Legislative Council

Wednesday, the 28th November, 1979

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 11.00 a.m.

The Hon. G. W. Berry read prayers.

BILLS (5): ASSENT

Messages from the Governor received and read notifying assent to the following Bills—

1. Public Notaries Bill.
2. Road Traffic Act Amendment Bill (No. 2).
3. Health Act Amendment Bill.
4. Esperance Port Authority Lands Bill.
5. Real Estate and Business Agents Act Amendment Bill.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. G. C. MacKINNON (South-West —Leader of the House) [11.10 a.m.]: I move—

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

Question put and passed.

LEAVE OF ABSENCE

On motion by the Hon. R. F. Claughton, leave of absence for six consecutive sittings of the House granted to the Hon. Grace Vaughan (South-East Metropolitan) on the ground of private business commitments.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 4)

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Attorney General), read a first time.

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [11.12 a.m.]: I move—

That the Bill be now read a second time.

Recent litigation in which the system of valuations used by a certain council was challenged, has highlighted serious deficiencies in the relevant provisions of the Local Government Act.

An order of the Governor that purported to change the type of valuations used for a number of townsites in the particular municipal district from unimproved valuations to gross rental valuations was found by the court to be invalid.

The valuations had been used for 1978-79 rating purposes. However, on their being declared invalid, the council found that the Local Government Act provided no mechanism for proper valuations to be obtained and rates to be correctly reimposed. The council, therefore, has not been able to re-assess its 1978-79 rates, or assess rates for the present financial year.

The litigation also gave rise to other implications.

The procedure that was adopted in obtaining the Governor's order for the council concerned had also been followed over many years to change valuations in portions of other rural municipalities. Inevitably, these changes authorised rural shires to use gross rental valuations for their townsites or other non-rural areas.

Because of the decision given by the court, the validity of the order covering other municipalities must likewise be suspect. Approximately 80 shires would be involved.

The same doubt exists about orders that have been made authorising a municipality which had changed in status from a shire to a town or city to retain the system of valuation it had used prior to the change.

The litigation also pointed to the need for clarification of the provisions of the Local Government Act, setting down the procedures that must precede an order authorising a municipality to change the system of valuations used in a district or portion of a district.

The Bill now sets out the procedures fully and clearly. They are strictly in keeping with what has been the practice for changes in valuations over many years and what was always understood to be required or permitted under the existing legislation until the whole matter was recently brought into question.

Provision is also included to make it clear that, when a valuation is quashed, the council concerned must obtain a new valuation and re-assess any rates that had been imposed on the basis of that which was quashed. The council will be required to prepare a new budget for the relevant year and redetermine all its rates.

However, in the event of the quashing of a valuation that applied only to a portion of a district, the council would have the opportunity to continue the rate that had been imposed on the remainder of the district and to impose that same

rate on the valuations which replaced those which had been quashed.

This would save the council the trouble of having to re-assess rates for the entire district where the amount involved was not significant. In those circumstances, the council would need to re-assess rates only for that portion of the district to which the quashed valuation had been applied.

The Bill provides that the quashing of a valuation will require the re-assessment of rates only as far back as the financial year in which action first commenced to have the valuations quashed and makes provision for a council to prepare a new budget and impose new rates where any rate has been quashed by a court.

There are amendments that will also ensure the validity of orders that have been made over the years to change valuations at various municipalities. However, these validating provisions do not extend to any valuations that have been quashed in accordance with the law prevailing at the relevant time.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. F. Claughton.

WHEAT MARKETING BILL

In Committee

The Deputy Chairman of Committees (the Hon. T. Knight) in the Chair; the Hon. D. J. Wordsworth (Minister for Lands) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Interpretation—

The Hon. D. J. WORDSWORTH: I move an amendment—

> Page 4, line 33—Add after the word "Act" the words "during that season".

The Hon. H. W. GAYFER: I do not disagree with this particular amendment, nor do I disagree with any of the other amendments proposed by the Minister. I will refer to a couple of other clauses, as necessary, as we proceed.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 5 to 12 put and passed.

Clause 13: Permits for movement of wheat or of wheat products—

The Hon. H. W. GAYFER: I wanted to make a comment in respect of this clause. It is a most interesting provision and a new innovation as far as the farmers of Australia are concerned; that is, permits are available for the movement of wheat products from one farm to another.

Clause 13(3) reads—

> (3) A person who has wheat or wheat products in his possession on the farm on which that wheat, or the wheat from which those wheat products were produced, as the case may be, was grown may, by notice served by post on the Board, notify the Board that he wishes to move that wheat or those wheat products from that farm to an associated farm.

That is a completely different concept from that which prevails now. It means that a person growing wheat at Three Springs, for example, who is desirous of moving that wheat to a farm at Mt. Barker, will be able to do so because there will be no reason to prevent his moving it for use in the operation of a piggery or a poultry farm, or some similar industry.

That provision worries me because the last words of the subclause are "to an associated farm". The definition of "an associated farm" covers virtually any operation from the running of a piggery to the running of a poultry farm. The only stipulation is that the farms shall be deemed to be associated farms. Subclause (6) of clause 13 reads—

> (6) For the purposes of this section two farms shall be deemed to be associated farms if—
>
> (a) they are owned, operated or controlled by the same person or the same partnership;
> (b) each of them is owned, operated or controlled by a partnership and the two partnerships have at least one common partner;
> (c) one of them is owned, operated or controlled by a person and the other is owned, operated or controlled by a partnership of which that person is a member; or
> (d) they are, in some other manner, so associated with the same person that the Board is of the opinion that they should be treated as associated farms for the purposes of this section.

I am concerned because it definitely appears that it will be legal for firms such as Peters Poultry Suppliers or Diamond Poultry Services, or an organisation in that category, to purchase farms in the wheatbelt, grow wheat, and then move it to an associated farm in order to feed poultry.

The association with that particular partnership could be associated still further along the line because of the very factory involved in the partnership. Further partnerships may be involved from the original grower to other associated industries.

I feel the provision is far too loose and we will have problems with it. I am not speaking of the protection of our industries generally, but about the protection of our grain industry. As farmers we have had instilled into us the importance of protecting our farms, and the importance of farm hygiene. The whole industry has been warned of the importance of hygiene with anything associated with grain, and its effect on the marketing of grain. People must be made aware of the importance of hygiene in the handling of grain, and the high cost to farmers and the handling authorities which is involved in the protection of grain.

It may be of interest to the Committee to know that last year it cost $1.9 million to protect grain; that is, the marketable grain in Western Australia. This year it is anticipated the protection of grain will cost $3.6 million, for virtually the same quantity. We can go on trying to instil in farmers and the bulk handling authorities the fact that the infestation of weevils should be kept down in their installations, but, in fact, none of that will be of any avail if the new outlets are not brought within the standard rules of hygiene under which grain is protected at present.

Where it is possible to transfer wheat from one farm to another, there is need for surveillance by the health authorities to avoid the build-up of insects. The bulk handling authorities, which are the licensed receivers for the Australian Wheat Board, must take precautions.

This is reciprocal legislation. The Federal legislation was brought in for reasons best known only in New South Wales—certainly they are not known in this State—in the cause of so-called free enterprise. What will be allowed in the future could mean the ruination of the grain industry in this State unless the grain is protected. This is a very serious matter. It will not concern the person who wants to make a quick buck as a result of carting wheat from one farm to another. Bogus partnerships will be able to transfer wheat, and the less spent on the control of weevils the more profit will be made out of any deals. To me that seems to be a terrible breakdown of our efforts to protect grain up to date.

I object to this amendment which will allow wheat to be transported from where it is grown to an associated farm. It will be possible to truck wheat for 300 or 400 miles, and that will lead to the spread of weed seeds, which may blow off the truck.

To me this Bill has connotations which have not been studied sensibly by the Federal authorities when they tried to get over a certain obstacle. That obstacle was a result of pressure brought to bear by the IAC to allow private enterprise to have greater freedom in the handling of grain, and to be able to obtain it more readily. Heavens above; I believe in the private enterprise system, but the introduction of this looseness will destroy the whole concept of certain essential requirements for the preservation of grain. Those requirements will be bypassed. They will have to be looked at very closely by this State and by our Minister for Agriculture and Minister for Health. They will have to make sure that we in Western Australia at least are able to protect the whole of the grain industry by putting it under the same hygiene care conditions carried out by the official receivers.

I warn members in this place that I believe the inclusion of this provision will lead to the spread of insects and noxious weeds not only along our highways but throughout the State in general. I will refer to this matter again when speaking to another clause.

The Hon. D. J. WORDSWORTH: I thank the Hon. H. W. Gayfer for his comments because they are relevant, particularly when we realise that in this country pests destroy wheat to the value of some $25 million a year.

The Hon. G. W. Berry: Is that Australia-wide?

The Hon. D. J. WORDSWORTH: Yes, throughout Australia. The Departments of Agriculture in the various States, and the Australian Wheat Board, have initiated a campaign to make farmers more aware of the threat.

Various new insect pests are developing and one new method of eradication is to cover the storage container with a plastic tent full of gas able to kill the particular variety of insect.

I will pass on to the Minister for Agriculture the concern that the member has expressed because he should be made aware of it. Nevertheless, the problem of insect pests and weeds arises in the farmer's own storage even before the grain is moved. More and more grain is being stored on farms.

The Hon. H. W. Gayfer: What about the place to which he moves it? That may not have been deloused properly. A farmer can be spotless, but

the grain can be infested if the storage point is not spotless.

The Hon. D. J. WORDSWORTH: That is right, but we must look at the whole problem. We must inspect headers and other equipment. I would consider that such measures would be incorporated in separate legislation. We must also look at the cartage of grain and the fact that some of it can blow off the truck.

The Hon. H. W. Gayfer: If you are to revert back to rail—

The Hon. D. J. WORDSWORTH: Is it any different when it blows off a rail wagon?

The Hon. H. W. Gayfer interjected.

The Hon. D. J. WORDSWORTH: I agree with the honourable member. We must look at the whole problem of transport and fumigation on individual properties. That is where control should commence.

Clause put and passed.

Clause 14: Notification of offer to purchase wheat—

The Hon. H. W. GAYFER: This is also a new provision relating to offers to purchase for use or consumption in Australia. This clause was necessary because when section 92 was examined it was discovered that the Wheat Marketing Board had the sole right to market all grain in Australia. The High Court decision meant the closing of over-the-border trade under section 92, and I believe firmly that there was a lack of storage available in some States especially to handle last year's harvest when the decision stopped the trading from grower to buyer for home-consumption sales.

The Grain Elevators Board of New South Wales had insufficient storage to become the official licensed receiver for all grain in that State. There was plenty of storage for that wheat in New South Wales if it could be stored as had happened illegally under section 92 previously. So this clause was introduced to get over that obstacle, and by permission of the Australian Wheat Board the grower can now effect a sale from his farm to a miller or to some other person who wants to handle that grain, and a price agreement is entered into subject to ratification by the board. I will deal a little later with the question of cost.

Our installations must be protected by some common authority or rule to establish the standard of their cleanliness. Victoria in particular found this was necessary and had to take action to rectify the situation in a hurry. This was a very costly exercise indeed for the State of Victoria.

Two years ago the Victorian Liberal Government introduced legislation to provide that all grain had to be delivered and handled through the one handling authority. For instance, before this, other authorities had handled oats, but because of the spread of weevils and other associated problems, plus the fact that common installations built for that purpose were not being shared, the throughput was being channelled off and this did not help to defray the costs of these specialised installations.

The legislation put grain all under the one umbrella in the State of Victoria; namely, the Grain Elevators Board. This board had to buy out all the other bulk handling installations for oats. Very shortly we will have to do the same thing in this State. If our Government does not face up to the problem, another Government of another political colour will. I give fair warning about that.

No installations should be built in Western Australia without the approval of the bulk handling authority set up for that purpose. The Grain Elevators Board of Victoria recognised that it had to come to grips with the problem. All the other bulk handling installations which have been set up willy-nilly throughout the State could well be in trouble very shortly.

The Minister for Lands just said that the Department of Agriculture is making farmers aware of the problem. It is not the farmers alone who must show concern. The consumer, the miller, and the housewife with a pantry—in fact every person in the Commonwealth—must be aware of the seriousness of the situation. We must use legislation and all other means available to make everyone aware of the danger to this $500 million industry. The cost of the protection of the product in the long term can make the product too expensive. It is no good our sitting here and saying "She'll be right." We are taking this action to make it a little easier for people to handle grain without going through the recognised system. We must be careful that in doing so we are doing the right thing by the industry in the long term.

Co-operative Bulk Handling needs monopoly powers over wheat and barley to do exactly what it was intended it should do; namely, to establish the most hygienic, careful operation this State has ever had. We believe that every other small installation which is established to deal with grain direct from the farm to the consumer should be placed under the same umbrella as that imposed on CBH, so that the same protection is afforded

to the public. Victoria, under a Liberal Government, woke up to this a long time ago.

Every time Co-operative Bulk Handling is mentioned people say "Another socialistic measure." If Mr Lewis were in his seat now, he would say that again. However, CBH is much more than a co-operative with monopolistic powers. It is an organisation which provides protection to the industry. Without CBH, protection in the long term would neither be observed nor be able to be observed.

I implore the Minister to request of the Minister for Agriculture the very thing the Premier of Victoria and I were discussing when he was a guest of Parliament only three nights ago; namely, the absolute necessity to place the storage of all grain under the protection of one department so that adequate facilities may be constructed to cater for the industry at a reasonable cost. Fortunately for Western Australia, we have only a few independent grain outlets; however, little is enough, and they should be policed to the same extent as CBH is required to control its activities. They should be placed under the same regimentation, to apply stringent standards of hygiene and control.

The Hon. D. J. WORDSWORTH: Once again, I thank Mr Gayfer for his comments; they are worthy of attention. As he has pointed out, the difficulty is more prevalent in the Eastern States than in Western Australia, particularly with their across-the-border sales and multiple sales outlets. The control of weevil and insect infestation in grain is a difficult problem. I am one of those who prefers raw cereal in the form of muesli each morning, and to be honest, it is remarkable how often it contains bugs.

The Hon. H. W. Gayfer: By the look of you, you have been taking wheat germ!

The Hon. D. J. WORDSWORTH: Yes; that does other things!

It indicates how careful we must be about insect control, and how insects can penetrate right into the product we eat.

Obviously, such outlets will be aware they will not be able to sell their product if it is insect-infested. Perhaps we are fortunate in this State in that we do not have many outlets other than CBH. In fact, probably we have only two of any significance. One is the export of some oats from the Port of Bunbury and the other, I presume, would be the export of rice from Kununurra.

The Hon. H. W. Gayfer: No, there are many independent mills.

The Hon. D. J. WORDSWORTH: I was talking principally about exports.

The Hon. H. W. Gayfer: With exports, we have containerisation direct to destination and then the problem of cleaning up containers and the wharves afterwards. It does not take place.

The Hon. D. J. WORDSWORTH: It is the multiple use of containers which causes many problems; it must be watched carefully. I am sure these people who export in this manner would be kept alert of the fact as they would not make sales unless their product was clean and treated. Most of them are seeking a specialty market.

The Hon. H. W. Gayfer: I do not quite agree with you. What about the racehorse trade?

The Hon. D. J. WORDSWORTH: I believe racehorse owners and trainers are a little sensitive, too; they seem to demand a high standard of product for their horses. However, Mr Gayfer probably would know more about this matter than I; I am making only an observation.

I will certainly convey his expression of concern to the Minister for Agriculture.

The Hon. H. W. GAYFER: If I had a friend in Malaysia who was in the racehorse game, and he wanted me to export oats in a container, I could do so. He is not going to worry about one or two insects in the container when it arrives. However, when the oats are emptied out and the container returns to Western Australia, I do not know who would clean out the grain which might remain. This is how finite the whole operation is; it is quite alarming.

It is interesting to note that last year, Nigeria lost 38 per cent of its entire harvest due to insect infestation. Whom did Nigeria ask to go over there and help it protect its grain industry? It was Co-operative Bulk Handling of Western Australia. CBH is recognised as one of the leaders in looking after grain in Australia, and in the world. Nigeria travelled the world before coming to Western Australia to ask CBH if it could send officers to Nigeria to help. In fact, only last night two CBH officers returned from South Africa after completing much the same task. CBH is recognised for its standards of hygiene and care; it knows what it is talking about.

If we cannot get it through this place that CBH is exercising high standards of hygiene and care, and that similar standards should be imposed on all other establishments, I do not know where we will go from there.

The Hon. D. J. Wordsworth: I take your point.

Clause put and passed.

Clause 15: Unauthorized dealings with wheat—

The Hon. D. J. WORDSWORTH: I move an amendment—

> Page 17, line 16—Insert after the word "possession" the passage "of, or take into his possession".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 16 to 27 put and passed.

Clause 28: Notice by authorized receiver—

The Hon. H. W. GAYFER: I wish to clarify this clause, as it might appear doubtful to somebody reading it later. Clause 28 states as follows—

> 28. (1) As soon as practicable after the coming into operation of this section the Company—

The "Company" of course, is Co-operative Bulk Handling. Clause 28 continues—

> —shall, by notice in writing to the Board, specify the proportion of the remuneration under the Commonwealth Act payable to it as an authorized receiver that is to be taken into account for the purposes of subparagraph (ii) of paragraph (d) of subsection (2) of section 16.
>
> (2) The company may, from time to time, by notice in writing to the Board, vary a proportion specified in a notice under subsection (1).
>
> (3) Before giving a notice under subsection (1) or (2), the company shall consult with the Farmers' Union of Western Australia (Inc.).

People might wonder what that is all about. Does the company have to disclose its remuneration charges only after consultation with the Farmers' Union of WA? That is what the clause appears to mean at first blush; but that is not the case.

