Legislative Council

Friday, 28 November 1980

The DEPUTY PRESIDENT (the Hon. V. J. Ferry) took the Chair at 10.30 a.m., and read prayers.

PRESIDENT OF THE LEGISLATIVE COUNCIL

Absence

THE DEPUTY PRESIDENT (the Hon. V. J. Ferry): I wish to announce that the President is unable to be in attendance today due to illness necessitating his admission to hospital for a few days.

I am sure that I speak for all members in extending our best wishes for a speedy recovery.

HOSPITAL

Roebourne District: Petition

THE HON. J. M. BERINSON (North-East Metropolitan) [10.32 a.m.]: I wish to present a petition from residents of Roebourne in the State of Western Australia concerning the Roebourne District Hospital. The petition contains 197 signatures and bears the signature of the Clerk of the Legislative Council certifying that it is in conformity with the Standing Orders of the Legislative Council.

The petition reads as follows—

We, the undersigned residents of Roebourne in the State of Western Australia, do herewith pray that Her Majesty's Government of Western Australia will ensure:—

1. That the Roebourne District Hospital will be retained with sufficient beds to cater for all residents so that it shall not become necessary for any resident of Roebourne to be hospitalised in Wickham, other than by choice.
2. That the necessary funds will be made available immediately for major maintenance work to be carried out to upgrade the Hospital buildings to a desirable standard.
3. That adequate funds will be allocated to ensure that the Hospital is properly maintained and a high standard of medical care provided in future.
4. That the services of a resident doctor in Roebourne will be retained.

ALTERNATIVELY:

Should the above proposals 1-3 not be practicable, then a new Hospital will be built in Roebourne.

Your Petitioners believe that the Roebourne Hospital has a vitally important role in the Community, because:—

It is within walking distance for children and people without cars to visit hospitalised relatives and there is no economical form of public transport to travel between Roebourne and Wickham.

It is essential to have this medical facility during cyclones, when the Roebourne-Wickham road is flooded.

It provides employment for local residents in a town which has a high Aboriginal population and the accompanying acute unemployment problem.

Your Petitioners therefore humbly pray that your Honourable House will give this matter your earnest consideration and your Petitioners as in duty bound will ever pray.

I move—

That the petition be received, and ordered to lie upon the Table of the House.

Question put and passed.

The petition was tabled (see paper No. 414).

HOSPITAL

Roebourne District: Petition

THE HON. J. M. BERINSON (North-East Metropolitan) [10.36 a.m.]: I wish to present a petition from residents of Wickham in the State of Western Australia concerning the Roebourne District Hospital. The petition contains 516 signatures and bears the signature of the Clerk of the Legislative Council certifying that it is in conformity with the Standing Orders of the Legislative Council.

The petition reads as follows—

We, the undersigned residents of Wickham in the State of Western Australia, do herewith pray that Her Majesty's Government of Western Australia will ensure:—

1. That the Roebourne District Hospital will be retained with sufficient beds to cater for all residents of Roebourne so that it will not become necessary for any resident of Roebourne to be hospitalised in Wickham, other than by choice.

2. That the necessary funds will be made available immediately for major maintenance work to be carried out to upgrade the Hospital buildings to a desirable standard.
3. That adequate funds will be allocated to ensure that the Roebourne Hospital is properly maintained and a high standard of medical care provided in future.
4. That the services of a resident doctor in Roebourne will be retained.

ALTERNATIVELY:

Should the above proposals 1-3 not be practicable, then a new hospital will be built in Roebourne.

Your Petitioners support the belief that the Roebourne Hospital has a vitally important role in the Community because:—

It is within walking distance for children and people without cars to visit hospitalised relatives and there is no economical form of public transport to travel between Roebourne and Wickham.

It is essential to have this medical facility during cyclones, when the Roebourne-Wickham road is flooded.

It provides employment for local residents in a town which has a high Aboriginal population and the accompanying acute unemployment problem.

Your Petitioners therefore humbly pray that your Honourable House will give this matter your earnest consideration and your Petitioners as in duty bound will ever pray.

I move—

That the petition be received, and ordered to lie upon the Table of the House.

Question put and passed.

The petition was tabled (see paper No. 415).

INDUSTRIAL ARBITRATION AMENDMENT BILL

Second Reading

Debate resumed from 27 November.

THE HON. H. W. OLNEY (South Metropolitan) [10.40 a.m.]: In the absence of the Hon. Des Dans on important official business elsewhere, it falls to my lot to lead the Opposition on this Bill. It is a task which is perhaps appropriate in view of the fact that before I came into this House I had quite a deal to do with this particular legislation, and also the legislation it superseded. In fact, I was particularly interested in the Industrial Arbitration Act of 1979 because, during 1978, I had written for publication a book on the Act which was repealed. I was rather disappointed that the old Act was repealed so soon after I had finished my work.

The Hon. J. M. Berinson: Are you writing another?

The Hon. H. W. OLNEY: Yes, and I am giving complimentary copies to the members of the Opposition.

The work I have done, however, enabled me to make some critical appraisal of the 1979 legislation; and I had the opportunity of both appraising and criticising it publicly on a number of occasions, including at meetings of the Industrial Relations Society of Western Australia. Of course, many features of the 1979 Industrial Arbitration Act justify criticism.

One of the main criticisms which some of us made of the Government in 1979 was that the legislation had disregarded many of the recommendations of the Government's special inquiry conducted by Senior Commissioner Kelly. It was felt that the 1979 Act had been thrown together in a way which would be a bonanza for the legal profession. To that extent I applauded it because, over the years, we have found that Statutes like the Industrial Arbitration Act and the Workers' Compensation Act had touched the very nerve centre of the capitalist system and were subject to frequent amendment.

The Workers' Compensation Act has been amended something like 35 times since 1912; the Industrial Arbitration Act had been amended something like 28 or 29 times before it was repealed. In fact, the last amendment to the Industrial Arbitration Act had been passed by the Parliament only a matter of weeks before the Act was repealed.

Over the years, the industrial legislation of this State has been used as a political football and has been kicked in all sorts of directions, depending upon the political complexion of the Government of the day.

The Bill before the House is remarkable in many respects. Even more remarkable than the Bill was the second reading speech the Minister delivered. Of course, I do not hold the Minister in this House blameworthy for that speech. His speech was in identical terms to the speech delivered by the responsible Minister when the Bill was first introduced into the Parliament. However, it demonstrates that the responsible Minister has little or no understanding of the provisions of the Act; that thought has been

confirmed amply by my reading of the speech delivered by the responsible Minister when he introduced the 1979 Bill. That speech was high on rhetoric and completely lacking in any definitive detail that might have let the Parliament know what was really being put into the new legislation.

A number of problems are created by the legislation. I do not want to canvass them all; nor indeed do I propose to canvass the more emotional issues raised in discussion of this Bill before it reached this House. However, of necessity it is essential for an adequate presentation to refer to some background material.

We all know why this Bill has been introduced. It arises out of an industrial dispute involving the reinstatement of an employee of one of the Government departments. The Government argued in the appropriate forum—that is, the Industrial Commission—against the reinstatement of a worker who had been sacked, and the Government lost the case. Now the Government seeks to change the rules so that next time around it will not lose—or that is what it thinks it is doing. History has shown with this sort of legislation that the expressed intention of Ministers introducing Bills has not always been manifest by the application of the amendments, once the courts have a look at what they say and do.

The question of reinstatement in employment is one which has developed as part of the jurisdiction of the Industrial Commission over a period of years. There was nothing in the 1912 Act which gave the Industrial Commission—or its predecessor the Court of Arbitration—any authority directly to reinstate a dismissed worker in his employment. Of course, the dismissal of an employee from his employment, particularly in circumstances where the dismissal is harsh or unreasonable, or particularly if he happens to be a shop steward, or something like that, is and has always been a very contentious issue, and one likely to give rise to industrial disputation. Many industrial stoppages, strikes, and other actions owe their origins to the unfair dismissal of an employee.

It was only fitting and right that the Industrial Commission, and the Court of Arbitration before it, should regard the question of reinstatement as a factor which needed to be within the jurisdiction of the commission in order that it might make meaningful orders for the preservation of industrial peace, and for the settlement of disputes. After all, that was the role of both the Court of Arbitration and the Industrial Commission. In about 1953, it was accepted by the former President of the Court of Arbitration, who is now the retired Chief Justice (Sir Lawrence Jackson), that the court had the power effectively to reinstate. Of course, the power was not exercised in that way. It was exercised by way of an order requiring the employer, if the worker presented himself for employment, to re-engage him on conditions similar to those under which he had been employed before his dismissal.

That jurisdiction of the Court of Arbitration flowed not from an express power to reinstate someone in employment, but from the general power to deal with the settlement of industrial disputes relating to industrial matters.

In more recent times, this authority of the commission to reinstate, effectively, dismissed employees was challenged in the Industrial Appeal Court by the employer interests—and challenged unsuccessfully. Indeed, the most recent challenge was made in 1978 and the court had little hesitation in dismissing the employer's argument that the commission did not have the power to order reinstatement. In fact, the judges dismissed the appeal with some very short and curt remarks concerning the merits of that appeal. So it is in that context, in the year after this new legislation was brought in, that we have to study the Act.

One of the things the Minister introducing the parent Act last year said in his second reading speech, and a matter in which he apparently took some pride, was that the legislation contained provision to enable individuals to approach the Industrial Commission directly for reinstatement. In the past, because the reinstatement jurisdiction had been part of the ordinary dispute-settling procedures and because the commission acted on the basis of disputes between employers and unions, individuals had no right to go to the commission to seek reinstatement. One of the great leaps forward the Minister thought he was making—it was certainly a departure from precedent—was the introduction of the right of an individual to go to the Industrial Commission direct without his having to be a member of a union and without his having to persuade a committee to support his case. He would be able to go direct to the commission to seek reinstatement if he felt he had been unfairly dismissed. That was the claim made last year by the Minister as being another indication of the Government's wish to protect the rights of individuals. In the few months since the Act has been in force, the commission has continued to exercise the jurisdiction which it previously exercised.

One of the other problems arising under the administration of this new Act is revealed in the new departure the Act contains which gives the Attorney General, on behalf of the State and after giving notice of his intention to the Industrial Registrar, the right to intervene in the public interest in any case before the commission. Previously the Minister—the Minister for Labour and Industry—had the right to intervene by leave; but the Act of 1979 conferred on the Attorney General this right to intervene in the public interest.

Theoretically there is no objection to that; in fact, theoretically that is a most desirable provision to have in the Act. Unfortunately, the position in Western Australia is that the Government itself, either directly or through Government controlled instrumentalities, is a major employer of labour and is a major participant as an employer in the proceedings of the Industrial Commission. The Act recognises the role of the Government as an employer in the same way as any other employer and allows it free access to the commission, as is only right. But the Act gives to the Attorney General on behalf of the State the additional right to intervene in the public interest. This effectively means that the Government on occasions has the opportunity to be twice represented in matters before the commission and gives it the opportunity to exercise on behalf of an employer a far greater influence before the commission than the merits of a case would justify.

One of the departures we have made in this State from the Westminster system is that the important office of Attorney General is essentially a political office. In the United Kingdom, from which we derive our traditions, the Attorney General, whilst being a member of the Ministry, does not sit in the Cabinet. It is an office of extreme importance and I must say the Attorney General of this State has, so far as I am aware, exercised his office in the best traditions of the Westminster system.

We had the experience in Australia a few years ago when the Commonwealth Attorney General resigned his office rather than take a direction from the Prime Minister to do something he believed was not appropriate. It is resfreshing to know that Attorneys General who, by Statute in this State, are required to be legal practitioners and who are the head of the legal profession, exercise an objectivity in the performance of their duties. I commend that practice. Unfortunately, in this State where we have a small Government and the Attorney General is a Minister within the Cabinet, the appearance arises that the Attorney General, when he does intervene, is really intervening in the interests of the Government as an employer. We have the situation which places the worker or the union in a position of disadvantage. In addition, the Government, as a major employer, has an extra right of appeal. That extra right is to Parliament and the appeal is by way of changing the law when a decision does not suit it. This is the situation we have here; we have a change in the law in order that we might overcome a problem which the Government has found that, as an employer, it does not like; it does not want to face up to the same responsibilities as any other employer would have to.

I now wish to deal with some of the comments made in the Minister's short second reading speech. We have the same old chorus sung by Ministers in this House in the present session; that is, that the Government has received legal advice that the Act does not mean what it thought it would. The Government is saying it was not its intention that the Act would do this when it introduced the legislation last year. It is saying it does not believe this, but its legal advice says this is the case. So it is that we have this very weak assertion being made that, on legal advice from the Crown Law Department, the Government has to change the Act in order to make it say what it wanted it to say last year.

Let us consider the amending Bill which is designed to amend section 23 of the Act.

Anyone who has bothered to look at the parent Act knows that section 23 is equivalent to the old section 61 which is the section actually conferring jurisdiction on the Industrial Commission. The general provision is that the commission is cognizant of and authorised to inquire into any industrial matter and may make an award, ruling, or declaration relating to any such matter.

That directs members back to the definition of an "industrial matter" which, as I said earlier, has been interpreted over the years to include the question of reinstatement in employment when a worker has been dismissed unfairly. That is the basic jurisdictional provision of the Act.

Subsection (2) says that when under another Act a power is conferred on anybody to appoint officers or employees for the purposes of that Act, to fix their salaries, wages, remuneration, and conditions of employment, the jurisdiction of the Industrial Commission prevails against the powers contained in that other Act. Therefore, the Act makes it quite clear that it was the intention in 1979 to ensure that, in industrial relations as between statutory bodies and their employees, the

provisions of the Industrial Arbitration Act should apply.

For those who are uninitiated, I indicate the reason for that arose out of a case heard by the Industrial Appeal Court which affected the University of Western Australia and the University Staff Association. In that case, the University Act had made certain provisions empowering the University Senate to determine the terms and conditions of employment of university staff.

A later Act, the Industrial Arbitration Act of 1912—the University Act was of 1911—made general provision concerning the settlement of industrial disputes between employers and employees. It was argued on behalf of the employees that the provisions of the Industrial Arbitration Act should prevail against the earlier Statute which empowered the University Senate to determine the conditions of employment of staff of the university. The principle argued was the rule *generalia specialibus non derogant*—that is a well-known phrase which the Hon. Joe Berinson and I swap over lunch every day.

The Hon. D. J. Wordsworth: You must have a dry lunch!

The Hon. H. W. OLNEY: It means, of course, where there is a conflict between general and specific provisions, specific provisions prevail.

One of the judges in that case (Mr Justice Wallace) indicated that, although under other rules a later Act would prevail against an earlier Act, if an earlier one was a special Act and the later one a general Act, the provisions of the earlier Act would prevail. Therefore, although the case was decided on a different issue, the judge indicated that, in his view, the specific provision in the University Act would prevail against the jurisdiction of the Industrial Commission in that context.

I believe that decision was made in July 1979 and this Act was introduced not long after. Within months of that decision, section 23(2) of the new Act was enacted to make it quite clear that in future in that type of context, the general provisions of the Industrial Arbitration Act would prevail against the specific provisions of another Statute when that other Statute gave power to employ people and to fix wages, salaries, remuneration, and other conditions of employment; and so it should.

That indicates an intention last year by this Government that the Industrial Arbitration Act was to be the vehicle for settlement of industrial disputes, not only between private employers and unions and their members, but also between Government and its employees and statutory instrumentalities and their employees. That intention is spelt out clearly in the Statute.

Before I return to the second reading speech, perhaps I should indicate section 23 of the Act which, as I have said, confers the jurisdiction on the commission to settle disputes, specifically removes from the commission the jurisdiction in respect of certain matters. It says, in subsection (3), "the Commission in the exercise of its jurisdiction . . . shall not", and there are two or three things it shall not do. A very contentious one is that it cannot exercise jurisdiction in regard to overtime in the agricultural and pastoral industry.

Another area of activity which is denied the commission is the power to regulate rates of salaries, wages, or conditions of employment of Government officers who come under the Public Service arbitrator and certain other people who are covered by the Salaries and Allowances Tribunal, officers of Parliament and officers in the Governor's establishment.

It has now been thought that this exclusion from the jurisdiction of the Industrial Commission of the power to regulate the rates of salaries, wages, or conditions of employment of Government officers does not exclude the power of the commission to award reinstatement in employment in the case of harsh or unfair dismissals. Therefore, in order to rectify that situation, the Government says that it was not its intention at the time the parent Act was passed, and I accept that probably it was not the Government's intention.

I agree it was probably intended the whole range of relationships between the Government and its employees—that is, the employees who are Government officers as defined in section 95—should be dealt with by the Public Service arbitrator. I would have thought the words of the Act would be sufficient to achieve that, but in order to make sure all aspects of relationships between the Government officers who come under the arbitrator are in fact withdrawn from the jurisdiction of the commission, the Government has introduced paragraph (b) in the amending Bill.

The amending Bill seeks to add to subsection (1) of section 23 what one would call a "notwithstanding clause" which says, "notwithstanding any other provision, the commission does not have jurisdiction in certain matters." It is hard to understand why—and I do not know whether the Minister can tell us—it was decided to legislate in this form, particularly in

view of the fact that paragraph (b) of the additional words to be added, repeats four subparagraphs, one of which has three subsubparagraphs, which appear to be repeated in subsection (3) of section 23.

It seems that it would have been very simple to effect the result desired with half this amendment by adding two or three words to the provisions of section 23(3)(b) of the Act. I cannot understand the reason it was felt necessary to add an extra page to the legislation when an extra line would have been adequate. There may be some explanation for that, but it is hard to fathom without our being initiated into the reasoning which has gone into the drafting of this Bill.

The other part of the amendment is one which is more contentious, and that is the provision which excludes from the power of the Industrial Commission jurisdiction—and I might say it uses the words "the Commission does not have jurisdiction of any kind", so it is a complete exclusion—any matter of suspension, discipline, dismissal, termination, or reinstatement of any employee or class of employee, if there is provision however expressed by or under any other Act for or in relation to suspension from duty, discipline, dismissal, or termination. Now, extra words have been added to that.

The Goverment's initial intention was to remove from the commission, authority to deal with any matter at all which involved questions dealing with the suspension of workers, their discipline, dismissal or termination, or their reinstatement if there is provision by or under another Act.

So effectively, the intention was if there is power under a Statute for an instrumentality—for example, to discipline an employee—then the effect of this amendment will be that the commission has no jurisdiction in respect of the suspension, discipline, or dismissal of any employee. That effectively makes nonsense of the whole relationship of master and servant between any employer and employee caught by this Act.

