Legislative Assembly

Wednesday, 20 May 1987

THE DEPUTY SPEAKER (Mr Burkett) took the Chair at 2.15 pm, and read prayers.

BILLS

Standing Orders Suspension

MR PEARCE (Armadale—Leader of the House) [2.17 pm]: I move, without notice—

> That so much of the Standing Orders be suspended as is necessary to enable those Bills appearing on this day's Notice Paper as awaiting leave for introduction to be taken to the stage where the motion is moved "That the Bill be now read a second time.".

Question put.

The DEPUTY SPEAKER: To be carried, this motion requires an absolute majority. I have counted the House; and, there being no dissentient voice, I declare the question carried.

Question thus passed.

VIDEO TAPES CLASSIFICATION AND CONTROL BILL

Introduction and First Reading

Bill introduced, on motion by Mr Parker (Minister for The Arts), and read a first time.

Second Reading

MR PARKER (Fremantle—Minister for The Arts) [2.19 pm]: I move— .

> That the Bill be now read a second time.

The purpose of this Bill is to provide for the compulsory classification of videotapes for private sale and hire, to control the advertising, exhibition and supply of videotapes, to establish a comprehensive range of offences and to amend the Indecent Publications and Articles Act.

At a meeting in 1983 the Commonwealth Minister and all State Ministers with responsibility for censorship agreed to a compulsory and uniform system of classification for videotapes, each State being required to legislate the system into effect.

The Australian Capital Territory Classification of Publications Ordinance which was drafted in consultation with State and Territory Governments was accepted as suitable for use as model legislation in the implementation of the uniform classification scheme. All States and the Territories, with the exception of Western Australia, have now introduced a compulsory classification scheme for video tapes based on the ACT ordinance.

While the proposed Western Australian legislation is modelled on the Commonwealth legislation, it is largely based on the New South Wales Film and Video tape Classification Act. The model legislation has been adopted by the other States with the intention of providing uniformity throughout Australia on videotape classification and distribution.

Provision has been made in the Bill for the State and the Commonwealth to enter into an agreement which will enable the Commonwealth Film Censorship Board to classify videotapes and collect fees on behalf of the State. Where there is no arrangement in operation, provision has been made for the appointment of a State censor.

Western Australia will be able to accept classifications assigned by the Film Censorship Board in the four categories G—general exhibition—PG—parental guidance—M—mature audiences—and R—restricted. There is no provision to accept any other classifications which may be assigned by the Film Censorship Board. "X"-rated videotapes are prohibited.

It is recognised that certain material is of such a nature that it should be refused classification altogether. Classification will continue to be refused where material depicts child pornography, promotes, incites or encourages terrorism or offends against generally accepted standards of morality, decency and propriety to such an extent that it should not be classified. It will be an offence to sell, hire, deliver or advertise such material.

The procuring of a child for the making of a child abuse videotape will also be an offence. A power will exist for the Minister to review, vary or revoke a Film Censorship Board Classification. The Minister will also be able to exempt persons and bodies from compliance with provisions of the proposed Act, subject to such conditions as may be specified.

Point of sale controls will feature strongly in the legislation and will include the need for approved classification markings to appear on

all videotapes and associated advertising. Particular attention has been given to restricted and unclassified videotapes and the protection of minors. The sale of restricted videotapes to minors will be an offence.

A comprehensive range of penalties has been included and the legislation will render it illegal to sell, display, exhibit or advertise a videotape which has not been classified or which has been refused classification. Provision has been made for a member of the Police Force or an authorised person to enter business premises at all reasonable times and inspect videotapes and related records. A member of the Police Force would also be able to seize, without a search warrant, videotapes which are or appear to be unclassified. Without the ability for police officers to seize unclassified videotapes without a warrant, enforcement of the proposed legislation, particularly with regard to totally unacceptable videotapes, would be largely ineffective. Search warrants, where required, would be authorised by a justice rather than by a magistrate.

It is proposed that video outlets be registered on payment of a prescribed fee in order to provide a means of control over the local distribution of videotapes and to ensure that adults and children can be afforded some form of protection and guidance in the selection of suitable material.

Consequential amendments are required to be made to the Indecent Publications and Articles Act to delete from that Act matters relating to videotapes which will now be covered by the Bill.

The Bill is the result of a continuing cooperative effort between the Commonwealth and the States to establish a uniform videotape classification scheme. It will promote national uniformity and ensure that a compulsory classification scheme is in operation throughout Australia. For Western Australia, the Bill fills a legislative vacuum.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Williams.

STATE ENERGY COMMISSION AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr Parker (Minister for Minerals and Energy), and read a first time.

Second Reading

MR PARKER (Fremantle—Minister for Minerals and Energy) [2.25 pm]: I move—

That the Bill be now read a second time.

The State Energy Commission has for some time been providing expertise in energy matters to other energy authorities or bodies throughout Australia and latterly overseas, particularly Malaysia and India. I am sure members of this House will agree that this practice is one that can be of considerable benefit to all concerned and should not be restricted, especially if as a result of providing such expertise additional employment opportunities are created for Western Australians.

The Energy Commission is now in a position where it can provide such expertise not only by the exchange or secondment of personnel, but also in the form of computer software.

However, serious legal doubts have arisen as to the ability of the Energy Commission to undertake such a function. The State Energy Commission Act contains very limited powers for the Energy Commission to enter into arrangements with Commonwealth or State Government departments, universities and other tertiary institutions, in respect of the conduct of any investigation, study or research that may be necessary or desirable under the Act.

Unfortunately, the Energy Commission has been advised that this power would not enable it to provide expertise to any non-governmental body or authority in Australia, except possibly when the Energy Commission is acting as an agent of the Crown, or even to a Government authority, if that body or authority is situated overseas.

Clearly it is in the interests of the State of Western Australia, that the Energy Commission should be able to sell or otherwise provide its expertise when and where it is required and some benefit can be gained from such arrangement. The Bill now before this House contains a provision which I consider will remove this restriction on the commission's activities and enable it to operate in a more commercial and beneficial manner.

The State Energy Commission Act provides that where the Energy Commission enters into a contract, the consideration for which at the time of its execution exceeds $1 million, the execution of that contract by the Energy Commission must either be authorised by the Governor prior to its execution or subsequently ratified, otherwise it is unenforceable against the Energy Commission.

The State Treasury has agreed that this financial limit, which was last updated in 1981, should be increased to $2 million to bring the Energy Commission's legislation into line with that relating to other Government authorities or instrumentalities in the State, and this Bill contains the necessary amending provision.

For some considerable time, and particularly since 1976, the Energy Commission has been taking over, at the request of various local government or other authorities, the management of the energy utility operated by the authority or body concerned. Initially this was achieved either by purchasing the energy undertaking outright or, as in the majority of instances, by leasing the energy undertaking and works to the Energy Commission, for a period of 21 years. In all instances where the undertaking has been leased to the commission, it has also been granted an option to purchase the same during the term of the lease. In a large number of cases this option has been exercised and the undertaking and works purchased outright by the Energy Commission.

Section 43 of the State Energy Commission Act confirms the Energy Commission's ownership, and that of its joint venture partners, of works which have been placed in, on or under land by the Energy Commission under the powers contained in that Act or any Act repealed by that Act, and not pursuant to the terms of an easement, licence or similar arrangement. This section also contains provisions for the security of such works and their maintenance, replacement or removal, together with the necessary rights of access.

The Energy Commission has been advised by its legal advisers that this provision gives security only to works constructed or placed on, in or over land by the Energy Commission itself and would not extend to any reticulation system or other works so placed by the Energy Commission's predecessors in title. It follows, therefore, that the existing provision does not give security or rights of access to the works placed or constructed in, on or over land by another energy utility and subsequently acquired by the Energy Commission.

The proposed amendment to section 43 of the Act contained in this Bill, seeks to rectify this anomaly, and although the amendment is considered to be of a minor nature, Parliamentary Counsel has taken the opportunity to recast the whole of subsection (1) of this section.

The other proposed amendments contained in this Bill are designed to overcome two minor problems which have recently come to light.

The first amendment extends the power of the courts to grant to the Energy Commission expenses incurred in bringing prosecutions under other pieces of legislation administered by the Energy Commission; for example, the Electricity Act or Gas Standards Act. The existing provision does not enable the courts to award expenses in such cases and obviously this needs to be corrected.

The second amendment is designed to remove legal doubts which exist as to whether the provisions of subsection (3) of section 123 of the Act, relating to the making of regulations exempting the Energy Commision's energy supply contracts and other matters from the provisions of the Commonwealth Trade Practices Act 1974, comply with the strict requirements of the Trade Practices Act. It is considered that the proposed amendment will remove these doubts and achieve the desired objective.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Court.

MINING AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr Parker (Minister for Minerals and Energy), and read a first time.

Second Reading

MR PARKER (Fremantle—Minister for Minerals and Energy) [2.30 pm]: I move—

That the Bill be now read a second time.

The main purpose of this Bill is to provide ministerial discretion to exempt holders of exploration licences from the compulsory partial surrender requirement of the Mining Act 1978.

The Act currently provides that licensees who are authorised to explore for iron may be exempted from this surrender requirement; however, no exemption provision exists for licensees exploring for minerals other than iron.

The holder of an exploration licence is required to surrender at the expiration of the third and fourth years of the term of the licence not less than half of the area of the land that is then subject to the licence. Notification of the area to be retained must be given to the Director General of Mines at least one month prior to the due date for the surrender.

Circumstances have arisen whereby licensees have been either restricted or prevented from carrying out their exploration programmes prior to the surrender requirement for reasons outside their control, including delays in obtaining clearance to explore or mark out within national parks, "A"-class nature reserves or other reserve land, or being unable to obtain required entry permits.

Consequently, the amendments propose to incorporate discretion to exempt holders of exploration licences, whether exploring for iron or minerals, where they cannot undertake or complete their exploration programmes because of difficulties or delays arising from administrative, political, environmental or other requirements of governmental or other authorities; or in obtaining requisite consents or approvals for exploration; or for the marking out of a mining lease or general purpose lease; or they are restricted in a manner that is, or subject to conditions that are, for the time being impracticable.

An application for the exemption from the compulsory surrender requirement is to be lodged at least one month prior to the due date for the surrender or within such shorter period as the Minister may allow, and where such applications are received the notification and surrender requirements will be set aside until that application is determined. Should the application be refused the notification and surrender requirement will be reinstated.

Additional amendments that accommodate administrative procedures have also been incorporated into the Bill.

The present discretion to extend the life of an exploration licence for a period or periods of one year if special circumstances exist has been broadened to allow the Minister to extend the licence in whole or in part or on such further conditions as he may allow.

This will allow the option of requesting licensees to relinquish some of the land the subject of their licence, especially if previously exempted from the surrender requirement. Special circumstances may exist for the extension of the exploration licence, but partial relinquishment may still be desirable.

Where applications for the extension of exploration licences or renewals of general purpose leases or miscellaneous licences have been received, provision has been made to continue that licence or lease in force until the application is determined, the same as the provisions that apply for the extension/renewal of prospecting licences and mining leases.

At present there are no such provisions and consequently extension applications, if not processed before the expiry of these tenements, would lapse as the tenements would cease to exist on that date.

The proposed amendments have been discussed with the Chamber of Mines of Western Australia (Incorporated), the Association of Mining and Exploration Companies (Inc.), the Amalgamated Prospectors and Leaseholders Association (Inc), and the Australian Mining and Petroleum Law Association Limited, and they all have indicated support for the Bill.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Court.

SHEEP LICE ERADICATION FUND BILL

Introduction and First Reading

Bill introduced, on motion by Mr Pearce (Leader of the House), and read a first time.

ACTS AMENDMENT (OCCUPATIONAL HEALTH, SAFETY AND WELFARE) BILL

Introduction and First Reading

Bill introduced, on motion by Mr Peter Dowding (Minister for Labour, Productivity and Employment), and read a first time.

Second Reading

MR PETER DOWDING (Maylands—Minister for Labour, Productivity and Employment) [2.37 pm]: I move—

That the Bill be now read a second time.

This Bill provides for amendments to the Factories and Shops Act and the Shearers' Accommodation Act and for the repeal of the Construction Safety Act, the Machinery Safety Act and the Noise Abatement Act. These amendments are consequential to the Occupational Health, Safety and Welfare Amendment Bill 1987 and should be considered having regard to the provisions of that instrument.

The objective of this Bill is to complete the rationalisation of the administration of occupational health and safety in this State by removing the duplication which presently exists in a number of related Acts. This rationalisation is a key component of the Government's overall strategy for dealing with occupational health and safety. The large number of Acts and regulations which impinge on occupational health and safety have led to

duplication in enforcement activities and have made it difficult for employers and employees to maintain a full awareness of their rights and obligations.

The proclamation of the Occupational Health, Safety and Welfare Amendment Bill will see the creation of a single and comprehensive piece of legislation covering occupational health and safety in this State. This legislation will be a consistent point of reference across industry sectors, except for the mining industry, and will facilitate substantial improvements in the utilisation of inspection and advisory services which at present operate under similar but different legislative structures.

This Bill repeals three of these legislative structures in total. The requirements and duties presently contained in the Construction Safety Act, the Machinery Safety Act and the Noise Abatement Act will be completely covered by the expanded Occupational Health, Safety and Welfare Act. The essential purpose of the Acts to be repealed has been to provide a framework for administration, inspection of workplaces and the enforcement of detailed regulatory provisions. The new Occupational Health, Safety and Welfare Act will contain extensive powers relating to administration and inspection which apply to all workplaces and all types of work. Similarly, the new legislation contains broad duties of care applying to all employers and employees which obviate the need for the broad compliance requirements contained in these Acts.

The passing of this legislation will signal a complete review of all the regulations pertaining to these Acts—19 in total. These reviews will be conducted by the tripartite factory welfare, construction safety and machinery safety advisory committees of the Occupational Health, Safety and Welfare Commission. Where clauses in these Acts are identified to be retained, they will be transferred to the regulations and form part of the abovementioned review.

The situation relating to the Factories and Shops Act is slightly different in that it contains provisions—dealing with outworkers, conditions of employment applying toward free employees, furniture, footwear, and retail trading hours—which are not appropriate for transfer or inclusion in the main Act. Nonetheless, these provisions of the Factories and Shops Act which are now within the scope of the expanded Occupational Health, Safety and Welfare Act have been removed. Some limited amendments have been made to the remaining provisions to facilitate their continued application and enforcement. In particular, amendments have been made which facilitate the administration of different provisions of the Act by different departments if desired.

It is not considered necessary at this time to repeal the Shearers' Accommodation Act. The changes to that Act proposed in this Bill reflect only the need to ensure a correct reference to the permanent head responsible for its administration.

The rationalisation of administrative arrangements envisaged by this Bill will enhance the effectiveness of efforts to safeguard occupational health, safety and welfare in Western Australia. From the Government's point of view, resources will be able to be applied with flexibility and efficiency. For employers and employees, it will be considerably easier to obtain and maintain a complete knowledge of rights and obligations in relation to occupational health and safety.

The provisions of this Bill will come into operation on the day on which the Occupational Health, Safety and Welfare Amendment Act 1987 comes into operation.

Both the CWAI and the TLC agree with the approach being adopted by the Government in this regard.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Court.

WATERFRONT WORKERS (COMPENSATION FOR ASBESTOS RELATED DISEASES) AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr Peter Dowding (Minister for Labour, Productivity and Employment), and read a first time.

Second Reading

MR PETER DOWDING (Maylands—Minister for Labour, Productivity and Employment) [2.43 pm]: I move—

That the Bill be now read a second time.

The Bill before the House repairs an omission from the Waterfront Workers (Compensation for Asbestos Related Diseases) Act which was passed during the last session of Parliament and came into operation in December 1986.

It was always intended that this Act would provide compensation for waterfront workers on the same basis as other workers with industrial diseases. The Workers' Compensation and

Assistance Act 1981 provides entitlement to workers who have contracted lung cancer through heavy exposure to asbestos dust, and the proposed amendment would enable waterfront workers to claim in the event of the same disease being contracted. Members will appreciate the proposed amendment simply corrects an oversight in the original legislation and is designed to ensure consistency of treatment of all workers.

Debate adjourned, on motion by Mr Court.

SUPPLY BILL

Introduction and First Reading

Bill introduced, on motion by Mr Brian Burke (Treasurer), and read a first time.

Second Reading

MR BRIAN BURKE (Balga—Treasurer) [2.46 pm]: I move—

That the Bill be now read a second time.

This measure seeks the grant of Supply to Her Majesty of $2 050 000 000 for the works and services for the year ending 30 June 1988 pending the passage of Appropriation Bills during the Budget Session of the next financial year.

The Bill seeks an issue of $1 850 million from the Consolidated Revenue Fund and $200 million from moneys to the credit of the General Loan and Capital Works Fund. The amounts sought are based on the estimated costs of maintaining services and works at existing levels, and no provision has been made for any new programmes, which must await the introduction of the 1987-88 Budget.

Before dealing with the formal requirements of the Bill, I would like to comment briefly on the current year's budgetary position. The 1986-87 Budget, presented to Parliament on 16 October 1986, planned a balanced Budget wth revenue and expenditure estimated at $3 278.8 million. Given the magnitude of the total figures involved, there will be, not surprisingly, variations to the estimates of both revenue and expenditure. Indications are that outlays, on one hand, will be below Budget while, on the other hand, revenues are expected to exceed the estimates; and the Government is confident of a surplus being achieved for the third year in succession. On the expenditure side, every effort is being made to contain overall outlays to the amounts appropriated by Parliament. Savings are expected in salary and wage costs, attributed mainly to the lateness of the National Wage Decision; and this is the main reason for expected expenditure savings against the Budget.

So far as 1987-88 is concerned, members would be aware of recent announcements by the Commonwealth Government on its intention to remove the two per cent real increase guarantee from the General Revenue Grants formula and to review other cost-sharing arrangements as part of that Government's commitment to reduce public sector outlays. Though it is not possible to comment at this early stage on the outcome of the review of Commonwealth-State funded programmes, removal of the two per cent guarantee would result in lost revenue of about $31 million to Western Australia.

In addition, the State's global borrowings programme for 1987-88 is expected to be substantially reduced in real terms along with the State Government borrowing allocation which we have drawn upon to make unprecedented funding efforts in the area of public housing. As members would appreciate, however, the extent of cuts will not be fully known until the outcome of the Australian Loan Council meeting on 25 May 1987, and it would be inappropriate for me to comment on hypothetical reductions.

Although from a budgetary viewpoint it would make our task easier to see the present Commonwealth funding levels continue into 1987-88, the need for restraint in public sector outlays and Government borrowings is acknowledged in order to provide room for private sector growth and to ease upward pressures on interest rates. For our part, therefore, some adjustment will be necessary to accommodate the macro-economic realities confronting the nation and to expedite a soundly based and sustained economic recovery.

At the same time it needs to be realised that Western Australia's mining revenues are expected to decline in real terms for the second year in succession in 1987-88, and there is a limit to which Commonwealth funding cutbacks can be responsibly made given that there is a baseline commitment for essential State services in health, education, and law and order.

The forthcoming financial year will also see the completion of a further review of State relativities by the Commonwealth Grants Commission. In view of the importance of the review which related to 40 per cent of our rev-

enue, the Government is sparing no efforts to ensure the State's case is comprehensively presented in an endeavour to gain improved recognition by the commission of the State's expenditure disabilities.

I will have more to say on these issues when I present the Budget to Parliament in September and when the precise outcome of the Premier's Conference is known.

I now move to the formal provisions of the Bill which I have already described, and commend the Bill to the House.

Debate adjourned, on motion by Mr MacKinnon (Leader of the Opposition).

TREASURER'S ADVANCE AUTHORIZATION BILL

Introduction and First Reading

Bill introduced, on motion by Mr Brian Burke (Treasurer), and read a first time.

Second Reading

MR BRIAN BURKE (Balga—Treasurer) [2.51 pm]: I move—

That the Bill be now read a second time.

In accordance with established procedures the Bill now before the House seeks to authorise the purposes for which the Treasurer's Advance Account may be applied and to specify a limit from that account during the financial year commencing 1 July 1987.

Members will be aware that the Financial Administration and Audit Act 1985 formalised the Treasurer's advance arrangements by establishing a statutory account to record drawings from the Public Bank Account for approved purposes. The Act also provides for the authorisation for the Treasurer's Advance to be included in an annual Treasurer's Advance Authorization Act and members will recall the passing of the 1986 enabling legislation.

The monetary limit prescribed within the Treasurer's Advance Authorization Bill is simply an authorisation to draw on the Public Bank Account. Where payments are made in respect of new items or for supplementation of an appropriation, those payments will be chargeable against the Consolidated Revenue Fund or General Loan and Capital Works Fund pending parliamentary appropriation in the next financial year. Payments for other purposes, by way of advance, are repayable by the recipient.

The monetary limit of $175 million represents an increase of $25 million over the 1986-87 authorisation and is mainly necessary to accommodate revised accounting arrangements introduced during 1986-87 for the operation of suspense stores for railways, and printing and supply services.

The previous accounting arrangements, which have operated for many years, are not strictly covered by parliamentary authorisation, a matter commented on by the Auditor General. The changed arrangements will rectify that position.

I commend the Bill to the House.

Debate adjourned, on motion by Mr MacKinnon (Leader of the Opposition).

BILLS (3): INTRODUCTION AND FIRST READING

1. Superannuation and Family Benefits Amendment Bill.
2. Salaries and Allowances Amendment Bill.
3. Government Employees Superannuation Bill.

Bills introduced, on motions by Mr Pearce (Leader of the House), and read a first time.

PREVENTION OF CRUELTY TO ANIMALS AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr Carr (Minister for Local Government), and read a first time.

Second Reading

MR CARR (Geraldton—Minister for Local Government) [2.56 pm]: I move—

That the Bill be now read a second time.

The Prevention of Cruelty to Animals Act was enacted in 1920 and penalties for offences under the Act were last increased in 1970.

In the last two years similar legislation in South Australia, Victoria and New South Wales has been totally revised, resulting in new Acts having a different approach to animal protection issues. In particular, greater emphasis is given to exercising controls over animal research experiments.

The Government is mindful of the need to thoroughly overhaul the legislation in this State so that it better reflects present-day public concerns for the welfare of animals. Without wishing to pre-empt the form of any new legislation in this area, it is felt the experiences of

the other States in their recent reviews will be of considerable benefit to our intentions to produce a more relevant Act providing adequate animal protection controls.

However, a separate issue from that general overhaul of the Act is the need for immediate attention to be given to updating the maximum penalty for the offence of cruelty to an animal. Members will be aware of recent public criticism of inadequate penalties being imposed for cruelty offences, and the current maximum of $200 or six months' imprisonment is clearly in need of a significant increase. By way of comparison, provision is made in the new South Australian legislation for a maximum penalty of $10 000 or one year's imprisonment.

The RSPCA and many individuals have made representations for increased penalty levels and the Government is satisfied there is adequate justification for now seeking, through this Bill, to increase the maximum to $5 000 or one year's imprisonment as a means of providing a meaningful deterrent against cruelty offences. The Bill also provides for increased penalties for a number of other more minor offences under the Act.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Williams.

BILLS (9): INTRODUCTION AND FIRST READING

1. Local Government Amendment Bill.
   Bill introduced, on motion by Mr Carr (Minister for Local Government), and read a first time.
2. Technology Development Amendment Bill.
   Bill introduced, on motion by Mr Pearce (Leader of the House), and read a first time.
3. Small Claims Tribunals Amendment Bill.
4. Seizure of Connected Property Bill.
   Bills introduced, on motions by Mr Mensaros, and read a first time.
5. Gaming Commission Bill.
   Bill introduced, on motion by Mrs Beggs (Minister for Racing and Gaming), and read a first time.
6. Government Railways Amendment Bill.
7. Fremantle Port Authority Amendment Bill.
   Bills introduced, on motions by Mr Troy (Minister for Transport), and read a first time.
8. Retail Trading Hours Bill.
   Bill introduced, on motion by Mr Pearce (Leader of the House), and read a first time.
9. Acts Amendment (Water Authority Rates and Charges) Bill.
   Bill introduced, on motion by Mr Bridge (Minister for Water Resources), and read a first time.

POLLUTION OF WATERS BY OIL AND NOXIOUS SUBSTANCES BILL

Introduction and First Reading

Bill introduced, on motion by Mr Troy (Minister for Transport), and read a first time.

Second Reading

MR TROY (Mundaring—Minister for Transport) [3.05 pm]: I move—

That the Bill be now read a second time.

The Bill is one of two designed to prevent pollution of the waters of the State and the territorial sea of the State by discharges of oil from ships and places on land and from discharges of noxious liquid substances from ships.

The Bill gives effect in Western Australia to the International Convention for the Prevention of Pollution from Ships 1973, the protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships 1973, and amendments to the annex to that protocol.

Australia is a signatory to that convention and the protocol, which are now in force internationally; and Commonwealth legislation—The Protection of the Sea (Prevention of Pollution from Ships) Act—has already been passed by the Federal Parliament. That Act gives effect to the convention and protocol in all Australian waters but contains a savings clause allowing State legislation to apply the convention in waters under State jurisdiction.

The 1973 convention, commonly referred to as MARPOL, includes five annexes, two of which—those dealing with pollution of the sea by oil and noxious liquid substances—are mandatory and will be given effect by the Bill. The three non-mandatory annexes, dealing with marine pollution by noxious substances in packaged form, sewage, and garbage have not yet been adopted by Australia, although the Commonwealth has indicated its intention to do so. They are not provided for in the Bill.

The MARPOL convention replaces the 1954 International Convention on Marine Pollution to which Australia was a party and which was

given effect in Western Australia by the Prevention of Pollution of Waters by Oil Act 1960. That Act is repealed by the Bill.

In giving effect to the MARPOL convention and protocol, the Bill strengthens the means of preventing marine pollution provided by the 1954 convention under the 1960 Act. Like the 1960 Act, the Bill generally prohibits discharges of oil from ships and places on land into the waters of the State. By permitting the controlled and monitored discharge of mixtures containing a very small proportion of oil from ships and discharges from ships fitted with special filtering equipment when ships are en route, it allows ships to dispose of small amounts of oil residue at sea under conditions which have been internationally recognised as harmless. That discourages the illegal discharge of that oil in an unmixed state.

Like the 1960 Act, the Bill prohibits the discharge of oil from places on land and from installations and apparatus used for the transfer of oil between ship and shore.

The Bill also extends the controls on discharges of oil to discharges of other noxious liquid substances carried in ships. The schedules to the Bill, which include the text of the convention and protocol, contain a list of all those noxious substances which includes chemicals and other noxious liquids carried aboard ships as cargo.

The Bill requires ships to carry record books providing details of all oil and noxious liquids carried and handled, and provides powers for port officials and inspectors to board vessels to inspect those records and take samples of oil and cargo.

Provision is made, as it is under the current legislation, for harbour authorities and others to recover expenses incurred in preventing and combating pollution from ships and places on land and for the serving of summonses on polluters.

The penalties for unauthorised discharges are increased, in some cases to five times those presently in force, so that the maximum penalty for an unauthorised discharge by a body corporate will be $250 000.

The Bill ensures that Western Australia will be able to prevent and control pollution by oil and noxious substances from all ships in its ports and waters in accordance with internationally approved standards. Controls over oil discharges will be tightened and the threat posed by potential discharges of other noxious liquids will be countered by extending similar controls into that area.

The Bill is based on a model Bill drafted to enable all Australian States to give effect to the convention.

I commend the Bill to the House.

Mr Blaikie: Is that similar to the one we had 12 months ago?

Mr TROY: Yes, it is. There are two Acts linked with this legislation. It is exactly the same Bill, except for the amendment relating to penalties.

Debate adjourned, on motion by Mr Williams.

WESTERN AUSTRALIAN MARINE AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr Troy (Minister for Transport), and read a first time.

Second Reading

MR TROY (Mundaring—Minister for Transport) [3.10 pm]: I move—

That the Bill be now read a second time.

This Bill amends the Western Australian Marine Act 1982 by providing for inclusion of two new divisions in part IV of the Act: The Bill does not alter any existing provisions of the Act except to the extent that it includes additional definitions.

The Bill is designed to complement the Pollution of Waters by Oil and Noxious Substances Bill. That Bill gives effect in Western Australia to the International Convention for the Prevention of Pollution from Ships 1973, commonly known as MARPOL, and the 1978 protocol to that convention.

The convention requires that certain classes of ships carrying oil or noxious liquid substances be constructed according to laid-down standards or fitted with prescribed equipment to monitor and control discharges. The Bill provides for Western Australian ships of those classes to meet the convention requirements and to be issued with certificates accordingly.

The construction and equipping of ships in Western Australia is governed by the Western Australian Marine Act 1982. It is therefore appropriate for those convention matters related to ship construction to be provided for under that Act. The Bill provides for periodical sur-

veys and inspections of ships and powers to make regulations and orders setting out the requirements of the convention.

The Bill is an important adjunct to the Pollution of Waters by Oil and Noxious Substances Bill. It ensures that Western Australian ships carrying oil and noxious liquid cargoes will meet the same standards of construction and carry the same equipment designed to control discharges and prevent pollution as foreign ships and those under the control of the Commonwealth.

The Bill is based on a model Bill drafted to enable all Australian States to give effect to the international convention.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Williams.

DECLARATIONS AND ATTESTATIONS AMENDMENT BILL

Second Reading

MR CARR (Geraldton—Minister for Local Government) [3.15 pm]: On behalf of the Minister for Works and Services, I move—

That the Bill be now read a second time.

The proposed amendments are intended to minimise the burdensome administrative procedures now required for the appointment of commissioners for declarations, while ensuring that current special requirements for the witnessing of particular documents are adequately met.

To this end, it is proposed to substantially increase the range of qualified witnesses for the purposes of the Declarations and Attestations Act. Thereafter, commissioners for declarations will be appointed only in circumstances where otherwise qualified witnesses are not reasonably available to service the local community.

For a number of years, there has been concern at the time and expense involved in the processing of applications for appointment as commissioners for declarations. In every case a report on recorded convictions of the applicant is provided by the Police Department, and the Crown Law Department submits a report and recommendation to the Attorney General.

As a result of the large number of applications, it has become difficult to process them in reasonable time without the provision of extra staff. The number of applications is unwarranted when the public need for the service of commissioners is considered. At the commencement of 1987, on the best information available, there were estimated to be up to 17 000 registered commissioners. In addition, there are at least 40 000 other persons who, by virtue of their respective offices, have the same authority as commissioners. These include town clerks, shire clerks, electoral registrars, postmasters, public servants, school teachers, members of the Police Force, members of Parliament and justices of the peace for any part of the Commonwealth.

As members are aware, in order to deal with the backlog of unprocessed applications, it was necessary to impose six-month moratoriums on the acceptance of applications in both 1985 and 1986. The 1986 moratorium was lifted on 31 August last year. There is still a considerable backlog of unprocessed applications and this has resulted in delays in decisions being made on each request.

The range of qualified witnesses for the purposes of the Act, which will result in an improvement in the availability of witnesses, is now proposed to include—

Town clerks;

members of municipal councils;

electoral registrars;

persons appointed to take charge of a post office;

officers of the State or Commonwealth Public Service;

teachers of both Government and non-Government schools;

police officers;

bank, credit union or building society managers;

secretaries of organisations of employees or employers;

legal practitioners;

medical practitioners;

pharmacists;

members of the academic staff of an institution providing courses at post-secondary education level;

holders of licences as business agents, real estate agents, settlement agents, insurance brokers or insurance agents; and

a person registered as an auditor or a liquidator under the Companies (Western Australia) Code.

The proposed range of qualified witnesses is therefore very comprehensive.

Accordingly, it is proposed that no further appointments of commissioners for declarations be made other than in exceptional circumstances, in particular where an otherwise qualified witness is not available to members of the local community.

Members may be aware that in 1978 the Law Reform Commission reported on official attestation of forms and documents and recommended that the Act be amended to provide for unattested statutory declarations. The Government has decided not to implement this recommendation on the basis that there remains a point in the case of a number of documents to stress the need for special care. A requirement for special witnessing serves that purpose.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Williams.

COMMUNITY SERVICES

Complainant's Identity: Grievance

MR LEWIS (East Melville) [3.20 pm]: My grievance today concerns an unfortunate series of events suffered by the husband of a family within my electorate. The family has been placed in an intolerable situation because of the anonymity of a complainant to the Department for Community Services. My involvement in this case reveals that the Act covering the operations of the Department for Community Services is inadequate in some areas whereby the anonymity is protected of people making vexatious, false, malicious, and continual complaints. The result is that the subject of that complaint has no recourse to law against the person making the complaint. I will unfold the story of what has happened to this family.

One afternoon the family was visited by officers of the Department for Community Services and those officers asked to inspect this man's children on the basis that the officers had received a complaint over the telephone that the man's children had been maltreated. The father is a community-minded person involved with various organisations in the community and he was of course taken aback by the charge. Notwithstanding that, he admitted the officers of the department and they spoke to the children, inspected them, and then went on their way. A subsequent telephone conversation with those officers confirmed that they believe the complaint had been completely false, with no substance to it at all.