Clause 16 deals with the amount of wheat being sold direct from the grower to the miller or to the consumer. It has been decided that even though it is a direct sale which bypasses the company's installations, a charge will be made of a proportionate percentage of the total charge which would have been paid by the grower if he had used the installations. This is very important and undoubtedly will create arguments in the wheat camp. Farmers undoubtedly will say they did not use the installation so they should not have to pay. The point is this, and it is well explained in the second reading speech made by the Federal Minister for Primary Industry, as follows—

> In recognition of the fact that the central receival system continues as an alternative delivery option available to the grower, provision will be made for the Board to deduct from the payment to the grower a charge (covering capital, depreciation and costs of maintaining capital equipment) relating to costs associated with the Bulk Handling Authority relevant to the particular grower. The specific charge will be determined under State legislation.

The determination under our State legislation is that the company will make its specific charge on what proportion it believes it can legitmately charge. It will then confer with the Farmers' Union which will recognise that charge implemented under this Act. It may be 75 per cent, or it may be 90 per cent of the total charge.

The reason for this is, purely and simply, that should a grower want to make a fast buck by selling his produce to the consumer direct, surely he should pay something for the upkeep of his own silos. Next year, when he may not be able to conduct such sales, he undoubtedly will want to go back to the company and enjoy its facilities. Other aspects to be considered are the preservation of the quality of the grain, hygiene, and everything that has to be done in his overall interests.

It must be recognised that farmers have a definite commitment to the bulk handling authorities set up by Acts of Parliament in the various States for the purposes of handling grain.

I wanted to explain this matter because at first blush the consultation with the Farmers' Union may appear to indicate that the Board of Directors of Co-operative Bulk Handling has to consult with the Farmers' Union every time it wants to make a charge. That is not the case. I understand that the provision for the Farmers' Union representative to be consulted is there because that organisation represents all but 2.3 per cent of the wheatgrowers in Western Australia.

CBH has struck a handling charge this year of $11.90. The growers who bypass the company's installations will be able to retain any premium they might get on the grain they sell direct. The percentage of the $11.90 they will be charged will be decided after consultation with the Farmers' Union.

The Hon. D. J. WORDSWORTH: The Farmers' Union is there as a referee to ensure that justice is not only done, but is seen to be done. CBH does not disagree with the idea of consultation with the Farmers' Union, as probably the same growers are in both organisations.

I am sure the Minister for Transport will note Mr Gayfer's remarks, perhaps with glee. He is concerned with the amount of grain going by road and bypassing the local installations. When we have a drought year and farmers do not have as much grain to cart, they cart it further to utilise their own plant. They bypass the local installations and cart their produce direct to the port. Whenever a farmer has a great deal of grain he knows the installation is close at hand.

The Hon. H. W. Gayfer: They are opening two new silos valued at $2 million in your neck of the woods at Esperance. It will be interesting to ascertain whether the Esperance farmers appreciate them.

The Hon. D. J. WORDSWORTH: That is a very controversial point. Those farmers have always carted their produce to the port. They have used a large transport company's vehicles, whereas the local installations are usually more suitable for the farmer who has his own truck. I do not believe too many farmers in Esperance have that sort of vehicle. I truly hope they do use the facilities. If farmers bypass the local installations they should pay for them.

We might argue that, at the other end, they are still using CBH facilities at the port. I am playing the devil's advocate, but many millers claim they have built their installation and because they take so much grain annually they can be considered as part of the State's overall method of handling grain. However, I will let Mr Gayfer argue about that. Our legislation is such that it gives Mr Gayfer the benefit of the argument.

Clause put and passed.

Clauses 29 to 34 put and passed.

First schedule—

The Hon. D. J. WORDSWORTH: I move an amendment—

Page 35, after line 27—Insert the following—

Delete the words "licensed receivers of the Board in this State" in lines five and six of the interpretation "the State quota" and substitute the words "the Company".

Section 16(2)(e) Delete the words "any licensed receiver of the Board" and substitute the words "the Company".

The Hon. H. W. GAYFER: These alterations have been made necessary by the legislation which has just been passed in the Federal sphere. That is the reason for this amendment not appearing on the notice paper earlier. It had just arrived.

The Hon. D. J. WORDSWORTH: I thought I said that this had come from Canberra for us to incorporate in this legislation. This is the amendment to the Wheat Delivery Collecting Act and is shown in the schedule as such.

Amendment put and passed.

First schedule, as amended, put and passed.

Second schedule put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. D. J. Wordsworth (Minister for Lands), and returned to the Assembly with amendments.

CONSTITUTION ACT AMENDMENT BILL

Second Reading

Debate resumed from 27th November.

THE HON. R. HETHERINGTON (East Metropolitan) [12.03 p.m.]: It is very difficult to oppose this Bill because there is very little in it. It seems to me that the Government made a promise three years ago and the governmental mountain has laboured for three years to bring forth a very healthy mouse.

The Opposition welcomes the fact that in the Constitution the Government is prepared to recognise that we have local government and will continue to have local government. Local government is still as it has always been, so this legislation is not innovative. Just the same, it is an important step in the right direction because the Labor Party does take local government seriously.

Members will recall that the Whitlam Government tried to build up regional local government.

Government members: Very well!

The Hon. R. HETHERINGTON: This was an interesting and useful experiment. I wish to make some reference to several arguments which have been bandied around the country about the replacement of State Governments with regional Governments. This is something which certainly attracted me when I was young, and it still interests me now. We should build up more efficient local government.

Local government in Australia is something which has more or less grown up gradually. However, in England local government grew as a

result of the fact that towns were regionally self-sufficient entities. They did, in fact, govern themselves and were gradually amalgamated into kingdoms and the body of the United Kingdom and Northern Ireland was formed.

So, they had a viable basis for the beginning of local government. In Australia, in the colonies that were settled, attempts were made to set up local government bodies and attempts were made for some to be given a parish council to look after poor relief. However, it did not work well because we did not have the social and economic infrastructure to make it possible at the time. So, we find people talking about local government in England and local government in Australia, but unfortunately saying "If only we had local government as we had in England, we could do all the things that are done there." I sometimes wonder why we do not do what they did in England and leave out the "if only".

I certainly welcome this legislation as a step towards further developing the notion that local government is an important and essential part of the Constitution; and, also, that the powers and responsibilities of local government will be moving towards the idea of decision-making by the people who are affected by the decisions.

We are moving towards some kind of regionalism in this State, although in some ways it is only token at the present time.

The Hon. R. G. Pike: Do you mean the Federal or State Constitution?

The Hon. R. HETHERINGTON: We are talking about the State Constitution at the present time. I will let the Federal people work out their situation for the time being.

We need a viable decentralist regional and local government system and when the day comes that we have developed it—and I am sure it will not be in my lifetime—then we will know where our steps are headed. In the meantime, the important thing is that we must build up a better local government system. The Opposition has pleasure in supporting the Bill.

THE HON. J. C. TOZER (North) [12.08 p.m.]: I support the Bill and also acknowledge Mr Hetherington's comments that, in practical terms, this Bill does not change anything at all. We still have the Local Government Act which is the bible guiding all actions taken by all local authorities. It is a complete and all-embracing Statute which together with the regulations and by-laws made under that Act dictate all local government decisions.

The intention of the Bill is quite specific. When introducing this Bill the Minister made two comments which describe my feelings about it very well. The Minister said that the Bill formally recognises local government as an integral component of our system of government and later said "It will confirm the position of local government as an integral part of our governmental system. It will also enshrine the role of the State's supreme legislative provision, the State Constitution." I welcome this indeed.

I wish to quote from the Minister's speech at its conclusion; he used terms that are rather more sentimental than one usually finds in ministerial or governmental statements.

The Minister said—

> There is no doubt that the Parliament and various communities throughout the State place a high value on this "grass roots" level of government which attends to a great many of the day-to-day needs of the inhabitants and which provides the solid community structure for their comfort, convenience, recreation, leisure and well-being.
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> The State could not function effectively without local government, especially one as vast and sparsely populated as Western Australia.
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> The provisions of the Bill represent an important milestone in the history of local government in Western Australia.
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> It is a tribute to the thousands of men and women who have given selfless service to their communities as members of local government bodies. They deserve the highest possible praise. The system of government to which they gave, or are giving their services, deserves appropriate recognition.

This reflects my personal sentiments, as a local government man, and I suggest it would also reflect the sentiments of others who have been closely associated with local government.

There is no doubt in my mind that Governments have sometimes failed to recognise the contribution made by local government. It is not only the political side of Government which fails in this respect, but probably, to a greater extent, the administrative or officer side of Government tends to write down the contribution local government is making.

I repeat the Minister's words—

> The State could not function effectively without local government—especially one as vast and sparsely populated as Western Australia.

I concur with that, but I add that local government cannot function now without the

State and Commonwealth Governments, particularly the rural shires. I cannot speak for metropolitan municipalities. Nowadays, in some shires, only about 20 per cent of the revenue comes from rating or taxes on land, the traditional avenue from which local government received its funds to operate. That is a small percentage.

The other day I referred to the fact that a small percentage of Federal income tax is now allocated direct through the State Grants Commission to local authorities. Thus we have 80 per cent of total revenue coming from a source other than a tax on local land.

As the Minister points out, Western Australia is a vast and sparsely populated State and Governments must continue to recognise the special needs of local authorities—none more than those in the North Province.

The formal act of enshrining local government in the State's supreme legislative provision—the State Constitution—is welcomed. At the same time, this is not the end of the proposition; I believe it is the start. This recognition must go the full course; funds are desperately needed to make local government work in those remote areas. I support the Bill.

THE HON. H. W. GAYFER (Central) [12.14 p.m.]: I welcome the Bill particularly as the amendment will, in the words of the Minister—

> . . . confirm the position of local government as an integral part or our governmental system. It will also enshrine local government in the State's supreme legislative provision, the State Constitution and, no doubt, the result will be welcomed, not only by the representatives of local authorities within the State, but by the whole community.

Attitudes such as those of Mr Hetherington are the precise reason that the legislation will be welcomed, not only by local authorities in this State, but also by the whole community. It seems to me of late that, emanating from the Federal sphere, the foremost desire in the minds of many people is to tear down all we believe in, all that has become traditional, all that is working, and the entire community spirit. Those disciples call it reform, and indeed Mr Hetherington would call it reform—

The Hon. R. Hetherington: You did not listen to what I said.

The Hon. H. W. GAYFER: —as would Mr Hawke and others. But we in local authorities see no reason that those things should not be made more secure because of those who wish to make alterations at every step. I refer to regionalism, for a start. The desire is to amalgamate shires, set up regions, and pull down the whole system as we know it. We must guard against this.

We who have been associated with local government and have served in those instrumentalities over the years guard local government very zealously, and any legislation which will help to protect what we have is welcomed, because an octupus is trying to put forward new ideas without knowing anything about what prevails in the back blocks or out in the country. These ideas are put forward in the name of reform and for the benefit of the community as a whole as they see it, but they might mean a disastrous end to the community as a whole as we see it.

I welcome this proposition. I am definitely against the Federal spokesman's claim that we can do without State Governments by making local government authorities into regions, and so on. To me that is only pie in the sky. I hope it is put forward more often by Labor supporters because if they keep that up they will never attain Government in the Federal sphere.

THE HON. R. F. CLAUGHTON (North Metropolitan) [12.17 p.m.]: I have taken an interest in local government for a considerable time and for a short period I had the good fortune to serve as a councillor on what was then and still is the largest local authority in the State as far as population goes. In that period I gained a very good appreciation of the demands made on local authorities. They do a considerable amount of worth-while work for the community on a voluntary basis. The period I served on a local authority certainly made me see the sense—

The Hon. H. W. Gayfer: How long did you serve?

The Hon. R. F. CLAUGHTON: A year.

The Hon. R. Hetherington: He is a quick learner.

The Hon. R. F. CLAUGHTON: It made me see the value in a system of payment for councillors. They spend a considerable amount of time on the job, particularly in an authority as large as the City of Stirling.

I would agree with other speakers in respect of the inclusion within the Constitution of a provision to recognise local government. As others have said, I do not think this will change the situation one way or the other. However, I do become disturbed about deadening conservatism as we heard it expressed by Mr Gayfer a short while ago. A little before that we heard him adopt what I thought was a very progressive attitude

because he was prepared to look for problems in an industry and to see what solutions were required. We on this side of the House look at the problems of local government in the same open way, and endeavour to assist it to improve its ability to serve its populations.

To suggest that the local authority system has existed for a long time and it should stay in its present state forever is a completely unrealistic attitude. We know changes have occurred, even though they have occurred slowly; and there is a strong movement in the news for a further change to occur within the City of Perth. Whether or not that move succeeds is a different question. I would hope that local government in general does not adopt the closed-mind attitude which Mr Gayfer appeared to adopt in the statements he made.

The Hon. J. C. Tozer: I think he reflected the opinion of most of us.

The Hon. R. F. CLAUGHTON: It is rather sad if that is so.

I have seen a report of the Premier saying that local authorities should be wary of accepting new responsibilities. If that is the attitude the Premier would like to see promulgated, it will not do much for the progress of the State.

Because of the closeness to the community local authorities enjoy, they are better able to serve the needs of the community than is a more centralised State bureaucracy in those areas. I would like local government to take a more active role in the community. One of the good things which has happened has been the introduction of the system of recreation officers funded by the State and used by local authorities. It seems to be a very good system of co-operation, and I do not know why it should not be extended further. Within my area the system has been used to advantage. It is merely one small way in which the role of local government has been increased.

In respect of the comments made by Mr Hawke, to which Mr Gayfer referred, I see nothing wrong—

The Hon. H. W. Gayfer: I do.

The Hon. R. F. CLAUGHTON: —in putting proposals before the public for discussion. With Mr Gayfer, I recognise that the probability of any change to our system of State Governments is most remote.

The Hon. H. W. Gayfer: You would be happy to see us ruled by a Canberra-type structure.

The Hon. R. F. CLAUGHTON: That was not the proposition. That is the way we see the situation, but I cannot see any change taking place concerning the boundaries and the existence of State Governments in the Federal-State system for at least 100 years; but it might occur in the future. It occurred in the United Kingdom where recently local authorities were reorganised, and many smaller ones were abolished. A good deal of amalgamation of authorities took place. I was fortunate enough to meet an English councillor who was recently in Western Australia, and he acquainted me with what occurred there.

Like my colleagues, I support the Bill; and with other members of the Australian Labor Party I wish local government well in the work it does.

THE HON. W. M. PIESSE (Lower Central) [12.25 p.m.]: I feel I must say a few words in respect of the Bill. As a previous member of a local authority with many years' experience, I am in full support of the Bill.

Mr Claughton mentioned deadening conservatism. That expression is used often by people when endeavouring to introduce change for the sake of change; because they want to throw away the things of value and they completely overlook everything else in the belief that change will bring them gain.

In respect of the comment about local government having existed in the same manner for a long time; I would like to draw Mr Claughton's attention to the fact that the Local Government Act is amended constantly in order to keep up with changes in society and changes in conditions. Throughout the changing patterns the main guiding principle of local government has been retained, and I trust that will always be so.

In respect of recreation officers and Mr Claughton's query as to the expansion of this scheme, it is true that in some areas it has worked very well. The reason it has not spread further is finance. Who will foot the bill? I know of no organisation which shepherds and gains such good value from each dollar as local authorities which exhibit such careful financing.

I support the Bill.

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [12.27 p.m.]: I thank members for their indication of support of the Bill. I can assure Mr Claughton that no body is more wary of taking on greater responsibility than is local government. It must be appreciated that local government is wary of accepting greater responsibilities, and it is a little unfair to ascribe that thought to the Premier; because local government itself is wary. It is wary because of the additional costs and concerns which it may not be equipped to handle, and the acceptance of greater responsibility must be made with great

care. I am not suggesting it is not a good idea; obviously it is good in respect of certain responsibilities, but it must be done carefully and in a co-ordinated fashion.

I thank Mrs Piesse for her support of this truly monumental legislation. She indicated it is significant. The Government believes it is significant legislation, although in a sense it is only formal recognition and a token. Nevertheless, it is an important token and a very important milestone in the history of local government in Western Australia.

I can assure Mr Gayfer that the Government is well seised of the true interests of local government and of the need to safeguard its true interests.

As far as the comments of Mr Tozer are concerned, I assure him this is only a beginning and we do hope the system will be developed, but not necessarily through the Constitution. The Constitution is not necessarily the place in which to develop local government. However, local government needs recognition in the Constitution, and that is what it is receiving; just as we recognise the Supreme Court in the Constitution.

The Government intends that the system of local government will be developed properly through the Local Government Act and through other legislation of this Parliament, because that is where the legislation belongs. Local government is a creature of the State Government, and it is no good beating about the bush and pretending that is not so as some members tend to do. I was a little disappointed with Mr Hetherington's lukewarm support of the Bill and his reference to our having laboured so long and brought forth a mouse. I have explained this is a token, and it cannot be more than a token in the Constitution. It is formal recognition of local government in the Constitution, which really is something worth while.

The Hon. R. Hetherington: I was really quite warm in my support of the Bill.

The Hon. I. G. MEDCALF: Mr Hetherington warmed up after a while; perhaps the late sitting last night had something to do with it. I was pleased to notice that he warmed up as his comments progressed, and he became more enthusiastic about the prospect.

Mr Hetherington harked back to the prospect of State Governments being replaced ultimately. He made a reference to this. I would like to say that the comments made by Mr Hawke in the Boyer lecture, which he was quite entitled to make, were almost a replica of the comments made by Mr Whitlam in his Chifley memorial lecture in 1957. They both said that State Governments should be abolished and that there should be a system of regional groupings throughout Australia which would be answerable, on an overall basis, to the central Government. That is not quite what Mr Hetherington was talking about.

I was delighted to hear him say he believed decision-making should be by the people affected, because that is a complete change from the attitude that the decision-making should be in Canberra. That is really what Mr Hawke was saying.

The Hon. R. Hetherington: I do not think he was really saying that.

