

The Hon. S. J. Dellar: He knows more than you do.

The Hon. I. G. PRATT: Frankly, I do not care if Mr Claughton knows more about the contraceptive pill than I do.

The Hon. R. F. Claughton: I do not know why you got on your feet.

The PRESIDENT: Order! In any case, this is hardly within the scope of the Bill.

The Hon. I. G. PRATT: The point I was going to make before I received those highly informed comments from our expert on contraceptive pills in this place, is that amongst my friends I have seen the emotional effect of having a contraceptive pill prescribed which is not suitable for a particular woman.

The Hon. Lyla Elliott: By a doctor?

The Hon. I. G. PRATT: Yes, by a properly trained doctor. I have seen the effect this has had on a woman. Perhaps Mr Claughton might like to contradict me and say it does not happen.

The Hon. J. Heitman: He doesn't take the pill.

The Hon. I. G. PRATT: That is the point I was making.

The Hon. R. F. Claughton: The doctor doesn't know what the effects will be, either.

The Hon. I. G. PRATT: It has also been my experience to note that when this happens usually the doctor has some knowledge of the woman and her situation; and if he is the family doctor he usually has very close knowledge.

When this happens the doctor usually very quickly takes the woman off the pill or prescribes another pill. These are people with long and thorough training. By saying this I do not say that I am against the nurses having this training. What I am saying is that this is something that must be approached very carefully.

If the Hon. R. F. Claughton wishes to make the point, as he has done at various stages during my speech, that this is not worthy of consideration, I say that shows very little concern for the women-folk of our community because it is they for whom I am concerned. When we are dealing with their welfare we should do it very carefully and with the utmost consideration.

I support very sincerely the attempt of the Hon. Grace Vaughan—

The Hon. G. C. MacKinnon: You mean Miss Elliott.

The Hon. I. G. PRATT: The Hon. Grace Vaughan has had that much to say by way of interjection that one could quite easily be confused as to the originator of this Bill. I apologise to the Hon. Lyla Elliott most sincerely and deeply. This is a worthwhile proposal and I am quite sure that

when it has been thoroughly investigated and we are absolutely sure where we are going it will be an aim of hers which will be achieved and will do her credit.

Debate adjourned, on motion by the Hon. D. K. Dans (Leader of the Opposition).

*House adjourned at 10.56 p.m.*

## Legislative Assembly

Tuesday, the 9th November, 1976

The SPEAKER (Mr Hutchinson) took the Chair at 4.30 p.m., and read prayers.

### CANNING VALE INDUSTRIAL AREA

#### *Land Acquisition: Petition*

MR BATEMAN (Canning) [4.31 p.m.]: I have a petition to present to the House. It is as follows—

To the Honourable Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned wish to protest against the proposed legislation currently before Parliament to make legal the Land Development Authority Act Amendment Act, 1976, regarding the fact the Government is desirous of putting beyond doubt and also ensure that the transactions already completed in the Canning Vale Industrial Zone were placed beyond question and in point of fact sets up the Industrial Lands Development Authority as a real estate firm it gives the Minister of the Industrial Lands Development Authority tremendous additional powers of acquisition which will make a mockery of the Metropolitan Region Scheme Act and every existing local authority town scheme.

Your petitioners therefore humbly pray that your Honourable House will give this matter urgent consideration and your petitioners as is duty bound will ever pray.

I have signed the petition in accordance with the Standing Orders, and it contains 426 signatures.

The SPEAKER: I direct that the petition be brought to the Table of the House.

*The petition was tabled (see paper No. 534).*

### DEATH DUTY ASSESSMENT ACT AMENDMENT BILL

#### *Introduction and First Reading*

Bill introduced, on motion by Sir Charles Court (Treasurer), and read a first time.

# **LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 6)**

## *Introduction and First Reading*

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

## *Second Reading*

**MR RUSHTON** (Dale—Minister for Local Government) [4.34 p.m.]: I move—

That the Bill be now read a second time.

The provisions of this Bill are intended to complement the Land Tax Assessment Act which was re-enacted during the last sitting of Parliament.

Under the provisions of section 533 of the Local Government Act, a council may use unimproved valuations for rating purposes as assessed under the Land Tax Assessment Act. Alternatively, it may request the Commissioner of State Taxation to carry out a special valuation or have one carried out by a private qualified valuer.

Section 533 goes on to set down the method for calculating unimproved valuations. Prior to its re-enactment, the method for calculating unimproved valuations under the Land Tax Assessment Act was substantially the same as that specified in the Local Government Act.

However, a slightly different method of assessing unimproved valuations was prescribed in the new Land Tax Assessment Act. It provided that all land should be valued on a fee simple basis and that account should be taken of what are referred to as "merged improvements" in making these valuations.

The State Taxation Department provides valuations for virtually every council in the State and it is therefore important that the method of valuation in the two Acts be the same.

As the provisions of the Land Tax Assessment Act do not apply to rural properties, it is necessary to amend the Local Government Act only in respect of nonrural land.

The provisions of this Bill therefore bring the method of assessing unimproved valuations for local government purposes into conformity with the Land Tax Assessment Act.

In practice, it is not expected that the requirement that "merged improvements" be taken into account in assessing unimproved valuations will make any significant difference to the amount of these valuations.

I commend the Bill to the House.

Debate adjourned, on motion by Mr B. T. Burke.

# **QUESTIONS (41): ON NOTICE**

## **1. STATE ENERGY COMMISSION ACT**

### *Amendment*

Mr CLARKO, to the Minister for Fuel and Energy:

Does he intend to proceed during this Session with an amending Bill to the State Energy Commission Act as indicated during the debate on the Bill amending the State Energy Commission Act, 1975?

Mr Ridge (for Mr MENSAROS) replied:

It has become clear from the reconstructed State Energy Commission's studies and experience that extensive legislative amendments are necessary if the Government and the commission are to be enabled to secure the proper development and provision of energy in all forms to meet the requirements of the State.

Good progress has been made with the necessary review; however, I am anxious that the Government and its advisers, the State Energy Commission and its officers, and this house should not be denied, by introduction of a Bill at this late stage in the session, the proper opportunity to fully consider extensive and important proposals. For these reasons the Government has decided against introduction of the amending Bill in this session.

## **2. DEFECTIVE PLASTER**

### *Consumer Protection: Complaints*

Mr BERTRAM, to the Minister for Consumer Affairs:

- (1) How many complaints have so far been received by the Consumer Affairs Bureau about faulty plaster work caused by faulty lime?
- (2) What action has the bureau taken on each complaint and with what result?

Mr GRAYDEN replied:

- (1) The Bureau of Consumer Affairs and the Builders Registration Board have received a total of 65 complaints since the beginning of the year.
- (2) (a) At the commencement of tests in February, 1976, a preliminary set of directions for treatment of defective plaster was prepared in consultation with the Government Chemical Laboratories, Builders

Registration Board, Master Builders Association, Housing Industry Association and the Bureau of Consumer Affairs. Copies of the preliminary set of directions were forwarded to all complainants and additional copies were sent to local authorities and the Builders Registration Board for distribution.

- (b) At the conclusion of tests a modified set of directions was prepared by the Government Chemical Laboratories outlining methods of treatment of unpainted defective plaster. This set of directions together with a detailed circular letter was distributed to all complainants.
- (c) A further letter was also sent to each complainant inviting them to write to the bureau if the letter did not answer their problem. No such letters have been received.
- (d) All complaints have now been referred to the Builders Registration Board who are maintaining liaison with the respective builders involved.

### 3. DEFECTIVE PLASTER

*Government Departments: Projects*

Mr BERTRAM, to the Minister for Works:

- (1) How many instances have so far occurred in projects within Government departments of faulty plaster work resulting from faulty lime?
- (2) Will he identify each instance?
- (3) What has he done about each case and with what result?

Mr O'NEIL replied:

- (1) Three.
- (2) (a) North Inglewood Primary School—additions.
- (b) Wirrabirra Primary School.
- (c) Carnarvon Hospital—additions.

- (3) In the case of North Inglewood and Wirrabirra Schools, the small areas affected were rubbed down, filled and repainted.

After discussion with Government Chemical Laboratories, it is proposed to do nothing at Carnarvon Hospital for 12 months. It is most probable that a decision will be taken then to rub down, fill and repaint.

4.

### STATE FINANCE

*General Loan Fund: Unexpended Balance*

Mr BERTRAM, to the Premier:

Bearing in mind the unemployment in this State as at 30th June, 1976, and the State's capital works requirements, why did he allow the balance of \$5 147 559 to remain in the General Loan Fund as at that date?

Sir CHARLES COURT replied:

The General Loan Fund Estimates for 1975-76 were framed on the basis that all funds available would be fully spent. Contractual commitments are made against the funds allocated each year but, because of delays in the physical progress of work, total planned expenditure is rarely incurred within the financial year.

The undrawn balance at the 30th June was required to meet commitments on works in progress and was allocated for that purpose in the Loan Estimates for the current year.

5.

### STATE FINANCE

*Gross Public Debt*

Mr BERTRAM, to the Premier:

What was the amount of the gross public debt for each of the five years ended 30th June, 1976?

Sir CHARLES COURT replied:

The information which appears in the Statements of the Public Accounts (Statement 18, Public Debt) for the respective years is as follows—

		\$
1971-72	....	975 958 411
1972-73	....	1 030 059 678
1973-74	....	1 074 110 960
1974-75	....	1 120 313 142
1975-76	....	1 090 852 178

6.

### PRISONS

*Canteen Accounts*

Mr BERTRAM, to the Premier:

Who audits the accounts of canteens under the control of respective prison staff and which are operated for the benefit of staff and inmates?

Sir CHARLES COURT replied:

The audit staff of the Medical Department Accounts Branch.

## 7. STATE FINANCE

*Government Guarantees Written Off*

Mr BERTRAM, to the Treasurer:

Will he list the names and amounts of guaranteed loans to industries written off in the year ended 30th June, 1976?

Sir CHARLES COURT replied:

Yes.

Carnarvon Butchers—\$132 796.70

Prosol (Australia) Ltd.—\$39 224.01

## 8. STATE FINANCE

*Borrowings outside Financial Agreement Act*

Mr BERTRAM, to the Premier:

Referring to page 7 of the Auditor-General's Report—

(1) How much money has been borrowed outside of the Financial Agreement Act?

(2) How were such moneys expended?

Sir CHARLES COURT replied:

(1) and (2) The member is referred to pages 26 to 28 of the Auditor-General's Report for 1975-76.

## 9. STATE FINANCE

*Suspense Plant: Value*

Mr BERTRAM, to the Treasurer:

What was the value of suspense plant on hand at 30th June for each of the five years ended 30th June, 1976?

Sir CHARLES COURT replied:

Depreciated value of plant held by Public Works Department—

\$

1971-72 .... 2 262 650

1972-73 .... 2 457 270

1973-74 .... 2 864 813

1974-75 .... 3 148 392

1975-76 .... 3 743 703

The information is contained in the Auditor-General's Report in the section dealing with the Public Works Department.

## 10. STATE FINANCE

*Suspense Stores: Stock in Hand*

Mr BERTRAM, to the Treasurer:

What was the stock in hand of suspense stores under the headings:

(a) Railway stores;

(b) Government stores;

(c) Government Printer's stores, as at 30th June for each of the five years to 30th June, 1976?

Sir CHARLES COURT replied:

Value of stock in hand at the 30th June each year was as follows:—

		\$
(a)	1971-72	6 489 362
	1972-73	5 488 692
	1973-74	5 342 031
	1974-75	6 661 617
	1975-76	10 621 828
(b)	1971-72	2 407 883
	1972-73	2 375 172
	1973-74	2 428 372
	1974-75	4 515 624
	1975-76	5 088 411
(c)	1971-72	1 217 726
	1972-73	1 028 935
	1973-74	1 552 232
	1974-75	2 029 469
	1975-76	2 021 835

## 11. ELECTRICITY SUPPLIES

*Rates: Churches*

Mr T. D. EVANS, to the Minister for Fuel and Energy:

(1) Would he please indicate the classes of electricity consumers including churches that are levied under the general category rate for electricity charges?

(2) How many churches are recorded as customers of the State Energy Commission within the State?

(3) What would be an average or an estimate of the number of units a church would use in any metered period?

Mr Ridge (for Mr MENSAROS) replied:

(1) Schools

Residential institutions  
Sporting clubs and organisations  
Community centres  
Local authorities  
Government institutions

(2) Not recorded.

(3) Information not recorded. Practical experience has shown however, that consumption would vary widely.

## 12. POLICE STATIONS

*Manning Hours*

Mr T. H. JONES, to the Minister for Police:

Will he list the police stations in Western Australia where staff is not in attendance 24 hours a day and the periods involved?

Mr O'CONNOR replied:

Armadale:

Monday

2.00 am-8.00 am

Tuesday to Friday

6.00 am-8.00 am

Saturday  
6.00 am-9 am  
Sunday  
6.00 am-10.00 am  
Belmont:  
Monday to Saturday  
6.00 am-8.00 am  
Sunday  
6.00 am-12 midday  
Cannington:  
Monday  
2.00 am-8.00 am  
Tuesday to Sunday  
6.00 am-8.00 am  
Gosnells:  
Monday  
2.00 am-8.00 am  
Tuesday to Friday  
6.00 am-8.00 am  
Saturday  
6.00 am-9.00 am  
Morley:  
Sunday  
6.00 am-1.00 pm  
9.00 pm-10.00 pm  
Monday to Saturday  
6.00 am-8.00 am  
Nollamara:  
Daily  
6.00 am-7.00 am  
South Perth:  
Monday  
6.00 am-8.00 am  
5.00 pm-10.00 pm  
Tuesday to Saturday  
6.00 am-8.00 am  
Sunday  
6.00 am-1.00 pm  
9.00 pm-10.00 pm  
Subiaco:  
Monday to Saturday  
6.00 am-8.00 am  
Sunday  
6.00 am-8.00 am  
9.00 pm-10.00 pm  
Wanneroo:  
Daily  
6.00 am-7.00 am

All other stations have a resident Officer in Charge, who is on intermittent duties.

Mobile, radio equipped patrols operate throughout the metropolitan area, and police are available in these districts at all times, through the Communications Branch at Police Headquarters, on telephone number 25 0121. Radio controlled cars are despatched as required.

13.

**POLICE***Canning-Gosnells: Increase in Personnel*

Mr BATEMAN, to the Minister for Police:

- (1) In view of the vandalism in the Canning/Gosnells area will he increase the police activity in these areas in an attempt to curb the current crime rate?
- (2) If not, why not?

Mr O'CONNOR replied:

- (1) Since the 1st July, 1975, the police strength in the Gosnells-Cannington sub-district has been increased by—

Divisional Inspector—6th October, 1975

Cannington: 1 Woman Police Constable—8th July, 1976

Gosnells: 1 Constable (general duty)—19th August, 1975

1 Constable (Police and Citizens' Youth Club)—27th August, 1976

Gosnells CIB: 1 Detective Sergeant—25th August, 1975

1 Detective—25th August, 1975

Proposed increase:

Gosnells CIB: 1 Detective when further staff are recruited.

- (2) The present staff at these stations is adequate for current requirements.

Staff requirements are continually under review, and allocation is made on a priority basis throughout the State.

14.

**DEFECTIVE PLASTER***Wall Papering of Faults*

Mr BERTRAM, to the Minister for Works:

Is it a fact that builders are in some cases papering over faulty plaster work caused by faulty lime and in other cases paying nominal sums of money to house owners and obtaining releases from claims for faulty workmanship?

Mr O'NEIL replied:

The Builders' Registration Board has knowledge of only one case where wallpaper has been applied to walls affected by faulty plaster. The walls were first treated to stabilise the plaster as recommended by the Government Chemical Laboratories. The board does not consider that the builder papered the walls to avoid his responsibilities.

In regard to cash payments, the board has received a complaint that one home owner has been offered \$600 in lieu of rectification work. The board does not accept that such an arrangement will abrogate the responsibility of the builder to repair defective works as laid down by Section 12A (1) of the Act.

15. **PUBLIC SERVICE AND GOVERNMENT EMPLOYEES**  
*Wages Staff and Ministerial Appointments*

Mr DAVIES, to the Premier:  
Will he please advise the number of—  
(a) wages staff;  
(b) Ministerial appointments, in the employment of the Government as at 30th June, 1976?

Sir CHARLES COURT replied:

(a) 47 089

(b) 32 775

(a) and (b) These figures do not include persons employed in tertiary education institutions, the Rural and Industries Bank and marketing authorities.

(b) This figure includes members of the Education Department teaching service and the Police Force but excludes salaried staff employed under the provisions of the Public Service Act.

16. **AGED PERSONS' CENTRES**  
*Financial Assistance*

Mr DAVIES, to the Minister representing the Minister for Health:

What has been the cost of assistance given to senior citizens centres to offset operating deficiencies for each of the last three financial years?

Mr RIDGE replied:

1973-74 .... \$25 485

1974-75 .... \$27 059

1975-76 .... \$35 726

Total ..... \$88 270

17. **MOTOR VEHICLE LICENCES**  
*Invalid Pensioners*

Mr DAVIES, to the Minister for Transport:

(1) Does the Government intend to review the maximum weekly income of social security invalid pensioners by which such pensioners can obtain a reduced motor vehicle licence?

(2) What is the present limit?

Mr O'CONNOR replied:

(1) Yes.

(2) \$48.50 for a 100% concession  
\$54.50 for a 50% concession.

18. **LEGAL AID**

*Government Intentions*

Mr BARNETT, to the Minister representing the Attorney-General:

Would the Minister please advise what the Government's future intentions are in relation to legal aid in this State?

Mr O'NEIL replied:

The Government proposes to introduce legislation to ensure the provision of legal aid services in this State in the near future.

19. **PHOSPHATIC FERTILISERS**

*Bounty*

Mr COWAN, to the Minister for Agriculture:

(1) Are imported phosphatic fertilisers eligible for the superphosphate bounty?

(2) If so, to whom will the bounty be paid?

(3) If not, will the department prepare a submission to the Commonwealth Government seeking extension of the bounty to cover imported phosphatic fertilisers?

Mr OLD replied:

(1) and (2) No.

(3) The Industries Assistance Commission in its report on Assistance for the Consumption of Phosphatic Fertilisers recommended to the Commonwealth Government that the bounty should be paid to both producers and importers of phosphatic fertilisers. This report is being considered by the Commonwealth Government.

20. **AGRICULTURE PROTECTION BOARD**

*Advisory Committee Meetings: Observers*

Mr COWAN, to the Minister for Agriculture:

Is it possible for observers to be admitted to meetings of regional Agriculture Protection Board advisory committees?

Mr OLD replied:

This would be for decision of the individual committees.

21.

# TRAFFIC

## *Motor Vehicles: Mud Flaps*

Mr COWAN, to the Minister for Traffic:

- (1) What are the requirements which necessitate the compulsory fitting of mud flaps to certain road vehicles?
- (2) In view of the high percentage of unsealed roads in Western Australia and the fact that a standard vehicle insurance policy does not cover a broken windscreen, why are not mud flaps a compulsory requirement for all road vehicles?

Mr O'CONNOR replied:

- (1) There are no requirements for the compulsory fitting of mudflaps. They are, however, accepted as a means of conforming with the mudguard requirements (Part 7 of the Vehicle Standards Regulations, 1975).
- (2) The majority of broken windcreens is caused by stones thrown out at right angles by traffic passing in the opposite direction and which mudflaps would not prevent.

22.

# RAILWAYS

## *"Prospector" Service: Meals*

Mr COWAN, to the Minister for Transport:

Can the meal which is automatically provided on the *Prospector* for persons travelling from Perth to stations east of Merredin be made optional for those whose destinations lie between Merredin and Koolyanobbing?

Mr O'CONNOR replied:

The "Prospector" is marketed on the basis of all passengers being provided with a meal other than those travelling between Perth and Merredin or Kalgoorlie and Merredin, where the meal is optional.

Merredin was taken as the most appropriate point in the overall journey for making meals optional because of its distance from Perth and Kalgoorlie.

The member will appreciate that "Prospector" was designed in such a way that all meals have to be pre-prepared.

23.

## PORT AT MOORE RIVER

### *Feasibility Study*

Mr A. R. TONKIN, to the Minister for Works:

- (1) When is it expected that the Moore River port feasibility study will be completed?

- (2) To whom will the report be presented?

Mr O'NEIL replied:

- (1) It is expected that the draft report on the engineering feasibility study will be completed by the end of 1976.
- (2) The reports will be presented through the Moore River Study Steering Committee to the Minister for Industrial Development.

24.

## LOCAL GOVERNMENT

### *Dianella Library Site*

Mr A. R. TONKIN, to the Minister for Local Government:

- (1) In view of the possibly widespread concern amongst people in Dianella with regard to the continued delay with respect to the allocation of a library site in conjunction with the development of the third stage of the Dianella Shopping Centre, has he yet made a decision on Consolidated Properties appeal against an earlier decision to make his agreement to the necessary rezoning and subdivision arrangements conditional upon action by that organisation to pull down a fence erected to prevent parking by people using an adjacent shopping complex?
- (2) If so, what was his decision?
- (3) If the answer to (1) is in the negative, when does he expect to make a decision?
- (4) Will he agree to expedite rezoning and subdivision arrangements so that a library site may be allocated before the end of the year?

Mr RUSHTON replied:

- (1) and (2) No.
- (3) As the result of information received from the City of Stirling and consultation with the developers, I expect to make an early decision.
- (4) The allocation of the library site to the City of Stirling by the developer is not contingent on rezoning which is a separate matter. The subdivision of the library site will be given final approval by the Town Planning Board on submission of the appropriate diagram or plan of survey by the developer.

25.

## POLICE AND ROAD TRAFFIC AUTHORITY

### *Overtime: August to October*

Mr T. H. JONES, to the Minister for Police:

- Will he advise the amount of overtime worked in the—
- (a) police force;

- (b) Road Traffic Authority road patrol; and  
 (c) Road Traffic Authority public service,  
 for the months of August, September and October, 1976?

Mr O'CONNOR replied:

	Hours	Cost \$
(a) Police Force		
August 6 969½	60 838.91	
September 10 072	103 500.63	
October 6 002½	55 950.51	
(b) Road Traffic Authority Road Patrol		
August 5 511	44 166	
September 10 538	86 247	
October 8 909	50 246	
(c) Road Traffic Authority Public Service		
August 300	1 738	
September 592	3 267	
October 130	975	

Year	Penalty	No. Offenders
1972—		
8 years imprisonment	plus indefinite detention	1
8 years imprisonment	6 years min.	2
8 years imprisonment	4 years min.	1
6 years imprisonment	2½ years min.	1
5 years imprisonment	3 years min.	1
3 years imprisonment	18 months min.	1
5 years imprisonment	12 months min.	1
4 years imprisonment		1
2 years imprisonment	3 months min.	1
Governor's pleasure		2
To care DCW for 2 years		1
To care DCW till 18 years		2

1973—		
10 years imprisonment	6 years min.	1
8 years imprisonment	4 years min.	1
6 years imprisonment	plus detain indefinitely	1
7 years imprisonment	4 years min.	1
5 years imprisonment		3
4 years imprisonment	plus Governor's pleasure	1
4 years imprisonment	plus detain indefinitely	1
2 years imprisonment	10 months imprisonment min.	1
2 years imprisonment	8 months min.	1
2 years imprisonment	4 months min.	1
2 years imprisonment	2 months min.	1
2½ years imprisonment	plus Governor's pleasure	1
Governor's pleasure		1
Probation for 4 years		1
Probation for 2 years		1
Probation till 18 years of age		1

## 26. POLICE

### Rape Charges: Convictions

Mr T. H. JONES, to the Minister for Police:

For the years 1966 to 1976 inclusive, will he list the number of persons convicted for rape offences and the penalties involved?

Mr O'CONNOR replied:

- (a) The number of persons convicted for rape in the period 1966 to 1976 inclusive was 114.

- (b) Penalties involved:

Year	Penalty	No. Offenders
1966—		
12 years imprisonment	8 years min.	2
15 years imprisonment	10 years min.	3
1967—		
17 years imprisonment	indeterminate sentence	1
5 years imprisonment		1
1968—		
10 years imprisonment		2
7 years imprisonment		1
7 years imprisonment	3 years min.	1
6 years imprisonment	3 years min.	1
4 years imprisonment	2 years min.	1
12 months imprisonment	plus Governor's pleasure	1
1969—		
5 years imprisonment	2 years min.	1
1970—		
10 years imprisonment	5 years min.	1
10 years imprisonment	6 years min.	1
7 years imprisonment	4 years min.	1
4 years imprisonment	2½ years min.	1
3 years imprisonment		1
Good behaviour bond	for 5 years, c/o DCW till 18 years of age	1

1974—		
12 years imprisonment		1
11 years imprisonment	5½ years imprisonment min.	2
10 years imprisonment	4 years min.	1
8 years imprisonment	2½ years min.	1
7 years imprisonment	3 years min.	1
7 years imprisonment	2½ years min.	1
6 years imprisonment	3 years min.	1
5 years imprisonment	plus Governor's pleasure	1
5 years imprisonment	2 years min.	1
5 years imprisonment	21 months min.	1
4 years imprisonment	plus Governor's pleasure	1
4 years imprisonment	plus indefinite detention	1
4 years imprisonment	19 months imprisonment min.	1
4 years imprisonment	18 months min.	1
3 years imprisonment		1
3 years imprisonment	15 months min.	1
3 years imprisonment	12 months min.	1
2½ years imprisonment	12 months min.	1
2 years imprisonment		1
2 years imprisonment	6 months imprisonment min.	1
2 years imprisonment	4 months min.	1
6 months imprisonment		1
Governor's pleasure		1
Good behaviour bond	for 3 years	1
Probation for 3 years		1

1975—		
Indefinite detention		1
14 years imprisonment		1
12 years imprisonment	5 years min.	1
10 years imprisonment	5 7/12 years min.	1
10 years imprisonment	4 8/12 years min.	1
8½ years imprisonment	3 years min.	1
8 years imprisonment	3 years min.	1
7 years imprisonment	2½ years min.	1
6 years imprisonment	3 years min.	1
3 years imprisonment	9 months min.	1
2 years imprisonment		1
2 years imprisonment	7 months min.	1
Probation for 3 years		1
Probation for 2 years		1
Good behaviour bond	for 3 years	1
Committed care DCW		3

1971—		
14 years imprisonment	plus indefinite detention	1
10 years imprisonment	plus Governor's pleasure	1
7 years imprisonment	plus Governor's pleasure	2
5 years imprisonment	3 years min.	1
4 years imprisonment	2 years min.	1
3 years imprisonment		1
18 months imprisonment		1

1976—		
12 years imprisonment	7 years min.	1
7 years imprisonment	3 years min.	1
6 years imprisonment	2 years min.	1
5 years imprisonment	5 years min.	1
3 years imprisonment	15 months min.	1
3 years imprisonment	9 months min.	1
Good behaviour bond	\$200 for 12 months	1



# 27. POLICE *Armed Hold-ups: Convictions*

Mr T. H. JONES, to the Minister for Police:

For the years 1966 to 1976 inclusive, will he list the number of persons convicted of armed hold-ups and the penalties involved?

Mr O'CONNOR replied:

(1) The number of persons convicted of armed holdup for the years 1966 to 1976 inclusive is—

(a) where offender armed with firearm 89;

(b) where offender armed with offensive weapon 50.