A few months later there was again a knock on that person's door and on this occasion the officers of the Department for Community Services accused the children's father of maltreating both his children and his mother-in-law. The officers asked whether they could speak to the mother-in-law, and they required the children to strip naked so they could physically inspect them. The officers of the department also requested that they be able to speak to authorities at the school attended by the children. All this duly happened and once again the complaint was found to be completely false. It was indeed vexatious and malicious.

The person involved then approached me and asked me to find out who was the cause of the visitations by the officers of the Department for Community Services. I rang the department and spoke to some senior officers there, and was advised that the names of all complainants are kept confidential. I then asked whether the department acted on telephone calls and I was advised that, in the first instance, that was the case. I asked whether it acted on a second occasion following a telephoned complaint, and I was advised that the department then required a written complaint before acting a second time. However, when a written complaint is received the complainant's name is kept confidential on the basis that the department believes that if a complainant's name were made available to the people the subject of the complaint, no-one would ever complain.

Mr Hassell: What has the mother-in-law to do with the Department for Community Services?

Mr LEWIS: I do not know.

The person who has been the subject of these investigations has also been harassed by way of two letters he has received, two of the cut-and-paste variety, containing an implied threat to the man's family and himself. All this has greatly disturbed the man, who is a father of a very happy family. He feels he is being vexatiously and wantonly got at by someone unknown to him. Through me he has caused inquiries to be made and I have been told very flatly and to the point, including by way of a letter from the Minister for Community Services, that the name of the complainant shall be withheld from him.

Where it is found that false and vexatious accusations have been made against a person, the Department for Community Services should not hide behind bureaucratic policy.

The name of the complainant should be freely given to the person against whom the charge has been made.

Mr Hassell: Or to the police.

Mr LEWIS: Or to the police. If that is not done, the person who is the subject of the allegations is denied recourse to the law to cause his accuser to cease maliciously and vexatiously distressing the family. These complaints continue to disturb these good people while the complainant remains anonymous and completely sheltered from the law.

To this extent I believe it is necessary for the Act to be amended so that, when it is seen that maliciously false and vexatious complaints are continually being made, officers of the Department for Community Services can refer the matter to the police. Otherwise the Act should be amended so that, in those same circumstances, the name of the complainant is made available to the person against whom the allegations are made so that he can have recourse to law to cause his accuser to cease his activities.

It is unfortunate that officers of the Department for Community Services seem to think that the well-being of the parents of children is not as important as the well-being of the children to whom they have been alleged to be causing harm. I feel very strongly that it is not necessarily only the children of a family that can be abused; it can also be the husband, the wife, or close relations of the family. In this instance the department in its blind bureaucratic way has recognised only the need of the children to be protected.

I want the Minister to take note of my grievance and advise the appropriate Minister. I have already written to her but unfortunately received a bureaucratic response to my letter. I believe this matter is serious. An individual should be able to pursue his rights and be sheltered from these sorts of malicious and vindictive acts.

MR CARR (Geraldton—Minister for Local Government) [3.31 pm]: Unfortunately, the Minister in this House representing the Minister responsible for these matters is attending a meeting at present. I have no knowledge of the circumstances outlined by the member. I undertake to draw the member's remarks to the attention of the Minister for Community Services and arrange for her to respond directly to the member.

The member for East Melville suggested that amendments be made to the legislation. That may be appropriate. However, I cannot commit the Minister to anything at this time.

WORKERS' COMPENSATION

Family Companies: Grievance

MR HOUSE (Katanning-Roe) [3.33 pm]: My grievance relates to the Workers' Compensation and Assistance Act. In December 1986 we made 11 substantial amendments to that Act. Those amendments came into force at the beginning of January this year. One of the amendments sought to clarify a section of the Act by making directors of companies liable to pay workers' compensation insurance from their own salaries. It is that provision about which I wish to question the Minister for Labour, Productivity and Employment because it has a direct effect on farming family directors. Many farming families have set up family companies in order to run their affairs more efficiently. However, the Act now provides that directors of the family companies will be required to pay the premium for workers' compensation insurance on their salaries.

Section 5 of the Act defines "worker" to include any person engaged by another person for the purpose of the other person's trade or business under the contract with him for service, the remuneration by whatever means of the person so working being in substance for his personal manual labour or services.

Notwithstanding that broad definition, section 10A states that a director of a company engaged or employed by or working for that company is not a "worker" under the Act only if the employer company has not complied with the requirements of section 160 with respect to that director. The Act clearly clarifies the point that directors of companies are liable to pay the premiums for workers' compensation insurance.

It is therefore clear that a director of a company being paid by the company for services which are essentially his personal services must comply with the provisions of section 160. That section states that every employer shall obtain from an authorised insurer a current policy of insurance for the full amount of his liability to pay compensation under the Act to any worker employed by him.

Section 160 (2) (a) states that an employer company shall, in relation to each of its workers who is a director of the company and is engaged or employed by or working for the

company, furnish the same information regarding the directors as is required for any other worker of the employer company.

Owner-directors of farming companies would therefore be liable to pay the premium for workers' compensation insurance from their salaries or wages paid to them from their family company. I believe there is room in the courts to test the effectiveness of this attempt to make self-employed people use their company structures. However, it seems the Act is doing exactly that. Self-employed people really are workers under the Act. It also seems to me that it is a windfall for the insurance companies. It means that those companies are obtaining premiums from many people who would not otherwise have had to pay for workers' compensation insurance.

If it was argued by the Minister that those directors should have cover under the Act in order to ensure that they continued to receive a salary should they be injured, the insurance companies are now forcing those directors of companies employed in agriculture to pay the insurance premium at the top rate of 6.29 per cent. That is the same rate that is paid for manual labourers or shearers on farms.

Mr Peter Dowding: That is not the highest rate.

Mr Brian Burke: The highest rate is 28 per cent.

Mr HOUSE: Well, they are being forced to pay at 6.29 per cent. Although both company directors and shearers would therefore be entitled to the same benefit should they have a claim under the Act, I am arguing that there is far less chance of a company director injuring himself in the same way as a shearer could. Many owner-directors spend more time in the office running their businesses than they do in manual labour on their farms. I believe an unfair burden is being placed on the directors of companies by insurance companies, and perhaps that area needs to be looked at.

Amendments to the Act have resulted in about 500 farms in Western Australia incurring greater workers' compensation costs, and many thousands of businesses will be affected by this legislation. The Government may argue that the system prior to these amendments was inequitable because company directors suffering injury could claim insurance from the workers' compensation fund. However, I think where company directors controlling the employer company are involved, they should be allowed to have the responsibility of insuring themselves. In other words, we should place the responsibility of insuring self-employed people squarely where it belongs—on their own shoulders—and let them take the consequences of their actions. It is cheaper to insure oneself against injury than it is to insure under workers' compensation schemes currently being run in this State.

The Act should be amended to allow persons covered by personal injury insurance to be exempt from the Workers' Compensation and Assistance Act. I ask the Minister when replying to this grievance to inform the House whether he believes that in the case of a farmer-director who may be temporarily incapacitated but who still has an income from a growing crop or woolclip, a judgment could be made by a court that he has no claim because his income has not diminished even though he is injured. There could be an anomaly in the Act in that area; I believe the Act should be looked at by the Government and amended to allow self-employed directors of companies to seek their own insurance without being forced to insure under the Workers' Compensation and Assistance Act.

MR PETER DOWDING (Maylands—Minister for Labour, Productivity and Employment) [3.41 pm]: I thank the member for his grievance and note that we attack this issue from a very different philosophical position. The Government comes at it from the position that while farmers have every right to participate in the benefits to the community, they are not to be a law unto themselves and, where they have access to the safety nets that the community provides, they must equally participate in meeting the costs of those safety nets.

Where a working director, be he a farmer, bricklayer, mechanic or chairman of a major company, is participating as a worker in that organisation, that director has an equal right to access to the workers' compensation safety net. If he is injured in the course of his employment, he has a claim and if he is not insured for that access he is claiming from a fund to which he has made no contribution.

It is all very well to point to a small group in the community which it might be argued do not want the right of access to that safety net. However, very many people in the community need access to that safety net and the business structure of dragging a corporate veil to dance behind for one or another purpose—whether it be for placing a barrier between oneself and one's creditors, some tax arrangement, some other structural arrangement or for whatever

purposes these things are erected—the fact is that working directors by and large in small businesses throughout the length and breadth of the State need access to that safety net. That is particularly the case when some directors are not the entrepreneurs in the organisation; in other words, some directors are not the people who set up the structures, they are simply members of the organisation who have taken the positions as directors for management input reasons or for some other reasons.

It is impossible to say that working directors should be excluded from that safety net and it would be quite wrong, therefore, to choose one section of working directors and urge that they be excluded from the safety net. The safety net is in place and if they are to contribute to the cost, as they should, it is a contribution the community expects them to make.

I put it on the other foot by saying it is a contribution which those people need to have available. It is a contribution which they should regard themselves as obliged to make. Very many people in small business would find themselves devastated if they were injured in a way which made them unfit for work for a period. For their own protection it is highly desirable that they take out that form of insurance.

The member raised the issue of the percentage of payroll required in that industry to meet workers' compensation premiums. Firstly, the premium rates committee is set up to assess the appropriate level of premiums for occupational activities; the committee has tripartite representation from Government, insurers and unions and it sets the rates. That is the process by which the evaluation is made of the premium paid by one category being appropriate compared with another. That relies very heavily on actuarial advice and it is drawn on specific information about levels of risk.

Six per cent is by no means the highest premium rate; in the heavy engineering and shipbuilding industries the rates are moving upwards to 30 per cent. This matter is of very great concern and work is being done at present on that issue. It is being very closely looked at in Victoria, New South Wales and South Australia in an attempt to address this burgeoning cost to the community.

Mr Court: Would you move to put in a maximum payout figure as they have in New South Wales?

Mr PETER DOWDING: I would not want to exclude any action that might be relevant in addressing the issue of workers' compensation but whatever happens there will have to be a package, with some pluses and perhaps some minuses for all parties. It would be very unfair to simply put a limit on the total amount which a worker can receive without addressing the issues of rehabilitation and the level of assistance in addition to weekly payments for a person who is permanently disabled. It is a complex issue and simply putting a peak on the amount of payment would not reduce the significance of the issue. A whole range of issues are being looked at at present to see what structural changes might be appropriate.

We have already heard some groups calling for sole insurers. The Government has indicated that it does not regard that as an appropriate model to pursue and it is therefore looking at the very different steps which Victoria and New South Wales have taken to ascertain which might be the most effective.

Mr Court: Does that mean you might introduce changes this year?

Mr PETER DOWDING: I do not know about this year but we are looking at what changes might be appropriate.

In relation to the member's grievance, the insurance companies also provide fairly heavy discounting of these rates and your constituents would no doubt be aware that it is possible to shop around and get significant discounts, particularly when the insurance is attached to other insurance packages.

I do not retreat from the position that because working directors have access to the fund it is entirely inappropriate that they should be excluded from the obligation to insure themselves simply because it is a decision they make to protect themselves. In any other circumstances it would simply make them a burden on the taxpayer and it would be very difficult to design a definition which would do justice to the many working directors who do not have the freedom and resources to decide whether they should insure. Therefore, in my view the decision we have made is appropriate and I hope that the member's constituents will understand the benefits they get from providing themselves with that safety net.

Mr House: I have a question with regard to your statement about shopping around for discounts: I was under the impression that it was a set rate.

Mr PETER DOWDING: It is set by the premium rates committee, but discounting on a certain level is permitted.

Mr Court: In practice the small guys cannot get the discounts.

Mr PETER DOWDING: We are talking about farmers with a whole range of insurance and perhaps they are working through brokers who are operating in particular areas.

Mr Court: There is no incentive for the broker to come in at the cheaper rate. The big guys can negotiate the discount, but the little guys cannot.

Mr PETER DOWDING: My impression is that discounting is available where organisations want to get into certain areas, and workers' compensation is one area where discounting is very widespread.

LOCAL GOVERNMENT

Welfare Services: Grievance

MRS HENDERSON (Gosnells) [3.52 pm]: My grievance this afternoon is about the provisions of welfare services in local government authorities. It appears that at the moment there are no clear-cut guidelines for local government authorities which give them confidence to undertake the provision of welfare services. So that the services that are provided throughout the State do not vary between local authorities, this Government, both State and Federal, has adopted a totally new approach to welfare services, which is that it seeks to provide those services where there is a need and not just in response to submissions from the more articulate groups in the community who put forward a well-written, documented submission for a child-care centre, for example, or some other welfare service, which does not necessarily reflect the areas of greatest need.

From my experience, many local government authorities would be prepared to become more involved in the provision of welfare services if they felt they had a charter under the Local Government Act to move into that area. However, other local government authorities have already taken that step and have moved into the provision of those services, leading to the situation where the services provided in some areas are far better and in excess of those provided in other areas.

There is also the situation where the ability of the State and Federal Governments to provide services is limited to some extent by the capacity of the local authority to approve those services and in some cases to provide the necessary land or building for the services to go ahead.

To give some examples of how that happens, in my electorate there is a well-established Gosnells home help service. This was established as a result of a public meeting and concern in the community that aged people, many of whom were house-bound and wanted to remain in their own homes for as long as possible and maintain their independence, having no desire to move into nursing homes, felt that if they could be provided with minimal services—sometimes meals on wheels, sometimes the capacity for someone to provide them with transport once a week to go shopping, or transport to go to a medical appointment, or to hospitals and doctors, and so on—they could remain independent for longer.

This local community committee has been established in my electorate and has worked extremely hard. It has not only gained a $50 000 initial grant from the State Government but also has subsequently received grants to employ a full-time coordinator of the home help service. The committee was in the situation where it needed a home base. The local authority was unsure about moving into this area, but it did initially provide it with a room as part of the senior citizens' centre. However, the home help service felt that it was really limited in its capacity to reach out into the community from that senior citizen's centre and was to some extent just servicing the clientele who used the centre. It wanted to move away from that centre into the local community. However, as soon as it did that it was faced with the prospect of paying market rents of anything up to $100 a week for a small office in which to locate its service.

The local authority does have land that is vested in it, often from the State Government, and it does sometimes have buildings that would be suitable to house the office of such a service. However, the local authority does not feel that its role in this is clear, and it has turned out that this particular home help service, which is providing an excellent service to my constituents, has ended up in an independent office and paying its own rent.

A women's refuge centre has also been established in Gosnells for women and children who are homeless. In that case a community committee was established, again as a result of a public meeting, and a lot of hard work went into drawing up submissions and seeking Government funding, which was granted. The

refuge is now fully operational, with paid staff on a 24-hours a day basis, and I regret to say it is a fact of life that most of the time it is full. It provides a valuable and important service for those women who are homeless and have nowhere else to go.

When the committee sought to obtain a site on which to put that refuge, the question arose as to whether the local authority ought to become involved and actively participate in the provision of what is essentially a welfare service. The local authority did ultimately grant a long-term peppercorn rent on a block of land in a very good position in the middle of Gosnells for this refuge to be established. However, in drawing up the lease agreement, the problem arose as to who would own the building, because by law, whoever owns the land, owns the building on that land. In this case, the State Government contributed close on $100 000 for the construction of this building. The committee which was running this refuge was not anxious to be in a situation where should anything go wrong at any stage, should there be a lull in the number of people using the facility, there might be the option for the council to take over that refuge and use it for some other purpose, if it so chose. Because the council owns the land, this is still an option. I have no doubt that the way things are going at the moment, that is not likely to happen, but it would have made the people running that refuge feel more confident and secure if they had been able to obtain from the local authority a grant to buy land on which to construct a refuge.

A very well-coordinated family day-care scheme has been established in Gosnells since 1983. This scheme is a resource centre that services some 60 or 70 family day-care mothers who provide child-care in their own homes. The resource centre provides them with toys and other facilities. It visits them regularly. It provides them with support. It runs an excellent service. That body was also established out of a public meeting by community groups that got together because they saw a need in the community for more child-care. They approached the local authority. The group has a building which is rented from the local authority, but it is a drain on the resources of the group to have to pay that weekly rent.

I will mention several other services in the City of Gosnells which have been established as a result of local community support. The Gosnells information centre is a service about which I have often spoken in this House. It provides an excellent service for local residents. The Gosnells mediation service and the Gosnells legal service have grown out of that. Those services are housed in buildings owned by the local authority, and the local authority does provide some minimal support in terms of telephone accounts and so on. However, if the council were more confident of its role in this area, I think it would be prepared to provide more support.

The council has approached me because it believes that its single welfare officer, who deals mainly with the problems of the aged, is overworked. I have agreed to support the council in seeking the appointment of a second person. As members would know, such a person does attract a Federal Government subsidy. However, the council is concerned about its own legal responsibility and its own charter to move into the area of welfare. If it were more clearly defined, one would certainly have the situation across the State where welfare services were more targeted to those areas of most need.

The State Government has recently embarked on an expensive programme of providing child-care. Seventeen child-care centres have been constructed around the State.

Each time a child-care centre is to be constructed, the local authority is approached for its approval. Representations are then made either to the State Government authorities involved, such as Homeswest, or to the local authorities for an appropriate block of land. It grieves me that in some local authority areas, the local council has rejected the offer to provide a child-care centre which is fully funded by the State Government with all capital expenses met and staff paid for by the State and Federal Governments.

It is my belief that if we were to define this more clearly, there is certainly a role for local authorities in concert with the State and Federal Governments to work as a team towards providing welfare services in a manner which best meets the needs of the community. This manner should not just reflect the interpretation of the local council as to its capacity and its legal charter to provide welfare services.

MR CARR (Geraldton—Minister for Local Government) [4.02 pm]: I certainly appreciate the opportunity to respond to this grievance, and to make a couple of comments on the subject raised by the member for Gosnells.

The provision of welfare services by local government is a matter which is close to my heart. I will start my comments at the same

point at which the member for Gosnells started her comments: That is, I wish to praise those councils that are doing a good job in this field. The member for Gosnells cited the example of the Gosnells City Council, which is certainly a good example of a council undertaking some significant initiatives. Other councils in other parts of the State could also be praised in respect of the positive way they are providing for the human needs and services of their respective areas.

It is a little unfortunate that this is not an even development throughout Western Australia; many councils do not provide anywhere near as high a level of service as do others. Clearly there are two issues involved here: Firstly, there is the issue of whether a council chooses to spend the money available to it in a particular way. I have pointed out many times before that I am not in the business of telling councils how they should go about providing for the needs of their communities, and I will not become involved in excessively criticising the councils that chose to spend their money on different priorities.

The second issue is often used as an excuse for not providing services to people in some communities. I refer to the uncertainty which exists as to the powers available under the Local Government Act at present. There is considerable uncertainty in the minds of people—certainly in local government—as to what extent the council can be involved in the provision of welfare services, or human services as I prefer to call them. The point is that some services are specifically provided in the Act as being powers available to local government. I refer to aged care, and child-care is similarly included in the Act. However, a whole range of services fit the general description of "human services" or community services, which are not specifically referred to in the Local Government Act as being powers available to councils. This has led to considerable uncertainty as to whether local government has the power to provide a particular range of services.

Over time, of course, new demands for different types of services are made. It may interest members from rural areas to learn, for example, that in recent times, following a commonwealth Government initiative, a scheme began in some areas of the State to provide rural counsellors. I know a project began recently which involved a cooperative effort between the councils of Mt Marshall and Narrogin to provide a rural counsellor. Funding has been provided for local government programmes to enable that project to be developed. It is a worthwhile and positive project which will provide human services, but argument could be raised as to whether or not the Local Government Act specifically provides the power for that initiative to be undertaken. I certainly would argue that it is a reasonable project for local government to be involved in, but there is a lingering doubt as to whether they are covered by the present scope of the Act.

I would argue very strongly that there is a clear role for local governments to be engaged in the provision of welfare services, or human services, in the respective municipalities. The position is much clearer in other States, because there is a general acceptance that there is a community service role for local government. Many of the local governments in this State see this as being an integral part of their responsibilities and that it is right for them to provide those services. The Grants Commission has gone around the State and compared municipality with municipality in terms of the cost of providing various services, such as human services, aged persons' accommodation and the provision of welfare services generally. I am not saying that the Grants Commission allocates funds specifically to provide those services because it does not; it allocates funds on the basis of local governments making their own decisions as to expenditure. However, the Grants Commission considers the cost structure of providing those various welfare services.

The Government believes that the present uncertainty should be removed by a legislative amendment. Indeed the Government tried, on a previous occasion in this Parliament, to amend the legislation to put this matter beyond any doubt whatsoever—that is, the rights and opportunities for local government to be involved in the provision of welfare services. That attempt by the Government was unsuccessful because it was defeated in the Legislative Council at that time. The Opposition objected to the Government's proposal largely on the grounds that is believed local government provision for welfare services constituted a duplication of efforts when considered in the context of State and Federal Government initiatives.

That is not the case at all. As the member for Gosnells outlined when she detailed the services provided in her area, it is clear that there is a role for local government to play in the coordination of services provided by other levels of government. I could put up no argu-

ment that says local government should do what the Department of Social Security does or that is should do exactly what the Department for Community Services does, but there is a strong argument which says that programmes and initiatives which are coordinated at a central point for practical application around the State are not necessarily best delivered by bureaucrats in Canberra or Perth. There is a strong argument that says that the local people in a community, whether that community be in the suburbs or in a country area, really know best how to apply those centralised projects and programmes to their specific community with a little bit of local expertise. Perhaps local funding could be provided as well so as to make the application of that project more beneficial to that community than it would otherwise have been had it been left to Perth or Canberra to provide all the details of the project.

In spite of having been unsuccessful on that previous occasion when attempting to amend the legislation the Government is committed to a further attempt to amend the legislation. On the Notice Paper at present is a Local Government Amendment Bill which goes to its second reading stage tomorrow. That Bill includes a provision which seeks again to put beyond any doubt the entitlement of local government to be involved in the provision and coordination of welfare services. I certainly hope that, with a little more consideration from the Parliament, that legislation may be more successful than its predecessor.

In conclusion, I thank the member for Gosnells for raising the issue. It is a matter of considerable interest in local government circles and I certainly would encourage local governments to be as involved as possible, given their particular circumstances and priorities, in providing services to satisfy the human needs of people in their areas.

ABORIGINAL DEVELOPMENT

Conference: Grievance

MR BLAIKIE (Vasse) [4.10 pm]: My grievance is directed to the Minister for Aboriginal Affairs and it concerns a conference I attended last week in Kununurra. The conference was titled "Aborigines and Development in the East Kimberley" and it was an Australian National University public affairs conference. The Minister attended also, along with some 414 other people.

Some of the discussion and topics should be of concern to the Parliament as they will have an impact certainly on the Aboriginal people of WA in the years to come.

The conference had some key subjects. Its stated aim was to provide an occasion where emphasis was given to Aboriginal input and for all interested parties to come together to discuss the development of the region. It was indicated that the conference would also discuss Aboriginal use of land in the region, including planning and resources for land use, conservation and regeneration, and Aboriginal land tenure and access to land.

Members can understand that it was a very high profile conference to enable discussion on matters sensitive to many people in this State. It was said that the matters would be discussed on an open basis.

The DEPUTY SPEAKER: Order! Standing Order No. 227 states that there shall be a limit of two members from each side of the House.

Point of Order

Mr PEARCE: I understand the ruling you are about to make, Mr Deputy Speaker, but an arrangement has been entered into and has been agreed to by me and the Opposition Whip on the understanding that we have allocated one of our positions in the grievance debate to a member of the National Party, the member for Katanning-Roe. That arrangement has been made to expedite the business of the House. If you believe that arrangement is not a proper one, I indicate that I will move to suspend Standing Orders in order to allow the member for Vasse to continue his grievance.

The DEPUTY SPEAKER: I would be happy if the Leader of the House were to move for the suspension of Standing Orders in that way. I believe that in future any such arrangement should be indicated to the Speaker and the Clerk of the Legislative Assembly.

Grievances Resumed

The DEPUTY SPEAKER: I call the Leader of the House.

Suspension of Standing Orders

MR PEARCE (Armadale—Leader of the House) [4.53 pm]: I move—

> That Standing Order No. 227 be suspended in order to enable the Member for Vasse (Mr Blaikie) to make a Grievance.

MR CASH (Mt Lawley) [4.54 pm]: The Opposition supports the motion. Obviously we do not wish to prevent members of the National Party from taking part in the grievance debate.

Question put.

The DEPUTY SPEAKER: An absolute majority is required for this motion to be successful. I have counted the House; and, there being no dissentient voice, I declare the motion carried.

Question thus passed.

Grievances Resumed

Mr BLAIKIE: I thank the Leader of the House. The whole subject of Aboriginal land tenure and Aboriginal access to land in the northern areas of the State, particularly in the Kimberley region, two of the matters discussed, are matters that will have a profound effect on the pastoral industry, yet no pastoralists were invited to speak at the conference or to participate in the workshops. No local government nominees were invited to speak on these key questions of Aboriginal land tenure and access to land. No representative of the Pastoralists and Graziers Association or of the Western Australian Farmers Federation was invited to speak. It would have been of great benefit had any of these people been able to put forward a position paper to explain their attitude to these important questions.

I spoke to one of the conference organisers, Dr Coombes, and he told me that it was not necessary to send invitations to these people, that if they wanted to attend they could have done so. That put a different complexion on the conference to my mind, because these people form an integral part of the region, so they should have been invited to attend.

On the topic of tourism and Aboriginal people the speakers were John Osborne from the WA Tourism Commission and Chris Haines, Director of National Parks, Department of Conservation and Land Management. A very impressive address was given by one of nature's gentlemen, Sam Lovell, who runs a tourist enterprise out of Derby. He explained how tourist enterprises could help Aboriginal people with their involvement in national parks. But, again, no local government or pastoral industry representative was there to explain how it would all mesh with these hopes and aspirations. I mark that up as a shortcoming of the conference.

The Australian National University had invited two Government Ministers to attend, and quite rightly so. The Minister for Aboriginal Affairs was to be a speaker at the conference, together with the Minister for Tourism, who at the last moment could not attend. However, when the Opposition attempted to have representation at the conference, it faced some difficulty, although we got there in the end.

I believe the Opposition should have been automatically afforded a place at the conference, whether or not our representative was required to speak. I do not want to make an issue of this, as our application was subsequently accepted. We were told that preference was given to Aboriginal people. We were told that the places for Europeans had been filled and so we were not put on the invitation list.

These sorts of directives build up concern and a degree of resentment in the community. A conference such as this should have invited a representative of the Opposition to go along, together with representatives of local government, and bodies such as the Pastoralists and Graziers Association.

I said earlier that the conference was to be a most important one. It was important for me to be able to watch its conduct and to meet with people who had a genuine desire to see an improvement in the living standards of Aboriginal people.

On the subject of Aboriginal affairs, I am of the firm view that many issues such as Aboriginal alcoholism, health, housing, education, the lack of employment opportunities, and the high crime rate should be discussed on a bipartisan basis. The Government alone does not have a mortgage on the best ideas to solve these problems. I believe these matters are better approached on a bipartisan basis. Party politics only confuse these issues rather than solve them. We should be trying to obtain a better understanding of the complex question of the problems of Aboriginal affairs. In understanding that question, one should also understand the remoteness of some areas of this State particularly the north.

One of the highlights of attending the conference was that it is my firm belief that members of Parliament should be better informed about decisions made by the Government on Aboriginal land tenure and land access. Already the Minister has agreed to meeting with his officers in Perth and I applaud him for his endeavours in that regard. However, when one understands

the vastness of this State, one realises it is important that the Government should be prepared to have at least the Leader of the Opposition or his nominee receive on-ground briefings in order to more easily understand the proposals by this Government for the excisions of such stations as Carlton, Meda, and Balgo Downs etc. The people involved, including local government bodies, Aboriginal communities, and interested parties from the pastoral industry, should also receive on-ground briefings. The alternative is to introduce legislation into the Parliament which will create a degree of controversy and on which the media will do its usual job to confuse the community. As I said, there needs to be a far better understanding on the ground even though political parties will make their own determinations in due course, as they will always do.

In my view it is far better to have an informed Parliament that will have an informed debate to benefit all Western Australians, including Aboriginal Western Australians, than to have a lack of understanding of what the proposals will mean to the people who are affected most.

As I said earlier, I welcomed the opportunity to attend that conference. It contained a wealth of information for me. I think the conference would have been better served by ensuring that more on-ground people representative of the Kimberley region were in attendance to explain their views rather than having people from outside the region who tended to take over the conference. If the Western Australian Parliament is to resolve this matter of land tenure when it is asked to, it is very important that Western Australian members of Parliament have a better understanding of the consequences of the Government's proposals. I believe my approach is a pragmatic one. These people are Western Australians, and I believe there is a desire by all members of Parliament to improve the living standards of the people they represent.

MR BRIDGE (Kimberley—Minister for Aboriginal Affairs) [4.26 pm]: I am happy to debate with the member for Vasse matters that were recently canvassed at the Kununurra conference. The member has done a good job describing a number of issues relating to Aboriginal development which were raised at that conference.

If the member for Vasse was genuine in his call for a bipartisan approach to Aboriginal affairs, I would be the first to accept his commitment as I am sure the Aboriginal people of this State would welcome that commitment. I have sought the same approach in this Parliament many times on many issues. However, I have found that, despite the good intentions of some members of this place, that approach has been obstructed. If we can do away with those sorts of attitudes, I am sure that this House would be properly and correctly informed about these issues. We should be seeking to establish plans, policies, and ideas that would not only enhance and assist Aboriginal people, but also give proper recognition to the broader interests of the community. The framework to achieve that formula can be established only by the Government and the Opposition being genuine in their preparedness to face up to these matters and to attack them in a bipartisan way. As I said, if the member were genuine in his commitment, I assure him that I am only too pleased to accept that commitment.

Like the member for Vasse, I was disappointed with the way the conference evolved with regard to certain important issues. The conference was designed to look at Aboriginal development in the East Kimberley. It offered a wonderful opportunity for people to express constructive and sensible points of view on Aboriginal development. Had it contained itself to that approach, I am sure many important discussions would have been held and important recommendations made. Unfortunately, people from other parts of Australia sought to take advantage of the opportunity to gain some media mileage from it. The consequence was that local people did not have the opportunity to express their views, and a valuable opportunity was lost.

Mr Blaikie: I think I would have said that some people from other parts of Australia were grandstanding for their own edification.

Mr BRIDGE: The member for Vasse will remember, I am sure, that I was given the responsibility of opening the conference; and when outlining what I thought was the desired approach I suggested that the members confine the discussion to fundamental issues such as the East Kimberley development, taking into account all Aborigines and development of the region. I talked about the need for us to look at the way in which these could be brought together having regard for the role of the mining industry, pastoral excisions, Aboriginal development and, of course, tourism. I said that we should bring all these industries together in a sensible way.

Land tenure is an important matter for the Kimberley and for the State. We in Government are putting a lot of time and energy into ensuring that the process operates in such a way that the interests of all parties are taken into account as we move towards a programme of excisions in respect of the pastoral properties. A number of discussions have been held with the pastoral industry as we seek to establish guidelines so that the procedures adopted to respond to the claims made by the Aboriginal groups within this State will be to the satisfaction of that industry. I think that to some extent we are on reasonably good ground in ultimately agreeing on these guidelines.

I hope that we shall be successful. There is no hope of a proper conciliatory process if we are going to walk down a path where pressures are brought to bear to reach finalisation of these claims rather than by mutual agreement, a measure of understanding, and acceptance by both Aboriginal people and pastoralists.

I agree with the member for Vasse about the participation of local government and the pastoral industry at the seminar; I would have liked representatives to be present and to have had an opportunity to speak.

I have set in place in this State a policy whereby I have encouraged and gained the support of local government in dealing with the wide area of Aboriginal interests within this State. Some councils have already nominated people in local government to whom my administration can refer as a point of identification with the shires in these matters. It is an encouraging sign.

We have indicated to the mining and pastoral industries our interest in opening the door for wider communication. The policy is very much in place and provides the public with the opportunity to talk to my department and me, as Minister, in respect of Aboriginal affairs. I am keen to extend that opportunity to members of this House. In response to a question from the member for Vasse last night, I said that if he or other members of this House felt they should have a discussion or briefing on any matter, I would be happy to set that in place.

The member for Vasse raised some interesting points; I am sure the conference fell short of the potential it offered the Aboriginal people of the Kimberley and Western Australia to constructively address important issues. I hope that whoever has the opportunity to convene similar conferences in the future will ensure that those selected to speak cover the wide area of public interest within this State and are capable of contributing a positive input into such conferences. If that happens, Aboriginal affairs and the matters relating to them will attract the proper and desirable attention which this House and the people of Western Australia seek for this issue.

The DEPUTY SPEAKER: Grievances noted.

BILLS (3): RETURNED

1. Great Southern Development Authority Bill.
   Bill returned from the Council without amendment.
2. Main Roads Amendment Bill.
3. Business Franchise (Tobacco) Amendment Bill.
   Bills returned from the Council with amendments.

WILDLIFE CONSERVATION AMENDMENT BILL

Second Reading

MR GRAYDEN (South Perth) [4.38 pm]: I move—

That the Bill be now read a second time.

Last session I introduced a Bill to remove the blanket provision which exempts a large section of the population of this State from the fauna and flora protection legislation of WA. That exemption applies irrespective of whether or not the fauna and flora involved are rare and endangered species.