The Hon. I. G. MEDCALF: I hope the Labor Party will ultimately come to a recognition of the new thinking. The new thinking is that the dead hand is the dead hand of centralism. The new thinking is that the decision-making will be done on the periphery by the people in the peripheral areas. The decisions should be made by the people in the local areas; so the decisions should be made by the people who will be affected by the legislation. They will decide what their own future will be.

This is the new thinking which, I hope, will permeate into the Labor Party. I did see signs of a small germ of that thought in the final remarks made by Mr Hetherington—

The Hon. R. Hetherington: They have been saying it for years.

The Hon. I. G. MEDCALF: —although I did not see it in the remarks of Mr Claughton. I hope it will eventually permeate.

I do not think the time is opportune for me to say more about this. As Mr Tozer said, in a sense we have used some sentimental words. This is a sentimental occasion when local government is being recognised.

Mr President, I seek your ruling on this. I believe this is a subject on which there should be a degree of unanimity in the Council. I ask whether you would be prepared to consider that this is a matter on which an absolute majority should be required.

The Hon. R. Hetherington: I would think so.

The Hon. I. G. MEDCALF: I make that request for your consideration; and I commend the Bill to the House.

The PRESIDENT: The Attorney General has asked for my opinion. It is my opinion that this Bill does not require the concurrence of an absolute majority. However, it is my intention to seek the concurrence of an absolute majority of

the Council on the question on the second and third readings of the Bill in order to conform with the procedure adopted by the Legislative Assembly.

Question put.

The PRESIDENT: I have counted the House; and, there being an absolute majority present and no dissentient voice, I declare the question carried with the concurrence of an absolute majority.

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. I. G. Medcalf (Attorney General) in charge of the Bill.

Clause 1: Short title and citation—

The Hon. R. HETHERINGTON: I want to make my position clear as it has been bandied about the Chamber. The Bill looked a bit "mousy" to start with, but I am supporting it.

What I said, as far as the States are concerned, is that in my opinion, until there is a proper infrastructure of viable local government and people want it, the States will remain. They may, one day, wither away; and I do not think that would be an undesirable end. However, as I say, that certainly will not be in my lifetime, and it is not something I will be working for. Until there is a viable system of local decision-making, there has to be something to break the fall between Canberra and here. Certainly, as far as we in the West are concerned, we are often overlooked and people do not always recognise our problems. I was a little shocked when I came over here to find that even the academic books did not refer to what happens here. Politically, we are lost and isolated in the desert.

I am supporting the development of local government. I hope viable units will develop; and if in due course it is felt by the people of Australia that the States should wither away and there should be a different kind of devolutionary federalism, that will be a good thing. However, it is certainly not something we would be suggesting for a long time.

The Hon. D. J. Wordsworth: As you said to your colleague, you are a quick learner.

The Hon. H. W. GAYFER: I was intrigued to hear what Mr Hetherington said; and I quite agree with him. As long as the people want the change and the change is not put upon the people, I would agree with him entirely.

The Hon. R. Hetherington: I am glad we have unanimity.

The Hon. H. W. GAYFER: Very often these beliefs are put forward by all sorts of people. Ultimately, if the people want something to be done we would make the change, but not before that.

The Hon. I. G. MEDCALF: I believe we should place on record that we cannot afford to let the Federal people alone worry about the Federal Constitution, as Mr Hetherington said in answer to an interjection. I think we ought to know it would be foolish for us to allow the Federal people alone to worry about that Constitution. My reason for saying that is simple. In the Press the other day there was a report—and I hope it was an accurate report—of a statement by Professor Reid to the Mid-decade Conference for Women in which he said there are 185 politicians in Canberra, and 150 000 Federal public servants, all of whom are endeavouring to centralise power in Canberra. That is why we have to know about the Constitution. That is why we have to take note of the Federal Constitution.

The Hon. R. Hetherington: That afternoon, Professor Reid also stressed the importance of the States, I might add.

The Hon. I. G. MEDCALF: Therefore, we should not be mincing in support of this measure.

Clause put and passed.

Clauses 2 and 3 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

THE HON. I. G. MEDCALF (Metropolitan —Attorney General) [12.39 p.m.]: I move—

That the Bill be now read a third time.

The PRESIDENT: As I mentioned earlier, it is my intention to seek the concurrence of an absolute majority.

Question put.

The PRESIDENT: I have counted the House; and, there being an absolute majority present and no dissentient voice, I declare the question carried with the concurrence of an absolute majority.

Question thus passed.

Bill read a third time and passed.

Sitting suspended from 12.40 to 2.01 p.m.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 27th November.

THE HON. R. F. CLAUGHTON (North Metropolitan) [2.02 p.m.]: At this stage of the session we get into difficulties. The House sat until approximately three o'clock this morning and started again at 11.00 a.m. As a result there is little time to research legislation in order to comment meaningfully on it.

The Opposition is in agreement with this Bill. It adjusts a number of matters which relate to the operation of the Act. The amendments are necessary because of situations which have arisen since, and matters which were overlooked when the original provisions were included in the Act.

For example, I notice changes are being made to the appeal provisions. The following statement appears in the Minister's introductory speech on the Bill—

> Section 37 is to be amended to allow appeals to the Minister against decisions made under the provisions of an interim development order to be dealt with under the same procedure as that set out in the Act for appeals made under other sections of the Act.

Of course, when the Act was introduced originally, following the changes to the metropolitan region scheme, the interim development orders were proceeded with under the provisions of the Local Government Act and the appeal provisions contained in that Act applied.

Nearly all relevant shires would have adopted their district schemes under the new town planning provisions and, of course, the appeal provisions which exist under the Local Government Act will no longer be consistent with the schemes. Therefore, it is necessary for appeal provisions to be brought under the ambit of the Town Planning and Development Act. Matters of that nature are included in the Bill.

I notice also that the penalties are increased from the levels at which they appeared when they were included in the Act in 1975. That is an indictment of the economic policies of Federal and State Liberal Governments, because the increases indicate the fact that inflation has accelerated under those Governments.

However, we do not object to the new level of penalties, because it is apparent they must be adjusted to fit in with current money values so that they are meaningful deterrents. The Minister expressed that point of view in his introductory speech on the Bill.

We support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

BUILDERS' REGISTRATION ACT AMENDMENT BILL (No. 3)

Second Reading

Debate resumed from the 27th November.

THE HON. R. F. CLAUGHTON (North Metropolitan) [2.08 p.m.]: The comments I made in relation to the previous Bill apply more so in respect of this legislation. I hope members will not accuse me of misrepresentation if I make any inaccurate references because I have not had an opportunity to study all the provisions of the Bill, or their relationship to the principal Act.

The Labor Party is, in fact, opposing this Bill on the question of boundaries within which the Builders' Registration Act will apply. At the conclusion of the Bill a schedule appears as clause 11. The schedule sets out the areas in which the Act will apply. It covers 4½ pages of very fine print and I will read a portion of the schedule to indicate to members how complicated are the boundaries. It reads—

> All that portion of land bounded by lines starting from a point on the Low Water Mark of the Indian Ocean situate in prolongation westerly of the northern boundary of Swan Location 5392 (Reserve 23563) and extending easterly to and along that boundary and northern boundaries of Locations 3871 (Reserve 23103) . . .

And so it goes on. The description of those boundaries means absolutely nothing to me. I asked the Leader of the House to provide me with a map or plan to show diagrammatically precisely the location of the boundaries. He was good enough to bring the plan along, and I was hoping he would table it so that it could be used to illustrate my remarks.

The Hon. G. C. MacKinnon: Would you like me to table it now?

The Hon. R. F. CLAUGHTON: Yes.

The Hon. G. C. MacKinnon: Would you allow me to table the plan, Mr Deputy President?

The DEPUTY PRESIDENT: Perhaps the Leader of the House could make the map available to the honourable member at this stage.

The Hon. G. C. MacKinnon: I will do that.

The Hon. R. F. CLAUGHTON: Thank you.

From reading the details contained in the schedule to the Act, one has absolutely no idea of the location of the boundaries. The boundaries are described as being those of the metropolitan water, sewerage, and drainage area, as defined by Order-in-Council published in the *Government Gazette* of the 11th July, 1969. I believe the definition was adopted recently by Cabinet, and perhaps that date of 1969 should read "1979". Certainly, it was published only recently.

I have received a letter from the Housing Industry Association under the signature of Peter Stannard, the President. It is dated the 27th November, 1979, and as it is pertinent to the point I am making I will read it, as follows—

Dear Sir,

BUILDERS REGISTRATION ACT AMENDMENTS

We are writing to express our concern re the implications of adoption of the Schedule proposed under the Bill to amend the Builders Registration Act covering the area of the Builders Registration Board's jurisdiction.

A submission has been made to the Minister for Labour and Industry, Mr R. O'Connor supporting the Builders Registration Board in its current form and expressing this Association's concern regarding the proposed reduction in the area of the Board's jurisdiction.

We would point out that with the adoption of the Schedule two thirds of the anticipated building activity in the Shire of Wanneroo will not be subject to the Builders Registration Act and consumers in that region will therefore not be afforded protection of the Board.

H.I.A. recommends the adoption of the more logical boundaries i.e. Metropolitan Regional Planning Authority boundaries as a simple and effective boundary system for all concerned.

In discussions held with Mr R. O'Connor it is noted that there is some opposition to the adoption of the M.R.P.A. boundaries as the Board's area of jurisdiction and whilst it is appreciated that at this stage the Board is operating without boundaries the adoption of the schedule submitted will be detrimental to Local Government and home owners generally.

The Builders Registration Board and the Master Builders Association support the Housing Industry Association in the recommendation for Parliament to adopt the M.R.P.A. boundaries as the area within which the Act applies and earnestly recommend that this proposal be given favourable consideration.

I believe there are a number of members in this Chamber who normally would listen with some respect to the opinions of the Housing Industry Association. I refer to Mr Neil Oliver, for example, who would possibly feel he should be urging the Government to make changes to the Bill we now have before us.

The boundaries outlined on this plan, while it is not very easy to see precisely where they are, affect the province I represent in the Shire of Wanneroo. The northern boundary is on a line cutting across Lake Goolalal, and it would exclude all of the Wanneroo townsite, areas of Kingsley, Heathridge, Kallaroo, Edgewater, and so on, and a few new areas east of Wanneroo. That is a considerable proportion of the growing residential area within the Shire of Wanneroo, which is a very rapidly developing area, and more people will be affected. On the other boundaries, the Shire of Swan, Greenmount Hill, an area south of Safety Bay, and Mandurah, for example, are not included. They are areas which normally we consider to be part and parcel of the metropolitan region.

It seems to be quite illogical to bring to Parliament a Bill excluding all these areas from the jurisdiction of the Builders' Registration Board. Any complaints which home buyers may have in relation to their building will fall outside the jurisdiction of the Act. Those people do not have available to them procedures for the satisfaction of complaints which the people in the rest of the metropolitan area have. I think that is not a desirable state of affairs, and it is very difficult to understand the reasoning the Government has used in applying this particular boundary.

The Bill contains a provision in clause 4 which allows the district shown on the plan to be added

to. I took the trouble to read the speech I made on the amendments to the Builders' Registration Act in 1975. On rereading it, I find it was a very good speech. A number of the remarks I made in that speech are quite pertinent to the present debate.

One of the proposals I made at that time was that the whole of the State should be declared under the Act with provisions for areas to be excluded by proclamation. That proposal was not accepted at the time. The proposal in the Bill before us is the reverse. I am not sure it is a better process. It is one where we start from a very limited area with provision to extend it by proclamation. It is the reverse of what I suggested, where we start with the whole area and reduce it by proclamation.

The objectionable feature of the Government's current proposition is that it starts from a very illogical base, where important sections of the outer fringes of the metropolitan area are excluded from the operations of the Act. If the intention of the Government is that all these areas be included, one would think it would be better to start from a base such as that suggested by the Housing Industry Association, which included the bulk of those areas, and experience or developments over a time would indicate where further additions might be made.

We are left with the proposition before us and with no real indication when those areas will be included or whether they will be included. For that reason, we oppose the Bill. We would much prefer the Government to amend the provision in line with the suggestion by the Housing Industry Association. That would be a more acceptable procedure.

I turn now to the matters included in the rest of the Bill. I am not really particularly confident about my grasp of the provisions of the Bill, because I have not had the opportunity to study them; I have merely glanced through the Bill during the progress of other debate this morning. However, I have not noticed any matters to which I would seriously object. In 1975 I moved to increase penalties applicable under this Act, but my move was not agreed to. Penalties are now being increased. When introducing the Bill, the Minister said—

> In considering this amendment, note was also taken of present penalties. An examination of the penalties imposed by the courts for persons convicted of operating while not being registered ranged from $10 to $100. Even with the addition of costs, such penalties barely provide a deterrent and may easily be absorbed by an unregistered builder. Penalties are therefore to be increased.

If we are to discourage unregistered builders and to provide protection to the builders who have taken the trouble to spend years in gaining trade skills, it is necessary that we pay adequate attention to that point.

A great deal of political noise is being made about the need to train our youth. In 1975 I drew attention to the inadequacy of our present facilities. It is obvious from the political noise being made at the moment that the situation has not changed a great deal. At that time I said unless trained and experienced builders are protected from people who do not have to undergo years of training, they will not have the incentive to bear the cost of employing apprentices. Again, time has shown that situation has not changed a great deal.

The penalties are necessary, and I would support them.

I am rather against lowering the standards required for registration of a builder, but we are aware that extenuating circumstances do arise; and there is no simple formula which will cover all cases. Therefore, it is necessary to make special arrangements.

I could speak further on these matters, but I do not think it would contribute much to the debate. In respect of the boundaries, we believe they are grossly inadequate and we support the proposal of the Housing Industry Association because we feel it is somewhat of an improvement on the Government's proposition. I hope the Government will be prepared to consider amending the legislation along those lines.

In the meantime, the Opposition opposes the Bill.

THE HON. I. G. PRATT (Lower West) [2.28 p.m.]: In supporting the Bill, I would like to express thanks to the Minister responsible for its presentation and for the discussions he has had in respect of the matter. The Minister has been prepared to listen to suggestions made by several people from different areas.

The Bill contains many good provisions. The provision to allow industrial-type buildings to be constructed for their own use by persons who are not registered builders is a worth-while one. If a person is able to build his own house without being a licensed builder, it is logical that he should be able to construct a more simple building without being licensed; and that is provided for in the Bill.

The increase in the value of buildings affected by the Act from $2 400 to $6 000 is a realistic move, as are the increased penalties for those who flout the Act. We must have protection for builders and consumers, and the penalties are being increased to cover that situation.

In respect of the boundaries, we must remember the proposed boundary is roughly that which existed before the MWS change.

The Hon. R. F. Claughton: You are removing a large slice of Wanneroo.

The Hon. I. G. PRATT: I think it is realistic at this stage. We often hear talk about extending the protection provided by the Builders' Registration Act. I represent an area, part of which is within the jurisdiction of the board, and part of which is outside its jurisdiction. Without exception, the complaints I have received in regard to building have concerned construction work by registered builders. I have not had a single complaint from the areas not covered by the board's jurisdiction in regard to unregistered builders.

The Hon. T. Knight: They would be wasting their time.

The Hon. R. Thompson: You cannot get a complaint.

The Hon. I. G. PRATT: It has been my experience that the complaints coming from those areas have been in regard to buildings constructed by registered builders outside the area. Surely the two members who interjected are not so naive as to believe that people do not complain about things they are not happy with, regardless of whether they have recourse under the Act. Of course they do. Every day, those of us who represent the people of our electorates actively have the people coming to us with problems they have with all sorts of things.

The building work of non-registered builders would be quite different from that of any others. One of the reasons is that an unregistered builder in an area such as mine, which is not covered by the Bill, has to be able to perform and to do good work. He has to be well known in the area because, particularly in the area I represent, being close to the metropolitan region, the people are served by the registered building companies in the metropolitan region; so the unregistered builders working in that area have to perform well to obtain work.

As I say, I have not received one complaint about unregistered builders; but I have had a number about registered builders. Let us not think for a moment that because the builders are covered by the Builders' Registration Board the people are protected. Far from it.

The Hon. R. Thompson: I would agree with you on that.

The Hon. I. G. PRATT: Although I am generally happy with the Bill, there is one point I want to raise. I endeavoured to contact the Minister responsible for the drafting of this Bill, but I have not been able to discuss it with him. I ask the Minister handling the Bill in this House to check on this matter before it passes through all stages in this House. It deals with an inconsistency I found in the second reading speech, in which the following appears—

> In an unsuccessful prosecution by the board, it was found by the court that renovations and alterations of a cosmetic nature were considered to be non-structural and therefore were not covered by the Act. This has presented problems to the owner and the board in having faulty work rectified.

I now refer to clause 5, in which proposed section 4(1b) reads—

> (1b) In subsections (1) and (1a) of this section—
>
> "construct" includes add to, alter, improve, renovate and repair.

In the second reading speech, we see that a non-structural matter is to be classed as construction. That seems a mighty contradiction.

I have no objection to additions and renovations being considered as construction; but I think we are stretching it a little when we say that improving or repairing is regarded as construction. If this is taken to its logical conclusion—

The Hon. T. Knight: You could improve a house by putting another storey on it.

The Hon. I. G. PRATT: That is also an addition. As I said, I have no objection to additions being classified as construction. For instance, if one decided to take out a solid front door and put in one with a glass panel, that is an alteration. It is not changing the structure. Why should that be covered by the Act? If one has a broken piece of asbestos under the eaves and one wishes to replace it, that would be classified as a construction.

The Hon. G. C. MacKinnon: I think you would have to allow that the people doing the inquiry would have some discretion, if it is a door, or something like that. However, if you are looking at changing it from one style to another, that would be pretty big. I think that would be included.

The Hon. R. Thompson: I think if he reads further in the Bill, he would find there is a

limitation also on how much work a person can do.

The Hon. G. C. MacKinnon: There is a value limitation.

