tourism?

(2) Were other complaints received?

(3) If so, from whom?

Hon. D. K. DANS replied:

- (1) The Shire Clerk of the York Shire Council expressed concern that to his knowledge the Chairman of the Country Tourist Bureaux Association was the only representative of country tourist bureaus invited to the tourism forum.

(2) There were requests from a number of groups and individuals to attend the forum. Some of these were able to be accommodated.

(3) Many of the requests were verbal and as a result a comprehensive list is not available.

## MINING: NOONKANBAH STATION

### *Agreement: "Areas of Significance"*

95. Hon. N. F. MOORE, to the Minister for Mines:

As it has been reported that the Marra Worra Worra Aborigine Corporation will be employing an anthropologist to assist the International Energy Development Corporation in identifying areas of significance on Noonkanbah Station, will the Minister advise the name of the anthropologist to be employed?

Hon. PETER DOWDING replied:

This is not a matter for the Minister or his department but a private issue involving the company and others.

### EDUCATION: HIGH SCHOOL

#### *Greenwood: Enrolment*

96. Hon. P. H. WELLS, to the Attorney General representing the Minister for Education:

- (1) What were the department's predicted and actual enrolment figures for the Greenwood High School in each of the following years—
  - (a) 1983;
  - (b) 1982; and
  - (c) 1981?
- (2) What does the department estimate the 1984 attendance, at the high school, to be, and how has the predicted figure been compiled?
- (3) What number of students are expected to enrol at the high school from each of the primary schools in the area?
- (4) Is the Minister aware that the Greenwood High School will probably require extra classrooms for 1984 and, if so, will the additional accommodation be on-site and furnished by the commencement of the school year?

Hon. J. M. BERINSON replied:

(1) Enrolments:

(a)	1983	Projected	1 170	Actual	1 181	1 July
(b)	1982	Projected	1 125	Actual	1 131	1 July
(c)	1981	Projected	1 100	Actual	1 128	1 July

(2) 1984 projected total for March is 1 310 comprising—

Year 8	358
9	323
10	272
11	183
12	172
<b>Total</b>	<b>1 308</b>

Projections are calculated on the basis of retention rates within the school, retention from the contributing primary schools, an estimate of population movement, and a history of enrolments from outside the area.

- (3) This information will not be available until later in the year, when primary schools provide the high school with the details.
- (4) Yes.

### GAMBLING: TWO-UP

#### *Legalisation*

97. Hon. V. J. FERRY, to the Minister for Mines representing the Minister for Police and Emergency Services:

- (1) As the Kalgoorlie bush two-up school has been allowed to re-open, can it be expected that other places in the State will be granted the same privilege?
- (2) If so—
  - (a) where will they be situated; and
  - (b) when may they be expected to open?
- (3) If no other schools are allowed to open, will the Minister please give reasons for such a decision?

Hon. PETER DOWDING replied:

- (1) to (3) This is a matter for consideration by the Government gaming study group which will report to a Cabinet subcommittee.

### PASTORAL LEASE: NOONKANBAH STATION

#### *Press Liaison Officer*

98. Hon. N. F. MOORE, to the Minister for Mines representing the Minister with special responsibility for Aboriginal Affairs:

- (1) Does the Noonkanbah Aboriginal community still employ a Press liaison officer?
- (2) If not, when did the last Press liaison officer leave its employment?

Hon. PETER DOWDING replied:

- (1) and (2) I have no knowledge of this matter and suggest that the member contact the community direct.

### DEFENCE: ARMY RESERVE

#### *Metropolitan Transport Trust Employees*

99. Hon. P. H. WELLS, to the Minister for Mines representing the Minister for Transport:

- (1) What is MTT practice regarding the release of employees during working hours to attend official camps and duties associated with the Army Reserve?
- (2) What effect has Army Reserve duty on MTT employees' wages and entitlements?

(3) Has the MTT a similar practice for employees who are members of voluntary groups such as the Wanneroo State Emergency Service?

(4) If not—

- (a) what is the practice; and
- (b) why the difference?

Hon. PETER DOWDING replied:

(1) and (2) Subject to the trust's requirements an employee—

(a) who has not completed 12 months service with the trust may be granted a maximum period of two weeks' leave without pay, provided that, on the subsequent completion of 12 months' service, the amount by which ordinary pay exceeded military pay at the time of the leave, may then be made up; or

(b) who has completed 12 months' service with the trust, may be granted a maximum period of two weeks' special leave on ordinary pay in any one leave year; further, the trust may grant further leave for any additional camp or special course of instruction, in which case the amount by which ordinary pay exceeded military pay at the time of the leave, may then be made up.

(3) and (4) The trust's practice with regard to voluntary groups, such as emergency services, is to treat each case on its merits. However, generally employees will be released without loss of pay provided this does not result in significant inconvenience or extra expense to the trust.