The Bill reached the second reading stage but due to a heavy Government legislative programme and prolonged debate on other issues the session ended without further progress being made. In the normal course of events the Bill would have been reinstated on the Notice Paper for this session. However, I declined to reinstate it for a specific reason.

During the recess it came to my notice that, on several occasions, when various individuals representing naturalist and other similar organisations had broached the matter in casual conversation with officers in Government departments responsible for wildlife and fauna conservation, they had been told that the Bill was "a good one but too discriminatory".

The "discriminatory" reference was to the fact that the Bill followed the precedent set in the parent Act and specifically exempted Aborigines as a race from provisions of the Bill.

I accept that viewpoint as a valid criticism of the measure. However I would be horrified to have the main purpose of this Bill—namely, to plug a glaring gap in our fauna and flora protection legislation—rejected because of a principle which is irrelevant to the main purpose of the Bill.

I therefore declined to have the Bill reinstated and instead have framed a new amending Bill which eliminates any suggestion of discrimination against any section of our population. The Bill will apply equally to every person in Western Australia.

The present Wildlife Conservation Act 1950 is discriminatory since it makes special provision for a particular racial group in our community. It demeans that particular racial group by giving statutory second-class citizen status to that racial group. Even though there are no Aborigines in WA dependent on fauna and flora for subsistence, the current legislation places all Aborigines in WA in that category. The clear import of current legislation is that Aborigines are still nomadic foragers and require exemption from laws that apply to everyone else in the community.

Aborigines in WA are now full citizens of our society. To continue to treat them as second-class or inferior citizens is demeaning, paternalistic and, I am sure, as unacceptable to the majority of Aborigines as it is to the remainder of the community.

Aborigines have an inherent respect for and affinity with the land. That respect and affinity also extends to the birds and animals and other creatures and to the flora of the land. Just as they retain their reverence of the snakes and other creatures of the dreamtime—and instances of this still receive constant publicity—so too must they revere the fauna and flora of our State that still exist.

They have no wish to be exempt as a race from laws which prevent the wanton, indiscriminate destruction of our fauna and flora irrespective of whether the species are endangered or otherwise. To treat Aborigines as a class of people for whom such special provision is necessary is as belittling as it is insulting to the 40 000-odd Aborigines who form an integral part of the Western Australian community. The time has come to remove this legacy of the past from our Statutes and treat our Aborigines as full citizens of our society.

The present provision in the Wildlife Conservation Act exempts all persons of Aboriginal descent as defined by section 4 of the Aboriginal Affairs Planning Authority Act 1972 from most provisions of that Act, even to the extent of permitting such persons to take rare and endangered species for food.

The 1981 official census figures collated by the Australian Bureau of Statistics indicate that at that time the Aboriginal population of WA was approximately 40 000. It would now be in excess of that figure. Of that 40 000-odd, none, as far as the Minister for Aboriginal Affairs is aware, is subsisting entirely on available flora and fauna. Notwithstanding the foregoing facts, this antiquated provision still exists in our wildlife conservation legislation.

The existing provision is absolutely unacceptable on a number of grounds: It is unacceptable on the ground that it is racially discriminatory. It is unacceptable on the ground that no wildlife conservation programme can be effective if it exempts large sections of the community from its conservation provisions. It is unacceptable on the ground that any wildlife conservation programme which permits even rare and endangered species of flora and fauna to be taken for food purposes by that section of the community which is exempt from our wildlife conservation laws is a programme not merely of vandalism, but the very worst form of vandalism—a form which makes the wanton destruction of material things, such as the burning of schools, pale into insignificance.

I do not wish to canvass all the arguments which make it imperative that this major shortcoming in our wildlife conservation legislation be remedied while there is yet time. Last session I took the opportunity of dealing with those aspects in some detail. I do not want to waste the time of members by reiterating those arguments as they are available in the *Hansard* of that session—on page 4121, to be precise.

Instead, let me just again remind members of some of the more basic facts. In Western Australia there are no fewer than 106 mammals, birds, reptiles, and amphibians that occur, or are known to have recently occurred, that are currently regarded as rare and endangered. All of these can be taken for food purposes by that section of the community in Western Australia which is currently exempted from the provisions of our so-called Wildlife Conservation Act.

Many Aborigines in Western Australia are, of course, working and providing for their own livelihood. All other Aborigines are eligible for the wide variety of social service benefits which are available to the general community. No Ab-

original in Western Australia, to the knowledge of the Minister for Aboriginal Affairs, is living a nomadic way of life and subsisting entirely on available flora and fauna. No Aboriginal in Western Australia is thus morally or by any other standard entitled to blanket exemption from the wildlife conservation provisions of our laws; and the time has come when we can no longer tolerate the inroads into the destruction of our fauna which this anachronism facilitates.

No longer can we tolerate such abuses of our conservation programme as was occurring in a WA country town recently, when, as an enticement for tourists to join a wildlife safari, they were invited to "come out and eat an echidna" or the slaughter of dugong by teams equipped with aluminium dinghies, outboard motors, and other trappings of 20th century technology.

Since colonisation took place in Australia nearly 200 years ago our record in respect of the protection of wildlife has been a sorry one. The inroads into our flora and fauna, which were caused by clearing so much of the wildlife habitat should in itself have made us keenly conscious of the need for compensatory measures to protect our wildlife.

Instead of measures to offset such inroads we went much further. Perhaps our first major transgression in this regard was to introduce cats into Australia. They were introduced with the First Fleet. With a capacity to produce several litters each year they quickly became established in the wild and spread throughout Australia. They have even adapted to such places as Central Australia and the Nullarbor Plain where permanent surface water is almost non-existent.

Feral cats are very effective hunters. Throughout Australia feral cats have been killing our birds, marsupials, and other wildlife at a stupendous rate ever since they were brought here in 1789.

When we introduced the cat we also introduced the pig. Feral pigs are carnivorous and eat eggs, young birds and animals, and any other form of wildlife they can catch.

Our next step was to introduce the fox. Like the cat they have spread throughout Australia and are decimating the smaller ground-frequenting species of fauna.

From the time of colonisation to the second World War our youth, in particular, made a feature of collecting birds eggs. As late as the 1930s almost every boy in every primary school in Australia would have had, at one time or other, a collection of birds eggs. Many of the collections were extensive indeed. Newspaper and magazine articles explained the techniques of blowing out their contents, or the advantages of gently drilling in the side of the shell and blowing out the contents with a straw, rather than crudely piercing a hole in each end and "blowing" them that way. Extensive egg collections were displayed in museums and other public places and people vied with each other to display them attractively on cotton wool, velvet, sand, and other backgrounds. The main objective in life for the majority of boys was to have an extensive collection of birds eggs. Needless to say that craze made inroads into the birdlife of Australia, since it was done throughout Australia.

Apart from the exposed cyanide pits of the goldmining areas, which kill large numbers of fauna, and the wholesale poisoning of some species of fauna by farmers and pastoralists, perhaps the next most lethal killer of our birdlife was the widespread use of air-rifles by children and youths throughout Australia.

Up until a few years ago just about every boy had, at one time or another, an air-rifle. Daisy air-rifles were the most common. The principal ammunition for these, BBs and slugs, were very cheap, and even these children's weapons were efficient killers. Millions of Australian birds have been killed by the ubiquitous "Daisy".

Other makes of air-rifles mostly intended for adults were even more effective killers, and orchardists, particularly, have relied heavily on them to kill the species of birds damaging their crops.

So, Mr Deputy Speaker, we cleared the wildlife habitat on a massive scale; we introduced the feral cat; we introduced the feral pig; we introduced the fox; we hoarded birds eggs; we decimated birdlife with air-rifles; we poisoned and still poison on a large scale. We have done and still do, lots of other things, but the enormity of the ones I have enumerated are perhaps of transcending significance.

The only thing that we now do which is on a scale equivalent to those major acts of vandalism, it to exempt a large section or our population from the wildlife conservation laws of Western Australia and that is the thing that this Bill seeks to redress.

Mr Deputy Speaker, over the years attitudes have changed dramatically. That which was acceptable and commonplace 40 years ago is unthinkable today. Today we would not tolerate the collecting of birds eggs by all and sundry.

We would not tolerate the wanton killing of birds with air-rifles. We would not tolerate many of the other practices which were commonplace.

But just as we find it difficult to understand the attitudes which we held a few years ago, so too will people a few years hence find it incomprehensible that even though in the year 1987, 106 species of fauna in Western Australia were regarded as rare and endangered, 40 000-odd people in WA were permitted to take them for food purposes just as they were permitted to take all other species of flora and fauna irrespective of whether they were protected.

We allow that section of our community to kill our wildlife, not because it depends upon it for food, but because of some mistaken notion that this section of the community, in contradistinction to the other sections, requires to relive and rekindle its lifestyle of the past. In actual fact killing our wildlife merely allows this section of the community to titillate its baser instincts even though such titillation is to the serious detriment of our wildlife.

If this blanket exemption is removed from the Wildlife and Conservation Act, Aborigines in WA will still have ample opportunity for hunting and foraging.

In this State we have open seasons for game birds and animals. Above the 26th parallel, ducks and other species of game can be taken throughout the year. In addition we have a host of birds and animals that are categorised as vermin and these can be taken at any time. Rabbits and feral pigs are examples of these. Aborigines, or anyone else for that matter, will thus have ample opportunities at all times for hunting or foraging.

In addition, of course, they will be able to indulge their love of the outdoors and commune with nature by bushwalking, fishing, and similar pursuits.

Years ago big game shooting safaris in Africa were acceptable and commonplace. Now cameras are used instead of guns. People can thus commune with nature without destroying it, and that form of communion will of course be available in this State to all who wish to avail themselves of it.

I repeat, Mr Deputy Speaker, the existing wildlife conservation legislation is a gross insult to the 40 000-odd Aboriginal people who comprise that section of our community which is exempt from our fauna and flora conservation legislation. They are not a people dependent for food on echidnas dugong, and witchetty grubs. However, as long as the current legislation remains, they will be portrayed as such.

It is the clear obligation of this Parliament to right the wrong which is being done to our Aborigines as a race and to the wildlife of Western Australia.

Notwithstanding the enlightened attitude of the Aboriginal community generally, and it of course mirrors that of the wider community, while this exemption provision remains in current legislation irresponsible elements within the Aboriginal community will take advantage of it.

Hence we have groups of young Aborigines in country areas, shooting with modern rifles every native bird or animal that comes within the range of their firearms. The current legislation enables them to do this with impunity.

Exactly the same thing is taking place on the outskirts of the metropolitan area. Groups of young Aborigines drive around shooting all wildlife within range. They are the bane of officers from the Department of Conservation, but they can do nothing about it because our existing legislation specifically exempts them from the wildlife protection laws which apply to everyone else in the State.

At Redcliffe, on the banks of the Swan River in the electorate of the Deputy Premier, six miles from the heart of the City of Perth, Aborigines hunt nesting black ducks in the reeds and regularly gather wheat bags of long-necked tortoises, which they then roast. Long-necked tortoises are protected in Western Australia, as are nesting black ducks in the south west land division, but not as far as the 40 000-odd Aboriginal section of our community is concerned. This irresponsible section of the Aboriginal community is doing a disservice to Aborigines generally.

The time has come when we should accept Aborigines as full members of our community with all the rights and obligations that full membership bestows and entails.

Why, at every citizenship ceremony that takes place—and they are taking place constantly throughout Western Australia—should we confer full citizenship rights and obligations on individuals of every nationality in this world who migrate to this State and yet deny that full citizenship to the Aboriginal section of our community? What sort of people does it stamp our Aborigines as being? What measure of insult is this to the Aboriginal people of Western Australia?

The Bill does two things. First, it abolishes the blanket exemption provisions for Aborigines which are contained in the present Act.

Secondly, it replaces this racially discriminatory section with another that enables the executive director to grant exemption to persons or groups within our community who may require to take protected species for food purposes. Such exemption would be at the discretion of the executive director and therefore would undoubtedly be granted only in special circumstances, such as in the case of Aborigines at One Arm Point or groups of Aborigines involved in the homeland or out-station movement. Similarly it could apply in the case of an individual who for some reason was dependent or likely to become dependent on protected species for food.

To reiterate, the important thing about this Bill is that, firstly, it abolishes the blanket exemption provisions of the current Act, then it makes provision for the executive director to grant exemption in special circumstances, irrespective of race, should the circumstances warrant such exemption.

The clause applies equally to everyone in our community and not merely to one section of our community. I urge the House to support it.

Debate adjourned, on motion by Mr Carr (Minister for Local Government).

METROPOLITAN WATER AUTHORITY AMENDMENT BILL

Second Reading

MR MENSAROS (Floreat) [5.00 pm]: I move—

That the Bill be now read a second time.

Since the start of the supply of public water in modern times—and by "modern times" I will not refer to the supply of public water, such as the Roman aquaducts, in antiquity in Rome, Phoenicia, India, or even the Middle Eastern countries—the charges for such water supplies were based on the value of the buildings and land which enjoyed the use of such public water. It was assumed that the owner of a large, roomy residence had more means than the dweller of a humble house or shack to pay his rates; hence this righteous social justice, mixed with the simplicity of the calculating of charges, resulted in water rates based on property values.

This happened in England, Wales, the United States of America, almost every European country and, of course, the colonies of the British Empire, of which Western Australia was a part. These value-based charges—or rates as they were properly called—extended later from the supply of water to other water-related services such as sewerage, drainage, and even irrigation. In recent times it has become increasingly realised by public utilities themselves, as well as by Governments of all political persuasions, that this value-based charging system is most inequitable.

Not only do the charges have no logical connection with the quality and quantity of the service rendered, but even the social justice aspect has been lost, as the larger and more valuable buildings are not necessarily occupied by the wealthiest people, or more particularly, by those with the highest income. Most valuable land in the central business district which is occupied by various professions and businesses, could have owners or shareholders who could be the humblest pensioners and the like—unlike tne grandiose offices of highly paid chief executives.

Hence an endeavour to change this value-based charging system to a system where charges could be made for the service received and the quantity of supply—water or other—received began to gain support. This, however, was easier said than done. It is quite remarkable, therefore, that Western Australia was one of the first places, under the guidance of Hon. Graham MacKinnon, as Minister for Water Supplies, who recently retired, to introduce this "pay-for-service, pay-for-use" system to at least one section of ratepayers—the metropolitan residential water consumers.

They now pay a fixed service charge, for which—in the city—they are allowed to use a prescribed quantity of water, and they pay a unit price for additional quantities of water consumed. All other categories, such as non-residential water users and all properties connected to drainage and sewerage, pay on the property value basis. Before some Government can change these categories to a "pay-for-service, pay-for-use" system—I stress this could only be done by bipartisan cooperation—at least some of the blatant anomalies in the existing value-based methods have to be remedied.

This Bill sets out to do that. The property value for water-related services—unless the Minister otherwise approves—is the yearly gross rental value of the property supplied, or five per cent of the capital value of any empty residential block. That rental value is assessed and re-established from time to time by the

Valuer General, whose figures are then used by the rating authorities, such as local government and the Water Authority.

The term "gross rental value" is defined, in section 4 (2) of the Metropolitan Water Authority Act 1982, by reference to part xxv of the Local Government Act which, in turn, refers to the Valuation of Land Act 1978. The general definition of gross rental value under the Valuation of Land Act is subject to a number of provisions, one of which is, in paragraph (b), that—

> the gross rental value of any land shall, in any event, be not less than what would be the assessed value of the land if it were vacant land.

The "assessed value" is defined to mean "such percentage of the capital value thereof as may from time to time be prescribed" and that percentage is prescribed presently as five per cent by regulation three of the Valuation of Land Regulations 1979. The requirement that the gross rental value of any land be at least five per cent of the capital value of that land was found to be unfair on long-term residents of modest homes on what subsequently became valuable land.

One could imagine an old lady who lived with her husband and brought up her family in the same fairly modest residence in, say, Peppermint Grove for the last 40 years. She is now a widow and would like to spend the rest of her days in the family home, but her sewerage rates, charged on gross rental value are not based on the $5 200 a year, which is $100 weekly in rent, but on five per cent of the million-dollar block on the Esplanade. That might be a somewhat exaggerated example but it illustrates the problems the present provisions are creating.

One could consider also the case of the humble pensioner who still lives in the simple timber-framed cottage which he and his wife built decades ago on the beachfront in North Beach. At that time they bought the block for next-to-nothing, because it was in the middle of the bush and they built their humble cottage with their own hands. The cottage has only two bedrooms and a verandah for shade. However, the block takes in prime real estate, its value being between $150 000 and $200 000. Five per cent of that amount is $10 000 and the cottage would fetch a rent of $3 000 per year.

The same situation applied to local Government rates. However, that was remedied by amendments to the Local Government Act which allowed land with improvements consisting only of a single residence and used for residential purposes to be declared "qualifying land" on application by the owner, after a declaration by the council concerned that the relevant sections applied in its district. When land is declared to be "qualifying land" the gross rental value of that land is determined without regard to paragraph (b) of the definition of gross rental value — that is, without the requirement that it be at least five per cent of the capital value of the land. No similar amendments were made in relation to valuations for the purposes of water rates.

The Bill amends the Metropolitan Water Authority Act 1982 by removing, in relation to the valuation of land for the purposes of that Act, the requirement that the gross rental value be at least five per cent of what the capital value of the land would be if it were vacant land. That involves a simple amendment to section 41 (2).

After reading my intentions in the Press, the Minister said that he also wanted to make this remedy. In a subsequent Press release, he said that he was pleased with the Opposition's support for his proposed changes. I do not want to argue with the Minister about whose idea came first. I implemented it by introducing this Bill. If the Minister were genuine, he would support it. If he has serious concerns he should explain them and we might agree to amend the Bill accordingly.

I think the Minister and members will recognise that, having had experience both in Executive Government and in Opposition, I never suggest anything that is irresponsible or impractical. I only propose measures which, based on my nine years of ministerial experience, I could and would implement tomorrow if I were in Government.

What could be the problems with the Bill? It could be argued that the Metropolitan Water Authority will lose money. The Minister stated that presently, 10 000 ratepayers or properties are affected of which 7 500 are residential premises and 2 500 are business premises. Although the justifiable complaints came mainly from residents, I deliberately did not exclude businesses. If, for any compelling reason, that would be desirable, it could be done with a simple one-word amendment to the Bill.

The revenue to be lost can be calculated. The additional charge for each ratepayer evenly spread throughout the community can also be calculated. I am convinced that the amount would be insignificant because, after all, we are talking about properties which have a comparatively small rental value because they are old or small but are sited on valuable river-front or ocean-front land or are properties which have become valuable because they are now in a high-density area such as a satellite city. However, the Opposition is not in a position to calculate this, as can the Government.

In conclusion, I stress that this measure assists people unduly hit by the present legislation. The Minister said he is in favour of a solution. I therefore trust that he will either accept the Bill or offer satisfactory changes. I hope he will not allow this legislation to slide to the bottom of the Notice Paper to die an unnatural, if not violent, death.

I strongly commend the Bill to the House.

Debate adjourned, on motion by Mr Carr (Minister for Local Government).

FISHERIES AMENDMENT BILL

Second Reading

MR GRAYDEN (South Perth) [5.16 pm]: I move —

That the Bill be now read a second time.

In this State we have an efficient, economically viable, commercial fishing industry. It is, and will continue to be, viable, however, only because it is strictly controlled. Otherwise it would be overfished.

The Fisheries Act regulates almost every facet of the industry. As defined by its long title it is an Act for the regulation of the fishing industry and fish farming, and for the conservation and management of fisheries and aquatic animal and plant life, and for purposes connected therewith.

It makes provision for the protection of spawning grounds and the nursery areas for young fish, such as estuaries and rivers. It provides minimum sizes below which fish, crustacea, and molluscs cannot be taken. It limits the times of the year and the methods by which some species may be taken and so on.

The absence of regulation would soon result in the demise of the commercial fishery. The salmon, crayfishing, scallop, tuna, shark and prawn fisheries would be among the first to be destroyed in such a circumstance.

The non-commercial fishery in this State is equally well established. Tens of thousands of Western Australians engage in fishing as a hobby or pastime. Rigorous restrictions are placed on their activities and as with commercial fishermen the penalties for contravening the restrictions are severe.

Commercial fishermen who offend against the Act or regulations are liable to heavy fines or imprisonment and additionally, or alternatively, may have their fishing gear and boats confiscated. Harsh penalties are also applicable to amateur fishermen.

Extraordinarily though and notwithstanding the fine balance that exists between the survival or over-exploitation of both our amateur and professional fisheries and the severe penalties to which both amateur and professional fishermen are liable in the policing of that industry, a large section of our community is exempt from many of the restrictions and attendant penalties which govern the industry.

Under section 56 of the Fisheries Act, all persons of Aboriginal descent are exempt from all but six provisions of the Act. The relevant portion of section 56 reads as follows—

> Subject to the provisions of this section and to the restrictions imposed by or under sections 9, 10, 23, 23A, 24 and 26 but notwithstanding anything contained in any other provisions of this Act, a person of Aboriginal descent may take in any waters and by any means sufficient fish for food for himself and his family, but not for sale.

Subsection (3) reads—

> In subsection (1)—
>
> "person of Aboriginal descent" means any person living in Western Australia who—
>
> (a) is wholly or partly descended from the original inhabitants of Australia; and
>
> (b) claims to be an Aboriginal and is accepted as such in the community in which he lives.

Section 9 which is referred to, relates to the gazettal of closed fisheries, section 10 to illegal devices, section 23 to stalled waters, section 24 to underweight or undersized fish and section 26 to the use of dynamite or other explosive substances. With the exception of these provisions, Aborigines are exempt from all other provisions of the Act.

At the present time there are over 40 000 persons in WA who come within this definition of Aborigines.

Thus it can be seen that a very large section of our population is exempt from all but six provisions of the existing Fisheries Act.

This is an anachronism. It dates back to the time when the indigenous people of Western Australia were wholly dependent on flora and fauna for survival.

That situation no longer obtains. Some time ago I asked the then Honorary Minister Assisting the Minister for Aboriginal Affairs the question, "Are there any Aborigines in Western Australia living a nomadic way of life and subsisting entirely on available flora and fauna, and if so, approximately how many?" He replied, "I am not aware of any Aborigines in Western Australia subsisting entirely on available flora and fauna."

At present all persons of Aboriginal descent in Western Australia are either employed or are entitled to social service benefits. As the Minister says, he knows of none who is "wholly dependent" on flora and fauna for survival.

This exemption from many of the provisions of the Fisheries Act for persons of Aboriginal descent is as unnecessary as it is iniquitous and it constitutes a major gap in the effectiveness of the conservation provisions and objectives of our fisheries legislation.

Looking at the Fisheries Act 1905 it does appear that, when the measure was amended in 1969 it was the intention to limit the exemptions applicable under section 56.

To some extent this has been achieved; however, one glaring gap remains and this is brought about by the fact that while the exemption in section 56 is subject to restrictions imposed by sections 9, 10, 23, 23A, 24 and 26 it is not subject to section 6 which empowers the Governor, from time to time, to make, alter or repeal regulations for the purposes of the Act and also in respect of anything for which express provision has not been made in the Act.

Thus while persons of Aboriginal descent, as defined in the Act, are covered by some sections of the Act the import of this is negated to some extent since they are not subject to any of the regulations drawn up for the purpose of administering the Act.

Specific matters for which regulations may be made under the Act are listed in the Act and are many and varied.

I am not going to enumerate them because they are contained in 40 subsections spread over four pages of the Act.

They range from prescribing the limits in or about the mouth of or within any river, creek, stream, estuary, or other inlet of the sea within which it shall not be lawful for any person to fish by means of any net, or fixed engine or, determining the times and seasons at which the taking of any species of fish, or of any marine algal life shall commence and cease, or be permitted or prohibited to such things as the general regulation of net and line fishing and the taking of molluscs and crustacea as well in regard to modes, places, and times of usage as in all other respects, or prescribing bag limits, or the number or weight of any species of fish, or other aquatic plant, or animal life which any person may take in any specified period, or from any specified part of the State, or have in his possession for any specified purpose.

As will be apparent the regulations which the Governor is empowered to make under the Act are significant indeed. Yet, either by accident or design, a large section of our population is exempt from such regulations.

This creates a situation which must be confusing indeed to officers of the Fisheries Department trying to administer the Act.

On the one hand they are granted sweeping powers under the Act. At the same time, however, a large section of our population is exempt from any regulations drawn up to administer those powers.

All sorts of extraordinary legal situations can arise under the Act because of the contradictory manner in which it is drafted. Examples of the iniquity of this system of exemption on purely racial grounds and the adverse manner in which the exemption is affecting the conservation of our fisheries are to be found at every turn. Two examples will suffice to illustrate this.

Section 24 of the Act, which applies to all, makes it an offence to have, without lawful authority, underweight or undersized fish, crustacea or molluscs in one's possession.

Regulations, however, framed in accordance with the powers conferred by section 6, limit the number of many species which may be taken, but such regulations do not apply to those exempted under section 56.

Thus, for instance, persons of Aboriginal origin cannot take marron below the legal minimum size, but there is no limit to the number that they can take.

Ordinary Western Australians are currently limited to 20 marron per licence-holder, per day, and breaches of this regulation can bring heavy fines.

In contrast to this any of the 40 000-odd persons in Western Australia exempted by the Act can take as many chaff bags or other receptacles full of marron as they wish and they can do this day in and day out for as long as they wish within the confines of the open season and it is legal for them to do this. The same applies to any fish, shellfish or crustacea for which bag limits are specified. These include black bream, blue groper, crabs, marron, prawns, barramundi, dolphin fish, King George whiting, mackerel, Westralian jewfish, mussels, southern bluefin tuna, rock lobsters, trout, salmon and mud crabs.

Those exempted under the Act can take as many as they wish when they wish.

The maximum length of nets that may be legally used is another typical example of the position which is created by exemption provisions of section 56.

Section 10 of the Act, which also applies to those exempted from some of the other provisions of the Act, enables the Minister, by notice published in the *Government Gazette*, to regulate the length, depth, size, nature, etc., of nets used in the capture of fish.

Recreational fishing licences, however, are issued by means of regulation and, therefore, do not apply to those exempted from the Act.

As a result ordinary Western Australians are required to hold recreational fishing licences and can only use nets that do not exceed 60 metres in length. Only one set or haul net may be used at any one time. Breaches of these provisions can result in very heavy fines.

Again, in contrast to this, any of the 40 000-odd persons in Western Australia exempted by the Act not only do not require licences but also are not bound by any limits as to the length of nets. They could be 1 000 feet or more should they so wish.

These are two typical examples of the anomalies which can arise as a consequence of the exemption provisions of the Fisheries Act 1905. I could quote many more but those two should suffice to illustrate the points I am making.

[Questions taken.]

Sitting suspended from 6.01 to 7.15 pm

Mr GRAYDEN: As a consequence of section 56, the Fisheries Act is iniquitous and racial. It is contrary to the requirements of effective conservation and it demeans the Aboriginal section of our population.

The Act is iniquitous because of the restrictions and penalties which it applies to some and not to others.

It is racial because it makes particular provision for one of the 60-odd racial groups that comprise the Western Australian community.

It is contrary to the requirements of effective conservation because it is not possible to effectively conserve particular species such as marron if a comparatively large section of our population is free to take unlimited quantities of such species or, for instance, in the case of fish, to use nets of unlimited length.

Finally, the Act demeans the Aboriginal section of our population because it treats them as a race incapable of being bound by laws, relating even to a matter of such vital importance as conservation, which are applicable to the remainder of the community. Aborigines are not a people dependent on flora and fauna for their subsistence. Similarly they are not a people incapable of taking their full place in the Australian community.

The Bill which is before the House will overcome the problems to which I have referred. It repeals section 56 of the Fisheries Act 1905 and replaces it with a new section which, subject to restrictions imposed by specified sections of the Act, enables the Director of Fisheries to authorise in writing any person or group of persons to take in any waters and by any means, sufficient fish for food for that person and his family, or that group of persons and their families or the community to which they belong, but not for sale.

In other words it abolishes the blanket exemption provisions of the current Act. Then it makes provision for the Director of Fisheries to grant exemption in special circumstances, irrespective of race, should the circumstances warrant such exemption. The clause applies equally to everyone in our community and not merely to one section of the community.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Pearce (Leader of the House).

PROMPT PAYMENT OF GOVERNMENT ACCOUNTS BILL

Second Reading

MR LEWIS (East Melville) [7.21 pm]: I move—

That the Bill be now read a second time.

It is with the utmost of good intentions that today I present this private member's Bill relating to the payment of commercial accounts by the Government. The short title of the proposed Act, the "Prompt Payment of Government Accounts Act", spells out quite clearly what the Bill is endeavouring to achieve.

The enactment of this legislation will, in general terms, require all Government departments, authorities, corporations, agencies and the like to pay their accounts for goods and services within normal commercial credit periods or otherwise suffer an interest penalty accruing from the principal date. It is legislation that will compel Government to pay its bills on time.

Mr Peter Dowding: Do you think that a piece of legislation is in any way a replacement of the action that was taken by our Government two years ago on this issue?

Mr LEWIS: I respect the Minister's point, but if he is patient with me I will explain and even congratulate him on that initiative.

Mr Bertram: Is this not a Bill in respect of which you need a message?

Mr LEWIS: If the member is patient, I will give him a message.

Let us turn to the philosophy behind this legislation. I do not believe there is one person in this Parliament who would deny people this right or disagree with people who want their commercial accounts paid on time. Obviously, by the silence, there is agreement.

Mr Peter Dowding: Might I say that your Bill did not believe so because it did not give the Supply division enough funds to do it.

Mr LEWIS: The Minister is struggling.

Mr Peter Dowding: I am not struggling. That is a fact.

Mr LEWIS: A manifestation of the fact that people do believe that it is right and proper for bills to be paid on time was the very credible initiative of the Government via the Deputy Premier who put out a Cabinet minute to the effect that Government departments shall pay their bills within 30 days. That is accepted as a credible initiative. At the same time, he publicly invited any business people who were not being paid within the reasonable period of 30 days to contact the Small Business Development Corporation so they could expedite payment.

Mr Troy: What has the level of contact been following that information?

Mr LEWIS: I am not arguing with the Minister. That initiative did work for a period. In truth, what I can say is that the bureaucracy—in Sir Humphrey style—after a year or so grew tired and lost its understanding and the need to pay Government accounts promptly. This initiative did lapse. We have a situation—although somewhat better since the Government's Cabinet minute—where the paying of Government commercial accounts is slipping. We see this Bill as being bipartisan.

Several members interjected.

Mr LEWIS: Is the Minister knocking it?

Mr Peter Dowding: I am knocking your credibility because your party had been in office for nine years.

Mr LEWIS: The incredible thing is that this Government does not have the graciousness to accept that this side of the House can come up with a good idea. Members opposite are trying to lampoon it. I would like to see the people in the Press Gallery recording the fact that the Minister seems to think the proposal is not a good thing. We see it as being bipartisan. We see it as traversing all political attitudes. We see it as positive legislation that will invoke discipline on the Government to recognise that it has to operate professionally and commercially when purchasing goods and services. It can have only a positive effect on business and commerce, especially on small business.

The small businesses of our State, in the main, operate under very tight financial circumstances. Most of them operate on overdrafts. One of the skills of small businessmen or women is the monthly manipulation and monitoring of cashflows so that they can pay their accounts on time.

The Liberal Party sees this legislation as giving a guarantee to commerce and small business where it has trade with the Government. Small business and businessmen in such a position would therefore know that they would be paid within a fixed period, and if they were not, of course, they would receive interest on the outstanding moneys. We see this as a very good, positive initiative, which will help small business. We also see the legislation—and it is

unfortunate that the Minister for Labour, Productivity and Employment is now leaving the House—

Point of Order

Mr BERTRAM: I draw your attention, Madam Acting Speaker, to section 46(8) of the Constitution Acts Amendment Act because it appears that a message may well be required for this Bill. I should imagine that it is most unlikely such a message has been received or will be received, and in that case, I submit that the Bill cannot be proceeded with.

Mr LEWIS: I take the point which the member for Balcatta has made. If he would be patient with me, I will explain, in the course of my contribution, why I believe the Bill does not need a message: I believe that it is not possible to adjudicate whether the Bill needs a message until I have completed my second reading speech.

Mr PEARCE: On the same point of order, I think the member for Balcatta is quite right in that a message is likely to be required. Equally, the Government has not determined whether it will support this Bill; and obviously the coming forth of a message will be dependent upon the Government's attitude. It has been the practice of this House to allow second readings of this kind to be taken through to the conclusion of the mover's speech before a decision is made with regard to a message. Although the member for Balcatta is quite right in the point of order he has taken, the Government has not determined its attitude to this Bill, and will not do so until such time as this second reading moving speech is concluded.

The ACTING SPEAKER (Mrs Henderson): It seems reasonable for the member to continue with his outline of the Bill, and I will determine at a later stage whether a message is required.

Debate Resumed

Mr LEWIS: I thank you, Madam Acting Speaker and I thank the Leader of the House. I believe this legislation is a simple extension of Government policy which only formalises the Government's existing attitude that Government should always pay its accounts on time. It is a matter where principle should prevail, and I sincerely trust that the Government accepts the goodwill and the intention with which this Bill has been proposed.