The Hon. I. G. PRATT: I have already mentioned that. I do not understand why something of a non-structural nature, which has nothing to do with the safety or the standard of the building, should be counted as a construction.

If we are to include a clause about the aesthetics of the building, or something like that, perhaps we should spell out these things.

The Hon. G. C. MacKinnon: They call them "cosmetics". They really mean "aesthetics".

The Hon. I. G. PRATT: My understanding is that we do not interfere with the aesthetics; we are interested in the construction, and the maintenance of a proper standard of construction. That is what the Bill is all about.

The Hon. G. C. MacKinnon: If we have a Builders' Registration Act, they are entitled to expect it to be properly built.

The Hon. I. G. PRATT: That is correct. That is covered by the Bill.

It is a definite contradiction for the Minister to say "non-structural" in the second reading speech and then for the Bill to include non-structural work under the definition of "construction". It is a complete contradiction.

I would like the Minister to check that and make sure exactly what was meant before we complete the passage of this Bill. It has been my experience that at times the Builders' Registration Board reads things into these matters other than those which were intended by the Parliament. I had a direct experience of this; and you, Mr President, would remember this. Some four years ago, when a suggestion was made to the Minister and thence to the Parliament that the Builders' Registration Board would prohibit owner-builders from building two-storied houses, they came to us—and I believe you were with me when we discussed it with the board. They said that is what had been intended when the Act had been amended in this House. However, they did not realise, Mr President, that you were here at the time, and you remembered distinctly that that was not the intention of the Parliament at that time; so we refused to amend the Builders' Registration Act to make it illegal for an owner-builder to build a two-storied house.

Regardless of that, some 12 months later I was approached by a friend of mine who was endeavouring to build, under subcontract, his own two-storied house. He was being refused permission by the Builders' Registration Board which said that he was not allowed to do it under the Act. I rang them, and I spoke to the secretary at the desk because the senior officers were not available. I told her what the problem was, and she said, "Yes. Anyone who wishes to build a two-storied house for himself has to get special permission from the board. He has to submit plans and specifications, and we have to approve them." I said, "Well, that is not provided for under the Act." She said, "Oh, yes, it is." I said, "Well, I happened to be a member of the Parliament when we made the amendments; and we specifically excluded that." I said, "Why does the board require this?" She said, "We have to be sure that everything's right." I said, "Well, if they are checked by the local building surveyor, which they must be, before they come to you, surely the building surveyor ensures that the building safety is maintained." The reply I got was, "Well, we have to be sure it's not a three-storied building." If the building surveyors of our local authorities cannot tell the difference between a two-storied building and a three-storied building, I shudder to think of the state of our building industry in Western Australia.

I spoke later to senior officers of the board, and their attitude was that there had been a tremendous mistake. They said that the shires should have been circulated saying that the practice of referring owner-builders of two-storied houses to the board did not really apply. I was assured that this would be sorted out within a week. It appeared to be sorted out, because the people had their building plans approved.

Twelve months later, the same thing happened; but in this case it applied to me. I was building my own two-storied house by subcontract. I went to my local building surveyor and discussed it with him. I had plans and specifications drawn up and submitted. He said, "Okay, that is fine." He went on holidays; and a few days later I was telephoned by the assistant surveyor who said, "Whoa, stop; you can't do this. I have got to submit this to the Builders' Registration Board for approval. It has got to say whether or not you are allowed to do it." I rang the Builders' Registration Board and I went through the same rigmarole that I had gone through 12 months earlier. I was told that under the Act I was not allowed to build without the board's special approval. Again I was told there had been a terrible mistake, but that it would be sorted out within a few days.

Following that experience, I hope the Minister will not blame me for being very cautious about

the wording in the Bill, and about the way in which it will apply.

While a person is extending his home it may be found that something else will happen. I would appreciate it if the Minister would find out exactly what the clause means and exactly what will happen.

THE HON. T. KNIGHT (South) [2.40 p.m.]: I rise to support the Bill. I think the House is fully aware of my previous background; before I entered Parliament I was a building contractor for 20 odd years. I have worked very hard and for very long, for an extension to the Builders' Registration Act.

In 1963 a Select Committee was held to inquire into the aspects of the extension of the Builders' Registration Act. Obviously nothing happened—

The Hon. G. C. MacKinnon: When was it?

The Hon. N. E. Baxter: In 1961.

The Hon. T. KNIGHT: Thank you. At that stage the recommendation was for the extension of the Builders' Registration Act. Several groups joined together because of the situation caused by the fly-by-night builders who were operating in country areas.

At that particular time there was a great development throughout Western Australia and, in particular, in country areas. Registered builders from Perth had sufficient work and many who could not obtain work in Perth or could not be registered in Perth went to the country. They did not have the qualifications to be registered in Perth so they imposed themselves on the country people.

Because there were not many country builders there was ample work for the fly-by-night builders. These builders—I will use that word for want of a better term—worked in the country areas for 12 to 18 months and then after they left there were customers pouring into the registered builders' offices asking for the mistakes made by the previous builders to be rectified. After building or acting as builders for five years in the country they could then apply for registration and so return to operate in Perth: This then lowered the building standards in the metropolitan area.

In 1939 the State Government saw fit to establish a Builders' Registration Act in Western Australia. When I perused the new plan today it was apparent that it was catering for a few miles outside the metropolitan area only. It looks like a rather large section of Western Australia on that plan, but on a map of Western Australia it is completely insignificant. Admittedly, 800 000 people live in that area and there are 400 000 to 500 000 living outside it, but why is it that the Government considers the people who live outside the metropolitan area are less likely to need protection when they are building than those in the metropolitan area? When we think about it, we realise the average couple when building a home are taking the biggest step in their lives. They want to see that they have a home provided for them in which they perhaps may wish to spend the rest of their lives and in which they will raise their children. They deserve the same rights of protection as have the city people when building their homes.

A few years ago I commenced looking at the aspects of the Victorian Builders' Registration Act which involved the actions of the builder covering a home by way of insurance, for a period of time, against faulty work. I thought this was a very good idea and I still do and it should still be added to the Builders' Registration Act in Western Australia. I believe the Builders' Registration Act in the metropolitan area has been responsible for the setting up of a body to provide this and other protection. I think the people in the country areas should have that same protection and same standard.

I will continue to work for this for the people I represent. The Albany Town Council and the Albany Shire Council are very keen for the Builders' Registration Act to be extended. The Esperance Shire Council is also keen to have it extended as is the Bunbury area with its South-west Master Builders Association operating there. I know they are all keen to ensure that the standard of building is brought into line with that in the metropolitan area.

I am disappointed that in the realignment of the boundaries under this Act there has been no consideration of the major provincial towns or the country areas. I do not think the Government should force this on an area which does not wish it, but I know of several areas which are major provincial towns, and where there is a concentration of population, which wish to have this implemented and an extension made.

Earlier, Mr Pratt said that the only people who had complained to him were the people who had jobs done by the registered builders. When we consider this, we must realise that they are the only builders about whom we can complain. They are the only ones to whom we can make complaints for action to be taken and backed. The Builders' Registration Board has set itself up to protect and look after the interests of those people. I know of many instances and occasions when action has been taken along that line.

In the Albany area over the last seven years a registration course has been operating from the Albany Regional Technical College. Young apprentices, tradesmen, and even builders have been attending. They believe this is one way to have a better standard of building. We are asking that the Builders' Registration Act be extended to include a measure for the country areas. I will continue to work for the people I represent to have this extended to the areas they wish.

I believe other areas will follow when they realise the benefit to the areas of Albany, Bunbury, and Esperance. The Act has now upgraded the cost of work which can be done by a handyman builder from $2 400 to $6 000. This is more than adequate for what is required in most country areas and I believe it is a move in keeping with inflation and rising costs that someone can undertake a job for $6 000 which could have been done previously for $2 400. I think that is a move in the right direction because as I have said before, any registered electrician or plumber could do the little jobs and the owners are capable of doing the rest and enjoy doing it.

At the same time the Act has extended the provisions concerning the owner-builder type of home. No-one has ever complained about that, but I have seen several homes in Albany built by owner-builders who have subsequently sold them. As soon as someone has moved in, that person usually goes to the registered builders to have something rectified in the building, and wanting to know who built the house; at the same time of course that person blames builders in general.

Always when there is a recognised system and something goes wrong, the system is blamed. It is not often that it is said that the owner-builder did a rotten job. We should consider what these owner-builders get away with but a builder is presecuted for this. This is often because in an average building an electrician or plumber can do a job as a sub-contractor and after that he thinks he will then have a "go" at building. The builder, of course, cannot do plumbing or electrical work because our Government has protected them by licence. When we consider the background of these people we realise they often are no more expert in the field than the rank-and-file person and the person in the street.

The standard of building prescribed for the people in the metropolitan area should be applied to the people in the area I represent. At the same time, the Government has, in the past, seen fit to register plumbers and electricians. These people can build a house; yet there are builders who can do their own electrical work and plumbing in the metropolitan area. The Government has provided this because the public needs that protection.

The biggest job in a home is the actual building and the organising of the building; and finish is what most people seek. There has never been any provision whereby a town council or a shire council could move in and force a builder or so-called builder to go back and upgrade his standard of finish. That is not included in any building by-law. However, the board can make a registered builder go back and upgrade his standard of finish. Most contracts state that the job is to be finished in a workmanlike manner. One cannot get a workmanlike job unless there is a man at the top demanding that a standard be adhered to.

We have many fly-by-nighters in country areas. The Act must be extended. I agree with the amendments proposed at this time. Something will always need to be changed as standards, living conditions, styles of housing, and types of construction change.

Mr Pratt mentioned that alterations, renovations, and repairs are now considered to be construction work. I believe that matter must be clarified, and I would like the Minister to clarify it in the Committee stage. I believe the reason that type of work is considered to be construction work is that improvements costing over $6 000 are regarded as being construction work. But improvements costing $5 900 must still be considered to be construction work done by a registered builder. If it is not so classified, an individual has no kickback and is unable to get the builder or the handyman to come back. To have such work classified as construction work is a way to protect the public still further. I do not believe this applies to the rehanging of a window or a door or the resheeting of eaves or sections of a roof which have been damaged. That work comes in the category of renovations and repairs. It is not structural work. The term "construction" is intended to cover a particular aspect of building. I agree with Mr Pratt that the Minister should clarify this very important point.

Certain actions of the Builders' Registration Board have annoyed me. Some years ago we altered the qualifications required of people to be registered. I know a person who applied for registration just after those amendments were passed, and he was refused. I asked the board why it had refused that man's application and was told, "Because he is not qualified, it is not provided for in the Act." I had to point out the provision in the Act. That particular person was still not approved by the board. I subsequently

had an argument with the board, and the man was granted registration in keeping with the laws laid down by this House.

I would like the Government to consider seriously the extension of the Builders' Registration Act. I would like it to consider some aspects of the Victorian Act because of the further safeguards it affords the individual. If a builder goes bankrupt—and even registered builders can go bankrupt—people have the backup of insurance to give them the opportunity to get out as home owners, instead of being left in a hole with an unfinished home and no finance.

I fully support the Bill. I am disappointed the legislation is not being extended to cover people who have worked very hard in my area. I support the shires and town councils which have worked to have it extended. I think the legislation should be extended to cover my constituents as it covers people in the metropolitan area, and I will work to that end.

THE HON. W. M. PIESSE (Lower Central) [2.55 p.m.]: I, too, support the Bill, but for the reason that it does not endeavour to spread the Builders' Registration Act over the whole State. I feel very strongly about that. I fully support the remarks of Mr Pratt. I have had experience in my area, both as a person having building work done and as a shire councillor. I am sorry to hear things are so bad in the Albany area. I suggest to Mr Knight that perhaps the Albany local authority might look to its building inspectors. Perhaps they are inadequate.

The Hon. T. Knight: It shows how little you know about building by-laws and building registration.

The Hon. R. F. Claughton: I have heard more complaints about builders from farmers than from anyone else in my electorate.

The Hon. W. M. PIESSE: Farmers are used to starting a job and getting on and finishing it, but complaints are made about the difficulty people experience with builders starting a job and dragging it out.

The Hon. T. Knight: When I was in the building industry most of the clients ran out of finance.

The Hon. W. M. PIESSE: It was invariably registered builders who ran out of finance, went bankrupt, and left the job to be finished by somebody else.

The Hon. T. Knight: There are some crook builders.

The Hon. W. M. PIESSE: We do not have them in our area, and there are two reasons for it. One is that the local builder in a country area has to live by his reputation. He will not get any construction work if the last job he did was not satisfactory.

As for fly-by-night builders, I suppose in every industry there are some people who are not right up to the mark, but in country areas in particular, when the immigration programme was in full swing, a number of highly skilled and well qualified immigrant builders who came to this State had to go to country areas. Good luck to us that they did, otherwise we might not have had any building work done. Those immigrant builders were unable to fill in the necessary papers and forms to enable them to become registered in the metropolitan area.

It is only when work becomes scarce in the metropolitan area that registered builders tear off to the country to start half a dozen jobs. This is when the farmers complain. The builders start a number of jobs on the theory that they will send teams from this one to that one, and the farmer waits 12 months or more for the building to be finished.

It has been said that it is of no use complaining about an unregistered builder because one will not get any redress. That is nonsense.

The second reason we do not have these problems to the same extent in the country areas is that we observe the right in the contract to withhold a certain amount of finance and not pay it until the builder has completed the job to the customer's satisfaction. This extends for a period after one has moved into the building and lived in it for a time, after which one makes the final payment. Withholding that final payment is very effective in ensuring the job is cleaned up. It has been said by a registered builder that if a job is not up to standard, one can apply to the board, which sends the builder back.

I admit that I do not know what has happened throughout the whole State, but that has not been the case in the incidents I know of. When a complaint has been lodged, someone has looked at the job and said, "Good heavens, we will never get him back to fix it; it would cost too much. We will pay a local builder to fix it up." So one does not really get any redress from a registered builder.

The Hon. D. K. Dans: That is a constant complaint against the Builders' Registration Board in the metropolitan area.

The Hon. W. M. PIESSE: I support the idea of an insurance scheme allied to the building industry, but such a scheme would need to be introduced with great care. We must bear in mind this is a very large State and we have insufficient builders to cover the whole of it. I know some members here will disagree with that statement,

but it is the truth. If we had sufficient builders we would not have the problem of people rushing in to grab jobs. That is where the trouble lies.

While I was in England some 12 months ago I looked at the insurance scheme allied to the building industry there. It was a very good scheme but we could not copy it here because of our small population. Although the construction work in this State is increasing, it covers nowhere near the range of the work covered in the United Kingdom. This point would need very careful consideration.

I am pleased that the cost allowance for small jobs has been extended to $6 000. Even this amount would not cover a very large job today, but nevertheless it is a great improvement. I support the Bill because it does not attempt to embrace the whole State.

THE HON. N. E. BAXTER (Central) [3.02 p.m.]: Similar Bills have been before this Chamber on a number of occasions and also in another place, in attempts to improve the effectiveness of the Builders' Registration Act.

During his remarks the Hon. Tom Knight referred to the Honorary Royal Commission of 1963. As I informed him at the time, the year was 1961. The Hon. G. C. MacKinnon and the Hon. E. M. Davies were members of that commission, and I was its chairman. Most of the work was accomplished by Mr MacKinnon and me—Mr Davies came in now and again to listen to what was going on and he joined in the final drawing up of the recommendations. I do not know whether Mr Knight was in the industry at that time, but his name does not appear in the list of witnesses.

The Hon. G. C. MacKinnon: Incidentally it was one of the few reports ever written straight into an Act. It literally became law.

The Hon. D. K. Dans: You will have to get the same committee onto the laws of bankruptcy.

The Hon. N. E. BAXTER: The Honorary Royal Commission made certain recommendations, and I would like to refer firstly to the following—

> Your Commission desires to make some observations, in regard to the application of the Act, and to some sections, particularly in respect to the area of the State to which this legislation applies.
>
> Your Commission suggests that the Act be revised to extend its application to the rural districts wherein a reasonable amount of building is being carried out.

That observation was to the effect that where a considerable amount of building was being carried out in a major country town such as Albany, Bunbury, Geraldton, and perhaps Northam or Kalgoorlie, the Government should consider extending the Act. The commission went on to say—

> .... it is suggested that a careful watch be kept on certain of the more populous rural parts of the State with a view to the ultimate extension of the scope of the Act. Provision for such extension already exists under Section 3 of the Act.
>
> Although it appears that the necessary supervision in rural districts may be difficult the Commission is of the opinion that possible co-operation of local authorities could overcome the problem, as officers of local authorities could in the carrying out of their normal duties attend to the lighter part of inspection necessary without extra expense or inconvenience.
>
> The Commission believes that the rural dweller is entitled to receive workmanship and protection similar to the city people.
>
> Your Commission gave attention to the matter of partnerships, companies and other bodies corporate employing Registered Builders to conform with the Act, and are of the opinion that the provisions of the Act are being evaded. It is therefore suggested that provision be made to register partnerships, companies and other bodies corporate providing for similar penalties as those applicable to a Registered Builder.

The commission suggested also that steps should be taken to eliminate the "B"-class registration. Members will recall that in those days registered builders had either an "A"-class or a "B"-class registration. The recommendation was as follows—

> Your Commission therefore recommends that steps be taken forthwith to eliminate the "B" classification. The amendments suggested aim at establishing one class of registered builder in several steps.
>
> (a) By a generous acceptance of many established "B" class builders.
> (b) By a gradual acceptance of the balance of operating "B" class builders over a five year period.
> (c) The acceptance of the present "A" class examination as the only means of entry into the building industry by journeymen and apprentices who have met the other requirements.

I believe those recommendations went a long way towards doing something for registered builders in those days. Those requirements in the Act were very necessary.

This measure is another step towards improving the Act and, as the Minister said in his second reading speech, the scope of the Act will be increased in regard to the metropolitan area—it will now cover areas out to Wooroloo and Wanneroo. Such a move is necessary because of the increased development in these areas over the last 10 years. People who wish to build in these areas will welcome this Bill. I support it.