The simple device of having a disciplinary provision in a Statute or a regulation made under it, would prevent the Industrial Commission saying what period of notice is required to be given for the termination of a worker under an award. It would also prevent the Industrial Commission from saying under what circumstances dismissal might be justified. It would prevent the Industrial Commission providing for a suspension from duty under an award—although this is sometimes done, it is not common in Western Australia—when other workers are on strike and the employer seeks to have the right to suspend workers he cannot use effectively or economically during the strike.

That jurisdiction is to be denied to the Industrial Commission in all cases where a Statute which gives rise to the establishment of the employment, gives the right of the employer, to do one or more of the things contained in any one of the four provisions. It is not unusual when there is a provision under a Statute enabling an authority to employ that there should be some provision to enable employees to be disciplined. Such a provision would simply withdraw from the Industrial Commission a whole range of other areas of activities which ought to be and which normally are provided for in industrial awards.

This provision will create chaos in all employment relationships where there is any one of those provisions in the Statute or the regulations made under such a Statute. Of course, the Government wanted to overcome the situation where a worker had a right of appeal to a tribunal that he should not also have the right to go to the Industrial Commission to seek a remedy.

As I understand, as a result of negotiations between the Government and employees' interests, the Government agreed to an amendment which, of course, does not remove all of the objections. It does not remove many of the objections to the general thrust of the total amendment, although it certainly makes it a little better. Accordingly, the last five lines have added the qualification for an appeal

The new paragraph will apply only when there is a right of appeal against a decision of an employer regarding the termination, dismissal, or suspension of the employment. The amendment does not tell us—and neither has the Minister—exactly who will be affected by this amendment. Can the Minister tell us what Statutes have provisions which relate to the suspension, dismissal, discipline, or termination of employment and also have a provision giving a right of appeal in respect of those matters? There cannot be all that many and I would suggest that the Government ought to be able to tell us who this amendment will touch.

We have a fair idea who it will touch. It will touch the employees of the Mental Health Services, it will touch the employees of the Fire Brigade Board, and it may or may not affect the employees of the port authorities, and a whole range of instrumentalities.

Does it affect people employed by the SEC, the Main Roads Department, the Forests Department, and any other department or

instrumentality established by a Statute? I think we are entitled to know and that is something the Government ought to have told Parliament when it brought in an amendment such as this. It should have told us whom it would affect, the relationships it would affect, and the effect on the jurisdiction of the commission with respect to whom.

Another inadequacy in this provision is that the Government, presumably at any old time it likes, may remove from the control of the Industrial Commission a group of workers, simply by amending a Statute, by giving a right of appeal in the circumstances specified or, indeed, by amending a regulation if there is authority to make regulations under the Act. So it could be, as happened in respect of the Morley bus depot when something was done under the Noise Abatement Act, that before the parties get before the court the Government finds it is looking down the barrel of an unfavourable award in the Industrial Commission, and it could draw up a regulation giving the employee a right of appeal, not necessarily in respect of the matter which he has taken to the Industrial Commission. The employee might be there to seek reinstatement for unfair dismissal, but if the right of appeal granted is a right of appeal against suspension or against a fine imposed as a disciplinary measure, that would be sufficient under this legislation to remove the whole matter from the power of the Industrial Commission.

The 1979 Act very obviously was going to be a bonanza for industrial lawyers of this State, and I suggest an amendment of this sort will promote a great amount of litigation to determine exactly what is its effect or meaning.

I suggest this is a matter the Government could very well put to one side for the time being. The more emotional problems that we have heard about lately have been resolved. This is a matter which ought to be thought about carefully. The provision contained in this Bill reaches a great deal further than the Government thinks it does unless, of course, the Government in fact is trying by this rather complex method to have the opportunity at any old time it likes to get off the hook when it feels the Industrial Commission will not decide in its favour on an issue.

I ask what good purpose this amendment will serve. Given the propensity of workers and unions to strike when a fellow employee has been unfairly dealt with, and given that it is the role of the Industrial Commission, by conciliation initially and preferably or otherwise by arbitration, to prevent or settle that sort of industrial dispute, I ask what good purpose is served in the industrial regulation of this community by saying to the Industrial Commission that in many matters when there is a likelihood of dispute the commission may have no role to play.

It is no good our saying to the commission that it can negotiate and get the men back to work, but it cannot do anything about reinstating a man if he has been unfairly dealt with because that man has a right of appeal against a suspension or fine imposed upon him. The commission must have full powers in order to operate effectively. One of the powers this Government has removed from the commission is the power to award preference to unionists. There was nothing in the old Act that gave the Court of Arbitration, and later the Industrial Commission, the power to award preference to unionists; but it was determined by the commission and the courts that the power was part of the general authority of the commission to make orders for the prevention and settlement of industrial disputes; it was part of the armoury of the commission; it was something it could give or take away in appropriate cases.

So the commission had a great deal more flexibility when it had the right to award, refuse, or remove preference clauses. I suggest this amendment will again restrict the authority and the ability of the Industrial Commission effectively to prevent and settle industrial disputes. It will have one less gun to fire.

One wonders whether it is the intention of the Government to extract the teeth of its Industrial Commission to make it less authoritative. A year ago the obvious legislative intention of the Government was to give the commission more authority, and I commend the Government for giving it more authority in those areas. The intention of the 1979 Act was to leave industrial relations in this community in the hands of a commission which had been tried and proved and which was held in the highest regard by both employers and workers. But now simply because it does not suit the Government to lose a case here or there—apparently because some Minister's dignity is offended—the Government will reduce the authority of the commission once again. I ask: Where will this end?

If previously I have not said so, I say now that the Opposition opposes the Bill.

THE HON. N. E. BAXTER (Central) [11.27 a.m.]: When I first glanced at this Bill I was rather puzzled as to what it would delete. I looked at it closely and saw that it will delete a full stop which is covered by inverted commas in section 23 (1). However, I discovered the intention of the

Bill is to add paragraphs to subsection (1). Then I was able to sort out the way the words fitted into the Act. As the Minister said in his second reading speech, the main part of the Bill deals with what was the intention of the 1979 Act. Apparently part of what was intended to be included in that Act was omitted; I refer to the part which removes from the Industrial Commission the right to have jurisdiction in respect of the suspension, dismissal, discipline, termination of employment, or reinstatement of employment in respect of certain employees of the Government who are covered under special Statutes. I agree in those instances it was the intention of the Government at the time that they be excluded from the Industrial Commission.

The first exclusion concerns an employee who is a Government officer within the meaning of section 96 of the Act. I understand that refers to public servants under the jurisdiction of the Public Service Board, and refers to their wages, conditions of employment, and the matters of suspension from duty, discipline, termination of employment, etc.

The Bill deals also with those persons whose remuneration is determined or recommended pursuant to the Salaries and Allowances Tribunal Act 1975—in other words, judges, members of Parliament, and other such people. Then we come to the officers or employees of either House of Parliament who are under the separate control of the President or Speaker, or under their joint control, or who are employed by a committee appointed pursuant to the Joint Standing Rules and Orders of the Legislative Council and the Legislative Assembly; and those who are employed by the Crown, or who are officers or employees of the Governor's establishment.

I am a little concerned in relation to the situation in Parliament House, because of several instances which occurred in the last 12 months. They related to matters I had never heard of in all the time I have been here. I believe we must ask, "Are we being fair to our domestic staff and the staff of the Parliament by leaving them out on a limb, with no rules laid down under which they work?" Those people have no understanding as to suspension from duty, discipline in employment, dismissal from employment, and termination of employment. Apparently the President or the Speaker, separately or jointly, have complete jurisdiction over the staff, or the Joint House Committee has that jurisdiction. That jurisdiction is without any rules laid down for the understanding of the staff.

I understand that some years ago the domestic staff, the stewards, and others, were members of the hotel and caterers' union; but they decided they would remove themselves from that union. Today, I understand those staff are not members of any union at all; so they have no avenue of redress if anything goes wrong. If a steward is accused of doing something he has not done—and this can happen even in a place like this—he has no avenue of appeal. The same applies to the staff of the Parliament, excepting the top officers.

There should be some rules laid down so there is an understanding between the employees and the employers about where they stand. Apparently, at present everything is done under private treaties between somebody or other and the individual who is employed. Generally, there has been a move away from the private treaty system in this country; and the industrial arbitration system has been introduced to cover that sort of situation. Industrial arbitration has become one of the norms under which people work.

In other Acts dealing with the employment of people, there are conditions laid down; and the people know the conditions under which they work. I refer to the Mental Health Act, under which there was a recent case relating to an employee at Swanbourne. Apparently the employees under that Act are not supposed to have access to the Industrial Commission; but at least they are covered by that Act. The staff here are not covered by anything.

I sincerely trust that some notice will be taken of what I say. I hope that discussions will be entered into between the President, the Speaker, the Joint House Committee, and the staff of this place so that rules can be drawn up. Then any future employees would know where they stood when they came to join the staff of the Parliament, whether they be stewards, attendants in this House, or even the Clerk of this House.

Sometimes the staff here start in the Public Service of Western Australia; they might "emigrate" to the Parliament. Our staff normally come from some department of the Public Service. They come to the Parliament as young men and women, and obtain a position on the staff here. Immediately they do that, they are in limbo; in other words, they cannot appeal to anybody. The whole matter is treated on an *ad hoc*, private treaty basis.

After many years of this system, something should be done. Until recent times, matters went along very well. However, there have been two cases, on my information, "that don't taste too good"! The staff should have no feeling of a bad

taste in their mouths in the future. They should know what will happen.

The President, the Speaker, and the Joint House Committee should meet with members of the staff and have a full discussion. They should lay down some rules and conditions on which the staff can work. I raise this question, becaue it is something that should be raised.

I support the Bill, because it puts into effect the intention of last year's legislation. It deals with the Public Service Act, the Salaries and Allowances Tribunal Act, and others. I cannot see anything wrong with the Bill in that respect.

With regard to the other issue with which the Hon. Mr Olney dealt—the appeal under the Mental Health Act—I have my own views about that particular case. I will not make any remarks about it, because some people are a little thin-skinned on issues of this nature. One of the persons deeply involved in that issue is inclined to be a little thin-skinned, so I will say nothing.

I hope notice will be taken of the remarks I have made. I support the Bill.

THE HON. R. HETHERINGTON (East Metropolitan) [11.37 a.m.]: I oppose the Bill.

To begin with, I want to deal with the particularly obnoxious clause found on page 3 of the Bill which indicates that any person employed by either House of the Parliament is excluded completely from any appeal to the Industrial Commission. The Opposition was vocal about this last year when the present Industrial Arbitration Act was introduced. I still find this provision completely obnoxious.

If there is any doubt about this provision, I would be glad for it to be left out of the Bill. It seems to me that in matters of dismissal particularly there should be some appeal from the officers of this House or from the committees of this House to an outside body. It is ironic that to symbolise the sovreignty of the Parliament, the only people over whom there is arbitrary control are the employees of the Parliament.

It is highly undesirable and obnoxious that that should be so. We are not infallible in this Parliament; our committees are not infallible; we can make mistakes. There should be an appeal from decisions made by committees of this Parliament when they affect the employees of the Parliament.

Rather than reinserting this provision in another place and repeating it, I would have thought that the Government would think better of it and remove it from the legislation altogether. The position is that, if a committee of this Parliament decided to dismiss an employee for any reason, or for no reason, that employee would have no appeal at law. It would not matter if the dismissal was completely unjust.

When a committee had some doubts about carrying out a dismissal because it was not sure whether it were correct, if there were an appeal to the commission, it could be tested at law.

Perhaps members of committees might feel happier if some area of doubt were to remain, and with it the possibility that an employee of the Parliament, who felt aggrieved or thought he had been wrongfully dismissed, had recourse at law. I find this section of the Bill completely repugnant and obnoxious. I can see no reason in democratic politics, in a system which talks about democracy and believes in a limited Government and checks and balances, that there be no check upon committees of this House in regard to their treatment of employees. It is quite wrong; I have no doubt about that at all. In my opinion that provision is immoral for a democracy. It is against the accepted ethics and morality of a democratic community. Of course, this provision will apply to an employee at the Governor's establishment. I do not see why someone who was employed directly by the Crown or by the Governor should have no recourse to the Commission if he feels he was dismissed wrongfully. I oppose such action to restrict employees. In Committee to indicate my feeling I will move an amendment to delete these two obnoxious clauses.

I hope members will think a little bit about this matter. Some members of committees in this House rose to their feet last year to make paternalistic statements. They said, "We look after the people well." Do the members claim to be infallible? I am on committees in this House, and, in particular, on the Joint Library Committee. I do not claim to be infallible. I do not claim that my decisions are always correct. The decisions of a committee should be challengeable at law. Of course, this legislation will prevent that happening. The Bill is designed to tap the nails right into the coffin of the rights of the individuals who happen to be employed by this Parliament.

It is no answer to say that we do or do not treat our employees justly. If members could prove to me that no injustices have occurred in the treatment of employees in this Parliament, that their remuneration was above award payments to people employed in other circumstances, and that their conditions were better, I would still argue that they should have recourse to the Industrial Commission. I am talking not about whether we are good chaps and treat them well or whether we

are good, paternalistic people, but whether they have the right, that every other person who is employed has, to go to the commission if they feel they have been treated unjustly and disputation has occurred. I hope no-one here will get up as did other members last year and say, "Well, if they don't like it, they can resign." At a time of 7 per cent unemployment, brought about of course largely by the policies of the Federal Liberal Government, that would not occur. To say that they can resign is a shabby argument. I was very surprised that members used it last year. I hope they will not use it again.

I am perturbed that this provision has been reintroduced—it has been doubly introduced.

I do not have the benefit of the tremendous expertise in and understanding of industrial law as has my friend the Hon. Howard Olney who knows more about industrial law than does anybody else in this Chamber, and, perhaps, anybody else in this Parliament.

The other point which concerns me is whether this Bill will have an effect upon our nurses. I went across to the Hon. Howard Olney before I spoke today and said, "Will this Bill affect the nurses?" He said he had not had time to look at the Act. I wonder whether the Government can alter such Acts as apply to nurses, so that when the Government starts to carry out its sorry threat that, if people go before the commission and are awarded an increase in wages above indexation guidelines, it will start dismissing people, it can use this Bill if it becomes an Act to allow it to make sure that it can dismiss people legally and wholesalely to carry out its threat. In fact, I have been appalled by the statements emanating from the Premier, the Minister for Health and even the Honourable the Minister for Education, that I have read in the Press lately. They have stated that if people go to the umpire and receive increases in wages that are not acceptable to the Government, and it has not immediately budgeted for them, it will start dismissals. Therefore, the Government says people had better stop using the Industrial Commission—or they will start to lose their jobs.

The Hon. P. G. Pendal: That is complete misrepresentation.

The Hon. F. E. McKenzie: It is what the Ministers are saying.

The Hon. P. G. Pendal: You go back and see what they are saying.

The Hon. F. E. McKenzie: You don't know what they have said.

The Hon. P. G. Pendal: I suggest you don't.

The Hon. R. HETHERINGTON: I do not know whether the gentlemen on my right and left understand the position, but it seems to me that this is what the Government is saying. I can take only that which I read and is not denied. I listened to the news on the radio today when the Minister for Health was reported as saying that the Government will not dismiss any nurses—it will not dismiss any of the staff of the Department of Health and Medical Services—if they go back to the commission and say that they do not want the wage increases until 1 July next year. They would have to say, "We don't want the increases that have been given to us." If the Minister's words are not a threat and the beginning of the great screw down on Government employees to ensure that they cannot use the Industrial Commission, I do not know what is! It is disgraceful! Of course, what has happened is that the Government is now making complaints about its lack of finance. That is because the chickens are coming home to roost.

Since the Fraser Government was elected and brought in its new federalism policy, the Premier, who was very vocal in support of the Prime Minister, has discovered that what we said was correct. The new federalism eventually would mean a squeeze on the States and the States would find themselves more and more bereft of finances. Now the Government finds itself in this cleft stick because the Federal Government is not giving adequate finances to the States.

In order that the State Government might preserve its budgetary balance it can always find the odd million dollars to drill for oil at Noonkanbah, but it cannot find $4 million to pay for salaries awarded by the Industrial Commission. The Government has found that in order to maintain a balanced Budget it cannot pay these wages, and, suddenly, the money it had been sticking quietly away, into the suspense account, does not seem to be available any more.

It has the choice between not maintaining its balanced Budget and perpetrating injustices upon the people of our community. I mean all people in our community, not just nurses—members of hospital staffs and Government employees who may be dismissed. For that matter, teachers may be dismissed. I mean the people who will be less well served, the people who will have to queue up to receive hospital treatment. Of course, once again the blame is being placed fairly and squarely on the Federal Government because of its mutilation of the Labor health scheme so that people are queueing up at public hospitals instead of their going to private hospitals.

Apparently the Government's only solution to the problem—that it has aided and abetted and brought upon itself—is injustice to the people who have served it well, and who are serving it well in the community. What perturbs me with this rampant injustice is that it will work towards wholesale dismissals. These threats from the Minister, if this Bill becomes an Act, will help the Government to do that.

It would be a very good thing if the measure were left lying on the Table of the House until we reassemble for the next session of this Parliament. We could then have a look at it, and follow through all its ramifications. Then, perhaps, some members of the Government who have a conscience might be appalled, and do something in the party room. This sometimes does happen.

This Bill is being whipped through. However, if it were allowed to lie on the Table of the House that might prevent the things I have mentioned from happening. It is a complex situation, as we know. Even the Hon. Howard Olney has stated that he does not know just how far the ramifications of this legislation will extend.

So, I oppose the second reading at this stage. I appeal to the Government—and I have made appeals to the Government previously, most of which have fallen on deaf ears—not to proceed to the Committee stage so that we can let the Bill lie on the Table of the House for further examination and consideration.

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [11.51 a.m.]: I will say a few words in regard to the learned discourse from the Hon. Howard Olney who, undoubtedly, has a great knowledge of the industrial scene. I would, of course, argue with him about the Industrial Arbitration Act being thrown together. It was very carefully—and after a great deal of consideration—put forward and accepted by Parliament.

I point out that we did go to the public at election time and the public supported us. The document was well received. There were bound to be one or two problems, and this is one which was missed. I am sure the honourable member truly believes the intention was to do what we are doing now.

There is nothing sinister in the construction of this Bill. Its fundamental purpose is to preserve a situation which has existed for many years, and which it was thought quite honestly would continue to exist. Special tribunals are set up to consider dismissals. We believe special tribunals should be used in such cases and, in fact, that the commission should not be in a position to intervene. That is the purpose of special tribunals.