There is a historical background which should be known to the House. As a matter of record, in Australia in 1950, government—that is, local government, State Government and municipal government—consumed about 15 per cent of the gross domestic product. Today the figure of GDP consumed is around 44 per cent. That means that the Government has increased its share, over 37 years, of the financial resources of this country by about 30 per cent. It can thus be seen that the Government's financial dealings with Australian business are very substantial. For example, let us look at the Western Australian Government and its total budgeted revenue, which is around $3.2 billion. I understand wages comprise about $2.2 billion of that figure, which leaves around $1 billion for contracts and goods and services, or roughly 30 per cent of the State's Budget.

If one looks to the cash flows associated therewith, this represents money for goods and services flowing out of the State Treasury of about $83 million a month. If one wants to look at the interest at say, 15 per cent for one month, the Government could save, if it withheld that $83 million, about $1.04 million. Of course, if it withheld the money for two months, that figure would be about $2.1 million. The Government could save this money if it did not pay its accounts on time. Thus with a $2.1 million cash flow removed from the private and commercial sector of this State, one could see that the non-payment of the Government's commercial accounts could have a great effect on commerce and industry in this State.

It is interesting to note that an American experience in 1981-82, found that approximately 30 per cent of all Government accounts were not paid on time. If one wanted to project that sequence into this State's situation, it would translate that 30 per cent of the Government's accounts when not paid would represent $350 000 which would be withheld from the business community.

Mr Troy: Is that a valid comparison—just one other country? Your point may be well and truly relevant, but is it relevant to this State in particular?

Mr LEWIS: I am not suggesting for one moment that our State Government does not pay 30 per cent of its accounts within a month. I am using that as an example to illustrate what happens when a Government does not pay its accounts. If the Government is dilatory in paying its accounts, it can have an effect.

Mr Troy: That may have been the result in that single instance, but it may bear no relevance to Western Australia.

Mr LEWIS: I had not intended it to be relevant. If the Minister had been listening, he might have picked that up.

Mr Bertram: Is it not good business to slow down one's payments to creditors a bit?

Mr LEWIS: Maybe for the member's Government. I am trying to convince this Government—and it seems to find difficulty in accepting the need to pay Government accounts on time; its members seem to be arguing that it is not a good thing to pay accounts on time—

Mr Bertram: The private sector doesn't think it is a very good thing.

Mr LEWIS: I am not talking about the private sector; I am talking about the responsibility of Government to pay its accounts on time. In hard times—times like these—high interest, increasing business costs, high rent, high outgoings, high on-labour costs, high Government taxes and charges, municipal rates and the like, and the cost of Government compliance bear down on the viability of business.

Cash flow is vital, and the prompt payment of accounts by Government is paramount for businesses, particularly small businesses, to survive. To this end we on this side of the House believe that when one deals with the Government one should not have to provide credit for extended periods.

What this legislation provides is exactly what the Government requires business and the community to do. We all know that if we do not pay our income tax on time, we suffer a 20 per cent compounding penalty interest. We all know that if we do not pay our water rates on time we suffer a compounding penalty interest. We all know that if we do not pay our land tax by the due date, we suffer a 10 per cent flat penalty on the outstanding amount. If we do not pay our local government rates on time we suffer a 10 per cent flat interest penalty. If we do not pay payroll tax, of course, straightaway there is an automatic prosecution and fine.

If one looks at the Government's requirements for the filing of company returns, one will notice that if the annual return is late—and that costs $105, by the way—the penalty is $12; a total of $117. If one is dilatory for three months, the penalty is $39. With the $105, that has gone up to $144. If one waits over three months the penalty is $65 on top of the $105, totalling $170.

It is clearly demonstrated if it is good enough for the Government to require business and the community to pay accounts on time or suffer a penalty, it is good enough for the Government to pay its accounts on time or suffer the same sort of penalty. It is important for the Government to set an example in this whole matter.

To explain to the Minister for Transport, who raised the point a moment ago, I turn to the American experience. In the 1980s American business found that over 30 per cent of Government accounts were paid later than the normal commercial period. The position was so bad that in 1982 President Reagan introduced legislation similar to this Bill to ensure the prompt payment of all US Government Federal agency accounts, for which he received congressional approval and support.

That US law became public law No. 97/117, and came into force in 1983. It is interesting to note the discipline that this legislation imposed on Government. It required accounts to be paid on time or the agency would suffer interest penalties.

This law had a remarkable consequence. Within 12 months, 99 per cent of all Government accounts were paid on time. That is the discipline which this Bill seeks to place on the Government and Government agencies.

Mr Troy: What was the old level prior to the Bill?

Mr LEWIS: Prior to the Bill, 30 per cent were dilatory in their payment, and 70 per cent paid on time. After the introduction of their Bill the figure went up to 99 per cent.

Mr Thomas: What is your source?

Mr LEWIS: Heinz! Forget it.

I do not suggest that at present the payment of our own State Government accounts are so dilatory as to be 30 per cent behind. I accept that they are not. The important point to note, and that should be gleaned from the American experience, is the discipline it places on Government whereby 99 per cent of Government agencies paid their accounts on time after the introduction of the legislation in America.

We on this side of the House see the Bill as being positive. I put it to the Government that there is virtually no down-side to it, except perhaps the loss of some Government revenue which would otherwise be generated on the short-term money market in respect of certain accounts which may not have been paid within those commercial periods. I see the legislation

as having a very positive effect. I see it over a period as having the effect of reducing the cost to Government of goods and services.

When I was in business—and I speak from experience—it was an accepted business practice that if one knows a certain client is dilatory with payment, quotations or costs for goods and services are adjusted so that the person supplying the goods and services does not lose in the long term.

Mr Bertram: Do you want interest on top of that?

Mr LEWIS: I suggest that if people know that commercial accounts will be paid, they will be induced not to apply this component to the initial account. Their prices will be keener. In time, Government will need less money to pay for goods and services than it would without that discipline.

It may be said by the Government that we as Liberals have a very strong policy and believe there should be smaller government, and perhaps less government. That is quite correct. But should the Government accept this legislation, in no way will it require one additional person to be placed on the staff of Government. This legislation will make Government agencies and the people employed by them more efficient. They will be disciplined to be more efficient. It can have only a positive effect.

Of course, it will cause the Government to set an example, and it will show business that the Government is prepared to do to itself what it expects commerce and people to do to the Government.

The legislation I have proposed will give confidence and encouragement to business and commerce. It will not have any impact upon budgetary estimates or appropriations.

A point of order was taken to the effect that the legislation needed a message. The Bill requires that if interest is to be paid because of late payment, it must be paid out of moneys already appropriated by this Parliament and lawfully available for that purpose. That is written into the legislation. Thus if Government departments or agencies are dilatory, they will suffer out of their appropriations because the interest is paid out of those appropriations and not paid by a separate allocation that needs to be made by the Treasurer.

I put it to the Government that I do not believe there is any down-side to this legislation. If the Government is not prepared to support this Bill, it can only be because of bloody-mindedness and pique that it never thought of it and believes that knowledge and good ideas can come only from the Government benches.

I wrote to the Deputy Premier in his capacity as Acting Premier last Monday, with the utmost goodwill, and enclosed in that letter a copy of the Bill. I invited the Government, through the Acting Premier of the day, to support this Bill. I have not received a response and am still waiting to see what is the Government's attitude, whether it recognises that this is an important initiative and whether it is prepared to support it, notwithstanding there may be the odd technicality in the drafting of the Bill that may need to be sorted out. I challenge the Government to declare whether it does support the Bill. It is obvious by its silence that it does not know.

Before having this draft legislation printed, I sought the counsel of a distinguished former Under Treasurer of this State, Mr Les McCarrey, who advised me that goods and services were purchased by the Government in three ways. The first was via a central agency, known as the Government Stores. The second was by direct purchase by Government agencies and departments out of their appropriation. The third was by way of local purchase orders, or LPOs, and this is where there may be a little difficulty, which is accepted.

Mr Thomas: Was not Mr McCarrey the man who advised the Government on the take or pay contract on North West Shelf gas?

Mr LEWIS: Is the member trying to disparage his character?

Mr Court: Come out and say it. The member is saying he was not a good Under Treasurer.

The ACTING SPEAKER (Mrs Henderson): Order!

Mr LEWIS: Mr McCarrey's advise to me was that he saw no problems with central Government Stores. He also saw no problems with Government agencies, corporations, departments and the like. He did see that there could be a problem with local purchase orders, but this could easily be solved if the purchase order were signed by the person authorising the purchase. The purchase order could then be deemed as a receival of goods, and the supplier of those goods and services would attach the form to an invoice as a validation that the goods had been supplied. It was generally agreed that there were no bureaucratic prob-

lems, other than perhaps the Sir Humphrey attitude that any change should be avoided at all costs.

I now turn to the Bill itself. It has been suggested it needs a message from the Governor to appropriate revenue to meet the interest payments provided for. As correctly stated by the member for Balcatta, this is part of section 46(8) of the Constitution Acts Amendment Act. However, I dispute that this legislation needs a message from the Governor, on two grounds: First, as the short title of the Bill suggests, it is a Bill for the prompt payment of Government accounts. It is not a Bill for the appropriation of money. I put it to the House that every single piece of legislation that passes through this House costs the Government money somewhere along the line.

Mr Bertram: Has the member had a look at clause 4?

Mr LEWIS: Would the member please be patient. I believe it is only incidental to this proposed Act that if the account is not paid on time, penalty interest is incurred and is payable.

In support of my contention that this Bill does not require a message, I refer to section 46(1) of the Constitution Acts Amendment Act which to my mind provides, for Acts such as this, that where penalties are incurred a message is not required. To reinforce my contention, subclauses 7(1) and 7(2) of this Bill specifically provide that where interest is required to be paid it is deemed to be lawfully available for payment out of appropriated moneys. I trust that that is perfectly clear.

Notwithstanding that, out of courtesy and also foreshadowing that a message may be required, in my letter to the Acting Premier on Monday last I pointed out that although to my mind the Bill did not require a message, I requested the Premier to consider it and to take the necessary action to ensure a message was brought forward if it was required. But as this has been properly ruled, I do not believe anyone in this House would question whether this Bill needs a message, at least until I have finished my second reading speech.

Clause 3 of the Bill is really the nub of the legislation; it provides that governments shall pay all commercial accounts on or before the due date. The due date as defined in the interpretations section, clause 2 of the Bill, provides that accounts will be paid by the 25th day of the following month or otherwise within 30 days of the date on which the account falls due for payment.

Clause 4 of the Bill provides that a commercial rate of interest is payable on all outstandings from the due date and until paid. The method of determining interest was a problem. I did not see that it should be prescribed or written within the legislation because, with interest rates being as volatile as they are, every time they moved we would have to amend the Act. I also saw that it was not proper for the interest rate to be prescribed because if the Government wanted to get around this Bill it could prescribe that no interest was payable and therefore there would be no penalty for late payment. I have therefore tied the interest to the discounted rate on Commonwealth Bank bills. It could be argued that that is not necessarily a proper benchmark on which to pitch the interest rate. I am happy to consider other suggestions, and to be honest I even have another idea myself which could be considered if this Bill progresses to the Committee stage.

Clause 5 of the Bill provides that if the date of payment is not prescribed within the contract and if there is argument or litigation over whether the goods and services have been properly supplied and the matter goes to court, on adjudication the amount of money deemed oustanding by the judgment would attract the interest rate, as I have suggested in the Bill.

I suppose the Government could say that it is paying its accounts on time. I would agree that in the main the accounts probably are paid on time, but many are not. It is very interesting to note that since this legislation received publicity in the Press I have received a number of telephone calls from people explaining how they have had to wait two, three, or four months for payment of their accounts.

Mr Troy: Have they lodged a complaint with the SBDC?

Mr LEWIS: I do not know whether they did.

Mr Pearce: Did you advise them to?

Mr LEWIS: No, I did not.

Mr Pearce: That is a bit derelict.

Mr LEWIS: Their advice to me was that they had been paid but had had to wait a long time.

Mr Pearce: Do you want their votes, or do you want their accounts paid?

Mr LEWIS: If the Minister wants to knock the Bill, he can knock it.

I will not bore the Parliament with all these examples—and I have five or six of them here—but I do have a very good example, and maybe it is one I should explain to the Parliament. It relates directly to the Premier's intervention in a particular matter, and concerns a small professional group which provided expert services to the State Superannuation Board. This group completed its task on 23 November 1986, and I think the sum of the account was $3 500. It is only a small business.

The group wrote to me in early March 1987 complaining that after repeated overtures to senior officers and advisers of the Superannuation Board it had not been paid and was being fobbed off; so in desperation it wrote to me. I rang and wrote to the Superannuation Board, and it agreed that the four-month-old bill should have been paid, and said it would be paid within a fortnight.

Not being satisfied with that, the proprietor of the business contacted the Premier himself, and either the Premier or officers of his department got onto the Superannuatuion Board. That account was paid two days later.

Mr Pearce: There you are. He should have gone to the Premier first and not to you.

Mr LEWIS: Let me finish. The Premier apologised but the proprietor, still not being happy, wrote to the Premier and said, "Isn't it fair and reasonable that I be paid interest for that?" And guess what the Premier did? And all credit to him. He authorised the payment of $157.87 interest to be paid to this small business because it did not have its commercial account paid on time.

Mr Pearce: He is a top Premier, there is no doubt about it.

Mr LEWIS: I commend the Premier for his action, but do members know what that says to me? It says that the Premier agrees with what I am saying, which is confirmed by virtue of a letter to the small business proprietor dated 28 April 1987 under the hand of Brian Burke, which reads—

> Thank you for your letters.
>
> The Superannuation Board agrees that an unnecessary delay was caused by Mr. Jones in approving the payment of your $3 500 consultancy fee.
>
> In view of the holding charges incurred by your organisation as a result of this delay, the board has agreed to pay the interest charge of $157.87 and apologises for the inconvenience it has caused.
>
> I appreciate your bringing your concerns to my attention and trust this satisfactorily resolves the matter.

I commend the Premier for his action, an action which surely suggests that the Premier has done what I am suggesting should always be done.

It is a poor state of affairs when a citizen of this State has to go to the Premier and bother him with such a triviality. But this person had to wait four months to be paid.

Small business, via the Australian Small Business Association, the Western Australian Chamber of Commerce, and other organisations, has come out publicly in the Press and lauded this Opposition initiative. I can therefore say that the Bill has wide public support. I therefore ask the Government to show its goodwill and support the Bill.

I commend the Bill to the House.

Acting Speaker's Ruling

The ACTING SPEAKER (Mrs Henderson): Order! I have listened very closely to the remarks of the member for East Melville as to why he thinks the Bill does not require the expenditure of Government funds. However, it is my view that clause 7, which requires the payment of interest, whether or not money is specifically allocated for that purpose, requires that money has to be payable out of Consolidated Revenue.

I rule that this section of the Bill quite clearly requires the expenditure of Government funds and as such falls under the scope of section 46(8) of the Constitution Acts Amendment Act. I order that the Bill be placed at the bottom of the Notice Paper.

INDUSTRIAL RELATIONS LEGISLATION

Condemnation: Motion

MR MacKINNON (Murdoch—Leader of the Opposition) [8.13 pm]: I move—

> That this House condemns the Federal Government's proposed Industrial Relations Bill which is aimed at—
>
> (1) preventing employers seeking legal relief (before ordinary courts) against illegal union activity; and
>
> (2) removes the effective protection provided to employers by Sections 45D and 45E (the secondary boycott provisions) of the Trade Practices Act;

(3) in so doing further entrenching trade union power and privilege in Australia,

and calls on the Federal Government to immediately withdraw the Bill.

The wording of the motion is now partially incorrect in that the Bill is no longer proposed but is before Parliament. Nonetheless the intent of the motion remains the same.

About a week and two or three hours ago the Federal Treasurer presented to the Federal Parliament a major economic statement, the mini-Budget. In a very moderate way he attacked one of the three principle factors which are restraining growth and development in Australia. Those three factors are the growing deficit and the debt that this country faces as a consequence of the deficit, the Government's industrial relations policy, and taxation. While the Federal Treasurer made a very tentative but nonetheless good move in terms of addressing the deficit—it was a promising start and a move in the right direction to reduce the deficit—just one or two days later the Federal Government introduced its industrial relations legislation. That promising first step made by the Federal Treasurer was automatically demolished in the very next breath by the introduction of that legislation.

All Australians, including members of this Government if recent overseas visits sponsored by the Government are any indication, are looking for some real industrial relations reform in this country. All Australians must be extremely disappointed to know that this Bill has been introduced into the Federal Parliament, a Bill which entrenches and increases union power while doing nothing to provide real industrial relations reform, which is just what we are looking for.

What does the Bill do? Firstly, it introduces a package which emasculates the secondary boycott provisions of the Trade Practices Act. As members are aware, that section of the Trade Practices Act provides a very quick and effective avenue of redress for employers who feel that illegal action has been taken against them by unions. That previously very quick and effective avenue is now to be relegated to the end of a very long queue of bureaucratic procedures.

Secondly, trade unions will become, for all practical purposes, immune from common law actions. In other words—and these are not just my words but the words of many commentators we have seen and heard recently in the media—unions will be placed above the law. We will have one law for one group of Australians and one law for another group.

Thirdly, while the power of the proposed labour court to enforce decisions made by the commission may be on the face of it appealing to some people, the sanctions against misbehaving unions are totally inadequate and in no way substitute for the existing provision, which has been so effective in the past in overcoming those illegal union actions.

Fourthly, the Bill does absolutely nothing to increase the flexibility of the industrial relations system, a key factor in the problems we are facing in Australia at the current time. The Bill introduces more rigidity into a system which is crying out for relief.

Fifthly, the Bill does absolutely nothing to address the special needs of small business. In fact it is designed very effectively to work against its best interests.

Sixthly, the new commission will retain its power to award preference to unionists, and in so doing the Federal Government has endorsed the concept of compulsory unionism, a concept to which the Opposition is totally opposed and has been ever since I have been a member of the Liberal Party.

In addition to those six factors there is one other that should cause real concern to all Western Australians and in particular to members of the Government. That is, the Bill is designed to circumvent, to overcome and to be supreme to, State legislation. Any move along those lines should surely have been the subject of the strongest criticism from all State Governments interested in retaining their rights and sovereignty in this area.

If members doubt my words I will quote from no other authority than Mr Willis, the Federal Minister responsible for the introduction of the legislation into the Federal Parliament. I refer members to the 15 May edition of *The Australian* and specifically to an article titled "Willis Bill starts bitter battle" which was written by Mike Taylor. Referring to Mr Willis, the article reads in part—

> He said the legislation was intended to ensure that where other remedies were available under any State or Territory legislation or in tort that were inconsistent with federal remedies, "then the federal remedies are to be paramount".
>
> "Thus, the provocative and confrontationist Queensland legislation, which makes no useful contribution to

> bringing about the end of industrial conduct that is harming other persons, will be overridden," Mr Willis said.

Further on it said—

> In the case of Queensland State-registered unions, proceedings in relation to secondary boycotts, primary boycotts affecting interstate or overseas trade and commerce and agreements having the effect of boycotts will not be actionable under the Queensland Act.

Members can see that the Federal Government is endeavouring through this legislation to somehow or other get at the Queensland Government's legislation, and in so doing attempting to close off some avenues to industrial relations reform which we in Western Australia would take in Government. Those avenues would be closed off by proposed section 216 of the Federal legislation, which would have an impact on our proposed emergency services legislation. Members will be aware that during the recent power strike we made a commitment to introduce such legislation when in Government.

Mr Peter Dowding: We have it already. You should have looked at the Statute book.

Mr MacKINNON: It is only applicable in emergencies and not at all times, as the Governor would have to agree that every such situation was an emergency. It seems to me there is a severe doubt about that. If that legislation is in fact a powerful enough tool for our purposes, we will not introduce any legislation. We will resort to that tool, and in circumstances like those existing last Friday week we will implement the legislation. We will not run away from it; if the existing legislation is lacking we will introduce our Bill.

Irrespective of whether the existing legislation would have stopped the strike last Friday week and whether we need a new Bill, the Commonwealth Bill will override it. Our sovereignty has been interfered with and that should be vigorously opposed by every sensible thinking Western Australian, and certainly every such person in this Parliament. It would seem the Federal Government has introduced this legislation without any consultation with its State colleagues. I ask the Minister to indicate whether he was consulted before the legislation was introduced.

Mr Cash: Will he answer?

Mr MacKINNON: I do not think he will.

Mr Court: Was the Minister consulted by the Federal Minister?

Mr Peter Dowding: In part, and to an inadequate level.

Mr MacKINNON: Did the Minister approve of the legislation when he was consulted, and how long ago was that?

Mr Peter Dowding: Don't interrogate me. You make your speech and I will make mine in due course. I was consulted, but to an inadequate level.

Mr MacKINNON: When was the consultation?

Mr Peter Dowding: Over a period of months.

Mr MacKINNON: The Minister apparently was consulted over a series of months, but we do not know in which year. Who knows whether he was consulted about this section of the Act which will interfere with State sovereignty. Did the Minister object to that section of the legislation? If he did, it is news to everybody in this House, and the general public have no knowledge of whether he objected to it.

We object to that section of the legislation, and virtually to the whole of the legislation, and think it should be thrown out. The Federal Government should start again if it is looking at industrial reform, particularly that part which impinges on State rights and our ability as a State to provide legislation which will attend to the issues in this State. We will implement legislation in Government to solve the problem of disputes in emergency services. We will ensure that strikes are not allowed in those areas of industry in this State. If the Federal Government brings down this legislation, we will join Sir Joh Bjelke-Petersen and any other Premier or leader in this country who is willing to take on the Commonwealth through a constitutional challenge.

Mr Peter Dowding: Do you support the Queensland legislation? Answer that! You like questions being answered.

Mr Cash: Don't interrogate someone like that!

Mr Peter Dowding: Are you saying you support it?

Mr MacKINNON: I support the emergency services legislation we will introduce in Western Australia to handle Western Australian problems. That will be designed to deliver essential services to the people of this State, and will ensure that they are not held to ransom as they were last Friday week by a group of militant people. On that occasion the Government

stood idly by watching chaos on the roads, sick people in homes and hospitals being inconvenienced, and people's lives being placed at risk. What did the Minister say about that? He said, "Do you support the Queensland legislation?" We will support legislation which attends to Western Australia's problems. All we ask the Commonwealth Government to do is stay out of the way and let us get on with the job. We object to its interference in our affairs.

When in Government, we will join with Sir Joh and any other party around Australia who wishes to join us in opposing in the highest court of the land the Commonwealth Government's moves in this area. We want to ensure our right to legislate for the people of Western Australia, to deal with the State's problems, is protected. If this Minister is prepared to sell his birthright to the Commonwealth Government for his union mates, it is his business; but it is not ours, and it will not be our point of view.

It seems the Government is prepared not only to sell out the State, but also small business people, because this Bill will close off any hope a small business had of getting around the problem of totally illegal militant union action. The procedures now to get access to sections 45D and 45E of the Trade Practices Act under the Bill are tortuous, to say the least. A company seeking relief from illegal activities which are mounted against it will go bankrupt in most instances while waiting. It begs the question why the Minister for Small Business has not had something to say about this matter.

Mr Court: He has been very busy.

Mr MacKINNON: He has been busy attending to the report the Government commissioned on small business in rural areas. I think it is still coming. It has been before Cabinet for months.

What did the Minister say about this industrial legislation, which effectively closes off this avenue of appeal to small business in this State? From his response he obviously had nothing to say, and still has nothing to say for small business in this State.

Mr Troy: I will speak on behalf of small business at the appropriate time.

Mr MacKINNON: Small business in this State is clearly without an effective voice in the Government. The only effective voice small business has in this Parliament is that of the member for East Melville. Despite the fact that his Bill may have been ruled out of order on a technicality, I repeat the commitment that that Bill will be one of the first we introduce in Government.

Mr Peter Dowding: What did you do when you were in Government. Nothing!

Mr MacKINNON: Here it is again—the classic Burke Government riposte—"Why did you not do it in Government? It is all your fault." We were in Government more than four years ago; the Burke Government has been in power for over four years and has failed to address many of these problems. I repeat for the benefit of the Minister for Small Business that the Bill introduced this evening by the member for East Melville relating to the payment of commercial accounts by the Government will be one of the first introduced by a Liberal Government which I will lead after the next election. Government members can make all the comments and criticism in the world. I am pleased the Minister for Small Business does not agree with the Bill, because at the next election it will be one of the key commitments we give to the small business community. If the Minister believes that that commitment is not real, I ask him to talk to that section of the community which he is supposed to represent.

Let us talk about the small business people and how their access to recourse in industrial relations disputes is being closed off, and the claims that the Minister will make this evening—certainly all of his Federal and State colleagues have made these claims—about what has happened under sections 45D and 45E.

I refer to comments made by Gerard Henderson in *The Australian* of 4 May 1987.

Mrs Henderson: Was he not an adviser to Mr Fraser?

Mr MacKINNON: He may well have been; I do not know. That does not disqualify him from making an informed comment. The Government can pooh-pooh Gerard Henderson as much as it likes. We will examine the facts as explained by him. The Government can come up with anyone else it likes as an authoritative source to prove those facts wrong. Under the heading "Clubbing together for the sake of the unions", Gerard Henderson says—

> Section 45D has been in existence for about 10 years.
>
> In that time there have been only two occasions where this legislation has been implemented fully against unions.

> The secondary boycott provisions were used to their full effect against the Australian Meat Industry Employees Union in the 1985 Mudginberri dispute and again this year against the Plumbers and Gasfitters Employees Union in the building industry dispute.

The Federal Government is now trying to wipe out an Act of Parliament that gives small business people access to an effective remedy that has been used to its ultimate conclusion.

Mr Peter Dowding: How many times?

Mr MacKINNON: Twice in 10 years.

Gerard Henderson, in referring to comments made by Professor Waterson, said—

> It is also a myth for Professor Waterson's group to maintain that Section 45D has lead to "the imposition of massive fines against unions" or that it has made possible "an attack on the very existence of trade unions".
>
> The secondary boycotts provision has primarily succeeded because it has made it possible for employers to obtain injunctions (no fines) against illegal union action. There were 80 such cases in 1984 and 1985 alone.

Mr Bertram: Don't you have confidence in your brethren to handle this matter in Canberra?

Mr MacKINNON: I am confident they will handle it effectively. I am concerned about a Bill that will take away the rights of this House of Parliament to legislate in the interests of Western Australians. I am concerned also about a Bill that will take away the rights of small business interests in this State. If the member for Balcatta is not concerned about that, he can vote against the motion. I hope he does because, once again, we want the people of this State to know where we stand on fundamental issues; and this is one of those fundamental issues.

Again, the member for Balcatta and others may ask what this has to do with Western Australia. I have pulled out only two examples of this legislation's benefiting Western Australian companies. A company called Universal Constructions Pty Ltd wanted to use some of its employees from Perth, as well as Perth subcontractors, to work on a project in Wickham a couple of years ago. The building unions imposed bans to try to force the company to take on local people—that is, it tried to tell the company whom it should or should not employ. An injunction was obtained from the Federal Court enabling the company to organise its own affairs and to get on with the job. The Government would not allow Universal Constructions to have the right to hire and fire its own employees. It wanted the union to be disruptive.

The second example occurred in 1984 when Cockburn Cement Ltd was caught as an innocent party in a dispute. The union involved had placed bans on a supply to Cockburn Cement, thereby affecting Cockburn Cement even though it was not a party to the dispute. Again, a Federal Court injunction stopped the bans and enabled Cockburn Cement to carry on as normal.

I can see nothing wrong with that type of action. That is why we want thrown out this legislation which restricts access by companies to these very proper and appropriate procedures. As this motion indicates, we want this Government to indicate to the Federal Government that we will have no part of such legislation.

We object also to other parts of the Bill. The Hancock inquiry handed down a report that was in part sensible, and it indicated that both unions and employers should have the right to opt out if they wished.

Mr Peter Dowding: Did your party make a submission to it?

Mr MacKINNON: I do not know.

The inquiry suggested that employers and unions should be able to opt out, but that is not included in the legislation. Is it not surprising that the day after the Federal Treasurer brought down a statement cutting back expenditure, he introduced a measure that will, at his own Government's estimation, cost this country $2.1 million to administer in 1987-88.

Members can see from those points that there is real concern among all Western Australians about this legislation. It is not in the best interests of the community. It places one section of our community above the law. It is clear that this should not be tolerated. It also interferes with the rights of the Western Australian Parliament.

Finally, the Bill effectively disfranchises the rights of small business people to have access to what is a very proper recourse under law. There should be universal agreement to reject this legislation. A failure to do so will indicate that, after all of the comments made by our op-

ponents opposite, industrial relations reform is nothing but a sham, as we have always believed.

MR COURT (Nedlands) [8.39 pm]: In seconding the motion, I support the comments of the Leader of the Opposition. The Federal Government has made a major tactical blunder with this legislation, and particularly with its moves to take away access to sections 45D and E of the trades practices legislation. This tactical blunder will prove to be a rallying point for employers around this country, and certainly for small business people.

The political parties, certainly the National Party and the Liberal Party federally, have expressed their great concern about this legislation and it will be very interesting to see how the Democrats perform on the Federal scene. The Democrats initially said that they would support this legislation but I bet that by the time it gets to the House and they have to vote in the Senate, they will change their minds because they will realise how strong the resentment is against certain sections of the legislation.

Mr Parker interjected.

Point of Order

Mr MacKINNON: Members of the Opposition have been criticised continually by the Deputy Speaker recently for what is termed unparliamentary activities, including interjecting when not in their seats. I ask you, Mr Acting Speaker, to order the Government Minister who is interjecting to desist from doing so unless he is in his seat.

The ACTING SPEAKER (Mr Thomas): I ask all members not to participate in any debate in the Chamber unless they are in their seats.

Debated Resumed

Mr COURT: If the Minister for Industry and Technology, the Minister for Small Business, or the Minister for Labour, Productivity and Employment decide to support what the Federal Government is doing, I advise them not to rush into any meetings of business people in this State. Those people will certainly be extremely upset with any politician seen to be supporting the sections of this legislation which are of great concern.

Why are we so opposed to this legislation? We are opposed to it because the centralised arbitration system in this country has failed to provide proper protection for employers against unreasonable unions. The business community in some cases has been forced to use its common law rights through the trade practices legislation and an imbalance has developed between the rights and responsibilities of unions on the one hand and the rights and responsibilities of employers on the other.

In fact, the arbitration system, which members opposite so proudly defend, in many cases prevents proper negotiations between employers and employees in the workplace. When employers use the trade practices legislation it is dealt with by what I would call a real court. That is unlike the Australian Conciliation and Arbitration Commission or the proposed Labour Court which tend to be swayed by non-legal pressures.

The Trade Practices Act was originally introduced to stop collusion between employers. It is interesting to note that in the Mudginberri case it was used to protect employees against pressure from their own union.

Under our industrial relations system business, particularly small business, has been forced to use the Federal Court to prevent the ill effects of black ban actions which in many cases have been sanctioned by the arbitration commission.

Mr Peter Dowding: When?

Mr COURT: In the case between the Meat Industry Employees Union and Thomas Borthwick and Sons (Australasia) Ltd they were enjoined by the Federal Court to obey the order handed down and costs were awarded to Mr and Mrs Gibbons. In that case the black bans imposed had in effect been sanctioned by the arbitration commission.

Mr Peter Dowding: How were they sanctioned?

Mr COURT: The arbitration commission had agreed with them and said that it was okay that they had been put into effect. That is the very point I want to make.

In the Mudginberri case two major fines were imposed under the trade practices legislation—a fine of $154 000 and an award for damages, which is under appeal, of $1.7 million. In the plumbers' case fines of $288 000 were imposed. A series of injunctions has been used and in the case of the Twin Cinema building, the owners made it quite clear that if they had not been able to get an injunction from the Federal Court they would have gone broke. In many cases only the granting of that injunction has allowed the business to survive.

The point we want to make to members opposite is that a very strong message is being put out, particularly after the Mudginberri case, that the small business people who felt helpless in the past will no longer stand for being pushed around and pushed out of business.

Mr Troy: Was Mudginberri a small business?

Mr COURT: It is a small business and it was supported by thousands of other small businesses. A small business person taken on by the might of a union invariably loses. The union can push that person around and send him broke. If the Minister is not aware of the circumstances surrounding the Mudginberri case, I think he should familiarise himself with them. In the case of Mudginberri, thousands of small business people contributed financially to make sure the people concerned had a proper fighting fund to fight the case. Small business has served notice on the irresponsible elements of the union movement that it will no longer be pushed around and now the Federal Government wants to take away one of the means it has by which to stop the activities which have been taking place. That is the environment in which this Government has introduced the legislation. The Federal Government has made a major tactical blunder by introducing this legislation.

What was the Minister's reaction? The Minister's reaction to this legislation was contained in two words—"Don't know". That was his reply when asked about the effect of this legislation on our State. He was asked whether or not there had been consultation with Federal Ministers and his answer was that the Government was very concerned that the Federal Government did not consult it over the critical issues, which were the relationship between Federal and State laws; and it was a matter of great disappointment that Ralph Willis chose not to engage in adequate consultation although it had been promised.