THE HON. G. C. MacKINNON (South-West—Leader of the House) [3.07 p.m.]: I thank members for their interest. This has been an intriguing debate in that it has highlighted quite definite and opposing points of view. Members from country areas which are almost side by side differ considerably in their attitudes to the subject.

When a member has raised a query it has been answered promptly by another member, and that is a happy situation for a Minister in charge of the Bill. In the case of any point that has not been replied to, the answer is that the Bill represents the Government's attitude, and obviously it will not be shared by everyone. I only hope I have the numbers, because I cannot be sure that every member feels the same about the measure.

I must admit my personal feelings on this subject are rather mixed. A brother and nephew of mine are builders, and on occasions I have indulged in quite heated arguments with them on this subject. I will not tell the House the side I took in these arguments.

It is interesting to know that for the last nearly 20 years other States have told us what marvellous legislation this is, but none of them has followed our lead. I commend the Bill to the House.

Question put and a division taken with the following result—

Ayes 18

Hon. N. E. Baxter	Hon. O. N. B. Oliver
Hon. V. J. Ferry	Hon. W. M. Piesse
Hon. T. Knight	Hon. R. G. Pike
Hon. A. A. Lewis	Hon. I. G. Pratt
Hon. G. C. MacKinnon	Hon. J. C. Tozer
Hon. T. McNeil	Hon. R. J. L. Williams
Hon. N. McNeill	Hon. W. R. Withers
Hon. I. G. Medcalf	Hon. D. J. Wordsworth
Hon. N. F. Moore	Hon. G. E. Masters
	(Teller)

Noes 7

Hon. D. W. Cooley	Hon. F. E. McKenzie
Hon. D. K. Dans	Hon. R. H. C. Stubbs
Hon. Lyla Elliott	Hon. R. F. Claughton
Hon. R. Hetherington	*(Teller)*

Pairs

Ayes	Noes
Hon. G. W. Berry	Hon. R. T. Leeson
Hon. M. McAleer	Hon. Grace Vaughan

Question thus passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. G. C. MacKinnon (Leader of the House) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 3 repealed and substituted—

The Hon. R. F. CLAUGHTON: I would appreciate from the Minister some comment regarding the Government's attitude towards the request made by the Housing Industry Association and regarding the Government's intentions in respect of extensions to the area to which the legislation applies.

One of the provisions of an amendment I moved to the 1975 Bill in an endeavour to extend the area of operation included a grandfather clause so that when the legislation was extended to cover a new locality, unregistered builders who had operated in the area for a long time would be allowed to continue. I do not think this Bill contains a similar provision.

If the Government intends to increase the area over which the legislation will operate, it would be sensible to include such a provision. The Bill should contain a covering clause which recognises usage under which the extensions of the provisions of the legislation would not cost people their livelihood. If such a clause is not in this Bill, there is no reason that it cannot be introduced at some future time.

The Hon. G. C. MacKINNON: As Mr Claughton suggests, this clause will redefine the boundaries. Subsection (1) of proposed new section 3 provides that the area to which the legislation is to apply will be the area described in the proposed new schedule, which is the Metropolitan Water Supply, Sewerage, and Drainage Act as described by Order-in-Council and published in the *Government Gazette* of the 11th July, 1969.

Subsection 2 of proposed new section 3 will enable the area to be changed by regulations which, in accordance with section 36 of the Interpretation Act, must be tabled in Parliament—a procedure which does not automatically apply to Orders-in-Council or

Proclamations. So, alterations can be effected as and when necessary.

Subsection (3) of proposed new section 3 deals with the citation of the principal Act after any amendments referred to in subsection (2) have been made. Subsection (4) safeguards the activities of persons who find themselves suddenly within the area to which the legislation applies by reason of amendment to the new schedule. In other words, those people who have been operating within an area automatically are covered.

A number of arguments—many of which have been aired here this afternoon—have been advanced regarding the extension of the area. I am not too sure how far members want us to extend it. Should it apply State-wide? One of the problems with any extension is that we automatically must ratify every builder who currently is building within the new area covered by the legislation. Each builder so operating automatically becomes a registered builder under the grandfather clause, and can then move to the city and operate as a registered builder. It is difficult enough getting builders in the country today, without that sort of situation creeping in.

If a person wants to become a registered builder, there is nothing to stop him from taking his examinations, becoming a registered builder, and moving wherever he wants to move.

There are also arguments for and against protection. I heard Mr Dans by interjection say there are some people who argue that the Builders' Registration Board is there to protect the builders.

The Hon. D. K. Dans: I did not say I believed that to be the case; I said some people say that.

The Hon. G. C. MacKINNON: I was careful not to say Mr Dans had said that; I always try to be fair.

The other side of the coin was voiced by Mrs Win Piesse who said that in country areas builders became very well known and if they were not up to the mark they did not get work. People met around tennis clubs, golf clubs, or perhaps the horse trough and the word soon got around as to what the builder was like.

My own view is that we have grown accustomed to the present boundaries which have been with us for a long time. I believe they should stay where they are. Mr Knight might argue that point because he sees advantages in having the boundaries extended, as do most builders.

I am inclined to think the ordinary citizen is best protected by his watching out to ensure that he gets a good, reliable builder. I trust the Committee will accept the clause as it is.

The Hon. R. F. CLAUGHTON: I am disappointed with the quality of the reply by the Leader of the House. The letter from the Housing Industry Association pointed out there are areas, particularly in the Shire of Wanneroo, which were previously catered for, but which are no longer covered in the boundaries being adopted. I would have thought that the Minister responsible for this legislation would provide the Leader of the House with information concerning any possibility of extending the area covered by this Bill to include the Shire of Wanneroo. That was one question I asked.

My other question related to the provision of a grandfather clause. The reply by the Leader of the House indicated there was no need to have such a provision because builders such as those referred to by Mrs Piesse who had operated in country towns and were well respected for their competence, need not necessarily be registered. If the Act were ever to be extended to cover an area where such a builder might operate, we would hope a grandfather provision was available to allow that builder to continue to operate.

All the Leader of the House said was that the Government had no intention of extending the area of operation of this Bill.

The Hon. G. C. MacKinnon: I said the Government can now alter it by regulation.

The Hon. R. F. CLAUGHTON: But I asked whether the Government intended in the short term to extend the areas.

The Hon. O. N. B. OLIVER: When the New South Wales Labor Government decided to adopt the WA legislation, which was introduced by a private member in another place, the Australian University in Canberra decided to examine the legislation as it related to consumer protection. We have always regarded the builders' registration legislation in our State as a form of consumer protection. In fact, when the Consumer Affairs Act was passed here there were demarcation disputes on whether or not the Consumer Affairs Bureau, or the Builders' Registration Board should intervene in certain problems. It took some time to sort out where the responsibility rested with these two bodies.

The New South Wales legislation saw the Builders' Registration Board as a Government body and not, as Mr Dans said, a body representing the industry.

The Hon. D. K. Dans: Even the Leader of the House agreed I did not say that.

The Hon. O. N. B. OLIVER: After the Australian University had examined the New South Wales legislation, the Press had the headlines, "Legislation batters the consumer." A great army of inspectors came out of the woodwork in that State. That State's board can administer only 68 per cent of the houses built, purely because the incredible volume of public servants required to administer the Act has been exhausted.

Frankly, the New South Wales legislation batters the consumers; it is the greatest example of anti-consumer legislation I have seen. We should be attempting to have the Builders' Registration Board represent the building industry and be responsible for that industry's actions. It should be private business oriented and it should be responsible to this Parliament, as is the case in Victoria. That State's Builders' Registration Board is responsible to the Parliament for the workmanship in that State. The Victorian legislation is most successful.

We need one central body which can take the industry into the next century so that private enterprise can be responsible for its own destiny; if it is not, it will be controlled by Parliament and stronger legislation will be introduced.

To extend the area covered by this legislation would be the greatest battering of consumers imaginable. The cost of homes to the purchasers would increase astronomically; they would be unable to pay for homes. If one considers the book "Mansion or no house", one can see an illustration of a young couple talking to a builder, with a great array of Acts of Parliament hanging from the walls of the house. They are saying "We are sorry; we cannot buy the house, as we cannot afford that form of protection."

Clause put and a division taken with the following result—

Ayes 17

Hon N. E. Baxter	Hon. O. N. B. Oliver
Hon V. J. Ferry	Hon. W. M. Piesse
Hon. T. Knight	Hon. R. G. Pike
Hon. A. A. Lewis	Hon. I. G. Pratt
Hon. G. C. MacKinnon	Hon. J. C. Tozer
Hon. T. McNeil	Hon. W. R. Withers
Hon. N. McNeill	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. G. E. Masters
Hon. N. F. Moore	*(Teller)*

Noes 6

Hon. D. W. Cooley	Hon. R. Hetherington
Hon. D. K. Dans	Hon. F. E. McKenzie
Hon. Lyla Elliott	Hon. R. F. Claughton
	(Teller)

Pairs

Ayes	Noes
Hon. G. W. Berry	Hon. R. T. Leeson
Hon. M. McAleer	Hon. Grace Vaughan

Clause thus passed.

Clause 5: Section 4 amended—

The Hon. I. G. PRATT: The Leader of the House is known and well respected for the capacity of his memory, but it seems to have slipped on this occasion. That is very sad to note.

The Leader of the House said he could not recall any question not being answered. I have conferred with Mr Knight on the definition of "construct", and nobody has disagreed with us in our interpretation. I think the definition should be looked at and the intention should be defined.

If the Minister is prepared to give an assurance that this clause will not be used with relation to such things as altering a door or replacing a broken window, it will be recorded in *Hansard* and I would be quite happy. We would then have some direction with regard to the intention to which we could refer. Otherwise, I would like the Leader of the House to check with the Minister responsible and find out the true intention of the clause.

It would be a shame, following the close consultation on all other aspects of the Bill, not to have this definition clearly set out.

The Hon. Neil McNeill: The recording in *Hansard* would have no basis for an argument.

The Hon. G. C. MacKINNON: It is always difficult to give an unqualified assurance. The situation is that I thought the question had been answered by interjection. It certainly did not escape my memory.

There has been an inquiry and a court case. It has been argued that the changing of the facade of a house does not constitute a structural change. A change has to be structural in order that action might be taken. Obviously, if two matches are put together that is a structure, but not under the definition of the Act.

It has been argued that the alteration to the facade of a house could be extremely costly and it ought to be subject to the protective provisions of this legislation. An endeavour has been made to cover that situation. Aluminium tiles could be placed on top of a perfectly satisfactory roof, or a building could be covered with a cladding material. That type of work could be purely cosmetic, or it could be quite necessary if a roof were leaking or if the cladding of a house were leaking. In the latter instances it ought to be regarded as structural work.

I said by interjection that these matters are subject to interpretation of the situation at the time. I think that what the member was implying would be too petty to be of concern, and it would

not be subject to litigation. Those matters will have to be left to the intelligence of the people looking at the case. One hopes we will not get stuck in a quagmire of litigation every time someone puts a nail into a weatherboard, for example.

Nonetheless, it is essential that if we are to have legislation it should provide protection. This applies particularly when so many elderly people are living on their own and they are very much at the mercy of tradesmen. I do not know whether I have answered the question to the satisfaction of the member.

The Hon. I. G. PRATT: No, the answer is not to my satisfaction. The discussion on this Bill has been at the level of a complete understanding between the Minister and others. After discussing the matter further today with others who had discussed it with the Minister, we have found it to be not as we understood. I feel the provision is too wide.

The Minister has said he cannot give an assurance, and by interjection Mr Neil McNeill said that such an assurance would not stand up in law in any case.

The Hon. G. C. MacKinnon: That is right.

The Hon. I. G. PRATT: If I were to find this provision being interpreted in law other than in line with the intention of Parliament I would have a case to come back and ask the Minister to do something by way of further amendment.

The Hon. G. C. MacKinnon: So would the Government.

The Hon. I. G. PRATT: If I do not voice my opinion and get some sort of statement of intention at this stage, I would have no case to come back with because I would have been party to the passing of this clause.

The Hon. G. C. MacKinnon: Quite right.

The Hon. I. G. PRATT: I believe I have a right to ask for an assurance that it will not apply to small jobs such as broken panes of glass or sheets of asbestos.

The Hon. G. C. MacKinnon: I am quite prepared to give an assurance on that. It is my understanding the Bill has always contained financial limitations in regard to work carried out.

The Hon. R. F. CLAUGHTON: The member who is objecting to this clause should look at the meaning of the words "renovating and repair". Those words would cover the sort of thing to which he is referring. There is a limitation on the value of the work in which the board takes an interest.

I hope that under this legislation the consumer will have some recourse in regard to work not correctly accomplished, including renovating and repairs. Let us take the case where a wall has been added.

The Hon. I. G. Pratt: That would be structural.

The Hon. R. F. CLAUGHTON: The wall would not change the original building; perhaps one could say it is a cosmetic addition. However, if it were erected badly, I would hope the consumer would have some recourse.

The Hon. T. KNIGHT: I am also concerned about this problem. Repairs and alterations could be valued at $10 or they could be valued at $100 000. The same wording would cover both cases. I believe the legislation does not really convey what it is meant to convey. Perhaps the clause could be used by someone policing the Act to prosecute for a very minor thing when a person could not be caught for a major breach. I do not agree with such a policy.

For instance, a door is not a structure. A door is a free-moving piece of material hanging on a structure. In my opinion large sums of money could be involved in the case of structural alterations.

I am concerned that this provision could relate to minor jobs undertaken by a handyman. We have given permission to a small businessman to undertake work up to a value of $6 000, so I do not believe the clause is intended to cover minor repairs.

The Hon. I. G. PRATT: I am satisfied now that the Leader of the House has given an undertaking. He is the Minister handling the Bill in this Chamber, and it is his understanding that will not be the case. If something similar happens in the future, this debate will be recorded in *Hansard*. I am satisfied with that.

Sitting suspended from 3.45 to 4.00 p.m.

Clause put and passed.

Clause 6 put and passed.

Clause 7: Section 10 amended—

The Hon. O. N. B. OLIVER: Mr Deputy Chairman—

The Hon. D. K. Dans: Stonewall Jackson lives on!

The Hon. O. N. B. OLIVER: —clauses 7, 8, and 9 are consequential, and I seek your permission to deal with them together.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): You may speak to clause 7 and if you stray too far I will rein you in.

The Hon. O. N. B. OLIVER: Thank you. This clause deletes the words "figures his registered number" and substitutes the words "letters and figures his name and registered number". It concerns a body corporate or a partnership. I appreciate that the board is concerned about trafficking in licences. However, I cannot support the clause because it creates confusion as to who is the builder.

To give an example, the builders' board might say "T. Knight and J. Jones" and underneath that would be the registered number and name of the manager-supervisor. This provision was removed previously because it created confusion. As two names are shown on the board, one does not know with whom to deal. If the name of the manager-supervisor is Brown, that must be also shown on the building board along with his registered number. People obviously feel they have the right to phone Brown to obtain a better price.

I do not see this happening in the legal profession. I am not aware that legal practitioners put the name of the firm on the letterhead and underneath that show the name and registered number of the practitioner. The same applies to consulting engineers. They are not required to show the individual employee of the body corporate or partnership who is responsible for the work.

I find this to be totally objectionable. If trafficking in licences is occurring, it is up to the board to ensure that it is prevented by the normal processes available to it. I simply cannot understand why a body corporate or partnership should be required to show some other person's name on its building board, simply so that an inspector will know who is supervising the building. A provision similar to this was removed from the legislation previously, and rightly so.

The Builders' Registration Board, in its wisdom previously decided not only to seek the reintroduction of that provision, but also that the manager-supervisor's name and number be included in newspaper advertisements. Members will appreciate that every line in an advertisement is ultimately a cost to the purchaser.

I can find no reason for the clause. It is up to the board to ascertain whether trafficking is occurring and to prevent it. Such a provision does not apply to members of the Institute of Architects, the Institution of Engineers, the Law Society, the Australian Society of Accountants, the Institute of Chartered Secretaries, and so on; therefore I am totally dumbfounded concerning its inclusion in this Bill.

Clause put and passed.

Clauses 8 to 11 put and passed.

Title—

The Hon. G. C. MacKINNON: One or two members apparently felt they were misled. I am sorry I was not quick enough to pick up the point they made. The point of their argument was that previously the limit was $2 400 and now it is to be $6 000. Any work under that value will not rate, anyway. One would have to fit an awful lot of front doors if the value of $6 000 were involved. Therefore, the provision does not apply.

I am not sure how to answer Mr Oliver's comments. The matter was explained in the second reading, and it has been discussed. I could find it in my heart to agree with everything he said. The Government has decided that its previous decision would be reversed as a result of the confusion that has existed since 1975. The arguments put forward by the board are perfectly valid, as are those presented by Mr Oliver. One could come down on one side or the other. The Government decided to come down on the side of the board, in order to avoid confusion.

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. G. C. MacKinnon (Leader of the House), and passed.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL (No. 2)

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Attorney General), read a first time.

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [4.12 p.m.]: I move—

That the Bill be now read a second time.

The amendments proposed in this Bill are largely adminstrative and are designed to improve the flow of work through the Metropolitan Region Planning Authority. The Bill also provides some additional powers in respect of enforcement when breaches of the Act or scheme occur, or when conditions attached to development approvals are

not complied with. They arise from continuing examination of the authority's day-to-day affairs and from recommendations from the authority and from local authorities.

With the appointment of a full-time chairman, he will assume an important part in the day-to-day activities of the authority; and provision is made for a new definition of chairman and for the appointment of one of the members as deputy chairman to act in his absence. The provisions define the respective roles and include provision for the election of a member to preside at a meeting if both are absent.

The authority, when first established, comprised 11 members including the chairman; and six members therefore constituted a quorum. Since then the number of members has been increased to 13 by the addition of the Director General of Transport and the Director, Department of Conservation and Environment. An increase in the number constituting a quorum to seven will restore the provision to its original intention.