#### AGRICULTURE: RESEARCH STATION

##### *Bramley: Closure*

100. Hon. V. J. FERRY, to the Leader of the House representing the Minister for Employment and Administrative Services:

- (1) Is it a fact that the Government has declined to support the retention of the Bramley research property for use as a regional job creation centre?
- (2) If so, what are the Government's reasons for declining to use the property for such a purpose?
- (3) What alternative methods does the Government have to create jobs and job training in the Margaret River area?

Hon. D. K. DANS replied:

(1) Yes.

(2) The proposal was considered unviable because of practical and financial problems.

(3) Applications for financial assistance under the wages pause programme have been received from local authorities and community groups throughout the State, including the Margaret River area, and they are currently being considered.

Additional assistance may also be available for such groups through the recently announced community employment programme.

#### MEAT: LAMB

##### *Marketing Board: Administration Costs*

101. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Agriculture:

What have been the administration costs of the Lamb Marketing Board for each of the last 12 months in—

- (a) cents per kilo; and
- (b) averaged in dollars, per carcase?

Hon. D. K. DANS replied:

The board's administration costs are not available on a monthly basis. The administration costs for 1982-83 were—

- (a) 10.89 c/kg;
- (b) \$1.52 per carcase.

#### LAND: NATIONAL PARK

##### *Shannon River: Hardwood Mills*

102. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Forests:

Which hardwood mills does the Government believe will be closed because of the proposed creation of a national park in the Shannon Basin?

Hon. D. K. DANS replied:

None.

#### STATE FORESTS: HARDWOOD

##### *Degraded*

103. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Forests:

In what areas are the degraded hardwood forests situated in which the Government intends to restore timber production?

Hon. D. K. DANS replied:

The areas to be restored are scattered throughout the jarrah, karri, and wandoo forest types occurring in State forest.

#### STATE FORESTS: KARRI

##### *"Conservation of the Karri Forest"*

104. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Forests:

Does the Government accept the conclusions contained in the report entitled "Conservation of the Karri Forest"?

Hon. D. K. DANS replied:

The Government accepts the conclusion contained in pages 54 and 55 of the document.

#### QUESTIONS WITHOUT NOTICE

##### MINISTER OF THE CROWN: MINISTER FOR INDUSTRIAL RELATIONS

*Mr Jim McGinty*

34. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

My question is supplementary to question on notice 89. As I understood the answer to the question, the Minister said that Mr McGinty, who is employed by him and the Government full time, had his full authority to complete on-going commitments that were entered into prior to Mr McGinty's becoming a Government adviser.

- (1) If that is the case, do some of these commitments include such matters as the incident in which Mr McGinty has been involved when he approached a number of major cleaning contractors and, in a campaign for union membership, threatened the contractors and said that they must sign up their employees? At the time, he said that the employees had only eight per cent membership, and it was his aim and that of the union to bring the percentage up to 90 per cent.
- (2) Can the Minister confirm that he supports Mr McGinty when he threatens cleaning contractors by stating that if

they do not conform to his request—that is, to sign up their members—they will be excluded from Government contracts in the future?

It seems to me that Mr McGinty has exceeded his authority—

The PRESIDENT: Order!

Hon. Peter Dowding: Quite a speech! A bit of a smear.

The PRESIDENT: The honourable member is making a statement, not asking a question. I suggest that he ask the question.

Hon. G. E. MASTERS: I did make some comment. Would the Minister answer the accusations I level at Mr McGinty when I say that he exceeded his authority and, I believe, did it with the authority of the Minister? Would the Minister confirm that?

Hon. D. K. DANS replied:

(1) and (2) I have no knowledge of the actions in which the Hon. Gordon Masters alleges Mr McGinty took part. I cannot answer for Mr McGinty. I know of his court appearances.

If the member would like to put the question on notice, I will endeavour to obtain an answer for him.

#### JUSTICES OF THE PEACE

##### *Members of Parliament: Search Warrants*

35. Hon. P. H. LOCKYER, to the Attorney General:

Are members of Parliament appointed as justices of the peace being advised of their responsibilities in signing search warrants presented to them by members of the Police Force, or does he recommend that, as with sitting on the bench, members of Parliament should not sign search warrants?

Hon. J. M. BERINSON replied:

I do not recommend that they should be limited in that way. My understanding was that they would be provided with all information relevant to the services of a justice of the peace. If that is not being provided, I will pursue the matter and ensure that it is.

# MINING: NOONKANBAH STATION

*Agreement: Mr Stephen Hawke*

36. Hon. N. F. MOORE, to the Minister for Mines:

I refer to his answer to a question on notice today; and I refer to an article in *The Age*, the Melbourne newspaper, of 11 July 1983 which reported that Mr Kelly said—it is referring to Dr Kelly of the Mines Department—that Mr Stephen Hawke visited Perth several weeks ago to discuss some aspects of the Aborigines' case with Mines Department officials. Can the Minister advise me whether Mr Stephen Hawke met with any Mines Department officials in respect of the agreement with IEDC?