To the Minister's credit, he has admitted that he did not get adequate consultation. It concerns me that on such important legislation, which could have such serious effects on what happens in the State Government, the Federal Government did not have the courtesy to consult the Minister. That is one of the reasons we think it is important for this Parliament to get a message to those people that we do not want them interfering in State matters and that we certainly do not want the trade practices legislation removed.

The Minister also said, in what I consider to be a casual approach, "It probably will not hurt us badly and they are waiting legal advice as to what the effect will be." In answer to a question yesterday the Minister said he was still waiting for that advice.

Mr Peter Dowding: That is right.

Mr COURT: Let us hope that we get it fairly soon, particularly as the legislation will be in the Senate next week.

The Government may not know what is wrong with the legislation, but we certainly do know what is wrong with it. The Federal Labor members want to eliminate the right of businesses to resort to common law under the trade practices legislation. They want to stop employers from taking effective legal action against union intimidation and industrial lawlessness.

If the Minister reads the new legislation he will see that the ability for employers to do that is virtually eliminated. By preventing access to injunctions at common law many employers, who have been able to use that action in the past to stop themselves from going broke, will now face the distinct possibility of going broke under the proposed legislation.

The Minister appears to adopt a similar attitude to that adopted by the Labor Parties in other States; that is, he sees the common law right as an irritant rather than an area for problem solving. What ignorance—he is unable to understand what is taking place in the real, practical world where people have to survive in a tough environment. It is absolute ignorance to say that resorting to common law is an irritant.

I have mentioned to the Minister that employers can be confronted with black bans which are bleeding their businesses, and if they do not have the right, through legislation, to obtain an injunction to stop the bans their businesses go broke. No-one worries about it and the employees have to find other jobs. It is about time that businesses were supported and that we did our bit. The reason we are moving this motion tonight is to make sure that employers retain the right they currently have to use injunctions to protect themselves.

The Minister referred to a need to improve attitudes in the industrial relations environment. There is always a need to improve attitudes in that arena. Employers cannot be blamed for their attitude and we must realise that there have been some very irresponsible unions which have been causing havoc and

heartache, and in many ways have been causing the decline of this country's economy which, all members would agree, is facing difficult times. We cannot run away from the problem.

One of the Minister's most absurd comments when talking about the question of common law was, "One of the problems has been that where you are moving to settle a dispute and someone goes off on a frolic of his own in common law, or off into a secondary boycott issue, it ends up with the dispute being heightened and expanded, rather than resolved. That is the reason I believe that the Federal Government's action of putting all the jurisdiction in the one court makes sense."

Fancy saying that employers will go off on a frolic of their own! In a situation like Mudginberri how would the employers have been able to defend themselves when pickets were in place for four months? How could they defend themselves? Did they go off on a frolic of their own? They certainly did not. It is all very well for the Minister to say these things, but it shows a complete lack of understanding of the real situation.

Mr MacKinnon: Is that what the Minister said?

Mr COURT: That is right. I refer to the whole question of wanting to get rid of the provision regarding secondary boycotts.

Mr Peter Dowding: What did your party do about secondary boycotts in relation to the State Industrial Relations Act?

Mr COURT: If my memory serves me correctly, the Liberal Party introduced amendments to the Government's legislation.

Mr Peter Dowding: What did you do about it when your party was in Government?

Mr COURT: We are not debating the State legislation, but I cannot recall what happened. As far as the Federal Government is concerned there has been the ability, over the past 10 years, to use sections 45D and 45E of its legislation.

When the Prices and Incomes Accord was being negotiated the Government promised that it would take away the secondary boycott provisions. Recently I read an editorial in *The Australian Financial Review* of September 1984 which stated—

> The secondary boycott tactic can be used to cause severe economic damage to a target, with little economic inconvenience to union members. Its obvious attractions for those who see economic life primarily in terms of continued guerilla industrial warfare are no reason for the Senate to concur in this foolish policy action by the Hawke Government.

As I said, that editorial was published in 1984 and I hope that in 1987 the Senate will not accept the moves by the Federal Government to get rid of the provisions in the Bill.

As the Leader of the Opposition mentioned, other parts of this legislation are of great concern. I believe that the Minister is obviously concerned because he is seeking legal advice to ascertain what effect the legislation will have on this State's operations.

I will refer briefly to the question of the Hancock report which the Minister loves to mention. The more this Minister travels around the State supporting the Hancock report and all the things associated with it; the more he supports this new legislation, which is largely based on the Hancock report and which serves to further centralise the industrial relations system and to further strengthen the industrial relations club, the better. The mood in the electorate is the exact opposite. It is demanding more flexibility in the system and it wants to correct the imbalance that has occurred whereby irresponsible unions have used their power very effectively to destroy many employers. What happens when employers are destroyed is that jobs of employees are destroyed also.

I regard this as an extremely important motion. It was a political blunder on behalf of the Hawke Government to introduce this legislation. The business community and the small business community have, for the first time I can remember, united over the past two years. One of the rallying points of business is the fact that the current trade practices legislation has at least given them a little hope that they can correct the imbalance that has occurred in many areas.

I urge the Minister, who prides himself in being well versed in industrial relations matters, not to worry too much about some of the detail, but to understand that the mood in the electorate is not reflected in the way in which he wants to go. The electorate does not want the Hancock report type of approach to industrial relations, but it wants to move towards more flexibility and to put industrial relations back into the workplace and not into the centralised system which is based in that place called Melbourne.

MR PETER DOWDING (Maylands—Minister for Labour, Productivity and Employment) [9.00 pm]: I wonder why the Opposition tried to sound so strident on this motion. The Leader of the Opposition had a hard time appearing as other than a weak schoolmaster. He tried to wind himself up into a fervour over this issue and sound strong and decisive, but he came across — and it must be of great concern to his not-so-loyal members—as being unable to demonstrate a grasp of an issue as complex as this.

It appears there are two things motivating the Liberal Party at this time. Federally, they are in a state of disarray in terms of their leadership. They have the arch conservative Joh Bjelke-Petersen, criticising them for their incompetence and inability to get things together. They have the former Leader of the Opposition in this House taking the lead at question time, which is a matter for comment up and down the Terrace because the member for Cottesloe seems to be getting his act together in question time at long last, while the front bench of the Liberal Party cannot get a combined effort in that area.

It suddenly struck me when listening to this debate and the member for Nedlands about small business that their star attraction, James McDonald, had deserted them. He was the man they hoped would wind up small business and bring it behind the Liberal Party. He has walked away from them, and found the Nationals. They will go into the metropolitan area and sweep the Liberals out of their seats. James McDonald has been around a few political parties. I do not know if he has been on our Trades Hall records, but I very much doubt it, given the extremist views he expresses. He was certainly considered to be a potential Liberal participant.

Mr MacKinnon: By whom?

Mr PETER DOWDING: Firstly by himself and secondly by members of the Opposition, who used to roll up in droves to sit in adulation in the front row of his staged orchestrated events and clap loudly whenever he rose.

Mr MacKinnon: Where?

Mr PETER DOWDING: If the Leader of the Opposition does not know, he should ask some of his mates. He deserted the Liberal Party. That is why they are suddenly so strident over the issue of small business and its involvement in the issue of industrial relations.

The real problem with the Opposition — the serious problem it confronts when it looks at the policies and expressions of opinion from the Opposition — is that it has no intention of creating a society of equality and equal opportunity where people have regard for the rights of people who disagree with them. That is the fundamental problem the Opposition has never learnt since Sir Charles Court used to sit here with his stentorian activites, booming out criticism of people who disagreed with him. If a person was not one of his mob, he was out in the cold. That same attitude of intolerance and lack of consideration continues to pervade the expressions of opinion in the Liberal Party.

No Government has worked so hard as the federal members of the Labor Government and the State Labor Party—

Mr Cash: The fee was $1 000 a day.

Mr PETER DOWDING: I am talking about productivity. It may be entirely appropriate. If the marketplace wants something that is worthwhile, it will pay for it.

The Opposition will not understand that the Federal and State Labor Governments have been working extremely hard since their election in 1983 to get a sense of community understanding through industrial organisations, workers, unions, and employers and employer organisations, about the need for tackling our problems together and creating an environment of productivity. It should be an environment in which we can expect people, by working together, to tackle the problems that we confront internationally and internally. The results are obvious to everyone.

It is quite clear that the Leader of the Opposition's research officer did not bother to inform the ill-informed Leader of the Opposition when he raised the issue of power strikes. That is a very good indicator of the level of industrial disputation in a community.

Can I remind members opposite that, in the last three years of their Government, on at least four occasions this State was plunged into darkness because of extended industrial activity in the power industry. That was at a time when not only did they have their essential service legislation in place but they had the numbers at both ends of this Parliament in order to introduce any other legislation they wanted to introduce in order to deal with industrial disputes. It did not help them then and it will not help them now.

Since our election in 1983 there has been only one three-hour dispute in the power industry. All the legislation in the world could not save the Liberal Party from plunging this State into darkness. If it did not learn from that, surely to goodness it will learn from the statistics of time lost in industrial disputation.

I wish to compare the statistics from 1979 to 1986. In 1979, there were 362.4 days lost in Western Australia. In 1985, 96.7 days were lost. In 1981, there were 245.2 days lost, and in 1986—our worst period—there were only 132 days lost. In other words, in our worst period the figure was about half that of the best period during the Liberal Party's performance. We must look at the record to see what makes ours productive. The answers are in those statistics. I remind members opposite that they presided over the worst period of unemployment since the Depression and had the worst national figures. Have members opposite forgotten that?

Mr Lightfoot interjected.

Mr PETER DOWDING: The member for Murchison-Eyre has displayed, of all the members on the opposite side of this Chamber, probably the least understanding of what compromise and fairness might mean.

Mr Lightfoot: You did deals with the unions and caved in. You gave the union leaders on the Burswood Island site first-class air fares to Melbourne.

Mr Cash: The member for Murchison-Eyre has you summed up, so sit down or go away.

Mr PETER DOWDING: I am quite happy for the member for Murchison-Eyre to make his speech in due course, because it seems to me that his interjections emphasise the very point I am making. Not every unionist and not every union is an industrial thug. Hundreds of men and women in Australia work tirelessly within the union movement, dealing with a whole range of issues such as welfare, occupational health, industrial conditions, the exploitation of workers, and so on.

Mr Lightfoot: To Mudginberri; to the waterfront; to the mining industry—

Mr PETER DOWDING: Does the member for Murchison-Eyre have anything good to say about that?

Mr Lightfoot: No.

Mr PETER DOWDING: I did not think so. That is exactly the point I am trying to make. In the member for Murchison-Eyre's own electorate, the Australian Workers Union works very hard to try to ensure that conditions for workers in the goldmining industry are fair and reasonable. That is a difficult task because there are people there who know that the member for Murchison-Eyre does not have a reputation of which one could be proud.

Several members interjected.

The ACTING SPEAKER (Mr Thomas): Order!

Mr PETER DOWDING: Members opposite would not understand that in a community such as ours there has to be some accommodation. We have seen, over recent days, what happened in Fiji. That is an example of what can happen in a community when intolerance takes over from the toleration of different points of view which ought to exist in a community. The conservative parties over the years have departed from convention, and have departed from sense and from the opportunity to give people a chance to exist in the community with different points of view. That is a very unpalatable position for members opposite.

Several members interjected.

Mr PETER DOWDING: The Leader of the Opposition had clearly not properly researched the legislation that is before Federal Parliament at this stage because he made this statement—

> There is nothing in this legislation to increase the flexibility of the industrial relations system.

I challenge the Leader of the Opposition on that statement, because it is simply not true.

Mr Cash: In your view.

Mr PETER DOWDING: It is not a matter of my view. I will give the House two examples—

Mr Cash interjected.

Mr PETER DOWDING: The member for Mt Lawley should watch himself.

Mr Cash: One thousand dollars a day! And don't deny it.

Mr PETER DOWDING: Is the member for Mt Lawley critical of enterprise?

Mr Cash: You are a hypocrite. You can't talk about equality when you are fleecing your own people to the tune of $1 000 a day.

Mr PETER DOWDING: Is that right? The Opposition has a real problem because it is so sensitive about the issue of industrial relations.

Let me deal with two areas where this legislation will in fact lead to greater flexibility in the industrial relations system. Firstly, it will provide for certified industrial agreements on an industry basis or on an enterprise basis. This was not mentioned by the Leader of the Oppo-

sition or the member for Murchison-Eyre. When the Leader of the Opposition made that statement, he was quite simply wrong. The Premier has pointed out to the Leader of the Opposition on a number of occasions that he has made statements which are absolutely incorrect, and this is an example of the same thing.

The Leader of the Opposition said that there is nothing to increase the flexibility of the industrial relations system in this legislation. The Leader of the Opposition is not correct. The first area, on any reading of the legislation, obviously is the provision which enables certified industrial or enterprise agreements to override award arrangements.

The second area is the encouragement to the unions to amalgamate, and the legislation specifically provides for increasing the size of unions and ensuring that there will not be a proliferation of smaller unions. These are just two examples off the top of my head which indicate why the Leader of the Opposition's statement is incorrect. The Leader of the Opposition and the member for Nedlands went on to give the impression that this legislation had no teeth in terms of disciplining the industrial relations system. Did the Leader of the Opposition mention that the legislation provides an injunctive power to the Labour Court? Did the Leader of the Opposition mention that the legislation provides for fines of up to $5 000 a day for bodies corporate and up to $1 000 a day for individuals?

The Leader of the Opposition did not mention that; he suggested that something was wrong with putting into the industrial relations legislation the secondary boycott provisions, but that is exactly what the Liberal Party did in 1982 when it amended the State Industrial Relations Act. The then Liberal Government did not introduce a separate piece of legislation; it put those provisions slap-bang in the State Industrial Relations Act. I think people are beginning to get a fair impression that members opposite are frauds. Not only do they not tell the truth and are not honest and frank, but they are not even prepared—

Mr Lightfoot: You purport to represent working class people. Who is the fraud?

Mr PETER DOWDING: I did not purport to represent working class people; I did not purport to represent any group. However, if we are going to talk about fraud, I think the member for Murchison-Eyre should remember that when he criticised Exim for failing to lodge company returns on time, it turned out that he had not lodged his returns for years. If we are talking about fraud, I would not hold my breath if I were an Opposition member, because we will hear some very interesting things in due course in that respect.

Several members interjected.

Mr PETER DOWDING: I will not be sidetracked by my enthusiasm for dealing with that issue. The common law provisions, or the secondary boycott provisions, have been taken to their conclusion twice in 10 years.

Members should not pretend that small business has used this as some sort of protective measure, or even that big business has done that. The truth is—

Mr Lightfoot interjected.

Mr PETER DOWDING: If one analyses that, one sees that the mechanisms for dealing with those provisions through the Commonwealth courts resulted in very long, expensive, and time-consuming litigation. The fact is that under these provisions the unions, the employers, or the individuals affected will be able to go to the commission and receive a certificate to go to the Labour Court and have these things disposed of properly and quickly.

The Opposition will not recognise that section 45D of the Trade Practices Act is not taken away as an option; it is simply regarded as appropriate to be considered—

Mr Court interjected.

Mr PETER DOWDING: That is just nonsense; it is absolutely untrue. If the member for Nedlands characterises it as that, all he will do is misinform people, who will be alarmed by a falsehood.

That legislation is available. It provides remedies—and very serious penalties—for breaches of it. So let us not get too carried away with the hyperbole which members in Opposition have taken up.

I began by saying it was a tragedy because I felt there was a renewed movement out there in the community for an attempt to get Australia to proceed down the path of improved productivity with a measure of success. But there is no point at which the Opposition is prepared to make the sort of concessions which are made by business, particularly by big organisations, in their relationships with the union movement and in the tripartite relationship which exists at many levels.

Until we are prepared to make some accommodation, unless they are prepared to respect the right of individuals to organise, and respect the role of the union movement, regrettably the Liberal Party will never persuade the people of Australia that it has any right to govern. This motion does nothing towards improving the productivity and the marketability of Australia in international terms. It does nothing for the community. If members opposite have the slightest interest in ensuring that the community has access to remedies which are quickly available they would support the sort of measures the Federal Government has put in train.

MRS HENDERSON (Gosnells) [9.42 pm]: I oppose this motion. In doing so I direct my remarks to the three paragraphs of the motion. The first calls on this House to condemn the Federal Government's industrial relations Bill because it claims that it prevents employers from seeking legal relief before ordinary courts against illegal union activity.

The clue to what this is all about is the words in brackets, "Before ordinary courts". The member for Nedlands also gave us a very strong clue when he talked about "real courts". This section of the motion is saying that the Opposition does not believe and never has believed that the arbitration system represents a real system, a real court, a real forum in which industrial disputes can be settled.

Mr Court: I will be more specific. It is a funny court.

Mrs HENDERSON: That is an interesting choice of words to use for a system which has been in place for 90 years and has settled thousands upon thousands of industrial disputes.

What it comes down to is this: The Opposition is not prepared to admit—and it has demonstrated this tonight—that there is something slightly different about industrial relations. It does nothing to promote harmony in the workplace. It does nothing to promote good industrial relations. Its resorts to the "big stick" approach, and advocates the most rigid, formal and severe penalties as a final resort at the start. If one uses one's last resort as a first resort, the whole system breaks down.

The whole system of industrial relations in this country is based on the fact that people should talk to one another. In the first instance one does not take some kind of strong action; one talks about the dispute.

Mr Court: You are quite wrong. A dispute could be sorted out initially.

Mrs HENDERSON: One seeks to resolve the dispute. If that fails one looks to the final resort. That is exactly what our arbitration system has been doing.

Mr Court: It does not; it goes straight to the commission.

Mrs HENDERSON: Thousands of cases have been conciliated successfully. They never hit the newspapers. They are probably never heard about. The day-to-day work of that body in calling for compulsory conferences and dealing with disputes is the hard slog which keeps the workplace ticking over.

The first part of this motion is nothing more than a thinly-veiled—not so thinly-veiled actually—attack on the whole arbitration system because the Opposition wants to replace it by a formal, common law approach to industrial relations.

That means the Opposition is totally unable to see that industrial relations is nothing more nor less than human relationships in the workplace. There is no black and no white. In most cases each side wins some points and loses some. The whole system depends on people being able to compromise and reach an agreement. Unions accept that every day of the week, as do most responsible employers.

In a situation where the winner takes all, starting with the final resort, the most legal formality, what is left at the end of the day?

Mr Court: No job for the employee.

Mrs HENDERSON: A legacy of bitterness in the workplace. People involved in the dispute have to go back to work with a legacy of mistrust and bitterness because the principle of industrial relations, which is nothing more nor less than people dealing with each other in the workplace, has been disregarded.

This piece of legislation being criticised today arose out of the Hancock report. I guess it causes the Opposition a degree of distress that that report represented the position of the Western Australian Confederation of Industry and the peak employer bodies as well as the peak union bodies.

Mr Court: The Western Australian Confederation of Industry did not support the Hancock report. Get your facts straight.

Mr Carr: Let her get a few words in.

Mrs HENDERSON: The member for Nedlands would like the Western Australian Government to condemn the Federal Government's legislation. The Federal Government called upon the peak employer organisation,

which is the obvious thing to do, to sit on that inquiry and to report the recommendations of that inquiry which formed the basis of this legislation, and the Federal peak employer organisation supported the Hancock report.

This legislation is based on the necessity for the bodies to conciliate. It is not a matter of choice; conciliation is essential before access to the hard-line approach and the common law approach to the whole range of penalties available. The importance of each side of a dispute not being in a position where it totally loses face cannot be underestimated.

The common law capacity to recover damages and compensation is still there. The common law ability to take out injunctions under the Trade Practices Act is still there. It is under the jurisdiction of the labour court. It is a last resort, which is exactly what it should be. It is the most powerful weapon and it should be saved until conciliation is achieved. One does not use the most powerful weapon first.

Mr Cowan: In the Mudginberri dispute the court made a decision three times and three times the union ignored it. You are saying there should be conciliation. There were three attempts at conciliation and on three occasions the union was told to obey it. Three times they ignored it.

Mr Court: And the Federal Government supported the union.

Mrs HENDERSON: What the member is ignoring is that that is still in existence. In the case of that dispute, had they gone through normal procedures, they would still have had access to the Trade Practices Act provisions. They would have had to obtain a certificate from the labour court, but they would still have had access to using the injunction procedure under the Trade Practices Act.

The situation has not changed. It means that one cannot go there as a first port of call; there must first be conciliation.

What I am saying is that in the Mudginberri case, that is where they would have ended up. The result would have been no different. That capacity would have been taken away.

Mr Cowan: It would have taken much longer.

Mrs HENDERSON: It would not have taken any longer. But it will take longer for a body which is not prepared to embark on conciliation procedures at the very beginning.

Mr Court: It would not have been heard by a real court, as I said in my speech; it would have been heard by a court.

Mrs HENDERSON: I object to the use of the word "real".

Mr Court: It would have been heard by a court—

Mrs HENDERSON: The member has had his opportunity. I would like to move on to the next point. This Bill does not merely represent one side of the coin; it represents a compromise. Everyone knows that the union movement wanted the Trade Practices Act completely amended; it wanted the harsh penalties taken out—some of the harshest penalties in our legislation; $250 000 a day. It did not succeed in achieving that. The outcome was a compromise proposal that arose out of a tripartite report, and it represents the Federal Government's thrust of adopting a middle-line position, a conciliatory position of promoting conciliation to achieve greater community understanding, rather than this hard-line approach.

It is interesting that the motion asks members to call on the Federal Government to withdraw the Bill immediately, yet it would seem there are many other features of this Bill that the Opposition ought to applaud. The Bill provides for a reduction in the number of unions; it provides for the minimum size of a union to be 1 000 members as opposed to 100; it provides that unions will have five years in which to bring themselves to the point where the minimum size is 1 000 members. That should lead to a situation where there are fewer demarcation disputes; there will not be as many different unions on individual work sites.

The Opposition is constantly talking about unions fighting with each other. Almost every industrial commentator in Australia has said one of the problems in this country is that it has a legacy of craft-based unions. Australia has over 350 of these, and there is a need for some amalgamation. Under this legislation, the end result will be about 150 unions, which means fewer unions in workplaces, which should lead to a decrease in the number of demarcation disputes. I do not hear any accolades from the Opposition about that.

The second feature of the Bill is that it allows the Federal Industrial Relations Commission to take community interest, inflation, and employment into account in its hearings. The Opposition has been calling for this for years and has been saying the problem with the Australian Conciliation and Arbitration Com-

mission is that it is divorced from the real world, lives in an ivory tower, and does not understand the economy or whether employers can afford to grant the increases that are being sought. The Bill provides for community interest to be taken into account, and I have not heard that mentioned tonight.

Thirdly, the Bill provides for a greater and tighter—

Mr Court: On the Government's track record, one would not want to hold one's breath.

Mrs HENDERSON: The Federal Government does not have a track record yet, because the Bill has only been read a first time.

The Bill provides for tighter accounting by unions of their accounts. I would have expected the Opposition to applaud this also. It also provides that all elections for union officials should be conducted by the Australian Electoral Commission—something else I would have expected the Opposition to applaud.

The Bill provides for an increased level of fines for unions from $1 000 a day to $5 000 a day for breaches, something else not mentioned by the Opposition. The very harsh penalties under the Trade Practices Act that I mentioned before are retained.

The Bill also provides for flexibility for individual firms to negotiate fixed-term agreements which have the same status in law as awards and which can be ratified by the new Industrial Relations Commission. The Opposition has been calling for flexibility and is constantly saying that the award structure is too inflexible. Here the capacity is provided for industry-based agreements to be reached, to be ratified by the Industrial Relations Commission, and to have the force of law; yet that has not been applauded by the Opposition.

The Bill also provides a capacity at the Federal level for workers to take action for unfair dismissal. That is currently available at the State level but not at the Federal level. I would not have expected the Opposition to applaud that; it is something I applaud.

The Bill also provides for the Federal Industrial Relations Commission to cancel awards where the unions fail to comply with the Act. I would have expected the Opposition to refer to that in its motion. However, it seems to have totally ignored the fact that where the first resort is to common law, it rarely if ever contributes to long-term harmony in the workplace, usually delays the final settlement of a dispute, and leaves behind it a legacy of bitterness and mistrust.

I mentioned that the labour court still has the power to grant injunctions after conciliation, and that is the second point of the motion before members tonight, which says it removes the effective protection provided to employers by sections 45D and E of the Trade Practices Act. That is totally wrong. The new Federal labour court will have the power to grant injunctions. The only requirement is that there is to be conciliation before that happens.

The Bill also provides for senior members of the commission to sit on tripartite industry bodies. These bodies can be concerned with the steel industry, the vehicle building industry, or heavy engineering. The Opposition has been calling for greater flexibility and a capacity to look on an industry-by-industry basis, rather than a conglomerate of craft-based unions, yet I do not hear any congratulations from the Opposition on this.

In the final analysis, what one has here is a difference in approach. The Federal Government has continuously adopted an approach of consultation and conciliation; the Opposition has a head-on, confrontationist approach. I have figures which reflect the results of the approach.

Mr Court: The member has to get back to the workplace.

Mrs HENDERSON: One cannot get much closer to the workplace than by having industry-based committees.

From 1979 to 1982, a four-year period during the term of the last Liberal Government, the average loss of working days was 236 000 days each year. From 1983 to 1986, the average loss of working days was 157 000. That is a 33 per cent drop in the average rate over that four-year period. I could have picked the best example from this Government, which was 1986, and the worst example from the Liberal Government, and I could have produced a much greater disparity than that; but I took the figures over a four-year period and averaged them out. The results are telling indeed and show that where one uses conciliation and a consensus approach, one achieves results because people are treated as people.

One of the other major thrusts of this new Bill is to say to those who enjoy the benefits of the arbitration system that it is up to them to accept the responsibilities that go with those benefits. There are benefits to employers in this

country, not just in negotiating agreements with their employees, but also in working through a common channel, where there is uniformity across the workforce, where the channel for settling grievances is known, where there is an accepted practice for changing the benefits, work practices, conditions, or hours that are available to employers and employees, and where there is a standard and steady procedure which does not involve an enormous amount of time and energy on the part of employers.

This system has been set up to benefit employers and unions alike, but the Bill says that in order to benefit from that system, they have to accept the responsibilities that go with it. One of the responsibilities is that the first onus is on those at the workplace to talk to each other, to conciliate, to negotiate, and to try to resolve disputes before the legal processes are used.

The legal backup services are strengthened under this Bill. The Industrial Relations Commission is a stronger body, which is backed up by the enforcement procedures of the new Federal labour court. There is no doubt that the whole structure is revitalised, stronger and more supportive than it was previously.

Finally, I am amazed by the Opposition's approach to this in that it is totally inconsistent. On the one hand it is arguing about the loss of access to common law on the part of employers. It says here is an example of entrenched union power and privilege in Australia, where unions are putting themselves above the law, as though employers are the only group that have ever been in a situation where access to common law has been removed. That is not true at all. There are many examples where specialist judicial bodies have been set up which replaced access to common law. One example of that is the Administrative Appeals Tribunal. There are many semi-judicial bodies which have less formal, more conciliatory-based procedures because those are better adapted to the type of proceedings and subject matter that is being discussed or resolved within that judicial area. The Family Court is the best example of that, where one has a specialist area, concerned with sensitive matters that require conciliation. It is to the credit of that structure that something like 90 per cent of all divorce cases at the moment are settled amicably, and the hostility and adversity of the old system has been largely replaced by that new system.

I do not know whether that is one of the courts the member for Nedlands would call a "funny court" or not a real court, but it is one tailored to the particular kinds of disputes that will come within its province.

The final area of inconsistency I would like to mention is that at the moment two States in Australia have made moves towards removing the capacity for workers injured at work to use the common law to sue for damages in addition to taking action under the workers' compensation legislation. I personally do not, and will never, support the removal of that right at common law. However, I have not heard the Opposition supporting the right to retain that access to common law. If members opposite have any consistency in what they are arguing, theirs should be the strongest voice arguing in the community for workers to retain that access to common law compensation. I have not heard that said by any member opposite.

When he referred to the Queensland legislation, the member for Nedlands was asked what his position was.

Mr Court: It was not I, but I will give you an answer.

Mrs HENDERSON: He did not distance himself.

Mr Court: It was not I.

Mr Cash: At least be factual in what you say.

Mrs HENDERSON: He lined himself up with Joh Bjelke-Petersen. He said, "I am happy to support the sorts of moves that Joh Bjelke-Petersen is making in Queensland", and he particularly mentioned the power industry.

Mr Court: I did not mention it, but I will tell you my opinion. I support the thrust of the Queensland moves in the industrial relations field, because they are designed to keep the continuity of essential services, and I think that is very important.

Mrs HENDERSON: One section of the change to the laws relates to essential services. But the member for Nedlands did not mention the more recent and perhaps more topical changes in Queensland, where we have seen some of the harshest and most draconian industrial law that has ever been seen in Australia.

Mr Court: Your Minister does not even know how the new legislation will affect Western Australia. How can you talk about its affecting Queensland? He is still awaiting legal advice.

Mrs HENDERSON: I am not talking about its affecting Queensland; I am talking about the situation of a Government that has brought in legislation after 2½ hours' debate which virtually makes all legal strikes impossible in Queensland, provides fines of up to $250 000 a day for unions that breach it, and $50 000 for individuals. It outlaws strike action or industrial action in any area that affects interstate, intrastate, or overseas trade. Virtually any area of commerce or industry will be affected by this legislation, and in addition it outlaws any industrial action that affects any research project conducted by any business enterprise. It requires unions to give notice in writing seven days before strike action is to commence. They must give the names of all employees to be involved in the strike, or the striking organisation. The notice is to be given to the Minister, the employer, and to every person likely to suffer damage or loss as a result of the strike.

It is the harshest and most draconian legislation ever put on the Statute books in Australia; yet the Opposition members tonight have not distanced themselves from that legislation. In fact, my impression is that they give it tacit support, although they have not openly said that. If that is their approach to industrial relations, they should make it clear. The community as a whole deserves to know exactly where the Opposition stands on this issue. If that is the kind of legislation they think is the answer to industrial problems in Australia and is likely to create harmony in the workplace, we should know about it. The Queensland legislation even provides a situation where the Minister for Employment, Small Business and Industrial Affairs in Queensland can give financial assistance and legal counselling to people who wish to take action against a union or an employee under that Act. It virtually makes any form of legal strike impossible.

There was a great outcry in Australia when unions were outlawed in Poland and union leaders were thrown in gaol. It is my view that the Queensland legislation must come the closest of any legislation in any Western country to approaching what happened in Poland, yet I have not heard a single word of outrage from the Opposition about the legislation. I have not heard one commitment to the effect that this Opposition would not consider introducing the same kind of legislation.

The member for Nedlands gave his support to the Queensland legislation in the area of essential services. Indeed, his Federal leader, Mr Howard, is reported as saying on 12 March that one of the things he would do if he came into office—and I do not believe he will—would be to outlaw all strikes in all export industry. I would like to hear the Opposition's views on that, because that is getting close to the sort of legislation they have in Queensland.

The Opposition lacks any consistency. It has not yet learnt that the confrontationist, big stick approach does not work in industrial relations. I do not believe it wants it to work.

Mr Court: Look how they sorted out Robe River. After all the criticism last year, what has happened there? Productivity is up, there are plenty of jobs for the people, and they are exporting more iron ore.

Mrs HENDERSON: What is left of the town? What is left of the trust? What is the legacy of bitterness left? If the member for Nedlands tells me that is the best way to resolve a dispute, he cannot have been in that community and talked to the people who live there.

I strongly oppose this motion.

MR COWAN (Merredin—Leader of the National Party) [9.46 pm]: The National Party supports the motion moved by the Leader of the Opposition. We have very strong feelings about the activities of the Federal Government in introducing this legislation.

My feelings can be expressed in two areas. The first is the matter of union power and industrial relations as a whole. I accept some of the comments made by the member for Gosnells when she said that political decisions very rarely provide solutions to industrial relations; but neither would running away from some of the problems inherent in our industrial relations system contribute to the resolution of the problems that confront us.

It is fair to say that in the last two or three years there have been three hallmarks which are quoted as being those decisions made in courts of common law which have been regarded by most Australians—not just by me or members of my party but by the majority of Australians—as decisions or judgments made to give some sanity to the industrial relations system in this country and to take some of the power that has been granted or assumed by the union movement in this country. I refer to the Mudginberri case, the Dollar Sweets case, and the decision which went against the plumbers union only recently. In each case, the decisions were made not by the industrial arbitration courts but by courts of common law.

Yet Government members are saying to us that the current industrial law proposed by the Federal Government is something that should be welcomed. They are saying it, I am sure, in the knowledge that the prospect of being able to take an action before the common law courts is going to be delayed and hindered to such an extent that it will no longer be an option for the people who wish to argue their case in areas outside the Industrial Relations Commission. I was quite impressed by the comments made by the member for Gosnells in explaining parts of the proposals.