During its 19 years of operation, the authority has established a system of committees to assist in handling the matters dealt with by the authority. Some of these are of an on-going nature, whilst others are task oriented. Amendments proposed in the Bill deal with the former category and are designed so that the authority is empowered to formally establish a committee structure and to delegate any powers it considers appropriate to a committee. Introduction of formal committees as a part of the authority's administrative practice has the potential to reduce time taken to convey decisions to the interested parties. Powers of delegation are contained in the Act and are revokable at the will of the authority.

There are three proposals for varying the financial provisions of the principal Act. The first relates to the provision for the remuneration of members, and provides more flexibility to the Governor in considering appropriate payments to members.

The second is designed also to provide some flexibility in funding staff services for the authority when departments are unable to meet urgent requirements from within their annual allocation of funds.

The third relates to section 37 of the Act, where provision is made for the authority to purchase land before the scheme came into operation. This provision does not continue beyond the making of the scheme; and currently the authority is unable, in similar circumstances relating to an amendment, to purchase such land irrespective of the circumstances. This has led to a number of cases of hardship where owners, who have accepted the scheme proposals, are unable effectively to deal on their land pending completion of the statutory steps.

The amendment is designed to avoid, as far as practicable, hardship to owners whose circumstances require them to sell during the lengthy amendment processes. The current amendment procedures set out in the Act result from changes made over the last 20 years. They are not easy to follow and have been redrafted to incorporate the second schedule in the body of the Act. As now proposed, procedures for bringing the scheme into operation and making a major or a minor amendment are set out separately and do not require further explanation. However, one change is proposed in procedures which does require explanation and stems from a study of an apparent anomaly that arose from an amendment tabled in Parliament in 1978.

Currently, amendments tabled in Parliament do not come into operation until the prescribed number of days have elapsed and until any motion to disallow the amendment, of which notice was duly given, has been defeated. Because notice was given, but the motion not moved and debated, uncertainty arose as to when the amendment could become effective.

A review by Crown Law Department officers drew attention to the similarity of the procedure with that covering regulations, but concluded that an effective date under the present provisions could not be readily defined. The amendment proposes that schemes should now be processed in the same way as regulations. The advantages from a practical point of view are that the amendment would come into operation on the day the approved amendment was published and would remain in operation unless disallowed. It would bring into play the compensation provisions of the Act, which is to the advantage of land owners. On the other hand, it would make the scheme operative before it was tabled.

As Parliament retains its right to disallow, it is believed the proposed procedures offer a practical solution to the problem.

The metropolitan region scheme is under continual review and amendment. While the authority has attempted to keep the public properly informed by the publication of up-to-date maps, these lack statutory significance; and the need has been seen to provide for periodic consolidation and the essential safeguards for accuracy, checking, and certification. As well, the scheme map is at present drawn on a base map at

40 chains to one inch, and provision is made for redrawing it at an appropriate metric scale. Apart from any other considerations, the old scale is no longer compatible with current mapping series. It is expected that the first consolidation and change of map scale will occur on the first reprinting.

Consequent upon an amendment to the metropolitan region scheme, there is a need to amend a local authority's town planning scheme. There are two separate circumstances that arise and, as far as it is possible, the provisions are drafted to overcome duplication of procedures, as well as to ensure compatibility between the two schemes.

The first relates to an amendment that includes land as "reserved land"—that is, for some public purpose—within the provisions of the metropolitan region scheme. In such cases the council has no option but to amend its scheme to comply. However, this involves council in very largely duplicating the procedures already followed by the authority in amending the metropolitan region scheme, even though it could not uphold any objections lodged. Considerable time and cost savings to councils would result.

The second position arises when an amendment takes land out of a "reserved" classification; and in such circumstances a council must take action to make appropriate provision in its own scheme. The new provisions oblige it to do so. Undue delay can cause embarrassment to land owners waiting for approval to develop land that has been released from reservation.

Provision is made to increase all penalties as they have not been varied since 1965 and bear little relationship to today's values and costs. Penalties, if they are to be prescribed, should bear some relationship to the scale and value of development projects if they are to be a meaningful deterrent. They are, in each case, the maximum that could be awarded, and they are at the court's discretion.

The remaining two amendments are also related and arise from represenatations over several years from local authorities and, in particular, Stirling and Perth City Councils. Both councils have experienced difficulty in rectifying breaches of scheme provisions and conditions acting under their delegated powers. Each has submitted opinions and recommendations of their legal advisers. They are very similar in nature and point to the difficulty of securing a halt to unauthorised work, and successful prosecution, as well as a difficulty in recovering costs if restoration work has to be undertaken by the council. Similar action has also been recommended by Crown Law Department advisers.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. F. E. McKenzie.

QUESTIONS

Questions were taken at this stage.

INDUSTRIAL ARBITRATION BILL

In Committee

Resumed from the 27th November. The Chairman of Committees (the Hon V. J. Ferry) in the Chair; the Hon. G. C. MacKinnon (Leader of the House) in charge of the Bill.

The CHAIRMAN: Progress was reported after clause 22 had been agreed to.

Clause 23: Jurisdiction of the Commission under this Act—

The Hon. D. W. COOLEY: This is the second division of the Bill and it deals with the general jurisdictional powers of the commission. It comes back to the old proposition to which we object and which we have canvassed rather thoroughly since we have been debating this matter; that is, the paragraph which does not allow the Industrial Commission to limit the hours of work of employees engaged in the agricultural and pastoral industry. It relates also to the staff of Parliament House and Government House who are not entitled to go to the Industrial Commission to obtain redress in respect of their wages and conditions.

The question of limiting the hours of work of employees engaged in the agricultural industry was referred to in the recommendations and proposed Act submitted by Commissioner Kelly. It wiped out that proposal, and one would have thought that in 1978 or 1979 Governments would cater for the hours of pastoral workers particularly as it has so much so-called concern for individuals. In fact, the lack of concern which the Government has for individuals is borne out by the devious intentions of this Bill. It proves the Government is controlled by pressure groups and does not want any change in this regard..

The dead hand of conservatism was referred to when debating the Constitution Act Amendment Bill and the same situation applies in respect of this clause of the Bill.

Agricultural workers should be given a fair go. Nobody should be expected to work from dawn to dark without some restriction on the hours they work. The Industrial Commission is the right

place for a properly mounted case to be taken for consideration. Here again we are interfering with industrial conditions which the Leader of the House and the Attorney General previously said should not be done. They said that was the work of the commission, yet they have put restrictions such as this into modern legislation.

It was stated in the second reading speech that the intention was to modernise the legislation. The Act is said to be out of date, but in the 1912 Act there was no provision to prevent the commission dealing with the hours of work of people employed in the pastoral industry. This restriction was introduced in later years and it should be taken out. It will not be taken out because it has been tested recently and the Government does not accept the principle of dealing fairly with people, particularly people who are not in fortunate circumstances. Many people employed as farm hands are not affluent by any stretch of the imagination. Governments should be bending over backwards to look after the interests of those people instead of taking their rights away from them. But while we have a Government of this nature workers have to put up with the injustices which flow from its decisions from time to time.

In 1977 the Government boasted about its policy of getting tough with the unions. It is time it was soft with people who are perhaps in an under-privileged or disadvantaged position. I am not saying everybody employed in this place should come under the jurisdiction of the Industrial Commission, but at least those workers who are on low salaries and who are constantly complaining about their working conditions should come under the commission's jurisdiction.

There is no ideal set of working conditions anywhere in the world. As members of Parliament we do not have ideal working conditions and we have reason to complain at times. But these are people who do not have redress. I have canvassed some people in this building and some have come to me voluntarily saying it was time something was done about the conditions here.

I will be sending the Liquor and Allied Industries Employees' Union a copy of my comments in respect of this clause of the Bill, inviting it to come here to unionise this place for the purpose of getting a concentrated approach in respect of the conditions of the workers. I know that with the passing of this Bill the union could not go to the commission to have wages and conditions set down for these people, but there is nothing to prevent their joining the union. In fact, the Government would be guilty of an offence under the legislation if it tried to prevent those people joining the Liquor and Allied Industries Employees' Union. That is where my speech will be going and I hope these people will be unionised as they should be and that pressure will be put on the Government or the Joint House Committee to ensure this obnoxious clause is removed from the legislation.

These people are not as passive as the Government thinks they are. They are human beings and they expect to get a fair go from their employers. I am not saying they are not getting a fair go at the present time, but there may come a time when they need someone to work to obtain better conditions for them, and under this legislation they cannot go to the Industrial Commission, which is the authority dealing with industrial conditions. People who work in a place such as this or at Government House are no different from the people who work in hotels or restaurants who have a right to have the Industrial Commission determine their conditions.

It is a gross injustice to insert into this legislation a clause specifically excluding people employed at Parliament House and Government House. It is not right. It smacks of something which would have happened in the 19th century, before unions existed, that people are not allowed to have redress to the proper authority. I think it will not be long before there is 100 per cent unionism in this place and that the employees are keeping the Joint House Committee on its toes in respect of their conditions.

The Hon. D. K. DANS: I support the remarks of the Hon. Don Cooley. I cannot understand why a provision such as that contained in subparagraph (iii) is included in the Bill. I recall that words to that effect have been included in various agreements and awards of the Commonwealth, but it is now 1979. I am not so naive as to think we will have an agreement to provide for employees to start at 8.00 a.m., finish at 4.00 p.m., and have Saturday and Sunday off. But it is possible to set a maximum amount of time which may be worked in a seven-day period, which may be in excess of 40 hours, and when that time is exceeded the employee should become eligible for penalty rates like everybody else. A whole range of awards and agreements provide that employees are paid when they are ordered to attend, wait, or stand by. That is part of working time. Although these people generally live on the premises and in some cases—notwithstanding the provisions of the Truck Act—may receive something in addition to cash by virtue of their employment, in 1979 that situation should be more clearly defined.

I will not labour the point because eventually—and it may be sooner than we think—someone will take up the cause before a commission, either State or Federal, and come down with something which will best serve that particular industry. Some members may be aware of what happened when the Commonwealth Conciliation and Arbitration Commission made an assessment of the pastoral industry and areas under the control of that commission by Federal awards. It makes very interesting reading.

I make the observation that in 1979 it would have been a far better proposition to define the situation more clearly—I will put it as nicely as I can—and set a maximum number of hours to be worked.

I just cannot believe we can have workers in this place who are ineligible to receive the protection of their unions. As a member of the Joint House Committee, I suggest we do our best to keep abreast of the current industrial situation, or a little in front of it. I have not taken advice on this matter, and I can see that perhaps certain officers can be excluded. However, I have just read certain parts of the Constitution of the Commonwealth, and I believe where this legislation alludes to the catering staff and stewards, it could be open to challenge in the courts of this State. If such a case did not succeed, an appeal could then be taken to the High Court of Australia.

In this Chamber we have spoken about the freedom of assembly, but in this case we are putting restraints on people. It is the right of everyone in this country to join an association or a union if he wants to, and it does not matter whether it is the Airline Pilots' Association, the Liquor and Allied Industries Employees' Union, or the Australian Medical Association. I would like to look at the legal possibilities of overturning that provision.

The Minister's own advisers would know that certain actions have been taken in this country. I recall that the other day some members could not get lunches at Parliament House in Canberra because the staff there belonged to a union and were having a meeting. That has not happened here, and I do not suggest that the members of our staff have any worse conditions than the staff in other places. I have taken an interest, as have other members of the Joint House Committee, to try to obtain conditions for our staff better than those prevailing elsewhere.

We are aware of the salary paid to stewards here, and we know that many of them must obtain work as casuals. Those of us who have attended functions such as the Film Festival at the Sheraton-Perth Hotel or the Parmelia have seen working there some of the stewards who normally work at Parliament House. Certainly this suggests that these people must belong to a union in order to obtain such employment. If that were not so, a dispute would arise.

The Hon. G. C. MacKinnon: There is nothing in this to stop them belonging to a union. You have just misread it. I have told you that before.

The Hon. D. K. DANS: I am fully aware that the Leader of the House suggested last night I am twisting words. Why was not this provision in the Act? What is the reason for including it here?

The Hon. G. C. MacKinnon: It is considered reasonable to be in here.

The Hon. D. K. DANS: That is not an answer.

The Hon. G. C. MacKinnon: We explained this the week before last.

The Hon. D. K. DANS: I have heard the Attorney General say that the courts of this land are never backward in telling us what is reasonable. They will interpret what is reasonable any day or night of the week.

The Hon. G. C. MacKinnon: That is right, and I hope you will tell it to the Hon. Grace Vaughan.

The Hon. D. K. DANS: I am fully aware that the majority of the people here have not been covered—if that is the correct verbiage—but it is being spelt out in this measure. These things stop working when they must be spelt out.

The Hon. G. C. MacKinnon: When they do stop we will fix it.

The Hon. D. K. DANS: But that is the problem—the Government may not. I suggest this clause could be open to legal challenge from outside the State legislation. I do not understand why it should not be open to challenge here. It restricts the freedom of the individual. In the case of the pastoral industry, a bald statement such as this will lead to trouble. It would have been far better to have something specific.

The Hon. D. W. COOLEY: It seems to me that the Leader of the House is reluctant to reply to the debate.

The Hon. G. C. MacKinnon: I have replied on this matter three times up to now. I have reams of notes here, but it all says exactly the same thing.

The Hon. D. W. COOLEY: The replies made have been very significant. Suddenly a few weeks ago the stewards were told that they must pay for meals when the House is not sitting.

The Hon. D. K. Dans: This is the only place in Western Australia where the chef has to buy his own meal.

The Hon. D. W. COOLEY: There will be real difficulty if these people seek a Federal award. The Government has plenty to say about cracking down on unions, but it has nothing to say about disadvantaging people on low incomes.

The Hon. F. E. McKENZIE: I decided that I should say something on this also. It is a disgraceful provision. No worker should be denied the right to approach the Industrial Commission. If that is not restrictive, I do not know what is.

There is no sound reason to exclude the workers in Parliament House and the workers at the Governor's establishment from any award coverage, or any jurisdiction before the Industrial Commission. I cannot understand why the Government would want to exclude these people from the provisions of the legislation.

The Hon. W. M. Piesse: Do you think the workers here are suffering?

The Hon. F. E. McKENZIE: That is not the point.

Several members interjected.

The CHAIRMAN: Order! If we are to have some decorum of debate, we must have regard for Standing Orders. I request Council members to cease interjecting so frequently.

The Hon. F. E. McKENZIE: I would like to reply to the interjection. The workers here are suffering. I observed them working here until the early hours of this morning. If I were in their position, certainly I would approach a union to have something done about it.

The Hon. G. E. Masters: What would you suggest should be done?

The Hon. F. E. McKENZIE: There should be a limit on the amount of overtime they are permitted to work.

The Hon. G. E. Masters: Generally they work under very good conditions.

The Hon. W. M. Piesse: Mr Dans just said that people work here and then go on to work at an hotel.

The Hon. D. K. Dans: Not during the session.

The Hon. F. E. McKENZIE: But they do not do this without a rest period. If a provision is in an award providing for periods of rest, it should be adhered to.

The Hon. W. R. Withers: You are supporting moonlighting. Isn't that against your party's policy?

The Hon. F. E. McKENZIE: I am not supporting moonlighting. Mrs Piesse interjected and referred to these people going from one job to another. A rest period is provided in most awards. These people have no set time off between shifts. They were here early this morning, and when I returned to Parliament House at 9.00 a.m., they were back here.

We are damn lucky to have such a good staff working in Parliament House. However, that may not always be the case. If the Government continually grinds them into the dirt, as it did last night, they will not remain satisfied.

It is disgraceful that this clause seeks to take away the right of workers in Parliament House to go to the Industrial Commission. They are no different from any other people out in the work force.

The Hon. W. M. Piesse: It is not the people who are different; they are the same sort of people. However, the job is different.

The Hon. R. Hetherington: What is holy about this place?

The Hon. F. E. McKENZIE: I doubt that the job is different. The stewards in the dining room here carry out the same tasks as stewards and waiters outside Parliament House. I am amazed the Leader of the House refuses to provide the Committee with an adequate reason for this exclusion.

The Hon. G. C. MacKinnon: I have given it at least three times now.

The Hon. F. E. McKENZIE: One day these people may be in dispute. Where will they go? Who will be the umpire? Approaching the Joint House Committee is like appealing from Caesar unto Caesar.

The Hon. H. W. Gayfer: Don't you believe Mr Dans is fair? He is on the Joint House Committee.

The Hon. F. E. McKENZIE: Of course he is fair. However, Mr Dans does not have the numbers, and we have witnessed plenty of that type of situation here. Certainly, I would like Mr Dans to act as an independent arbitrator. However, I am quite sure the Joint House Committee would not give Mr Dans that task.

The Hon. H. W. Gayfer: So you believe Mr Dans is continually outvoted on the Joint House Committee?

The Hon. F. E. McKENZIE: I am saying that if it came to a question of establishing wages and conditions, I would be happy to give Mr Dans that task.

I join in the protests about this clause.

The Hon. D. W. COOLEY: That is the thinking of members opposite. When we divide on this clause, Mrs Piesse will vote with the Government. Her philosophy is that if a worker is not hard done by, he should not be given any recourse to the Industrial Commission. If a worker has a good job and is happy, that should be enough.

The Hon. W. M. Piesse: That is not what I said.

The Hon. D. W. COOLEY: That is what the honourable member said. Even if we had on the Joint House Committee five people of the quality of Mr Dans, the staff at Parliament House should have as their constitutional right the authority to go before the Industrial Commission to seek better wages and conditions. Employees in Parliament House are workers, just the same as are people working outside this place. If a person working on the road under awful conditions is entitled to go to the Industrial Commission, why should Parliament House employees be excluded?

The Hon. W. M. Piesse: That is right; he is unhappy. However, if workers in Parliament House are content, why should you want to make them unhappy?