(2) (a) Penalties involved (offender armed with firearm)—

Year	Penalty	No. Offenders
1966—		
Nil		
1967—		
Nil		
1968—		
Nil		
1969—		
Nil		
1970—		
8 years imprisonment 5 years min.	....	2
6 years imprisonment no min.	....	1
3 years imprisonment no min.	....	1
3 years imprisonment 1 year min.	....	1
2½ years imprisonment no min.	....	2
2½ years imprisonment 1 year min	....	1
1971—		
3½ years imprisonment no min.	....	1
3½ years imprisonment 1 year min.	....	1
3 years imprisonment 18 months min.	....	1
3 years imprisonment 10 months min.	....	1
3 years imprisonment 8 months min.	....	1
3 years imprisonment no min.	....	1
15 months imprisonment 6 months min.	....	1
Committed to care of DCW till 18 years of age	....	1
1972—		
7 years imprisonment 6 years min.	....	1
6 years imprisonment 4 years min.	....	1
5 years imprisonment 2 years min.	....	1
1973—		
6 years imprisonment no min.	....	1
Committed to care DCW for 2 years	....	1
Committed to care DCW for 12 months	....	1
1974—		
5 years imprisonment no min.	....	2
5 years imprisonment 3 years min.	....	1
5 years imprisonment 18 months min.	....	1
4 years imprisonment 15 months min.	....	1
4½ years imprisonment no min.	....	2
3½ years imprisonment no min.	....	1
3½ years imprisonment 18 months min.	....	1
3 years imprisonment no min.	....	1
2½ years imprisonment 1 year min.	....	1
2 years imprisonment 6 months min.	....	1
2 years imprisonment 2 months min.	....	1
Governor's pleasure	....	2
Probation for 3 years	....	3
Probation until 18 years of age	....	4
Good behaviour bond \$200 for 2 years	....	2

Year	Penalty	No. Offenders
1975—		
7½ years imprisonment 4½ years min.	....	1
7 years imprisonment 3½ years min.	....	1
7 years imprisonment 3 years min.	....	1
6 years imprisonment on each of 2 charges	....	1
7 years imprisonment min.	....	1
6 years imprisonment 5 years min.	....	2
6 years imprisonment 3½ years min.	....	1
6 years imprisonment 3 years min.	....	2
6 years imprisonment 2½ years min.	....	1
4½ years imprisonment 16 months min.	....	1
4 years imprisonment 18 months min.	....	1
4 years imprisonment 12 months min.	....	1
3 years imprisonment on each of 2 charges	....	1
3½ years min.	....	1
3 years imprisonment no min.	....	1
3 years imprisonment 15 months min.	....	1
3 years imprisonment 8 months min.	....	2
2½ years imprisonment 18 months min.	....	1
2 years imprisonment 8 months min.	....	1
18 months imprisonment 6 months min.	....	1
12 months imprisonment 3 months min.	....	1
Governor's pleasure	....	2
Probation for 2 years	....	1
To care DCW for 2 years	....	2
To care DCW until 18 years of age	....	2

1976—		
7 years imprisonment 5 years min.	....	1
6 years imprisonment 4 years min.	....	1
6 years imprisonment 3 years min.	....	1
6 years imprisonment 2½ years min.	....	1
6 years imprisonment no min.	....	1
5 years imprisonment 4 years min.	....	1
3 years imprisonment no min.	....	3
2 years imprisonment no min.	....	1
2 months imprisonment no min.	....	1
Fine \$500	....	1
Good behaviour bond \$500 for 12 months	....	4

(2) (b) Penalties involved (offender armed with offensive weapon)

Year	Penalty	No. Offender
1966—		
Nil		
1967—		
To reformatory prison, Governor's pleasure	....	2
1968—		
5 years imprisonment 2 years min.	....	2
2 years imprisonment 18 months min.	....	2
To reformatory prison, Governor's pleasure	....	1
1969—		
3 years imprisonment 18 months min.	....	1
To care DCW for 2 years	....	1
1970—		
6 years imprisonment 18 months min.	....	1
1971—		
5 years imprisonment 3 years min.	....	1
3 years imprisonment 18 months min.	....	1
To institution for 18 months	....	1
1972—		
3 years imprisonment 18 months min.	....	1
To care DCW for 2 years	....	1
To care DCW till 18 years of age	....	2
1973—		
4 years imprisonment 12 months min.	....	1
3 years imprisonment 15 months min.	....	1
3 years imprisonment 12 months min.	....	1
3 years imprisonment no min.	....	1
Governor's pleasure	....	3
Probation for 2½ years	....	1
Probation for 2 years	....	1
Probation for 1 year	....	1
Good behaviour bond \$100 for 2 years	....	1
To care DCW for 2 years	....	1
1974—		
5 years imprisonment no min.	....	1
6 months imprisonment no min.	....	1
Probation for 3 years	....	2

## 1975—

5 years imprisonment 2 years min. ....	1
3 years imprisonment 8 months min. ....	1
2 years imprisonment 12 months min. ....	1
To reformatory prison, Governor's pleasure ....	2
Good behaviour bond \$1 000 for 3 years ....	1
To care DCW for 2 years ....	1
Dismissed under Section 26 CWA ....	1

## 1976—

4 years imprisonment no min. ....	2
4 years imprisonment 13½ months min ....	1
3 years imprisonment no min. ....	1
3 years imprisonment 12 months min. ....	2
2 years imprisonment no min. ....	1
18 months imprisonment no min. ....	1
Good behaviour bond \$300 for 2 years ....	1

## 28. HEALTH

*Venereal Disease: Reported Cases*

Mr T. H. JONES, to the Minister representing the Minister for Health:

For the years 1966 to 1976 inclusive, will the Minister list the reported cases of venereal disease in Western Australia?

Mr RIDGE replied:

1966—710
1967—839
1968—779
1969—1 028
1970—1 328
1971—1 493
1972—1 728
1973—1 952
1974—2 475
1975—2 648

Up to 30th September, 1976—2 056.

## 29. ORD IRRIGATION SCHEME

*Sugar Production*

Mr H. D. EVANS, to the Minister for Agriculture:

(1) What is the total area of sugar cane which will be grown on the Ord in 1977?

(2) If, as he stated in the Legislative Assembly on 2nd November, 1976, this crop "will be used to put in more sugar", then:

(a) what is the total area of sugar which will be planted in the Ord area in 1978;

(b) what yield of cane is expected from the Ord plantings in 1978;

(c) is it proposed to process sugar cane grown on the Ord in 1978, and if so—

(i) have plans to construct a mill been drawn up and if so have tenders been let, and how long will construction take;

(ii) will bulk handling facilities be required at Kununurra at the wharf-side; and if so, when will a start be made on their construction;

(iii) will Ord sugar be shipped from the existing Wyndham port and if so will the existing facilities be upgraded, or if from some other port, which one, and will this require building and precisely where will this be;

(iv) if upgrading or construction of port facilities is required when will such work commence and be completed;

(v) what marketing arrangements have been made for sugar grown on the Ord; and

(vi) what markets have been established for Ord sugar and at what price?

(3) Has it been established, without reservations, that all problems associated with the growing of sugar on the Ord have been overcome, and if not, what problems exist?

Mr OLD replied:

(1) Approximately 40 hectares on pilot farm, plus small plantings of new cultivars for appraisal.

(2) Sugar planted in 1977 will be mainly the Trojan cultivar but will also include areas of new cultivars being tested. Some of the Trojan will be used as plant cane and some could be used for cattle feeding trials currently planned. The most promising of the new cultivars will be built up as a potential source for future commercial plantings.

(a) Approximately 70 hectares.

(b) The average yield is expected to be in excess of 100 tonnes per hectare.

(c) No.

(3) No. The aim of the current programme is to identify problems that may be associated with the commercial growing of sugar cane on the Ord.

## 30.

## MILK

*Quota Appeals Committee*

Mr BLATKIE, to the Minister for Agriculture:

(1) Who are the members of the quota appeals committee and what was their date of appointment?

(2) Since formation, on how many days in each year has the committee met?

(3) Would he advise the number of occasions that the quota appeals committee has—

(a) upheld appeals;

(b) dismissed appeals?

Mr OLD replied:

- (1) Mr K. H. Hogg, Mr D. S. G. Blears, and Mr B. J. Oates, were appointed members of the Quota Appeals Committee as from the 28th June, 1976.
- (2) One day.
- (3) (a) Nil  
(b) One.

31.

### SCHOOLS

#### *Dental Therapy Clinics*

Mr BARNETT, to the Minister representing the Minister for Education:

- (1) How many primary schools in this State have a free dental therapy clinic established within their confines?
- (2) Which schools are they?
- (3) What criteria are used when establishing free dental clinics at schools?
- (4) Do any of the primary schools in the Rockingham Shire comply with the necessary criteria?
- (5) Which schools are they?

Mr GRAYDEN replied:

- (1) 39.
- (2) See answer to question 82 part (1) on Thursday, the 21st October, 1976, in the Legislative Assembly.
- (3) (a) Dental condition of children,  
(b) Numbers of disadvantaged schools in various areas,  
(c) General socio-economic levels of the location,  
(d) Access to alternative dental care system,  
(e) Concurrent Education Department plans,  
(f) Suitability of sites within schools.
- (4) and (5) Probably some primary schools in the Rockingham area comply with these criteria, however, it is not possible to name these schools as the planning for Rockingham has yet to be completed.

### 32. HIGH SCHOOL AT WARNBRO

#### *Site and Establishment*

Mr BARNETT, to the Minister representing the Minister for Education:

Further to the Minister's statement to this House in relation to a high school for Warnbro:

- (1) Where is the site for the school?
- (2) When is it expected that the school will be established?

Mr GRAYDEN replied:

- (1) On the eastern side of Warnbro Sound Avenue, opposite Kingsbridge Road.
- (2) There are currently no plans to establish a school on this site.

33.

### TRAFFIC ACCIDENTS

#### *Simpson Avenue-Ennis Street Intersection*

Mr BARNETT, to the Minister for Transport:

- (1) Has he figures to show the number of accidents that have occurred at the intersection of Simpson Avenue and Ennis Street, Hillman?
- (2) Would he please provide me with those figures?
- (3) Will he consider removing the "give way" signs at the intersection and replacing them with "stop" signs?

Mr O'CONNOR replied:

- (1) Yes.
- (2) Four accidents have been reported since January, 1976.
- (3) Site inspection will be made to establish the need for a "stop" sign.

34.

### INDUSTRIAL DEVELOPMENT

#### *Jervoise Bay Rationalisation Report*

Mr TAYLOR, to the Minister for Industrial Development:

Will he please table a copy of the Jervoise Bay proposed rationalisation report?

Mr Ridge (for Mr MENSAROS) replied:

A preliminary interdepartmental report has been referred to the Metropolitan Region Planning Authority and will be considered in collaboration with interested parties, and particularly the local authority.

As soon as I have a final report to hand, I would be glad to table a copy.

35.

### TRAFFIC

#### *Albany Highway-Royal Street Intersection: Patrol*

Mr BATEMAN to the Minister for Traffic:

In view of the concern expressed by parents who attended a general public meeting at the Kenwick Primary School on Wednesday, 27th October, regarding the safety of their children crossing the intersection of Albany Highway and Royal Street, Kenwick, will he advise—

- (1) Did his department receive a letter from the secretary of the meeting, Mrs G. Stevens, requesting his department to place a Road Traffic Authority patrol vehicle at this intersection between the hours of 8.00 a.m. and 8.50 a.m. and also at 3.20 p.m. and 3.45 p.m.?
- (2) If "Yes" why has not this request been agreed to?
- (3) Is he further aware that if action is not taken by his department to ensure the safety of these children attending the Kenwick Primary School, the parents intend to take their own appropriate action?

Mr O'CONNOR replied:

- (1) Yes, the 29th October, 1976.
- (2) The intersection in question is controlled by traffic lights. It has, in peak times, a high vehicle/pedestrian configuration which, in the view of the authority's officers, would best be solved by a pedestrian "walk" phase. This suggestion has been put forward to the Main Roads Department. The authority recognises the dangers at the intersection and keeps it under surveillance as much as possible. It is not believed practicable to manually control the intersection in addition to the signal control.
- (3) Yes.

### 36. VOLUNTARY EMERGENCY SERVICES

#### *Insurance Cover*

Mr SHALDERS, to the Minister for Labour and Industry:

Further to my question 73 on Thursday, 21st October, and the Minister's reply, would he investigate whether it is possible or feasible to include groups affiliated with the voluntary sea search and rescue organisation within the same insurance scheme as that provided for the State Emergency Service or some suitable alternative?

Mr GRAYDEN replied:

Whilst it may be possible to give the coverage requested further examination would need to be undertaken by the State Emergency Service and the member should take this up with the Minister under whose administration the State Emergency Service lies.

### 37. ALCOHOL AND DRUG AUTHORITY

#### *Staff: Resignations*

Mr DAVIES, to the Minister representing the Minister for Health:

- (1) Since answering question 11 of 12th October, 1976 regarding staff resignations at the Alcohol and Drug Authority clinic and hospital, have any further resignations been received?
- (2) If so, how many and in what categories?
- (3) Have any further staff members sought leave without pay?
- (4) If so, how many?
- (5) What appointments have been made to fill the vacancies created?

Mr RIDGE replied:

- (1) Yes.
- (2) Nursing staff—8.
- (3) and (4) No.
- (5) Nil.

### 38. ALCOHOL AND DRUG AUTHORITY

#### *Policy Statement: Tabling*

Mr DAVIES, to the Minister representing the Minister for Health:

- (1) Will the Minister table a copy of the "policy" of the Alcohol and Drug Authority which was conveyed to staff at a meeting on 3rd November, 1976?
- (2) If not, why not?

Mr RIDGE replied:

- (1) No.
- (2) It is a primary statement of internal policy relating to only one unit of those controlled by the authority.

### 39. EDUCATION

#### *Earthquakes: Safety Instruction*

Mr McIVER, to the Minister representing the Minister for Education:

- (1) Is the Minister aware that during the recent earth tremor at Northam school students ran from school buildings in an alarmed manner?
- (2) If so, will the Minister advise if school children in Western Australia are educated with regard to the correct procedures to be adopted in event of earthquake or earth tremors?
- (3) Have the school children attending schools in the Northam region been instructed with the correct measures to be adopted when an earthquake or earth tremor is experienced?
- (4) If not, would the Minister give an assurance that school children will receive instruction as to correct procedures to be undertaken

in the event of an earthquake or earth tremor or similar traumatic situations?

Mr GRAYDEN replied:

- (1) No. There was no untoward behaviour. At one Northam school the standard evacuation procedure was used. At another the students were already at recess. In the other schools the effect was so slight that children and teachers were unaware of the disturbance.
- (2) Emergency procedures to be used by schools in a number of situations, including earthquakes, are set out in Appendix D of "The Teachers' Handbook and Administrative Instructions". (Copy of relevant section tabled).
- (3) Yes.
- (4) Answered by (2).

The document was tabled (see paper No. 536).

40.

#### USED CARS

##### *Backyard Dealers: Complaints*

Mr McIVER, to the Minister for Traffic:

- (1) Would he advise if he has received complaints on the operations of backyard car dealers?
- (2) If "Yes"—
  - (a) how many; and
  - (b) what action, if any, will he be taking?

Mr O'CONNOR replied:

- (1) The Road Traffic Authority has received complaints of unlicensed car dealer operations.
- (2) (a) About 10 in the past six months.
- (b) They will be referred to the Bureau of Consumer Affairs.

41.

#### THE CHILDREN OF GOD ORGANISATION

##### *Complaints*

Mr BARNETT, to the Minister representing the Minister for Community Welfare:

- (1) Further to my question 26 of 20th October relating to the Children of God in which the Minister states no complaints have been received by his department, is it not a fact that on at least one occasion at the Fremantle department of the CWD on 29th July last a complaint was lodged but no help was given and no information on the Children of God was offered?

- (2) Is the Minister aware of an organisation known as the Concerned Citizens and Parents Association of W.A.?
- (3) If "Yes" to (2), what are the aims of this organisation?
- (4) Has the organisation given the CWD any authenticated evidence on the Children of God?
- (5) If so, what are the Minister's intentions in regard to this information?

Mr RIDGE replied:

- (1) On the 29th July, 1976, a mother made a general inquiry about her anxieties regarding her 15-year-old daughter. She stated that it was her daughter's intention to join the Children of God and she produced a cutting from the newspaper about the organisation. The inquirer was advised that she could take steps to stop her daughter from leaving home and also that should her daughter leave without parental consent, they could report her to the police as a "missing person". Furthermore, the inquirer was informed that should her daughter persist in leaving home the parents could make application to the court to have her declared uncontrolled.

The inquirer was advised that should she want the department to be involved at any stages, the department would discuss the matter further with daughter and parents. At the conclusion of the interview the lady concerned stated that she would handle the matter herself at this stage and would contact the department again if she were unsuccessful. She appears not to have made any further approaches to the department. Accordingly the approach was in the nature of a general inquiry rather than a complaint. Assistance was offered but was not availed of.

- (2) Apart from what is contained in an article in the *Daily News* on Monday, the 27th September, 1976 I have no specific knowledge of the organisation known as "Concerned Citizens and Parents Association of Western Australia".
- (3) I have no specific knowledge of the aims of the organisation.
- (4) No authenticated evidence has been given to this department by the organisation relating to the Children of God.
- (5) My department will keep a close eye on developments and every individual complaint will be dealt with on its merits.

### QUESTIONS (3): WITHOUT NOTICE

#### 1. WOOL SHEARING

##### *Trade Union Black Ban*

Mr GREWAR, to the Minister for Labour and Industry:

What action is available to farmers whose properties and produce have been black banned as a result of employing nonunion labour or using wide or pulled combs?

Mr GRAYDEN replied:

I thank the honourable member for some notice of this question. The answer is as follows—

Action is available to respondents to the Federal Pastoral Industry Award under the Commonwealth Conciliation and Arbitration Commission in order to resolve the dispute.

The best solution is what we sought. I believe the Commonwealth Government will eventually have to do what the USA Congress did and vest sovereignty in the States. However, unless the States combine in approaches to the Commonwealth, we will not succeed in our efforts.

I do not regard the matter as settled. It is a political and not a legal decision and I expect a Commonwealth Government such as the present one—committed to a strong Federal system—to be prepared to negotiate the whole question.

The Prime Minister knows my views that the final solution is not one where the opinion of his law advisers must be paramount. I seek leave to table the telex.

*The telex was tabled (see paper No. 537).*

#### 2. OFFSHORE TERRITORIAL RIGHTS

##### *Rejection of Request by Commonwealth*

Mr JAMIESON, to the Premier:

- (1) Will the Premier table a copy of the telex he received from the Prime Minister in which Mr Fraser rejected his request for an extension of the limits of the State into offshore waters to embrace the territorial sea?
- (2) If not, why not?

Sir CHARLES COURT replied:

- (1) and (2) In answer to the Leader of the Opposition, in due course I will seek permission from you, Mr Speaker, to table the telex in question.

I invite the attention of the House to the fact that my approach had the support of Tasmania as well as Victoria. However, I am surprised that the Leader of the Opposition is not lending his support to the action taken by the Western Australian Government and some of the other States in order to preserve the States' authority in offshore areas.

The States have, in fact, administered the offshore area since before Federation and the Commonwealth has played a very small part in this. It is only in recent years that the Commonwealth has taken an active interest.

We intend to press the Commonwealth to reach finality on the practical aspects of administering the offshore areas and good sense demonstrates that the States are better and more logically equipped to administer most offshore requirements.

#### 3. CANNING VALE INDUSTRIAL AREA

##### *Land Acquisition: Inquiry by Mr K. J. Townsing*

Mr JAMIESON, to the Premier:

- (1) Why did the Government appoint Mr K. J. Townsing to inquire into Government land dealings in Canning Vale?
- (2) When was Mr Townsing appointed?
- (3) To whom is Mr Townsing reporting?
- (4) What fee is Mr Townsing receiving for the inquiry?
- (5) When is it expected that Mr Townsing will complete his inquiries?
- (6) Will his final report be made public?
- (7) Will the Premier table a copy of the interim report which, according to a report in *The West Australian* of the 1st November, Mr Townsing has already made?
- (8) If not, why not?

Sir CHARLES COURT replied:

- (1) Because of the allegations which were being made and the reports that two newspapers were contemplating feature articles dealing with these allegations.

It was felt that, quite apart from any inquiries the Minister made within his own department it was desirable to have a person who is highly respected in the community and who has a wide experience in government administration and the application of Statutes, to study independently as quickly as possible the operations of ILDA, and report to the Government.

- (2) Mr Townsing was requested to undertake this study on the 25th October.
- (3) The Premier.
- (4) Nil.
- (5) No firm date is available, but it is not expected that it will take much longer.
- (6) Most probably, yes, but no firm commitment can be given because the nature of the report may be such that premature disclosure of the contents could prejudice any action the Government wants to take.
- (7) No.
- (8) Because it would be improper to release such a document when a more comprehensive study is in the process of being completed.

### BILLS (5): ASSENT

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

1. Wildlife Conservation Act Amendment Bill.
2. Security Agents Bill.
3. Joondalup Centre Bill.
4. Skeleton Weed (Eradication Fund) Act Amendment Bill.
5. Royal Visit Holiday Bill.

### LICENSED SURVEYORS ACT AMENDMENT BILL

*Message: Appropriations*

Message from the Deputy Governor received and read recommending appropriations for the purposes of the Bill.

### ADMINISTRATION ACT AMENDMENT BILL

*Receipt and First Reading*

Bill received from the Council; and, on motion by Mr O'Neil (Minister for Works), read a first time.

*Second Reading*

MR O'NEIL (East Melville—Minister for Works) [5.05 p.m.]: I move—

That the Bill be now read a second time.

This Bill provides for two principal amendments to the Administration Act, which follow largely recommendations made by the Law Reform Commission.

The first proposal will increase the amounts payable by way of distribution on intestacy to the spouse and parents of the deceased.

The second main proposal is to abolish administration bonds whilst retaining sureties to guarantee the administration of the estate in certain cases.

There are also some other provisions of an ancillary or general nature.

The present laws in this State as to the rules of distribution on intestacy are as follows—

Where a deceased is survived by his spouse and children, the spouse receives the first \$10 000 of the estate, plus 5 per cent thereon from the date of death to the date of distribution, plus one-third of the residue and the balance goes to the issue *per stirpes*.

Distribution of the property of an intestate is *per stirpes* if it is divided amongst those entitled to it, according to the number of stocks of descent—that is, if it is divided equally amongst the surviving children of an intestate individually, and the descendants of deceased children collectively, so that the descendants of a deceased child take that child's share between them.

Where there are issue, but no spouse, the issue get the whole of the estate; and,

Where there is a spouse but no issue, the spouse receives the first \$15 000 plus 5 per cent interest, plus one-half of the residue. If there are parents, but no brothers or sisters, or children of brothers or sisters, the parents receive the balance of the estate. Otherwise, the parents receive the first \$2 000 and one-half of the residue, with remainder to brothers and sisters and their children. If there is no parent, the balance goes to the brothers and sisters, and their children *per stirpes* and if there is no brother or sister or their children to the next of kin in accordance with the Statutes of Distribution.

If the deceased leaves a spouse, but no issue and no parent, brother, sister, or children of brother or sister, the whole estate goes to the spouse.

Where the deceased leaves a parent but no spouse or issue, the parent, or parents, receive the first \$2 000 and one-half of the residue, with balance to brothers and sisters and their children, but if there is no brother or sister or children thereof, the balance goes to the parents.

Where the deceased leaves brothers and sisters and their children, but no spouse, issue or parent, the brothers and sisters and their children take the whole estate, otherwise the beneficiaries will be the next of kin under the Statutes of Distribution.

The Law Reform Commission, in a report published in May, 1973, proposed that the amount to go to the spouse should be increased from \$10 000—the figure fixed in 1965—to \$25 000. However, it is felt that, in view of the passage of time since the report was published, a more appropriate figure would presently be \$30 000 and

this Bill has, therefore, trebled the amount first going to the spouse from \$10 000 to \$30 000.

Where the deceased leaves a spouse and issue, the Bill provides that the spouse will now receive the first \$30 000 and 5 per cent interest thereon, and one-third of the residue, where there is more than one child, but one-half of the residue if there is one child only, or children of an only child.

In addition, the spouse will have the right to purchase the matrimonial home at market value, and the balance of the estate will pass to the issue.

Where the deceased leaves issue, but no spouse, the whole estate will pass to the issue, and where the deceased leaves spouse, but no issue, the spouse will receive the first \$45 000, plus 5 per cent interest, and one-half the residue, with the balance to the parent or parents if there are no brothers or sisters or children thereof. Otherwise, the parents will receive the first \$6 000 and one-half the residue, with remainder to the brothers and sisters and their children.

If there is no parent, the balance will pass to the brothers and sisters and their children, otherwise to the next of kin under the Statutes of Distribution.

Where the deceased leaves a spouse but no issue and no parent, brother, sister or children of brother or sister, the same provision will apply as at present; namely, that the whole estate will pass to the spouse.

Where the deceased leaves parents but no spouse or issue, the parents will receive the first \$6 000 and one-half the residue, the balance going to the brothers and sisters and their children, but if there is no brother or sister or child thereof, the balance will go to the parent or parents.

Where the deceased leaves brothers and sisters or their children, but no spouse, issue or parents, the whole estate will pass to the brothers and sisters and their children.

It will be seen that the significant changes which are contained in the Bill have the effect of trebling the first amounts which will be received by the spouse and parents respectively, and this is considered reasonable, bearing in mind the inflation which has occurred in recent years.

In addition, the spouse will receive household chattels, which are defined as articles of personal or household use or adornment, and the right to the purchase of the matrimonial home. The Law Reform Commission recommended that the spouse also should have the right to purchase other personal chattels but, as the only personal chattels of significance in the average case would be the motorcar and normally no problem would arise

about purchasing a car at market value, it is considered unnecessary to include this provision.

Where the deceased leaves a spouse but no issue, the first amount going to the spouse will be trebled from \$15 000 to \$45 000, and where there are parents, the amount which they will receive primarily will be increased from \$2 000 to \$6 000.

The Law Reform Commission had suggested that if no relatives of the specified classes—including nieces and nephews and uncles and aunts—survived, the whole estate should pass to the Crown.

However, this is not considered desirable, and it is felt that it is fairer, in such circumstances, for the estate to pass to the next of kin in accordance with the recognised method of distribution set out in the various Statutes of Distribution. Although there are sometimes some technical problems associated with the ascertainment of more distant relatives, it nevertheless is considered reasonable that they should still have an opportunity to share in an intestate estate, rather than that there should be an escheat to the Crown.

One further matter which should perhaps be mentioned for clarification is that the household chattels will pass to the surviving spouse, and he or she will have the right to purchase the matrimonial home, irrespective of whether or not there are any issue surviving.

The second main proposal in the Bill relates to the changes in the law affecting administration bonds and sureties.

Under the provisions of the Administration Act, 1903, the administrator of an estate must enter into a bond for an amount equal to the gross value of the estate before he obtains a grant of letters of administration.

If there is defalcation by the administrator, any beneficiary or creditor suffering injury may have the bond assigned to him by the court, and then sue upon it in his own name.

Normally, the administration bond must be supported by two persons as sureties for the amount of the bond, and this can cause considerable inconvenience and expense in the administration of the estate. The Supreme Court has power to reduce the amount of the bond, but cannot dispense with the bond.

The Law Reform Commission has reported on the law relating to administration bonds and sureties, and recommends that bonds should be abolished. The law provides adequate remedies against a defaulting administrator, apart from the bond, and the commission considered that additional protection should be provided by means of a guarantee by sureties in only a limited range of circumstances.



The commission recommends that any such guarantee should be given by two persons, unless the guarantor is an approved company, or the applicant is a trustee company. The guarantee should be equal to the gross value of the estate, and should be subject to increase or decrease by order of the Master of the Supreme Court. Court control of actions taken on the guarantee is recommended.

The commission also considered that the duties of administrators should be specified by Statute, as was done in England in 1971.

Generally speaking, in relation to this matter, the Bill follows the relevant United Kingdom legislation under which most of the detailed provisions are left to be spelt out in the rules.

The effect of the Bill will be to reduce the formalities required in applications for letters of administration, with consequent reduction in expense, and the time taken to obtain a grant.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Bertram.

### **BILLS (2): RETURNED**

#### **1. Liquor Act Amendment Bill.**

Bill returned from the Council with amendments.

#### **2. Nickel (Agnew) Agreement Act Amendment Bill.**

Bill returned from the Council without amendment.

### **JUSTICES ACT AMENDMENT BILL (No. 2)**

#### *Receipt and First Reading*

Bill received from the Council; and, on motion by Mr O'Neil (Minister for Works), read a first time.

#### *Second Reading*

**MR O'NEIL** (East Melville—Minister for Works) [5.16 p.m.]: I move—

That the Bill be now read a second time.

There are two separate issues contained in this Bill to amend the Justices Act, the first of which is the need to provide for certain formal steps to enable selected Courts of Petty Sessions to carry out functions assigned to them under the Family Courts Act.

In order that the requirements of the Family Courts Act in this regard may be carried out, it is necessary that there be some certainty as to sitting dates of these selected courts of summary jurisdiction. In addition, it is necessary that these courts should have a seal; which is not generally so of our Courts of Petty Sessions.

Both of these objects will be achieved by the proposed amendments to section 24 of the Act.

The second and perhaps, from a public point of view, more important aspect of the proposed amendments is intended to update the provisions for appeals to the Supreme Court from the decisions of justices.

As announced publicly, the Attorney-General has referred the wider question of appeal procedures and the substantive law in relation to rights and methods of appeal to the Law Reform Commission for detailed consideration. These present amendments in the interim make no substantive changes to rights, forms and times for appeal. They are to avoid the possibility of either deliberate or careless abuses of the present system—a few examples of which have received recent widespread publicity.

There have, for many years, been two methods of appeal from Courts of Petty Sessions. The one, commonly known as "ordinary appeals", is limited to cases where a person has pleaded not guilty but been convicted and imprisoned. In such cases there is obviously need for a simple and speedy form of appeal, and the existing provisions provide for notice of appeal and recognisance to prosecute the appeal to be served upon the clerk of petty sessions and the person convicted then to be released, pending the hearing of the appeal.

As no great problems have arisen in relation to this type of appeal, no changes are proposed except as to certain formal steps for the transmission of documents and the enforcement of decisions.

It is to the order nisi to review method of appeal which comprises the vast majority of appeals that most of the provisions of the Bill are directed. In fact, all but 10 or 12 appeals each year are carried on by way of this order to review procedure.

The present provisions of the Act provide that a prospective appellant may go before a Supreme Court judge in chambers to obtain an order nisi to review the decision from which he wishes to appeal.