I confess I do not have any great knowledge of industrial law, and I tend to rely on the words of other people whom I would regard as having some knowledge or access to knowledge about industrial law. While the member for Gosnells made some comments that applauded various clauses of the Bill, other people take a completely contrary view to that. The editorial in *The Australian* of 18 May says it far better than I can. I think the member would have to accept that in the past *The Australian* has been quite favourable to some of the actions taken by the Hawke Government: certainly its owner has.

Mrs Henderson: Contrast the articles it has written on this Bill with those which have appeared in *The Australian Financial Review* in the last four weeks.

Mr COWAN: I will take the member's advice, but I would like to read the comment in that editorial which is headed, "Unions must not be put above the normal." It states—

> Has the performance of Australia's unions in making the country more productive, a better exporter and, therefore, more successful and better able to look after its disadvantaged people been so outstandingly good that we should contemplate as a reward enshrining one law for the unions and another for the rest of us? Of course not. It is glaringly obvious that this is not so. Indeed, the performance of many unions has been so insensitive to national goals and so destructive of export performance that part of the reason why we are now making cuts to welfare can be sheeted home to the behaviour of some unions and the effect of that behaviour on national income.
>
> In terms of making Australia more competitive through keeping our labour cost increases to equal or below those of our competitors, the unions have opted out of that vital objective.
>
> To have one very protective law for unions and another for the rest of us is, to start with, downright un-Australian in a country that prides itself on equality and egalitarianism.
>
> Why elevate unions to a class status that they have not earned and do not deserve, and with the power that such a status entails, when the whole ethos of the nation is to build together on a basis of equality towards one another?

In general terms that reflects my view and, I think, the view of the majority of Australians. I would not like to see any legislation which allows the one area where there has been some erosion of the power that unions have assumed over the years to be affected. I am talking about actions taken in the common law courts which have defeated the actions of the unions. Let us look at some of them.

In the Mudginberri case the Federal Arbitration Commission made three orders for union members to go back to work, and they defied all those orders. The Federal Government in its endeavour to assist Mr Pendarvis decided it would withdraw the meat inspection services which the Commonwealth provides, and consequently even though the former members of the AMIEU decided they would continue to work on a contract basis, Mr Pendarvis could not sell his product because it had not been passed under the meat inspection laws. The only way he could seek redress was to take a civil action in a common law court, and he won his case.

Again in the Dollar Sweets case it was determined under the Trade Practices Act that the pickets outside that particular factory were there illegally, and they were instructed to remove themselves, which they had to do. Finally, the judgment made against the Plumbers Union for contempt was a signal victory that the common law courts, if not the industrial courts, are accepting that people are crying "enough."

Mrs Henderson interjected.

Mr COWAN: Let us talk about the creation of the Federal labour court and see what *The Australian* has to say. It states—

> The Federal Government's Industrial Relations Bill reinforces the centralised system of conciliation and arbitration. The present legal restraints on secondary boycotts will be left on the statute books, but the procedures for enforcing those

restraints will be so protracted and complex as to emasculate the provisions now found in Sections 45D and 45E of the Trade Practices Act.

The procedures that will have to be gone through before a company can get relief from the activities of a rogue union mean that small business will now be virtually without protection. The business will go bankrupt waiting.

That is why we have serious doubts about the establishment of the Federal labour court. Because of the performance of the Federal Arbitration Commission nobody would have any confidence in the ability of a Federal labour court.

There is one other matter that concerns the National Party to a great extent and one in relation to which we think this motion is somewhat deficient. It was mentioned by the Leader of the Opposition when he spoke, and it relates to State rights. We are very concerned that almost every week we see something emanating from Canberra which encroaches upon the constitutional rights of the State of Western Australia and other States. We want to address that particular encroachment and I will move an amendment which I hope the Liberal Party will accept. In no way do we want to detract from the motion which has been moved because we support it fully, but we think there needs to be more emphasis on the constitutional rights of the States and that we should give notice to Canberra that we will no longer tolerate its encroachment upon those rights.

Amendment to Motion

Mr COWAN: I move that the following words be added to the motion—

Further, this House re-affirms its commitment to the rights of the States in relation to industrial relations legislation and calls on the State Government to—

(1) make representation to the Commonwealth Government asking them to refrain from enacting Industrial Relations Laws that have the effect of further reducing the capacity of State Parliaments to determine the industrial relations legislation that is effective in their respective State jurisdictions;

(2) support a challenge in the High Court by any of the State Governments against any part of the Commonwealth legislation that gives the proposed Labour Court or any similar Commonwealth institution the power to over-ride State legislation;

(3) inform the Commonwealth that its Industrial Relations Bill 1987 is outside the spirit of cooperative federalism; and,

(4) meet with other State Governments to plan a cooperative campaign by the States to recover those State powers that have been eroded by the dubious use by the Commonwealth of sections 51 (xxix) and 109 of the Australian Constitution.

We feel that, if it is added to the motion by way of amendment, it will satisfy our very strong view that, far too often, we witness legislation from Canberra which encroaches upon the rights of Western Australia. It is disappointing to see the powers of the Western Australian Industrial Relations Commission slowly being eroded at the expense of Commonwealth legislation. Invariably, the Australian Conciliation and Arbitration Commission is gathering to itself powers which we believe are unnecessary and should remain under the control of the State.

I can give members an example which Liberal Party members may not agree is a good one. However, I think it as an example which proves what I am saying. Some time ago, the Builders Labourers' Federation was deregistered at a Federal level. It was not deregistered in Western Australia but was placed under a code of conduct. Unless it was deregistered at a Federal level, all that would have happened would have been that the BLF would have transferred from the State award to a Federal award. This State would then have been powerless to introduce a code of conduct, notwithstanding the fact that many people felt that the code of conduct was quite ineffective. I do not share that view; I think it did some good.

What has been happening more and more is that people are opting out of State awards and, consequently, the power and jurisdiction of the Industrial Relations Commission are being reduced and it is covering fewer and fewer Western Australian workers. We want that situation reversed.

When the conservative parties are returned to Government at the next Federal election, one of the major issues we will take up with our Federal counterparts is that they consider closely the encroachment of the Commonwealth on the State's jurisdictional rights.

MR TRENORDEN (Avon) [10.05 pm]: In *The Australian* of 19 May, Mr Simon Crean criticised the people who had spoken out against this proposed Federal legislation by saying that distortions and half-truths had been used. The fact is that the real leader of this nation is Mr Simon Crean, and his public relations man is Bob Hawke. The Australian Council of Trade Unions has only to whisper, and it is heard as a mighty roar in the Caucus room. Bob Hawke is a pussycat, with Simon Crean being the real tiger in the politics of this nation. He is making the bullets and Bob Hawke is firing them.

The Bill is nothing more than legal apartheid. It attempts to remove benefits that should be available to the whole community. It removes the common law benefits from businesses and that cannot be accepted.

The editorial in *The Australian* of 18 May stated—

> Why elevate unions to a class status that they have not earned and do not deserve, and with the power that such a status entails, when the whole ethos of the nation is to build together on a basis of equality towards one another?

It is definitely a case of legal apartheid. The editorial continues—

> The procedures that will have to be gone through before a company can get relief from the activities of a rogue union mean that small business will now be virtually without protection. The business will go bankrupt waiting.

That is exactly what will occur. The ACTU will use its financial club with a great deal of success if the Bill is allowed to pass. The editorial continues—

> All opinion polls on union performance show that they are now held in low regard. This is mainly for one reason: irresponsibility. On the issue of compulsory unionism, polls have shown that over 70 per cent of the population believe it should be ended.

The Labor Party is now trying to enshrine the reverse of that situation in legislation. Support for unions is falling. The other day the Press reported that support had dropped by about five per cent in recent years. The ACTU has said that the Mudginberri and Dollar Sweets cases are a threat to that strength, and has called on the Labor Party to accede to its demands. That is what this is all about. The editorial continues—

> The right to take a civil law action before the ordinary courts of the land has always been regarded as fundamental to the liberties of the individual.

That is a fact. The right of a man to withdraw his labour is paramount. However, this Government is saying that business will have that right only after a long, protracted dispute which will send it, and particularly small business, to the wall. Big business might be able to survive, but small business has little chance. The editorial continues—

> If the Industrial Relations Bill is passed by the Senate there will be one set of laws and courts for trade unions and another set of laws and courts for everyone else.
>
> . . .
>
> One of the key problems with Australia's industrial relations system is that you can only have binding awards and agreements between employers and unions.
>
> . . .
>
> In other words, voluntary agreements between employers and employees reached without the approval of unions are to remain illegal. Once again, this is an infringement of civil liberties.
>
> . . .
>
> Opinion polls indicate that there is widespread support for allowing employees and employers to make voluntary agreements.

Why cannot the Labor Party allow that to happen? The editorial continues—

> This legislation does not come to grips with Australia's economic situation which less than a year ago the Prime Minister equated with a war-time crisis.

This legislation will prolong industrial disputes and place our financial position further in the red.

Also appearing in *The Australian* on 18 May was an article stating—

> The Federal Minister for Employment and Industrial Relations, Mr Willis, told Parliament last week that the elimination

of access to common law injunctions relating to industrial action should not be seen as limiting employer responses towards unions engaged in industrial disputes.

That is correct; it should be seen for what it is—an attempt by the Labor Party to enshrine the control of unions in legislation as dictated by its masters, the ACTU. This Bill is the greatest example that I have ever seen of a Government ignoring the rights of individual Australians.

Debate adjourned, on motion by Mr Pearce (Leader of the House).

LOCAL COURTS AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr Pearce (Leader of the House), read a first time.

BILLS (4): RETURNED

1. Boxing Control Bill.
2. Stock (Brands and Movement) Amendment Bill.
3. Totalisator Regulation Amendment Bill.
4. Human Tissue and Transplant Amendment Bill.

Bills returned from the Council without amendment.

ADJOURNMENT OF THE HOUSE: ORDINARY

MR PEARCE (Armadale—Leader of the House) [10.12 pm]: I move—

That the House do now adjourn.

Sitting of the House: Thursday

I advise members that the legislative programme has been changed from its normal pattern by the illness of the member for Kalamunda. It was the Government's intention to deal with the Occupational Health, Safety and Welfare Amendment Bill tomorrow but because of the indisposition of the member for Kalamunda it will not be possible to go on with that Bill.

Because other Bills we might have dealt with have been put on the Notice Paper only in recent days, it would not be reasonable for the Government to expect the Liberal Party and the National Party to proceed with that legislation tomorrow. I expect that in tomorrow's sitting we will have the second reading of other Bills the Government seeks to introduce, followed by question time. I will then move to adjourn the House.

I am advising members that it is unlikely that we shall sit for more than an hour tomorrow and question time will be taken at around 11.30 am. If members wish to make alternative arrangements perhaps they will approach me between now and the sitting of the House tomorrow.

Mr Blaikie: If you take questions at 11.30, does that mean they will continue to the normal time?

Mr PEARCE: Question time is at the discretion of the Speaker. Although everybody understands that the Deputy Speaker is a remarkably discreet person, I do not imagine his discretion would allow questions to continue to 6.00 pm.

Mr Cowan: Will we be dealing with the Dog Amendment Bill tomorrow?

Mr PEARCE: If it is possible for the amendments to the Bill to be drafted by tomorrow, that will be done, but we are reliant on the discussions that have taken place on that Bill.

Mr Carr: The amendments are unlikely to be ready tomorrow.

Question put and passed.

House adjourned at 10.13 pm

QUESTIONS ON NOTICE

HEALTH

Magnetic Resonance Imager: Purchase

697. Mr BRADSHAW, to the Minister for Health:

(1) Is a magnetic resonance imager being purchased for Western Australia?

(2) Where will this magnetic resonance imager be installed?

(3) What price has been arrived at to purchase and install the magnetic resonance imager?

(4) Will this installation include magnetic resonance spectroscopy?

Mr TAYLOR replied:

(1) Yes.

(2) Sir Charles Gairdner Hospital.

(3) $4 054 304.

(4) Yes.

ABORIGINAL COMMUNITIES DEVELOPMENT PROGRAMME

Details

722. Mr BLAIKIE, to the Minister for Aboriginal Affairs:

(1) Would he provide details of the Aboriginal communities development programme and the programme to be carried out in 1986-87?

(2) What is the total amount of funds available for the programme from—

(a) Commonwealth;

(b) State,

sources, and over what period of time?

(3) How are the priorities for funding determined and can he give detail of any input from Aboriginal communities?

Mr BRIDGE replied:

(1) The Aboriginal communities development programme—ACDP—is a joint State and Commonwealth initiative to provide $20 million per annum for five years, over and above existing levels of funding in Aboriginal Affairs in this State. The aim of the programme is to provide services, economic opportunities, and social community management support for Aboriginal communities in Western Australia.

The State programme for 1986-87 comprised—

(a) Maintenance of utility services to Aboriginal communities, $1.5 million;

(b) further implementation of the Aboriginal Communities Act, $127 000;

(c) social programmes directed towards the advancement of Aborigines—$5 million—including programmes in—

alcohol and substance abuse;

community management and development;

economic enterprises;

land management and Aboriginal sites;

cultural activities;

improvements on Aboriginal land, upgrading of reserves, relocation expenses;

(d) augmented resources to Aboriginal Affairs Planning Authority, Aboriginal Lands Trust, and Aboriginal Advisory Council, to administer the programme, $1.1 million;

(e) general increments to the appropriations of other State Government departments such as the Health Department and Department of Community Services for Aboriginal services additional to those normally provided, $2.273 million.

For details of the Commonwealth component of the 1986-87 programme, I suggest that the member approach the Department of Aboriginal Affairs.

Over five years commencing 1986-87—

(2) (a) $50 million, Commonwealth;

(b) $50 million, Western Australia.

(3) State priorities reflected in the formulation of the programme are determined by the Minister on the basis of need, in consultation with the statutory Aboriginal bodies which represent Aboriginal communities and other Aboriginal groups.

WATER AUTHORITY

Bridgetown Office: Closure

723. Mr BLAIKIE, to the Minister for Water Resources:

(1) When did the department's office at Bridgetown close?

(2) (a) How many people were employed;

(b) what was the nature of work carried out;

(c) where are those functions now being conducted?

(3) What were the reasons for the closure?

Mr BRIDGE replied:

(1) The location of the Bridgetown office was moved to the Bridgetown depot.

(2) (a) Three staff;

(b) customer services in relation to receipt of money, the response to accounts inquiries, and the receipt of applications for services and pensioner rebates;

(c) Bridgetown depot, Collie, Bunbury.

(3) The expiration of the office lease gave the Water Authority an opportunity to move the office to within the Bridgetown depot complex, thereby reducing costs.

HEAD INJURED SOCIETY OF WA

Rehabilitation Centre: Land Offer

761. Mr BRADSHAW, to the Minister for Health:

(1) Has land been offered to the Head Injured Society of WA (Inc.) for a rehabilitation centre?

(2) If so, where is the land?

(3) When will the land be available?

Mr TAYLOR replied:

(1) No.

(2) and (3) Not applicable.

HEALTH

Authority for Intellectually Handicapped Persons: Child Registrations

762. Mr CLARKO, to the Minister for Health:

(1) How many children were registered with the Authority for Intellectually Handicapped Persons during 1986?

(2) What is the total number of persons registered with that authority for each of the following categories—

(a) 50+ years;

(b) 40-49 years;

(c) 30-39 years;

(d) 20-29 years;

(e) 10-19 years;

(f) 0-9 years?

(3) What criteria are applied for a child to be registered with the authority?

Mr TAYLOR replied:

(1) At the beginning of 1986, 1 794 children were registered. During the year there were 212 new registrations, and 222 children ceased to be registered, so that the total number of registrations at the beginning of 1987 was 1 784.

(2) (a) 222;

(b) 349;

(c) 749;

(d) 1 224;

(e) 1 157;

(f) 780.

(3) To be considered eligible for services—

(i) A person will have scored on a recent—that is, within three years—formal intellectual assessment more than two standard deviations below the mean for his or her peers matched for age, race, and socio-economic status;

(ii) a person will have demonstrated significant deficits in adaptive behaviour—usually on adaptive behaviour scales, such as the AAMD adaptive behaviour scale school edition, or the Irrabeena core skills assessment;

(iii) both conditions have become manifest prior to the person's eighteenth birthday;

(iv) the person and/or family are residents of Western Australia.

TRANSPORT

Passengers: Statistics

766. Mr RUSHTON, to the Minister for Transport:

(1) What is the estimated total number of commuters each year who use—

(a) bus;

(b) train;

(c) taxi;

(d) all other private vehicles, etc?

(2) What is the present cost per annum of the fuel used by—

(a) Transperth buses;

(b) metropolitan rail passenger service?

(3) What is the estimated yearly cost of the power to be used by the proposed new electric railway when the full service is introduced using State Energy Commission electricity prices equated to the same period used in (2)?

Mr TROY replied:

(1) Total estimated passenger journeys in 1985-86 were—

(a) 51.267 million;

(b) 9.742 million;

(c) 15 million;

(d) not available; this figure cannot be distinguished.

(2) Diesel costs in 1986-87—estimated—

(a) $8.970 million;

(b) $1.850 million.

(3) $1.451 million.

TRANSPORT

Passengers: Railways

767. Mr RUSHTON, to the Minister for Transport:

(1) During the morning and evening peak hours, what is the present estimated maximum number of passengers using metropolitan passenger railways on the lines—

(a) Armadale;

(b) Midland;

(c) Fremantle?

(2) What is the time of the peak hour on each line?

(3) From what source and authority have the estimated peak hour figures been worked out?

(4) What is the maximum capacity of the proposed electrified railway system to transport passengers in the maximum peak hour?

Mr TROY replied:

(1)

	am peak hour	pm peak hour
(a) Armadale	2 953	2 616
(b) Midland	2 516	2 889
(c) Fremantle	1 648	1 632

(2) On all lines, am peak hour, 7.20 am-8.20 am; pm peak hour, 4.15 pm-5.15 pm.

(3) From actual cordon counts of passengers by Westrail.

(4) 12 500.

HOSPITALS

Day Surgery: Professional Standards Advisory Committee

774. Mr BRADSHAW, to the Minister for Health:

Does he intend to register a professional standard advisory committee for day surgery?

Mr TAYLOR replied:

The question is unclear.

Consideration is being given to the development of appropriate guidelines and/or regulations under the Hospitals Act.

HOSPITAL

Fremantle: Psychiatric Patients

775. Mr BRADSHAW, to the Minister for Health:

(1) Does he intend to accommodate more psychiatric patients at Fremantle Hospital when Heathcote Hospital closes?

(2) If so, will that be within the present buildings at the hospital?

Mr TAYLOR replied:

(1) Yes.

(2) If possible, yes.

HOSPITAL

Heathcote: Valuations

776. Mr BRADSHAW, to the Minister for Health:

(1) Has a valuation of the property and buildings at Heathcote Hospital been undertaken in the last 12 months?

(2) If so, what was the estimated value?

(3) In what way does the Government intend to dispose of the Heathcote Hospital and property?

Mr TAYLOR replied:

(1) No.

(2) Not applicable.

(3) No decision has yet been made.

HOSPITALS

Psychiatric Services: Integration

778. Mr BRADSHAW, to the Minister for Health:

(1) Does he intend to integrate psychiatric services into the general acute hospital services?

(2) If so, why?

Mr TAYLOR replied:

(1) It is presumed that the member is referring to the treatment of psychiatric illness in teaching and other hospitals.

Royal Perth Hospital, Sir Charles Gairdner Hospital, and Fremantle Hospital have had specialised psychiatric units for many years. This process will be extended over time to include all the metroplitan non-teaching hospitals and the major regional hospitals. This process is occurring in Bunbury and Geraldton, and has occurred in Osborne Park Hospital.

(2) The reason is self-evident; there is no valid reason for differentiating between psychiatric and other illnesses. People with acute psychiatric illness deserve the same access to and availability of the most modern diagnostic treatment facilities.

CRIME

Indecently Dealing: Charges

781. Mr COWAN, to the Minister representing the Attorney General:

How many people have been convicted of an offence under section 184 of the Criminal Code in each of the last 10 years?

Mr PETER DOWDING replied:

The information is not readily available from Crown Law Department records. It would be both costly and time consuming to collate the information, and it is not proposed to allocate limited resources for the task.

ROAD FUNDING

Arterial Roads

785. Mr SCHELL, to the Minister for Transport:

Is it Government policy to shift the emphasis of road funding away from regional and towards arterial roads?

Mr TROY replied:

If by "regional" roads the member is referring to roads under the control of local government, the answer is no.

"PRISONS AND CRIMINAL JUSTICE"

Report

795. Mr CASH, to the Minister representing the Minister for Corrective Services:

(1) Is the Minister conversant with the recently published report, "Prisons and Criminal Justice", by the Commission?

(2) If yes, does he support the various recommendations made in the report as they relate to his portfolio?

(3) If yes to (2), what action has he taken to date to implement the recommendations contained in the report?

(4) Does he support the greater use of community service orders and work release programmes as an alternative to incarceration, and if so which type of offences does he consider could form the basis of alternative programmes to incarceration?

Mr PETER DOWDING replied:

(1) Yes. I assume that the member is referring to the report of the Catholic Social Justice Commission.

(2) to (4) I propose to make a comprehensive statement on related matters within about the next month. Recommendations by the commission will be considered in that context.

HOUSING

Residential Tenancy Legislation: Provisions

797. Mr MENSAROS, to the Minister for Consumer Affairs:

(1) Is it a fact that the Government's proposed residential tenancy Bill has the following provisions—

(a) tenants are allowed to be 14 days in arrears before action can be taken to retrieve the rent;

(b) a rent rise will only be allowed every six months with 90 days' notice;

(c) tenants will have the right to have rental premises cleaned at the landlord's expense;

(d) it is the landlord's responsibility to see that the tenant enjoys peace and quiet while renting the premises;

(e) actions before the tribunal will be free, if initiated by the tenant, but subject to fees if initiated by the landlord?

(2) If answers to any of questions (1) (a) to (e) are in the negative, what are the correct respective provisions in the proposed legislation?

Mr TAYLOR replied:

(1) and (2) Drafting of the Residential Tenancies Bill is not yet complete.

HOUSING

Residential Tenancy Legislation: Provisions

800. Mr MENSAROS, to the Minister for Consumer Affairs:

(1) Is it a fact that, according to the provisions of the Government's residential tenancy Bill—

(a) landlords will have to give three months' notice to tenants for terminating the tenancy without specially given reasons;

(b) the notice by landlords will have to be two months should the landlord intend to move in himself or should he intend to demolish the property;

(c) the notice by landlords will have to be one month if the property is being sold by the landlord?

(2) If any of the answers to (1) (a) to (c) are in the negative, what are the correct provisions of giving notice by the landlord for terminating the tenancy?

Mr TAYLOR replied:

(1) and (2) Drafting of the Residential Tenancies Bill is not yet complete.

WATER AUTHORITY

Tenders: Advanteering-Civil Engineers

801. Mr MENSAROS, to the Minister for Water Resources:

(1) Is it a fact that the tender for the construction of a reinforced concrete tank at Northampton for the Western Australian Water Authority resulted in Advanteering-Civil Engineers being the second lowest tenderer after applying the regional preference to local contractors mentioned in his reply to question 736 of 1987?

(2) Is it a fact that the lowest tenderer was disqualified by the Western Australian Water Authority which moved Advanteering-Civil Engineers to the lowest tendering position, considering the entitlement to regional preference?

(3) For whatever good reason Advanteering-Civil Engineers was not awarded the contract, would he please explain why the Western Australian Water Authority has not consulted with the firm before bypassing its tender?

Mr BRIDGE replied:

(1) Yes. After applying regional preference, the three lowest tenders were—

Atkinson Steel Products and J F Kinsella	$165 820
Advanteering-Civil Engineers	$169 225
Hercules Constructions Pty Ltd	$171 059

(2) No tenders were disqualified. A ministerial commitment has been given regarding the completion date of the treatment plant involved. Hercules

Constructions have a record of completing works on schedule, and were awarded the contract accordingly.

(3) The capabilities and performance of the three lowest tenderers are well known to the Water Authority officers responsible for this project. However, Advanteering-Civil Engineers has a history of seeking extensions of time on contracts, thereby delaying the commissioning date.

PLUMBING

Inspections: Water Authority

802. Mr MENSAROS, to the Minister for Water Resources:

(1) Has, and if so to what extent, the Western Australian Water Authority reduced its inspectorial role?

(2) Can he guarantee that the incidence of illegal and substandard plumbing will not increase with a reduction in the inspectorial role of the Water Authority?

Mr BRIDGE replied:

(1) The Water Authority is presently rationalising its plumbing inspectorial role to ensure that its involvement in the regulation of the plumbing industry concentrates upon that which is necessary to fully protect its water supply and sewerage schemes against contamination or misuse.

It is proposed that the Water Authority will have 25 inspectors' positions from 1 July 1987, as compared to 36 in July 1986.

(2) No guarantee has ever been possible that illegal or substandard plumbing would not increase due to any factor. However, by-laws are being drafted to (a) ensure that responsibility for work rests with the plumber, and (b) substantially increase penalties for by-law contravention in regard to the standard of work.

PLUMBING

Illegal and Substandard: Penalty

803. Mr MENSAROS, to the Minister for Water Resources:

Does he consider that significant increases in penalties would assist in the reduction of illegal and substandard plumbing, and, if so, on what statistical evidence experience by other water supply utilities is such consideration based?

Mr BRIDGE replied:

As to the first part of the question, yes. As to the second part, no statistical evidence from other water supply utilities has been received.

PLUMBING

Illegal and Substandard: Risks

804. Mr MENSAROS, to the Minister for Water Resources:

(1) Is he aware of the risks, dangers, and fatalities that have occurred and can occur from illegal and substandard plumbing?

(2) Would he consider a proposal to fund an effective inspection system to reduce the incidence of illegal and substandard plumbing?

Mr BRIDGE replied:

(1) Yes.

(2) The existing authority inspection system is appropriate in relation to plumbing matters of concern to the Authority. An alternative inspection system in relation to other aspects of plumbing installations is being investigated.

HOSPITAL

Albany Regional: Alterations

807. Mr WATT, to the Minister for Health:

(1) Are the refurbishing of and alterations to the Albany Regional Hospital running on time according to projections?

(2) If not, by how much are they behind or ahead of schedule?

(3) If they are behind schedule, what are the reasons?

(4) Is the job running according to cost budget projections?

(5) If not, by how much is it above or below the progressive budget figure?

(6) If it is above budget, what are the reasons?

Mr TAYLOR replied:

(1) No.

(2) The project is 25 weeks behind schedule. The contractor has claimed 22 weeks. Thirteen weeks' extension of time will be approved by the Building Management Authority for inclement weather, minor stoppages, and project variations.

(3) As above.

(4) No.

(5) The 1986-87 Budget allocation of $6 031 798 has a Treasury approved increase of $140 000 to a current approved total budget of $6 171 798.

(6) CSSD amendments—$28 000; kitchen, R & R—increased scope of work—$23 000; repairs and renovations to additional areas—$21 000; increase in project contingency—$68 000.

TRANSPORT: RAILWAYS

Bunbury-Perth: Stops

809. Mr BRADSHAW, to the Minister for Transport:

(1) When the new train on the Bunbury-Perth line starts operating, at which stations will the train stop?

(2) What times will the train run?

(3) What provision has been made for transporting people from where the train does not stop?

(4) Will the bus service between Bunbury and Perth along the South West Highway continue?

Mr TROY replied:

(1) Following a survey of south west residents to gauge the communities' reaction, it was determined that the majority of respondents agreed with the proposed stopping places which are as follows—

(a) the am and pm commuter service will stop at the Harvey, Pinjarra, and Kelmscott intermediate stations;

(b) the *Australind* service as we know it now will stop at Kelmscott, Mundijong, Pinjarra, Waroona, Yarloop, Cookernup, Harvey, and Brunswick; and, providing advance bookings are made, the train will pick up and/or set down at Serpentine, North Dandalup, and Coolup.

(2) The following table is proposed—

Monday to Saturday

Bunbury	depart	6.45 am
Perth City	arrive	8.50 am
Perth City	depart	10.00 am
Bunbury	arrive	12.20 pm
Bunbury	depart	3.40 pm
Perth City	arrive	6.00 pm
Perth City	depart	7.00 pm
Bunbury	arrive	9.00 pm

Sunday

Bunbury	depart	3.00 pm
Perth City	arrive	5.20 pm
Perth City	depart	6.00 pm
Bunbury	arrive	8.20 pm

(3) No provision has been made.

(4) No.

TAXES AND CHARGES

Payroll Tax: Collections

810. Mr BRADSHAW, to the Premier:

(1) How much payroll tax has been collected in Western Australia in the last three financial years?

(2) How many firms paid payroll tax in each of the last three financial years?

Mr BRIAN BURKE replied:

(1) 1983-84—$267.467 million
1984-85—$287.046 million
1985-86—$305.4 million

(2) As many employers may be registered for payroll tax during only part of the year, it would be difficult to extract the information required. However, the following were the number of employers who were registered in June of each year—

30/6/84	6 350
30/6/85	6 425
28/2/86	6 465

The number at 30 June 1986 is not readily available. However, it would be unlikely to differ greatly from the end of February 1986 figure.

The increased figure is due to the increasing number of small businesses which have registered over the last four years and the improving economic conditions in Western Australia during the past four years.

PORTS AND HARBOURS

Casual Ship Painters and Dockers Pool: Employment

819. Mr MacKINNON, to the Minister for Transport:

(1) Will he verify that average daily statistics for full monthly periods between May 1986 and September 1986 for the casual ship painters and dockers pool show that at best not more than approximately 50 per cent during any month of available labour was employed?

(2) If this is correct, will he outline reasons why this occurred?

Mr TROY replied:

(1) Yes, it is correct that for the period 1 May-30 September 1986, the average utilisation of labour for each month in question was less than 50 per cent of the available labour.

(2) It is necessary to establish a level of labour available which provides a balance between periods of peak demand, where the consequence of a shortage is potential costly delays to shipping, and the existence of surplus labour in times of low demand. For this reason the number employed in the pool is under constant review.

It is worthy to note that over the period in question there were 13 days on which a shortage was experienced or the utilisation exceeded 95 per cent.

HOSPITALS

Information Management Systems

824. Mr MacKINNON, to the Minister for Health:

(1) Is it fact that the Government is endeavouring to install in hospitals in Western Australia a new Government computer system called IMS—information management systems?

(2) What is the purpose of the installation of this system?

(3) Who is responsible for its installation?

(4) What cost is involved in the installation of the system?

Mr TAYLOR replied:

(1) No.

(2) to (4) Not applicable.

BUSINESSES

Limited Partnerships: Legislation

836. Mr MacKINNON, to the Minister representing the Attorney General:

(1) Is it the Government's intention to introduce legislation in the near future to amend the legislation relating to limited partnerships?

(2) If so, what is the nature of those amendments?

(3) When is it anticipated that this legislation will be introduced into the Parliament?

Mr PETER DOWDING replied:

(1) to (3) The Limited Partnerships Act is currently under review by an interdepartmental committee.

BUILDERS' REGISTRATION ACT

Review

844. Mr MacKINNON, to the Minister for Consumer Affairs:

(1) Is the Builders' Registration Act currently under review?

(2) If so, who is carrying out that review?

(3) When is it likely the review will be completed?

(4) Is the Builders' Registration Act likely to be amended during the current session of Parliament as a consequence of the review?

(5) If not, when is it expected that legislation will be amended as a consequence of the review?

Mr TAYLOR replied:

See identical question 361 of 8 April 1987 incorrectly addressed to the Minister for Works and Services, but answered in writing on 22 April 1987.

BUSINESSES

Companies and Securities Advisory Committee: Establishment

846. Mr MacKINNON, to the Minister representing the Attorney General:

(1) Does the Government intend to establish a companies and securities advisory committee as indicated to me in answer to question 172 of 1986?

(2) If so, when will that committee be established?

(3) If it is not to be established, is the Government considering amending legislation which will lead to the scrapping of the registration of business names?

Mr PETER DOWDING replied:

(1) Yes.

(2) No timetable has been set.

(3) Not applicable.

TRANSPORT: WESTRAIL

Employees: Narrogin

852. Mr MacKINNON, to the Minister for Transport:

(1) How many employees of Westrail are currently employed and permanently based in Narrogin?

(2) What plans are there to relocate any of these employees away from Narrogin during the next 12 months?

Mr TROY replied:

(1) 146.

(2) It is proposed to reduce by 54 the number of employees at Narrogin over the next 12 months. Affected employees not wishing to be relocated will be offered the normal options of early retirement, voluntary severance, or redeployment to other Government departments.

ARTS

Amateur Groups: Grants

858. Mr P. J. SMITH, to the Minister for The Arts:

(a) What grants are available for amateur arts groups such as brass and concert bands for the purchase of equipment;

(b) do such groups have access to Instant Lottery funds?

Mr PARKER replied:

(a) The Department for the Arts does not currently offer financial assistance towards the costs of equipment purchases by amateur organisations.

When the Instant Lottery was initially introduced in 1982, equipment grants were offered to both professional and amateur arts organisations. While assistance was generally well received by the community, a number of problems were encountered with this programme. This included the rationalisation of distribution, the monitoring of the proper use of items, and questions surrounding ownership. This all ultimately led to the suspension of equipment grants.