The Hon. R. Hetherington: That is a ridiculous interjection.

The Hon. D. W. COOLEY: We do not want to make them unhappy; we want to do only what Mrs Piesse and every other member present wants; namely, to improve their conditions. Members opposite have never refused a pay increase awarded to them by the Salaries and Allowances Tribunal.

The Hon. H. W. Gayfer: We have.

The Hon. D. W. COOLEY: Perhaps, but we still have recourse to that tribunal. People in senior Public Service positions are entitled to belong to the Civil Service Association, and can approach an industrial tribunal to have their salaries adjusted from time to time. Why should employees at Parliament House be specifically excluded?

The Hon. W. M. Piesse: It would have nothing to do with greed, of course? If somebody's salary is high enough, why should he want to increase it?

The Hon. D. W. COOLEY: That is a poor attitude. If the Salaries and Allowances Tribunal awarded the Premier another $1 000 a year to apply from tomorrow, does the honourable member think he would refuse it? Of course he would not; it is a natural progression of things.

However, if people outside Parliament House employed under the liquor trades award received an increase in their wages, and the Joint House Committee decided not to allow its staff a flow-on, that would be the end of it; the workers in Parliament House would not be able to obtain justice. These people should be permitted to approach the Industrial Commission or some other body if the need arises.

The Hon. G. C. MacKinnon: They do not need to; they get it all.

The Hon. D. W. COOLEY: But if the need arises—

The Hon. G. C. MacKinnon: It never has.

The Hon. D. W. COOLEY: That does not mean to say it will not happen in the future. The right of workers to approach the Industrial Commission is almost a God-given right, and it is a complete injustice to take it away. It is not enough simply to say that these people have a good job, therefore they do not have the right to approach any industrial body. Mrs Piesse referred to the fact some of these people have two jobs. If they moonlight, it must mean we are not paying them enough.

The Hon. G. E. Masters: You do not really believe that, Mr Cooley.

The Hon. D. W. COOLEY: Everybody is not as fortunate, financially, as is Mr Masters. The only reason people send their wives to work, and work overtime and take second jobs themselves is that the money they are receiving in their principal jobs is not sufficient to support their families.

All members opposite who believe in natural justice, and who intend to vote with the Government on this clause, should be ashamed of themselves.

The Hon. D. K. DANS: I said last night that I could not follow the Leader of the House. Last night he made a statement about the Bill having something to do with peace of mind.

The Hon. G. C. MacKinnon: That is the sort of twisting of words which is making a farce of this debate.

The Hon. D. K. DANS: Mr Chairman, I protest. That statement is in *Hansard*; I read it this morning. They were not my words; they were Mr MacKinnon's words.

The Hon. G. C. MacKinnon: No they were not.

The Hon. D. K. DANS: Mr MacKinnon may have corrected it since; I do not know. However, my reply is there. If my integrity is being challenged, I may have to ask, Mr Chairman, that you get the *Hansard* down here so that the transcript of the debate last night can be examined. That statement is in *Hansard*. If the

Leader of the House would like me to produce it at a later stage, I will do so.

Just a moment ago he said meals have nothing to do with industrial Bills; but of course they have. They have a great bearing on a whole number of awards and conditions in this country. When the Leader of the House makes those kinds of stupid assertions he does this Bill no credit at all.

Over a number of years I, along with other members of all parties, have been on all the subcommittees this Parliament has had dealing with wages and we have had no arguments. We have been able to get the stewards an agreement which is not the liquor trades agreement, but is something a little better. The point I make was brought out by Mr Cooley: What kind of situation do we have and how will the public at large view this legislation when we as members of Parliament have a salaries tribunal to which we can appeal and to which we can go to make submissions? That facility is available to members on both sides of the Chamber. It is available to magistrates and a large number of other highly placed civil servants. Mr Townsing has said I can go down and deliver a submission to him. In fact, I have made submissions on behalf of many members of Parliament.

The Leader of the House has said the Government is denying these people the opportunity to be represented by their unions and that the only difference the Government sees is that they cannot go to a tribunal. He said things seemed to be all right at the moment. I make the point Mr Cooley made: Tomorrow things may not be all right.

I do not like the American expression of "moonlighting". If we consider the statistics available in this country it can be seen we are a two-income society; in some cases it is a four-job society. The stewards in Parliament House, in order to supplement their daily bread, take other jobs; mostly when the session is over, as there is very little opportunity to do so when the session is in progress.

There are a number of pluses and minuses about working in this place. I take the point made by Mr McKenzie: If an industrial tribunal were to examine the working conditions at Parliament House during some times of the year it would undoubtedly apply some restriction on the number of hours these people work. That is a fact. I do not want to stir up industrial conflict in this place. Mr Lewis would know we have never had any arguments in respect of salaries and wages for staff.

The Hon. A. A. Lewis: You should acknowledge that you have had a great deal of assistance from this side of the Chamber. You are posing a problem I do not think exists.

The Hon. G. C. MacKinnon: Has the thought crossed your mind that that is what is making Mr Cooley so angry?

The Hon. D. K. DANS: I think Mr Gayfer will remember our having to do something with regard to an *ex gratia* payment for a previous controller. I have come to amicable arrangements with Mr Shimmon and Mr Boylan at the Public Service Board of days gone by. There are pluses and minuses in regard to working here and perhaps people could line up on different sides of the fence and indicate what those pluses and minuses are. In a place like this we are bound to find people such as those we might find in the Tristan da Cunha Island who become inbred and take a narrow view of things.

It seems to be a travesty of justice on the one hand to allow us access to a tribunal to make decisions on our wages, electoral allowances, stamp allowances, and so on—we can go down there to make a submission even though there is a popular misconception that we cannot do this—while on the other hand the Government is saying to the staff of Parliament House that they will be able to belong to a union, but under no circumstances will they be allowed to go down to that independent umpire—the commission—to settle any difference of opinion which may arise.

When I spoke last night I suggested the list of officers of the commission should be extended by one or two people who would be known as conciliators. This is an area which would be admirably suited to this idea because these conciliators would be dealing with a set of conditions which are somewhat out of the ordinary.

When I get to my feet I make statements which I have carefully checked; I know them to be true. We are looking to support parts of this Bill. However, we recognise that in Australia all Liberal-Country Party coalition Governments have a blind spot in this area; they never seem to be able to tackle this problem properly. Their public stance is nothing like their private stance.

Like many other members of the community I have a vested interest in providing a climate of industrial harmony and in endeavouring to get a consensus to make our country prosperous and a very good place in which to live. This would be helped if the staff of Parliament House had a right to go to the commission. The Government

has not explained why this right has been taken away.

I suppose one of the reasons we have not had a union in this building is that the Joint House Committee has been doing its job. That does not mean it will always do its job. We had a situation recently which was not the doing of the Joint House Committee, but which caused a great deal of unrest because of a set of conditions which apply here and which do not apply outside in the catering field.

It is quite wrong we should have a tribunal to which we can go as members of Parliament and which automatically adjusts our wages, conditions, and travelling allowances, etc., but the employees here do not have that right. In the broadest sense we allow citizens the right to belong to a union, but this Government is refusing the staff of this Parliament the right to access to an industrial tribunal.

The Hon. R. HETHERINGTON: I wonder how Mrs Piesse knows the staff at Parliament House are happy; I wonder what evidence she has to show this to be the case.

The Hon. W. M. Piesse: They would leave if they were not.

The Hon. D. K. Dans: There is a waiting list of 40-odd people for every job.

The Hon. R. HETHERINGTON: When we have a situation indicating between 6 per cent or 7 per cent of the population is unemployed, according to official figures—

The Hon. G. C. MacKinnon: That applies only to the last couple of years, not during all the years I have been here. There has always been a waiting list.

The Hon. R. HETHERINGTON: I do not care what has happened in the past; when a member can stand up and assert the staff are now happy, I would like to know what evidence there is available to prove this? Do members think the staff are likely to leave when they know that up to 7 per cent of the population is unemployed and looking for jobs? If they had an industrial tribunal to which they could go and did not, that might be evidence which I could accept; but we do not have that hard evidence.

I do not know why this section of the work force should be singled out and not given permission to go to a tribunal. I can understand why people do not want academics to go to a tribunal; academics may be thought to be bigger and there may be more of them, so perhaps they can look after themselves. But why discriminate against the staff in this Parliament, where because we are being properly paternalistic, we say their conditions are fine?

This is a nineteenth century attitude; I thought that people in the twentieth century believed in arbitration. Mr Masters has been very eloquent while talking about the freedom of the individual, yet he is supporting legislation which does not allow the staff of this Parliament to apply to a court.

The Hon. G. E. Masters: It is quite simple for them to go to the Joint House Committee and their complaints will be heard.

The Hon. R. HETHERINGTON: There is no freedom in doing that and Mr Dans is one of the members of the Joint House Committee so he would know more than the member opposite. The Government thinks the employees are happy, but I do not know that they are happy. I do not know because I do not know how these small systems work. However, I do know that with a small group of employees it is sometimes very difficult to approach someone with a problem. Sometimes they prefer not to say they have a problem because they are in a very unfortunate situation.

The Hon. W. R. Withers: I cannot find anyone who is unhappy.

The Hon. R. HETHERINGTON: What a lot of nonsense.

The Hon. W. R. Withers: I could not find anyone.

The Hon. R. HETHERINGTON: It is just like saying that in South Africa the servants are happy because they say "Yes, Boss". Some of the Government members find this amusing, but I do not think some of the Government members know what they are talking about on this Bill. I am talking about the employees having the right to go to an industrial arbitration tribunal whether they are happy or not. That is the argument I am putting forward and if members cannot understand that I suppose I am talking to the invincibly ignorant.

The Hon. G. E. Masters: They have an avenue to pursue.

The Hon. R. HETHERINGTON: That is the sort of remark I expect from the members opposite. They talked about academics having an avenue to pursue; they could go to their employers.

The Hon. G. E. Masters: They have the Joint House Committee and Mr Dans is well aware of that.

The Hon. R. HETHERINGTON: Mr Dans is capable of speaking for himself, but I point out to members opposite that Mr Dans, even though he

is a member of the committee, believes the employees should have the right to go to a tribunal. Mr Dans knows what is going on in the Joint House Committee. The only avenue is to go to one's employer, and I do not think that is adequate.

Several members interjected.

The CHAIRMAN: The Hon. Robert Hetherington should continue his speech and ignore the interjections. He would then continue very well.

The Hon. R. HETHERINGTON: I will wait for the interjections to stop because I want to be heard.

The CHAIRMAN: I suggest the honourable member should continue and I will give him protection.

The Hon. R. HETHERINGTON: I have not had much so far.

The CHAIRMAN: I have been very tolerant in this debate. I have protected the speaker as much as possible and I will continue to do so. If honourable members think I have not protected them enough I will have to take some further action.

The Hon. R. HETHERINGTON: I wish to make the point that the employees should have an avenue to go to if they have a matter which should be heard. I do not see why this handful of people in Western Australia should not have the right to go before a tribunal. There is no logic in the argument advanced. The only argument we have heard is that this has been done since the nineteenth century when this House was formed and therefore it should not be changed. I cannot accept this argument in principle and I find the clause of the Bill quite obnoxious.

If the employees are well looked after then they probably will not apply to the industrial tribunal but if they have a right and do not apply then that is good evidence that they are happy.

The Hon. A. A. LEWIS: I believe I have a fairly good rapport with the staff in this place and the Hon. Des Dans would agree that I pick up more of the rumbles that occur around the place than most members of the Joint House Committee because I make it my point to go and find out if the people are worried.

I am extremely worried that we have to change something just to make a political point. The snatches of the argument I have heard as I have entered the Chamber on several occasions and during Mr Hetherington's outburst suggest to me that the Opposition is making a point without any evidence that the people are unhappy about what is occurring at present. It seems to me the Opposition is attempting to thrust the staff into a situation which, to the best of my knowledge, has not been asked for.

The Hon. F. E. McKenzie: What difference does it make whether it is in the Act?

The Hon. G. C. MacKinnon: It is quite inappropriate for the Governor or Parliament.

The Hon. A. A. LEWIS: It is fascinating that in one of the areas where we do not have disputes we have spent so much time—or the Opposition has spent so much time—trying to make a point of not allowing people to do what they are quite obviously happy about doing. We have to insist that something else happens. The Opposition has made that point and that point only. It is trying to push people into a situation which, I believe, is one which they do not want.

The Hon. R. F. Claughton: What rubbish!

The Hon. A. A. LEWIS: Because of the Opposition's outlook it believes it has the God-given right to push the staff into a situation for which they have not asked. Members opposite are becoming people who think they know all about what other people want, and quite frankly I am a little sick of it. It is similar to the occasions when the same people on the other side get up and tell us we have no feeling for other people, for Aborigines, or those affected by poverty.

That is a superior, sneering type of attitude that causes considerable trouble in this Chamber. There have been cases where some people in this House have been dealt with pretty well and some time ago—I will not give the details—as Mr Dans well knows, the Joint House Committee had a meeting to make a decision in order to help some of the staff. This was far above anything that anybody else in a similar position would receive because we realise that these people are doing a particular job.

It is very easy to have set views and black and white views with these things without considering that these people may have some feelings. At the present time the Opposition is jumping in and trying to force people into something they do not want.

Mr Withers said he went out and asked people if they were happy. I really believe in that sort of Gallup poll, it is a very direct form of approach. By talking to individuals one probably finds out far more because one may find that there are some things they are happy about or unhappy about. Why create a situation when positions here have been going along very nicely on all sides?

The Hon. F. E. McKenzie: Why put this in here? It was not in the Act before.

The Hon. R. F. Claughton: You are completely ignorant of what it is all about.

The Hon. A. A. LEWIS: That may be so but there is a fair bit of ignorance on the other side.

Several members interjected.

The CHAIRMAN: Order! The interjections will cease.

The Hon. A. A. LEWIS: Thank you, Mr Chairman, but I can cope with the interjections in my own way.

The CHAIRMAN: It is my duty to cope with interjections.

The Hon. A. A. LEWIS: The Opposition is trying to hang its hat on something which has no peg. It has been yelling and screaming in this place for hours and there is no substance to what it has been saying.

The Hon. LYLA ELLIOTT: I cannot sit here and stomach this sickening paternalism any longer. That is the only way I can describe it.

The Hon. A. A. Lewis: That is exactly what I was talking about.

The Hon. LYLA ELLIOTT: I did not intend to speak in this debate. I thought the other speakers on this side had handled it adequately, but after Mr Lewis's contribution I must express my disgust at some of the attitudes being expressed by members on the other side.

The Hon. A. A. Lewis: Not just mine?

The Hon. R. F. Claughton: No. Yours is the last straw.

The Hon. LYLA ELLIOTT: This argument is about paternalism versus the basic rights of people. This very clause highlights once again the hypocrisy and inconsistency of the Government in issues concerning industrial relations. When I was speaking the other night I dealt at length with Mr Medcalf's speech on the Long Service Leave Bill.

The Hon. G. C. MacKinnon: You did not quote his whole speech.

The Hon. LYLA ELLIOTT: I quoted the parts which were relevant. These people throw irrelevancies into the debate because they have no answers to what we are saying. While the Government prates about ILO conventions and the rights of working people not to belong to organisations, it conveniently forgets about the ILO convention which says people have a right to belong to organisations and to organise industrially. It is all very well to belong to a union which does not have authority to negotiate industrial awards and standards.

I am sick and tired of hearing everyone say people are happy. Because of the way this building is run, anybody who was not happy would not be game to open his mouth; he would be liable to be thrown out. There is too much power in certain quarters.

The Hon. A. A. Lewis: I have heard the lot.

The Hon. LYLA ELLIOTT: It is all very well to say people are happy when one does not have to live on what those people are living on, and to condemn them for taking part-time jobs.

The Hon. W. R. Withers: They have not been condemned. It is against your policy.

The Hon. LYLA ELLIOTT: While they have full-time jobs here, the point is they take other jobs to supplement the wages they receive here. I am not saying whether I am in favour of or against this practice. We are dealing today with the question of setting adequate salaries and conditions for people who work here.

I would like to refer to one condition in this building about which I have been trying to get something done for almost 12 months; that is, the disgusting conditions in the photocopying room. Twelve months ago I took up this matter with the Joint House Committee because in my opinion that room contravenes the Health Act.

The Hon. A. A. Lewis: That has been catered for. Architects have looked at it.

The Hon. LYLA ELLIOTT: There is no natural air in the room and the man who works in it has to work with inks and so on. I would like the Minister to work there all day without any natural air or air conditioning.

The Hon. W. R. Withers: Isn't this being fixed up?

The Hon. LYLA ELLIOTT: It was looked at only recently, because I wrote again and asked what had been done about my request of almost 12 months ago.

Several members interjected.

The CHAIRMAN: Order!

The Hon. LYLA ELLIOTT: The hour is late and my colleagues have adequately dealt with the principle, so I will not repeat what they have said. I was disgusted with the paternalistic attitude which was summed up by Mr Hetherington when he referred to the attitude of the whites in South Africa towards their black servants: "They are all very happy; let us not do anything to give them any rights."

The Hon. D. K. DANS: Let us get this in its right perspective. The stewards in this building have not been covered by a union since I have

been here, and neither I nor other members have ever gone along and tried to pressurise them into a union. If the union organisers want to come to this building and get them into a union, it is up to them to do so. What we are looking at here is not what the Joint House Committee does or does not do, or whether or not the people in this building are happy. We are looking at the amending Bill, and no-one is trying to railroad anyone into anything.

The Hon. A. A. Lewis: Of course you are.

The Hon. D. K. DANS: That is not true. Nothing in this place has changed or is likely to change in respect of the employment of stewards, but I want to know from the Minister why it is now necessary in this Bill—which we are told will do so many great things—to exclude these people from the Industrial Commission. Was it at the request of any of the staff? Of course it was not. What is the reason? There must be a reason for it.