Because of the need for speed, these proceedings are *ex parte*—the respondent, usually a police complainant, not being present.

Once an order has been obtained, the appellant is entitled to enter into a recognizance before any justice of the peace, the minimum amount being set at \$50, and then to be released from custody; still without the police or the Crown knowing. This is so even though he may be a person sentenced on committal to the District Court to, say, five years' imprisonment for a serious drug offence.

Once he is released, it is up to him to serve the order nisi upon the police, thus informing them for the first time of his appeal and his release. It does not take a great deal of imagination to realise that he may "forget" to do this or that, by the time his solicitor does so, the appellant,

having obtained his release at a bargain price, may have developed a sudden yearning for distant places.

When the order has been served, assuming that it is, the appellant has the responsibility of entering the appeal for hearing and further undesirable delays can occur.

The Bill provides that the terms of the recognizance are to be set by the judge granting the order to review. This will allow proper amounts and conditions to be set and to be tailored, as with bail, to the seriousness of the charge, and to any relevant questions of security. There will be no delay, because the appellant in any event had to obtain his order nisi by having his counsel attend the Supreme Court and the recognizance, once the judge has set the terms, is still to be signed before any justice.

This recognizance will then operate as a stay of execution, and authorise the release of the appellant once presented to his gaoler. This is achieved by the amendments set out in the Bill. The effect is the same as the present law.

The Bill also provides for the requirement of informing the police and the Crown by providing for the Supreme Court to forward a memorandum of the granting of an order to review to—

- (a) the clerk of petty sessions of the court appealed from;
- (b) the Attorney-General, and
- (c) the other party to the order; who will be, of course, in most cases, the police complainant.

These persons are then alerted, even if the appellant neglects or delays serving his order to review.

The remaining amendments provide for a number of procedural matters such as the transmission of recognizances to the Supreme Court, the issuing of proper memoranda of decisions of the court, and warrants to enforce those decisions, and applications to the court by a respondent seeking to strike out an appeal for want of prosecution. Those amendments are really only a tidying up and amplification of provisions which already exist in the Act as it presently stands.

Finally, it is proposed to widen section 96 of the Act to allow for prescribing appropriate appeal rules and forms for various matters relating to appeals.

In summary, then, the proposed amendments are purely procedural. None of them affects any right or method of appeal. They do, however, ensure that persons released from custody pending their appeal will be released only on appropriate terms set by a judge. This is achieved without altering the system in any way causative of delaying the release of an appellant. In addition, the gate is effectively closed to any undesirable delays which can, and have been seen to occur under present procedures.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Bertram.

## CRIMINAL CODE AMENDMENT BILL (No. 3)

### *Receipt and First Reading*

Bill received from the Council; and, on motion by Mr O'Neil (Minister for Works), read a first time.

### *Second Reading*

**MR O'NEIL** (East Melville—Minister for Works) [5.24 p.m.]: I move—

That the Bill be now read a second time.

The amendment to the Criminal Code contained in this Bill has a relationship with the proposals already introduced in respect of the Evidence Act Amendment Bill.

It may well be seen as part of the process of removing from the law anything which could have the effect of putting, or keeping, women in a position of subservience. It is a process which is receiving much attention in many parts of the world.

Section 325 of the Criminal Code of this State provides that—

Any person who has carnal knowledge of a woman or girl, not his wife, without her consent . . . is guilty of a crime which is called rape.

The implication of the words "not his wife" is that a husband cannot be guilty of raping his wife. This we consider to be unsatisfactory.

For the benefit of members, I will quote the following passage from a report which the Criminal Law and Penal Methods Reform Committee of South Australia made to the Government of that State in March of this year. It states precisely the policy behind the amendment which this Bill proposes—

The view that the consent to sexual intercourse given upon marriage cannot be revoked during the subsistence of the marriage is not in accord with modern thinking. In this community today, it is anachronistic to suggest that a wife is bound to submit to intercourse with her husband whenever he wishes it, irrespective of her own wishes. Nevertheless, it is only in exceptional circumstances that the criminal law should invade the bedroom. To allow a prosecution for rape by a husband upon his wife with whom he is cohabiting, might put a dangerous weapon into the hands of the vindictive wife, and an additional strain upon the matrimonial relationship. The wife who is subjected to force in the husband's pursuit of sexual intercourse needs, in the first instance, the protection of the Family

Law to enable her to leave her husband and live in peace, apart from him, and not the protection of the criminal law. If she has already left him, and is living apart from him, and not under the same roof, when he forces her to have sexual intercourse with him without her consent, then we can see no reason why he should not be liable to prosecution for rape.

It is therefore the intention with this Bill to provide that a person separated from his wife, and not residing in the same residence as her, can be liable to prosecution for raping his wife, where an act of sexual intercourse has occurred without her consent.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Bertram.

## WATERWAYS CONSERVATION BILL

### *Third Reading*

Bill read a third time, on motion by Mr P. V. Jones (Minister for Conservation and the Environment), and transmitted to the Council.

## LEGISLATIVE REVIEW AND ADVISORY COMMITTEE BILL

### *In Committee*

Resumed from the 4th November. The Chairman of Committees (Mr Thompson) in the Chair; Sir Charles Court (Premier) in charge of the Bill.

New clause 13—

The CHAIRMAN: Progress was reported after the member for Mt. Hawthorn (Mr Bertram) had moved that the following new clause be added—

13. Nothing hereinbefore contained will be construed to preclude any person aggrieved by any report or recommendation of the Committee from appealing to the Supreme Court against any such Report or recommendation in the manner and in the time prescribed by Rules of the Supreme Court.

Sir CHARLES COURT: The Government could not accept this new clause and for very good reason. When the new clause is studied in relation to the purpose of the Bill it will be seen to be both meaningless and pointless because it must be remembered that the committee's report does not have the force of law unless Parliament acts upon it. This is like criticising the report of the Ombudsman and endeavouring to appeal to the Supreme Court against it, or appealing to the Supreme Court against the report of the Commissioner for Consumer Affairs.

These are reports only and they do not have any Executive or other authority to compel any action. For example, an appeal is made to the Supreme Court only against a situation in which or under which some right is taken away or some liability created. No rights or liabilities are affected by the reports unless the Parliament so acts.

I can only assume the purpose of the Bill has been misunderstood or not thoroughly researched. I had the honourable member's new clause studied by the Crown Law Department to ascertain whether it had any merit within the framework of the legislation, and its advice to me is that it has none.

I put the question to the honourable member: If Parliament acts—and that is entirely in the hands of Parliament—surely the honourable member would not then consider having a right of appeal to the Supreme Court against Parliament's action? If so he would be doing exactly what he criticises the Bill for doing.

Mr Bertram: Has the tribunal any obligation to give reasons for its recommendations?

Sir CHARLES COURT: The advisory committee—and that is all it is—will make its report to the Parliament and the presiding officer will table it and it is entirely up to the Parliament whether it takes any action when the report has been read. Apparently the honourable member has misconstrued the role of the committee. It will not take any Executive action in the normal way, but will do the work of review which is prescribed particularly in respect of clauses 7 and 9. Then, if it feels it should, it will make the appropriate reports to the presiding officers.

I have searched long and hard to find a reason for this clause being added and whether, if it were, it would have any force and effect, and I come back to the point that the more I look at it the more I advise the Committee that it would be meaningless and pointless and have no relativity to the wording or the spirit of the Bill. Therefore the Government cannot go along with the new clause which has been proposed.

When moving the third reading I will make reference to a point raised by the honourable member on, I think, clause 11 regarding *sub judice*, and also make reference to the amendments sought by the member for Boulder-Dundas; but a discussion on those items would be irrelevant on this particular new clause which I oppose.

New clause put and negatived.

Title put and passed.

### *Report*

Bill reported, without amendment, and the report adopted.

*Third Reading*

**SIR CHARLES COURT** (Nedlands—Premier) [5.35 p.m.]: I move—

That the Bill be now read a third time.

I want to honour a commitment I made to the member for Boulder-Dundas and the member for Mt. Hawthorn. The member for Boulder-Dundas moved to add certain words in clause 7 in order to give effect to what he believed was necessary to ensure that the traditional freedoms of Her Majesty's subjects, to use his own words, would be thoroughly studied and taken into account by the committee as distinct from the pure question of matters established as rights under the law. I said at the time I was attracted to his amendment because it appeared to give effect to what the Government intended, but I had a reservation as to whether it was sufficient to insert the words he proposed at that particular point or, if they were appropriate at that point, whether it was wrong to include them in only the one place and not also in another part of the Bill.

I have had the matter researched and it is now proposed, as promised, to have some amendments inserted in another place, the exact wording of which I will make available to both the member for Mt. Hawthorn and the member for Boulder-Dundas in due course. Those amendments will, I think, give effect to what was said by the member for Boulder-Dundas and will at the same time clarify the matter and remove any possible doubts the member for Mt. Hawthorn might have had, because I do believe what the member for Boulder-Dundas sought to achieve when done in two different clauses will, in fact, satisfy everyone.

On the other question raised by the member for Mt. Hawthorn, as I understood it, he foreshadowed a situation where someone sought to take action in respect of a report and wanted to go to the Supreme Court. He asked whether there would be any *sub judice* provision so far as the Parliament was concerned in respect of such action.

Firstly, for reasons I have already given when considering the suggested new clause 13, there is no such action which can be foreshadowed by me or those who advise me; but even assuming there was an extraordinary situation and such action could take place, the matter would be entirely in the hands of Parliament which would be completely supreme. In view of the Statute, the advice I have received is first of all that no *sub judice* situation would arise because no-one could contemplate the type of action foreshadowed by the honourable member, but even if there were some extraordinary situation it would not, in any case, prejudice the consideration of the report and action by the Parliament because it would be supreme in this particular matter.

Question put and passed.

Bill read a third time and transmitted to the Council.

### SMALL CLAIMS TRIBUNALS ACT AMENDMENT BILL

#### *Second Reading*

Debate resumed from the 2nd November.

**MR HARMAN** (Maylands) [5.40 p.m.]: This Bill calls upon Parliament to agree to a proposal by the Government that a second referee be appointed for the Small Claims Tribunal to overcome the problem which has occurred because of an increased number of cases coming before it, and also to amend the Act so that the proposed appointee will be able to act even though he receives a remuneration from some other source. In this case the Government intends to appoint a magistrate and the Act would prevent that appointment being made because a magistrate is already paid.

I regret that there has been an increase in the number of claims before the tribunal. One would have thought that after the tribunal had been in operation for some time traders would begin to realise they have certain obligations and that they must keep some sort of ethics within the trade; but unfortunately there seem to be people in the private enterprise system who want to work outside the normal ethics of trading and the only recourse the consumer has is to take his case before the Small Claims Tribunal.

The Opposition has no objection to the legislation.

**DR DADOUR** (Subiaco) [5.42 p.m.]: When reading through the Act I discovered what I suggest is an anomaly. Section 7 provides that a referee must be a barrister or solicitor of the court of Western Australia and can deal with cases involving sums of up to \$500. However, under the Local Courts Act magistrates do not have to be barristers or solicitors, but they can deal with cases involving sums of up to \$3 000. I believe this is an anomaly and the Local Courts Act should be amended to provide that the magistrates dealing with the larger sums should have the equivalent qualification required of those dealing with cases involving smaller sums.

I thought I should draw that point to the attention of members.

**MR BERTRAM** (Mt. Hawthorn) [5.43 p.m.]: This is an extremely disappointing Bill.

Sir Charles Court: Conflict in the Opposition.

Mr BERTRAM: The fact that it is necessary for the Bill to be before Parliament is very bad because it makes manifest to the public at large, as the member

for Maylands pointed out, that the business community has not recognised there is a need for it to lift its performance, and consequently the business of the tribunal has grown to a point where there is need to appoint a reserve or additional referee. So it is disappointing to that extent.

It is also gravely disappointing because the Act has now been in operation since 1974. It was Act No. 69 of that year and it was brought into existence in order that people with small claims, who are so very often the people we on this side of the House represent—that is to say, the little people—may be able to get justice as distinct from law.

That is the purpose of the legislation. Plaintiffs have long since come to realise that if the sum of money claimed against them is of a fairly small dimension the claimant cannot get justice because he would be advised by his solicitor, "Yes, you can bring action for \$100 or \$150 and you may succeed but by the time you pay my costs you will be out of pocket." Therefore the Small Claims Tribunal was intended to inject a little more justice into the law in respect of small claims, and mercifully that has been achieved to a significant extent.

What we should have before this Parliament today is not this petty Bill but something more worth while. I have no objection to increasing the number of referees, if in fact the volume of work exists and the business community is not facing up to its responsibilities sufficiently well. But what we should have here today is at least an extension of the nature of claims which can be dealt with by the Small Claims Tribunal, especially with torts and more particularly with the tort which happens to be negligence involving motor vehicles, because the situation with the Small Claims Tribunal in respect of motor vehicles is still the same as that in respect of contracts.

If there is a small accident down the street and somebody's vehicle is damaged to the tune of \$100 to \$200, that person cannot recover the money because when he goes to a solicitor the solicitor advises him, "Yes, we can bring the claim and you can win, but by the time you pay my costs and the expenses incidental to the litigation—loss of time and the rest of it—you will be in debit rather than in credit." As a consequence, literally hundreds of people—perhaps thousands, and probably more than are in fact affected by the present Small Claims Tribunal—are being denied justice. They are being denied their money and it is just another form of robbery.

There is a crying need for something to be done to protect those who are currently losing in total hundreds of thousands of dollars a year merely because our laws are substandard. That is not good enough and if the Minister were worth his salt he would know

that; if he did not know it, he knows it now. Something should be done to protect hundreds of people who are not only suffering the inconvenience of having their vehicles damaged—sometimes by wrongdoers who are 100 per cent to blame—and the loss of use of their vehicles, but who also have no hope of recovering damages because the law is structured in such a way that for them to attempt recovery would be utter folly. Either they would finish up financially worse off than if they had not brought any action or the gain to them would be small and would involve all the inconvenience and trauma attached to bringing an action.

I raise that protest and hope the Government will do something as soon as it can to extend the powers of the Small Claims Tribunal.

**MR GRAYDEN** (South Perth—Minister for Consumer Affairs) (5.49 p.m.): I thank the Opposition for its support of the Bill but I reject as absolutely spurious the comments of the member for Mt. Hawthorn. I inform him that the only reason it is necessary to appoint an additional referee is that we, as a Government, have gone out of our way to publicise the fact that the Small Claims Tribunal is in existence. It has been extraordinarily successful and is handling 80 cases a month as a consequence of our advertising it widely.

Yet, when we attempt to provide additional referees we receive criticism of the kind levelled by the member for Mt. Hawthorn. It is simply sour grapes on his part because it was a Liberal-Country Party coalition Government which introduced the Small Claims Tribunal, and I inform the honourable member it has been extremely successful.

The member for Subiaco raised a point in respect of section 7 of the Act. The field as far as the appointment of a referee is concerned was confined to barristers, solicitors, attorneys, and proctors of the Supreme Court for the very good reason that one of the objectives of the tribunal is to enable people to take cases before it at a very low cost. People go to the tribunal without any representation unless they have special dispensation from the referee. In those circumstances the referee is required to have legal knowledge, and those qualifications were inserted in the parent Act for that specific reason.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by Mr Grayden (Minister for Consumer Affairs), and transmitted to the Council.

# **RIGHTS IN WATER AND IRRIGATION ACT AMENDMENT BILL**

*Second Reading*

Debate resumed from the 2nd November.

**MR T. H. JONES** (Collie) [5.54 p.m.]: This is a very small Bill. When introducing it the Minister pointed out that in 1974 it had been found necessary to amend the Act to provide for control where agreements were ratified and the control of water was covered by other legislation. He also pointed out that the Bill will provide more flexibility. Where certain areas are defined for jurisdiction they will not be covered by the provisions of the legislation. The Bill also gives the Minister power to make regulations and set fees. The Opposition has no argument about the Bill.

**MR TAYLOR** (Cockburn) [5.55 p.m.]: This measure was introduced only last Thursday, I think.

Mr O'Neill: On the 2nd November.

Mr TAYLOR: I was looking for an excuse for not having studied the Bill as well as I might have and I was hoping it had been introduced only four days ago, but I find it was introduced about seven days ago.

I would like the Minister to clarify two points. One relates to a portion of my own electorate where an industrial agreement with Alcoa permits certain action to be taken with respect to the disposal of red mud. I presume this is the type of agreement which the Bill covers, in that such areas are subject to special agreements and therefore would not be covered by the general legislation.

At the same time, at least part of the new mud lake being created falls within the Jandakot water reserve—the new area delineated—and I presume such areas as the Jandakot water reserve would be excluded from the legislation because they are established for a special purpose. One area overlaps another which may fall outside the ambit of the legislation and I would be interested to know who will be responsible in that event.

The second point I would like clarified relates to regulations. The Minister covered it in four lines in *Hansard*, where he said—

The Bill also includes provisions to permit the making of regulations and the charging of fees—matters which were not included in the 1974 amending Act.

No further explanation was given. The proposed new section 27H(2) reads—

(2) A regulation made under this section may discriminate according to different premises, trades, industries,

processes or otherwise and may provide for differing fees to be payable, or for the remission of fees that would otherwise be payable, according to prescribed factors.

This is a new provision, as I understand it, and it seems to me it could have fairly wide-ranging possibilities in that it gives power to a Government to make regulations with respect to different premises, trades, industries, and so on.

Considerable debate on this provision is taking place in the Jandakot area, at least, and as the population grows and the need for water increases, and the obligations of Governments extend further in attempts to obtain adequate water supplies, such a regulation could perhaps be used against those who are carrying on agricultural pursuits on such land.

I have in mind that in parts of Jandakot, for example, the water table is very close to the surface and at least one resident is very worried about the likely pumping of water from the area because the water table could drop two or three feet, thus taking away a source of potable water which he suggests runs through his property in a line of clear sand.

Could a Government say that because the Parliament had agreed that this area, for example, would become a water conservation area, those with piggeries or poultry farms, or those who were training horses in the area, would have to be licensed because their pursuits could cause pollution of such groundwaters? Perhaps the regulations could have the effect virtually of putting people out of business or requiring them to change their operations in a dramatic way.

In short I am seeking information. I will not speak authoritatively on this at the moment, but will allow the Minister to comment. However, the fact that we are being asked to bring in this power to make regulations and to issue disposal licences, that there may be discrimination between permits given to different industries, and that the payment of fees may be required, seems quite a dramatic change. I would like elucidation on that.

**MR O'NEIL** (East Melville—Minister for Water Supplies) [6.01 p.m.]: Firstly, I thank those members who have contributed to the debate on this Bill. For the benefit of the Chamber and those members who need perhaps to look more closely at this Bill, including people outside this Chamber, I would like to say something I omitted to say in my introductory speech. This Bill has an unusual title. It is "A Bill for an Act to amend the Rights in Water and Irrigation Act Amendment Act, 1974". At least two people have approached me in respect of this; one attempted to read the contents of this Bill into the parent Act, and found they did not fit.

The Rights in Water and Irrigation Act Amendment Act, 1974, has not been proclaimed, although it has been passed. This Bill amends that Act of 1974; and then conjointly they can be written into the parent Statute. I point that out for the benefit of those who may get lost in trying to do that.

To answer the specific question of the member for Cockburn, firstly, the Bill specifically sets out to exempt from the control of the Rights in Water and Irrigation Act Amendment Act, 1974, those areas which are already subject to control. For example, the area adjacent to the Swan River is already controlled by the Swan River Conservation Board under its Act, and we do not believe a second set of rules and regulations is necessary in respect of that area. Perhaps that is a reference which should not have been used because that river, or a great part of it, lies within the metropolitan area and the land surrounding it falls within the jurisdiction of the Metropolitan Water Supply, Sewerage, and Drainage Act, which Act contains the provisions which the member for Cockburn is now questioning.

However, it is quite clear that it is necessary in areas which are declared as underground water reserves or as water reserves that the Government of the day has the power to control and prevent pollution of those waters. It must, therefore, have power to control the spillage of waste in those areas. Of course, some of the wastes that are spilled are not pollutants at all and may on analysis be permitted to be disposed of.

In the case of the Swan River Conservation Board, licences are issued to various industries, trades, and premises to dispose of their liquid waste into the river. However, it is important that such wastes are regularly monitored and checked—as they are—and so fees must be charged for licences in order that the cost of carrying out the necessary surveys and testing of wastes may be recovered. In that one sentence I think I have explained the reason there must be authority to permit us to license the discharge of waste in controlled areas in certain instances, and to charge fees for licences in order to recover the cost of monitoring and carrying out appropriate analyses of the waste that is being disposed of. Of course, the quantum and type of waste will vary according to the type of premises, the type of trade, and the type of industry concerned.

In this Bill we are providing rights under the Rights in Water and Irrigation Act, which extends more to the rural part of the community than the metropolitan area. These rights are the same as those which already exist in the Metropolitan Water Supply, Sewerage, and Drainage Act, which was before the House quite recently for amendment and in which case some of the problems which concern

people in the Jandakot water reserve area were canvassed reasonably fully. I understand the member for Cockburn, together with officers of the Metropolitan Water Board, discussed the problem with those concerned on site; and, as a result, legislation passed this House with some comment but without great opposition.

Mr Taylor: I agree it was passed amicably, but it was not in connection with the possible pollution by residents. This Bill refers to the disposal of effluent and the possible pollution of the water.

Mr O'NEIL: Yes, it refers to the disposal of effluent whether by residents, tradesmen, or the occupiers of shops, factories, or warehouses which are within the controlled area. There is not always a need to ban entirely the disposal of effluent, because it may not be noxious. However, there is certainly a requirement for us to be able to ensure that we can either ban, restrict, or apply conditions to the disposal of effluent in an area where that effluent could perhaps leach through to the groundwater, which may be used.

The other question raised by the member for Cockburn was in respect of red mud lakes adjacent to the Jandakot water area. The Bill expressly provides an exemption in respect of those industries covered by a specific agreement. To do otherwise would be to abrogate such an agreement. The Government is satisfied that within the terms and conditions of this particular agreement every control possible is available to the Government in respect of pollution. The condition of the red mud lakes is very well controlled and monitored, and it is believed that within the terms of the agreement there is adequate control for the disposal of that kind of waste. Therefore, there is no need to have a second level of control in this legislation. That is why the Bill exempts those areas which are already subject to control under existing legislation, whether by way of industrial development agreements or by way of Statute as in the case of the Swan River Conservation Board.

I do not think I have missed anything; the member may interject if I have.

Mr Taylor: Proposed new section 27G (1) (b) states that the Governor, on the recommendation of the Minister, may from time to time by proclamation declare that certain waters and land subject to the provisions of any other Act shall be excluded. Would the Jandakot area be excluded because it is the subject of another Act?

The SPEAKER: This is really Committee work.

Mr O'NEIL: Yes, Sir. However, to answer the interjection, that provision covers things which might occur in the future where it may be necessary for the Governor to exempt a particular operation from this Statute if it is already covered under another Statute or agreement.

Question put and passed.

Bill read a second time.

### *In Committee*

The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mr O'Neil (Minister for Water Supplies) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 13 amended—

Mr TAYLOR: I again draw the Minister's attention to the wording of proposed new section 27G (1) (b). The Jandakot water reserve area is subject to the provisions of another Act. I would like the Minister to clarify whether, because that area has been designated a water reserve area under another Act, it is automatically excluded from this Act, or whether a special proclamation to exclude it is necessary.

Mr O'NEIL: The provision simply means that where there is some other Act which is amended to such an extent that adequate provision for the protection of underground water is contained in that Act, the area may be exempted from the provisions of the Act now before us.

Mr Taylor: It could be exempted, subject to the Minister?

Mr O'NEIL: Let me say this: It is basically the intention of the Government under all its legislation to ensure the purity of underground water resources which will be used more and more in the future. It does not matter whether that protection is afforded under this or any other Statute. If adequate protection exists in some other Statute, the Public Works Department and its Minister are perfectly happy to proclaim the area in question to be exempted from the provisions of the Rights in Water and Irrigation Act.

Mr Taylor: At the moment the Jandakot area has not been so proclaimed; therefore, it is subject to this Statute?

Mr O'NEIL: The Jandakot water area has been proclaimed as such by the tabling of documents in this House.

Mr Taylor: It has not been proclaimed as exempted?

Mr O'NEIL: No, because the Bill has not yet passed. If this Bill becomes law and it is found that area is adequately covered under the provisions of the Metropolitan Water Supply, Sewerage, and Drainage Act, then it need not be subject to this measure.

Clause put and passed.

Title put and passed.

### *Report*

Bill reported, without amendment, and the report adopted.

### *Third Reading*

Bill read a third time, on motion by Mr O'Neil (Minister for Water Supplies), and transmitted to the Council.

*Sitting suspended from 6.15 to 7.30 p.m.*

### **ROAD MAINTENANCE (CONTRIBUTION) ACT AMENDMENT BILL (No. 3)**

#### *Second Reading*

Debate resumed from the 2nd November.

MR McIVER (Avon) [7.30 p.m.]: The measure before us seeks to amend the Road Maintenance (Contribution) Act, 1965-1976. When the expression "road maintenance" is mentioned at any stage it makes road hauliers shudder; especially does this apply to those road hauliers in the north-west of our State.

This is a very controversial subject and one that has been discussed at length over a long period of time; ever since its inception in 1954. When the Tonkin Government came to power in 1971, one of the planks of its platform was to remove road maintenance tax.

Mr Thompson: But it was not to bring in something else.

Mr McIVER: But despite our efforts the geriatric wing of this Parliament refused the passage of the legislation and accordingly it was not to be—road maintenance tax was not removed.

Many suggestions have been made from time to time by the political parties as to what should replace this tax. A suggestion has been made that it should be replaced by a fuel tax, for example, but in this respect we run into difficulties with the Constitution and the excise problem because, of course, this is a Federal matter.

We must look at this in reality, and in order to place the matter in perspective I will give the House a few facts about the tax. The money the Government received this financial year amounted to \$4449 626.

Mr Bertram: Peanuts.

Mr McIVER: With the provision contained in the Bill before us the Government will probably receive a further \$1 million. In relation to that aspect we must also bear in mind that we attract matching money from the Federal Government in this regard. So if we consider a figure of \$6 million—and I still feel that figure is quite conservative—and we are looking for something to replace road maintenance tax we must consider something that will give us that amount of revenue, because money received from road maintenance tax goes into a reserve fund at the Treasury from which the Main Roads Department draws funds for the maintenance of our road system in Western Australia. As we expand—and with the inflated cost of road construction and maintenance—this is



one source to which the department looks to enable it to continue with its maintenance programme.

For the benefit of the House I feel we should also consider the history of the road maintenance tax so that everyone in the Chamber will be aware of the formula, how it is derived, and how it applies.

Prior to 1954 interstate road hauliers had the privilege of using the Western Australian roads without having to pay one cent either by way of licence fees or transport fees. This was quite a luxury. However, when road maintenance tax was introduced in Western Australia it was not long before the other States followed suit. I think it is worthy of note that since 1954 the basic rate, which I will explain in a minute, has not been increased, but in the other States the varying legislation from State to State has fluctuated over a number of years.

Mr O'Neil: Was not Western Australia the last State to introduce a form of road maintenance tax.

Mr McIVER: That is so.

Mr Harman: We are the last State to do a lot of things.

Mr Watt: And also the first to do a lot.

Mr McIVER: As members would be aware, all vehicles which are licensed with a tare weight of 8.13 tonnes and over are liable for the payment of a tax. In South Australia the weight is 8.15 tonnes and in the other States it is 4.1 tonnes. I might mention that the other States do not have the concessions we enjoy here.

So it can be seen that all the other States use this tax formula to obtain money for the various major highways in their States. As I have already mentioned, the rating is over 8.13 tonnes, and it is worked out on the tare of the vehicle plus 40 per cent of the load capacity. So if we consider, say, an ordinary tip vehicle which weighs 9 960 kilograms we will find a rate of 1.9c per kilometre is payable. We then come to the great road trains in the Kimberley that weigh 46 931 kilograms and the payment is 7.12c per kilometre.

Mr O'Neil: If they carry stock they are exempt, of course.

Mr McIVER: That is so, but many of them are not exempt. We all know that those that carry stock are exempt, but I am referring to the formula that is used as it relates to the cents per mile paid and I have given a simple example of how this is arrived at.

Speaking on that point, to overcome the atrocious road system in the area concerned the road trains in the north-west find it necessary to carry ballast, and when they are loaded with cattle they are generally over their tare weight and, of course, the operators pay twice—they pay the road maintenance tax and, the vehicles being

overweight, they are generally apprehended and are required to pay a penalty. This is a very big problem and I cannot see how we can overcome it until there is a change of Government.

Mr Thompson: Did you say they were cattle trucks?

Mr McIVER: I referred to cattle trains in the north-west. The operators find it necessary to carry ballast, and after they have picked up the cattle generally the vehicles are found to be overweight while using the road. The ballast cannot be discharged and being overweight they are required to pay a heavy fine.

Mr Harman: The member for Kimberley has been aware of this problem but he has not done anything about it for three years.