I understand that the Deputy Premier—the Minister responsible for this Bill—had discussions with the TLC and gave an assurance that the administrative procedures of these tribunals would be examined further. The trade union movement was quite happy with that assurance. Without doubt, I believe that further examination will take place.

The Hon. Howard Olney, of course, obviously disagreed with some parts of the Bill. I guess there is a philosophical difference between his side and my side in this respect, and I would expect him to disagree with some of the provisions of the Bill. He spoke rather disparagingly about the capitalist system, but I suggest that he and I live quite gracefully under this system, and will continue to do so for some time.

The honourable member said that in view of the harsh and unreasonable decisions made at the management level sometimes employees should have available to them the the right of appeal. I do not think anything has changed. In fact, such a right exists. It will continue whether there be special tribunals, or whether the appeal is to the commission. It is fair to expect that the Attorney General—in his proper and well performed role—has a function to perform in the public interest which on many occasions entails his intervention in order to maintain essential services and the protecton of the public generally. Those circumstances could arise for any particular reason at all, whether it be a disaster or a strike which causes danger and a threat to the public safety. I imagine if that situation arises members from both sides of the House will agree that surely the Attorney General of the day must act in the public interest.

The Hon. Howard Olney mentioned section 23 of the Act and said it stipulated that the commission had the necessary powers. Certainly, the commission does have the power, and it did have the power previously. Surely when special tribunals are in existence, they provide adequate protection.

I do not consider the commissioner has reason to be involved in these areas, bearing in mind that special tribunals have representation from the employee and employer sectors. That should be a good balance, and a good counter-balance. I thought that was reasonable to expect and, in the past, it has led to sensible and proper decisions.

The detail mentioned by the honourable member, and which I think he emphasised, appears at page 2 of the Bill in clause 2 (b). He

questioned the necessity to set out the requirements in such great detail, and he said it could be changed to a few words. That may be the case, but he knows better than I that if it was not spelt out it could be challenged. I can recall that quite recently two words, "civil emergency," came under considerable discussion because their meaning was not spelt out properly.

I imagine the intention of the Crown Law Department, and the Minister, is to clear the position absolutely, and the intention of the Bill. If it is necessary for it to be spelt out later in word and verse, that is how it will be. The intention will be quite obvious and definite so that, as far as possible, it cannot be challenged. That is the hope.

The honourable member asked me to tell him which Statute would be affected, and which Statute had the facility of a special tribunal. I will list them as follows: the Mental Health Act; the State Energy Commission Act; the Public Service Act; the Fire Brigades Act; the Police Act; the Prisons Act; the Government Railways Act; and the Mining Act in respect of the coalmining tribunal. I think that probably covers them all. That is my understanding.

The Hon. R. Hetherington: Did you mention the Education Act?

The Hon. G. E. MASTERS: It does not appear on my list.

The Hon. H. W. Olney: Teachers do not come under the provisions of the Act.

The Hon. G. E. MASTERS: That is the advice I have received.

I will refer to the remarks made by the Hon. Norman Baxter. He is a responsible person with a great knowledge of the operations of the House of Parliament. In fact, his family would have the greatest record, far greater than that of any other family in the history of this State. So, he speaks with a great deal of knowledge as is obvious. His position as a member of the Joint House Committee has given him an insight into the operations of this Parliament. We take strong note of what he says, and his comments, with regard to the staff of this House of Parliament.

We do know there is a very good relationship between members of Parliament and the staff in this House of Parliament, and we know that the staff do an excellent job and are respected for the services they give. The staff have the facility—a special opportunity—to talk to members of the Joint House Committee who administer this House. They have the ability to speak to members of Parliament themselves, and I suppose that in the event of a dismissal of great concern, it could even be debated in this House of Parliament. I doubt whether there is any other opportunity available to people outside to have this facility. It is a special arrangement, and it seems to have worked well over a number of years. I have no doubt we will be debating this at a later stage of the Bill.

Mr Hetherington made a rather extravagant speech and used words which seemed to excite him, if no-one else in this Chamber. He used the word "obnoxious" on a number of occasions.

The Hon. R. Hetherington: And I will use it again.

The Hon. G. E. MASTERS: He said—quite fairly—that he knew very little about the industrial arbitration scene and that Mr Olney knew a great deal; we agree with him. I believe Mr Hetherington's remarks were unnecessary. At one time, I was very close to asking him whether he would be prepared to speak to the Bill. He seized the opportunity to discuss matters relating to other areas, but eventually came back to the Bill.

Mr Hetherington suggested that perhaps nurses would be affected by this legislation. In general, nurses will be able to go to the Industrial Commission. However, those people who come under the ambit of the Mental Health Act have a special tribunal.

The Hon. R. Hetherington: I am not happy about that.

The Hon. G. E. MASTERS: This is obviously a bad morning for Mr Hetherington; it might be a little early for him. No doubt by the end of this debate he will get over his problems.

The Hon. R. Hetherington: There are quite a few things this Government does which do not make me very happy.

The Hon. G. E. MASTERS: Mr Hetherington canvassed a large area. He criticised the Government for the way it was acting to contain and manage the economy of this State; indeed, he criticised the Federal Government in much the same vein. I believe such criticism to be unfair.

Mr Hetherington must come to grips fairly and squarely with the situation; namely, that the public of this State and the Commonwealth of Australia are becoming fed up with tax after tax. Any Government must show very good reason that it should continue to increase taxes, especially at a State level.

This Government is doing its best to contain and manage the economy, and to reach a proper balance. If extravagant requirements and demands are made, the Government must make an assessment. It certainly cannot refuse to accept

awards. However, it can say, "There is not enough money in the coffers."

The Hon. R. Hetherington: Are you accusing the Industrial Commission of agreeing to extravagant awards?

The Hon. G. E. MASTERS: I am not saying anything of the sort; however, some unreasonable wage demands have been met. Mr Lewis brought before this House a list of demands which were not only extravagant, but also crazy. When the Government is faced with such demands it must simply say, "There is insufficient money to meet the demands."

If those demands are met by the Industrial Commission, obviously the Government must take other steps. We have two alternatives: Either we can go into deficit, or we can increase taxation and obtain the money from the public. The Government must maintain a balance, and it has adopted a responsible approach to the matter.

The Hon. Neil Oliver: I would be interested to know the Opposition's approach to your suggested alternatives.

The Hon. G. E. MASTERS: There is nothing sinister about this Bill; it is designed simply to carry out the intention of the original Act; this has been the situation for a number of years. These special tribunals have acted properly and efficiently and while these Statutes continue to exist, they will continue to operate.

Question put and a division taken with the following result—

Ayes 17

Hon. N. E. Baxter	Hon. Neil Oliver
Hon. H. W. Gayfer	Hon. P. G. Pendal
Hon. T. Knight	Hon. R. G. Pike
Hon. A. A. Lewis	Hon. I. G. Pratt
Hon. G. C. MacKinnon	Hon. P. H. Wells
Hon. G. E. Masters	Hon. W. R. Withers
Hon. N. McNeill	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. Margaret McAleer
Hon. N. F. Moore	*(Teller)*

Noes 6

Hon. J. M. Berinson	Hon. R. Hetherington
Hon. J. M. Brown	Hon. H. W. Olney
Hon. Lyla Elliott	Hon. F. E. McKenzie
	(Teller)

Pairs

Ayes	Noes
Hon. P. H. Lockyer	Hon. Peter Dowding
Hon. R. J. L. Williams	Hon. D. K. Dans
Hon. W. M. Piesse	Hon. R. T. Leeson

Question thus passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. T. Knight) in the Chair; the Hon. G. E. Masters (Minister for Fisheries and Wildlife) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 23 amended.

The Hon. H. W. OLNEY: I move an amendment—

> Page 2, line 21—Insert after the word "and" the passage "at the commencement of the Industrial Arbitration Amendment Act, 1980".

The purpose of this amendment is—if we like—to try to keep the Government honest.

The Minister for Fisheries and Wildlife has given us a list of, I think, eight different Statutes of which he is aware which at present provide for an appeal tribunal for the purpose of one or more of the matters set out in proposed paragraph (a)(i) to (iv) of the Bill.

There is potential that under other Statutes, regulations could be made setting up appeal tribunals, and it could fairly be said that those tribunals were made by, or under an Act. Whilst I do not doubt the role of Parliament in law making, and accept the sovereignty of Parliament so that on any occasion the Government wished to legislate for the establishment of such a tribunal it should be able to do so, that is quite a different matter from slipping in some sort of provision by regulation which could have the effect of denying jurisdiction to the Industrial Commission.

So it is proposed that by this amendment we preserve the status quo; we limit the operation of this amendment to situations where at the present time there are tribunals of the sort described. This is an altogether reasonable approach and one which the Government could readily accept in the spirit I move it—the spirit of striving to define precisely the limits of this legislation. I commend the amendment to the Committee.

The Hon. R. HETHERINGTON: I hope the Minister does take advantage of this opportunity to cut some of the ground from under my feet and my argument and to make me happier than I would otherwise be. If he did accept the amendment it would improve the Bill and take away some of the fears I have expressed. If what the Minister said in his second reading reply is what he meant I see no reason that he could not accept the amendment so that we could all be happy.

The Hon. G. E. MASTERS: I cannot accept the amendment because I do not think it is necessary at this time. We have a number of Statutes and bodies which have the facility of

special tribunals. In the future there may be a number of reasons for and some advantage in establishing another tribunal. There may be cause to amend an Act—I do not know which one—but I see no point in changing the Bill before us.

We would be closing the gate and possibly closing the door on a future opportunity. There may be an advantage from the staff or administrative point of view. The amendment would weaken the Bill and it would certainly close the door. The facility should always be left open in case some advantage could be gained. I ask members to oppose the amendment.

The Hon. H. W. OLNEY: The Minister's reply confirms my fears rather than allays them. He wants to leave open a door to establish other tribunals; he wants to leave open a door, at the will of the Government, to remove from the jurisdiction of the Industrial Commission the power to deal with certain matters relating to some Government or statutory employees.

Obviously at a later date there would be no objection to Parliament, if it wants to set up a tribunal to give an appeal, doing so openly and by Statute so we know what is going on. But the amendment the Government has in this Bill does not refer to a tribunal. It simply indicates there is a provision, however expressed by or under the other Act, for an appeal.

It might be an appeal to the man who has just dismissed an employee! I would not regard that as a tribunal; I would not regard that as satisfactory nor do I think would anyone else, but it would comply with the letter of this Act. I do not doubt there are many Acts setting up statutory bodies which have sufficiently wide regulation-making powers which could be used tomorrow to say that in any case when a worker has been dismissed or disciplined he can appeal to the manager or the deputy manager against that dismissal. If that were done the Industrial Commission would no longer have the authority to deal with the industrial aspects arising from that dismissal. There may be such a provision that allows a tribunal of sorts in respect of, say, the imposition of a fine. The Hon. Fred McKenzie's railway friends, when they cop their $250 fine, may be given a right to appeal to someone within the department.

An appeal in respect of any one of these four matters removes the jurisdiction in respect of all four matters. That is one of the objectionable aspects of this Bill. I am sorry the Government will not accept my amendment because it is necessary in order to ensure that the power this Bill will give to the Government is not abused.

The Hon. R. HETHERINGTON: If the Minister means exactly what he said—that he wants to leave the way open in case there is need to establish a tribunal—I would assume that were the Government to establish another tribunal it would do so by the introduction of a Bill. I hope it would not do it by administrative fiat—that would be improper. But with the introduction of a Bill the Government could include a simple clause to amend the Act we are discussing. Of course, there would be need for any further action to be scrutinised by Parliament.

The important thing of which the Minister should take cognisance is that these appeal tribunals may be established by administrative action which may slip through. They may be established under regulation or they may not be noticed, and this might be done deliberately by some future Government. The Minister could always bring down a Bill, which would certainly be passed if the Government were a Liberal-National Country Party coalition Government—a Labor Government might find greater difficulty. This amendment would give the House the opportunity to scrutinise the actions of a future Labor Government, and I am not objecting to that.

The Minister has given no real reason for not accepting this amendment. If he wants to allay our suspicions he should do as I ask.

The Hon. G. C. MacKINNON: I am a little worried about the debate today, which is reflecting what has happened with respect to union activity across the nation. We have two quite opposed points of view meeting in an iconoclastic fashion where discussion is almost immediately closed. The time was when a committee such as this would include members with some experience of the shop floor; I venture to suggest there would be very few members present today who would have experience in that field.

As it happens, I have had that experience. In these circumstances, we tend to get the legalistic approach and I do not mean to be derogatory when I say that. We are endeavouring to solve industrial problems of this nature by legislating them out of existence and that does not work.

May I draw the attention of the Minister to the October issue of *University News*, volume 11, No. 7, in which Mr John Gennard of the London School of Economics, currently a visiting fellow in the Department of Economics says—

> whereas the new Act . . .

That is, the Industrial Arbitration Act. To continue—

> ... was introduced *inter alia* to give people the right to choose whether or not they joined a trade union,

That is, among other unions. To continue—

> it was quite obvious that it was having little effect on the exercising of that right.

We all know it has not worked. It has been totally counter-productive and it has made no difference whatsoever to unions, as Mr Gennard went on to say. The article continues—

> 'The Act was also clearly a measure which was designed to reduce the power of the militant unions,' he said. 'Yet it has strengthened the resolve of the members of those unions which have a tradition of "closed shop".

Further on he was reported as saying—

> 'The unions which have been most affected by the Act are those which are viewed as being moderate, for example the Clerical Workers' Union and, to some extent, the Shop Assistants' Union.

Mr Gennard then goes on to explain that they do not have the muscle or the clout.

I was interested to hear the remarks made by the Hon. Bob Hetherington in regard to the misuse of power which occurs on both sides. The problem we have about being unable to budget is a clear indication of that.

On one of the business trips I made, I was talking with overseas people about the building industry. These people were staggered to find that workers could make demands half-way through the construction of a building and thus affect the cost of the building. In other countries this is not possible. The contractor says, "I have a contract at this price. Are you happy with the salaries, because they are based on that price?" They then go ahead and complete the building. They budget for the building to be at that price and that is the price paid at the end.

I would like to suggest that in all this legislation, whether or not it is an appeal, the ability to negotiate must be left open. As we know clearly, legislation is not a panacea for all industrial ills. Maybe the Industrial Commission is not, either. I have never been an enthusiast of our system, but the one system which seems to work is negotiation and perhaps it may be necessary to train a new set of negotiators.

A recent article in one of the more learned journals quoted some good examples of the way in which negotiation had succeeded. However, the point I am making is that the way in which industrial matters are being looked at outside is being reflected in this place where we have totally different points of view. We have the expression of opinion which implies that the wrongful use of power comes from only the employers' side and likewise, the impression is given that the employers do not have the rights they should have. I shall vote for the Bill, but I believe there ought to be a means available for negotiation. We should ensure that, if an employee is aggrieved, he can talk to someone about it.

I am not speaking now as a member of either party; I am simply asking the Committee to bear in mind that, irrespective of what we say here, the final solution to the problem will be found in careful negotiation. Therefore, we must leave the way open for that to occur.

The Industrial Arbitration Act which passed through this place last year was aimed at giving freedom to union members. I have always been a torch carrier in this regard. However, that legislation has been totally counter-productive and has worked in favour of the unions about which we expressed the greatest concern and against the unions for which we expressed the greatest sympathy.

The Hon. G. E. MASTERS: There is nothing sinister in the Bill as it stands. We are saying that if, in the future, there is a requirement for another tribunal, there should be a facility to enable one to be set up. I am not saying such a matter is being considered at this time. I understand the Minister in another place said it was not his intention to set up any more special tribunals; but, nevertheless, the legislation should be broad in this area in case a need arises.

I do not believe there is or has been any abuse of the system. I imagine there are great benefits to be gained by both sides. Therefore, I cannot understand the fears of the Opposition or the necessity for the amendment before us today.

In reply to the Hon. Graham MacKinnon, I point out we all agree with much of what he said, but we are talking about the ability of people who may be dismissed for whatever purposes listed in the Bill, to be reinstated. There are two avenues of appeal in this case: firstly, to the special tribunal set up for the purpose; and secondly to the commissioner. There is the opportunity for an appeal from dismissal and such a situation will continue in operation. There is no change.

What we are saying is that in the past special tribunals have been successful and there may be a need for such tribunals in the future. I do not see the point in closing the door when there is nothing underhand about the move on the part of the

Government, or, indeed, when there is nothing underhand about the Bill.

The Hon. R. HETHERINGTON: I shall be brief, because I do not expect to persuade the Minister. However, I point out to him that the comments of the Hon. Graham MacKinnon about the operation of the Act passed last year and the effect the attempt to remove compulsory unionism has had on unions and the fact that it has weakened the less militant unions, were exactly what was said in this Chamber last year by the Hon. Don Cooley and the Leader of the Opposition. I am not sure whether I joined in also. Perhaps in future the Minister might learn from this and listen more carefully to members on this side of the Chamber.

Amendment put and negatived.

The Hon. R. HETHERINGTON: I move an amendment—

Page 3, lines 1 to 14—Delete paragraphs (iii) and (iv).

I will be brief, because I said all I wished to say in the second reading debate. We should delete these words as a small gesture towards obtaining justice for the employees of Parliament.

I know the Minister said we enjoy good relations with our staff. Of course we do; I myself enjoy good relations with the staff of the library of which I am a committee member. However, that does not mean that I do not think they should not have a right of appeal. That is nineteenth century talk to say, "I am like a father to my staff. My employees used to say that I was like a father to them." But because one has a good relationship with one's staff does not mean one should say they cannot go elsewhere. That has been proved wrong because sometimes the position varies; sometimes the relationship is good and sometimes it is bad. Sometimes members of the committee are good and sometimes they are bad.

I remind members that although we in this Parliament are fairly representative of members of the community, not every member of Parliament has all the virtues of the members of the community he represents. Sometimes when it comes to dealing with people a person is often overbearing and arrogant and makes mistakes. Employees should have a tribunal to which they may make an appeal.

The Hon. F. E. McKENZIE: I support the remarks of my colleague. Since he raised the matter of relationships with staff of the Parliament I thought I would raise the case of the Parliamentary Librarian who had a dispute about his employment. I believe he should have had a right of appeal to somewhere outside the committee which was responsible for his employment. However, he did not.

The Hon. Neil Oliver: Doesn't the Joint House Committee have any control over such matters?

The Hon. F. E. McKENZIE: No. In the circumstances I have just mentioned, the Parliamentary Librarian had nowhere to go except perhaps to take legal action. I think it was wrong and from my observations of the matter I certainly would not have favoured his dismissal, if that is what happened.