It has already been said by way of interjection that there is no unhappiness among the staff, and Mr Lewis says he has confirmed it. I have news for Mr Lewis. Things have changed dramatically around here in the last three or four months, and with Mr Lewis' assistance we may get over those hurdles. Some stupid decisions have been made. But why is it now necessary to have this prescription in the legislation when it was not necessary before, and when the stewards have not belonged to a union, whether or not the Joint House Committee has looked after them adequately?

Why should this be expressed in the Bill? Have people been pressuring employees to join unions? I cannot understand why it is in the Bill. Something must be behind it, and it is the task of the Opposition to ferret that out.

The Hon. O. N. B. Oliver: You are like Mr Hetherington. He is always worried.

The Hon. D. K. DANS: In our journey through life we usually have a reason for what we do, and I think it is reasonable to assume the Government has a reason for this action—at least if we are still in the Westminster system.

The Hon. A. A. Lewis: We would not be listening to this if we were not.

The Hon. G. C. MacKinnon: I can explain it.

The Hon. D. K. DANS: We have asked the Minister to explain it previously. The second point is that this Bill looks suspect and the Government looks snide and shonky. It makes ogres of members of this Parliament, myself included. We as individuals have the right to go to a tribunal, but by a stroke of a pen we are denying that right to the staff.

We have a group of people who have worked in this place for a long time. It is not correct to say there is a waiting list, because sometimes we have to advertise. These people may have never wanted to join a union and have never thought of approaching industrial tribunals. Whenever they have had complaints they have gone to the Joint House Committee.

Frankly, being a member of the Joint House Committee is a role I do not enjoy now that things are becoming complicated. Now we have secretaries and all other people wanting an increase in salary, and instead of attending to our jobs we have to have meetings with Mr Lewis and other people to determine what salaries should be paid. One sometimes gets a kind of creepy feeling after a decision has been reached.

One of the first things I learnt on ships was never to upset the stewards because they work in the pantry. I have seen some of the dreadful things they have done to the food of people who upset them, including passengers paying high prices to travel the world on luxury lines. That is a sobering thought.

Nothing has happened, but for some unknown reason this provision has been placed in the Bill. A moment ago someone said something about a red flag. I do not think the staff will gather around the piano tonight and run up a red flag. They are not a very militant group.

The Joint House Committee has done the best possible job in the circumstances in determining wages and conditions of staff. However, I am not so naive as to think all the things it has done have been right and that everyone in the building is happy. We are reaching a stage where things are beginning to become complicated. I am not making an issue of this, but we are the Caesars in this place who adjudicate on the wages and conditions of the staff. It would be far better to have a conciliator or to omit the provision from the Bill and, if necessary, go to the Public Service arbitrator or to the Industrial Commission to arrive at decisions in respect of wages and conditions. Such matters should be decided in a place divorced from this institution.

I can well imagine what would be the situation on the waterfront if the wharfies went to the Fremantle Port Authority along with the employees of waterside labour and said, "We are making a claim for increased wages and conditions, and we will wait outside the door while you determine what you will give us. We will accept what you give us."

Basically what redress do staff in this building have after a matter has been determined by the Joint House Committee?

The Hon. D. J. Wordsworth: What redress do you have against determinations made about you as a member of Parliament?

The Hon. D. K. DANS: We have an appeal to an independent tribunal. That is the vital difference. The President does not decide my wages; and thank goodness for that.

The point is that this provision is absurd. Sooner or later in the best interests of running this place it will be a far better proposition for the Joint House Committee to discuss the matter and then refer it to a tribunal. A tribunal should discuss wages and conditions not only of members of Parliament, but also of staff. It is not true to say the staff are happy, because we receive many letters.

The Hon. W. M. Piesse: From whom?

The Hon. D. K. DANS: Most of the letters are from electorate secretaries.

The Hon. A. A. Lewis: That is not fair, because certain people are writing on their behalf.

The Hon. D. K. DANS: I have no doubt Mr Lewis has written some on behalf of his secretary from time to time.

I do not know the reason for this provision. Preference to unionists has not been an issue in this place. In fact, there is no union. No-one has been pressured, but suddenly this amendment appears. Perhaps the Minister can tell me the reason.

The Hon. G. C. MacKINNON: I have never heard a short question asked at such verbose length in all my life. The reason is quite simple and it will not alter any of the arguments. It has been stated at least half a dozen times during the debate in this Chamber and in another place. It was decided it is inappropriate to have an outside body telling the supreme authority what to do with its staff. Therefore, it was decided that the staff at Parliament House and Government House should not be subject to outside direction. It will not alter the argument, but that was the decision which was made.

We do not accept the paternalistic proposition of the Lyla Elliotts and Don Cooleys of this world that everyone must be dragooned into a union and must have some independent authority. The decision was made in good faith that the Governor's Establishment and Parliament should not be subject to an outside authority. That will make no difference to the verbosity of the arguments which have been going on, and on, and on; but it is the reason.

The Hon. D. W. COOLEY: The arguments will go on, and on, and on, if that is all the explanation we are given; that is, that we are the supreme authority and we should determine wages. Why do not we determine the wages of policemen, firemen, public servants, and all others employed in Government service?

If we are the supreme authority, why do we not determine the wages for everybody? Members know if we did that there would be revolution. There would be blood running in the streets.

Government members interjected.

The Hon. G. C. MacKinnon: The Ayatollah Khomeini of the union movement!

The Hon. D. W. COOLEY: The supreme authority for determining wages is the Industrial Commission in Western Australia. That is the authority determined by this Parliament. The argument is so specious it is hardly worth answering.

The Hon. O. N. B. Oliver: Well, sit down.

The Hon. D. W. COOLEY: There is one thing I admire about Mr Lewis. He will make a speech on his feet; he will not make it on his backside like many other members. However, usually when he speaks he is a long way off the mark. Mr Lewis does not know the implications of this clause. He walked into the Chamber in the last quarter of an hour—

The Hon. A. A. Lewis: That is unfair.

The Hon. D. W. COOLEY: He argued that this condition has been in the Industrial Arbitration Act for many years, and here we are advocating that it be removed. For Mr Lewis' edification, that is not the case. It has been in the Industrial Arbitration Act for approximately two weeks. It was put in by this Government.

The Hon. G. C. MacKinnon: I have information for you. It is not in yet. The Bill has not been proclaimed.

The Hon. D. W. COOLEY: It is contained in the Industrial Arbitration Act of 1912—the one still governing industrial conditions for workers in this State.

I refer to clause 29 which reads as follows—

> (2) A claim by an employee in relation to whom the Commission may exercise jurisdiction conferred on it by section 23—
>
> (a) that he has been unfairly dismissed from his employment; or

(b) that he has not been allowed by his employer a benefit, not being a benefit under an award or order, to which he is entitled under his contract of service . . . .

Nearly every worker has redress to the commission. If he is dismissed unfairly, the clause is to his benefit. That applies to nearly everybody in the work force, except the people who work in this place and in Government House.

The Hon. O. N. B. Oliver: Read the Act.

The Hon. D. W. COOLEY: Under that clause, those people will not have access to the commission.

Today I asked the Minister for Labour and Industry, through the Leader of the House, what the Government's attitude would be towards the current wage indexation hearing in the Australian commission. The Minister told me that the Western Australian Government will support a 3 per cent wage increase. If that 3 per cent wage increase is handed down, everybody in Western Australia who is covered by a Federal or State industrial award will have the 3 per cent added to his wages. If the House Committee says that the 3 per cent will not be passed on to the staff of Parliament House, that is it; there is nothing that can be done about it. The staff have nowhere else to go.

The Hon. O. N. B. Oliver: But by golly we would hear about it.

The Hon. D. W. COOLEY: If members think that is fair, their sense of fairness is entirely different from mine.

Mr Withers went out of this Chamber and asked the staff, in a few minutes, whether they were happy. People on the Government side give credence to what he said.

The Hon. W. R. Withers: Hang on—

The Hon. D. W. COOLEY: When we call a division, they will vote with him because they believe what he said.

The Hon. W. R. Withers: I was not able to interview all the staff.

Clause put and a division taken with the following result—

Ayes 16

Hon. N. E. Baxter	Hon. O. N. B. Oliver
Hon. H. W. Gayfer	Hon. W. M. Piesse
Hon. T. Knight	Hon. R. G. Pike
Hon. A. A. Lewis	Hon. J. C. Tozer
Hon. G. C. MacKinnon	Hon. R. J. L. Williams
Hon. N. McNeill	Hon. W. R. Withers
Hon. I. G. Medcalf	Hon. D. J. Wordsworth
Hon. N. F. Moore	Hon. G. E. Masters *(Teller)*

Noes 5

Hon. D. W. Cooley	Hon. F. E. McKenzie
Hon. D. K. Dans	Hon. R. F. Claughton
Hon. Lyla Elliott	*(Teller)*

Pairs

Ayes	Noes
Hon. G. W. Berry	Hon. R. T. Leeson
Hon. M. McAleer	Hon. Grace Vaughan
Hon. I. G. Pratt	Hon. R. H. C. Stubbs

Clause thus passed.

Progress

Progress reported and leave given to sit again, on motion by the Hon. G. C. MacKinnon (Leader of the House).

ADJOURNMENT OF THE HOUSE

THE HON. G. C. MacKINNON (South-West —Leader of the House) [5.48 p.m.]: I move—

That the House do now adjourn.

May I indicate that the House will not sit tomorrow night, but it will sit next Tuesday, Wednesday, and Thursday? I would anticipate moving a special adjournment tomorrow, for the House to sit at 11.00 a.m. on Tuesday.

Question put and passed.

House adjourned at 5.50 p.m.

QUESTIONS ON NOTICE

HEALTH: NURSES

Family Planning

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

Further to my question 15 of Thursday, the 5th April, 1979, seeking information on the Government's intentions regarding the recommendations of the committee set up to examine the proposals in my private member's Bill of 1976 concerning family planning nurses, and in view of the length of time that has elapsed since the committee brought down its report, will the Minister now advise whether the Government intends taking any action on the recommendations; and if so, will he provide details of what is proposed?

The Hon. G. C. MacKinnon (for the Hon. D. J. WORDSWORTH) replied:

The recommendations of the committee have been amended following the receipt of comments from a number of organisations. The report and the amended recommendations will now be forwarded to appropriate organisations for consideration in regard to implementation.

TRAFFIC: SPEED TRAPS

Radar

370. The Hon. D. K. DANS, to the Leader of the House representing the Minister for Police and Traffic:

(1) How many radar guns are in use in Western Australia?
(2) In what areas are they located?
(3) What are the makes and models in use?
(4) (a) How much revenue does the Road Traffic Authority receive from radar guns; and
(b) what is the estimated amount of revenue the Road Traffic Authority expects to receive in the ensuing year as a result of the use of radar guns?

The Hon. G. C. MacKINNON replied:

(1) Radar equipment in use—

Speed guns	128
Traff-o-matic S5	27
	155

(2) Within traffic patrol regions of—
Perth
Fremantle
Albany
Bunbury
Katanning
Manjimup
Narrogin
Kalgoorlie
Merredin
Northam
Carnarvon
Geraldton
Karratha
Moora
Port Hedland
Kimberley.

(3) CMI Speedgun JF 100 Models 1, E, 6 and 8
Muni-quip Model T3
Traff-o-matic S5.

(4) (a) and (b) Nil.

PLANT DISEASES ACT

Pests

371. The Hon. V. J. FERRY, to the Minister for Lands representing the Minister for Agriculture:

What pests are currently proclaimed under the Plant Diseases Act?

The Hon. G. C. MacKinnon (for the Hon. D. J. WORDSWORTH) replied:

Codling moth
Phylloxera
Fruit flies
Woolly aphis
Scale insects of fruit trees
Spotted alfalfa aphid
Citrus leaf miner
European red mite
Freshwater snails
Onion flies
Pea weevil
Potato moth
Colorado potato beetle
Sorghum midge
Banana beetle borers
Oriental fruit moth.

CULTURAL AFFAIRS

Academy of Performing Arts

372. The Hon. R. F. CLAUGHTON, to the Minister for Lands, representing the Minister for Cultural Affairs:

In reference to the proposed WA academy of performing arts—

(1) How many places will be provided for students in—
  (a) music;
  (b) drama; and
  (c) dancing?

(2) (a) Is it proposed to introduce other theatre related courses; and
  (b) if so, what are they?

(3) In the appointment of a principal for the academy, will emphasis be placed on experience in the performing arts or on tertiary level administrative experience?

The Hon. G. C. MacKinnon (for the Hon. D. J. WORDSWORTH) replied:

(1) to (3) The development of the academy of performing arts will be in accordance with the recommendations of the WA Post-Secondary Education Commission report, a copy of which is provided for the member herewith.
The speed at which developments occur will be influenced by the availability of funds.

RECREATION: FOOTBALL

Players: Clearances

373. The Hon. T. McNEIL, to the Minister for Lands representing the Minister for Recreation:

(1) Is the Minister aware of the article in this morning's *The West Australian* in which Federal court judge (Mr Justice Northrop) ruled that the West Australian National Football League's refusal to clear West Perth's Brian Adamson to Norwood Football Club in 1978 was invalid under law?

(2) As it was my intention to re-introduce my private member's Bill, which would have given this freedom to the footballers automatically, would the Minister outline what steps the Government proposes in order to protect Australian rules football players from any future restrictions placed on those who are not currently contracted to clubs?

The Hon. G. C. MacKinnon (for the Hon. D. J. WORDSWORTH) replied:

(1) Yes.

(2) The Minister does not consider this a Government matter. The situation now rests with all sporting associations, and not just football bodies, to frame their constitutions and regulations in a manner which will reflect a changed situation.

HEALTH: MENTAL

Swanbourne Hospital

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

Further to question 149 of Thursday, the 16th August, 1979, concerning improvements to Manning House at Swanbourne Hospital, will the Minister advise what progress has been made in respect of—

(a) air-conditioning of all Manning House;
(b) reduction of noise from tip operations; and
(c) planning for facilities on the Lemnos site?

The Hon. G. C. MacKinnon (for the Hon. D. J. WORDSWORTH) replied:

(a) On the 21st August, 1979 Mental Health Services advised the Public Works Department that the air-conditioning system designed for Manning House was satisfactory and requested early installation.
Installation of the ducting is due to commence within a few days.

(b) Efforts by the tip management to reduce the noise of tip operations appear to be having some effect. There have been no complaints regarding noise for some time.

(c) Several discussions have taken place between Mental Health Services officers and the Public Works Department architect. To date planning has centred on ward design and site utilisation.
A preliminary scheme for ward design is being prepared and will be submitted to Mental Health Services shortly.
The site utilisation study will take longer and first sketches should be available early in 1980.

WAGE INDEXATION

State Government Representation

375. The Hon. D. W. COOLEY, to the Leader of the House representing the Minister for Labour and Industry:

(1) Is the Western Australian Government represented at the current conciliation and arbitration national wage indexation proceedings?
(2) If so, having regard to the answers to question without notice 2 of the 30th August, 1979, and question 211 of the 18th September, 1979, will the WA Government be presenting argument to support an amount in excess of the Commonwealth Government's 3 per cent submission.
(3) If not, why not?

The Hon. G. C. MacKINNON replied:

(1) Yes.
(2) No.
(3) The Western Australian Government has submitted in the national wage proceedings that on this occasion in view of the effect of import parity pricing of petroleum products on the Consumer Price Index, the state of the economy, unemployment, industrial action, and recent award wage increases that have occurred throughout Australia, the maximum wage increase to be awarded should not exceed 3 per cent.

HOUSING

Doubleview

376. The Hon. R. F. CLAUGHTON, to the Attorney General representing the Minister for Housing:

(1) Will the Minister advise the reason installation of concrete driveways for State Housing Commission homes in Ravenscar Street, between Sackville Tce., and Newborough Street, Doubleview has been suspended?
(2) When is it proposed this work will now be completed?

The Hon. I. G. MEDCALF replied:

(1) and (2) The arrangement for the provision of crossovers to rental properties is that the commission provides funds for half the cost of construction, and the local authority provides half.
The commission is conferring with the City of Stirling to determine the priority in which properties are to be provided with crossovers within the limit of available funds and the capacity of the local authority to carry out the work.

HERDSMAN LAKE

Mining: Survey of Residents

377. The Hon. R. F. CLAUGHTON, to the Attorney General representing the Minister for Mines:

(1) Did the Minister see the report appearing in *The West Australian* on Monday, the 26th November, 1979, that mining on Herdsman Lake has been approved, and if so, does he agree with it?
(2) What is the basis of the statement attributed to him in the same report that opposition to mining on the lake is politically inspired?
(3) (a) Has the Minister had surveyed the opinion of residents living in proximity to the lake as to their support or otherwise of the proposed mining; and
(b) if so, will he table a report of the survey?
(4) How many representations has the Minister and the Mines Department received in opposition to the mining?
(5) Is the Minister aware of complaints from nearby residents to the Perth City Council regarding noise disturbance from machinery being operated in association with current development on the lake?

The Hon. I. G. MEDCALF replied:

(1) Yes, but it is presently only exploration activity.

(2) The circumstances described in answer to question 4 and the Minister for Mines' own observation, based on fairly long experience.

(3) (a) and (b) All communications and correspondence received by the Minister for Mines were carefully considered along with all other factors.

(4) The Minister for Mines informs me that he has not counted them, but there were around 200 stereotype forms, with only a handful of individual letters. The Minister advises that most of the communications consisted of only a mimeographed sheet with a short sentence to the extent, "I oppose mining on Herdsman Lake."
The communications, the majority of which came from people outside the area concerned and indeed many from outside the metropolitan area, did not give any reason and it is fair to come to the conclusion that they were not individual efforts, but the result of an often-seen signature-collecting, lobbying campaign.

(5) The Minister for Mines is aware of the complaint to the Stirling City Council regarding noise disturbance from machinery being operated in association with development of privately-owned land at Herdsman Lake.