Mr Watt: For how long has the problem existed—only three years?

Mr Harman: He has been there for nine years.

Mr Watt: The problem has not existed for three years. Can you tell us for how long it has existed?

Mr O'Neil: I think the member for Avon should interject at this stage!

Mr McIVER: After considering the preamble to the Bill and a brief history of road maintenance tax, let us now consider the provisions contained in the amending Bill and see their purpose. The Transport Commission has found over a long period of time that its authority is restricted in connection with the verification of records of certain operators. Although the operators are compelled to keep records, when anyone is apprehended in connection with road maintenance tax and is taken to court the commission finds it extremely difficult to prove that the operator has not been evading road maintenance tax; because under the section of the Act, generally speaking, the operator is not fined for evading the payment of road maintenance tax but for the nonsubmission of returns.

As a consequence of this the provision in the Bill eliminates that factor and gives the Transport Commission greater authority to check the records of the various road operators. From time to time the commission has come under a great deal of criticism in relation to this aspect, but we must be fair; the commission is carrying out only what we in Parliament have set down. We make the laws and it is for the commission and its officers to carry them out. I feel that a great deal of the criticism levelled at the commission from time to time is quite unfair. We are the law makers and the commission is the collecting agent. So I do think we should be fair about this.

From time to time, and especially during the regime of the Tonkin Government, a special committee has been set up to look at the guidelines, particularly when operators have found it extremely difficult to pay the road maintenance tax under the

formula I have already indicated. In the legislation contemplated by the Tonkin Government consideration was given to all aspects of a person's ability to pay, so that an operator did not have to face a charge of bankruptcy.

Unfortunately it is the subcontractor who gets the rubbish to cart from the big monopolies; it is he who endeavours to evade road maintenance tax so that he may keep abreast of his rising maintenance costs, especially on his long hauls to the north. Such a subcontractor usually is given a load which is not a good paying load; and it needs only one of the huge tyres to burst for him to find himself heavily in debt.

As you are aware, Mr Speaker, when I was speaking on the question of transport costs not long ago I indicated that in transport itself there are few sections of private enterprise that find themselves faced with bankruptcy and in financial difficulties as do the subcontractor and the private operator. It is a very big problem indeed.

Mr Thompson: What percentage of their cost structure does road maintenance tax constitute?

Mr McIVER: I have just given the formulae.

Mr Thompson: That is the way they calculate road maintenance tax; but what percentage of the overall cost of the truck operation is road maintenance tax?

Mr McIVER: I cannot give a specific answer, because this would vary according to their journeys and the tare weights of the vehicles. But certainly it would be a large sum.

Mr Thompson: It is a fairly minor point.

Mr T. H. Jones: They are all going into bankruptcy.

Mr McIVER: I suggest the member for Kalamunda has a look at this. A further provision in the Bill makes it necessary for them to carry accurate documents concerning their destination. Prior to the amending Bill there was nothing to indicate where an operator was going. Let us say he was going from Kwinana to Moora according to the documents he had. However, there was no way of checking that he was not going from Kwinana to Port Hedland. The transport authority was unable to prove this aspect when a case was taken to court.

The provisions of the Bill will eliminate this difficulty and will enable accurate verification to be made as a result of the records that are kept, so that if there is a breach of the law and an operator is taken to court it will be possible to substantiate the charge by means of the document—it will be possible to confirm that the operator has travelled to Port Hedland and not

to Moora as he had indicated. Not everyone does that, although there are always the unscrupulous few who try to evade their responsibilities.

The money derived from the road maintenance tax is paid into a reserve fund at the Treasury from which the Main Roads Department draws. I would like more of the moneys in that fund to be spent on the roads in the north-west. I have just come back from a tour of the Kimberley region, in company with the shadow Minister for Police and Works. We were shown the roads in that part of the State, and we found them to be in a shocking condition.

I realise it will take a great deal of money to construct and to maintain highways, but I would like more money in the reserve fund at the Treasury to be spent on the roads in the north-west, because the road operators and the people of that region are the hardest hit by the road maintenance tax.

Mr Sibson: That is why they need more than one value to one vote.

Mr McIVER: The honourable member cannot growl about the roads in his electorate. I suggest that the people in the south-west region of the State are being spoilt in this regard. In the north-west I find that in respect of the Halls Creek-Broome road a stretch of only 35 kilometres still needs to be sealed. We would like to see the long stretch to Fitzroy Crossing sealed also.

We know that most of the mustering of cattle these days is carried out by the use of helicopters. However, some of the tracks which the vehicles have to traverse, leading from the main roads, have to be seen to be believed; the state of those tracks is shocking. More money should be channelled into this region of the State to enable the road operators to offset the high cost of maintenance of their vehicles.

It is quite evident that this Government does not intend to do anything in that regard. The Labor Party announced its policy to seal the Broome-Port Hedland road, if it is elected—

Sir Charles Court: That work has already started.

Mr McIVER: We have heard the Government saying that this work cannot be done by us. What it is saying is, "We can do it when we are in Government, but you in the Opposition cannot." There is no need for me to deal with the Bill further. It is only a small amendment to the Road Maintenance (Contribution) Act, which assists administration by the Transport Commission.

As I said at the outset this is a very controversial issue, and on being elected to Government it is one of the issues which we as the Labor Government will look at. In the meantime I think the amendment

in the Bill is necessary. With those remarks I indicate that the Opposition is in full support of the measure.

**MR O'NEIL** (East Melville—Minister for Works) [7.47 p.m.]: I thank the member for Avon for his support of the Bill. It is purely an administrative measure, and is not related to the principle of road maintenance. It is simply a method of ensuring that the provisions contained in the Act are observed and obeyed.

I do not think it is possible to eliminate the evasion of this tax completely. I am sure everyone appreciates that if a tax is struck and there is a high degree of evasion, the burden of paying the tax falls upon those who observe the letter of the law.

I want to point out quite clearly—and the Minister for Transport has mentioned this on many occasions—that the moneys raised from this tax are all spent on road maintenance, and not on road construction. Even the administrative charges of raising this tax are required to be met from other funds made available to the Main Roads Department.

**Mr McIver**: It is not maintaining many of the roads north of the 26th parallel.

**Mr O'NEIL**: Some 12 months ago I drove from Perth through the Kimberley and over the border into the Northern Territory; and I drove all the way back. I travelled 5 002 miles in 13 days, and I arrived home only 10 minutes behind schedule.

**Mr McIver**: You were lucky.

**Mr Bertram**: Did you drive or did you have a chauffeur?

**Mr O'NEIL**: I drove myself. Some 30 years ago when I was the headmaster of the Roebourne State School I undertook a journey from Roebourne to Port Hedland, and the journey took seven hours. Today one can complete that journey in 2½ hours, and that shows the improved condition of the roads.

**Mr Davies**: You stayed too long at Whim Creek on that occasion!

**Mr O'NEIL**: Not too long. In respect of the roads in the Kimberley, the member for Avon might not have had time to travel far. That region is now well serviced by the beef roads. Apart from the section from Port Hedland to the stretch between Halls Creek and Broome, and the section from Fitzroy Crossing to Halls Creek, the rest of the roads are bituminised. Work is being done on the Halls Creek-Fitzroy Crossing section, and work is certainly proceeding on the rest.

The member for Avon can rest assured that the people of the Kimberley are certainly satisfied with the efforts that are being made to make road services available. I thank the honourable member for

his support of this administrative measure which simply will enable the provisions in the parent Act to be policed more adequately.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by **Mr O'Neil** (Minister for Works), and transmitted to the Council.

## INDUSTRIAL ARBITRATION ACT AMENDMENT BILL (No. 2)

*Second Reading*

Debate resumed from the 7th October.

**MR HARMAN** (Maylands) [7.54 p.m.]: This Bill reveals the insincerity and the indecision of the Government in respect of the question of industrial relations; and it also reveals the attitude of the Government to law and order, because the Bill violates an international agreement to which the Government has given its consent.

What the Government is endeavouring to achieve under this Bill is to present some sort of facade to the people of Western Australia to indicate that it is tackling the so-called power of the trade union movement. However, when we look at the Bill itself we find it does not achieve that objective at all.

If we are to do something about industrial relations in Western Australia we have to decide whether we want the present system to continue, or whether we want to introduce another system. In the period from 1971 to 1974, during the term of office of the Tonkin Government, an alternative system was presented to this Parliament. It was rejected by the conservative elements—the Liberal Party and the National Country Party—in this House. When it reached the so-called House of Review of course, along party lines, the measure which would have done something positive to improve industrial relations in Western Australia was rejected.

What I am suggesting to the Government tonight is that it withdraw the Bill, because there is so much uncertainty about it since it was introduced that one is getting giddy in trying to work out what is the Government's policy on industrial relations. In his second reading speech the Minister for Labour and Industry said—

The object of these proposals is to give every member of a union a full and equal opportunity to influence policy within his union and to choose those officers who it is considered will properly represent the members' views on the committee of management.

Of course, the Government did not say at the same time that was what already applied; and that members of the unions have the opportunity through secret postal ballot in some cases to elect their committees of management.

Mr Grayden: What are you complaining about?

Mr HARMAN: I will tell the Minister. The members of the unions have the opportunity to elect their committees of management, their secretaries, assistant secretaries, organisers, and so on. What the Government has decided to do now, just because the Government in Canberra decided to change its attitude in mid-stream, is to enable members of a union to elect their committee of management. The committee of management will elect the secretary, the assistant secretary, the organisers, and other officers; but the members of the union cannot do that. This is the collegiate system which the Federal Government has decided to introduce into the Federal industrial laws.

Originally we were told by the Minister that he wanted the members of the unions to elect their secretaries, assistant secretaries, organisers and other officers, and such election would be undertaken by the rank and file members. Now, as a result of some amendments which have been placed on the notice paper, that method is to be changed. We will have a system whereby the members of the union elect the committee of management.

Mr Grayden: By secret postal ballot. That is the difference.

Mr HARMAN: There is nothing wrong with that. However, the members of the executive elected by secret postal ballot will in the future elect the secretary, assistant secretary, organisers, etc.

Mr Grayden: By secret ballot.

Mr HARMAN: Yes, but not secret postal ballot. What will happen is that the members of a union will elect their executive committee; and that executive committee will in turn elect the secretary, assistant secretary, organisers, and other officers. Those officers will not be elected by the rank and file members of the union.

The only chance those people will have is to elect a management committee. So, there is the uncertainty and confusion I spoke about earlier which is the result of a decision reached in Canberra; not because of a decision reached by members opposite. Members opposite have no say in this matter; they have been told by the Minister that because Canberra has made a change, this Government has to change its attitude.

Mr Bertram: "Big Brother"!

Mr HARMAN: The Government opposite has been told it will have to amend the Industrial Arbitration Act Amendment Bill (No. 2) because Canberra has done something along similar lines.

Mr Bertram: Is not that centralism?

Mr HARMAN: It is a classic example of centralism. It is a classic example of this State Government bowing to the dictates of the Fraser Government, and of the illusion which the Premier has put across the people of Western Australia that we want a Government in this State which is able to stand up to Canberra.

Mr Bertram: Hear, hear!

Mr HARMAN: Canberra has said that this State has to provide for a collegiate system for the election of union executives, and the Government has agreed. It does not put up any opposition at all.

Mr Grayden: This came from the unions.

Mr HARMAN: As the Minister for Labour and Industry is to attend a ministerial conference later this week, I would have thought he would delay the passage of this Bill until he had a chance to sort out the problem with the Australian Minister for Industrial Relations.

Mr Davies: They might change it again.

Mr HARMAN: The Minister is afraid that when the Bill has passed the House of Representatives, and reaches the Senate, further amendments might be made to it. It would then be necessary for further amendments to be made to the legislation now before us, and that would provide an example of further uncertainty and further confusion on the part of the Government with regard to the question of industrial relations.

If members think that is confusing, I would like to refer to some other comments by the Premier. In *The West Australian* of last Thursday, the 4th November, 1976, the Premier is reported as saying—

The State Government is framing a new industrial relations policy which it says will provide a new deal for WA union members.

It is expected to provide for some form of right-to-work legislation without removing the preference-to-unionists clause in industrial awards.

Mr Bertram: Who drafted that?

Mr HARMAN: Let us examine the contradiction in that one paragraph. The Premier wants to introduce right-to-work legislation. As I understand "right-to-work" it means that the workers do not have to have a union organisation. That applies in some States in America. No union is able to take care of the men and women who work; those workers are not organised by any union.

Mr Grayden: That is really wrong; that is not a prerequisite to paid employment.

Mr HARMAN: The Premier has said it is expected that legislation will provide for some form of right to work without removing the preference-to-unionists

clause. How will it be possible to have a situation where there is no right for unions to have the ability to organise workers and, at the same time, retain a preference-to-unionists clause? Preference to unionists is compulsory unionism; no-one can deny that. How will it be possible to have a situation where people will have a right to work and not be obliged to join a union? The people will not be able to be organised by a union and yet, at the same time, compulsory unionism is to be retained. That is an absolute contradiction, but the Premier made the statement.

The Press report continues—

The Government has already introduced legislation for secret ballots in elections for union officers.

That is true; the confusing Bill is before us now. The Press report then states—

The second part of the package—a variation of right-to-work legislation—is likely to be introduced this sitting.

I challenge the Premier to state when he expects to introduce that legislation. There is no suggestion at all, that I am aware of, that we will have any industrial legislation introduced into this House before this Parliament rises. Later in the Press report it is stated that the Minister for Labour and Industry (Mr Grayden) said the policy was still being framed. After the Premier had spoken to a forum of the Liberal Party, the Minister for Labour and Industry was contacted, and he made that statement. It is reported he said the Government believed that it would go a long way towards reducing industrial unrest, and would be welcomed by moderate unions.

So we have the Premier saying that the Government will do something—which I do not understand because it is contradictory—and it was likely that legislation would be introduced into the Parliament this session. We have to bear in mind that it is only a matter of days before this House rises.

Mr Bertram: Hear, hear!

Mr HARMAN: However, we also have the Minister for Labour and Industry stating that the policy is still being framed.

One would expect that if the Premier is to bring legislation before the House in a matter of days, the policy would already have been framed. The matter goes further than that because members opposite made an election promise that when they became the Government the trade union movement would be consulted on matters of industrial relations. However, the Trades and Labor Council has not been consulted about this proposed new industrial relations deal for unions in Western Australia. Yet the Premier has said that within days

it is likely legislation will be introduced. The Minister for Labour and Industry also has said the policy is still being framed. On top of those two statements, the Government has gone back on its promise to consult with the Trades and Labor Council. It is no wonder I get giddy trying to work out the real industrial relations pattern of this Government. It is difficult and confusing to establish what the Government really intends to do after listening to the various spokesmen.

I know what the Government is up to; it is putting part of its policy into operation. It has been a confidence trick right from the start of the campaign to become the Government in 1974. At that time it created an illusion and convinced the people that certain things would happen. Of course, they never happened. That is what the Government is doing on this occasion, after a period of three years.

Mr Davies: Pussy-footing.

Mr HARMAN: The Government is now saying it has a new industrial relations policy, but it never tells us what that policy is.

Mr Bertram: It does not know, so how can it state the policy?

Mr HARMAN: The statement by the Premier was a lot of double talk. The Premier spoke about the right to work and, at the same time, he spoke about compulsory unionism. He said the Government believed in compulsory unionism. The Minister for Labour and Industry then said that as yet the policy is still being framed. The Government also has gone back on an undertaking given to the TLC that it would discuss industrial matters with that organisation. The only conclusion we can reach is that the Government does not have any industrial relations policy.

That is what I have been trying to tell the people of Western Australia for some time; the Government does not have a new industrial relations policy, and it does not want one. The Government does not want a new policy because it wants to preserve the inadequate compulsory arbitration system we have at present. The Government does not want collective bargaining in Western Australia.

Mr T. H. Jones: Hear, hear!

Mr HARMAN: The Government does not want the unions and the employers to get together around a table and negotiate in a spirit of goodwill, by using the appropriate techniques, to determine issues. The Government wants to preserve the present system where unions and management stand off and take all sorts of attitudes—some of them quite extreme with resultant strikes and lockouts. That is the sort of system the Government wants to preserve, because in the end an arbitrator has to be called in to get the two

parties together and force a decision onto them. Is it not better to do what the Opposition proposes?

Mr Grayden: You are overlooking the fact that this can be done now, and agreements merely registered.

Mr HARMAN: It cannot be done now.

Mr Grayden: You are absolutely wrong.

Mr HARMAN: We tried to provide for such an arrangement in 1973, but the Government refused to allow that sort of legislation to be included.

Mr Grayden: Any agreement can be registered.

Several members interjected.

Mr HARMAN: It is possible, and it does happen. We all know many agreements are reached without resort to compulsory arbitration.

Mr Grayden: That is diametrically opposed to what you said a few moments ago.

Mr HARMAN: Let me explain the situation for the benefit of those members opposite who do not know anything about industrial relations. We know already that agreements are reached, and that probably 90 per cent of awards are determined by the parties getting together and sorting out the problems, and reaching appropriate agreement. In the other 10 per cent of cases, which are the real problem, the parties involved are not willing to negotiate.

Mr Grayden: That is not so at all.

Mr HARMAN: In those cases they sometimes adopt attitudes which lead to strikes and lockouts. Decisions in those cases are not made by the parties concerned, but by the Industrial Commission.

The best possible agreement which can be reached is that made between the two parties concerned. At the same time, in making an agreement it can be agreed—and the unions are quite prepared to take this action—that there will be no disputes and no strikes. However, when a decision is made for a union by the Industrial Commission, the representatives of the union have to go back to their members with the feeling that they did not make the decision; it was made by the Industrial Commission. The same applies to The Confederation of Western Australian Industry—the employers' representative—because its representatives have to go back to the employers knowing that they did not make a decision; it was made by the Industrial Commission.

There has been so much double talk from members of the Government. The Minister for Labour and Industry has said he believes in a preference-to-unionists clause and, at the same time, says he is opposed to compulsory unionism. I cannot understand how the Minister can have

such an attitude. A person skilled in industrial relations in Western Australia recently wrote to the Minister. His name is Owen Salmon.

Mr Sibson: What a ripper!

Mr Grayden: I hope he gave you the letter I sent to him.

Mr HARMAN: I hope the hospital workers in his area will be pleased with the comments of the member for Bunbury.

Mr Sibson: I didn't say a word.

Mr HARMAN: *Hansard* will have recorded the remark. I am sure all the people who work for the two hospitals in Bunbury will be pleased with the comment made by their member against a secretary whom they elected by a secret postal ballot. They will be quite shocked to hear the remark made by the member for Bunbury.

Mr Old: He didn't say a word.

Mr Davies: He said, "What a ripper!" That is what he said. Your ears need boring out if you did not hear.

Mr HARMAN: The member will have a chance to see it in *Hansard*.

Several members interjected.

The SPEAKER: Order!

Mr HARMAN: You might recall, Mr Speaker, some time ago the Trades and Labor Council passed a motion asking the Government, for a number of reasons, to remove the Minister for Labour and Industry from his present portfolio.

Mr Grayden: That was a great compliment.

Mr Old: He is still there.

Mr HARMAN: Mr Salmon wrote to the Minister for Labour and Industry on the 25th October, 1976. The letter commences—

Dear Bill—

Mr Bertram: That is rather undignified.

Mr P. V. Jones: Don't they write to you, "Dear John"?

Mr HARMAN: We have plenty of time.

The SPEAKER: Order! The member for Maylands.

Mr HARMAN: It is worth listening to the comments.

Mr Bertram: Can you get a word in edgeways?

Mr HARMAN: The letter reads—

In *The West Australian*, Wednesday October 20, 1976, you are reported to have said that the A.L.P. talked glibly of I.L.O. convention while conveniently and hypocritically overlooking the fact that industrial award provisions which amounted to compulsory unionism, were a blatant breach of I.L.O. convention on freedom of association.

Mr Clarko: And the declaration of human rights.

Mr HARMAN: To continue—

On 6P.M. Radio Station, Monday October 25, 1976, when answering my comments on preference to unionists in industrial awards you said you supported preference to unionists but not compulsory unionism. You said there was a difference, but somewhat conveniently you did not explain the difference.

Surely Bill you can't have it both ways. If award provisions (i.e. preference to unionists) amounts to compulsory unionism on October 20th they amount to the same thing on October 25th. If you support preference to unionists you support compulsory unionism.

Most important of all Bill, your condemnation of the A.L.P. is equally condemnation of your own party which supports preference to unionists (i.e. compulsory unionism). On your own reasoning your Government does not support I.L.O. conventions. That is precisely what the A.L.P. and unions have been saying all along. Thanks Bill.

Regards,  
Owen.

Mr Old: Very matey.

Mr HARMAN: He then added a footnote as follows—

P.S. Perhaps Tom Butler was right. Really you should go.

Mr Grayden: What he did not give you, of course, was my reply, and if he did, I'll bet you are not game to read it out.

Mr H. D. Evans: You can tell us; you can explain it.

Mr HARMAN: I would like to hear the Minister read out his reply.

Mr Grayden: You have the Minister's reply and you are not game to read it out.

Mr Davies: That is your privilege.

Mr Grayden: I replied two weeks ago.

Mr H. D. Evans: Surely you can tell us all about it.

Mr Laurance: It demonstrates the Minister's co-operative nature.

The SPEAKER: The member for Maylands.

Mr HARMAN: I am trying to demonstrate to the House and to the public of Western Australia the confusion and uncertainty that exists in the minds of Government members in regard to industrial relations. The Government is unable to do anything about this matter because it really does not want to do anything. The Government wants to preserve the sort of system we have had in Australia for the last 72 years, a system

which is unique to this country. Under our system of compulsory arbitration the Industrial Commissions can make all sorts of rules and regulations which impinge upon the authority of the unions. The Industrial Commissions ensure that the unions are organised to cover workers in certain areas and no-one else is allowed coverage in that particular area. The commissions can make all sorts of rules and regulations governing the industrial relations scene in Western Australia.

In this House last year legislation was passed to prevent the Industrial Commission from registering an agreement made between two persons outside the guidelines set down by the Industrial Commission. That example illustrates the power of the Industrial Commission in this State and the reason the Government wants to preserve the system.

There is only one alternative to the compulsory arbitration system, and that is free collective bargaining where there are no restrictions or constraints made upon the persons negotiating. Of course, the Government does not want that, and that is the reason the Government has put up this facade of a new industrial relations policy which is full of contradictions; it is so evasive and so confusing that no-one can understand what it is all about.

Mr Grayden: You know what you are saying is not possible while we have wage indexation which has been agreed to by all parties.

Mr HARMAN: The other point I made when speaking to this Bill was that the Government is violating an international law to which it was a party.

Mr Bertram: Shame! It sounds like Hitler's performance.

Mr HARMAN: I am referring to ILO Convention No. 87.

Mr Grayden: That is the sort of comment we expect from the member for Mt. Hawthorn.

Mr Bertram: It is true.

The SPEAKER: Order! The member for Maylands.

Mr HARMAN: I want to read out some important parts of this particular ILO Convention. It is titled the "Convention Concerning Freedom of Association and Protection of the Right to Organise". It commences—

#### Part I. Freedom of Association

##### Article 1

Each Member of the International Labour Organisation for which this Convention is in force undertakes to give effect to the following provisions.

##### Article 2

Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to

the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.

### Article 3

1. Workers' and employers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.

2. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

Some years ago, during the term of the Brand Government, the Government of Western Australia wrote to the Australian Government saying that it accepted and agreed with the terms of this convention. Subsequently ILO Convention No. 87 was ratified and adopted by the Australian Government. Therefore, under article (1) we became a member of the International Labour Organisation and we agreed to see that this ILO Convention was carried out in our own country; that is, Western Australia, Victoria, the Australian Capital Territory, and all our other States. The Minister for Labour and Industry had the audacity and the cheek to accept an invitation to attend the ILO Conference in Geneva in 1974. I had hoped to attend this conference myself, Mr Speaker.

Mr Clarko: You would have if you had remained popular.

Mr HARMAN: Certain things happened, and I did not get the opportunity to go. Our present Minister for Labour and Industry attended the conference, and yet here he introduces into this House legislation which absolutely violates that convention.

Mr Grayden: Absolute rubbish.

Mr Laurance: With the support of the overwhelming majority of the community.

Mr HARMAN: How hypocritical can anyone be. Here the Minister attended a convention—

Mr Bertram: He should never go again.

Mr Skidmore: Well, he won't.

Mr HARMAN: —which agreed to the following article—

Workers' and employers' organisations shall have the right to draw up their constitution and rules, to elect their representatives in full freedom—

Mr Grayden: How do you explain the existing secret ballot legislation that you are talking about so constantly?

Mr Skidmore: Just be patient.

Mr HARMAN: I will tell the Minister in a minute. It continues—

—to organise their administration and activities and to formulate their programmes.

2. The public authorities shall refrain from any interference which will restrict this right or impede the lawful exercise thereof.

All I am saying to the Government is this: if the Government does not believe in law and order, well do not worry about this matter; go ahead and violate international agreements because it certainly violates the laws of this State. Just the other day the Premier and the Minister for Police spoke out to say they tolerated gambling. Apparently gambling is an offence in this State, but they tolerate it.

Mr Thompson: I suppose you abolished it while you were in Government.

Mr HARMAN: People get the idea that if gambling is tolerated by the Government, they can go off to a casino or a two-up ring with a feeling of immunity—they believe they will not be punished.

Mr Laurance: Your Minister for Police did not even tolerate the police.

Mr HARMAN: That is the attitude of this Government.

Mr O'Connor: You did exactly the same when you were in Government.

Mr HARMAN: Look at the attitude of the Government when it comes to international law—this Government of law and order just ignores and rejects international law.

Mr Bertram: A very good point.

Mr HARMAN: Why is it necessary, therefore, for the Opposition to get up to raise this particular point? The Government is violating an international covenant which was agreed to by a former Liberal Premier who told the Australian Government that Western Australia would go along with it. Now the Government is ratting on the agreement made by a former Premier.

Mr Skidmore: Disgraceful performance.

Mr Clarko: Who are you quoting? What about the declaration of human rights?

Mr Bertram: What about it?

Mr Clarko: It says that no-one shall be compelled to belong to an organisation against his will.

Several members interjected.

The SPEAKER: Order! The member for Maylands has the floor.

Mr HARMAN: The International Labour Organisation has said all along that people should be able to join together in an organisation.

Mr Grayden: They should not be forced into an organisation.



Mr HARMAN: They are not forced.

Mr Grayden: What is compulsory unionism?

Mr HARMAN: Ah—we have him!

Mr McIver: Who introduced compulsory unionism? A Liberal Government.

Mr HARMAN: If the Government does not want compulsory unionism—

Mr Grayden: We don't.

Mr HARMAN: —why does it not legislate?

Mr Grayden: There might be a simple solution.

Mr HARMAN: Why does not the Government legislate?

Mr O'Connor: Would you support it?

Mr HARMAN: The Government could then tell the Industrial Commission that there was no need for a preference-to-unionists clause. The Government is not game to do it, because it wants the present system to continue.

Mr O'Connor: Would you support it?

Mr HARMAN: The Government wants to have unions and members so we have an arbitration system.

Mr Davies: The Government enjoys a double standard.

Several members interjected.

The SPEAKER: Order!

Mr HARMAN: If we do not have unions which are registered with the Industrial Commission, we will not have an arbitration system. It is all this double talk from the Government which absolutely confuses me.

Mr Grayden: You are the only one who is confused.

Mr HARMAN: The arbitration system needs registered unions to survive; to keep this system of compulsory arbitration going, there is a need to have compulsory unionism. All we are saying is that the members of a union should be able to form their own rules and elect their own officers by secret ballot, whether it is postal or otherwise.

Mr Laurance: You support the Bill, then?

Mr HARMAN: We support the principle of secret balloting. However, this Bill does not say that balloting must be by secret postal ballots; this Bill provides the opportunity for a union to conduct a secret ballot.

Mr Grayden: In special circumstances.

Mr HARMAN: All of this happens now. There is no need for this legislation because, firstly, it represents an interference in the affairs of unions, which is contrary to an international agreement, agreed to by a former Liberal Premier. Members opposite now are ratting on their former

leader. Secondly, there is no justification for this interference. I challenge the Minister for Labour and Industry to point out to the House where there has been one serious irregularity in the conduct of a ballot by the unions. I know there have been some minor, technical irregularities, all of which have been examined by the Industrial Commission.

Mr Grayden: What about the case in Melbourne some years ago, where there were shootings, bombings and pegging of ballots?

Mr HARMAN: Mr Speaker, I am staggered! I asked the Minister to point out one serious irregularity in an election conducted by a union in Western Australia, and the only response he could give was, "Many years ago in Melbourne". Where is the justification for this legislation?

Mr Grayden: Why are you opposing the legislation, if it will make everything fair and above board?

Mr HARMAN: One reason is that the Bill represents a violation of the rights of unions to conduct their own affairs.

Mr Grayden: You know perfectly well that is not the reason.