He certainly indicated that he was being dismissed, so whether a relationship existed or not, I did not support the action taken against him. I see no reason that a committee of this Parliament should be the final determining body. I think the staff should have a right of appeal. Most Government departments have that and I see no reason for staff of this Parliament to be excluded from the legislation and that is exactly what is happening.

We have had the experience with the Parliamentary Librarian and he did not have the right of appeal. Perhaps he could have taken legal action, but that can be a very costly process.

The Hon. G. E. MASTERS: The Government opposes the amendment put forward by Mr Hetherington. We believe we have a system which has worked well in the past although I have noted the comments of the previous speakers.

At this time there seems to be an understanding, co-operation, and good relations within the Parliament and it is not necessary to set up such a facility which would gain very little. That is my opinion.

The person to whom Mr McKenzie referred, as I understand the situation—though Mr Hetherington may correct me—had the facility of an inquiry and had the opportunity to argue his case and I believe he was legally represented. I understand he was offered other employment. The fact remains, there was an inquiry and consideration was given to this problem. The facility works well and I ask members to oppose this amendment.

The Hon. R. HETHERINGTON: Perhaps I should put the record straight, as a member of the Joint Library Committee. The librarian was not dismissed; his position was declared redundant. It was decided that two different positions should be created. I was a party to the decision which was made and I know my colleague, the Hon. Fred McKenzie, disagreed with it, and that was his right. I believe the correct decision was made, but I also believe that the person concerned

should have had a right to appeal so that justice could be seen to be done.

Although I was a party to the decision I believe it should have been possible for that decision to be put under challenge if the person concerned so desired.

The Hon. NEIL OLIVER: I cannot understand the reason for our debating this clause at such length.

The Hon. R. Hetherington: It is a matter of basic principle, that is why.

The Hon. NEIL OLIVER: It was interesting to listen to the Hon. Howard Olney and I respect the comment he made because the advice I have received from legal practitioners in Western Australia is that there would not be people in Western Australia who are sufficiently experienced in industrial matters to argue a case before the Industrial Commission. The honourable member has not convinced me that there are people in Western Australia who are sufficiently conversant with industrial matters to make representations or to appear before the Industrial Arbitration Commission.

I believe employees of the Parliament and employees of the Governor's residence are quite above the arbitration commission.

The Hon. F. E. McKenzie: Give us some reasons. What are your reasons?

The Hon. NEIL OLIVER: We should not be involved in this discussion. The servants of this Parliament and the servants of the Governor's residence are above this situation. However, we should examine our Standing Orders and the manner in which this situation has been put forward. No member would have a good reason to believe that proper understanding and good relations do not exist with staff of the Parliament and staff of the Governor's residence. I challenge any member to disagree with me.

Therefore, the amendment cannot be accepted. We should look to the Joint House Committee to ensure that proper conditions of employment apply to Parliament House staff. Conditions of service and remuneration can be determined by that committee, which I believe is above the Industrial Commission.

I was very interested in Mr Olney's speech because I believed in Western Australia we did not have advocates with sufficient experience to handle these matters.

The Hon. R. Hetherington: You have learned something, haven't you?

The Hon. NEIL OLIVER: I accept that interjection because I was under the impression we did not have such advocates.

My examination of the court proceedings and the history of the court prior to the introduction of the Constitution showed there was a Statute known as the Truck Act under which conciliation and arbitration proceeded prior to the introduction of the Constitution.

I cannot see that we need to debate this matter because Parliament has its own internal situation which is beyond the normal industrial processes.

The Hon. R. Hetherington: That is what a chairman of directors would say. You really don't understand a lot if you don't know what we are talking about. You may disagree, but I wish you would understand the principle.

The Hon. NEIL OLIVER: The members of the Parliament should examine their consciences and be compassionate people when considering the conditions of employment and remuneration of the staff of Parliament House and the Governor's establishment. If the Joint House Committee does not have sufficient control in this respect, that control should be given to it.

The Hon. H. W. OLNEY: I am somewhat deflated that my reputation did not precede me in this Chamber and I must confess I had never heard of Mr Oliver until I came here. If Mr Oliver has been reading reports of industrial tribunals of this State over the last 15 years he would know three or four legal practitioners seemed to carry the burden quite extensively.

The Hon. A. A. Lewis: Are you saying there is a shortage of specialists?

The Hon. H. W. OLNEY: I am saying the number is adequate; we do not want to flood the market! We believe in a closed shop!

I support Mr Hetherington's amendment. It is completely without principle to suggest a person should be placed in a position which is totally subject to the whim of his employer. That is exactly what the Parliament has done, and the position will be strengthened further by this Bill in respect of every employee of Parliament House and the Governor's establishment.

The amendment will relieve the members of this Chamber of a tremendous amount of responsibility in their decision making on committees if they know their decisions may be reviewed by an independent tribunal rather than have someone in a position of appealing from Caesar unto Caesar as was the case with the librarian. The committee was the body which decided he should go, and the committee was the

body to which he had to turn for an explanation. He has nowhere else to go, and that is completely out of step with modern thinking.

Amendment put and negatived.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. G. E. Masters (Minister for Fisheries and Wildlife), and passed.

Sitting suspended from 12.46 to 2.15 p.m.

BILLS (11): ASSENT

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

1. Stamp Amendment Bill.
2. Hospitals Amendment Bill.
3. Land Amendment Bill.
4. Consumer Affairs Amendment Bill.
5. Justices Amendment Bill.
6. Local Government Amendment Bill.
7. Reserve (Port Denison Suburban Lots 6 and 6a) Bill.
8. Perpetual Trustees W.A. Ltd., Amendment Bill.
9. Police Amendment Bill.
10. Town Planning and Development Amendment Bill.
11. Metropolitan Region Town Planning Scheme Amendment Bill (No. 2).

HIRE-PURCHASE AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from 27 November.

THE HON. F. E. McKENZIE (East Metropolitan) [2.18 p.m.]: The Opposition opposes this Bill, because it seeks to let off the hook hire-purchase companies. That in itself may not be too bad, but in his second reading speech on the Bill the Minister said—

> As the Act presently stands, failure by a dealer or owner to fully complete the written statement in the first part of the first schedule to the Act automatically releases the hirer from the terms charges under the hire-purchase agreement.

The dealer is really an agent for the hire-purchase firm. Therefore, we cannot understand why he should not be required to look after the interests of the person or body he represents.

Under the current provisions, the dealer must ensure the provisions in the schedule are completed properly. I am referring to a dealer who operates on behalf of a hire-purchase company. If the dealer does not ensure the schedule is completed properly, the agreement can be regarded as null and void.

If the dealer is acting as an agent for a hire-purchase company, why should he not be required to ensure the provisions in the first schedule of the agreement are completed properly?

If this trend is followed to its logical conclusion we shall have a Bill brought before the House which will relieve a representative of an agent in a house and land transaction from the obligation to ensure the transaction is completed properly.

The Hon. A. A. Lewis: Is that not the case today?

The Hon. F. E. McKENZIE: If an omission is made, it is not binding.

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

The Hon. F. E. McKENZIE: The Government is trying to change the situation in this Bill by absolving an agent from responsibility.

The Hon. A. A. Lewis: Isn't the person who signs the contract absolved today? I refer to an offer and acceptance.

The Hon. F. E. McKENZIE: This Bill seeks to take away that provision.

The Hon. G. E. Masters: Surely it is a safeguard, isn't it?

The Hon. F. E. McKENZIE: There is still the right of appeal to the Commissioner of Consumer Affairs; but members should look at the provisions which must be met by the buyer.

The Hon. A. A. Lewis: What about the dealer? What about the salesman? He would surely have the same rights.

The Hon. F. E. McKENZIE: Surely the employee has some responsibility, if he is acting on behalf of the owner, the hire-purchase company—

The Hon. A. A. Lewis: On behalf of the prospective purchaser and the prospective owner.

The Hon. F. E. McKENZIE: Surely he has some respnsibility to ensure that the provisions laid down are carried out properly. If they are not carried out properly then the agreement between

the owner and the hirer is null and void. Should that not be the case? After all, big money is involved with hire-purchase agreements. The terms charges are not light; they are relatively heavy. One needs only to contact the various credit unions through which much of the finance is provided to the consumer to realise the difference between charges credit unions levy and those levied by hire-purchase companies.

I think it is completely wrong that we should have legislation before us which purports to say, "All right, if you make a mistake, even though it is your responsibility, and it is made by a person acting on your behalf, you will be no longer liable for that mistake." That is what the Bill purports to say and we cannot agree with that. The Government did not say through the Minister by way of the second reading speech that it has a basis for submitting the proposed amendments to the Act before us.

The Government has given no indication of any suffering that has occurred to hire-purchase companies. As a matter of fact, I would say all the companies are doing very well. The Bill gives no indication of what is the position. It was only a short time ago that I asked the Minister for Consumer Affairs whether he would consider introducing a Bill to allow interest to be paid on money that people are required to lodge as a bond for rental purposes. The Minister wrote to me and said that he was not interested in that sort of exercise.

Members might recall that when I made that plea during my speech on the Appropriation Bill, I stated that on no fewer than three occasions the senior referee had mentioned the need to introduce legislation whereby interest was paid on bond money provided by tenants. The Minister wrote to me and said—

> Although the report of the Law Reform Commission was made in 1975, the principles enunciated in it still apply in the main. Of course, bond deposits may be slightly higher and interest rates have risen generally. However, the Law Reform Commission was of the view it should be left to the agreement between the parties in respect of the interest on bond money.

Of course, since 1975, as I said in that earlier speech, the senior referee on three separate occasions has recommended that legislation be introduced to cover this matter of interest on bond money. When it comes to a consideration of the interests of tenants who have paid money for bonds the Government is not interested.

The Hon. G. E. Masters: It is interested.

The Hon. Neil Oliver: How do tenants come into the situation?

The Hon. F. E. McKENZIE: I am trying to draw a comparison. What I have said is my opinion. The Government is interested enough to bring in a Bill to protect hire-purchase companies, but is not interested enough to bring in legislation to protect the ordinary person in the community—"the little people" as they have so often been referred to.

The Hon. R. G. Pike: You just claim to represent the little people, but we, in fact, represent them.

The Hon. D. K. Dans: You represent everybody except the nurses.

The Hon. A. A. Lewis: Any day you are prepared to get up and debate that matter I will be ready for you.

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): Order!

The Hon. F. E. McKENZIE: Paragraph (1b) of the Bill states—

> (1b) It is a defence to a charge arising under subsection (1) or subsection (1a) of this section if the defendant proves that he acted honestly and that in all the circumstances the act or omission constituting the offence should be excused. ";

The Bill then lists a whole range of things. The Government said it would cater for the hirer by allowing him the right of appeal in respect of a matter when the owner claims in all honesty he acted properly. The Bill sets out quite a number of subparagraphs which will provide for that appeal to take place, but the Government is attempting to make a very simple exercise into a very difficult and complex one, which is the purpose of the second part of this Bill. I would say that in the future the provisions covering an appeal will not be exercised to any great degree. I cannot understand why the Government should let off the hook somebody who fails to do what he should rightly do; that is, ensure the provisions of the original Act are carried out. I cannot see any reason for its not applying. If the hire-purchase company has an agent acting on its behalf I believe it has the responsibility to ensure that agent complies with the provisions as written into the schedule of an agreement, and if the agent does not comply the agreement should be made null and void.

As I said earlier, we are not dealing with small sums of money. We are dealing with relatively large sums in many of these cases. Surely in a business transaction there should be some

responsibility imposed upon the person required under the Act to carry out certain functions. He should be required to see that those functions are carried out and carried out properly. For that reason we are opposed to the Bill.

THE HON. A. A. LEWIS (Lower Central) [2.28 p.m.]: The Hon. F. E. McKenzie talked about the little people. His opposition to the Bill is based on the fact that everything has to be done directly. I will put just a simple argument to him that if schedule 1 of an agreement is not filled out in the correct manner and the consumer—the little person—is buying a motorcar for $5 000 under that agreement and we declare it null and void, the cost of the car will increase to $5 500. In that situation who would be required to pay the increased cost of the motorcar?

The new agreement will have to be written at $5 500. People writing these agreements are ordinary people, just like the Hon. Fred McKenzie and me. It is interesting that in the main the Hon. Fred McKenzie talked about agents for hire-purchase companies. They are just as much agents for the consumers because they do not get any kickbacks in many cases. There are some instances, I agree, where there are kickbacks. But, in the majority of cases, the salesmen or the agents who sign the forms do not get a kickback.

The Hon. F. E. McKenzie: But he is not liable. The hire-purchase company has been liable.

The Hon. A. A. LEWIS: The honourable member wants it both ways, but he cannot have it both ways.

The Hon. D. K. Dans: Why not?

The Hon. A. A. LEWIS: It is Labor policy to want things both ways. We have sat in this place and listened to members opposite saying they would like to have things both ways, but this afternoon they will not get anything both ways.

If the honourable member understood where each party to the agreement stood, then we could have a reasonable discussion on this Bill. However, he does not understand. He dug up the outworn ALP cry of "the little people". He said the little people and the consumers may suffer as a result of this Bill. The consumers will suffer more if this measure is not passed; the consumers and the little people about whom the honourable member talked.

The Hon. F. E. McKenzie: Tell me how.

The Hon. A. A. LEWIS: I have just told you.

The Hon. F. E. McKenzie: He will be worse off.

The Hon. A. A. LEWIS: When there is a price rise the salesman has to start racing around. I realise the Hon. Fred McKenzie does not understand salesmanship. All he has to sell is union membership, and he wants that handed to him on a plate without his having to convince people it is the right thing to do.

The Hon. F. E. McKenzie: Obviously, when you have signed up agreements you have not carried out your responsibility.

The Hon. A. A. LEWIS: The honourable member can make all the accusations he wants to. I have signed up many people; probably more than any other member in this place, with respect to hire-purchase agreements.

The Hon. R. T. Leeson: I have not signed up any, so you have a good start.

The Hon. A. A. LEWIS: I have a good start, one from Mr Leeson.

The Hon. D. K. Dans: What were you selling?

The Hon. A. A. LEWIS: Anything I could sell.

The Hon. D. K. Dans: That is a fairly dangerous statement to make.

The Hon. A. A. LEWIS: Obviously I sold myself fairly successfully, because I happen to be here.

The Hon. D. K. Dans: I do not know about that. It has been said that politics are only for the second best.

The Hon. A. A. LEWIS: I do not intend to deal with the byplay of the Opposition, the members of which realise they do not understand the Bill.

The Hon. D. K. Dans: Let us have a basic statement.

The Hon. A. A. LEWIS: Let us deal basically with the consumers—the persons who sign the agreement—and let us also deal with the hire-purchase companies. The laws governing hire-purchase agreements have been promulgated. When I look at hire-purchase papers, I see that really they are crazy. I try to get some input into the Act, but I do not always have my views accepted.

Because everybody says the little person should be thought about, and because each additional clause which is placed in the Act is an added cost, the little person has to pay more money. That is what we have to remember.

We have to try to do a job for all sections of the community. I do not know how many members opposite know what schedule 1 looks like. It is exactly the same in monetary terms as schedule 3, except it is reversed. It is signed up in a totally different way. Instead of signing up schedule 1,

schedule 3 is signed up. So, dumb salesmen like myself have to do it back to front. One cannot put the figures down in a straight line as one does in a hire-purchase agreement. It has to be changed. One has to do it from the bottom to the top, instead of from the top to the bottom.

This procedure is followed because people like the Hon. Fred McKenzie want to have control over the seller. But, that control over the seller—that turning upside down—probably involves 20 minutes on each sale, which means additional cost.

The Hon. D. K. Dans: I do not think that is true.

The Hon. A. A. LEWIS: I am sorry that the Hon. Des Dans wants to look at the situation from the hire-purchase company's point of view, and he seems to know all about it. I am worried that the consumer is being ripped off, and this Bill is attempting not only to protect the agent or the hire-purchase company, but also to save money for the consumer.

It is fascinating to hear people, who know nothing about the subject, either making speeches or interjecting.

The Hon. D. K. Dans: I am agreeing, but you have got the whole business around the wrong way.

The Hon. A. A. LEWIS: It is about time that people who make speeches or who interject had a look at a set of hire-purchase papers. They would then know who will be hurt if this measure is not passed. If it is not passed the only people to be hurt will be the consumers and the little people talked about by the Hon. Fred McKenzie. I know the Leader of the Opposition is a practical man, and when he gets down to practicalities I am sure he will turn to his Whip and say that the Bill must be supported because it will look after the little people. I support the Bill.

THE HON. N. E. BAXTER (Central) [2.38 p.m.]: I agree this Bill is a good one because it will not work only for the hirer, but also for the dealer. It sets out what the dealer must do in respect of hire-purchase agreements.

The Bill sets out that where either party to an agreement is aggrieved over any dealing, he can appeal to the commissioner. It applies both ways, and sets out reasons for appeals to the commissioner. The commissioner will consider the evidence put before him by each party, and he will act as an adjudicator. He will come up with a fair answer, and I do not think anything could be fairer than that.

Disputes do occur with regard to hire-purchase agreements, and in many cases the people concerned have not understood the document they have signed. Under the provisions of this Bill those people will have the right of appeal to the commissioner, which right they did not have previously. I support the Bill because that right will be of considerable advantage to the consumers.

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [2.39 p.m.]: I thank those members who have indicated their support of the Bill. I was a little surprised at the opposition expressed by the Hon. Fred McKenzie.

Surely we recognise that over a period of time—and it is fair to say under various Governments—consumer protection in this State has gradually improved. The legislation is mainly for the protection of the consumer, the person in whom the honourable member opposite suggested this Government is not interested. That is quite wrong.

Indeed, any Government must have due cognizance for the ordinary person—the person who, in such cases, is very much involved. Mr McKenzie must recognise that probably more then 90 per cent of people in our community become involved in one way or another with hire-purchase agreements and the like. Such agreements are part of our way of life, and it is necessary that we be very careful in this area.

This Bill will simply protect people involved in such agreements. We are increasing fines for malpractice with a view to reducing its incidence. We are also protecting the right of people to appeal to the Commissioner for Consumer Affairs. We are protecting the company as well as the customer; I am not arguing about that point. It would be a little unfair that where a small mistake has been made in filling out a form by a middle man or a dealer—

The Hon. F. E. McKenzie: He is acting as an agent for the owner, is he not?

The Hon. G. E. MASTERS: Yes; usually it is the dealer or the middle man who fills out these forms and occasionally small errors are made. The Hon. Sandy Lewis—big as he is—has been dealing in big farm equipment for many years. He does the negotiating and the dealing and often fills in forms, which are then sent to the owner, which is the hire-purchase company. If a minor mistake is made it is only fair the customer should still be required to stand by the agreement; he should not be able to avoid his responsibilities on a technicality.