When the Department for the Arts was established in June 1986, a review of all funding programmes was undertaken. Priorities were subsequently re-established according to available finances. Equipment grants have not been re-introduced to date, and it is anticipated that the department will approach the Department of Sport and Recreation to examine possible joint programmes.

(b) There is no separate arts Instant Lottery fund. All arts funds are allocated through the Department for the Arts.

Organisations have access to grants for professional activity awarded by the Department for the Arts.

LIQUOR LICENCE

Burswood Hotel Complex: New Owners

859. Mr COURT, to the Minister for Racing and Gaming:

(1) Will a new liquor licence be issued to the new Japanese owners of the Burswood Hotel complex?

(2) If yes, will the usual procedures be followed for the granting of such a licence?

Mrs BEGGS replied:

(1) and (2) Prior to any ministerial decision for the sale of the Burswood Hotel to proceed, a number of matters contained in the agreement scheduled to the Casino (Burswood Island) Agreement Act, not only the liquor licence, will need to be carefully examined.

Should all the necessary clearances and approvals be obtained, including that of the Foreign Investment Review Board, and the sale of the hotel eventuates, then appropriate action will be taken to protect the integrity of the agreement and Western Australia's interests.

BANKRUPTCIES

Increases

862. Mr COURT, to the Minister for Small Business:

(1) Is he aware that bankruptcies among small business in Western Australia have increased significantly this year?

(2) If yes, has the Government or the Small Business Development Corporation an explanation for this problem?

Mr TROY replied:

(1) I am aware that there has been an increase in the total number of bankruptcies in Western Australia and indeed throughout Australia in the nine months to 30 March 1987. The number of these that can be classified as business bankruptcies is not yet known because it is not available from the Office of the Attorney General, who presents the statistics annually to the Federal Parliament.

(2) The Government prefers to concentrate its efforts on the causes of business failures rather than merely explaining statistics which may not reflect the true picture. In this regard the programmes of the Small Business Development Corporation are designed to provide the necessary information, advisory, training, research, and policy services to address the most common causes of business failures.

I point out that bankruptcy statistics are not necessarily an effective indicator of small business failure because they—

(a) are not restricted to businesses—that is, they can be purely personal;

(b) are restricted to those which have used the formal bankruptcy procedure;

(c) do not include corporate business entities;

(d) record individual partners in failed businesses as separate bankruptcies;

(e) make no allowance for the decline in the stigma attached to bankruptcy;

(f) are only officially available in dissective form more than 12 months after the end of the financial year to which they relate.

DEFENCE: SUBMARINES

Construction Contract: Failure

865. Mr COURT, to the Minister for Defence Liaison:

(1) Why has not Western Australia been successful in attracting the Navy's new submarine construction project?

(2) What advantages did South Australia have over Western Australia?

Mr BRYCE replied:

(1) Although it is disappointing to learn that Western Australia was not selected as the preferred site for the assembly location of the new submarine construction project, it is shortsighted to suggest that the State has not attained some measure of success from its past and future involvement in the project.

Recent favourable decisions in respect to home porting of a substantial portion of the RAN's fleet, establishment of the submarine escape training facility, and the general upgrading of HMAS *Stirling* are tangible successes. Additionally, it can reasonably be anticipated that local companies will share in the various contracts

emanating out of the project. The experience they have gained, too, should hold them in good stead for the future.

(2) This Government was not privy to the rationale adopted in the evaluation process.

DEFENCE: FRIGATES

Construction Contract: Submissions

866. Mr COURT, to the Minister for Defence Liaison:

(1) Has the State Government put a detailed submission to the Federal Government which outlines this State's ability to construct competitively the Navy's new frigate and hydrographic vessels?

(2) If yes, when was such a submission made?

Mr BRYCE replied:

(1) The defence industry task force of the Department of Industrial Development is preparing Western Australia's detailed submission to the Federal Government. The submission will be presented at the appropriate time.

(2) Answered by (1).

MR ROSS YOUNGER

Death: Geraldton Hospital

872. Mr HASSELL, to the Minister for Health:

(1) Who is to conduct the inquiry in relation to the discovery of the body of Mr Ross Younger in the plant room of the Geraldton Hospital?

(2) What are the terms of authority of the inquiry?

(3) When will it be completed?

(4) Will the outcome be made public?

(5) Is any question of disciplinary action being considered?

Mr TAYLOR replied:

(1) The Coroner. Senior Health Department officers are reviewing administrative aspects.

(2) Coronial.

(3) and (4) These questions can only be answered by the Coroner.

(5) Not at this time.

WA DEVELOPMENT CORPORATION: CHAIRMAN

Consultancy Services: Payment

883. Mr HASSELL, to the Premier:

(1) In accordance with his undertaking in the reply given to question 252 on 8 April 1987, will he please advise whether the Chairman of the Western Australian Development Corporation, or a company associated with the WADC Chairman, received payment for consultancy services to the Premier or the Government?

(2) Is any such arrangement in addition to the chairman's direct responsibilities with WADC?

Mr BRIAN BURKE replied:

(1) I am advised that neither the Chairman of the WADC, nor any company associated with the chairman, receives payment for consultancy services to the Premier or the Government.

(2) Not applicable.

GOVERNMENT BUILDING

310 Hay Street: Refurbishment

888. Mr HASSELL, to the Premier:

(1) Referring to his reply to question 259 on 7 April 1987, what is the cost of refurbishing offices and reception at 310 Hay Street?

(2) What is the cost of other improvements and upgrading undertaken at 310 Hay Street?

(3) What is the estimated cost of the alternate strategy developed to reduce the original estimate of new capital works at Perth Airport and Kalgoorlie?

Mr BRIAN BURKE replied:

(1) The cost of rebuilding and refurbishing the offices and reception at 310 Hay Street will, when completed, be approximately $1 860 000.

(2) $418 000.

(3) The estimated cost of the new international Mint complex at Perth International Airport at 15 November 1986 was $28 600 000 after extensive redesign to provide for a major international bullion storage facility and related security systems. This scale of capital expenditure was considered

commercially unrealistic, and an alternative combined strategy was developed for Perth and Kalgoorlie at a cost of $15 000 000.

TRANSPORT: BUSES

School: Early Deliveries

898. Mr SCHELL, to the Minister for Education:

What responsibility does the Education Department accept when children are delivered home from school by the school bus, earlier than usual, to isolated country bus stops or bus stops on busy roads?

Mr PEARCE replied:

Schools will not amend normal school hours without having first notified all parents and school bus contractors. This ensures that children being delivered home or to a predetermined set-down point will not be without supervision or adequate transport to their homes.

MINISTER FOR AGRICULTURE

Office

899. Mr CRANE, to the Premier:

(1) (a) What area of office space in its Grain Pool Building was occupied by the Minister for Agriculture and his staff for the years—

(i) 1982;

(ii) 1984;

(iii) 1987;

(b) what is the area occupied by the Minister at present;

(c) what were the respective rental costs?

(2) (a) How many staff were employed in the Minister for Agriculture's office in—

(i) 1982;

(ii) 1984;

(iii) 1987;

(b) which were the classifications of the staff and their respective duties;

(c) how many of the staff were public servants, and how many were on contract?

(3) (a) What was the cost of maintaining the office and staff for the Minister for Agriculture for the years ended 30 June 1982 and 1984;

(b) what is the anticipated cost of maintaining the office and staff for the year ending 30 June 1987?

Mr BRIAN BURKE replied:

This question has been addressed incorrectly to the Premier. It has been directed to the Minister for Agriculture, and he will reply to the question in writing.

HEALTH DEPARTMENT

Publications: Macedonian Language

902. Mr CASH, to the Minister for Health:

(1) Is he aware of previous requests by members of the Macedonian community to have material forwarded by his department couched in only English and Macedonian and not in Croatian, Serbian, or Greek, as has occurred in the past?

(2) If yes, why was material on the AIDS awareness campaign written in Greek and Serbian sent to members of the Macedonian community, contrary to previous agreements?

Mr TAYLOR replied:

(1) I am not aware of specific requests from members of the Macedonian community to have material forwarded by my department couched in English and Macedonian only. I am, however, sympathetic to their request. The health promotion services branch of my department has in fact produced a range of health education literature in Macedonian.

(2) AIDS information pamphlets in a variety of languages including Macedonian have been produced by the Commonwealth Department of Health. The Macedonian leaflets have been distributed to appropriate bodies.

It is possible that health education literature in other languages may have inadvertently been distributed to members of the Macedonian community. If this has happened, it is regretted.

EDUCATION

Language: Macedonian

903. Mr CASH, to the Minister for Education:

(1) Is he aware of commitments given to members of the Macedonian community that Macedonian would form part of the available subjects at schools servicing areas of high Macedonian population?

(2) Is there a demand to have the Macedonian language available as a subject in primary or secondary schools in areas of high Macedonian population?

Mr PEARCE replied:

(1) If there is sufficient demand in a particular school to form a viable class, Macedonian can be introduced as a secondary school subject. It would be necessary to identify a suitably qualified teacher who was available on a part-time basis, or a full-time teacher who could teach Macedonian and one or two other subjects. It would also be necessary to submit to the Secondary Education Authority for approval a course based on the unit curriculum structures.

(2) Macedonian is taught in two centres of the Saturday School of Languages: Balcatta Senior High School and Mt Lawley Senior High School. The Saturday School caters for students in school years 5 to 10.

The ministerial working party which is currently examining the whole question of language teaching in primary and secondary schools is expected to make recommendations on measures which should be taken to cater for the demand for a wide range of languages. I expect that they will make specific recommendations on which languages should be made available in schools and which ones should be left to community groups to provide with appropriate support from the Ministry.

EDUCATION: SCHOOLS

Cleaning: Pilot Studies

905. Mr LEWIS, to the Minister for Education:

(1) Concerning the cleaning of Government schools, what is the "pilot study" costing per annum for the following high schools—
  (a) Applecross;
  (b) Carine;
  (c) Greenwood;
  (d) John Curtin;
  (e) Kalamunda;
  (f) Morley;
  (g) Rossmoyne;
  (h) Thornlie?

(2) What is the estimated "pilot study" costing per annum for the following schools—
  (a) North Albany High;
  (b) Woodlupine Primary;
  (c) Allenswood Primary;
  (d) Baldivis Primary;
  (e) Heathridge Primary;
  (f) Edgewater Primary;
  (g) Quinns Rock Primary;
  (h) Cecil Andrews High;
  (i) Huntingdale Primary;
  (j) Craigie High;
  (k) Halidon Primary;
  (l) East Greenwood Primary;
  (m) Spearwood Alternative?

(3) What was the actual cost of the "pilot study" for cleaning during the 1986 calendar year at the following schools—
  (a) Willetton High;
  (b) Carine Primary;
  (c) South Thornlie Primary;
  (d) Rostrata Primary;
  (e) Burrendah Primary;
  (f) Armadale High?

Mr PEARCE replied:

The answer to this question would reveal sensitive commercial information which would affect the Government's ability to achieve the best prices available. I am, therefore, not prepared to make this information available.

EDUCATION: SCHOOLS

Cleaners: Workers' Compensation

908. Mr LEWIS, to the Minister for Education:

What percentage rate of workers' compensation applies to the cleaning section of the Education Department?

Mr PEARCE replied:

During the period 1 January 86 to 31 December 86, the department received 648 claims for compensation resulting from lost time accidents. Of this number, 213 were from the cleaning section. This reflects a percentage of 32.87.

HEALTH

Osteopaths: Registration

911. Mr SCHELL, to the Minister for Health:

(1) Is he considering a proposal for the registration of osteopaths?

(2) When does he expect to make a decision on the question of registration of osteopaths?

Mr TAYLOR replied:

(1) Yes.

(2) Work is proceeding on reviewing registration legislation for health professions. This includes reviewing the need for registration of professions not previously registered. In determining which profession warrants registration, my uppermost concern is that it is for the benefit of the public that such a profession be registered.

EDUCATION

"Better Schools" Report: Functional Review Committee

913. Mr COWAN, to the Minister for Education:

(1) Is the "Better Schools" policy based on a report of the Functional Review Committee?

(2) If yes, will he table a copy of that report?

Mr PEARCE replied:

(1) The Functional Review Committee report is one of four documents which have contributed to the development of the "Better Schools" proposal. The others are the Beazley report; the Government's white paper, "Managing Change in the Public Sector"; and the Education Department's report to the Public Service Board, "Corporate Plan: Strategic Plan 1986". The Functional Review report and the report to the Public Service Board are confidential documents provided for planning purposes.

(2) It is not Government policy to release reports commissioned by the Functional Review Committee.

HEALTH

Isolated Patients' Travel and Assistance Scheme

914. Mr COWAN, to the Minister for Health:

(1) Is the Government considering a change in the rate paid per kilometre under the patients' assisted travel scheme?

(2) If yes, when will the new rates be announced?

Mr TAYLOR replied:

(1) No. However, as announced at the commencement of the scheme, it will be reviewed at the end of June 1987, and the matter of the rate paid per kilometre will be considered.

(2) Not applicable.

WA DEVELOPMENT CORPORATION

Involvement: Tourism

916. Mr HASSELL, to the Minister for Economic Development:

(1) Referring to the reply given to question 222 of 1987 by the Minister for Tourism, is the Western Australian Development Corporation directly involved on a financial basis with developing tourism in Western Australia?

(2) If so, what is the extent of its investment of public funds?

(3) In what projects and facilities has it invested?

Mr PARKER replied:

This question has wrongly been addressed to the Minister for Economic Development. It has been referred to the Premier, and he will answer it in writing.

TRANSPORT: BUSES

Fremantle-Mirrabooka: Discontinuance

919. Mr HASSELL, to the Minister for Transport:

(1) Can he say why the 407 Mirrabooka-Fremantle bus route was discontinued?

(2) Can he say whether the service will be reinstated during each summer season?

(3) Is consideration being given to reinstating the service at all; and, if not, is the Government willing to review the matter?

Mr TROY replied:

(1) Route 407 was introduced during the America's Cup, and the buses were financed from America's Cup funds. Transperth extended the service until 27 April, when it was withdrawn due to drastically reduced patronage.

(2) and (3) A limited Monday-to-Friday service is to be implemented from 2 June. The previous service was designed to cater for specific events during the running of the America's Cup. However, the new timetable has been constructed to cater for general passenger demand and will satisfy the majority of requests that have been made in relation to this particular service.

TRANSPORT: BUSES

Mosman Park-Perth: Discontinuance

920. Mr HASSELL, to the Minister for Transport:

(1) Can he say why the 104 Mosman Park-Perth bus route has been discontinued?

(2) Will consideration be given to reinstating the 104 Mosman Park-Perth at peak hours?

(3) If not, why not?

(4) Were residents of Mosman Park and surrounds advised by way of leaflets in their letterboxes that the 104 bus run would cease, and if so, in what areas were leaflets dropped?

(5) What are the various means that Transperth advises patrons of the cessation of a bus run?

Mr TROY replied:

(1) The operation of the through service could not be justified due to lack of patronage between Mosman Park and the City of Perth.

(2) and (3) Not until such times as it is clearly demonstrated that passenger demand warrants such action. Loading on the replacement shuttle service is closely monitored to ascertain passenger trends.

(4) No.

(5) By the following means—

(i) the placement of advertisements on page 7 of each Thursday's *The West Australian;*

(ii) the placement of passenger bulletins on all buses on the affected routes;

(iii) where major changes take place—that is, complete withdrawal of service or major changes to actual routes, etc.—letterbox drops are made. In this particular instance, Transperth did not deem the changes to be of sufficient magnitude to adopt the letterbox drop method.

Both the methods detailed in (i) and (ii) above were used in relation to changes which took place on the Mosman Park service.

GOVERNMENT EMPLOYEES: PUBLIC SERVICE

Staff Freeze: Lifting

922. Mr HASSELL, to the Minister for Public Sector Management:

(1) Was the Public Service staff freeze lifted in January or February?

(2) If so, on what day?

(3) What was the total period it was in place?

(4) Is the Government's plan to reduce Public Service numbers as announced last year on or off target to date?

(5) What is the base figure used by him in determining whether the target has been achieved?

Mr BRIAN BURKE replied:

(1) The freeze was lifted at different times for different organisations.

(2) See (1).

(3) The total period varies dependent on the date the freeze was lifted for each organisation.

(4) On target.

(5) 100 186. This figure was previously supplied in response to question 28 from the member for Dale, and was also conveyed to the Leader of the Opposition in a letter from the Chairman of the Public Service Board dated 31 March 1987.

GOVERNMENT EMPLOYEES

Public Service: Political Appointees

923. Mr HASSELL, to the Minister for Public Sector Management:

(1) I refer to the memorandum dated 8 April 1987 from the Chairman of the Public Service Board to him, circulated to members, and the statement by the chairman that—

> . . . all other staff who have been appointed have been appointed to permanent positions under the Public Service Act . . .

Is that statement an admission that certain political appointees of the Government have now been given permanent positions in the Public Service?

(2) Is the paragraph which follows the quoted sentence in the chairman's letter saying, in effect, that certain political appointees cannot be removed from their jobs because of the provisions of State laws?

(3) Is he concerned that the chairman has overlooked his primary responsibility to act on behalf of the employer, the elected Government of Western Australia, by saying—

> . . . the Board under the Act has the responsibility as the employer to protect the rights of its employees?

Mr BRIAN BURKE replied:

(1) The statement referred to should be read in conjunction with the paragraph which follows it under which appointments are made pursuant to the Public Service Act.

(2) The paragraph says that permanent public servants are appointed on the basis of merit and with due regard to the Equal Opportunity Act and Industrial Relations Act, and that they are not removable from these positions for political reasons. This is a basic tenet of the Westminster system.

(3) The Public Service Board is the legal employer of staff appointed under the Public Service Act.

WA EXIM INTERNATIONAL LTD

Operations

924. Mr HASSELL, to the Minister for Economic Development:

(1) Is Exim International Limited a company owned or controlled by the Government?

(2) Is it a subsidiary of another company, and if so, what company?

(3) What business is it engaged in?

(4) How long has it been engaged in that business?

(5) What is the location of the business operations?

(6) When was the company incorporated?

(7) Who are its directors?

(8) What was its profit or loss to 30 June 1986?

(9) If the company or a business of the company was acquired by the Government or by a corporation controlled by the Government, what was paid and when?

Mr PARKER replied:

(1) No.

(2) to (8) Not known

(9) Not applicable.

LAND

Reserve No. 28948

925. Mr HASSELL, to the Minister for Transport:

With respect to Reserve No. 28948—Lots 359, 360, 361, 362, 363, 364, and 365—

(a) who are the lessees of each lot;

(b) what are the terms of the respective leases;

(c) when do the leases expire on each lot?

Mr TROY replied:

Lease—Lot 359—

(a) Fremantle Diving Centre;

(b) monthly tenancy;

(c) terminated on one month's notice.

Lease—Lot 360—

(a) Ball & Son Pty Ltd;

(b) 21 years;

(c) expires 31 December 1989.

Lease—Lot 361, Part Lot 362(1)—

(a) Elder Prince Marine Services Pty Ltd;

(b) 21 years;

(c) expires 30 June 1988.

Lease—Part Lot 362(2), Part Lot 362(3)—

(a) Ritma Pty Ltd (2), Ritma Pty Ltd (3);

(b) 21 years (2), 21 years (3);

(c) 30 September 1995 (2), 31 December 1989 (3).

Lease—Lots 363-364-365—

(a) Not subject of any lease;

(b) and (c) not applicable.

Lot 365 is the roadway and verge reserve.

MR KEITH GALE

Government Employment

926. Mr HASSELL, to the Minister for Economic Development:

(1) Referring to his reply to question 249 on 2 April, and as Mr Keith Gale indicated he was still employed by the Western Australian Government, is Mr Gale retained directly by the Government or by a Government instrumentality?

(2) What are the details of Mr Gale's employment?

Mr PARKER replied:

This question has wrongly been addressed to the Minister for Economic Development. It has been referred to the Premier, and he will answer it in writing.

AGRICULTURE DEPARTMENT: WA EXIM CORPORATION

Undertakings

927. Mr HASSELL, to the Minister for Economic Development:

(1) Who were the personnel and/or consultants who undertook work for the Department of Agriculture listed in the reply to question 95 on 2 April 1987?

(2) What qualifications and experience have the persons involved obtained?

(3) Was this work undertaken at the request of the Minister for Agriculture or any of his departmental officers?

(4) What was the cost of the services and advice provided?

Mr PARKER replied:

(1) A large number of consultants were involved. I do not propose to list them by name.

(2) Many years in the pastoral industry and/or commerce.

(3) Some was done at the request of the department and some as part of the Kimberley reconstruction project.

(4) As previously advised on several occasions, the department was billed $189 000 for advice and services. Provision was made in the department's Budget allocation.

ENERGY: FREMANTLE GAS AND COKE CO LTD

Purchase: Principal Payments

928. Mr HASSELL, to the Minister for Minerals and Energy:

(1) Referring to his reply to question 122 on 1 April 1987, what principal payments were paid by the State Energy Commission for Fremantle Gas and Coke Co Ltd?

(2) What is the level of funding involved in making payment for easements?

Mr PARKER replied:

(1) The principal payments made by the State Energy Commission for the acquisition of Fremantle Gas and Coke Co Ltd amounted to $40 595 991. This included various adjustments, principally interest from the date of takeover to the date of final settlement.

(2) $125 000 was withheld from the purchase price for payments for easements, acquisition of pipelines from Esso Australia Ltd, and legal fees.

MR TERRY BURKE

Attendance: Australia-Japan Symposium

929. Mr HASSELL, to the Premier:

(1) Did the former member for Perth recently attend the Australia-Japan symposium in Canberra?

(2) If so, on what basis did he attend?

(3) What public funds were involved in his attending this symposium?

Mr BRIAN BURKE replied:

(1) Yes.

(2) Chairman of the sisters-State Committee.

(3) Normal air fares and accommodation expenses were met.

MINERAL

Iron Ore: Market Share

930. Mr HASSELL, to the Minister for Minerals and Energy:

(1) Referring to his reply to question 53 on 1 April, is it correct that Western Australia's market share for the shipping year ended 31 March 1987 was only 41.6 per cent?

(2) What is Western Australia's projected market share for the present shipping year, now that the main sale negotiations have been completed?

Mr PARKER replied:

(1) The previous question referred to Australia's market share. Full year revised figures have become available since that earlier question, and analysis indicates that Western Australia's market share for the shipping year ended 31 March 1987 was of the order of 40 per cent calculated on a dry basis.

In my recent discussions with the Joint Steel Mills in Tokyo, I pointed out that Australia is a most competitive supplier with improved industrial relations and reliability in the industry, deepened iron ore ports, and companies which have become leaders in price-setting in the Japanese iron ore market. The steel mills accepted this and advised that they are looking to increase the percentage of ore imported from Western Australia. However, this readjustment will take time.

(2) In view of this situation, it is difficult to be precise about Western Australia's market share in the current shipping year. As I have previously said, market share is not a "given" but rather the actions of a series of commercial negotiations in which the Government neither is nor should be, involved.

MINERAL

Iron Ore: Market Share

931. Mr HASSELL, to the Minister for Minerals and Energy:

(1) Referring to his reply to question 54 on 1 April, did Pilbara producers secure an increased share of the Japanese iron-ore market, as implied by the Minister in his reply?

(2) What will be the estimated increase in tonnage shipped resulting from the recent negotiations?

Mr PARKER replied:

(1) By settling 1987 prices promptly in the Japanese market, the Western Australian producers aimed to preempt other suppliers from entering into discount arrangements in return for settling early, as happened in recent years.

(2) Japan has forecast declining steel production in the current year. It is therefore possible that, despite the improved position referred to in my answer to question 930, iron ore tonnage shipments from Western Australia in the current shipping year could decline rather than increase. In an oversupplied market, with many producing countries seeking foreign exchange earnings and with continuing depressed freight rates, it is evident that renewed efforts are required by the Government, the work force, and the companies, to remain competitive.

ENVIRONMENT

World Heritage Listing Committee

932. Mr HASSELL, to the Minister for Conservation and Land Management:

Is he aware of the member nations comprising the world heritage listing committee of UNESCO, and if so, which are they?

Mr HODGE replied:

This question has been incorrectly addressed to the Minister for Conservation and Land Management. It has been referred to the Minister for Planning, and he will answer it in writing.

TRANSPORT: BUSES

Contra-flow Lane: Trial Period

933. Mr LAURANCE, to the Minister for Transport:

(1) When did the trial period for the contra-flow bus lane on the Kwinana Freeway end?

(2) For how long was the trial period, and what did it cost?

(3) How many inspectors were required to monitor the success or otherwise of the contra-flow lane?

(4) Is a report available on the success of the trial period?

(5) Have any decisions been made with respect to the future of the contra-flow lane?

Mr TROY replied:

(1) 10 April 1987.

(2) From 9 February 1987 to 10 April 1987. Final cost is not yet available, but is expected to be approximately $340 000. Approximately $50 000 of the cost will be met by the Main Roads Department, the remainder being met by Transperth. At least $94 000 of the cost relates to permanent site works which would be used by the permanent operation should a decision be made to proceed with it.

(3) Four inspectors were required during weekday morning peak periods.

(4) Evaluation of the trial operation is being conducted by a joint project group of Transperth, Main Roads Department, and police officers.

(5) A decision will be made when the evaluation report has been completed and considered.

LAND

Ningaloo Marine Park: Advisory Committee

934. Mr LAURANCE, to the Minister for Conservation and Land Management:

(1) Who are the current members of the Ningaloo Marine Park advisory committee?

(2) When did it last meet?

(3) Have the members been made aware of plans for an information centre at Milyering?

(4) Has the Shire of Exmouth been advised of the plans for this centre?

Mr HODGE replied:

(1) Ningaloo Marine Park Advisory Committee members—

Dr B. R. Wilson (Chairman)	CALM
Cr D. Bathgate	Shire of Exmouth
Cr A. Davies	Shire of Carnarvon
Mr Rick French	Cardabia Station
Ms Jane Lefroy	Ningaloo Station
Mr Richard May	CALM
Mr Lyle McLeod	Exmouth
Mr Geoff Mercer	CALM
Mr Bruce Teede	Carnarvon
Mr Bryant Stokes	Perth
Dr Geoff Taylor	Exmouth

(2) The last meeting of the committee was held on 31 July 1986.

(3) At its meeting on 13 February 1986, an options paper was presented to the committee. It was resolved unanimously that the preferred site for the information centre was at Milyering within the Cape Range National Park, complemented by a first contact information facility in Exmouth. The committee also considered and approved a provisional site plan for the proposed buildings at Milyering. The Department of Conservation and Land Management has since established an office, jointly with the Tourist Commission, as the required facility in Exmouth.

(4) Immediately following the advisory committee meeting of 13 February 1986, the chairman briefed the Exmouth Shire Council, presenting the same options paper and advising

that the committee had resolved to recommend the Milyering site. A follow-up letter was sent by the Department of Conservation and Land Management to the shire dated 28 February, putting the proposal in writing. Subsequently the department received a letter dated 15 April 1986 from the shire clerk advising that the council agreed with the recommendation.

WATER RESOURCES

Dams: Farm Locations

936. Mr LAURANCE, to the Minister for Water Resources:

(1) How many Government dams are located within private farms in Western Australia?

(2) Whose responsibility is it to maintain these dams?

(3) Are farmers whose farms contain a Government dam within their boundaries permitted to maintain such dams?

(4) Where such dams exist, will consideration be given to incorporating the dams with the surrounding farms?

Mr BRIDGE replied:

(1) This information is not readily available, and would require considerable resources to research. Government dams constructed by the Public Works Department were invariably built on Government reserves or freehold land acquired for that purpose.

(2) to (4) Not applicable.

CONSERVATION RESERVES

Areas

937. Mr STEPHENS, to the Minister for Conservation and Land Management:

(1) What are the areas of each of the proposed conservation reserves named in table 6 of the draft management plans released in April 1987 for the —

(a) northern region;

(b) central region;

(c) southern region?

(2) For each of the "Forest Parks/Reserves" named in table 6 of the—

(a) northern region;

(b) central region;

(c) southern region,

what area would be made available for wood production?

(3) For each of the proposed "Forest Parks/Reserves", national parks, State parks, and nature reserves named in table 6 of the draft management plans in the—

(a) northern region;

(b) central region;

(c) southern region,

what area has been logged?

(4) What criteria did the Department of Conservation and Land Management use to determine whether "Forest Parks/Reserves" proposed in the draft management plans would or would not be available for logging?

(5) What are the areas of forest covered by each of the following species of tree in each of the areas of conservation reserve named in the draft management plans for the northern, central, and southern regions—

(a) jarrah;

(b) karri;

(c) tingle;

(d) tuart;

(e) wandoo?

(6) How much did it cost the Department of Conservation and Land Management—CALM—to publish and distribute—

(a) the booklet "What Future for our Forests";

(b) the glossy poster that was distributed as an insert in various State newspapers?

(7) How many copies were printed of—

(a) the booklet;

(b) the glossy poster?

(8) How much did it cost for the film that accompanied the release of the draft forest management plans, and was this cost met by CALM?

(9) Were any outside public relations consultants used to help prepare the publications mentioned in (7)?

(10) If yes to (9)—

(a) who were they;

(b) what was the cost to the department?

(11) Will he provide a detailed breakdown on how the alleged figure of 20 000 people directly and indirectly employed in the forest based industries in Western Australia was arrived at?

(12) Will he provide a detailed breakdown on how the alleged figure of $300 million said to be the annual turnover of the forest-based industries in Western Australia was arrived at?

(13) Which CALM officers were involved in providing assistance or information to Western Australian Chip and Pulp Company Pty Ltd—WACAP—in the preparation of that company's recently released environmental review and management programme?

(14) What was the estimated cost to the Government of providing this assistance and information to WACAP?

(15) When did CALM join the National Association of Forest Industries—NAFI?

(16) How much money is CALM contributing to NAFI in the current financial year?

(17) Why did CALM join NAFI?

Mr HODGE replied:

I will respond to the member in writing as soon as the detailed information he has requested has been collated.

TRANSPORT: BUSES

Westrail: Tenders

938. Mr TUBBY, to the Minister for Transport:

(1) Is it correct that tenders are being called for country bus services now operated by Westrail?

(2) If yes, are tenders being called on the present routes travelled by Westrail buses?

(3) Will the timetables and frequency be the same as present scheduled by Westrail?

(4) When do tenders close?

Mr TROY replied:

(1) The intention is to call for expressions of interest from bus operators—including Westrail—for the operation, under contract, of all or part of the existing Westrail bus service network. A decision on whether or not to proceed to formal tenders will be made after the Department of Transport has considered the proposals submitted in relation to the potential effects on users, Westrail, and the State.

(2) If tenders are called, they will be over present Westrail routes.

(3) The intention is that frequencies will be the same as under the existing arrangement, but there may be some variation in timetables.

(4) It is intended to call for expressions of interest in the second half of this year. Any formal tender process is unlikely to be in place before early 1988.

EDUCATION: PRIMARY SCHOOL

Forest Crescent: Construction

940. Mr MacKINNON, to the Minister for Education:

What was the cost of constructing the new school facilities at Forest Crescent and Bibra Lake, including the cost of the land?

Mr PEARCE replied:

Forest Crescent, $1 728 900; Bibra Lake, $1 811 960.

EDUCATION: PRIMARY SCHOOLS

Murdoch Electorate: Enrolments

941. Mr MacKINNON, to the Minister for Education:

What are the current enrolments at the following primary schools—

(a) Langford;

(b) Lynwood;

(c) Burrendah;

(d) Leeming;

(e) Rostrata;

(f) West Lynwood;

(g) Yale;

(h) Forest Crescent?

Mr PEARCE replied:

		Pre-primary 4 Yrs	Pre-primary 5 Yrs	Total	Primary	Gr Total
(a)	Langford	—	—	—	229	229
(b)	Lynwood	80	48	128	267	395
(c)	Burrendah ECE	—	102	102	202	304
	Burrendah Pr	—	—	—	557	557
(d)	Leeming	—	103	103	628	731
(e)	Rostrata	—	99	99	562	661
(f)	West Lynwood	—	108	108	633	741
(g)	Yale	—	100	100	708	808
(h)	Forest Crescent	—	25	34	142	176

LOTTERIES COMMISSION

Secretary: Appointment

942. Mr MacKINNON, to the Minister for Racing and Gaming:

(1) Is the position of Secretary to the Lotteries Commission still vacant?

(2) If so, is the position to be advertised?

(3) If so, when will it be advertised?

(4) When is it expected a final appointment will be made to this position?

Mrs BEGGS replied:

(1) Yes.

(2) Yes.

(3) and (4) The Chairman of the Lotteries Commission advises that the commission will be in a position to proceed with the advertising and filling of the position in the near future.

TRAFFIC LIGHTS

Benningfield Road-South Street: Pedestrian Control

944. Mr MacKINNON, to the Minister for Transport:

(1) Has consideration been given to the installation of pedestrian control signals at the intersection of Benningfield Road and South Street, Bull Creek?

(2) If not, why not?