Hon. PETER DOWDING replied:

No, I cannot tell the member.

Hon. A. A. Lewis: It is your department.

Hon. PETER DOWDING: Of course it is my department; but hundreds of people go into the Mines Department for all sorts of things.

Hon. A. A. Lewis: That is not what you are being asked.

Hon. PETER DOWDING: The member has asked me if Stephen Hawke visited the Director General of Mines to discuss a particular matter with him. I asked the director general whether he did—

Hon. N. F. Moore: I accept he did.

Hon. PETER DOWDING: It is good to know the member is not smearing Dr Kelly. I am pleased about that because I think he is a very honourable public servant. The Hon. Norman Moore should know better than to say otherwise. The second aspect of this question without notice is whether Mr Stephen Hawke had discussions with any officer of the Mines Department. I have told him that I do not know. I do not keep a daily tally of the people who walk through the door of the department.

Hon. A. A. Lewis: Only when you were in Opposition, you did that.

Hon. P. H. Lockyer: It is like a boomerang. It always comes back to you, does it not?

The PRESIDENT: Order! I ask the Minister to ignore the interjections, answer the question, and not start a conversation relating to some unruly interjections.

Hon. PETER DOWDING: Thank you, Mr President. The simple answer to the Hon. Norman Moore is that I do not know. If he puts the question on notice, I will find out.

## INDUSTRIAL RELATIONS

*"Entitlement on Termination of Employment"*

37. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

I refer him to the answer he gave to my question 72 yesterday. In reference to the job security test case, he mentioned that the Government of Western Australia had appeared at the proceedings to support the application in principle. In view of the very serious repercussions that could be experienced by industry and business—I am sure he knows the strength of that application—will he give an undertaking to consult with the business and industry areas that will be affected so disastrously by this case and take notice of their comments?

Hon. D. K. DANS replied:

Since I have been the Minister I have, in all matters of an industrial nature—unlike the previous Minister—discussed the situation. Upon the court handing down its decision I will hold further discussions.

## INDUSTRIAL RELATIONS

*"Entitlement on Termination of Employment"*

38. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

In answer to my previous question, the Minister said he would have discussions. The answer to the question indicates that the Government may have already committed itself. If this is the case—

Hon. D. K. Dans: That is a hypothetical question.

The PRESIDENT: Order! Honourable members ought to know—certainly the member asking the question—that to ask questions means to seek information, not to give it. I suggest to the member that if he wants to continue to ask questions, he should do so.

Hon. A. A. Lewis: There has been a lack of success, both ways.

The PRESIDENT: Order!

Hon. G. E. MASTERS: I ask the Minister: Before supporting this application, did he consult with industry and business in this State?

Hon. D. K. DANS replied:

No, I did not consult with them in the general sense. I consulted with some business leaders. We will appear in all applications before Federal tribunals. On this occasion we are supporting the application in principle. I gave the member that answer before. Perhaps he cannot read.

### INDUSTRIAL ARBITRATION ACT

#### *Amendments: Publications*

39. Hon. FRED McKENZIE, to the Minister for Industrial Relations:

- (1) What publications were produced by the previous Government to promote its amendments to the Industrial Arbitration Act 1982?
- (2) What were the costs associated with the production of those publications?

Hon. D. K. DANS replied:

- (1) Three applications were involved. One was titled "Know your rights under industrial law". The second was the second reading speech, a very poor one, which was printed. The third was titled "Preference to unionists: Panacea or poison".

Hon. A. A. Lewis: You just happened to have them with you.

Hon. D. K. DANS: Yes, and I will just happen to have a few things in my pocket from time to time.

- (2) The second reading speech, titled "Amendment to the Industrial Arbitration Act 1979"—this blue booklet—cost \$642. This green book, titled "Preference to unionists: Panacea or poison" cost \$954. The pamphlet titled "Know your rights under industrial law" cost \$9 561. Advertising cost \$10 186.

Hon P. G. Pental: Are you against freedom of information?

Hon. D. K. DANS: The total cost was \$21 343 for an action that was exactly useless.

### INDUSTRIAL RELATIONS

#### *"Entitlement on Termination of Employment"*

40. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

In answer to my supplementary question about question 72 the Minister said that he had consulted with industry leaders about the job security test case and he mentioned the Government's support in principle. I ask: Was one of those groups consulted the Confederation of Western Australian Industry?

Hon. D. K. DANS replied:

All my consultations with industry leaders or with union leaders, unless at the tripartite committee, are of a confidential nature.