Mr HARMAN: The Minister has not heard my entire argument. The Government is saying, "Yes, you may have a secret postal ballot" as if that is something new. But most unions have that now. In some cases, it is preferable for unions to have a secret ballot, rather than a postal ballot, because it suits that particular union and its members; it might be conducted at a pick-up point, or something of that nature.

The Government has gone along with that and in certain instances, the registrar will be able to grant an exemption from the secret postal ballot. But what the Government is saying overall is that it will now pay for these elections—these secret, postal ballots which unions have at the moment. Why is it necessary for the taxpayers of Western Australia to pay for union ballots?

Mr Grayden: Why should you object to the Government helping unions in this way?

Mr HARMAN: It is going to cost \$100 000 a year, and this cost will increase. When Australia Post increases its charges, the cost will increase even more. Why should the taxpayers pay for the election of union officers?

Mr Grayden: We support responsible unionism. Why are you opposing this form of assistance to the unions?

Mr HARMAN: The Minister already has admitted there are no irregularities in the system.

Mr Grayden: Goodness, gracious! I have not admitted that.

Mr Bertram: You have not denied it.

Mr HARMAN: The Minister could not point to any irregularities, and has been unable to demonstrate the justification for this legislation. I would like to see that \$100 000 directed to some needy area in this State.

Mr T. H. Jones: Such as free travel for pensioners.

Mr HARMAN: The Government is not going to do that; what it is going to do instead is to give the unions some money by paying for union ballots.

Mr Skidmore: I do not know whether the unions really want that.

Mr HARMAN: But the Government is offering it to the unions. It is saying, "If you want a secret postal ballot, the registrar will conduct it and we will pay for it." But the unions are paying for it now. Yet the Government wishes to spend my money, and your money, Mr Speaker, to pay for union ballots.

Mr McIver: In the meantime, schools are collapsing.

Mr HARMAN: This money could be better spent on 100 different areas in Western Australia which would provide some positive relief. In addition, it will not change the system at all. The Minister admitted as much in his second reading speech, where he said—

The amending legislation does not necessarily overcome irregularities in elections.

In other words, it will change nothing. The same people are going to be elected. If anything, it will cause problems in some areas, because the Government has not really thought through the ramifications of this legislation.

So there we have it: Interference by Government in the affairs of unions, in violation of an ILO Convention.

Mr H. D. Evans: Shame!

Mr HARMAN: There has been no justification for the expenditure of taxpayers' money to conduct these ballots. Why should taxpayers have to pay to conduct union ballots?

Mr Grayden: Because they want to see more responsible unionism in Western Australia. That is what the Bill is going to achieve.

Mr HARMAN: But the Minister pointed out in his second reading speech that the amending Bill will change nothing. So, we are going to spend \$100 000 of taxpayers' money for nothing; we are not going to get anything back; it will simply be a waste of taxpayers' money. In fact, the Minister himself said it was going to be a waste.

Mr Grayden: It is going to do a great deal in the direction I have indicated.

Mr HARMAN: I wish to refer now to another aspect of this legislation, and another broken promise of this Government. Initially, the Government said it would enter into consultations with the unions before it brought forward legislation dealing with the industrial situation in Western Australia. The Minister held discussions with the unions on the question of secret postal ballots and his final words to union representatives were, "You will see the final draft." The Minister gave a firm undertaking that they would see a final draft before the Bill was prepared. But he did not show it to them.

Mr Grayden: They asked for three changes, and we agreed to all of them.

Mr HARMAN: But the Minister did not show them a final draft of the Bill. He reneged on an undertaking.

Mr Grayden: There was no necessity to show them a final draft because we agreed with their requests.

Mr HARMAN: The Minister went back on a promise, and not for the first time.

Mr Grayden: You have had the Bill for several weeks.

Mr HARMAN: As I pointed out earlier, because Canberra decided it would change things in mid-stream, this Government immediately brought in amendments to the House today and, only hours after I received those amendments, we are debating the Bill. But there has been no prior consultation with the trade union movement.

Mr Grayden: The amendments have been introduced at the request of the trade unions. Do you not understand that?

Mr HARMAN: That is very misleading. The Minister should be able to prove the amendments were introduced at the request of the trade unions. In fact, I challenge him to prove his statement when he replies. The amendments were introduced at the request of one particular union, not the trade union movement.

Mr Grayden: What union are you talking about—or is it secret?

Mr HARMAN: No, it is not secret. I am referring to the Federated Clerks' Union, which made the request through the Federal Minister.

Mr Grayden: Do you expect the Minister to consult the Federated Clerks' Union at every stage of proceedings? Is that what you are asking him to do?

Mr HARMAN: No, I am simply asking the Minister for Labour and Industry to honour a promise made by the Minister and his Premier to consult with the unions before making any major changes to legislation which affects them.

Mr Grayden: When a thing is done at the request of the unions, surely it is obvious that there is no necessity to go back and consult with them again.

Mr HARMAN: Not at the request of a union in Western Australia. Has the Minister received a request from a Western Australian union to have this collegiate system incorporated in the Industrial Arbitration Act?

Mr Grayden: Do you know how many—

Mr HARMAN: The Minister has not had one request!

Mr Bertram: All we want is a "Yes" or "No" answer.

Mr HARMAN: We are not playing around now. This is not the kindergarten; this is the big league. We are concerned with the whole future of industrial relations in Western Australia, and the Minister wants to haggle over whether or not a Western Australian union has approached him. The question requires a "Yes" or "No" answer. The Minister must be honest with the House. What has happened? There is no answer from the Minister, so it is obvious that no union in this State has approached him to have this collegiate system incorporated into the Act.

Mr H. D. Evans: He was told to do it by Canberra.

Mr HARMAN: Exactly—the Minister was told! That is why we have these amendments before us today. The Minister has deliberately forgotten about a promise he made to the trade union movement of this State to consult with the trade unions before going ahead with industrial legislation. He just said, "This is what Canberra wants", and he convinced all the fellows behind him. This is the Government of which the Premier said in his policy speech, "We will stand up to Canberra." As soon as Canberra says "jump", the Minister for Labour jumps.

Mr Grayden: Absolute rubbish!

Mr HARMAN: Because of the way the Government has taken action it is introducing a potential for confrontation in Western Australia. How can one have confidence in a man—the Premier was involved in this—who says to the trade union movement, "We will discuss with you any changes in industrial relations", and who then makes those changes and does not have any consultation? How can one retain confidence in such a man?

Mr Grayden: We are consulting all the time. We did so as late as today.

Mr HARMAN: I have said previously that this is not a kindergarten; this is the big league. Decisions are made here which will affect the whole industrial future of Western Australia. Yet this Government wants to produce confrontation purely for political reasons and so that it can point to what the unions are doing in the hope that by that sort of propaganda it can obtain votes from the people of Western Australia.

At the same time it is breaking down any confidence that the trade union movement and its members can have in this Government.

Mr Bertram: They do not trust it.

Mr HARMAN: That is one of the reasons there is confrontation in this State. Even though the Premier comes out with double talk about a new industrial relations policy, he does not have one. He will not introduce one into this House before it rises. I ask the Premier whether it is his intention to introduce legislation to change industrial relations completely before this House rises?

Sir Charles Court: We will introduce legislation at the time the Government decides it will be introduced, not when you decide.

Opposition members: Ha, ha!

Sir Charles Court: My colleague is doing an extremely good job with regard to industrial relations.

Mr HARMAN: The Premier is going back on an undertaking of a previous Liberal Premier. It is obvious that the Government has no intention at all of introducing any legislation to bring about this new industrial relations policy.

Sir Charles Court: I told you earlier that it will be a greater embarrassment to you. When we do it will not be at the time that suits you.

Mr HARMAN: That is the sort of talk we keep hearing. It is a facade; the Government is always saying it is going to do something.

Mr H. D. Evans: Does the Government consider the time is nigh?

Mr HARMAN: The Government never does it. If the Premier can get away with saying that, that is good; but I think the days of the Premier continuing to do that are catching up with him. It has been a confidence trick all along the line; the Government putting up the story that it is doing something and then making threats such as those the Premier has just made. I do not think he can hoodwink the people of Western Australia all the time. He has done it now for some years, but I think time is running out on him because when the people really realise what is happening they will discover that it is a facade, that the Government is breaking an international agreement, that the taxpayers will have to pay for union ballots and that this legislation will change nothing. The Minister has said that it will not change anything. The whole system will continue as it is.

The Government does not want to change the present arbitration system because it suits the Government for it to continue in its present form. That was indicated in 1973 when we tried to amend the Industrial Arbitration Act to achieve collective bargaining and to get the unions

and management around the table to negotiate and not to have a decision placed on them by an arbitrator.

I shall now run quickly through the Minister's second reading speech. He made some implications which are designed to make trade unions feel ill-disposed towards the Minister. He said—

The object of these proposals is to give every member of a union a full and equal opportunity to influence policy within his union and to choose those officers who it is considered will properly represent the members' views on the committee of management.

That opportunity already exists and the implication was that this is not happening. The Minister was saying that trade union members are not electing the right sort of people to the committees of management. In whose view? In the Minister's view? Or in the members' view?

The next statement he made is quite misleading. He said—

It is an inherent right and one to which this Government subscribes, in accord with international principles, that members of unions shall elect their representatives in full freedom.

The Minister has dragged the term "full freedom" out of ILO Convention No. 87 and used it in a different context from which it appears in the ILO Convention. He used those words to indicate that what is happening now should not happen and that from now on members will be able to elect their executive committees and their organisers in full freedom. But they do so now. A person has a secret postal ballot now and he fills it out at his home, his office, or his place of work. According to the Minister, he has never been able to do that previously. That is very misleading. The Minister continued—

The postal ballot provisions contained in the Bill safeguard that freedom, more so as they will allow members to vote in the privacy of their own homes without the fear of intimidatory or coercive tactics and to return the ballot themselves, without cost, to a post office box provided for the purpose.

Mr Bryce: In fact there is more opportunity for intimidation.

Mr HARMAN: As the member for Ascot has pointed out, if people know that a postal ballot is being delivered to a certain home they could make all sorts of threats and intimidations to that person which might persuade him to vote in a certain way.

Mr Grayden: Why does this legislation so frighten you?

Mr HARMAN: It frightens me for two reasons. One is that I do not like to see laws disobeyed. If we are going to accept and ratify an ILO Convention, we should stick to it.

Mr Grayden: We do stick to it.

Mr HARMAN: We should not violate it.

Mr Grayden: We do not violate it.

Mr HARMAN: It disturbs me that I must sit here and watch people opposite violate an international convention.

Mr Grayden: That is absolute nonsense!

Sir Charles Court: Are you saying we should take out the provision for compulsory unionism?

Mr HARMAN: If the Government wants to. But it is not game to.

Sir Charles Court: I just wanted to know because you are always talking about the ILO Convention.

Mr HARMAN: The Government is not game.

Sir Charles Court: I am just interested in your attitude. I heard the member earlier and I am very interested in the matter.

Mr HARMAN: It is required only by certain unions. Some unions in this State have such a clause in their awards but never use it.

Sir Charles Court: Because some of those people would prefer to go for the closed shop intimidation system rather than the legal system.

Mr HARMAN: If the Government wants to do something about the closed shop situation, it should tell us what it will be.

Sir Charles Court: You will hear.

Mr Bertram: Which century? We have heard that before.

Mr HARMAN: We hear these promises that the Premier is going to do something, but we never hear what it is going to be. We hear these promises, these threats and these innuendoes—this facade—but we never learn what they are going to be because the Government does not know. The Government wants to preserve the present situation because it suits it.

For the edification of members I wish to read out once again article 3 of this ILO Convention. It states—

Workers' and employers' organisations shall have the right to draw up their constitution and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes. The public authorities shall refrain from any interference which would restrict that right or impede the lawful exercise thereof.

Mr Grayden: To elect their representatives in "full freedom".

Mr HARMAN: They do so now and the Minister wants to interfere.

Mr Grayden: I am going to ensure that they elect their representatives in full freedom.

Mr HARMAN: The Minister has interfered for the last four years and now wants to interfere further. In interfering he wants to load onto the taxpayers of this country the expense of those ballots.

Mr Grayden: A union will conduct a ballot under the supervision of the registrar, that is all.

Mr HARMAN: The Minister is interfering in a union which makes up its rules and regulations.

Mr Grayden: A union will conduct its own election but it will merely be under the supervision of the Industrial Registrar.

The SPEAKER: Order! There has been a good deal of repetition on this particular point.

Mr HARMAN: Mr Speaker, I respect what you say but it is sometimes difficult to get the point through to the Minister for Labour and Industry and sometimes one must repeat things to get them through.

When I first heard of this move to interfere with union affairs and to tell unions how they should conduct their affairs, I wondered whether it was a reaction by the Minister after he suddenly found out that some unions in Western Australia had a system of consecutive ballots in that they numbered not the ballot papers but the envelopes which were being sent out so that a record would be kept.

Mr Clarko: Did not some of them number the ballot papers?

Mr T. H. Jones: Some of them have to be numbered under the direction of the Industrial Commission.

Mr HARMAN: I endeavoured to find out from the Minister what the rules were. All I could establish is that when it comes to elections of union officers the rules have all been approved by the Industrial Registrar. Members may recall that the Minister made an outburst in the newspapers concerning an irregularity because of consecutive numbers in ballots and said there was something going wrong. So I tried to get information from the Minister. I must admire him because he evaded all the questions I put to him. He was not prepared to admit in this House that the rules concerning the election conducted by the Painters and Decorators' Union—the one he complained of—had been accepted by the Industrial Commission.

Mr Grayden: But it is still quite unacceptable in the circumstances of the election.

Mr HARMAN: The interesting part about this is that the rules under which this union had adopted consecutive numbering had been recommended by none other than the Chief Justice of Western Australia.

Mr Grayden: It was not recommended by him at all. That is nonsense.

Mr HARMAN: This is a reflection on the advice of the present Chief Justice of Western Australia. After that I thought the Minister was reacting, when he found out that nothing was going wrong, because he had suddenly received many letters saying, "You have to do something about these union ballots." I asked him about that. Members can understand the reply I received. We do not know how many people complained. During the time I was Minister for Labour I cannot recall one letter or one person asking me to do anything about the conduct of union ballots.

I cannot recall any. So the Minister had to find some justification. He would not admit in the House that the rules of the election conducted by the Painters and Decorators' Union had been accepted by the Industrial Commission. He knew they had been, but he was not prepared to admit in the House that that was the case. I think he has now established that the numbering in some unions has been accepted by the Industrial Commission; and it might be news to him, if he does not already know, that it was recommended by the present Chief Justice.

Mr Grayden: Accepted by him; not recommended.

Mr HARMAN: It was recommended by him.

Mr T. H. Jones: He was a lawyer at the time.

Mr HARMAN: The member for Collie will tell the Minister all about that.

Mr T. H. Jones: I will tell you precisely what happened. He was a QC when he did this.

Mr Grayden: Unless it is in accordance with a properly conducted election, it is completely unacceptable.

Mr T. H. Jones: You are not right.

The SPEAKER: Order!

Mr HARMAN: I want to wind up by reiterating the points I made during the debate. The legislation is here only at the request of Canberra.

Mr Grayden: There has been no request from Canberra.

Mr HARMAN: Canberra is ably assisted by the Minister because he wants to react and show he has done something in the election of union officers, but he admits there will be no changes.

Mr Grayden: There will be a great number of changes.

Mr HARMAN: While the Minister is doing this—and this is the main theme of my argument—he is violating an international convention which this Government and the Australian Government have accepted.

Mr Grayden: That is nonsense.

Mr HARMAN: That convention is that there shall be no interference by public authorities in the conduct of union affairs.

Finally, why should the taxpayers of Western Australia have to pay for the election of union officers?

I want the Government to justify the need for the intervention and the necessity for the taxpayers to pay something like \$100 000 per annum—and in the years to come it will be more—for unions to conduct elections which they are conducting now and in regard to which there has been no evidence of any irregularities or anything sinister. There is no evidence that they are not being conducted in accordance with the rules laid down and accepted by the unions and accepted by the Industrial Commission.

I say to the Government: Rethink this legislation. In view of the announcements made by the Premier concerning a new industrial relations policy, the Government should have the decency to wait for the Australian Parliament to pass its Bill. Before anything further happens it should withdraw the legislation here until it knows exactly where it is going on the whole question of industrial relations.

MR LAURANCE (Gascoyne) [9.03 p.m.]: I wholeheartedly endorse the measure before the House. I believe it will formalise the compulsory system of secret ballots for union elections. I see this as an effective measure to give rank and file union members the opportunity to regain control—

Mr T. H. Jones: Who wrote this?

Mr LAURANCE: —or to regain a greater measure of control of their unions.

Mr T. H. Jones: Why read your speeches?

Mr LAURANCE: Hopefully this will happen before it is too late.

Several members interjected.

The SPEAKER: Order! The honourable member has hardly begun to speak.

Mr H. D. Evans: Hardly begun to read.

Mr LAURANCE: The overwhelming message from the electorate at large is that the trade union movement has completely overstepped its charter. It is acting completely outside its traditional area of responsibility. I am certain it has no mandate from its members for this course of action, and no mandate to enter the political arena and usurp the rights of elected Governments.

Mr Bertram: Elected by whom might I ask?

Mr LAURANCE: I will tell the honourable member. This country will allow this to continue at its own peril. Rank and file members have watched this happen in our community over recent years, for any number of reasons. In some cases it is

because of apathy, and in others because of any one of a dozen other reasons. I believe union members are calling out today for assistance to retrieve the position.

Mr Skidmore: How will this measure do it?

Mr LAURANCE: Their call is to their moderate union leaders, to responsible employers, and to Governments. I do not pretend to be an expert on industrial relations.

Mr T. H. Jones: You do not have to tell us.

Mr Davies: You read well.

Mr LAURANCE: However, constituents in my area have related to me their experiences of all the sorts of things the Minister has mentioned. We are aware of the fact that road blocks, intimidation, stand-over tactics, blackballing of wool clips, and so on, have occurred in my area. My constituents have related their experiences to me.

Not only do I tell members opposite these things. Two notable people with a great knowledge of the industrial scene—people who quite obviously have the support of members opposite—have outlined to us the industrial situation at the moment throughout the world. I refer firstly to a noted United Kingdom socialist by the name of Paul Johnson, and I refer secondly to Mr John Egerton.

Mr Davies: Sir John, please.

Mr LAURANCE: Sir John Egerton, a leading trade unionist.

Mr Skidmore: Who said he was a leading trade unionist?

Mr LAURANCE: He was a leading trade unionist and an ALP figure for many years—a man of greater standing than most members opposite, and beloved by them for 50 years.

Mr Skidmore: Not by me at any stage.

Mr LAURANCE: He was tossed out after 50 years of faithful service.

Referring back to Paul Johnson, the noted UK socialist, he credits the British trade union movement with ruining that country and with making Britain a sick joke amongst the family of nations of the world.

Mr Bertram: Were you not a unionist?

Mr LAURANCE: Yes.

Mr Bertram: Of which union?

Mr LAURANCE: He points out that British unions have denied individual freedoms and have undermined the principles of democracy.

Mr Bertram: Do you understand the British system? It is not like ours.

Mr LAURANCE: I will make my speech; the honourable member can make his.

Mr Bertram: You are making a comparison of two totally different systems.

Mr LAURANCE: He says in one of a number of quotes concerning the important message of that country that British trade unionism has become a formula for national misery. He says that powerful men who conspire together to squeeze the community are gangsters and that they should be identified as such. He also points out that many top trade union officials are appointed to their positions for life, and by a small minority of members.

Paul Johnson also refers to the British trade union movement as being an ugly factional interest, like any other which has stained the pages of history, operating at the expense of the community, and motivated by an insatiable lust for personal power, and by enormous greed.

Mr Bryce: It sounds like a description of certain company directors.

Mr LAURANCE: The message I believe this socialist gives us is loud and clear. I once again emphasise the fact that he is a socialist, not a right-wing reactionary. He is one who obviously members from the other side would support and he gives us this message loud and clear: "don't let it happen to our country; don't let what has happened in Britain happen here."

Sir John Egerton refers to the gangster element in the trade union movement.

Mr Davies: He would know all about them.

Mr LAURANCE: It is amazing how similar his comments about the trade union situation in Australia are to those of Paul Johnson about the situation in Britain. He is quoted as saying recently that there is a gangster element in the trade union movement.

Mr Davies: That is why he was knighted.

Several members interjected.

The SPEAKER: Order!

Mr LAURANCE: He said that this gangster element is spreading throughout the trade union movement.

Mr Bryce: Throughout the society—the sick society.

Mr LAURANCE: In an article I have here, Sir John goes on to say—

Voting in some union elections is shockingly low. For example, the national president of the Amalgamated Metal Workers' Union, Scott, was elected on just over one percent of the membership.

He says there may not be much change from this type of legislation, although he calls out, right throughout the article, for greater Government action in the industrial scene to try to prevent a similar situation occurring here as exists in the United Kingdom.

Sir John Egerton says—

... a ballot in the AMWU today would be like a ballot in Spain or Russia... the communists have control of the metal trades, make no mistake about that.

Here is a man who knows—a man members opposite supported for years. He contended—

They control the journals and the propaganda and the leaflets. And the delegates.

Mr T. H. Jones: Who controls you?

Mr LAURANCE: Here is a man who has had great experience in the industrial movement telling us about the gangster elements and the communist takeover, and the fact that about 1 per cent of the members elect the national leader of that large union.

It will be very difficult, even with this legislation, but Sir John Egerton is calling out, as is the community at large, for Governments to take a hand in the situation which is getting out of control; and the community does not like it. This Bill will allow members of unions—the rank-and-file members—to vote in the privacy of their homes.

Mr Skidmore: They do it now.

Mr LAURANCE: Hopefully it will extend that right to more union members. More importantly, I believe it will allow for regular elections so that no office—

Mr T. H. Jones: They are regular now.

Mr LAURANCE: —will be filled for more than four years without an election.

Mr T. H. Jones: Why should that be necessary?

Mr LAURANCE: The British experience has led to life leadership by militant unionists and it will happen here. Already very small minorities of unions are electing leaders and we are making an earnest endeavour to reverse the situation.

I now wish to deal with where the ALP stands on this issue. The member for Maylands very carefully avoided the question of whether or not the Opposition supports the measure. At no time did he indicate this. He sidestepped the issue—fairly-footed it—by saying the Opposition wanted the measure withdrawn until the Commonwealth Act had been dealt with. Very carefully he neglected to say whether the Opposition would oppose the measure; but it knows it dare not.

Mr T. H. Jones: Wait until you hear us.

Mr LAURANCE: The Opposition dares not oppose the measure, so what do its members do? They sidestep the issue. They call on the Government to withdraw the measure.

Let me return to what Sir John Egerton says—the person members opposite supported for years.

Mr Bryce: What a sense of humour this man has.

Mr LAURANCE: Sir John said—

If Labor had been successful in 1975, I would have envisaged there'd have been the greatest split in the trade union movement in the history of the movement. The Labor Party would have been forced into a dispute because of the irresponsible trade union movement behaviour.

This was said by a leading Labor man—a top man in this country.

Mr T. H. Jones: Who says so?

Mr LAURANCE: He said what a disaster it would have been if the Federal Labor people had been elected. He said there would have been a split in the trade union movement, a situation the ALP could not have handled.

Mr T. H. Jones: What are you quoting?

Mr LAURANCE: Sir John Egerton.

Mr T. H. Jones: What is the book? What is the reference?

Mr LAURANCE: I will hand it over in a moment.

Mr T. H. Jones: I know what it is. I want you to tell us.

The SPEAKER: Order!

Mr LAURANCE: So the record of Federal and State ALP Governments in the field of industrial relations is pathetic, and members opposite know it. I find it difficult to know why, but obviously they bow to pressure from militant union leaders. There is no need for me to outline the situation. The clearest demonstration of the failure of a Labor Government to have any effect on the industrial situation at all is the number of man hours lost under the previous State Labor Government compared with those lost under the preceding and succeeding Liberal Governments. When the ALP was elected to power on the Federal scene there was suddenly an acceleration and escalation in the number of man hours lost. They do not have the answer to a situation of industrial unrest. They do not know what the answers are. They tend to support these people and have close relationships with the unions.

Mr T. H. Jones: Does your electorate agree with what you are saying?

Mr LAURANCE: Absolutely.

Mr T. H. Jones: We will find out.

Mr LAURANCE: In the time we have been debating this Bill the Federal Labor movement is currently promoting the extension of trade union activity into the political scene, which is directly in contrast to the wishes of the great majority of the Australian community. The Federal Labor leader (Mr Whitlam) has recently endorsed political strikes. I say the Labor

Party was born as a result of the union movement's attempting to establish a political arm to achieve its political objectives. For the Labor Party's leader to come out and say unions should be involved in political strikes is an admission of failure on the part of the Labor Party to represent the union movement. It is saying, "The Government will pull out; let the unions do it all for us." I cannot understand why Mr Whitlam is endorsing political strikes when the overwhelming weight of public opinion is against them.

Mr Skidmore: Where?

Mr LAURANCE: In every State.

Mr Skidmore: You must be talking to different people.

Mr LAURANCE: If the honourable member spoke to anybody outside Curtin House he would find out for himself.

Let us come back to the State scene. Labor Party policy in this State as outlined very recently was supposed to be a blueprint for industrial harmony. What a joke! Members opposite have made no contribution at all in recent difficulties this State has experienced because of union trouble. They have never given any indication of being prepared to intervene to settle disputes. They have offered no solutions at all to this House. They come up with this policy and hope that after an election, if they are successful, everything will improve.

But with their close relationships with the unions, what are members opposite doing? Nothing. What are they saying? Nothing. What solutions are they offering? None. I have not heard any member of the Opposition offer any solutions for the settlement of disputes which are causing inflation in this State. They come out with this policy but they have done nothing in relation to this question.

Let us have a look at some of the serious disputes which have disrupted major projects in the State. Let us look at the Telfer situation. The only comment on that matter that I have heard from the Opposition in this House was by the Leader of the Opposition. He asked by way of interjection, "Have you ever been there? It is a terrible place." That is all members on the other side have been able to offer by way of settling the dispute. They claim in their policy statement to have all the answers. Where can they demonstrate to the public of this State that they have done anything at all to offer solutions?

The Government is bringing forward this measure and it will be applauded by the electorate.

Mr Bertram: It will solve the Telfer dispute, will it?

Mr LAURANCE: More than anything the Opposition has done.

Mr T. H. Jones: You sound more like Santamaria every moment.



**Mr LAURANCE:** The Bill indicates the Government's intention to support moderate unions. It is an attempt to overcome political thuggery, to get the hands of the militant left off the throats of the unions and the community, to give decent workers and unionists some individual freedom, to give them the right to work, and to let the Government get on and govern. I support the Bill.

**MR SKIDMORE (Swan)** [9.20 p.m.]: I would like to make it quite clear—so that the member for Gascoyne will be in no doubt where I stand on this Bill—that I oppose it. So he does not have to worry about that.

**Mr Laurance:** Why did you not tell your leading speaker to say that?

**Mr SKIDMORE:** I do not tell him what to say.

On previous occasions I have widely covered the Industrial Arbitration Act as it exists at the present time, showing in no uncertain terms that there is no need for this Bill. I did that even before the Bill was introduced into this House. I said that division III of part II of the Act provided for disputed elections, and division IV of part II of the Act enabled the court to order a secret ballot. I also indicated there were 19 sections of the Act covering provisions for people to demand and expect a court-controlled ballot, run either by an officer of the Industrial Commission or the Chief Electoral Officer; and that those sections covered 16 pages of the 130 pages in the Act, representing 12.3 per cent of the total Act. I said that 12 per cent of the Act comprised conciliatory provisions giving members of unions the right to expect and receive a fair deal in the election of union officials.

The only difference between the existing situation and the situation now proposed is that the Government seems to think we will now be able to have a secret postal ballot—that magical thing—and the Government almost goes to the extent of saying unions do not have in their rules today provisions for secret postal ballots for the election of union officials.

Within my own province and knowledge of one militant union which is considered to be dominated by communists, prior to its amalgamation with the AMWU its rules did not contain any method of electing its officers other than by secret postal ballot. Union officials could not be elected in any other way, and this applied throughout the length and breadth of Australia in respect of that particular union. The union I refer to was the Boilermakers' Union.

If the Minister would like to have his servants in the Public Service go through the rules registered with the Industrial Commission in this State, he would find the great majority of them give their

members in some manner or form the right to demand a secret postal ballot. The union with which I am connected has no other method of electing its officers; it has a secret postal ballot. And it is the same with many other unions.

I do not wish to belabour the point except to agree with the member for Maylands that the proposal is an interference with the basic right of unions to run their own affairs. It has been said time and time again—and the member for Gascoyne repeated the punch line—that many people have complained and the public wants secret postal ballots as the panacea to all the evils. The Liberal Party says this will solve the troubles.

In his second reading speech the Minister said quite clearly that irregularities in ballots will not be solved by this legislation. If the secret postal ballot is not to control irregularities—

**Mr Grayden:** That is the object of it.

**Mr SKIDMORE:** I will come to the question of irregularities in a moment. I give the lie to the statements of the member for Gascoyne and the Minister, and the attitude of the Government, that there has been a preponderance of irregularities in union elections over the last 10 years. The records of the Industrial Commission do not reveal it. I have proof of that here and I will be prepared to table documents setting out those facts.