For example, Mr McKenzie might wish to sell his motor vehicle. He sells it through a dealer, who could carry out negotiations with me. Perhaps a small mistake is made in the form; I could purchase the vehicle and notice the minor mistake and, under the present legislation, I could avoid my obligations under the agreement.

We are talking only about situations where mistakes have been made unintentionally; we are not talking about improper situations, where mistakes have been made deliberately.

This Bill simply maintains a proper and sensible balance. We are not trying to be clever or to disadvantage the consumer—the small man. I think this is a fair and reasonable piece of legislation; there is nothing sinister or funny about it. In the light of experience, it is fair that these anomalies be rectified. It is as simple and straightforward as that.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. G. E. Masters (Minister for Fisheries and Wildlife), and passed.

COMPANY TAKE-OVERS AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

BILLS (4): ASSEMBLY'S MESSAGES

Messages from the Assembly received and read notifying that it had agreed to the amendments made by the Council to the following Bills—

1. Recording of Proceedings Bill.
2. Adoption of Children Amendment Bill.
3. Industrial Training Amendment Bill.
4. Nurses Amendment Bill.

QUESTIONS

Questions were taken at this stage.

OCCUPATIONAL THERAPISTS REGISTRATION BILL

Second Reading

Debate resumed from 27 November.

THE HON. H. W. OLNEY (South Metropolitan) [3.08 p.m.]: The Opposition supports this legislation. It appears the Minister for Health has taken a look around his cupboard and has dusted down all his Statutes this session to mess around with boards which come under his ministerial responsibility. He has managed to supply us with as great a variety of ways to appoint boards, select chairmen, and to do any other things as he could find which are associated with his portfolio.

The Minister's second reading speech indicates this Bill is a re-enactment of legislation passed originally in 1957. I understand the original Act was in the nature of new legislation in Australia, and apparently it has ceased to be satisfactory for the purpose of regulating the profession of occupational therapy. The Act which has done this job for 23 years contained 10 sections; but now we are replacing it with a proposed Act of 46 sections and a schedule. In addition we will change amongst other things the composition of, and the mode of appointments to, the controlling board.

The Minister's second reading speech indicates also that the Bill before us is based upon a more recent Statute. It is modelled on the Psychologists Registration Act. Although the Bill has some similarities to that Act, it is hard to recognise the Psychologists Registration Act in this measure.

A couple of interesting features can be derived by perusing the Bill and by considering information obtained elsewhere regarding the number of people in this profession. I understand it was said by the Minister in answer to a question that this State has 323 registered occupational therapists, of whom 181 were members of the association at 30 June 1980. The Minister was unable to say how many occupational therapists were employed, nor was he able to say whether others are qualified, but not registered.

I make that comment because the Western Australian Association of Occupational Therapists has the right to nominate for appointment by the Minister three members of a six-member board. I assume the Minister is satisfied the association does in fact represent the whole of the practising profession of occupational therapists.

I raise this matter as one of some concern because there seems to be a tendency to allow professional and industrial associations to provide membership of controlling boards. This is quite

right, and I support it provided we can be sure that the associations, unions, federations, and the like are truly representative of those practising the profession concerned. I was surprised in this case the membership of the professional association comprises only about 56 per cent of the practising profession. Again I assume the Minister has satisfied himself that the association is truly representative of those who are practising in the profession. The answer could be that the profession has an unemployment rate of something like 44 per cent, and those who are not employed do not expend the fee to join the association.

Another feature of the Bill of which I am inclined to approve is that the provisions relating to the appointment of the chairman of the board, the nominations for appointment of members, and the terms of office, rules, etc., of the board have been set out in a schedule. Perhaps I could draw the attention of the Minister to the fact that the marginal note beside the schedule is incorrect. It should refer to section 5, and not to section 6. This might be the forerunner of some sort of model format for the establishment of boards of this type.

The Hon. N. E. Baxter: Originally it was set up by regulation.

The Hon. H. W. OLNEY: Mr Baxter is quite right. Originally the provisions in respect of the election of the chairman, etc., were set out in regulations. In that context we have in the second reading speech of the Minister one of those statements to which I have referred previously. I am referring to the part which said that on advice of the Crown Law Department these matters should be included in the Act itself. I never cease to be disappointed when we are told that advice has been given, but we are not told the basis of the advice.

It seems to me that a very easy way to justify a change is to say, "We have been advised to do it." Be that as it may, on this occasion I think the change is for the better although why it should be the Crown Law Department which provides that advice is beyond me. Perhaps it is the Parliamentary Counsel who provides the advice, whereas it should come from the legal officers. However, we are left in the dark as to the reason for it.

Inquiries we have made suggest the practising profession approves of this new legislation. That being so, the Opposition supports it without reservation because we believe the practitioners of the art are the best equipped to know how their profession ought to be run. It appears the public interest is satisfactorily protected in that the Commissioner of Public Health and Medical Services or his nominee will be the chairman of the board. As Mr MacKinnon said the other day, this was once the policy, and it appears to be the policy most of the time.

The profession is getting an extra representative on the board, compared with the existing set-up.

The only other matter I would draw to the attention of the House is the peculiar combination of circumstances one can trace through the Bill by reference to a number of clauses. Clause 6 provides that the board does not represent, and is not an agent or servant of, the Crown. That seems to be a fairly reasonable statement; probably it is an unnecessary one, but it is there and clear for all to read.

Clause 8 gives the Minister the right from time to time to give directions to the board with respect to its functions, powers, and duties, either generally or with respect to a particular matter; and the board shall give effect to those directions.

So although it is not an agent of the Crown, the board is very much under the control of the Minister. In clause 43 we find an indemnity which states—

> No liability attaches to a member of the Board, the Board, or the Registrar or any officer of the Board for any act or omission, by him or on his part or by the Board or on the part of the Board, that occurred in good faith and in the exercise, or purported exercise, of his or its powers, or in the discharge, or purported discharge, of his or its duties under this Act.

What is the situation if the Minister directs the board to do something which is unlawful or is of such a nature that it could lead, in ordinary circumstances, to an action for damages or some other action on the part of an occupational therapist or a member of the public? It would seem the board is completely relieved of liability. If the board is told by the Minister to do something—to act in a certain way—the board or its members cannot be held liable for anything done in good faith.

It would seem there is potential here for a person who is aggrieved by an action of the board, particularly if that action is carried out at the direction of the Minister, to be left without a remedy. That is something which should be drawn to the attention of the Minister. It could be looked at in due course.

With those comments, I indicate again that we support the Bill.

THE HON. N. E. BAXTER (Central) [3.21 p.m.]: I would like to make a few brief remarks on this Bill. In his second reading speech, the Minister informed us that, in preparing this legislation, the Psychologists Registration Act of 1972 was the model. That Act has been used to some extent, except in relation to the appointment of the board and the appointment of the chairman of the board.

The Occupational Therapists Act was enacted in 1957, but it was to be proclaimed in 1960. That was a rather strange provision; I have not checked on the reason for that long delay. At that time, the then Commissioner of Public Health was appointed as a member of the board. I cannot see why a person with the responsibilities of the commissioner, who needs to apply himself to his department, should have to be on a board of this nature. That is not in keeping with the Bills we have handled lately. The trend has been not to put departmental officers on the boards.

The present Commissioner of Public Health and Medical Services is not a member of the Psychologists Registration Board. The Psychologists Registration Act was introduced by me in 1976. It is noticeable, also, that the Chairman of the Psychologists Registration Board is elected from amongst the members of the board who are psychologists.

I see no reason that this legislation should not have contained a similar number of members on the board and excluded the Commissioner of Public Health and Medical Services or his nominee. I see no reason that the chairman should not be chosen from the members of the board.

I do not know what the Commissioner of Public Health and Medical Services is to do on the board. It is not really a typical medical board, but is a paramedical board. Except that the commissioner could act as the chairman, I do not think he would take much part in the operations of the board.

If the Commissioner of Public Health and Medical Services was on the board, he would waste the time which could be spent on other things. I wonder why the Government agreed to continue this provision and leave such persons on boards of this nature.

The Bill brings the registration of occupational therapists up to date. Occupational therapy has been a great boon to the people of Western Australia. The legislation will go a long way towards the control and the proper handling of occupational therapy work and the occupational therapists, who do a great job.

I trust the Government will study my remarks and consider amending the Bill to provide for a board of five, excluding the Commissioner of Public Health and Medical Services. It is not necessary for him or his nominee to be on the board.

I support the measure.

THE HON. NEIL OLIVER (West) [3.25 p.m.]: I support the comments of the previous speaker.

I do not oppose the Bill, but I believe the Government should examine the appointment of the Commissioner of Public Health and Medical Services under clause 7(1)(a). We had a similar Bill before the House last night, and it did not provide that the Commissioner of Public Health and Medical Services, or an officer of the State Public Service nominated by the Commissioner of Public Health and Medical Services, should be a member of the board. Therefore, I cannot see any reason for the commissioner to be present on this board, unless he is co-opted for a particular purpose.

I am becoming somewhat concerned about the number of public servants who attend committees, and the time that is required of them to do so. I appreciate that the other people who will attend this committee's meetings will be occupational therapists, and they will do so as a community service. In this regard, I appreciate the service given by these people to the boards, without their receiving any remuneration whatsoever.

I am concerned about the role of the public servants, and the amount of time they spend sitting on committees and boards. I read an article in the *Australian Army Journal* in 1972 regarding committees. Unfortunately, I have been unable to find the article, but it said something like this: When a committee is sitting and some bright person presents a solution or what may appear to be a solution to that committee, the chairman of the committee immediately adjourns the committee, otherwise it could not sit again.

In that regard, I suggest to the Government that, particularly in relation to the Commissioner of Public Health and Medical Services as one of the six persons appointed by the Governor to be members of the Occupational Therapists Registration Board, consideration should be given to this matter. The commissioner should be excluded from the board.

I support the Bill, with those reservations. I trust the Minister will assure me that the appropriate Minister will examine the membership of the board to ensure that public

servants do not waste their time serving on a multitude of them.

THE HON. G. C. MacKINNON (South-West) [3.28 p.m.]: It had been my intention to speak in the Committee stage of this Bill, but as there has been general unanimity about the desirability of the legislation, I thought I had better speak now.

I draw the Minister's attention to clauses 6 and 7 as follows—

> 6. The Board does not represent, and is not an agent or servant of, the Crown.
> 7. The Board shall consist of 6 persons appointed by the Governor, of whom—

One shall be the commissioner. I ask whether the desire of the Government depends on the charm of the head of the department. Dr McNulty is a delightful Irishman. Perhaps we could argue that Mr Porter is a dour Englishman.

The Hon. D. K. Dans: There is a distinction, of course. The Irish are renowned for—

Several members interjected.

The Hon. Neil Oliver: Can you imagine they will be able to attend to the work of all the boards they are on?

The Hon. G. C. MacKINNON: The other night I said I was concerned about the number of boards on which the Commissioner of Public Health and Medical Services must sit. At that time I pointed out it had always been considered to be Government policy that the commissioner or his nominee should be on such boards in order to convey Government opinion.

I should like the Minister to tell me—if he cannot, perhaps he can appeal to some of his colleagues who were convinced in the case of the EPA, therefore, they must have listened to the matter—why it is desirable in the case of Dr McNulty and not in the case of Mr Porter? Why is it desirable in the case of the Commissioner for Public Health and Medical Services, whoever he may be, and undesirable in the case of the Director of Conservation and Environment?

In the same week two opposing principles have been put forward by the Government.

The Hon. D. K. Dans: You saw the answers to the questions I asked the other day, did you not?

The Hon. G. C. MacKINNON: We did ask what "gas lift chairs" were and we were not able to get an answer.

The Hon. D. K. Dans: I cannot tell you now.

The Hon. G. C. MacKINNON: Some horrible thoughts are passing through our minds about them.

The Hon. D. K. Dans: They cost about $400 or $500 each.

The Hon. G. C. MacKINNON: I am serious about the matter and if the Minister cannot explain it, practically all Government members can assist him, because they all believed the reverse principle should apply in respect of the EPA. I want to know the reason they can so quickly be convinced that it is desirable in one case and undesirable in another.

Let us not kid ourselves about the importance or otherwise of Government knowledge as to what goes on as far as a committee is concerned. This is a committee to establish a board of occupational therapists and it has often been argued that such boards serve little or no purpose other than to create closed shops. However, that is not the point about which I am arguing.

What I want to know is how the Government can adopt two totally different approaches to matters which I regard as being similar. This board is probably as important to occupational therapists as the EPA is to environmentalists; although I personally feel the EPA is much more important.

The Hon. D. J. Wordsworth: I am glad you made that distinction.

The Hon. G. C. MacKINNON: However, I am sure the occupational therapists believe this board is vitally important to them.

The Hon. D. J. Wordsworth: Do you really think so?

The Hon. Neil McNeill: It surprises me that you cannot see the difference between the EPA and the board you are talking about. I am referring to the statutory difference.

The Hon. G. C. MacKINNON: Of course I can see the difference. I cannot see why the Government is adopting this sort of approach. The inference one would gain from the Minister's interjection is that this board is of no importance.

The Hon. D. J. Wordsworth: No, I did not say that.

The Hon. G. C. MacKINNON: Then the inference is this board is not as important as the EPA.

The Hon. Neil McNeill: I am talking about the statutory difference.

The Hon. G. C. MacKINNON: I am referring to the statutory difference. If this board is not as important as the EPA, why clutter up the work of the Commissioner of Public Health and Medical Services and his nominee with it? The Government was very intent on adopting a reverse approach in the case of the EPA, but it is keen on

having the Commissioner of Public Health and Medical Services on virtually all boards.

The Hon. Neil Oliver: Do you think he would have time to do anything other than attend committees?

The Hon. G. C. MacKINNON: I am fully aware how busy the commissioner is with committees. One of the most efficient commissioners was Dr Davidson who worked virtually every Sunday during the years I was there in order to keep up with the work.

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [3.35 p.m.]: I thank members for their contributions to this debate. The Hon. Howard Olney remarked that perhaps the Minister must have dug deeply into his portfolio and looked at all the paramedical boards or Acts and reviewed them. Indeed, that might be the task of every Minister and it is commendable that he has looked at his boards and their needs.

As it happens, I understand a set of regulations were written for this particular Act, but it was found the Act itself was so deficient that it had to be revised before regulations could be promulgated. Therefore, there was a reason for this being done.

It is rather interesting to note that the debate centred largely upon the position of chairman and the manner in which he should be appointed. I feel the argument has not been about the Bill, but about that point. I do not believe I should take up the time of the House on this matter; however, I shall make one or two comments in passing.

There is a great deal of difference between an authority such as the EPA which is of major significance to all Western Australians and the Occupational Therapists Registration Board which undoubtedly influences the lives of 325 people to some extent, but nevertheless is not of major consequence to them. I am sure the general public would understand that difference also.

Boards such as those to which we have referred perform work similar to guilds under the English system. I do not know whether guilds have to be supported by Acts of Parliament in Britain; but a system seems to have evolved whereby professions and occupations can govern themselves and do so very well using a system of guilds.

Under the Australian parliamentary system it appears that boards require supportive legislation. It is quite proper that, if they are to receive legal support under an Act of Parliament—as has been pointed out, members of boards are protected by the Act—the Government has a responsibility and should have a representative on the board to keep an eye on it from the point of view of the Government and the Parliament.

Whether the Government representative on a board should be the chairman is another matter; but in this particular case I believe it is a good idea that he should be. I do not intend to say the particular board set up at the time the Hon. Norman Baxter was Minister did not work. Indeed, it probably worked very well. However, I do not believe every board should be identical.

I would hate to think we, as a Parliament, would have one format for a board and say, "All the other boards must follow this format, because it is easier for us in Parliament. We have a standard board format and we will do it this way." I believe these boards have been tailored to meet the traditional situation. They have worked well in the past and it is quite reasonable to adopt this position.

Boards with a chairman nominated by the Government have worked quite well in the past. The board and the people involved in this occupation affected by the board have found that the system has worked quite successfully. I believe if its members want the situation left as it is, it should be left that way.

The Bill does not state that the Commissioner of Public Health and Medical Services must be present as chairman. The commissioner can nominate an officer of the State Public Service to act on his behalf. I do not think the commissioner would sit on every board meeting.

It must be appreciated that with such occupations or professions, the Government is often the major employer, and, I think, occupational therapists would fit into that category. A large number of occupational therapists are employed by the Government.

The Hon. N. E. Baxter: Do you know who is the chairman of the board?

The Hon. D. J. WORDSWORTH: I do not know who is the current chairman. I could find out for the Hon. N. E. Baxter; perhaps it is Dr McNulty or his deputy.

The Hon. N. E. Baxter: You would probably find that he is the chairman.

The Hon. D. J. WORDSWORTH: The Hon. Howard Olney raised the point that only half the number of occupational therapists in this State are members of the association. I am not sure of that, but I have an idea that in this field many women who were involved in it in their younger days before marriage have again entered the profession, or occupation, after they have had a

family—they return to it in later life having kept up their registration.

I will draw the attention of the Minister to the point made by the Hon. Howard Olney when he mentioned the board members' being protected under the Act, and the Minister's not being protected. I am not sure whether the Minister is protected under some other Statute.

The Hon. H. W. Olney: The board would be protected, but it would have to comply with the Minister's directions, and that would leave the public unprotected.

The Hon. D. J. WORDSWORTH: I think this is something which is written into all Acts. We in this Parliament have an awful habit of protecting our own people and not protecting the public. We saw that situation arise when the matter of navigational aids was brought before the Parliament, and when other such matters were raised.

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): Order! There is too much audible conversation.

The Hon. D. J. WORDSWORTH: I think I have covered the various points raised by members.

The Hon. Graham MacKinnon spoke to the Bill, and I think I have covered adequately his questions and the questions of others.

Question put and passed.

Bill read a second time.

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 6 put and passed.

Clause 7: Composition of the Board—

The Hon. N. E. BAXTER: To judge the feeling of the Chamber in regard to this clause, I intend to move an amendment which would have the effect of deleting reference to the Commissioner of Public Health and Medical Services or his nominee being a member of the board. I move an amendment—

Page 4, line 12—Delete the numeral "6".

If my amendment were agreed to I would move that the numeral "5" be inserted in lieu of the numeral "6", and if that were agreed to I would move that reference to the Commissioner of Public Health and Medical Services or his nominee be removed from the clause.

The commissioner is a busy man and does not need to waste his valuable time attending meetings of the board. The board has operated—and effectively—for many years. No need exists for anybody such as the commissioner to attend the board's meetings. It could operate successfully without the commissioner or his nominee.