Mr TROY replied:

(1) Yes. The existing traffic control signals are already fitted with pedestrian push-button facilities which extend the time available for pedestrians to cross with a full circular green display. The intersection does not meet the criteria for separate "walk-don't walk" pedestrian signals.

(2) Not applicable.

STATE FINANCE

Short-term Investments: Interest Earnings

948. Mr MacKINNON, to the Treasurer:

(1) Referring to the answer to my question 1586 of 1986, will he advise how much of the $92 584 000 allocated in the 1986-87 Budget from interest earned on short-term investments is now expected actually to be expended?

(2) What is the expected status of the Treasury suspense account as at 30 June 1987?

Mr BRIAN BURKE replied:

(1) and (2) As the amount of interest savings to be brought to account in 1986-87 will depend on the final outcome of all other Consolidated Revenue Fund revenue and expenditure transactions, I am not prepared to speculate on the final amount at this stage.

EDUCATION

Curtin University of Technology: Student Guild Newspaper

951. Mr MacKINNON, to the Minister for Education:

(1) Is he aware of the picture featuring Ms Ita Buttrose holding a superimposed condom-covered crucifix which appeared on the front page of the April-May edition of the Curtin University Student Guild newspaper *Grok*?

(2) Is this considered to be an acceptable production for this publication?

(3) Is it appropriate that compulsory student guild funds should be used in this manner?

Mr PEARCE replied:

(1) I have been made aware of the matter in question.

(2) While the Curtin University of Technology does not intervene in guild publications as a matter of policy, the university administration has conveyed its concerns over the acceptability of the item and the Vice Chancellor has received a commitment from the guild that an apology will be published in the next edition.

(3) In view of the outcome described above, I do not believe that this question arises.

WATER AUTHORITY

Testing and Inspection Procedures

952. Mr MacKINNON, to the Minister for Water Resources:

(1) How many inspectors does the Government currently employ to carry out its testing and inspecting procedures referred to in question 640 of 1987?

(2) How many inspectors were employed by the Water Authority to carry out this role on 1 July 1986?

(3) Is he giving consideration to increasing penalties to assist in the reduction of illegal or substandard plumbing?

(4) If so, when is it likely that those penalties will be increased and by how much?

Mr BRIDGE replied:

(1) Forty-three, consisting of 27 in the Perth metropolitan area and 16 in country areas.

(2) Forty-nine, consisting of 33 in the Perth metropolitan area and 16 in country areas.

(3) Legislation to increase penalties has already been assented to and appropriate by-laws are being drafted.

(4) By-laws to effect increases to these penalties are expected to be amended by December 1987.

Generally penalties have been increased tenfold.

EMPLOYMENT AND TRAINING

Apprentices: Assessment Procedures

953. Mr MacKINNON, to the Minister for Labour, Productivity and Employment:

(1) Is it correct that major structural problems which have been identified within the present examination system across trades generally have led to the introduction of the new apprenticeship training and assessment scheme?

(2) If so, will he detail those major structural problems?

Mr PETER DOWDING replied:

(1) See my response to question 641(4) in which I explained the specific reasons for termination of the final examination system and introduction of a new assessment system.

(2) Not applicable.

EMPLOYMENT AND TRAINING

Apprentices: Assessment Procedures

954. Mr MacKINNON, to the Minister for Labour, Productivity and Employment:

What specific groups within the community were consulted prior to the release of the publication headed "Apprentice Training and Assessment—A New Assessment Scheme to be Introduced by 1988"?

Mr PETER DOWDING replied:

Informal contact was made with numerous individuals and organisations within industry, including employer and employee associations and unions.

Formal consultation was made with—

members of the Industrial Training Advisory Council;
Technical and Further Education;
Amalgamated Metal Workers Union;
Confederation of WA Industry;
the Trades and Labor Council education committee, which included representation from a cross-section of trade unions;
Chamber of Mines.

EMPLOYMENT AND TRAINING

Apprentices: Assessment Procedures

955. Mr MacKINNON, to the Minister for Labour, Productivity and Employment:

(1) What will be the form of assessment to attest that all apprentices have attained a suitable trade standard, as referred to by him in his answer to question 641(1) of 1987?

(2) Who will set the form of that assessment?

Mr PETER DOWDING replied:

(1) The assessment is in the form of a checklist of skills based on the current syllabus of training that is completed by the employer to attest to the apprentice's achievements. These reports are then assessed by departmental officers to determine if trade standard has been reached for certification.

(2) The assessment is based on the content and standards defined by the syllabus of training established for the individual trade.

SERVICES

Federal Government: Inefficiency

956. Mr MacKINNON, to the Minister assisting the Treasurer:

Bearing in mind his statement on television station GWN on 14 May 1987 that the Federal Government is "inefficient at delivering certain services", will he detail which services or programmes he thinks the Federal Government is inefficient in delivering?

Mr PETER DOWDING replied:

The member will know from his time as a Minister in Government that difficulties in the delivery of Federal Government services arise from time to time. These issues are dealt with directly with the Minister concerned.

LOTTERIES

Private: Legality

957. Mr MENSAROS, to the Minister for Racing and Gaming:

(1) Adverting to her reply to question 428 of 1987, would she disclose whether the Crown Law opinion regarding the legality of the competitions "Super 6" conducted by West Australian Newspapers Limited and "Timespool" conducted by the *Sunday Times* has been received yet?

(2) If so, what does the opinion say about the legality of those pools?

(3) If not, has she requested speedy action, and when does she expect the opinion?

Mrs BEGGS replied:

(1) and (2) I am still awaiting Crown Law advice on the matter.

(3) Crown Law has been requested to expedite the matter, and they have advised that a response will be forwarded within the next few days.

SEWERAGE

Augusta: Commencement

958. Mr MENSAROS, to the Minister for Water Resources:

(1) When will a deep sewerage scheme be commenced in Augusta?

(2) In what stages is it planned to complete such a scheme?

(3) Will the commercial area receive preference to enable greater density development?

(4) Would he please explain the obstructions, financial or otherwise, which might hinder this project?

Mr BRIDGE replied:

(1) A sewerage scheme is planned for construction in Augusta in conjunction with significant further subdivision or development.

(2) Planning and consultation with the shire is not sufficiently advanced for the extent of the scheme or the stages of construction to be detailed at present.

(3) Together with new subdivisions, the commercial area has a high priority for early construction.

(4) The only current impediments to the provision of a sewerage scheme are the finalisation of planning and design, which involve consultation with the shire, and the availability of funds.

SEWERAGE

Margaret River: Plans

959. Mr MENSAROS, to the Minister for Water Resources:

(1) What are the plans to complete backlog sewerage in built-up areas not yet sewered in the townsite of Margaret River?

(2) Would he please explain the obstructions, financial or otherwise, which hinder this project?

Mr BRIDGE replied:

(1) The provision of backlog sewerage in built up areas in Margaret River commenced in 1983. At that date seven priority areas were identified and discussed with the local authority. The two highest priority areas have

been completed. The remaining five lower priority areas will be progressed as funding allows.

(2) The only current impediment to the completion of backlog sewerage in Margaret River is the availability of funds. While it will cost less than $1 million to complete the Margaret River priority areas, this work has to compete with high priority areas in other country towns for the limited funds available.

SPORT AND RECREATION

Superdrome: Funding

960. Mr MENSAROS, to the Minister representing the Minister for Sport and Recreation:

(1) How much is the estimated total budget for funding the Superdrome?

(2) Is it a fact that the Superdrome does not pay rent, capital repayment, or interest on the buildings complex it uses?

Mr WILSON replied:

(1) For the 1986-87 financial year there is an estimated revenue of $165 000 and an operational expenditure of $372 000.

(2) Yes.

SPORT AND RECREATION

Superdrome: Management

961. Mr MENSAROS, to the Minister representing the Minister for Sport and Recreation:

(1) What is the legal entity of the body which runs the newly built sports centre now called Superdrome? Is it part of a Government department, or a private entity, or what?

(2) Who appoints the governing board of this body?

(3) To whom is this body responsible, shareholders or Government?

Mr WILSON replied:

(1) The entity is the Western Australian Sports Centre Trust established under the Western Australian Sports Centre Trust Act 1986.

(2) and (3) Refer to the legislation.

PARLIAMENT HOUSE

Temporary Accommodation: Construction

962. Mr COURT, to the Minister for Works and Services:

Why did the Building Management Authority construct the new dog boxes outside the Leader of the Opposition's office after hours, when penalty rates were involved?

Mr PETER DOWDING replied:

The additional partitioning outside the Leader of the Opposition's office is part of the total first and second-floor alterations project to provide accommodation for Legislative Assembly support staff, the President of the Legislative Council's Secretary, and a library "Compactus" storage area. It was necessary to carry out some work after hours in order to complete the work before sittings commenced to avoid disruption to the normal proceedings of Parliament. The total cost of the job is within the funds allocated.

STATE FINANCE

Borrowings: Agreement

963. Mr COURT, to the Premier:

(1) Will the State Government be breaking an agreement with the Federal Government over the level of the States' borrowings?

(2) If yes, what other States will also be taking this action?

Mr BRIAN BURKE replied:

(1) Western Australia has no intention of breaking the current underwriting agreement between the Commonwealth and the States which sets the levels for borrowings by the Commonwealth, the States, and their authorities for 1986-87. Next year's borrowing programmes will be discussed at next Monday's Loan Council meeting.

(2) Not applicable.

INDUSTRIAL DEVELOPMENT

Paper Pulp Mills: Establishment

964. Mr COURT, to the Minister for Industry and Technology:

(1) Have any paper pulp companies considered establishing a pulp mill in Western Australia during the past year?

(2) If yes, are any feasibility studies currently being undertaken?

Mr BRYCE replied:

(1) The State Government has received no firm proposals for the establishment of a pulp mill in WA in the past year.

(2) See (1) above.

PORTS AND HARBOURS

Floating Dock: Purchase

965. Mr COURT, to the Minister for Defence Liaison:

(1) When will the Federal Government purchase the second-hand floating dock promised for Western Australia?

(2) How many tonnes will it lift?

(3) Who will manage the dock?

(4) Where will it be located?

Mr BRYCE replied:

(1) The State Government is in discussion with the Federal Government seeking clarification of the announced intention to purchase a second-hand floating dock. No specific details have been provided by the Federal Government yet.

(2) to (4) No details available yet.

GOVERNMENT PUBLICATIONS

State Printing Division: Functional Review Committee Report

966. Mr COURT, to the Minister for Works and Services:

(1) Will the Government make public the Functional Review Committee's report into the State Printing Division?

(2) If yes, when?

Mr PETER DOWDING replied:

(1) No.

(2) Not applicable.

TECHNICAL AND FURTHER EDUCATION

Funding: Cuts

967. Mr COURT, to the Minister for Education:

Will the announcement of cuts to State technical and further education colleges by the Federal Government seriously affect the operations of these colleges in 1987-88 and 1988-89?

Mr PEARCE replied:

There is likely to be some effect, but this will be subject to decisions in the next State Budget and the nature of those programmes proposed by the Federal Department of Employment and Industrial Relations which may involve TAFE and have yet to be announced.

EDUCATION: SCHOOLS

Computers: Advice

968. Mr COURT, to the Minister for Industry and Technology:

(1) Have any of his technology bodies been advising the Education Department on the suitability of various computers for State schools?

(2) If yes, what recommendations have been given?

(3) What technology bodies were involved?

Mr BRYCE replied:

(1) Yes.

(2) The Department of Computing and Information Technology maintains ongoing dialogue with the Ministry of Education, which includes the provision of advice and guidance on many aspects of computing in schools.

(3) See (2).

COMMUNICATIONS

Telephone Installations: Monopoly

969. Mr COURT, to the Minister for Communications:

(1) Has the State Government made approaches to Telecom or the Federal Government for the freeing up of the monopoly on the installation of first phones?

(2) If no, does the Government support the breaking of this monopoly?

Mr BRYCE replied:

(1) No.

(2) Yes.

DEFENCE

Survey Vessels: Contracts

970. Mr COURT, to the Minister for Defence Liaison:

What action has the Government taken in protest against the contract for the Royal Australian Navy's new survey vessels being lost to Western Australia?

Mr BRYCE replied:

It is my understanding that no decision on the RAN survey vessels contract has been made at this time.

ALUMINIUM SMELTER

Western Continental Corporation Ltd: Withdrawal

971. Mr COURT, to the Minister for Minerals and Energy:

(1) Will the Western Continental Corporation Ltd drop out of the south west aluminium smelter project, as reported recently in the media?

(2) Have other consortiums expressed an interest in carrying out a feasibility study?

(3) If yes, which are these consortiums?

Mr PARKER replied:

(1) The Government has received no formal indication of the intentions of Western Continental Corporation Ltd with respect to the aluminium smelter feasibility.

(2) Yes.

(3) The Government is aware of commercially confidential investigations being undertaken by the Western Australian aluminium smelter consortium.

ABORIGINAL AFFAIRS

Education: Enclaves

973. Mr BLAIKIE, to the Minister for Education:

(1) How many Aboriginal people have taken advantage of Aboriginal enclaves at the respective education institutions in each year since their inception?

(2) Has the enclave concept been successful, and if so, would he detail?

Mr PEARCE replied:

(1) and (2) The establishment of enclaves had as its principal goal increasing the number of Aboriginal people trained as teachers. In time, however, other advantages have emerged.

The first intake into the enclave of WACAE was in 1976. The number of graduates from 1978 until 1986 can be summarised as follows—

Diploma of Teaching	Other awards (incl. B Ed)	Total
44*	16	60

*This includes secondary graduates and off-campus Broome graduates.

A further advantage of enclave support programmes has been that Aboriginal people have been able to gain experience in tertiary studies. This has encouraged and enhanced their further study aspirations and employment prospects in the area of their interests.

Employment as at January 1987—

Teaching in classrooms	23
Other educational areas	7
Other than education	6
Unemployed	6
Unknown	2
	44

BOAT HARBOUR

Pt Picquet: Development

974. Mr BLAIKIE, to the Minister for Works and Services:

(1) Is it correct that the Government intends to develop a boat harbour at Pt Picquet?

(2) Is the announcement of the commencement date dependent on a review currently undertaken by the State Planning Commission?

(3) What is the projected cost of the project?

(4) Will the project be subject to review by the Environmental Protection Authority?

Mr PETER DOWDING replied:

This question has been incorrectly directed. I have forwarded a copy to the Minister for Transport, and he will reply in writing in due course.

PORTS AND HARBOURS

Busselton Jetty: Expenditure

975. Mr BLAIKIE, to the Minister for Works and Services:

(1) What expenditure and works have been carried out on the Busselton Jetty in each year since 1984?

(2) What expenditure is expected during the 1987-88 year?

Mr PETER DOWDING replied:

This question has been incorrectly directed. I have forwarded a copy to the Minister for Transport, and he will reply in writing in due course.

QUESTIONS WITHOUT NOTICE

INDUSTRIAL AWARDS

Plymouth Brethren: Exemptions

88. Mr LEWIS, to the Minister for Labour, Productivity and Employment:

(1) Has he received a formal submission from a number of Christian Believers on the Lord Jesus, commonly known as the Brethren or otherwise as Plymouth Brethren, concerning actions on building sites by unions whose members are refusing to unload and work with these people and are endeavouring to coerce these conscientious objectors to join the BLF and other building unions?

(2) Is the Minister also aware that because of part VI A of the Industrial Relations Act, these conscientious objectors to being members of unions cannot refer their industrial persecution to arbitration via the Western Australian building industry disputes settlement agreement because they are non-unionists?

(3) If the Minister is aware, will he take action to ensure that these Christian Believers do not continue to be coerced and have their livelihoods jeopardised by the rogue BLF?

Mr PETER DOWDING replied:

(1) to (3) The question from the member advertises both his lack of knowledge and his understanding of the system, but it addresses some issues which are fundamentally correct.

It is true that a group of Brethren raised with me the issue which arose out of a particular incident. I understand that this incident was resolved, but the issue of principle remained, and I referred the issue of principle to the tripartite committee for its consideration. That consideration has been under way. I am not sure whether it was dealt with at the last meeting or if it is on the agenda for the next meeting. My understanding is that this issue has been resolved in a way which is satisfactory to all parties.

But let me say that members opposite in their party room decided to defeat an amendment to the Industrial Relations Act which would have allowed the issue of exemptions on conscientious or other bases to be enshrined in our Industrial Relations Act. We put forward an amendment to that Act.

Mr Hassell interjected.

Mr PETER DOWDING: The Opposition was too conservative for them, or perhaps not conservative enough. I am not sure. Whichever view was expressed at the time, the Brethren did not like it.

At the time the Liberal Party voted against a provision which would have enabled the issue of exemptions to be addressed. It is regrettable that it took that view. There are people in society who will be hurt because it took that view. Nevertheless, we are able to resolve this sort of issue in a sensible way.

Mr Lewis: You cannot resolve it.

DEFENCE

Navy: Relocation

89. Mr MARLBOROUGH, to the Minister for Defence Liaison:

Can the Minister outline the extent and the impact on Western Australia of the decision to relocate a significant proportion of the Australian Navy to the Western Australian coast?

Mr BRYCE replied:

My answer to this question is as much for the member for Cockburn, the local member in that immediate vicinity, as for the sabre-rattler who represents the City of Nedlands and who has taken a rather fascinating interest in defence-related issues in recent times.

Mr Court: I wish you would.

Mr BRYCE: Let me explain to members that is a decision we are still waiting to hear support for from the conservative coalition alternative Government in Canberra—the decision to relocate a substantial number of Australian naval ships permanently on the Western Australian coast to be maintained here in a home-porting sense. It was one of the most important strategic decisions involving our Western Australian coast in the life of this Parliament. It is certainly one of the most important and significant developments affecting the economic development of the city in the last 20 years. I emphasise "strategic" and "economic".

In the years which followed the second World War, this State's coastline was effectively defenceless, and twenty-seven-thirtieths of the blame can be sheeted home to the National Country Party and Liberal Administrations in Canberra over that period of time. The Whitlam Government has to share at least three-thirtieths of the blame because it did not do much either.

The truth is that the biggest single decision which has ever been made since the war has been made by the Australian Labor Party Government in Canberra, urged, supported, and cajoled by the State Government here, to establish and accept the principle of a two-ocean defence system, and to establish a significant number of Australian naval ships on the Western Australian coast for defence purposes. There is in fact a significant number of identifiable economic spin-offs from this. I intend to touch on them very briefly.

Mr Lightfoot: Not the submarine contract.

Mr BRYCE: If the member is so greedy as to expect the lot, I can understand it, from his background. But let us anticipate that the member for Murchison-Eyre has a fair knowledge of this. He will have a great interest in the defence of the Western Australian coast.

Mr Lightfoot: I thought they might build them in Kalgoorlie.

Mr BRYCE: In fact they could be built at Kalgoorlie.

Point of Order

Mr MacKINNON: In line with last night, when the Government, through the Premier, was abusing question time, the Deputy Premier has now been speaking for five minutes in answer to this question.

Mr Bryce: Do not be absurd!

Mr MacKINNON: I would ask you, Mr Deputy Speaker, to instruct the Deputy Premier to draw his answer to a conclusion so that we can go about our business of question time in a proper manner.

The DEPUTY SPEAKER: I would like answers to be wound up as quickly as possible. However, I remind the Leader of the Opposition that question time belongs to the Speaker. As long as the Leader of the Opposition allows his members to interject in an unruly manner, as has been done and continues to be done by the member for Murchison-Eyre, that only lengthens questions. I am not going to tolerate these interjections during

question time. I will not give a warning; from here on, if the occasion arises, I will name the member.

Questions without Notice Resumed

Mr BRYCE: Some of the specifics which should be sheeted home include that up to 690 new homes are to be constructed in the metropolitan area. Some of them go down to Mandurah. The actual locations are not precisely determined yet. There will be 1 000 construction-related jobs associated with the injection of $330 million structural development associated with the home-porting of those vessels.

The population increase in this State directly related to naval personnel is 3 100 persons. That amounts to eight per cent of the Rockingham area population. There will be an increase in demand for some goods and services which may be annually about $50 million. There will be the creation of 900 additional jobs in the community resulting from that sort of spin-off, and—this is the point which really counts—the long-term economic spin-off associated with the maintenance and support through life of these vessels.

The thing that concerns us most is that we had in fact argued long and strong for this decision, and what absolutely destabilises it is that a man by the name of Sinclair, yet to be contradicted by Howard, has said in the Federal Parliament there is no guarantee that if the coalition in Federal circles was returned to office tomorrow through-life support, maintenance and engineering work would be done on the Western Australian coast. He said it on 26 February, and he said it with sour grapes; and members opposite in both parties will have to stand Sinclair up and demand some substance from Howard to give us on the Western Australian coast a guarantee that the decision that has been made by the Labor Government in Canberra will be supported in the unlikely event of the Opposition's coalition parties being returned to office in Canberra.

SPEAKER OF THE LEGISLATIVE ASSEMBLY

Cook Islands Visit: Wife

90. Mr HASSELL, to the Treasurer:

(1) Is it correct that Mr Speaker has, at Government expense, taken his wife to the Cook Islands this week during his visit there for a Presiding Officers' conference?

(2) Is it further correct that the Government originally agreed to provide for Mr Speaker's wife to travel to Sydney at Government expense, the balance to be paid from the member's imprest account; but that as a result of vigorous representations by Mr Speaker the Government agreed to meet the total cost of his wife's travel without his having to draw on the member's imprest account?

(3) If no, did the Government provide any expenditure for Mr Speaker's wife to travel to the Cook Islands other than from the member's imprest account?

Mr BRIAN BURKE replied:

(1) to (3) I have had no notice whatsoever of the question, so I can only say that to the best of my recollection I think a request was received for assistance, and the request was rejected. That is going from memory, and I may be wrong; and the member for Cottesloe appears to believe that he has information that would indicate that that is not correct. If the member puts the question on the Notice Paper I will certainly have a detailed answer provided to him, but I would say that if the member were dinkum he would have given some notice of the question. All he needed to do was to telephone my department some time earlier today, and he would have had the answer. I suppose part of the process of evolution is a growth in deviousness, but it is unfortunate to see it happen to a comparatively young man.

I also make the general point that I have, from time to time—in fact, in respect of a trip the Commissioner of Police is to undertake shortly—approved senior public servants on occasions taking their wives with them on visits to fulfil obligations to various

countries. I do not intend to desist from that practice. In respect of Ministers—not particularly the Speaker because I have not given much thought to it, but Ministers, or the Leader of the Opposition, or the Leader of the National Party—it would be my intention in the future, should the occasion be appropriate in my view, to permit them to take their wives with them on trips they undertake. I see nothing whatsoever wrong with that.

I do not know what the member is trying to get at. If he is trying to score points by lowering members of Parliament, or Ministers, or Presiding Officers, in the eyes of the constituency, it is all grist to the political mill. He knows that. It is a fairly thin gruel that he seeks to sup from, but it is always possible to get a headline by saying something about the perks of members of Parliament, or their entitlements. Unless all of us look to a situation in which backbench members of Parliament receive more than the something like $43 000 a year they receive now, there will not be attracted into the Parliament people of the sort of calibre we like to think we are. These days $43 000 a year is really not sufficient to maintain a middle-ranking executive in a position in the private sector.

That is the situation we are in. I do not mean to be unnecessarily unkind to the member for Cottesloe, but it is the sort of question that does, I am sure, imply that he is of the view that something is untoward about the Speaker taking his wife. There is nothing untoward about it, and to the best of my recollection the situation is not as the member says, but I will check it. However, he should bear in mind in the future that if, as they say, we pay peanuts, we will get monkeys.

LIQUOR

Trading Hours: Consultation

91. Mr P. J. SMITH, to the Minister for Racing and Gaming:

(1) Is the Minister aware of the claim by a member of the Opposition that in relation to flexible trading hours and entertainment on licensed premises, she failed to consult with the industry and that a member of her staff prevented her meeting with the President of the Western Australian Hotels Association?

(2) Can the Minister advise if there is any factual basis for this claim, and inform us how many times she has consulted with the WAHA in the last 12 months?

Mrs BEGGS replied:

(1) and (2) I thank the member for Bunbury for his question. It is one that I shall answer with some relish.

The member referred to in the question is the member for Lower North Province. He apparently prefaced the remarks he made about my lack of attention to the Western Australian Hotels Association by saying I am a friend of his, so before I give him a bucketing I will say he is a friend of mine.

Mr Brian Burke: Who is a friend of yours?

Mrs BEGGS: Mr Lockyer.

Mr Brian Burke: Your taste is all in your mouth.

Mrs BEGGS: There is not one scintilla of fact in the claim. Even the President of the Western Australian Hotels Association—who, as most members would know, is not particularly pleased with me or the Government at the moment—acknowledges that the member for Lower North Province got it all wrong. But at least when he gets it wrong he does so with a great deal of gusto.

Mr Brian Burke: I hear the AHA recently made a big donation to the Opposition.

Mrs BEGGS: Yes, I heard that too—$10 000.

Several members interjected.

Mrs BEGGS: They wasted it on those advertisements.

Mr Pearce: They did not spend it all on the campaign.

Mr Brian Burke: They spent it on Narrogin.

Mrs BEGGS: That is right.

Mr Carr: A good investment!

The DEPUTY SPEAKER: Order!

Mrs BEGGS: Thank you, Mr Deputy Speaker. As a matter of fact, the member for Lower North Province picked an area to complain about which has been the area of greatest consultation in my portfolio.

Point of Order

Mr MacKINNON: Mr Deputy Speaker, your direction to the Opposition was that if there was any interjection from the Opposition a member would be named, and we have abided by your ruling. The same rule obviously does not apply to the Government, or so it would seem by what occurred just now. I seek your advice as to whether or not a ruling that you have administered applies fairly across the board. If it does, I would hope it applies equally to the Government side and to the Opposition.

The DEPUTY SPEAKER: While I am in this Chair, I will show the fairness for which I have been commended in the past by you, by the Opposition Whip, and by many members of your party; and I do not have a rule for one side and not the other. I referred to one member whose interjections were unruly. The interjections that occurred just now—all 17 of them with a touch of frivolity—were quickly quelled. If there are unruly or repeated interjections from either side of the House, the members responsible will have a holiday.

Questions without Notice Resumed

Mrs BEGGS: As a matter of fact, in the last 12 months I have met personally with the President of the WAHA on no less than four occasions. As well, I have attended meetings at which he was present in his capacity as president on two other occasions. He has never called or written to my office requesting a meeting or any information or assistance whatever, and been refused. He has personally acknowledged this to the member of my staff who has been maligned by the member for Lower North Province.

In addition to the above six occasions, since the member made his ill-informed claims the Executive of the WAHA, including the president, met with the Premier and me. So, all in all, discussions have taken place on at least seven occasions, and this does not include correspondence and telephone conversations with me, my staff, and my department. From memory, I cannot recall any other group or organisation that has had more consultation with me.

As well, the member for Lower North Province claims that a member of my staff had prevented the President of the WAHA from meeting with the president of the Licensing Court. He obviously understands very little about licensing matters. The court is an autonomous body which the WAHA would well know; it is totally removed from my office both physically and in terms of staffing connections. Therefore it would be quite extraordinary for them to request a meeting with the court through a member of my staff. It is difficult to understand, therefore, how the member could claim that my staff refused to let the President of the WAHA have an appointment with the Licensing Court.

Secondly, there is no such position as the president of the court—he refers either to the Director of the Licensing Authority or to the Judge of the Licensing Court.

I feel very confident that the President of the WAHA will contact the member to set him straight. Mr Shave and I may not always agree, but I am sure he will not want to see unfair and untrue allegations go uncorrected, particularly when they include hard-working staff who are unable to defend themselves.

The member made one other point in regard to consultation with representatives of the liquor industry and those involved in strip shows about entertainment on licensed premises. I received a deputation from these two groups and received their proposal for a licensing body to control acts which they agreed were out of control in hotels. I wrote to them officially, advising that I would have their proposals examined by my department in consultation with the WAHA, the

police, and the licensing authority, and when I had their advice the Government would make a decision. That is exactly what happened.

I conclude by inviting the Leader of the Opposition to state whether he supports the commitment given by the member for Kalamunda that a Liberal Government would reintroduce strippers into hotels, and what controls, if any, he would implement.

MOSMAN PARK TEAROOMS

Jetty Licence

92. Mr HASSELL, to the Minister for Transport:

(1) Does he recall his commitments given on at least two occasions to this Parliament and to the people of Mosman Park to make public the Mosman Bay tearooms jetty licence when finalised, in particular as recently as his answer of 8 April to question 308, in which he said, "I will table the licence document as previously stated"?

(2) Why did he say on Tuesday of the last sitting week, in answer to question 563, only that he would "consider" tabling the licence document "after examining the elements of commercial confidentiality"?

(3) Why has the Minister, if not broken his word, indicated an intention to break his word?

(4) Does this indicate a new arrangement being negotiated between the Government and the developers without the specific provisions as to hours, liquor licence, liquor consumption, and nature of operation as a tearooms only and boathouse as previously specifically and publicly promised by the Minister and his colleagues?

Mr TROY replied:

(1) to (4) I guess one can sit here and anticipate certain questions from the member for Cottesloe now that he is doing some work in his electorate, and I am sure people are pleased to see that. The important thing that needs to be underlined is that the lease has not yet been finalised. It came to my attention last week, and I was not happy with certain conditions in it and sent it back to be reviewed. As a result of that no lease is available to table.

The last answer I gave indicated a change in direction in terms of tabling because I believe there is an element of commercial confidentiality that needs some protection. I reassure the member for Cottesloe that I am quite happy to let him see the lease when it is available.

STATESHIPS

Financial Position

93. Mrs BUCHANAN, to the Minister for Transport:

My question relates to Stateships. Has the Government taken any recent initiatives to—

(a) improve Stateships' financial position;

(b) use Stateships to develop and generate trade for Western Australian shippers?

Mr TROY replied:

(a) and (b) Yes, the Government has taken significant initiatives to develop the role of Stateships. The initiatives are in keeping with a policy of encouraging transport agencies to take advantage of sound commercial opportunities whenever they exist.

Last year, Stateships extended the range of its two-vessel service to north west ports and Darwin so that it could take advantage of commercial opportunities in Papua New Guinea.

In March this year, the Cabinet endorsed further development of this service. Stateships has, as a consequence, re-routed the southbound leg of the service so that its two vessels return to Fremantle from Papua New Guinea via Melbourne and other east coast ports, rather than via Darwin and north west ports. What we have now is a Fremantle-based service which circumnavigates Australia in a clockwise direction and, at the same time, serves Papua New Guinea ports.

The new service does not disadvantage north west producers. In fact it provides significant opportunities for shippers in the Kimberley region to move their produce direct to markets in Papua New Guinea and the east coast of Australia.

It is expected that the initiative undertaken last month will improve Stateships' accounts by about $1.5 million per annum. All in all, the two initiatives I have referred to should, ultimately, improve Stateships' financial position by something like $4 million per annum.

The Government is continuing to seek commercial opportunities for Stateships and for Western Australian exporters in waters immediately to the north of the Australian continent.

ROAD FUNDING

Mini-Budget Effect

94. Mr TRENORDEN, to the Minister for Transport:

(1) Has the Government assessed the impact on road construction resulting from the cut in road funds announced in the mini-Budget?

(2) If yes, in general terms what will be the impact?

(3) What effect will it have on the proposed by-pass road of the town of Northam?

Mr TROY replied:

(1) and (2) At this stage only broad indications have been made available to the Government linked with the public announcement of the $180 million cut right across Australia. The component of that which will impact on Western Australia is not yet totally clear. We expect two further developments before that picture is fully revealed, one being the Premiers' Conference; and the second, in June, will be my attendance at an ATAC conference. Further clarification is being sought, but members should realise that beyond the question of direct funding from the Commonwealth there are a number of other implications for State sources of funds for roads. We will not be in a position to know the full picture until the impact of those cuts bearing on other areas of State expenditure are cross-transferred to a direct impact on roads.

(3) With regard to Northam, I wrote to the member not long ago and indicated the Main Roads Department had given a high priority to clearly establishing the route. The timing of the actual road completion is subject to the availability of funds.

HOUSING: RENTAL

Pensioners: Increases

95. Mr WILLIAMS, to the Minister for Housing:

(1) When aged pensions were increased in January 1987, Homeswest increased pensioner rentals by the same amount. With an increase in pensions again due, is it the intention of Homeswest to increase rentals on pensioner accommodation?

(2) If so, will the increase in rent absorb the whole of the pension increase as before?

(3) If not, what percentage of the pension increase will be absorbed by increased rental?

Mr WILSON replied:

(1) to (3) The procedure whereby rents are increased has not altered under this Government from that which applied under the previous Government. Increases in rent are related to the pension increase—not the current increase in pension which will apply in the near future, but the level of pension which applied a year ago. The calculation of the increase is always related to the level of pension which applied six months or a year previously.

The proportion of rent to income which is paid by pensioners has not varied over a long period of time. Most rents paid by pensioners have remained constant as a proportion of their income—16 per cent or 17 per cent—over many years. There is no direct relationship between the increase in rent and the increase in the pension. It is only a relationship which applies to the level of pension six or 12 months before. Inasmuch as in some cases the increase in rent may have equated in some respect to the increase in pension, it is purely accidental and there is no direct application in that regard and never has been.