I would like to deal first of all with some of the remarks made by the Minister in his second reading speech. He referred to problems associated with the economy. It is rather surprising to find a secret postal ballot system is expected to reflect in some way upon the economic situation in this country, but the Minister thought fit to mention it and I think it should be looked at in that light.

The Minister said the economy was just starting to come out of the trough—no doubt as usual propounding the theory that the last Federal Labor Government was responsible for all those ills. But it is rather surprising to find that among the issues involved in the economic condition of the country is the suggestion that the trade union movement acts irresponsibly when it comes to the question of going out on strike on many issues. For instance, the workers at one of the mining companies in the Pilbara went out on strike at one time because a man was killed due to an unsafe working condition. The workers refused to go back to work until such time as that condition had been ameliorated or removed. It led to a fairly long, bitter strike. The company eventually capitulated; the safety factors were looked at and safety committees were set up. The first prompting in regard to this safety issue came from the union. So not all strikes are related to monetary values.

I believe in the present economic scene unions have a right to strike. The allegation has been made time and time again that excessive wage demands are causing unemployment, and as the Minister mentioned economics in his speech I assume he is suggesting the ballot system will control the irresponsible people—that it will make the 99.9 per cent of unionists who do not vote get off their behinds, fill in ballot papers, and send them back. It may be true that will improve the return of votes but I doubt that it will ever change the leadership of the unions. If that is what the Government thinks it will achieve with this legislation, it is doomed to disappointment.

Having been a member of the AMWU for 15 years and on its executive for 14 of those years, it is within my knowledge that at no time have we ever had a greater return than 1 per cent or  $1\frac{1}{2}$  per cent in any election of officers of the union, and I suggest to the Minister and the member for Gascoyne that their fears that at all times that union has been dominated by communists are quite unfounded. And if it were dominated by communists, I do not think I would do what the Premier does when he goes home at night—have a look under the bed to see if a Peking or Russian communist is there.

Mr Clarko: They would be in bed with you.

Mr SKIDMORE: If I were not happily married and if they were of the opposite sex, I might consider that. The member for Karrinyup may look at that as something he would enjoy, but I would not.

Economic statements lead us to believe that the worker in this country is supposed to pledge himself to carry the greatest amount of blame for the economic situation and the greatest amount of responsibility for its recovery. It is suggested as an economic proposition that there will be a credit squeeze which in turn will make the worker more unable to get the good things in life in regard to housing and many other aspects. But the Liberals, who violently oppose indexation and have done so in the Federal court only this week, are saying to the workers, "You will not get any more money in your pay packet, but we will stimulate the economy." If that is an inducement to workers to be more productive, then I have never heard of anything more ridiculous. Having removed the worker from the field of being able to stimulate consumer spending, the Liberal Government says it will increase productivity, which will increase profit, which will give business the opportunity to get up and go. As I say, having removed the worker from the field of consumer spending, I fail to see how that will be done.

If people have money taken from them how can they spend it and stimulate the economy? Yet the Minister is suggesting

that the trade union movement is irresponsible, and, therefore, it should be controlled in this way by secret postal ballots.

I asked the Minister a question in this House because from my experience I felt very few applications had been made in the last 10 years for court-controlled postal ballots. I am aware of one in 1968, because I was involved in it; and I know of two others. However, I found there was a fourth, which was heard as late as this year and will be reported in the November, 1976, issue of the *Western Australian Industrial Gazette*. That fourth application was lodged by the Federated Clerks' Union, for reasons unknown to me.

I would like to refer briefly to page 1164 of volume 47 of the *Western Australian Industrial Gazette* of the 24th January, 1968, in which it is stated that a request was made to the registrar to conduct an election by the Hotel Club Caterers Union. Bear in mind that my question related to the 10 years beginning in 1966, and the first occurrence was in 1968 when an election was conducted for officers of the Hotel Club Caterers Union by Mr Coleman, the then returning officer of the union. Because certain irregularities occurred in that ballot, the management committee of the union made an approach to the registrar, who conceded that under section 36M of the Industrial Arbitration Act there should be held a properly conducted ballot, which was duly carried out. Might I point out here, Sir, that the irregularities were not caused by the management committee but by people who tried to rig the ballot. It was a full postal ballot.

Yet the Minister is saying that holding full postal ballots will solve the problem of ballots; he says such ballots will not be able to be rigged and there will be no intimidation. The sum total of the exercise to which I have just referred is that the ballot conducted by the registrar was conclusive and expressed without any shadow of doubt the desire of the union members. It certainly brought about a great increase in the number of votes.

At page 598 of volume 48 of the *Western Australian Industrial Gazette* it is reported that again the Hotel Club Caterers Union made application with a petition lodged and signed by 357 persons for a ballot to be held under section 36M of the Act. The registrar said it could reasonably be concluded the signatures were correct, and he then said that in accordance with the provisions of the Act he notified the union of his decision to conduct a ballot for the election of a president, two vice-presidents, three trustees, and five other members. Those were the only officers required to be elected under the rules of the union.

So we had two instances in 1968 in which a union sought court-controlled ballots.

We then move forward to page 488 of volume 56 of the 5th May, 1976, in which the Australian Workers' Union made application for a court-controlled ballot. The registrar was satisfied that section 36M of the Industrial Arbitration Act should prevail, and an election was held. The reasons for it are not indicated; it merely states that the requisite number of members of the union, as prescribed in the regulations, made application for the ballot.

That was the third of the court-controlled ballots, and the fourth was a result of a recent request to the registrar by the Federated Clerks' Union. So when the member for Gascoyne and the Minister for Labour and Industry try to tell us that hundreds of unionists have spoken to them and requested secret postal ballots, we give the lie to that by pointing out that on only four occasions in 10 years has the union movement sought such ballots.

I would explain to the Minister that on each occasion, notwithstanding the Act as it stands at present—it does not specifically say "secret postal ballots"—those ballots were run by the Chief Electoral Officer and were secret postal ballots. I am 99.9 per cent sure of that.

What did this achieve? Has it made the members of the Hotel Club Caterers Union conscious of their responsibility to have secret postal ballots? Of course it has not. It has not increased in any way the right of members of that union to express their desires in respect of elections by way of secret ballots. It has been more of a provocative thing.

When the Minister for Labour and Industry and his Government heard of some great new conciliation scheme to be introduced by the Federal Minister responsible for conciliation and arbitration affairs, which would bring unions to heel and make them toe the line, they immediately jumped on the bandwagon. Without any thought, the Minister decided to grab at the proposal of his Federal counterpart. He hurried to introduce a Bill, and then found the Federal Minister had changed his mind. The Federal Minister has decided he has an obligation to again amend the Conciliation and Arbitration Act. As the member for Maylands pointed out, we have no idea whether that Bill will get through the Senate. It is merely a proposal, and the Minister is hoping it will be passed and that we will finish up with this system of collegiate elections.

Perhaps I should mention some of the problems of collegiate elections in so far as unions are concerned. I am concerned as a matter of principle that the union movement should be told that it must have a collegiate election if a certain number of members say that is the type of election which should be held. I am concerned because it is completely undemocratic. It is

impossible to get a decent, virile committee of management appointed under the collegiate system. I will explain why.

Let us assume that a union such as the AMWU is to hold an election of officers under the collegiate system. That union has some four or five industrial officers who have undergone a considerable amount of training and spent a considerable amount of time in that area. They need to have expertise in industrial law and need to be able to hold their own against barristers, solicitors, and Queen's Counsel in industrial tribunal proceedings. It could quite easily happen under the collegiate system of election that one of those industrial officers may not be appointed because the rank and file did not vote for him. Bear in mind that when a management committee is voted in *en bloc*, the officers are not elected. The members do not say which person should be the president, secretary, etc.

Let us assume that a former secretary is one of those members who is elected. Under the collegiate system if he has insufficient supporters he may not be the secretary, and we could finish up with a dunderhead in the job who does not know how to run a union. That is exactly what the Liberal Party Government in this State hopes will occur.

It wants to break down the confidence of union members in respect of their right to determine who shall be the secretary, the assistant secretary, and the industrial officers of their union. Nothing would suit this State Government better than to have inexperienced, inept industrial officers fighting the case of the worker in the Industrial Commission against a QC, a barrister, or a solicitor. They would have not a feather to fly with; and that is what this Government hopes will take place if ever this legislation reaches the light of day which, no doubt, it will. I would be surprised if for some strange, inexplicable reason it did not reach the Statute book.

That is not all that is wrong with the collegiate system. It has many faults and many areas of conflict. If we look at the Minister's second reading speech it is hard to reconcile the fact that he says this Bill will give all union members the inherent right to elect their representatives in full freedom. Let us consider that.

This is a "take" of the ILO Convention mentioned previously by other speakers. It coats the pill in the hope that the people reading the Minister's second reading speech will feel he has gone a long way towards fulfilling that convention. He well knows—if he does not, he is a damn fool—that the ILO Convention is breached by this legislation. There is no question of that, because the Bill removes the freedom of unionists to make their own choice.

The Minister went on to indicate that he was able to show the unions had been consulted, and that they raised three

issues with him at a deputation. I do not know where the Minister was when the fourth issue was discussed with him. I assume the fourth issue was discussed, because it is noted on the sheet I have in front of me which relates to a meeting with the Minister for Labour and Industry on the 24th September, 1976. In respect of the fourth issue the comment made by, I assume, the Minister for Labour and Industry, is "We will have a look at this."

I do not know what the Minister thought he was going to do when he thought the union wanted to have a look at only three of those matters. What must be remembered is that the union members did not go to that conference to talk about those issues which affected their industrial life, their right to run their own affairs, and their right to elect their own officers in the privacy of their own homes—which right they now have. The legislation had already been drafted and that is what they were faced with. Like us here, they then sought to get the best they could from that amending legislation in the interests of their members.

I am rather surprised that in this air of enlightenment the Minister feels he shares with the trade union movement's rank and file, when by this amending legislation he is taking away a fundamental right of many small unions with a membership of 300 or less. There are quite a lot of them. How is he doing that? He suggests that a percentage of a membership should be required to vote to register a request with the registrar for a court-controlled ballot. That will make it virtually impossible for any small union ever to right an irregularity or to request a controlled ballot.

Mr Grayden: They do not have to have numbers; they can have a percentage.

Mr SKIDMORE: I know they can have a percentage, but the Minister should work out the percentage of members which a union with a membership of 300 could get to sign a petition. That would be practically impossible for some smaller unions to achieve. It is within my knowledge that many small unions would be lucky to have nine people, apart from the management committee, at an executive meeting.

The Minister is hoping that this legislation will create interest within unions. I suppose 50 per cent of the trade union movement would not have had an election for officers for many years. The Liberal Party point of view would be that that is due to the apathy of the membership but I would say it is because the membership accepts that the executive officers are doing their job, does not wish to see them changed and therefore avoids having an election.

To my mind that in itself is indicative of the unions' attitude that they do not

want any change in the present situation. The whole of the proposals are almost laughable.

The Minister said that ballots would be without cost because of a post office box provided for the purpose; that is, a member would be able to vote in the privacy of his home and because he has an envelope with a stamp on it he will hotfoot it down to the post office and register his vote. I should like to think union members would exercise their right to vote. Nothing would make me happier than to see all trade unionists accepting their responsibility. But when trade union members abrogate their right to take an interest in their union and then the Liberal Party, their opponents in industrial affairs, tries to assist them, I have to look at this matter with a very fine toothcomb to see why the legislation was introduced.

I assure the Minister that my union does not want his stinking legislation. We will foot our own bills, we will pay our own postage, and we will do so with pleasure. The Government can stick its rotten money! That would go for a lot of unions. They see no value in the Government saying that because it will pay the postage the unions ought to grab it with both hands, this is a wonderful thing, and all of a sudden the unions have it made. I am not going to be bought, my organisation is not going to be bought, and many others will not be bought. They will not swallow the pill. Just because union members are given a lousy 18c stamp on a postal vote return envelope the Government will not buy the soul of the worker by hoping he will go along and do something within the union. He has a right now to do that and if he does not exercise that right the Government wants to force him to do so.

The hope of this amending legislation is to force union members to vote. I have news for the Government. The apathy of many trade union members, in my experience, is such that nothing will stir them up, but it may be said that a lot of unionists are satisfied with their leadership. Their lack of interest is not so much an apathy but a respect for the members who are doing a good job.

Let us consider the so-called trade union domination by communists. I have never heard such a lot of rubbish in all my life. It is as if the communists are the great bogey attacking this country. The Premier suggested that we and the trade union movement are being dictated to by the Russian communists. I have never heard such utter rot in my life from a person who is supposed to have a certain amount of intelligence. It makes me wonder whether we should not send the Premier and the Minister to one of our trade union schools on industrial relations.

Mr T. D. Evans: What about a psychiatrist instead?

Mr SKIDMORE: That would be an improvement but I do not have much faith in head shrinkers. I simply say that the attitude that communists are the nigger in the woodpile does not bear fruit. One might cast one's mind back to the war years when the Communist Party was outlawed by that infamous piece of legislation. It merely drove underground people who were working for the cause of the worker. Whether we believe in such people's political ideology is not the point. Nobody would deny the amount of work that John Halfpenny puts in on behalf of his organisation as its Federal secretary and on behalf of the workers, but he is, according to the Liberal Party, one of those rotten stinking communists who are dominating this country!

Mr Clarko: He is destroying Australia.

Mr SKIDMORE: I have never heard such rot in my life. Let us look at some of the others in the AMWU. What about Jack Garland? Is he a communist?

Mr Grayden: You should know.

Mr SKIDMORE: I do know. He is not a communist because he is a member of the Australian Labor Party and has been for many years. Let us consider some of the other people in this State who are not communists. I should have liked all the communist hating people opposite to come to a strike meeting at an industrial establishment where one of these communists pleaded with the workers on the first occasion they went out of the back gate to go back because they did not have a leg to stand on. He said, "I will go in and talk to the boss and see what we can do." This so-called dictator got the old Roman sign and the workers did not go back to work. No amount of pleading could make them go back. The Minister is afraid these terrible people are dominating the political scene!

Mr Clarko: Are you denying that the communists have great power in the Australian union movement?

Mr SKIDMORE: Of course I do not deny that communists have great power in the Australian union movement any more than I deny that Liberal Party supporters could have great power in the union movement if they exercised it, but they are too apathetic to get off their backsides. Why do members opposite want to make the union movement weak-kneed so that they can destroy it with this legislation? That is what they want. Of course I do not deny that the communists are playing a great part in the trade union movement. Is there anything wrong in that? Merely because members opposite do not accept the communist philosophy—

Mr Clarko: When the DLP came to power in 1955 your people realised quickly what effect it was having on your party.

Mr SKIDMORE: Of course we realised. The DLP formed the industrial group which set itself up as the power within the trade union movement. It became very powerful but not powerful enough for the majority of workers. People who had been democratically elected by a secret ballot to represent their unions gradually overcame the influence of these people and kicked them out—where they belonged—not because of their political ideology but because they were a destructive force in the trade union movement. They are the complete antithesis of the communists because they did nothing.

Mr Clarko: They grew up because of the control of the communists.

Mr SKIDMORE: That may be the member's point of view but it is not mine. They grew up because they wished to oppose all those things they felt were wrong in the trade union movement. They wanted control and when they got beaten they cried wolf. The greatest of them all went from the DLP into the DLP-Nationalist coalition, or whatever it was called, and has now been accepted as a member of the Liberal Party as a Federal member. There is only one party left to which he can go—the Communist Party. When he is defeated at the next election he might do that and then he will have done the political rounds.

Mr O'Connor: Who did Senator Wheel- don start with?

Mr SKIDMORE: I understand he was a member of the Young Liberal Movement. It does not break my heart that somebody should suddenly realise he is in the wrong camp. It did not take him long to wake up. He has since been a damned good member of the ALP and is likely to remain so for a long time.

Mr O'Connor: He is pretty one-sided.

Mr SKIDMORE: Members opposite could not expect us to adopt their philosophy of life when they bring forward stupid legislation such as this which comes from a right-wing attitude, which is not even democratic and which does not allow the membership of a union to elect its own secretary, its own organisers or its own Federal officers.

Another remarkable thing about this piece of legislation which has been suggested by the Minister—I intend to develop this during the Committee stage—is that federally elected officers will be recognised by the Industrial Commission as officers of the State union. In Moore v. Doyle the full bench of the Conciliation and Arbitration Court made it patently clear that that was not on. I shall tell members why. In those circumstances both the Federal and State elections of a union can be challenged. The AWU is a classic case. It has been complaining for a long time about the disparity between the two but the

Minister tonight suggested that this legislation will solve that problem. It will not and cannot. How can it? There are two Acts—a State Act and a Federal Act.

The Minister suggests that a Federal executive elected by a branch of the union will then be accepted as the executive of the State registered union. Of course that can be challenged on both legal and moral grounds. I suggest to the Minister that it is not true to say that all organisations do that. In fact prior to the amalgamation of the AEU with the Federated Boller-makers' Union they conducted two summons meetings for the election of the executive management committees. Sometimes the system used to get fouled up because we had a nomination against the existing Federal secretary. It used to cause all sorts of problems.

This legislation will not be the means of solving the problem. It is of no use the Minister putting up the plea that it will. However, I shall develop this theme further in the Committee stage.

I do not know that the unions are violently opposed to this, but what they prefer to put to the members of this House is that they are studiously opposed to it. They are not jumping up to clamour for a strike, but they are gravely concerned.

The DEPUTY SPEAKER: The honourable member has five more minutes.

Mr SKIDMORE: Perhaps if I answered more interjections my time would be extended.

Mr Harman: We want to maintain law and order.

Mr SKIDMORE: I have quoted quite extensively from documents which show clearly and concisely that the arguments put up by the Minister in his second reading speech as reasons for the legislation are a lot of whitewash. His comments do nothing to validate the presentation of the Bill.

Within the Industrial Arbitration Act there are sufficient provisions available to the trade union movement to conduct such postal ballots. They have operated over many years; they have remained unchanged over many years; they have been made more acceptable over many years; and they have made it easier for the membership to demand a voice in the trade union movement. Unionists have had that available to them up to now. They do not want to be dictated to, or for their rights to be taken away from them, because that is precisely what will take place under the collegiate system of electing officers. To my mind that is a disaster.

The Minister gives some credence to the claim that the economy of this country is on the mend, and his comment makes me wonder. If we take from the worker what he justly expects to receive for the

production he turns out, we nullify his efforts. Thus we will remove from the scene the ability of the workers to purchase consumer goods. There will not be enough money to chase the consumer goods, because the worker is not getting his just reward.

If money was released in the economy in a sensible way, such as by the reduction of taxation and by extending the narrow confines of wage indexation criteria, we would improve the economy. However, if we reduce the demand for goods and services, the sheer inevitability is that we will create an economy which will not rise from a low ebb, such as our economy is in at the moment.

I suggest to the Minister that over the last 12 months the rate of inflation in this country has been higher than that for the previous 12 months. He might reflect on this comment, and ask whether the economic policy will be improved by the legislation before us. I simply point out that all the comments put forward by the Minister are red herrings; they are just excuses to try to show there is validity for the introduction of the Bill. There is no doubt that this legislation will encourage the weak, the badly run, and the ill-equipped unions which will not be able to front up in strength before the industrial tribunals, and which will be placed in an extremely disadvantageous position in making their endeavours on behalf of the workers.

There is no question of where I stand on this measure. I oppose it on the same grounds as those put forward by the member for Maylands regarding the contravention of the ILO Convention; and this legislation is certainly a contravention of the rights which have been enjoyed by the trade unions over many years.

MR T. H. JONES (Collie) [10.05 p.m.]: Like the member for Swan I rise to oppose strongly this legislation. The Government had no mandate on being elected to introduce this legislation. There was no mention in its policy speech announced to the people of Western Australia of introducing any legislation dealing with the ballot system in the trade union movement of Western Australia. It might have been the policy of the DLP and Country Party coalition, but it was not announced in the Liberal Party policy.

Mr Grayden: We have a policy of maintaining responsible trade unionism.

Mr T. H. JONES: I am wondering whether this legislation is the answer to the policy of the Liberal Party which it announced to the people of Western Australia in March, 1974, under the heading of "Deal with Industrial Unrest". Is this the manner in which the Liberal and National Country Party coalition Government intends to deal with industrial unrest

in Western Australia? What did the Liberal Party announce in that part of its policy? It said—

We are seriously concerned about industrial unrest.

The whole community is realising that the tactics now used by the militant left wing unions constitute a form of industrial civil war against our community.

Strikes are affecting essential production and are becoming an economic burden on every one of us.

Last year, Western Australian workers lost 90 000 days work and 90 000 days' pay because of strikes.

What worries most people is that some union leaders now think they are above the law.

Mr Grayden: This is one way to get rid of them.

Mr T. H. JONES: The Minister will have his opportunity to have a say. That part of the Liberal Party policy shows the hypocrisy of the Bill introduced by the Minister, because he has not given any valid reason as to why this legislation should be before us.

Mr Grayden: We are hoping that responsible union members will get rid of the militant unionists.

Mr T. H. JONES: The Minister had better look under his bed tonight to see whether any communists are there. I draw attention to two other references in the Liberal policy speech. The first is—

While standing by principle in the interests of the public, we will also stand by the principle of unionism.

The second is—

We will encourage regular, meaningful consultation between unions, employers and Government...

What a lie that is! Can the Minister tell me where he has introduced this new system of meaningful discussion or consultation between unions, employers, and the Government?

Mr Grayden: We had that on 58 occasions.

Mr T. H. JONES: What did the Minister achieve?

Mr Grayden: A great deal.

Mr T. H. JONES: I know how much the Minister has achieved. He well knows that I am closely associated with the trade union movement of Western Australia, because I was a representative of the trade union movement before I was elected to Parliament. The Minister might be able to fool some people, and induce his supporters to go along with him on this amending Bill, but other people with years of experience in the trade union movement know the real situation and they do not want this type of legislation to appear on the Statute book.

Any responsible Government which brings forward legislation as important as this, has a duty to tell the Opposition and Parliament why the legislation is necessary and desirable. In my view the Minister has failed dismally to show in any way at all the need for this legislation to be introduced.

I refer to the second reading speech of the Minister, in which he left himself open because the comments he made clearly demonstrated the actual position. He started off by saying—

The principal purpose of this Bill is to provide for secret postal ballots for elections to offices in unions of workers and employers registered under the Industrial Arbitration Act.

From where did the request come? Who prompted the Minister to bring this legislation before Parliament? Was it the trade union movement, the employer group, or the Liberal section of Cabinet? In my opinion there is no room on the Statute book of this State for this legislation. The Minister went on to say—

The object of these proposals is to give every member of a union a full and equal opportunity to influence policy within his union and to choose those officers who it is considered will properly represent the member's views on the committee of management.

Does the Minister not know the record of the trade union movement of this State? If he cares to look at the records of the trade union elections he will find that only in very rare instances are long-standing officers defeated. If a trade union leader is doing his job his members will re-elect him. This situation is to be found in nearly every trade union in Western Australia.

In the 17 years that I was Secretary of the Coal Miners' Union I found that position applied to the officials of the union. It is a principle which is applied not only in Collie but throughout Western Australia. Where a trade union official is doing his job he has nothing to fear, because in most instances he is re-elected by the rank and file.

Mr Grayden: Why then are you objecting to this legislation?

Mr T. H. JONES: Because the unions are capable of handling their own affairs.

Mr Grayden: But the Government will pay the cost.

Mr T. H. JONES: The Government can do much better than it is doing. No doubt the Minister witnessed the pensioners who demonstrated on the steps of Parliament House today, pleading with the Government to reduce licence fees, transport fares, and shire rates.

Mr Grayden: Do you want to assist the responsible trade unions?

Mr T. H. JONES: The trade union movement has not asked for assistance. It is quite capable of managing its own affairs; and it has done that since trade unionism was first introduced.

Mr Grayden: A large number of trade unions are waiting for this legislation.

Mr T. H. JONES: I know the type of trade union leaders the Minister is referring to. He is pulling the wool over the eyes of some people, but he cannot do that with the member for Swan, the member for Maylands, or myself.

The anticipated expenditure for the conduct of these postal ballots is \$100 000. Would not this amount be better spent by making it available to the pensioners of this State, to alleviate the plight in which they are placed? We know the fate of this legislation, and due to pig-headedness and being directed wrongly the Minister refuses to budge. The numbers game is played in the proceedings of this Parliament, and irrespective of whether or not we debate the Bill for months we know what the outcome will be. However, I am here to represent the workers of Western Australia.

Mr Clarko: So are we on this side of the House.

Mr T. H. JONES: I have yet to see the day when the member for Karrinyup stands up in this place and supports legislation to improve the lot of the working people.

Mr Clarko: The Liberals have done that for generations.

Mr T. H. JONES: I think it is time the honourable member looked at the history of the performance of the Liberals in Western Australia. He need not refer to what took place on the coalfields. He should recall that about 20 years ago the Liberals destroyed the State Building Supplies, gave away the State Sawmills, and disposed of other public instrumentalities. He should go just beyond Armadale to look at the brickworks which were sold to Hawker Siddeley, and that company in turn has disposed of the works—I suppose at a record profit—to another company. If the honourable member wishes to take me up on it, I can show him the attitude of the Liberal Government towards the workers of this State.

Mr Clarko: The workers have voted for us in increasing numbers.

Mr T. H. JONES: Let us look at what the Liberals did to the Collie miners when they put 600 men out of work, and at what they did to the people on the goldfields where they made big promises prior to the last Federal election which they have not yet honoured. If the honourable member wants to argue about the Liberal policy towards the workers I am prepared to do that at any time and at any place he chooses.

Mr Clarko: The Liberals were 20 years in government in the Federal sphere because the workers voted for us.

Mr T. H. JONES: The unionists do not want this type of finance. It is black money, and they want no part of it. It is black money that is being made available to them. As far as the trade union movement is concerned it does not want a bar of this.

Mr Grayden: On the one hand they ask for financial assistance, but you refuse it when it is given.

Mr T. H. JONES: Who has asked for financial assistance?

Mr Grayden: I had a request today.

Mr T. H. JONES: From whom?

Mr Grayden: The TLC is constantly asking for assistance.

Mr T. H. JONES: Who has asked for assistance?

Mr Grayden: The trade union training scheme, for instance.

Mr T. H. JONES: That is different. The same applied when the Minister opened the office at Port Hedland. I asked him to name a union which has asked for assistance.

Mr Grayden: They wanted assistance, and we gave it to them.

Mr T. H. JONES: Name a trade union which asked for assistance.

Mr Grayden: You are not making the trade unions very happy at the moment.

Mr Shalders interjected.

Mr T. H. JONES: I suggest the member who has just interjected should keep to his piece of chalk about which he claims he knows something, and I will speak for the trade union movement.

Mr Grayden: We are trying to help financially, and the member for Collie is rejecting the offer of assistance.

Mr T. H. JONES: I have never known the Minister to be so big hearted. He gave the sum of \$1 000 to a group of plumbers. The next thing he will be offering \$1 000 to the wharfies, and another \$1 000 to ALP funds! That is big hearted. His heart is so big he intends to throw away money belonging to the people of Western Australia. He intends to throw it around like a man with no arms; no trouble at all. A sum of \$10 000 to run elections, but when the pensioners asked for a little extra, that was not on. That is the attitude of this Government towards the working people of Western Australia.

Mr Grayden: One minute you are talking about union bashing, but when the Government attempts to make money available for trade union elections, you criticise us and reject the offer.

Mr Bertram: The unions distrust you.



Mr T. H. JONES: I appeared on television last night with an endorsed Liberal Party candidate. Even the member for Mt. Marshall would agree that when the question of union bashing was raised last night everybody in the audience laughed. When debating law and order, the Liberal Party candidate made a fool of himself.

Mr Grayden: What union are you trying to bash now, and trying to deprive of this financial assistance?

Mr T. H. JONES: I am not trying to bash any union; the Minister is bashing the unions.

Mr Grayden: You are bashing the unions now.

Mr T. H. JONES: My record with regard to industrial relations will stand up better than the record of the Minister, in the eyes of the trade union movement.

Several members interjected.

The ACTING SPEAKER (Mr Blaikie): Order! I suggest the member for Collie address the Chair.

Mr T. H. JONES: I was only answering interjections, which I love to do—especially when they are of the type now being made.

Mr Grayden: Do not bash the unions, and we will not interject.

Mr T. H. JONES: There is no union bashing as far as the Opposition is concerned.

Mr Grayden: You are trying to deprive the unions of financial assistance.

Mr T. H. JONES: I was in the Kimberley area recently, and I learnt that Government members were going around telling the Aborigines not to vote for the Labor candidates because they were all communists, and that there would be a big war and all the Aborigines would be killed. That is what members opposite are doing. This is the law and order, about which we have heard so much.

Sir Charles Court: You have given me a couple of ideas. I hope you will be sent to the Kimberley again.