By having him attend its meetings we would be wasting needlessly the manpower of this State, and wasting the time of a highly paid public servant.

The Hon. H. W. OLNEY: I rise to say that the Opposition does not support the amendment. We are satisfied that ample scope is provided under clause 7 for the Commissioner of Public Health and Medical Services to nominate another officer of the State Public Service to fill in for him on this board if he himself does not have the time to attend. We believe that would be quite appropriate.

The Opposition opposes the amendment.

Sitting suspended from 3.47 to 4.05 p.m.

The Hon. NEIL OLIVER: I support the previous speaker, the Hon. N. E. Baxter, regarding the amendment to clause 7. The reason for the amendment is that one member of the board shall be the Commissioner of Public Health and Medical Services or his nominee.

A paper was tabled in this Chamber on 10 September 1980, which contained reports for 1978, 1979, and 1980 of the Air Pollution Control Council. I support the amendment to reduce the number of persons on the board to five because of the economic constraints which have been placed on the Health and Medical Services Department during the last few months. They are such that even the Air Pollution Control Council cannot produce its 1978 report until 10 September 1980, some 2½ years late. I do not support the contention that the board should consist of six members; I support the amendment which will provide for five members.

The Hon. D. J. WORDSWORTH: Needless to say, the Government cannot support this amendment having regard to the views set out in the Bill that the commissioner or his nominee should be on the board. I have already said it is important he should be there. It would put him in the ideal position to report to his Minister, and to co-ordinate the activities of the Government medical services and occupational therapists.

Dr McNulty is not chairman of the board, and he is not on the board. His representative is Dr Henzell. It is wrong to say that the board will

take up the time of the director. As it happens, he serves on three boards only. For the information of members of this Committee, he is on the Chiropractors Registration Board, the Physiotherapists Registration Board, and the QE II Trust. He is on some councils, but I think members will agree they are slightly different. In that capacity he is an adviser to the Government. I see no reason to change the position.

There is no connection whatsoever with the EPA in this case. These are a series of boards, mostly similar to each other. One or two have changed slightly to fit their own desires and the various occupations they register and control.

The Hon. NEIL OLIVER: I direct a question to the Minister. I would like to know why the annual reports of the Air Pollution Control Council for the years ended 1978, 1979, and 1980 were addressed to the Hon. Ray Young, Minister for Health, who in 1978 was not the Minister for Health. The report is signed by G. C. McNulty, Chairman of the Air Pollution Control Council.

The DEPUTY CHAIRMAN (the Hon. T. Knight): Order! I ask the honourable member what this particular report has to do with the amendment?

The Hon NEIL OLIVER: Thank you for your guidance, Mr Deputy Chairman. I do not believe the Commissioner of Public Health and Medical Services, or his nominee, has the capacity to administer in a proper manner the registration board under discussion. Therefore, I want to know why a paper tabled in this House and dated 10 September 1980 was addressed to the Hon. Ray Young, who is the Minister in 1980, but who certainly was not the Minister in 1978.

The Hon. N. E. BAXTER: I trust members opposite will support this amendment. The Minister has given no valid reason for the commissioner or his nominee to be on the board. The board has been operating for many years with no problems. We have a similar board controlling psychologists, the legislation for which was introduced in 1976. Neither the Commissioner of Public Health and Medical Services nor his nominee is on that board.

When I was Minister I found there were no problems as a result of not having the commissioner on a board. If the chairman of any board wished to see me as the Minister, he had only to make an appointment with my secretary in order to discuss any problem. If a problem arose with regard to the then Commissioner of Public Health, the commissioner was available to discuss it. These are small boards; they do not do a lot of business. However, they take up the time of some very important people.

The Commissioner of Public Health and Medical Services receives a salary of approximately $45 000, and the present chairman (Dr Henzell) probably receives up to $30 000. It is ridiculous that people on very high salaries should serve on these types of boards. They have a ton of work to do in their departments, as I know only too well. The Government has stated that it wants to save money, and this is where it should start.

Amendment put and negatived.

Clause put and passed.

Clauses 8 to 46 put and passed.

Schedule—

The Hon. N. E. BAXTER: In the past the chairman was appointed under conditions laid down in regulations, but we now find the provision for his appointment in the schedule. What I really wanted to say was that I cannot understand why the Government is so stubborn about a simple amendment to a Bill such as this; it is both stubborn and unreasonable.

The Hon. NEIL OLIVER: I am absolutely dumbfounded by the way the Government treats members whilst they are reviewing legislation. This being so, I think the Select Committee inquiring into Government agencies is headed towards a dead end; it is not in a cul-de-sac, but in a complete and utter dead-end road.

The Hon. H. W. Olney: You have some idea of what it is like to be in Opposition.

The Hon. NEIL OLIVER: I can assure the Hon. Howard Olney that if he were sitting on the Government benches today he would not enjoy a very pleasant or happy time.

The Hon. D. K. Dans: He is not experiencing that at the moment.

The Hon. NEIL OLIVER: The chairman of the board is to be the Commissioner of Public Health and Medical Services or his nominee. I am not too happy with this situation because at the moment we find that the Air Pollution Control Council report for the year ended 30 June 1978 was not presented to Parliament until 10 September 1980. How could we expect the person responsible for that report to be a responsible chairman of the Occupational Therapists' Registration Board? The report was presented 27 months after it should have been presented. I would be interested to learn whether the Minister can explain why such a delay occurred, otherwise I would have difficulty in accepting this man's capacity to administer this board.

The Hon. D. J. WORDSWORTH: We feel there is justification for a nominee of the Commissioner of Public Health and Medical Services to be on the board and to be its chairman. Having set up a board such as this with the powers it will have we feel the Government should be in a position to have its representative in the position of chairman and in a situation where he is able to report back to the Minister on matters about which the Minister should be informed.

The Hon. NEIL OLIVER: I believe there is something wrong if the report I mentioned could not be tabled until 10 September 1980. I will leave it at that. I will withdraw from the battle to find an area of my own choosing for a future occasion.

Schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. D. J. Wordsworth (Minister for Lands), and passed.

Sitting suspended from 4.26 to 8.07 p.m.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [8.07 p.m.]: I move, without notice—

> That the House at its rising adjourn until a date to be fixed by the President.

Complimentary Remarks

This motion marks the conclusion of the First Session of the Thirtieth Parliament and as is customary I take the opportunity to express appreciation to the various persons associated with the conduct of business in this Chamber and in the workings of Parliament House in general.

Naturally, this session has been an important and significant one for me and I wish to record my gratitude for the support I have received from the Government members, support which has enabled me to carry out those responsibilities they saw fit to confer upon me.

I suppose the session could be termed a normal one when compared with previous "first sessions", although I must admit that those aspects of questions without notice and adjournment debates could be placed in a separate category.

However, at this point of time it is not my intention to question the merits or demerits of our proceedings, except to say that, in the main, the new members have acquitted themselves well and I trust it is a sign of still better things to come.

In some ways the session was an unusual one. Ninety nine Bills were dealt with by the Legislative Council, which is above the average number for a first session, and several pieces of legislation attracted a good deal of debate. It is only fair to add that many of the debates were based on well-presented research into the content of the legislation, and this is evidenced by the fact that 17 Bills were amended by this House. One Bill was defeated, and another held over until the next session.

It must also be borne in mind that each Parliament is different from every other one due, of course, to the make-up of the parties and the personalities of the members. The first Parliament in which I served was the twenty-sixth. This thirtieth Parliament is very different. Comparisons are subjective and difficult, but in many ways the standard today is higher.

Mr Deputy President (the Hon. V. J. Ferry), I would like to convey to you, and through you to the President, appreciation on behalf of all Government members in this House of the able manner in which the President has again presided over the proceedings in this Chamber.

From the time he was elected to his high office, he has demonstrated those admirable traits of impartial firmness, tempered with a degree of leniency which I am sure has benefited our debate. We hope that the Hon. Clive Griffiths has a speedy recovery from his present incapacity and send him our best wishes. We look forward to his presence in the Chair next year and in the meantime extend best wishes to him and Mrs Griffiths for good health in the coming year.

I would also like to thank my ministerial colleagues—the Hon. David Wordsworth and the Hon. Gordon Masters—for their support. I think it is generally appreciated by all members in this Chamber that the task of a Minister in the Legislative Council is infinitely more difficult than that of a Minister in the Legislative Assembly because three Ministers in this House have to represent all the Ministers in the other place. It is indeed a task which places the Ministers in this place under very considerable strain at times, particularly as they cannot hope

to be familiar with all the details of the legislation and all the matters which are under discussion.

I believe that members have shown a good deal of restraint in questioning Ministers in relation to the portfolios of other Ministers whom they represent, realising of course that one can be entirely responsible only for one's own portfolio. The task of mastering one's own portfolio properly is really quite a gigantic one and it is therefore difficult for the Ministers. I do appreciate the support I have received and which has been provided by my two colleagues.

To you, Mr Deputy President (the Hon. V. J. Ferry)—as Deputy President and Chairman of Committees—and to your deputies (the Hon. John Williams, the Hon. Tom Knight and the Hon. Robert Hetherington) I say "Thank you" on behalf of all members for your contribution to the conduct of business in the House as well as your work on the Standing Orders Committee.

I should like to particularly thank you, Mr Deputy President, for so ably standing in for the President whenever called upon to do so, especially during the last two days.

It may be of interest to members to know that certain matters raised early in the session in connection with our Standing Orders have been referred for consideration by the Standing Orders Committee. There are, of course, other committees which contribute to the efficient operations of this House, and I refer to the joint Library, House, and Printing Committees.

I am sure all members join with me in a vote of thanks for the efforts of the members on those particular committees, not overlooking the fact that the President is an *ex officio* member of each one.

No doubt some people have been curious as to the performance of a woman as Government Whip. May I say that I have never had any reason to doubt that a woman is any less capable of wielding a whip than a man. The Hon. Margaret McAleer, in carrying out her duties as Government Whip in this Chamber, has exercised just the right degree of charm, persuasion—and I was going to say "forcefulness", but I will say "resourcefulness". Allow me to place on record that she has come through with flying colours which indeed, comes as no surprise to those who have long recognised her capabilities.

We, on the Government benches, congratulate the Hon. Margaret McAleer on a job well done and I am sure she will have no objection to my expressing thanks to her opposite number, the Hon. Fred McKenzie, for the co-operation which exists in these positions. On many occasions in the past, thanks have been expressed to the Leader of the Opposition for the co-operation which has prevailed in our dealing with the business of this House, and I am only too pleased to be able to repeat that thanks.

The Hon. Des Dans always has shown a willingness to assist in this regard, and I assure him it has been much appreciated.

One of the greatest assets in a Parliament is a good team of officers and this State has been fortunate that a high standard has been set and maintained.

Mr John Ashley, the Clerk of the Council and Clerk of the Parliaments, has followed the pattern set by his predecessor and is ably assisted by the Clerk Assistant and Usher of the Black Rod (Mr Les Hoft). I record our appreciation for their fine efforts and assistance. In addition, I thank Mr Ashley for presenting us with a diary once again. All members greatly appreciate this Christmas gift and that very appreciation can be gauged by the extent to which they are produced from pockets during the year. In a way we have come to look forward to that as an annual event and I hope we will continue to be favoured in that way.

Members will appreciate also the work carried out by the other Clerks in this Chamber and the assistance which is always readily available. I refer to Mr Ian Allnutt and the recent acquisition to the ranks in Mr Kevin Hogg, who replaced Mr David Stevens.

Then, there are the attendants who attend to our never-ending needs, including that glass of cold water when things begin to become a little warm or as a subtle reminder when a member has spoken at length. This all adds up to a well-organised unit which we may tend to take for granted, but in retrospect, we realise is one which is deserving of an expression of our appreciation.

I thank Mr Jim Cox and his staff of *Hansard*, who carry out their tasks with a minimum of fuss, even though at times—and I agree with the President—their job must be performed with considerable difficulty when there are noisy interjections. At the same time, it has been quite evident in this session that the *Hansard* reporters would have had little difficulty in hearing at least one of our members, even above all the interjections. I will not say which member!

There are numerous other staff employed at Parliament House whose work goes toward making our time here a bit easier and perhaps enjoyable. In this regard I refer to the House Controller, (Mr Bernie Edmondson), the telephonists—who seem to find us wherever we

hide—the stewards, cooks, gardeners, and attendants, to whom I express gratitude.

I also make reference to the members of the Press who perhaps suffer in silence, at least until their reports are printed, but who, at the same time, play an important role in communicating to the public the proceedings of this Chamber. I might add that some of their best stories are possibly in condensed form engraved on the writing table in the Press Gallery!

It may be a source of concern when their reports are not printed. I am sure they write a number of reports which are never printed, but nevertheless members themselves would be the first to admit that some of their comments at times are not worth printing. Some members may look at the paper with relief when some of their comments have not been printed.

Unfortunately, there are times matters which ought to be printed are not printed. Of course, the members of the Press Gallery give every consideration to their reports, but at times there is a matter we consider to be of particular importance which we believe the public ought to know about but which does not appear in print. There are problems with communication and that is one of the things that may be sorted out one day.

Mr Deputy President (the Hon. V. J. Ferry), in making these complimentary remarks I trust I have not overlooked anyone, but if so it has not been intentional.

I therefore conclude by wishing everyone the very best for the coming festive season. May we all return here next year in the best of health.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [8.09 p.m.]: After that very fine speech by the Leader of the House I suppose it would be proper for me to say that I support all his remarks and sit down. I do support all his remarks, but I will not sit down for a few moments because I think this session of the Thirtieth Parliament, at least in this Chamber, has been somewhat different from sessions of previous Parliaments. It has been different not only in respect of the questions without notice and the adjournment debates, but also in that the general level of debate in this House has been elevated.

As Leader of the Opposition, I am very grateful for that. I can assure members of this House, in the first session of the Thirtieth Parliament, that as we proceed to other sessions we hope that level of debate will be lifted even higher. I do not want that to be taken as a kind of threat. I believe everyone in this Chamber should be glad of the improvement because there was a great need for it. Whether or not we agree with the upper House, the fact is it is here. While we are in this Chamber we will endeavour to the best of our ability to do the best possible job.

I believe in the Westminster system, and I believe it can work properly only when frequent changes of Government occur. That is a personal view. While we are here we need to do the best possible job and we should select the best possible people to represent the viewpoint of the party to which we belong. We are in an excellent position to be able to examine legislation, and even though we might not agree with it, it is the product of the Government, no matter which Government it might be.

I have enjoyed this session of Parliament. Indeed, since I have been in this place—some 10 years now—I have enjoyed the comradeship and the friendship of people from both sides of the House. For that I will be eternally grateful. Since I came here I have appreciated the great support we get from the officers of Parliament. Whilst Mr Medcalf expressed his appreciation, I do not think we really appreciate the job which the officers of Parliament do. I am referring not only to the officers, but to all those people who go to make up the staff of Parliament House—the gardeners, the cooks, the telephonists, and everyone else. They do a great job in supporting the democratic system under which we live. It is a small cameo of society in which we live. We have to accept, of course, that in our very complicated society today every person is important.

Let me touch on a very delicate subject. If one person withdraws his labour today, the whole fabric of society can stop. Indeed, in a few years from now that will becme even more manifest. I was reminded of this, and the changing times in which we live, when last year or the year before seven men at Latrobe Valley—members of the Institute of Power and Marine Engineers, an organisation with which I have had some close association over the years—withdrew their labour and blocked off the greatest source of energy—electricity—to the people of Victoria. In saying that I do not want to make a political speech at a time like this. I am seeking to remind members of the changing times in which we live when the old norms of yesterday are not applicable today; and the norms we accept today may well not be the norms we will accept in the Thirty-First Parliament.

There is a need for members not only in this Parliament, but in all Parliaments, to keep themselves acquainted with all sections of the electorate and the hopes and the aspirations of the

people they represent because we are living in a very rapidly-changing period of history.

My own thoughts are that it is possible we are living in one of the most exciting periods of history in the annals of mankind. If one could go to the future to the year 2050, and be able to look back, perhaps the history books we read today would be of no consequence whatever. I believe we are at the crossroads of civilisation. It is up to us to take the lead. I have heard this Parliament described as "a toy Parliament". From the viewpoint of some people, that may be so, but we have a contribution to make and if we respect ourselves as men then we will look beyond our political philosophies.

The Hon. W. R. Withers: There are some people in the Chamber who do not look upon themselves as men.

The Hon. D. K. DANS: I said "men", which is usually the expression applied to mankind. I am sure the Hon. Margaret McAleer and the Hon. Win Piesse know what I am talking about.

Members of Parliament must keep themselves informed of all the things which go on around them. I have sometimes been called "a prophet of doom". I am not. I ask people to think, observe and act. If we all do that we will have a wonderful future in front of us, not only as Western Australians, but as members of the human race. I think of myself as a member of the human race.

If we take a different turn and go down the other road there is not much future for any of us. When I read the daily Press reports—and I have a habit of reading overseas newspapers—I sometimes think that because of the inability to compromise we are getting close to a third World War. That frightens me very much, perhaps not so much for myself, but for the children, and the countless children yet to be born.

As members of this Legislative Council we have a very important role to play. However, I do not believe that everything we do is done in this Chamber. We do our job by contact with the people in our electorates and by talking to the people we meet, and by virtue of the very fact that we are members of Parliament. We then need to reflect and remember that the community at large put us here.

I suppose I am one of the worst offenders when it comes to interjections, but I make no excuses because sometimes interjections can jolt one's memory. I have made many speeches with the assistance of the Hon. Sandy Lewis. Sometimes when I lose the thread of my speech, the Hon. Sandy Lewis will interject and give me time to think.

Having said that, I indicate I do not think I have any bad friends. From my own point of view, I do not. I do not say everyone likes me; I would not expect that. I do believe in our having a sense of purpose with regard to where we are heading. I have travelled and looked at other places in many parts of the world. The English language has been taken to the four corners of the world, and the democratic system has developed in other places the same as we have it here. The system has lasted for 2 000 years. Wherever we have taken our brand of democracy, it has endured even though there have been changes. Republics have been born, and many other things have happened.

The great subcontinent of India, which I am aware the Hon. David Wordsworth knows quite a lot about, claims that one of the finest institutions it has today—irrespective of its problems—is the democratic system which we left behind. It is probably true that the smallest Indian farmer today is better informed about politics than the average Australian, yet the Indians are still being taught by symbols.

These things are important. As this session draws to a close, in the very difficult times we face in this country and, indeed, in the world, we must remind ourselves that all the answers do not lie with the politicians; we need to communicate with the population. That is something we are not doing at any level; it is not being done by any Government. If we communicate with the population, as was possible during the war and post-war years, we will receive the reaction we are looking for from the Australian people. Once we recognise the problems of the nation, it will respond and overcome them.