Mr T. H. JONES: The Minister referred to union officers being elected for a longer period than four years. Is that not the right of the organisation, if such a provision is in the registered rules of the union? Is it not the right of unions to write into their registered agreements that any union representative can be elected for a lifetime? What right is it of any Government to take away that principle if the rules have been registered? That is the intention of the Government.

When the shadow Minister for Labour and Industry introduced a Bill to reduce the period necessary for long service leave, and a Bill to provide for sick leave, the Minister for Labour and Industry said it was an attempt to usurp the functions of

the Industrial Commission. However, that is precisely the intention of Parliament tonight—to usurp the rights of the Industrial Commission. The Industrial Commission has the right to determine the registration of union rules, and what the rules prescribe. Is there anything wrong with a union electing a responsible person and allowing him to retain his position until he retires?

Mr Grayden: Of course there is.

Mr T. H. JONES: Even the electors of South Perth allow the Minister for Labour and Industry that privilege.

Mr Sibson interjected.

Mr T. H. JONES: I will see the member for Bunbury outside, when I have completed my speech, and test his hip pocket nerve. I will see whether his pocket is as big as his mouth.

Mr Sibson: I simply asked whether the member for Collie would agree to his Opposition candidate remaining in office until his retirement, in the event of his winning the seat.

Several members interjected.

Mr Bertram: How are your plumbers getting on?

Mr Grayden: They are doing famously.

The ACTING SPEAKER (Mr Blaikie): Order!

Mr T. H. JONES: At page 4 of his second reading speech notes, the Minister made a laughable statement. He said the return to industrial peace and improved productivity would give added encouragement and initiative to overcome inflation and its associated problem of unemployment which have been a great threat to consistent economic development. What a great comment to appear in a Minister's second reading speech! I wonder just where is all this industrial unrest. The Minister has said that the Court Government had a much better record for industrial peace than did the Tonkin Government. However, industrial peace—or, I should say industrial unrest—is not the fault of the workers when it has been brought about by employers. The Premier can laugh if he wishes, because numerous cases are on record, within the concept of the Industrial Commission, in which it has been proved that the workers have not been responsible for strikes. In many instances it has been the fault of employers, and the Premier knows that to be a fact.

What should be done in the matter of unrest is that the Government should get around the table and talk. It should mediate, and conciliate, but unfortunately this Government does not subscribe to that principle.

Mr Grayden: We have done so on 59 occasions.

Mr T. H. JONES: We have a good example in Collie where a 35-hour week has been worked by the coalminers since 1961.

For a period of seven years, since 1968, we have had better conditions. I am sure the Minister will agree that industrial peace was achieved by mediation and conciliation. The reduction in the number of hours worked during each week resulted in increased productivity; I do not know whether the Minister is aware of that fact.

Mr Grayden: I think it is an excellent record.

Mr T. H. JONES: I am using the example only to show what can be achieved. I am certain the same situation can be achieved in many other unions in Western Australia, if opportunity is given to them.

Unfortunately, the situation is that the trade union movement does not receive the opportunity which it so richly deserves. The question of numbering the ballot papers has been raised, and I want to place on record that it is a requirement—under the registered rules of the Collie Miners' Union—that all ballot papers be numbered. The ballot papers were numbered on the recommendation of the now Mr Justice Burt, when he was the lawyer looking after the interest of the Collie Miners' Union.

When I was secretary of the union the rules were redrafted to meet changing circumstances, and Mr Burt suggested that the ballot papers should be numbered to overcome irregularities which might occur in union elections. The union, in its wisdom, followed the suggestion. It applied to the industrial court of the time to have the rules registered, and they were registered in that form. It is a requirement of the rules that union ballot papers should be numbered.

Mr Grayden: That is all right in the event of a properly conducted secret ballot. Of course, if the ballot is not properly conducted, anything can happen.

Mr T. H. JONES: Has the Minister shown where any secret ballot has not been conducted properly?

Mr Skidmore: Only four have been conducted in the last 10 years.

Mr T. H. JONES: As the member for Swan has indicated, there have been only four in the last 10 years. The Minister has not come to Parliament and said that he has ample evidence to substantiate his claims and support what the Government is doing. He cannot say that he knows, from reliable sources, that there have been irregularities in union ballots in Western Australia. The Minister cannot produce that type of evidence so his case fails dismally.

The case put forward by the Minister would not stand up in the Industrial Commission; it would be thrown out of the window because it would not be based on fact.

Mr Grayden: If there are not irregularities, why is this legislation so bitterly opposed by certain unions only? Why does it have the support of the great majority of the unions?

Mr T. H. JONES: To which unions is the Minister referring?

Mr H. D. Evans: The Minister has not referred the matter to the unions.

Mr Grayden: The member for Collie is out of touch with the unions.

Mr T. H. JONES: We are in touch with them, all right. It is time the Minister got in touch with them. He well knows that the Trades and Labor Council of Western Australia is the mouthpiece of the trade union movement, and he well knows the views of that organisation. Those views were clearly spelt out by the member for Maylands. There is no doubt the trade union movement will not have a bar of this legislation. It is quite capable of looking after its own affairs.

Mr Grayden: The unions which have come to us cannot go to the TLC. They want the legislation to ensure they receive adequate support.

Mr Harman: Name the unions.

Mr Grayden: You get your own information.

The ACTING SPEAKER (Mr Blaikie): Order!

Mr T. H. JONES: There are a small number of trade unions which are in the category referred to by the Minister. We call them "tame cat" unions.

Mr O'Neil: I thought you were not union bashing; what are you doing now?

Mr T. H. JONES: A "tame cat" union is involved in this instance. The Minister is silent because he knows what I am saying is true, and he knows the attitude of the trade union movement generally.

Mr Grayden: The member for Collie is aware of the unions which support this legislation, he does not need me to tell him.

Mr T. H. JONES: Well, for the sake of the record and for the benefit of the *Hansard* report I ask the Minister to tell us. I ask the Minister to name the unions.

Mr Grayden: You know perfectly well which unions are involved.

Mr T. H. JONES: The Minister remains silent.

Mr Harman: Name the unions.

Mr Grayden: The opposition to this major Bill is low key.

The ACTING SPEAKER (Mr Blaikie): Order!

Mr Bryce: The Minister calls this a major Bill.

Several members interjected.

The ACTING SPEAKER (Mr Blaikie): Order! Will the member for Collie resume his seat. It would be appreciated if members would come to order when I call for it. *Hansard* has some problem in attempting to take down a member's speech, and include all the interjections when members continue to interject. I expect members to respect the call for order from the Chair. I call on the member for Collie.

Mr T. H. JONES: I am not worried by the interjections, Mr Acting Speaker, because they are not very important anyway and do not contain any substance. They do not upset me in any way, although they do reduce the value of my contribution.

Mr Grayden: Is the member supporting the Bill, or opposing it?

Mr T. H. JONES: I think it is time the Minister for Labour and Industry was replaced. It is quite obvious he does not know what is going on. He has not listened because when I rose to my feet I told him I opposed the measure strongly. It is time the Premier had a talk to the Minister for Labour and Industry and pulled him into line, because he is not acting in the responsible manner we expect from a Minister of the Crown.

Several members interjected.

Mr T. H. JONES: As time is passing, I do not want to labour the point.

I want to say in conclusion that I feel no case has been made out for the introduction of this legislation. I wonder whether the principle will be extended. Does the Minister know the situation within the employer groups? Are their elections conducted in the manner set out in this legislation?

Mr Grayden: This legislation will ensure they are.

Mr T. H. JONES: This legislation applies only to unions.

Mr Davies: What about the Liberal Party elections in the south-west?

Mr T. H. JONES: I hope this area also will be looked at.

Mr Davies: What about the irregularities in the Liberal Party voting in the south-west?

Mr T. H. JONES: The Liberal Party looked into this and it found there were no irregularities. I do not know how it occurred—

Mr Davies: The Liberal Party held another ballot.

Mr T. H. JONES: There were no irregularities, but another ballot was held. Everyone agreed to resign, and it was all okay in the Forrest Division.

Mr Davies: The right result was obtained in the end—I can only agree with the result.

Mr T. H. JONES: I want to go on record as saying that I strongly oppose this move. The Minister has made out no case for the legislation. I am confident that the legislation will be resisted strongly by the trade union movement of this State. The Government talks about industrial harmony and yet it brings in legislation of this type. Certainly the trade union movement of Western Australia does not subscribe to it.

With those remarks I strongly oppose the measure.

MR BRYCE (Ascot) [10.31 p.m.]: This piece of legislation is a cynical stunt, the latest move in the Government's attempts to stir up serious divisions in our community.

Mr A. R. Tonkin: Fomenting hatred!

Mr BRYCE: The member for Morley took the words right out of my mouth.

Mr O'Neill: You are disturbing his train of thought—he had his speech all prepared.

Mr BRYCE: That is precisely the point. This Bill had its genesis at a Liberal Party meeting in a smoke-filled room with all the backroom boys realising they were in one hell of a fix.

The real significance of this Bill is not the piece of paper before us tonight as legislation, it is the furore and performance that has preceded its introduction to Parliament. We have had weeks and months of the Premier making threats, accusations, and ultimately providing promises to solve all the industrial ills and difficulties in Western Australia. We have seen his efforts to divide this community, to bash the unions, and to stir up hatred. He has been in top form.

Inside the walls of this very select club—and I think we ought to be honest with ourselves—we all appreciate the real reason for the measure. Quite simply, the Minister has been a very able tool in the Premier's scheme. There is one fundamental reason behind the legislation and that is the fact that the Government is in diabolical trouble out in the electorate. Its popularity has slumped and it is in serious trouble.

Several members interjected.

The SPEAKER: Order!

Mr BRYCE: The Government is desperate. The Liberal Party's strategy followed that of the famous Sukarno of Indonesia in years gone by. This gentleman needed desperately to transfer the thoughts and concentration of the people from their empty bellies to something else, so he invented a foreign war. In this country the State Government and the Federal Government have invented something at this moment to try to attract the attention of the people because both Governments are extremely embarrassed about their incompetence in handling the economy.

Mr Bertram: Correct.

Mr BRYCE: Everyone knows the fundamental economic issues of concern to the people of this State relate to unemployment, a problem which this Government promised to solve. The people of the State are concerned also about inflation—another problem which this Government promised to solve.

Mr Bertram: Record taxes?

Mr BRYCE: Yes, the people of this State are concerned about the unprecedented level of State taxes and charges, despite the promise that the Government would curb these taxes and charges. That is the real issue confronting the people of this State, and this particular Bill is part of a cynical manoeuvre to direct public attention away from the real issue.

Mr Bertram: Quite right.

Mr BRYCE: I think all members of this Chamber realise that this smoke screen or window-dressing—

Mr Bertram: Skulduggery!

Mr BRYCE: —was designed exclusively by people outside the Chamber. My sole reason for rising to my feet tonight is to illustrate to members opposite—

Mr Thompson: I thought it was to wag your finger!

Mr BRYCE: —that this measure will be a damp squib. The manoeuvre simply will not work in the manner explained by the backroom boys of the Liberal Party who sit in these smoke-filled rooms dreaming up schemes and strategies.

In the 1950s these backroom boys decided to fight election after election by kicking the red bogey: Communists were hiding behind bushes and under beds. This time it has been decided to apply the union bashing tactics again, but of course, the people for whom the Liberal Party has such contempt have woken up to this manoeuvre. So too, of course, has the union movement, and the Bill has proved to be a completely damp squib—it is a political fizzog.

Mr O'Neil: You are keeping it fizzing.

Mr BRYCE: If I may borrow a phrase from the Minister for Labour and Industry—

Mr Grayden: You usually do.

Mr BRYCE: —I suggest that this piece of legislation is hypocritical in the extreme.

Mr Bertram: You do not wave your finger properly.

Mr BRYCE: I suggest Government members ought to look at themselves in the mirror because fundamentally this Bill crystallizes some of the issues that separate labour and capital in our society. We find that those people in this Chamber who represent capital have launched an attack on the union movement that basically represents labour. We see that these

people have brought legislation to this Chamber to rig Parliament in their favour to protect deliberately the vested interests of capital. Having indulged themselves in that form of political thuggery, they have the hide then to point to groups which represent organised labour and to accuse them of malpractice in their system of internal electioneering.

Some of the members of this Government have in fact grown very wealthy during their parliamentary careers through the manipulation of capital, and these same people—

Sir Charles Court: Which ones?

Mr BRYCE: In fact, one of them we know very well has sticky fingers.

Sir Charles Court: Which ones?

Mr BRYCE: But despite this, Mr Speaker—

Sir Charles Court: Which ones—come on?

Mr O'Neil: Do not hide behind generalities.

Mr BRYCE: The Minister is prepared to sit there in hypocritical fashion and throw innuendoes—

Mr O'Neil: Gutless wonder!

Mr BRYCE: —at the whole of the union movement. Listen to the hyenas on the front bench.

Mr Young: You are not even prepared to name names.

Mr O'Neil: Gutless wonder!

The SPEAKER: Order! The member will resume his seat. I want to inform the member for Ascot, as indeed I inform the House, that it is most unwise for a member to say things about his colleagues in the manner in which the member for Ascot did just then. I do not want to take any further action at this juncture, but it is highly disorderly and a Speaker can take action about such matters. I would urge members to avoid speaking in such a way. The member for Ascot.

Mr BRYCE: Earlier in this debate we heard the Minister hurl allegations around about the labour movement as a composite whole. He refused repeatedly invitations from this side of the House to name the sinister forces within the union movement and the labour movement. He was invited to do so, but he refused repeatedly to provide the information.

The SPEAKER: Order! Will the member for Ascot resume his seat. I take it that the member is giving some excuse for his attitude at this juncture. I do not want it to continue. The member for Ascot.

Mr BRYCE: I was highlighting the extreme hypocrisy of members of the Government in bringing this legislation to the Parliament. The same Government, composed of these members, is prepared to poke fun at, and to cast innuendoes and

suspicion upon, the entire labour movement of this State. It is these same members who have refused to support legislation requiring members of Parliament to disclose their vested interests; and yet, at the same time, the Government members apparently are afraid to disclose their connection with capital. The Opposition represents the people of this State who sell their skills and their labour and we are not afraid to declare where our vested interests are.

Mr Clarko: We represent them also.

Mr BRYCE: We are disturbed, to say the least, that members of the Government have the hide to sit here in this House and to cast aspersions upon the entire labour movement when we have seen them repeatedly oppose that principle.

One other principle I believe highlights the hypocrisy, and this is a perfectly valid analogy. We have seen the same Government members who hurl abuse and criticism at organised labour oppose the principle that capital, through its companies, should be required to declare information concerning the particular political parties or political candidates to whom it allocates money at election time. It is another form of devious reasoning, and we want to suggest to the Chamber at this time that it highlights the hypocrisy we have come up against on so many occasions.

If we boil this down to the question of organised labour and organised capital, how many rorts are pulled day after day inside board rooms where voting systems are manipulated to elect certain people to the boards of companies. Sometimes shareholders are not notified that a general meeting is to be held. The mind boggles at the number of such instances, and yet we see members opposite shut their eyes to occurrences of this sort.

My express purpose in rising to participate in this debate was to draw the attention of the House to the extreme hypocrisy of the people who comprise the Government and who made the decision to bring the Bill to the Chamber. The Bill is nothing more than a cheap political stunt designed to foment trouble within the community. I am pleased to say that it has been a dismal failure and when election time comes around the people for whom this Government has demonstrated its extreme contempt will give the Government the decision that it jolly well deserves.

MR BERTRAM (Mt. Hawthorn) [10.44 p.m.]: A short time ago the member for Gascoyne urged members on this side of the House not to trust the Government. It was not really necessary for him to do this because for very good reasons we do not trust the Government. The Government has introduced this novel legislation but it has made no real attempt to justify it nor to point out clearly what

mischief it is designed to stamp out, eradicate, or to somehow mitigate. What is the Opposition expected to do when no case has been made out for the legislation?

All that has happened is that the Opposition's distrust has been aggravated. The Opposition looks for some justification in the Government's mind for acting in this irresponsible and, indeed, costly manner—for we are told that this exercise is going to cost the people of Western Australia \$100 000 per annum.

Mr Laurance: Are you opposing the measure?

Mr BERTRAM: If it has not already sunk into the honourable member, I will tell him where I stand. I take an extremely dim view of using the taxpayer—which includes me—to win an election by the creation of a "slush" fund. An amount of \$100 000 per annum will be taken from the taxpayers' purse to allow this piece of legislation to operate, yet no case has been offered let alone sustained to justify this Bill.

Mr Laurance: Are you going to oppose the Bill?

Mr BERTRAM: I will make my speech as I wish.

Mr O'Neil: He will make up his mind halfway through. I do not even know what Bill he is talking to.

Mr BERTRAM: It has been suggested that this Bill is before us as a result of a directive from Canbarra. That is centralism.

Mr O'Neil: Suggested by whom?

Mr BERTRAM: It has been suggested.

Mr O'Neil: By you.

Mr BERTRAM: Of course, we have chronic centralism in Canberra at the moment. We heard earlier in the day about an intercepted telex message. That contained ample evidence of chronic centralism, with the Prime Minister talking down and telling the Premier where he was going to get off.

Mr Laurance: Did you intercept it?

Mr BERTRAM: It has been suggested that this Bill is before the Parliament because of a directive from Canberra. That may or may not be the case; I am not going to argue against it.

Mr Watt: Why do you not be specific for a change?

Mr BERTRAM: I notice that none of the other Liberal States has pulled on this piece of legislation, but I do not know whether any of them have an election pending in the near future. While certainly not denying the first proposition, my belief is that this Bill has something to do with the election in the near future,

and it is going to cost \$100 000 of taxpayers' money in order that this little manoeuvre shall take place.

As the member for Ascot pointed out, the Government is in difficulty. Any Government which has huge unemployment and huge taxes, and a huge State surplus should be in difficulty. This Government should be and in fact is in trouble. So, what does the Government have to do?

Mr Clarke: Did you not know that we have the lowest unemployment in Australia?

Mr BERTRAM: Is that so? Does the member for Karrinyup approve of 17 000 Western Australians being unemployed?

Mr Clarke: We have the lowest unemployment.

Mr BERTRAM: I am not worried about that; I am concerned about the 17 000 people out of work. The Government finds it is in great difficulty, so it is doing what Governments of its ilk have done since the turn of the century, and earlier; it is looking for a ploy, some decoy to take the minds of the electors away from the substance of what the election should be about.

The Government has said, "Let us home in on the union situation. Let us get stuck into the unions." But how can the Government's union bashing really be sustained at the polls, unless it is able somewhere along the line to say to the electors, for whom it has the utmost contempt, "Not only are we concerned about unions; we have also done something about them"? That is what this Bill is all about. The idea is to pull the wool over the eyes of the little people. They are too busy in their occupations to come in here and become fully acquainted with the circumstances of this Government's attempt to trap, mislead and deceive them. And at whose expense will this be? It will be at the expense of the very people the Government has deceived; namely, the taxpayers, because \$100 000 per annum, in perpetuity, will be taken from taxpayers' funds in order that this Government can win an election on a false premise.

Mr O'Neil: Are you assuming the people will welcome this legislation?

Mr BERTRAM: Let members make no mistake: That is what this Bill is all about. Members will note the timing of this measure—right at the very death knell of this Parliament. It was not introduced at the beginning of the Parliament. There is nothing new in the alleged situation referred to in the Bill; it has been going on for years. But the Bill has come before us right on the eve of an election.

Mr O'Neil: Do you not know that it has been in the House for over a month?

Mr BERTRAM: The Opposition's intention is to do its best to point out to the people outside precisely what this skulduggery is all about. The member for Ascot

portrayed it with eloquence, skill and conviction and I congratulate him; I wish only that I could emulate his performance and courage. He was pointing out what this little bit of nonsense was all about. It was desirable that he should; members of the Opposition would be falling short of their obligations if they did not do just that.

There appears here to be a slight slip on the part of the Government. I would never be excused—particularly by the member for Scarborough—if I did not raise this point.

Mr Young: I was just going to bet you \$1 that you were going to get on to the question of electoral boundaries.

Mr BERTRAM: The honourable member should put a lot more on than that, because that is precisely what I will deal with. Credibility has little to do with consistency.

Mr Young: Why not just say, "Speech No. 7A" and save us the need to hear it every time?

Mr BERTRAM: Credibility has a little bit to do with consistency, and if the honourable member does not know I shall repeat it. Every member of this House ought to have some knowledge of this.

Let us see what the Minister said in his second reading speech as recorded at page 2793 of the current *Hansard*. He said—

The object of these proposals is to give every member of a union a full and equal opportunity—

That is another way of saying "an equal vote". To continue—

—to influence policy within his union . . .

It is well known that members of unions residing from the tip of the far north of Western Australia, to the furthestmost southern part of the State, from the border with South Australia, and to places some miles out to sea depending on the latest decision of the High Court, are affected by this Bill. In fact, I contend the Bill could properly be entitled "Industrial Arbitration (Electoral) Bill" because it makes no attempt to weigh up the voting, so that unionists living in the furthestmost points of Western Australia have only one vote, and those living in the union office itself or the floor above also get only one vote. There is a classic example of consistency, and there is a demonstration of what we have to put up with in this House!

Several times the Minister and the member for Gascoyne, in response to interjections which were fed to them in order that they could clear up the point, repeated the fact that in this legislation they were concerned with fair conduct. To quote the Minister he said "A fair ballot is precisely what we want when every unionist in Western Australia is getting only one

vote." He has described that as fair, but when it comes to another form of ballot he rejects it.

The Minister does not regard it as fair to apply that system to voting at State elections. What is more important—voting at State elections, or voting for the election of union officers? Either this is a clear indication of inconsistency, or it is a slip on the part of the Government.

I can assure the Minister that we will give very real consideration to any amendments he would like to move in order to make this legislation consistent, although I can give no guarantee we will support them.

The shocking aspect of this Bill—if the things I have mentioned are not enough to shock people with sensitive consciences—is this departure, this ratting, this denial, and this violation of yet one more convention. I have not yet heard anyone, apart from the Premier of Queensland (Mr Bjelke-Petersen), who condones the destruction of the convention to do with senators. He had his hands tarnished when he appointed Senator Field; and another Premier participated by appointing Senator Bunton. On each occasion they ripped up a well established and thoroughly justified convention. So, there is the precedent, and now this Government is following it. We know that conventions are not the law, but we also know that without them we can get no order, and this is a Government which pretends to acknowledge and which talks about law and order.

Sir Charles Court: Who established that convention? Was it not a Liberal Government?

Mr BERTRAM: The Premier's colleagues ripped it up, and he is now following the same form. On this occasion he is destroying not a national convention but an international convention.

Mr Laurance: Nonsense!

Mr BERTRAM: Since the member for Gascoyne has another view I will repeat the convention for his benefit, and for the benefit of readers of *Hansard* who might like to hear about it and form their own judgments. It is as follows—

## Part I. Freedom of Association

### Article 1

Each Member of the International Labour Organisation for which this Convention is in force undertakes to give effect to the following provisions.

### Article 2

Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.

## Article 3

1. Workers' and employers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom—

Mr Grayden: That is precisely what this legislation will achieve. It will implement that convention.

Mr BERTRAM: The Minister has the happy knack of taking the first two lines of a quote and forgetting the next four lines so as to give a different interpretation, so I do not take much notice of him. To continue with the convention—

to organise their administration and activities and to formulate their programmes.

2. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

Mr Grayden: This legislation will ensure that that takes place.

Mr BERTRAM: The member for Gascoyne has said that this legislation will give the rank and file an opportunity, but I say it will not, because the rank and file already have that opportunity.

Mr Grayden: What are you talking about? Is that not a contravention?

Mr BERTRAM: As the Minister wants some evidence, let me give some which in the Criminal Court would be regarded as the best of evidence.

Mr Grayden: You have contradicted yourself. You realise that, don't you?

Mr BERTRAM: Oh yes.

Mr Grayden: You have legislation already. That is not a contravention of the convention, but this legislation is.

Mr BERTRAM: At page 2974 of *Hansard* for the 7th October, 1976, the Minister himself stated that existing registered unions will be allowed a period of 12 months in which to bring their rules into conformity with these requirements. Is that a full freedom, when the strongest law of this land—the Statute law of this State—will provide a certain time in which unions will bring their rules into conformity? Is that full freedom?

Mr Grayden: To ensure they elect their representatives with full freedom.

Mr BERTRAM: Do not let us change the subject. The Minister will give them 12 months within which to bring their rules into conformity. He will discipline them. This is mandatory. Is that freedom? May I ask what will occur if they do not do so within 12 months? What then?

Mr A. R. Tonkin: Put them all in gaol of course.

Mr Grayden: Don't you want them to elect their representatives?

Mr BERTRAM: Let us stick to this issue. The Minister should not learn from his Premier, but should stick to the issue.

Mr Grayden: You don't understand the convention.

Mr Skidmore: You certainly don't, and you were there.

Mr BERTRAM: I am saying that the Minister's own words have shown with crystal clarity that this does impinge upon what is referred to in the convention as full freedom; it is a fetter, and he knows it.

Mr Grayden: It implements that convention.

Mr BERTRAM: Goodness gracious me, what next?

In the course of his remarks and by interjection the Minister referred to compulsory unionism. I would like to know whether or not he supports it.

Mr Grayden: I do not support compulsory unionism.

Mr BERTRAM: The fact of the matter is that the Industrial Commission of Western Australia does support compulsory unionism.

Mr Clarko: Where do we have compulsory unionism?

Mr Harman: It has been there for years.

Mr BERTRAM: When two parties to an industrial agreement agree that this will be a provision in their award and the Industrial Commission converts that agreement into an award, surely that is condonation by the commission of compulsory unionism. So this Bill is just another way of attacking a tribunal. We are used to the Government attacking the judiciary and the magistracy in a situation where they cannot reply. If the Industrial Commission of Western Australia says it is okay by it, and if the Minister is serious in his objection, his remedy is to legislate against it. We have before us a Bill so why does not the Minister amend it? He says he does not like compulsory unionism, but it is the law today and he does nothing about it! He is responsible for the portfolio so how much notice is one to take of him?

A Government member: Every notice.

Mr BERTRAM: He has the capacity himself to remove compulsory unionism by direction to the Industrial Commission that it shall not endorse or approve any award with this provision in it, but he does not do it!

Mr Grayden: There are a number of ways that matter can be overcome.

Mr BERTRAM: Which will the Minister adopt? He had better start doing something about it because otherwise we will question his credibility.

Mr Laurance: Where do you stand on this Bill?

Mr BERTRAM: We have gone into that on a number of occasions.

We have another example of double standards because I pointed out that consistency is relevant to credibility. This Bill is said to be designed to encourage a greater number of people to vote in union elections. I do not have the appropriate statistics available to me, but I am prepared to take a punt that in most unions the percentage of people voting in elections exceeds the number of people who vote at local authority elections. What does the Minister or the Government intend to do in regard to the local government elections now that it is showing this intimate, extraordinary, and unexpected concern for unions? Is this just another warning the Government is issuing to local authorities that something will be done about their elections to ensure that more people have the right to vote by extending the franchise as it ought to be extended and, having gained a right to franchise, ensuring that they will vote? Local authorities and their activities involve far more money and have a much greater effect upon the people of Western Australia than do unions. I know that local government is acknowledged as being the third tier of government, yet the Government has displayed no concern in respect of local government elections despite the fact that there is an absurdly low percentage of votes polled at local government elections. There is one law for the unions with which the Government professes to have some affinity, and a different law for local government.

In answer to an interjection of mine when the Minister was speaking, he said that the Bill will apply to employee and employer organisations. I do hope that the Minister will be good enough during the course of his further remarks to demonstrate to us in an understandable manner how this Bill will affect employer organisations.

To conclude, I wish to state that the Minister, at page 2973 of the same *Hansard* said that the Bill would do something towards maintaining a democratic process. He went on further to say that the amending legislation does not necessarily overcome irregularities in elections. We have already supplied evidence to indicate that there have been very few cases of irregularities in elections in industrial unions in the past 10 years.

With all that in mind, all the Government is doing, because its coffers are brimful and overflowing, which will be demonstrated at a more convenient time, is to saddle the people of Western Australia with a Bill of at least \$100 000 annually in perpetuity.

Mr Thompson: Earlier you referred to \$4 million as being chicken feed.



**MR TAYLOR** (Cockburn) [11.07 p.m.]: I will be brief because I believe my colleagues have covered the Bill very adequately. However, I feel compelled to try to add a further dimension to this piece of legislation, and I am prompted in part by two phrases used by the member for Gascoyne. I think he rounded off his remarks by claiming that the legislation would assist "the decent worker" and "assist with his right to work". I want to help the worker also.

This legislation will not succeed in doing what the Government hopes of it. It is like a patch to hold back, not a flood, but an irresistible movement.

**Mr Laurance:** Are you referring to a revolution?

**Mr TAYLOR:** No fear. If one looks at the history of industrial relations one sees that in the community and in each part of the work force over a considerable period of time there has always been one section which has made moves to better itself. At various times for example this has applied to the seamen, the waterside workers, the coalminers, and transport workers. It has applied in a number of sections of the work force and conservative Governments have, from time to time, attempted legislation, regulations, or some other form of control to coerce that particular section of the work force which was at that time exerting itself.

I believe this piece of legislation is orientated to no more than two or three unions. It is aimed at those unions which at this particular moment appear to be leaders in attempts to improve conditions for their members.

I put it to the House that it is our social system which needs to be changed or examined by Government. This Government should not be attempting, as it is under this legislation, in a small way to hold the present system together.

Anyone who analyses moves by unions for better conditions—whether they believe them to be right or wrong—and whether those moves are for shorter hours, longer holidays, or improved workers' compensation provisions, will realise that they have a flow-on effect. The move for better conditions moves through the rest of the community and I make the point that they do move because the community, in terms of its social structure, is hierarchical. It is vertical.

When a union at the lower level fights for and obtains an increase in salary, the increase moves through the rest of the work force. This also applies even to members of Parliament—everybody gets it because the greatest proportion of the population desires to maintain its position relative to that particular group. Is that not the story of this legislation? The same applied to the fuel and energy legislation.

All the trade unions are trying to do is improve their status but their gains flow through the whole system without effort. It is not a case of insurance clerks or bank clerks saying they will remain in their present situation and allow other workers to catch up. The system demands that we keep the pyramid as it is, and that is what this legislation is about. It is an attempt to coerce two or three unions only which, at this time, are trying to better themselves. If they are successful, it is feared others will gain through the system.

The Government's cry of militancy or communism sounds hollow here. It is not surprising that other unions have had the same thing thrown at them. We are talking tonight about unions such as the metal workers but in the past there has been reference to the Seamen's Union, which was supposed to be communist dominated, yet a former secretary is now a member of Parliament. The Colliery Coal-Miners' Union was accused at one stage, but a former secretary of that union is now a member of Parliament. Railway workers have been included in this group. The waterside workers were considered to be militant, but a Minister of the last Government was previously a waterside worker. When those people were formerly in office their unions were maligned as being communist dominated, or at least, very militant.

In each instance of an approach from a union it has had a real cause to fight. If the day ever comes that the metal workers become passive, unions will become militant. For example no-one would be able to stop the abattoir workers from going on strike when they find they are getting only nine months' work each year. Nothing would stop the engine drivers from going on strike when after driving a long train worth tens of thousands of dollars, a driver has his occupation taken away from him because he goes through a red light.

We find the blue collar worker is becoming more important to our society. A decreasing proportion of our work force are blue collar workers and they are becoming more and more important. The haul-pack driver is in charge of equipment worth over \$100 000 and works 10 hours at a stretch driving up and down a hill, but he is not necessarily as well off as the white collar worker in St. George's Terrace. Is it any wonder he wants to better himself, but when he tries to do so he is told the old system must stay.

**Mr Grayden:** Are you advocating more strikes?

**Mr TAYLOR:** No, I am advocating a change in the system. I am advocating that the Department of Labour and Industry, instead of looking after a small section of blue collar workers, should

recognise there have been changes in the work force particularly during the last 20 years.

We have passed the time when apprentices had to work for five years for next to nothing to become skilled tradesmen, whereas a person who stayed at school for two years' longer received excellent money when he joined the work force. That sort of system has gone. That was all right during the 1930s, but the Department of Labour and Industry should be leading the way in making a change.

I make the point that I agree with my fellow members that this legislation has relevance to elections. I make the point again that it is consequential legislation. It is hoped to coerce no more than three unions because of a particular set of circumstances which exist at this time. It will not succeed. There will always be other unions which will make their claims felt. If the Government—any Government—attempts to maintain the present system it will not succeed on any point. The system needs an overhaul.

**MR DAVIES** (Victoria Park) [11.15 p.m.] I would not like the debate to proceed or conclude without expressing my opposition to the proposed Bill.

Sir Charles Court: You would not dare.

**Mr DAVIES**: What is the Premier sneering about?

Sir Charles Court: I said you would not dare.

**Mr DAVIES**: The Premier was not present to listen to our main speaker when he cut the Government to ribbons. He left the House, but he has now returned and is sneering in his usual manner.

**Mr Nanovich** interjected.

**Mr DAVIES**: If the member for Toodyay would keep his rugged countenance and impish grin out of the argument we would be better off.

**The SPEAKER**: Order!

**Mr DAVIES**: If the Premier will stop sneering I will point out he has not had anything to do with trade unions. He likes to cut them to ribbons, particularly at election time. If we keep that in mind we will have a better appreciation of the legislation.

**Mr Nanovich** interjected.

**Mr DAVIES**: The member for Toodyay should keep his rugged countenance and impish grin to himself.

If the Government would have a close look at the position it would see this legislation only embellishes what already exists. There is no need for it. I oppose the measure because it will be costly, and it is an insult to many hard working trade

union secretaries. Members on the other side of the House have not had experience in this field; they do not know what it is to be a trade union secretary. Members opposite do not know how badly most trade union secretaries are paid, and they do not realise they are at the beck and call of union members at all hours of the day and night.

A trade union secretary has to be able to be an advocate, he has to be able to write letters, he has to be able to keep an office up to date, he has to control elections, and he has to supervise almost every facet of the trade union organisation. He has to do all that work simply because the average Australian worker is too lousy to pay a decent union fee; that is what it amounts to.

If Australian workers paid union fees similar to those which apply in America, the unions would be able to retain lawyers and maintain staffs of advisers, economists, and the like. That applies in America. The trade union secretary in Australia is a *factotum*. He does everything which needs to be done, and if there is a slip up in an election, that is not unusual.

It is not unusual that a slip up should occur during an election. Indeed, we have only to turn to our State and Federal elections in order to point to many discrepancies which occur. The discrepancies which occur in trade union elections are nowhere near as bad as those which occur in respect of parliamentary elections. I am sure every member in this House could point to serious deficiencies of which he is aware, and which occur from time to time.

During this evening I have spent some time amusing myself by looking over some of the *Hansard* reports of speeches made by members opposite. I realise this is a very opportune time once again to bring forward previous attempts to control trade unions. We had it during the term of the last Government, and it went on for a period of three years. At one time we had blood in the Darling Range, and all kinds of terrible things were to happen. I have read some of the debates which took place, and what was said by Liberal members, but many of those characters have disappeared into the night. We never heard anything more of them. Nothing further was brought to our notice until someone brought up a fresh bogey which did not really exist.

I believe this legislation implies that if we change or embellish the present form of electing union officials there will be no further trouble within the unions. It also implies that the officers who are already in office have been wrongly elected. It implies that the rules under which unions operate are unacceptable. And of course it implies that the officers who are in office have been elected by force or coercion in some respects. Let us have a look at these implications.

On one occasion I was appointed by the arbitration court to conduct a court-controlled ballot. The court seemed to think I, as a trade union secretary, was to be trusted to conduct a court-controlled ballot and, completely under my own direction, to run that ballot by post. The result was exactly as expected. The officers were returned. The element who demanded the court-controlled ballot—and had every right to do so—got a fraction of the votes they expected to get. The Government seems to think somehow with a court-controlled ballot the only officers who will be returned will be those who are acceptable to the Liberal Party. That is quite a ridiculous assumption to make, yet that is what is implied—that if we have court-controlled ballots we will get the officers we want—and that is quite wrong.

The Bill also implies that those in office at the present time have been wrongly elected. If that is so, neither the Government as a whole nor the Minister as an individual has given us one example of abuse of elections in regard to any union in this State. The only instance quoted was one which took place in Melbourne back in the 1950s.

The Minister cannot bring in legislation without reason. He has a responsibility to tell the House just what the position is and why the legislation is being brought in. He has not done that. He has been invited to do so on many occasions, not only tonight but also over the past three years and in the three years prior to that when he sat on this side of the House and indulged in union bashing, although not to the same extent as now—there were others who could beat him at that time. The Minister has not given us one example. That is all we want to convince us but it is not forthcoming.

The Bill also implies that the rules under which unions operate at the present time are unacceptable. The Minister seems to forget—and I am sure many other members do not know—that the Brand Government some years ago wrote into the Industrial Arbitration Act a requirement that before they were registered all rules had to be written by a lawyer and given to the registrar for acceptance. They had to be vetted by two authorities. I would say that requirement was written into the legislation with the same idea; that is, to ensure that the rules which were finally accepted were those which it was thought would effect some control on the unions.

So we have a measure which is not more than half a dozen years old whereby unions were forced at some expense—they had to pay a solicitor for advice and assistance—to comply with this additional requirement. The registrar had to ensure this had been done, and if the rules were acceptable to the solicitor and the registrar they could be registered. It has not made one bit of difference. There

was no need for the system to be followed because the rules which were being accepted by the court at that time were fair and just to all members and did not require any additional vetting. So this further implication that the present rules are unacceptable does not hold any water at all.

The fourth implication is that the officers who are now in office were elected by coercion. I think they were elected by apathy, if anything; and of course a postal ballot will not mean a bigger vote.

Under the Industrial Arbitration Act unions are supposed to keep a register of names and addresses of members. As another member said earlier, a member of the Metal Trades Union could be working on an ocean rig 80 miles out at sea off Dampier. His home address might be in Dalkeith and he might come home only every three weeks. A ballot could be closed by the time the ballot paper reaches him. In many instances a worker might not be at his home address; he could be away with a shearing team.

Mr Skidmore: But they could get a vote under the union rules.

Mr DAVIES: That is so. The union could send the ballot papers and a box to a certain point and the ballot could be taken there. No-one is going to stand over members and fill ballot papers in for them. There has been no evidence of that, yet this is apparently one of the reasons for the Bill: the fact that no proof exists is regarded as being sufficient reason for the Government to bring in this kind of legislation.

What research has the Government done on the matter? How many sets of rules have members of the Government gone through to see whether they fall short of what are considered to be reasonable requirements? What evidence has the Government of falsifying, coercion, or any unsatisfactory or unsavoury aspect of any matter associated with elections?

I believe for the most part union members do not care because they are satisfied with the leadership they are given. If they do care, they have the answer in their own hands: they can take an interest in union affairs. At one stage we even tried to fine members for not coming to union meetings. It made no difference; they would still prefer to pay a 5s. or 10s. fine, as it was in those days, than to concern themselves with coming to union meetings. They are just not interested.

Of course, there is one bad omission from this Bill, and I will not tell the Government what it is. The Bill does not encompass every union, strange as it may seem; and this again shows how sloppy the Government has been in promoting this Bill. I am sure the deficiency will become known in due course. There are so many aspects of the legislation

which I do not like that perhaps it might be better to leave them to the Committee stage.

I strongly object to the provision in the Bill that says there shall be elections every four years. The union I was associated with has had four union secretaries in something like 50 years. It is the West Australian Railway Officers Union. The first of the four was Tommy Kenafick, who did a splendid job; he was in office from the end of the first World War up to about 1946. The next was Frank Bone, who also did a great job and was with the union until about nine years ago.

Mr Grayden: He would have been re-elected every four years.

Mr DAVIES: The successor to Frank Bone was Owen Devitt, who retired last week at the age of 65. The fourth has just started, so there were three secretaries in something like 50 years.

How much industrial trouble has there been from this union? Why go to the expense involved in this legislation? There is provision within the rules for elections to be held if any office bearer is not fulfilling his duties. However, the Government wants to tell the unions the way to run their business.

The Government has made a mess of this piece of legislation, and I believe it was introduced only because the Government has bashed the unions for so long and it has flown so many kites that it felt it had to do something.

The legislation will be expensive to implement. As I said at the beginning of my speech, it is unnecessary legislation because it is only an embellishment of provisions already existing in the Act. Anyone can now seek and obtain a court-controlled ballot and this fact seems to have been completely overlooked. How many people have applied for court-controlled ballots? I think the answer to this question is four in 10 years. As I said, I conducted one of these ballots and the result was exactly as had been predicted—

Mr Grayden: Because it was at the expense of the union.

Mr DAVIES: —by the court. It does not matter whether it was at the union's expense or not. If a member wants a court-controlled ballot, he can demand it, and the court can say "Yes" or "No".

Mr Grayden: And the union has to foot the bill.

Mr T. H. Jones: Fancy giving the unions money—it is unbelievable!

Mr DAVIES: If this is the only excuse the Government can use for bringing in this type of legislation, it is a very weak one—it wants to give the unions some money! The unions do not want that kind of money. As I said earlier, let the Government give money to the unions for training courses, office staff, and running

expenses. Trade unionists get their unionism on the cheap in this country and it is time they woke up to it. Once they do wake up to it and pour money into their unions the Government had better look out. The unions will have resources then to fight the Government and the Minister knows very well the financial situation of the unions at present. Returns must be submitted to the Industrial Commission and the Minister can acquaint himself with the financial position of the various unions.

If the Government wants to be benevolent and spend \$100 000, let it put the money into the trade union movement. We have the situation of say, a bricklayer or a carpenter being put in charge of a union office. These people are supposed to be advocates, answer queries, and provide a shoulder for people to cry on. They are supposed to keep sets of books and comply with all the regulations of the Industrial Commission, but they do not have the expertise to do so. Of course the Government is saying that these men do have this expertise; they are to be feared and controlled. The Government is attempting to control them in a shameful and pitiful way.

I believe the Government is bringing in this unnecessary piece of legislation because it feels—after three years of bashing the unions as well as the previous three years of bashing the unions when we were in Government—constrained to do something, and this is the pitiful way it has chosen to attack the unions.

MR MCPHARLIN (Mt. Marshall) [11.34 p.m.]: I think it is incumbent on at least one member of the National Country Party to have something to say about the Bill before the House at the present time.

Mr Davies: Where is your leader?

Mr MCPHARLIN: Some union action in recent times has had an adverse effect on a number of primary industries, and I want to make some brief reference to this action. I do not want to become engaged in a highly controversial debate with members of the Opposition by way of interjection; I wish simply to refer to things that have happened and comment on them.

Before coming to specific instances, I wish to refer to a publication put out by the Institute of Public Affairs.

Mr Harman: Another great Liberal document!

Mr MCPHARLIN: A considerable number of names are listed as members of the council of the institute. The objects of the institute are as follows—

1. To inform the Australian public of the facts of our economic system and to raise the level of economic literacy in Australia.

2. To work always for a full and friendly understanding between employers and employees and for good relations throughout industry.

3. To study the means by which private business enterprise can be made to operate better in the interests of all sections of the Australian people.

In this particular edition of the *ipa Review*, as the publication is called, there are comments about the actions of trade unions. I thought it would be of interest to members to refer to some of the comments made.

Firstly we see there is a growing fear in Australia that we may be on the way to becoming a union-dominated society.

Mr Davies: It has been here since 1902.

Mr McPHARLIN: One hears these comments as one moves around various parts of the State. My own constituents have made unsolicited comments expressing concern in regard to the activities of trade unions in various parts of Australia, and there appears to be a growing fear that the Governments of Australia will be compelled to seek the agreement of trade unions before projecting legislation.

A few trade union officials could lay down policies, and if that happened, we would have a similar situation to that prevailing in England at the present time.

We have seen a number of demonstrations and refusals to work in various parts of Australia, and no doubt the unions can give reasons for these actions. However, the prevalence of such action is creating concern amongst many people.

Unions are becoming very powerful, and when a union takes action, it affects not only its own members but also other sections of the community. People are becoming worried about the impact of union activity on the community.

We have seen a constant demand for higher wages, shorter working hours, and fringe benefits. Certainly those are the objectives of the unions, but the objectives must be achieved through the conciliation process. There would be no objection to such a course, but the unions now seem to have advocates who do not consider the economic situation of the country.

According to this document I have here there is a ray of hope at the present time in that some union leaders are showing signs of becoming aware of the grave dangers involved in the continuation of those policies. I will now read from this publication which says—

The A.C.T.U. is at present taking a more sensible attitude towards future wage increases, although it has still some way to go. (In Britain, the unions have pushed the economy to the very brink of disaster; they have looked over the precipice and are beginning to draw back. They are now

co-operating with the Government in arrangements designed to limit annual increases in incomes to 4½ per cent.)

So that is an illustration of how far the unions have gone, and they have become so alarmed that they are now co-operating with the Government to restrict their demands.

Mr Skidmore: Why don't some of the unions I know do these things?

Mr McPHARLIN: The historical purpose of the trade unions, as this document states, is to raise the living standard of their members. I do not think anyone objects to that. To continue—

But in recent years they have been acting in such a way as to do precisely the reverse. Claims for—and the power to enforce—wage increases far and away above any fair assessment of industry's capacity to pay have led to high inflation, unemployment, and the virtual cessation of large-scale new investment and consequently of economic growth.

The SPEAKER: Order! Will the member resume his seat. I ask him not to quote too many large slabs from written articles; it is a practice that should not be followed. He may refer to articles and quote portions, but not large slabs.

Mr Harman: We would prefer to hear the member's views.

Mr McPHARLIN: Yes, Sir. I make reference to one other section of the article in which the socialist to whom the member for Gascoyne referred (Mr Paul Johnson) commented that he has now changed his attitude. He said the working class in England has been badly served by the trade union movement and that its standard of living has gone up with agonising slowness. He went on to say that Britain's growth rate has been the worst of any major power; indeed, of any industrial power. He said he was convinced that these activities are not in the best interests of the country, and he claims that union leaders have encouraged British industrial workers in habits and attitudes, in rules and procedures, in illusions and fantasies, which have turned the British working class into the coolies of the western world, and Britain into a stinking bankrupt industrial slum.

I would like now to refer to those matters to which I referred earlier which have been the cause of concern in farming industries. One which is still causing a great deal of concern is the dispute regarding the Storemen and Packers' Union in respect of the handling of bales of wool over a certain weight.

Mr Skidmore: I understood that dispute had been settled.

Mr McPHARLIN: It has been taken to court and a ruling has been given, but I believe there is still some dissension.

Mr Skidmore: My understanding is that there is no disputation at the moment.

Mr McPHARLIN: The dispute was taken before Commissioner J. S. Hegney on the 14th September, and he ruled that 204 kilograms is in order and that the union should lift the existing ban. That ruling was given after considerable dissension and discussion. It is now up to the wool-growers to insist that the bale weights remain as they are, because if the weight is reduced to 180 kilograms as it was previously, it will cost the woolgrowers a great deal of money. In fact the additional cost incurred would be an average of \$15 to \$20 a bale. That is the amount they save by getting a little more wool into each bale, and in these days of increasing costs, it is essential to cut costs wherever possible.

Another matter which has caused concern in this State recently is that of the loading of live sheep at Fremantle recently. Again, these comments come to one as one moves around one's electorate. I receive these comments unsolicited from people in many parts of the country who have strongly criticised the action taken in respect of the shipping of sheep, and also in respect of the strike at Robb Jetty.

Mr Skidmore: Who broke the agreement?

Mr McPHARLIN: I am pointing out—

Mr Skidmore: You are blaming the worker, but he was not solely responsible for breaking the agreement.

Mr McPHARLIN: —that the arbitration court is there for parties to present arguments.

Mr Skidmore: It was a written agreement which was broken by the exporter.

Mr McPHARLIN: Arbitration is available for the parties to settle the matter.

Mr Harman: Do you believe in compulsory arbitration?

Mr McPHARLIN: I believe the court is there for the purpose agreed to by all Governments over the years, and that is where such matters should be settled. For such action to be taken, particularly at that time under severe drought conditions with farmers wanting to get rid of the stock they could not carry, is a blow to primary producers. They were held up, and it cost the company concerned a considerable amount of money. Of course, when the company offers prices for shippers, those costs have to be met, and they are reflected in the prices offered. This carries down the line, and the producer always suffers.

Mr Skidmore: Then the producers should not have repudiated the agreement with the union.

Mr McPHARLIN: I am making the point that people come to me unsolicited and ask whether there is anything the Government can do to alleviate the troubles that seem to be occurring continually. If this Bill will assist in some way, then it should be supported. I do not recall seeing any strong, vociferous opposition by the public or the trade union movement in respect of this Bill. I have looked in the Press, but I have not seen any such opposition.

Mr Harman: You haven't looked very far.

Mr McPHARLIN: If the Bill will alleviate the situation that exists it must be supported. I hope it is a move in the right direction in an effort to reduce the dissension that has occurred and is still occurring in many areas. For that reason, I have to give it my support.

MR GRAYDEN (South Perth—Minister for Labour and Industry) [11.47 p.m.]: I will be very brief. I have listened with interest to the various speeches made tonight, but as far as the Opposition is concerned to my mind it has not put forward a single valid argument; it has not put forward a single argument which requires a reply. I feel rather sorry for the members opposite because of the pathetic opposition they have mounted in respect of this Bill.

Mr Bertram: You are tearing up international agreements.

Mr GRAYDEN: I am also sorry for the Opposition for another reason: Members opposite know they have not the support of the trade union movement. So we have a situation in which the Opposition in this House is opposed to the Bill. Indeed, the Leader of the Opposition has made it clear that if a Labor Government is returned in Western Australia it will repeal this legislation.

I repeat that the Opposition has not the support of the trade union movement. Indeed, some of the biggest unions in Western Australia have come to me and asked for copies of the Bill in order that they might enlist the further support of other trade unions. Therefore, what the Opposition has done tonight is alienate the trade union movement in Western Australia.

Mr Davies: It is time to name names.

Mr GRAYDEN: The member for Cockburn made a statement about the Government coercing three unions. May I say to him he will get a horrible shock in three years when he finds that some of the biggest unions in Western Australia, along with a multitude of smaller unions, have accepted this legislation and taken advantage of the Government's offer to pay for the cost of their elections.

Mr Skidmore: You will be very disappointed.

Mr GRAYDEN: That is the situation. This Bill has the support of a great majority of the trade unions of Western Australia.

Mr T. H. Jones: Tell us which ones.

Mr GRAYDEN: It will get a great number of unions off the hook. Recently, the Australian Workers Union had a problem. It was going to cost it \$10 000 to have a court-conducted election for two relatively minor positions in the union. This measure will spare the union that exorbitant expense. Of course, that is only an illustration.

Mr Harman: Why should it?

Mr Bertram: Why all these sudden handouts?

Mr GRAYDEN: The member for Maylands earlier said he was confused as to what the Government intended with this legislation. I can understand his being confused because virtually everything said by members of the Opposition was contradictory; what they said in one breath, they contradicted in the next. On the one hand, members opposite went out of their way to say there already existed in Western Australia adequate legislation to provide for secret elections. In fact, they are encouraging their supporters to write to the Press almost daily, emphasising this point. In those circumstances, what is wrong with introducing even more adequate legislation to provide for secret ballots? On their own admission, secret ballot provisions already exist in the Statutes of Western Australia. Why are members opposite opposing this legislation? This is one contradiction.

Again, on the one hand, members opposite claim that this legislation violates an ILO Convention relating to the right to organise while at the same time they admit there already is provision in the Industrial Arbitration Act for secret ballots. Is not that a violation of the convention?

Mr Davies: Of course it is.

Mr H. D. Evans: One is voluntary and the other is compulsory.

Mr GRAYDEN: As far as members opposite are concerned, that is not a violation of the convention, but this legislation is.

In a further example of their contradictory attitude, on the one hand members opposite criticise this Government for union bashing while at the same time criticising the Government for spending a very large sum of money—although not the \$100 000 suggested by the member for Mt. Hawthorn—in an endeavour to ease the burden on the trade union movement of holding elections. When the Government makes a very generous offer, members opposite reject it. Yet at the same time, unions are asking for additional

funds for the training of trade union leaders; they are asking in the north for land upon which they can build a union office; they are coming repeatedly to the Government asking for financial assistance. Court-conducted ballots are expensive, yet when the Government offers to pay the cost of union elections, members opposite adopt this attitude. It is small wonder the Opposition is confused.

The hearts of members opposite are not in the opposing of this Bill, because they know they are alienating the trade union movement in Western Australia; all the responsible trade unions in this State support this legislation and in the next three years we will see one union after another coming forward to avail itself of the provisions of the legislation.

Question put and a division taken with the following result—

#### Ayes—23

Mr Blaikie	Mr Old
Sir Charles Court	Mr O'Neill
Mr Cowan	Mr Ridge
Mrs Craig	Mr Shalders
Mr Crane	Mr Sibson
Mr Grayden	Mr Stephens
Mr Grewar	Mr Thompson
Mr P. V. Jones	Mr Tubby
Mr Laurance	Mr Watt
Mr McPharlin	Mr Young
Mr Nanovich	Mr Clarko
Mr O'Connor	

(Teller)

#### Noes—17

Mr Barnett	Mr Fletcher
Mr Bateman	Mr Harman
Mr Bertram	Mr T. H. Jones
Mr Bryce	Mr McIver
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr Davies	Mr A. R. Tonkin
Mr H. D. Evans	Mr Moiler
Mr T. D. Evans	

(Teller)

#### Pairs

Ayes	Noes
Mr Mensaros	Mr Hartrey
Mr Sodeman	Mr Jamieson
Mr Rushton	Mr B. T. Burke
Mr Coyne	Mr May
Dr Dadour	Mr J. T. Tonkin

Question thus passed.

Bill read a second time.

#### In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Mr Grayden (Minister for Labour and Industry) in charge of the Bill.

Clauses 1 and 2 put and passed.

#### Progress

Progress reported and leave given to sit again, on motion by Mr Clarko.

#### BILLS (5): RETURNED

1. Small Claims Tribunals Act Amendment Bill.
2. Rights in Water and Irrigation Act Amendment Bill.
3. Health Act Amendment Bill.
4. Fish Farming (Lake Argyle) Development Agreement Bill.
5. Town Planning and Development Act Amendment Bill.

Bills returned from the Council without amendment.

## UNITING CHURCH IN AUSTRALIA BILL

### *Receipt and First Reading*

Bill received from the Council; and, on motion by Mr O'Neil (Minister for Works), read a first time.

### *Second Reading*

MR O'NEIL (East Melville—Minister for Works) [12.01 a.m.]: I move—

That the Bill be now read a second time.

Members are no doubt aware of the fact that three well-known Protestant churches in Australia—the Congregational, Methodist and Presbyterian churches—have agreed to unite to form a new church to be known as the Uniting Church of Australia. It is expected that the new church will come into being on the 22nd June, 1977.

The purpose of this Bill is to facilitate the establishment of the new church, and to deal with property and other matters that are of particular relevance to Western Australia. Parallel legislation is to be enacted in each of the other States of the Commonwealth.

The early clauses of the Bill deal with the inauguration of the church on the agreed basis of union, which is included as a schedule to the Bill. Provision is made for the inaugurating assembly to adopt a constitution consistent with that basis, and the powers of the assembly are further defined.

The Bill provides for the constitution of a property trust in Western Australia to be a body corporate under the name of "Uniting Church in Australia Property Trust (W.A.)". The trust will be responsible generally for the holding and management of the property of the church in this State in trust for the church and upon any other trusts affecting particular property.

Provision is made for the vesting in the trust of the property of each of the uniting churches, and the synod, which is the governing council of the church in Western Australia, is empowered in certain specified circumstances to vary the purposes of the church for which particular trust property is held.

Provision is also made in the Bill to continue the existing practice whereby certain instrumentalities of the churches, such as the church colleges, can by authority of the synod be separately incorporated and thereby assume a degree of independence which, in the past, has been found to be very satisfactory.

The concluding part of the Bill deals with a number of miscellaneous incidental provisions designed to facilitate the discharge of its functions by the trust. I commend the Bill to the House.

Mr Davies: Are all the churches in agreement?

Mr O'NEIL: Yes, it is their Bill.

Debate adjourned, on motion by Mr H. D. Evans (Deputy Leader of the Opposition).

## PRESBYTERIAN CHURCH BILL

### *Receipt and First Reading*

Bill received from the Council; and, on motion by Mr O'Neil (Minister for Works), read a first time.

### *Second Reading*

MR O'NEIL (East Melville—Minister for Works) [12.05 a.m.]: I move—

That the Bill be now read a second time.

This Bill is consequential legislation on the Uniting Church in Australia Bill.

The legislation under which the Presbyterian Church of Australia was empowered to enter into union with other branches of the Christian church required the provision of safeguards enabling those who did not concur in the decision to unite to continue as the Presbyterian Church of Australia.

As a consequence, therefore, of the formation of the Uniting Church of Australia next year, there will be a small number of congregations in Western Australia continuing to function as part of a continuing Presbyterian Church of Australia.

The present Bill is designed to assist those congregations to function effectively.

It constitutes a single presbytery within the State, to be known as the presbytery of Western Australia, and invests it with the powers relative to the property of the church which the existing Presbyterian Church Act, 1908, as amended confers on the general assembly of the church. Such a provision is necessary because the continuing congregations in this State will be unable to maintain a general assembly.

Provision is made in the Bill for the position to revert to the present structures of the Presbyterian Church in this State should the strength of the continuing church in the future warrant it. I commend the Bill to the House.

Debate adjourned, on motion by Mr Bertram.

## ADJOURNMENT OF THE HOUSE: SPECIAL

SIR CHARLES COURT (Nedlands—Premier) [12.06 a.m.]: I move—

That the House at its rising adjourn until 2.15 p.m., today, (Wednesday).  
Question put and passed.

House adjourned at 12.07 a.m.  
(Wednesday).