Having said that, I would like to thank a few other people who have supported me and, in supporting me, made this Parliament and this Chamber work as it was meant to work. I thank my colleague, Joe Berinson.

I pay tribute to my Whip (the Hon. Fred McKenzie), to Bob Hetherington, Jim Brown, Howard Olney, Ron Leeson, Lyla Elliott, and Peter Dowding. There are only nine of us, but members will agree we have acquitted ourselves very well.

I would like to thank the hard-working young lady in my office—Judith Fellows.

I appreciate the work done by Miss Claire Calzoni, who is fairly new, but is an enthusiastic worker. I pay tribute to my electorate office secretary (Shirley Lippiatt) who is a most sympathetic person.

I do not believe we have ever had a better spirit of co-operation in the certain areas in which

we can co-operate than we have had this session. The relationship between the Leader of the Government (the Hon. I. G. Medcalf) and me has been very cordial, and this has assisted the business of the House.

I thank you, Mr Deputy President (the Hon. V. J. Ferry), and ask you to convey to the President our best wishes for his speedy recovery. I had a very good association with Clive Griffiths on the House Committee before he became President, and I will value his friendship for a long time.

I thank the Clerk of the Parliament (Mr Ashley), Mr Les Hoft, Mr Ian Allnutt, and Mr Hogg. I thank the attendants and, indeed, everyone connected with Parliament.

I also thank the bartenders. I have not given them a great deal of attention this year, but this evening I would like to adjust that situation.

Last, but not least, I thank the members of the Press. I often wonder as I look up to the Press Gallery how they suffer it. My mind goes back some years ago to the story of a senior journalist who got in his piece as the Assembly was about to rise. As the Speaker put the question, he leant over and said, "I move that this so-and-so place adjourn for 50 years!" The Assembly certainly has not done that!

I wish all members a very happy Christmas and a prosperous New Year. I hope next year is as successful as this one has been and that we go a long way towards unifying the Australian people once more. That should be one of our primary tasks. We should get on with the job of solving our problems. I believe we should solve our problems at home first; sometimes we cast too wide a net. Nothing should be beyond us. With a little spirit of adventure and unity, there is no problem we cannot solve.

THE HON. H. W. GAYFER (Central) [8.36 p.m.]: A great orator of this Chamber once said, "The old norms of the House are not the norms of today". That is very true of my colleague, and leader of my party (the Hon. Norman Baxter) who, as the bells were ringing some 35 minutes ago, passed the reins of office to me and said, "Tonight, you shall reply." The Hon. Win Piesse does not know it yet, but it is her turn next year. The Hon. Norm Baxter is saving himself for that final burst when he retires at the end of this Parliament.

To you, Mr Deputy President (the Hon. V. J. Ferry), I extend the same best wishes which have been extended to you by the Leader of the House and the Leader of the Opposition. It would be impudent of me to wax eloquent and to endeavour to match the magnificent oration of the Leader of the House or the philosophical speech of the Leader of the Opposition. In fact, I think it would be beyond my capabilities to do so.

The Leader of the House mentioned a long list of people, to whom he paid tribute. I do not think he missed anyone in the confines of this House except, perhaps, members of the Joint House Committee; perhaps we should leave it until later in the morning to praise those gentlemen, especially if this is going to be a time-honoured closing such as we have witnessed over the years.

I agree with Mr Dans as to the calibre of the people who have joined us here. They are blooded now. Next year we will sit for 23 weeks or thereabouts, and a lot more blood will flow; they will have a lot more confidence in the way they attack their various subjects. I long to see this. Some of the speeches which have been made were rather good. I hope only that the Ministers are equal to the task; they will need every bit of their prowess to handle the confidence of these new young members.

We must remember we are lucky to be in this place, making the fortunes of others. If we did not want to be here, we would not be here. I believe every member has a sincerity of purpose, and I do not wish to detract from that sincerity in my Christmas wishes to everybody, on behalf of the National Country Party.

The Hon. Des Dans spoke of several things. I hope next year is not quite the same as this year. I hope that next year will be a prosperous year.

The Hon. D. K. Dans: So do I.

The Hon. H. W. GAYFER: Regretfully, the drought has extended right through our country areas—in fact, beyond the hills. I hope we do not have the drought next year, and that we have a return to security or prosperity. We will not take our labours away from the soil; as a matter of fact, we are going to attack the soil harder than before. Regretfully, our days will not be 10-hour days; they will have to be 20-hour days because we will not be able to afford assistance. We might have to take away the labour from some people who would want to continue to work. It is a difficult time.

The Leader of the Opposition also mentioned our working for peace. I quite agree with him. When I was sitting here, I was writing a letter to Miss Janet Pugh, whose address is "Rao Bhavan", Kench's Trace, Shillong, Meghalaya, India. It is my usual Christmas card and my once-a-year note that I write. I hope I will be able to continue to write to her, and other people throughout the world, with the same associations I hold now. Such people are free, and they are

happy; and they look forward to a future. My hope is that we can continue to shape our future in the same harmonious way when we rise.

Mr Deputy President (the Hon. V. J. Ferry), please convey to the President our best wishes. I did not know that he was ill until I saw you in the Chair and I heard the comments by the Leader of the House and the Leader of the Opposition. On behalf of the National Country Party, we extend to him our best wishes. We hope that he will be fully recovered by Christmas. I wish him the good health that each and every one of my colleagues in this House will enjoy in the near future.

THE DEPUTY PRESIDENT (the Hon. V. J. Ferry): Before putting the motion, I would like to thank the Leader of the House (the Hon. Ian Medcalf), the Leader of the Oppositon (the Hon. Des Dans), and the Hon. H. W. Gayfer who spoke on the motion, for the personal expressions of thanks and goodwill they have extended to so many people associated with the functioning of this Chamber especially, and of the Parliament generally.

As we know, the President (the Hon. Clive Griffiths) is at present receiving some medical attention in hospital; and we wish him a speedy recovery to good health. I will be extremely happy to convey the very sincere thoughts expressed by the speakers tonight on behalf of the members to the President for his speedy recovery. I am sure he will welcome those expressions.

The President has asked me especially to convey his best wishes to the many people who have assisted him throughout this session; and therefore the comments I am making on my behalf will also be in parallel with the thoughts of our President on this occasion.

Members, during the course of this particular session we have farewelled from Western Australia our former Governor (Sir Wallace Kyle) who served this State with distinction; and we have welcomed our new Governor (Sir Richard Trowbridge). I am sure we look forward with a great deal of pleasure to our having the new Governor and his lady with us.

The first session of the Thirtieth Parliament is now about to close. Following the retirement of some members of this House at the general election earlier this year, we have welcomed a number of new members to our midst. It is fair comment to say that all members have now settled down to making effective contributions to the working of the House; and, with the experience which is gained through the passing of time, all members are now better able to appreciate the procedures and system under which we operate.

It is my belief that there is a lot of scope for members to express themselves under the provisions of our Standing Orders; and whereas the Standing Orders Committee is charged with the responsibility of reviewing procedures and making recommendations to the House from time to time, the basic rules of common sense and the acknowledgement of the other person's point of view enable the House to fulfil its role as a second Chamber of the Parliament.

I know the President would be glad to join me in expressing thanks to the Deputy Chairmen of Committees (the Hon. John Williams, the Hon. Tom Knight, and the Hon. Robert Hetherington) for the assistance they have given to us and to the House throughout the session. As Chairman of Committees, I wish particularly to thank those gentlemen for their very great help and co-operation over the past several months.

To the Leader of the House (the Hon. Ian Medcalf) and the other Ministers (the Hon. David Wordsworth and the Hon. Gordon Masters), I extend my thanks for their co-operation in the conduct of the business of the House.

The work of the House is always assisted very willingly by its officers. I would like to thank personally the Clerk of the Legislative Council (Mr John Ashley), the Clerk Assistant of the Council and the Usher of the Black Rod (Mr Les Hoft), the Second Clerk Assistant (Mr Ian Allnutt), the Clerk of Papers (Mr Kevin Hogg), and the other members of the staff for their conscientious and helpful attention to the running of the Legislative Council.

There are many people to thank; and I know that previous speakers have referred to all of them during their contributions tonight. However, I must add my appreciation to the remarks already made in regard to Mr Bernie Edmondson and Mrs Edmondson, and I would like to include Miss June McKinnon and Mrs Norma Turton for their willing help at all times.

Without the *Hansard* staff it would be difficult to imagine how the Parliament would function. To the Chief Hansard Reporter (Mr Jim Cox) and his staff we owe a debt of gratitude; and on behalf of the President and myself I would like to say a special "Thank you" for their continuing very high standard of service to us.

Coupled with my remarks in expressing goodwill to those who serve us, I want to thank the members of the Joint House Committee and

all members of the other committees who play their part in the running of this establishment.

There are so many people and so many sections of Parliament House that it is difficult to cover everyone in the space of a few words. However, I hope that everyone will accept, on behalf of the President and me, our personal thanks for all they have done during this session, no matter where they may be working in association with the Parliament.

I conclude my contribution, members, by wishing each and every one of you, every officer, and every member of the staff connected with Parliament House, and their families, a very happy Christmas, and a very rewarding New Year.

Question put and passed.

Sitting suspended from 8.48 p.m. to 12.06 a.m. (Saturday).

APPROPRIATION BILL (CONSOLIDATED REVENUE FUND)

Receipt and First Reading

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

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [12.08 a.m.]: I move—

That the Bill be now read a second time.

The main purpose of this Bill is to appropriate the sums required for the services of the current financial year as detailed in the Estimates. It also makes provision for the grant of supply to complete this year.

Included in the expenditure estimates of $1 857.330 million is an amount of $189.969 million permanently appropriated by Parliament under special Acts, leaving a balance of $1 667.361 million which is to be appropriated in the manner shown in a schedule to the Bill.

Supply of $800 million has already been granted under the Supply Act 1980. Hence, further supply of $867.361 million has been provided for in the Bill.

Provision is made also for a further grant of supply of $50 million from the Public Account for Advance to Treasurer which is to supplement the sum of $35 million already granted under the Supply Act.

As well as authorising the provision of funds for the current year, the Bill seeks ratification of the amounts spent during 1979-80 in excess of the Estimates for that year. Details of these excesses are given in the relevant schedule to the Bill.

No doubt members will appreciate that the opportunity to debate the detailed content of the Bill has preceded its arrival in this Chamber, and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Leader of the House), and passed.

APPROPRIATION BILL (GENERAL LOAN FUND)

Receipt and First Reading

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

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [12.13 a.m.]: I move—

That the Bill be now read a second time.

For the benefit of new members I make mention of the established practice which has been adopted in recent years in this House for presentation of the Appropriation Bill (General Loan Fund). In presenting the Bill in another place, the Treasurer gives a speech outlining, in lengthy detail, measures to appropriate from the General Loan Fund the sums required to finance certain items of capital expenditure which are set out in the printed Loan Estimates. Rather than weary the House with a repetition of that lengthy address, it was agreed that the second reading speech need be confined only to the particular points contained in the Bill.

It is pointed out that the printed Loan Estimates and the Treasurer's speech have been available to members since 2 October, and those papers were also tabled in this House on 7 October. In the interim period, I trust members have taken the opportunity to become conversant with the content of those documents.

The purpose of this Bill is to appropriate from General Loan Funds the sums required to

undertake the works and services detailed in the Loan Estimates. Of the total finance required for the planned works programme, an amount of $147 094 000 is to be supplied from the General Loan Fund as listed in the Estimates.

Full details of the programme are set out in the estimates together with the source of funds employed. The amount to be provided from the General Loan Fund, which is subject to appropriation in this Bill, is clearly identified.

Supply of $75 000 000 has already been granted in the Supply Act, 1980; and the Bill now under consideration seeks further supply of $72 094 000. The total of these two sums—namely, $147 094 000—is to be appropriated for the purposes and services expressed in schedule B of the Bill.

As well as authorising the provision of funds for the present financial year, the measure seeks ratification of amounts spent during 1979-80 in excess of the Estimates for that year. Details of these excesses are given in schedule C to the Bill.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Leader of the House), and passed.

Sitting suspended from 12.19 to 3.34 a.m. (Saturday).

LOAN BILL

Receipt and First Reading

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

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [3.35 a.m.]: I move—

That the Bill be now read a second time.

This Bill is a measure presented to Parliament each year to obtain authority to raise loans for the purpose of financing certain works and services as detailed in the Estimates of Expenditure from the General Loan Fund tabled in this House on 7 October.

It seeks to provide authority for the raising of loans not exceeding $70 million for the purposes listed in the first schedule.

It may be noted by members that the borrowing authority sought for each of the several works and services listed in the schedule will not necessarily coincide with the estimated expenditure on that item in the current year.

This situation arises due to the fact that account is taken of the unexpended balance of previous Loan Act authorisations and of the need to provide a sufficiently high level of new borrowing to enable works of a continuing nature to be maintained for a period of about six months after the close of the financial year.

The action ensures continuity of works in progress pending the passage of next year's Loan Bill and is in accordance with the usual practice.

Details of the condition of the various loan authorities are set out in pages 42 to 45 of the Loan Estimates. These pages also detail information relating to the appropriation of loan repayments received in 1979-80, the allocation of Commonwealth general purpose capital grants, and the distribution of $9.416 million transferred from the balance of earnings on the investment of cash balances to 30 June 1979.

The main purpose of this Bill is to provide the necessary authority to raise loans to help finance the State's capital works programme.

As usual, the required borrowings will be undertaken by the Commonwealth Government which acts for all States in arranging new borrowings, conversions, renewals, and redemptions of existing loans.

This function of the Commonwealth Government is exercised under the terms of the 1927 Financial Agreement and within the total borrowings programme for all States as determined by the Australian Loan Council. The Loan Council also prescribes the terms and conditions for each loan.

There is a long-standing arrangement whereby the Commonwealth Government, from its own resources, will subscribe any shortfall to complete the financing of the overall borrowing programme of the States.

These special loans are made on similar terms and conditions to those prevailing for the previous Commonwealth public loans raised in Australia and are allocated to the States as part of their normal borrowing parcel. With the current tight money market it appears likely that the Commonwealth Government will have to provide this form of support in the current financial year.

Such support is of great benefit to the States, as it enables us to proceed with a planned programme of works secure in the knowledge that the full allocation from the Loan Council will be forthcoming.

In addition, the Commonwealth Government provides by way of a capital grant a proportion of the total programme for State Governments agreed to by the Loan Council. These grants now constitute one-third of each State's total programme and are intended to assist in financing capital works such as schools and institutions from which debt charges are not normally recoverable.

At its June 1980 meeting the Australian Loan Council approved a total State Government programme of $1 307 million for 1980-81 made up of two-thirds borrowings or $871 million and one third or $436 million capital grant.

This year Western Australia has a borrowing allocation of $80.6 million with a capital grant of $40.3 million, a 5 per cent increase on the 1979 allocation. Members will note that the allocation for last year was reduced by 13.2 per cent on the 1978 provision.

In real terms, the allocation for this financial year is a reduction of 35 per cent on the funds provided in 1976-77.

The severe impact of this reduction on the State's works programme was covered in some detail by the Treasurer when speaking to the Appropriation Bill (General Loan Fund).

Under a "gentlemen's agreement" originating in 1936, Loan Council approves an aggregate annual borrowing programme for those semi-Government and local authorities wishing to raise in excess of $1.2 million in new borrowings during the financial year.

The Loan Council has set a total borrowing programme of $1 307 million for these larger authorities in 1980-81 of which Western Australia has been allocated $117.4 million.

The basic programme remains at the same level as in 1978-79 and 1979-80—namely, $75 million—but is supplemented by temporary additions totalling $42.3 million for the following purposes—

> $16 million for further electric power development at Muja; and
>
> $26.3 million for rehabilitation and upgrading of the railway between Kwinana and Koolyanobbing.

A further $46.9 million will be available to the State in 1980-81 under the special programme of borrowing for infrastructure.

Of this amount $30.2 million will be applied by the State Energy Commission largely in works associated with the Pilbara region power integration project and the Dampier to Perth gas pipeline. Other commission projects to be financed from this source are conversion of the Kwinana power station to dual firing and Muja stage "C". Some $8.34 million of infrastructure borrowings will go to country areas and town water supplies to provide water for the Worsley alumina project and West Pilbara water supply headworks to meet the demands of the North-West Shelf gas project.

The Western Australian Government Railways Commission has been allocated $2.143 million for railway works to serve the Worsley project and the Industrial Lands Development Authority $6.25 million for infrastructure works at Jervoise Bay to support North-West Shelf gas engineering developments.

Details of the borrowing programmes of larger authorities in 1980-81 including infrastructure borrowings, are set out on page 46 of the Loan Estimates.

There is no overall limit on borrowings by authorities seeking less than $1.2 million though the terms and conditions of the "gentlemen's agreement" apply to such borrowings. The programmes for State authorities in this category are detailed on page 47 of the Loan Estimates.

In view of the tight money market it is evident that both larger and smaller authorities will again experience difficulty in filling the loan programmes for this year.

This situation not only has arisen as a result of the growing needs of State authorities, but also has been compounded with the entry of several Commonwealth authorities into the limited domestic capital market.

With all authorities being subject to identical terms and conditions, as specified by Loan Council, there is little room for manoeuvring and the smaller States such as Western Australia find themselves at the end of the line when it comes to obtaining a share of available loan funds.

As in the past, every effort will be made to raise the proposed new borrowings to ensure that the planned programme of work can be undertaken.

The Bill also makes provision for an appropriation from the Consolidated Revenue Fund to meet interest and sinking fund on loans raised under this and previous Loan Acts.

In addition, authority is sought to allow the balances of previous authorisations to be applied

to other items. The second schedule sets out the amounts to be reappropriated and the Loans Act which authorised the original appropriations.

The amount of $13 548 366 shown on page 45 of the Loan Estimates includes $250 000 allocated from loan repayments. As loan repayments are not authorised under a Loan Bill, the transfer of this sum has to be arranged by administrative action.

The amount to be reappropriated is, therefore, reduced to $13 298 366. The items to which it is to be applied are set out in the third schedule.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Leader of the House), and passed.

BILLS (2): ASSEMBLY'S MESSAGES

Messages from the Assembly received and read notifying that it had agreed to the amendments made by the Council to the following Bills—

1. Pharmacy Amendment Bill.
2. Dental Amendment Bill.

BILLS (3): RETURNED

1. Reserves Bill.
2. Acts Amendment (Strict Security Life Imprisonment) Bill.
3. Land Amendment Bill (No. 2).

Bills returned from the Assembly without amendment.

House adjourned at 3.47 a.m. (Saturday).

QUESTIONS ON NOTICE

RAILWAY WAGONS

Lack

525. The Hon. F. E. McKenzie (for the Hon. LYLA ELLIOTT), to the Minister representing the Minister for Transport:

Further to question 493 of Thursday, 20 November 1980, and with reference to the Minister's answer to part (1) (a) to (c)—

(1) What was the expected revenue loss and tonnage?

(2) What were the points of loading and destination?

(3) Over what period was this loss expected to occur?

The Hon. D. J. WORDSWORTH replied:

(1) to (3) Westrail advise that the extent of the expected future revenue losses referred to in answer in parts (1) (a) to (c) of question 493 would depend on various factors including the type and volume of traffic available, the extent of peak demands, and the availability of alternative transport.

WATER RESOURCES: METROPOLITAN WATER BOARD

Office Chairs

527. The Hon. D. K. DANS, to the Minister representing the Minister for Works:

Further to my question 456 of Wednesday, 19 November 1980—

(a) is a company known as Design Sales the agent in Western Australia for gas lift chairs;

(b) did the architect responsible for the new premises of the Metropolitan Water Board specify this type of chair;

(c) how many chairs have been purchased or ordered for the new Metropolitan Water Board premises;

(d) in what country were they manufactured;

(e) what is the cost of each chair; and

(f) is it a fact that officers of the Department of Industrial Development and Commerce are aware this type of chair has already been purchased or ordered from overseas?

The Hon. G. E. MASTERS replied:

(a) I am informed that there are many types of gas lift chairs and that Design Sales are agents in Western Australia for a gas lift chair which is manufactured in West Germany.

(b) A gas lift chair was specified, but of no particular type.

(c) A total of 1 378 chairs of various types were purchased and no more are on order. No gas lift chairs were purchased or ordered.

(d) All orders were placed with Western Australian manufacturers.

(e) Varies with the type of chair; the average cost was $71.35.

(f) Answered by (c) and (d).

HOSPITALS

Budgets: Cuts

528. The Hon. F. E. McKenzie (for the Hon. LYLA ELLIOTT), to the Minister representing the Minister for Health:

(1) Did a meeting take place recently between representatives of the Department of Health and Medical Services and administrators of metropolitan district hospitals?

(2) If so, on what date was the meeting held?

(3) Were the Administrators informed that there would have to be substantial cuts in their budgets?

(4) If so—

(a) what were the amounts or percentages involved in respect of each of the hospitals;

(b) how will this affect the services presently being provided by the hospitals concerned;

(c) will staff have to be sacked; and

(d) what would be the effect on the major teaching hospitals if services are reduced in district hospitals?

The Hon. D. J. WORDSWORTH replied:

(1) Yes.

(2) Thursday, 20 November 1980.

(3) Yes.

(4) (a) The amount of the reduction was 5 per cent of the budgeted salary for nurses. The dollar sum will be applied from the period 1 October 1980 to 30 June 1981 for each hospital;

(b) the hospitals have yet to confirm their proposals. Each hospital has undertaken to produce its individual solution bearing in mind a minimum reduction to current services;

(c) if Budget constraints cannot be met, staff will have to be retrenched from 1 March 1981;

(d) since it is currently planned to have minimum effect on services, the consequent effect on the teaching hospitals should be negligible.

PRISONS: PRISONERS

Injury to Third Parties

529. The Hon. PETER DOWDING, to the Minister representing the Minister for Police and Traffic:

(1) Has the Department of Corrections an insurance policy covering damage by prisoners to third persons or their property whilst those prisoners are—

(a) in custody; and

(b) escaped?

(2) What risks, if any, are covered by such policy?

The Hon. G. E. MASTERS replied:

The Chief Secretary advises as follows—

(1) (a) Yes.

(b) Yes.

(2) (a) In Custody—

accidents happening during the continuance of the policy and caused by—

(i) the negligence of the insured or of any person for whose negligence the insurer is liable;

(ii) through any defect in/or the ways, works, machinery or plant used in the said institution; the limit of the indemnity under the policy is $200 000.

(b) Escaped—

Claims against the Department of Corrections arising out of or damage caused by prisoners who have escaped from legal custody; the limit of the indemnity under the policy is $50 000.

SHIPPING: STATE SHIPPING SERVICE

New Vessels

530. The Hon. D. K. DANS, to the Minister representing the Minister for Transport:

Further to my question 490 of Thursday, 20 November 1980—

(a) now that the contract with the original charterers who had contracted to subcharter the two new State Shipping Service vessels for the State Shipping Service has been voided because of financial difficulties, has any financial loss been suffered by the State Shipping Service;

(b) what is the name of the new charterers and the terms and conditions of the new charterers to subcharter the vessels of the State Shipping Service; and

(c) are they the same terms and conditions as they were with the original charterer?

The Hon. D. J. WORDSWORTH replied:

(a) No; financial variations agreed in the new charterparties have been compensated for in the settlement negotiated with the original charterers;

(b) under the new charterparties the Western Australian Coastal Shipping Commission will charter direct from the owners who are K-S. Difko I or nominee in respect of one vessel and K-S. Difko II or nominee in respect of the other; with regard to the terms and conditions of the charterparties a summary of the details is tabled herewith. This summary also responds to item (6) of question 359.

(c) Yes, with the exception of certain financial variations referred to under (a) above.

The paper was tabled (see paper No. 417).

PRISON

Roebourne

531. The Hon. PETER DOWDING, to the Minister representing the Minister for Police and Traffic:

How many prisoners have been reported as having escaped from the Roebourne Regional Prison in—

(a) 1978;

(b) 1979; and

(c) 1980?

The Hon. G. E. MASTERS replied:

(a) 1977-78—1;

(b) 1978-79—1;

(c) 1979-80—18.

WATER RESOURCES

Narembeen

532. The Hon. J. M. BROWN, to the Minister representing the Minister for Water Resources:

As complaints indicate either a discoloration and/or milky colour in the water supplies to the Narembeen Town, can the Minister advise—

(a) what testing is taken of the water supply;

(b) is the water chlorinated;

(c) is the water supplied from the Wadderin Dam or direct from the Mundaring supply; and

(d) what urgent action can be taken to correct the complaints?

The Hon. G. E. MASTERS replied:

(a) The salinity of the water is checked locally at monthly intervals and the chlorine dosage rate is checked regularly when Wadderin Dam water is used;

(b) the town receives water from either the goldfields and agricultural water supply scheme direct, which is chlorinated at the source, or from Wadderin Dam, which is chlorinated as it is supplied; at times the town receives a mixture from both sources;

(c) answered by (b);

(d) the last complaint received was an isolated case some two months ago and appeared to be due to an air pocket in a main; a check today with the Narembeen Shire revealed that one person had a problem this week which may have been due to his own internal pipes deteriorating; this matter is being pursued.

MINISTERS OF THE CROWN: HONORARY

Cost to State

533. The Hon. LYLA ELLIOTT, to the Minister representing the Premier:

Since their appointment, what has been the total cost to the State for the following facilities for the two Honorary Ministers—

(a) motorcars;
(b) other travel;
(c) expense allowance;
(d) staff; and
(e) offices?

The Hon. I. G. MEDCALF replied:

(a) $16 606.20;
(b) $12 284.46;
(c) expense allowance is payable at the rate of $60 per day as determined by the Salaries and Allowances Tribunal when Honorary Ministers are travelling on official business;
(d) $22 524.91;
(e) no additional costs associated with office accommodation as Honorary Ministers took over existing ministerial suites.

RAILWAYS

Funds: Cash Loan

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

With reference to the full-page advertisement for the WAGR Commission Cash Loan in *The West Australian* of Tuesday, 25 November 1980, will the Minister advise—

(1) How much money is it intended to raise with this loan?

(2) What will be the total annual interest payments?

(3) Are there any underwriting or other fees associated with the loan?

(4) If so, will the Minister provide details?

(5) For what purpose will the money be used?

The Hon. D. J. WORDSWORTH replied:

(1) $8.1 million.

(2) Total annual interest payments will depend on the term of the investments. This will not be known until after the loan has closed.

(3) and (4) Yes. The standard placement fee for semi-Government loans as stipulated by the Loan Council, advertising costs and banker to the issue fees. Actual costs will not be available until the loan has closed.

(5) To fund the rehabilitation of the Kwinana-Koolyanobbing railway.

LAND: NATIONAL PARKS

Fitzgerald River and Stokes

535. The Hon. F. E. McKENZIE, to the Minister for Conservation and the Environment:

(1) In those areas where National Parks are located on the coast, i.e. Fitzgerald River National Park and Stokes National Park, does the jurisdiction of the National Parks Authority extend to the low water line?

(2) If not, could the Minister outline Fitzgerald River and Stokes National Parks boundaries insofar as ocean frontage is concerned?

The Hon. G. E. MASTERS replied:

(1) No coastal national park extends seaward of low water mark and only some national parks have boundaries at the low water mark. Nowhere does the National Parks Authority have jurisdiction below this line.

(2) Fitzgerald River National Park, which includes Red Islet, has its ocean boundary at low water mark. The seaward boundary of Stokes National Park is currently being extended to low water mark.

PRISONS: PRISONERS

Service of Sentences in Home State

536. The Hon. J. M. BERINSON, to the Attorney General:

(1) Has the Attorney General's attention been drawn to resolutions of the recent conference in Adelaide of the International Prisoners' Aid Association which supported proposals that people imprisoned in another State or overseas, should, in appropriate cases, be able to serve their sentences in their home State or country?

(2) What progress has been made on earlier proposals for uniform legislation by the States to this effect, and what is the attitude of the Government to similar legislation in respect of other countries?

The Hon. I. G. MEDCALF replied:

(1) I have not been provided with details of the resolutions passed at the meeting referred to. However, the matter has been under active consideration by the Standing Committee of Attorneys General for some time.

(2) A draft Prisoners (Interstate Transfer) Bill has been prepared for consideration by the Standing Committee of Attorneys General. A fresh draft is in the course of preparation.

The question of inter-country transfer of prisoners has been raised with the standing committee and I understand that the Commonwealth Attorney General is looking into the matter and will report back to the standing committee in due course.

TRANSPORT: BUSES

Fremantle-Perth Service

537. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Transport:

In view of the report on the Perth-Fremantle line line service, tabled in the Legislative Council on 4 November 1980—

(1) Will the Minister have this report re-assessed because a perusal of the

Metropolitan (Perth) Passenger Transport Report for the year ended 30 June 1980 discloses that in spite of the Perth-Fremantle railway line passenger service not being in operation for 10 months to the end of the financial year ended 30 June 1980, expenditure in running the service has increased by $110 000 and the total loss has increased by $601 211?

(2) Would he not agree that much of the $6.3 million additional loss sustained by the MTT in its bus and ferry operations is attributable to the replacement of the Perth-Fremantle rail passenger service with a Linc bus service?

(3) If he does not agree, would he outline his reasons?

The Hon. D. J. WORDSWORTH replied:

(1) No.

(2) No.

(3) The increase in the MTT loss is related to factors affecting all of its operations. The most important of these were—

increased labour costs due to award rises;

increased fuel costs due to price rises; and

increased leasing charges due to the inadequacy of the Commonwealth's urban public transport funding programme.

TRANSPORT: BUSES

MTT: Loss

538. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Transport:

(1) Is it not a fact that this year's MTT loss increased by 24 per cent whereas last year the loss was 12 per cent?

(2) Because the loss increase is double that of last year, will the Minister, assisted by his departmental heads, the General Manager of the MTT, and the Director General of Transport, cease advising the public that savings were effected by the closure of the Perth-Fremantle railway passenger service and its replacement with a linc bus service?

(3) If not, why not?

The Hon. D. J. WORDSWORTH replied:

(1) The increase in the MTT loss between 1978-79 and 1979-80 was 23.8 per cent. The increase between 1977-78 and 1978-79 was 11.8 per cent.

(2) No.

(3) The size of the increase in the MTT loss is related to factors affecting all of its operations. The most important of these were higher costs in the areas of labour, fuel, and leasing.

It is a fact that savings have been effected by the Government's decision to cease the passenger rail service in the Perth-Fremantle corridor. In the 10-month period to the end of June 1980, these amounted to operating cost savings of $0.482 million and capital cost savings of $2.7 million.

TRANSPORT: BUSES

MTT: Rail Expenses

539. The Hon. F. E. McKENZIE, to the Minister for Lands representing the Minister for Transport:

With reference to the MTT annual report for the year ended 30 June 1980—

(1) Will the Minister advise why general administration expenses for the rail section increased from $2 483 000 to $2 558 000 when for 10 of the 12 months in question the Perth-Fremantle railway passenger service was not operating?

(2) Will he itemise the items that make up general administration and the areas where the increase or decreases have occurred to enable public scrutiny?

The Hon. D. J. WORDSWORTH replied:

(1) The general administration expenses are not directly related to the size of the urban rail system, as are other areas of expenditure. The cessation of one service within the system did not affect savings in this category sufficient to offset inflationary pressures.

(2)

	1978-79 ($)	1979-80 ($)
Administration	1 470 000	1 497 000
Superannuation	508 000	591 000
Pay-roll tax	440 000	425 000
Insurance	65 000	45 000
	2 483 000	2 558 000

QUESTIONS WITHOUT NOTICE

"WESTERN AUSTRALIA 1829-1979"

Cost

155. The Hon. LYLA ELLIOTT, to the Minister representing the Treasurer:

(1) What is the cost to the State of the publication *Western Australia 1829-1979*?

(2) How many copies were printed?

(3) To whom have they been distributed free?

(4) Why is the Government squandering money on such an extravagant report when it has announced it will sack hospital employees because of lack of funds?

(5) If the Minister is unable to supply the answer now, will he do so in writing?

The Hon. I. G. MEDCALF replied:

(1) to (5) As I have received no notice of the question, I ask that it be put on the notice paper.

The Hon. Lyla Elliott: As I understand Parliament will finish this evening, it would be rather pointless to put my question on the notice paper. I ask the Leader of the House: Will he provide me an answer in writing?

The Hon I. G. MEDCALF: Most certainly.

WATER RESOURCES: METROPOLITAN WATER BOARD

Office Chairs

156. The Hon. G. C. MacKINNON, to the Minister for Fisheries and Wildlife:

What is a gas lift chair?

The Hon. G. E. MASTERS replied:

I do not know.

The Hon. G. C. MacKinnon: I have asked several members and they do not know. I wonder whether we can direct a question so that we may be able to follow the proceedings. We are all a little bemused.

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): I think the honourable member can make his own inquiries.

SANDALWOOD

Export and Regeneration

157. The Hon. J. M. BERINSON, to the Minister for Forests:

My question relates to an aspect of the Minister's administration which he states often is very close to his heart. I wish to refer to the Sandalwood Act. In the annual report of the Minister's department I note that the export of sandalwood totalled 1 551 tonnes last year. My question is—

(1) (a) Is it a fact that this rate of exportation is well in excess of natural regeneration;

(b) What measures, if any, are being taken to stimulate regeneration?

(2) At the present rate of export how long is it estimated that State sandalwood reserves will survive?

The Hon. D. J. WORDSWORTH replied:

(1) and (2) It is hard to say whether the resource is being extracted at a rate faster than that at which it is growing. However, this is being monitored by the Department of Conservation and Environment in part, as some of the sandalwood which is pulled is within the country which is under that department's control.

The Forests Department has sent an officer to India to study the commercial growing of sandalwood there because that country does grow sandalwood very profitably. The member may appreciate the fact that farmers when clearing their properties in the Narrogin and adjacent areas actually paid for their properties to be cleared out of sales of sandalwood. It was a common timber and the department has realised that there is an opportunity for the commercial growing of sandalwood. I hope we will have an increase in the production of sandalwood in the future because it is in great demand in some regions north of Australia.

STATE FORESTS

Log Production

158. The Hon. J. M. BERINSON, to the Minister for Forests:

(1) Is it a fact that the forests working plan presented in 1977 required a decrease of

some 17 per cent over five years in the production of sawn logs?

(2) If so, how does the Minister explain the increase in sawn timber for the year ended June 1980, as recorded in his department's report?

The Hon. D. J. WORDSWORTH replied:

(1) and (2) I do not have a copy of the report in front of me, and I think the member will find that that figure includes the production of sawn timber off private as well Crown land, and possibly as softwoods.

LAND: NATIONAL PARKS

Authority: Jurisdiction

159. The Hon. F E. McKENZIE, to the Minister for Conservation and the Environment:

My question relates to the answer the Minister gave me to question 535 today in which I asked the Minister whether he could outline the areas in which national parks are located on the coast; i.e., Fitzgerald River National Park and Stokes National Park. The Minister's answer was that no coastal national park extended seaward of low water mark and that only some national parks had boundaries at the low water mark. I now ask—

(1) What is the position in relation to the jurisdiction of the national parks at this time.

(2) What is the necessary procedure which must by taken before jurisdiction is granted to the National Parks Authority in relation to the extended boundary?

The Hon. G. E. MASTERS replied:

(1) and (2) I am not quite sure what the member means. He did give an outline with regard to Fitzgerald River National Park and Stokes National Park, and the jurisdiction in those areas. I thought I did give an answer to that question. When the member talks about jurisdiction of national parks, does he mean when the jurisdiction takes place?

The Hon. F. E. McKenzie: Yes. What I am seeking to ascertain is what authority the rangers of the national parks have to intervene in respect of off-road vehicles which travel in areas defined as being within the Stokes National Park area.

I would also like to know what procedure must be carried out before jurisdiction is extended to that authority.

The Hon. G. E. MASTERS: I think the question of off-road vehicles is one which has been resolved by recent legislation. If national parks rangers operate outside a park they could have some difficulty in establishing any control which is quite often interchangeable between national parks and wildlife officers. I believe there is an overlapping area. However, the land would need to be transferred to the national parks before the rangers could legally take any action.

I would suggest that if the member has any knowledge of any damage which is being done, he let me know the details and I will make every effort to get some action or determination made on the matter.

STATE FORESTS

Log Production

160. The Hon. J. M. BERINSON, to the Minister for Forests:

My question is supplementary to my earlier one in which I made reference to the increase in sawn timber extraction. This information was drawn from the list of hardwood sawn production on page 5 of the Minister's department's report. I again ask the Minister: How does he account for the figures for that sawn timber, given the recommendations for a decrease in the forests working plan?

The Hon. D. J. WORDSWORTH replied:

As I said earlier, I do not have a copy of that report in front of me and I am not aware of the full figures in that report. If the member wishes to place the question on the notice paper I will answer by way of a letter.