Legislative Council

Thursday, the 29th November, 1979

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

The Hon. D. W. Cooley read prayers.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. G. C. MacKINNON (South-West —Leader of the House) [11.06 a.m.]: I move—

That the House at its rising adjourn until 11.00 a.m. on Tuesday, the 4th December.

Question put and passed.

INDUSTRIAL ARBITRATION BILL

In Committee

Resumed from the 28th November. The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. G. C. MacKinnon (Leader of the House) in charge of the Bill.

The DEPUTY CHAIRMAN: Progress was reported after clause 23 had been agreed to.

Clauses 24 to 28 put and passed.

Clause 29: By whom matters may be referred to Commission—

The Hon. D. W. COOLEY: This clause is intended to allow an employee who has been unfairly dismissed to go to the Industrial Commission for the purpose of seeking redress. Here again, a clause such as this was taken out of the 1963 Act and it caused much dissention at that time.

We said earlier in the Committee debate that one of the clauses of the 1963 Bill which caused dissension was that which abolished the position of president. Another was that which abolished the commission's power to reinstate an employee. The power to reinstate was reintroduced under the Labor Government.

This clause goes a little further. Any person other than an employee of Government House or Parliament House can go to the Industrial Commission for the purpose of having his dismissal notice overturned. Commissioner Kelly said that from time to time the commission is faced with cases in which an employee has been harshly or unfairly dismissed, but the personal relationship between the dismissed employee or his employer or supervisor is such that reinstatement would not be in the best interests of the employee. He said in such circumstances the payment of compensation for unfair dismissal is the only satisfactory remedy. That is the purpose of section 52 of his proposed Act. Such a provision is not included in this Bill.

Later in the Bill provision is made for compensation to be paid to an employee who is dismissed as a consequence of his not joining a union. Such an employee is entitled to compensation, perhaps as well as reinstatement. However, an employee who is dismissed unfairly cannot be compensated under this Bill in a situation where he cannot return to work because the relationship between him and his supervisor would put him in an untenable position. We all know what can take place. In that case compensation should be payable. We do not oppose the clause; we draw attention to that omission.

The Hon. O. N. B. OLIVER: This is a matter to which Commissioner Kelly referred in the notes relating to his proposed industrial relations Act. Clause 100(4) gives a right not only to a union official or shop steward, but also to any employee to be reinstated and to be paid such sum of money as the commission considers adequate for loss of employment. I think the situation about which Mr Cooley complains is adequately covered in clause 100.

The Hon. D. W. COOLEY: Clause 100 does not adequately cover the position; it refers to compensation only for loss of employment or loss of earnings. It does not relate to an ordinary dismissal, but to where a person has been dismissed for not joining a union. In that case the employee can be reinstated and compensated for loss of earnings. There is a compensation factor in respect of clause 100, but not in respect of clause 29, which refers to a person being unfairly dismissed.

Clause put and passed.

Clause 30: Intervention of Crown—

The Hon. D. W. COOLEY: This is the first clause in which the Attorney General is mentioned; in other words, where "Big Brother" enters the situation. The clause says the Attorney General may on behalf of the State intervene in the public interest in any proceedings before the commission. That is different from the provision in the present Act, which is not as broad as this proposal. "Public interest" can have a very wide interpretation placed upon it; in fact it could include any dispute at all.

The Hon. G. C. MacKinnon: It has always been in the Act. It was previously the Minister, now it is the Attorney General.

The Hon. D. W. COOLEY: Yes, but it is now in a slightly different form. We have no real objection to the provision. I simply draw attenton to the fact that this is the first clause in which reference is made to the Attorney General. In debate on other clauses we will refer to his ability to intervene in disputes. We believe there should be a minimum of interference in industrial disputes by either the Attorney General or the Government; they should enter the scene only as a last resort. This clause gives the Attorney General far wider powers than the Minister has at present.

The Hon. R. HETHERINGTON: I would like to express my disquiet at this clause, because it seems to me the Attorney General can intervene at any stage. We could have a wrong kind of Attorney General, and some of the statements made by various Ministers of this Government in respect of certain disputes suggest it would be possible for a Government to intervene at the wrong time, at the wrong place, and so exacerbate a dispute.

I am concerned about this clause. I do not know that I am prepared to fight it tooth and nail, but it seems to me it should be a matter of last resort for the Attorney General to intervene in a matter of dispute; otherwise the Government could be accused of doing the very thing the unions have been accused of doing; that is, playing politics with industrial matters. It is no good the Government saying this will not happen because in fact statements of some Ministers of this Government suggest it could well happen. When employer and employee are lining up and playing for negotiation and advantages, the Government could heavy-handedly intervene at the wrong time and result in a small dispute which is under control getting out of control. I find this clause dubious.

The Hon. O. N. B. OLIVER: I believe this clause is fundamentally desirable. In *The West Australian* this morning we read about the strike at Charing Cross Hospital. If unions will act in such a way against the public interest, the Attorney General must have this right. The situation at Charing Cross Hospital is an unbelievable example of the efforts to which the minority of people will go to impose their will on the public.

The Hon. G. C. MacKINNON: Everything that Mr Hetherington says is factual. The beauty of the system is that it tends to cope with Ministers good and bad, and we get by. All parties occasionally have Ministers who do not perform as well as they should. I do not know that one can do anything about that other than what Mr Hetherington has promised, and that is to worry about it. There is not much else one can do.

This is one of the arguments in favour of having a large number of members of Parliament, so that one has a large group from which to make a selection of the people needed. Mr Hetherington knows that.

I do not know that anything can be done but to worry about it.

The Hon. D. W. COOLEY: We have no real objection to this, but the way Mr Oliver speaks demonstrates how members opposite are imbued with the strike syndrome—we have to do something about it. However, this has nothing to do with that situation. It deals with proceedings before the commission. It means if the TLC takes a case before the commission to increase wages the Attorney General would have the right to intervene in those proceedings. It should be noted that all the actions of the unions do not have strike action behind them. Unions appear in the commission daily. More than 90 per cent of the awards that go through the commission are by consent. It is not a question of bringing in the Attorney General; it is a question of the Attorney General's intervening on behalf of the Government to look after the interests of the Government and public.

The scope of this clause is far wider than is the scope of the provision in the present Act, and far wider than Mr Kelly proposed.

Clause put and passed.

Clause 31: Representation of parties to proceedings—

The Hon. O. N. B. OLIVER: I commend the Government for not accepting the recommendation that legal practitioners appear before the commission without the consent of both parties. I am pleased with this variation. Legal practitioners will appear only on a point of law, and they will appear only if each party in the proceedings expresses consent. Some cases have been delayed for 10 days while two legal practitioners argued over a minor point of law, during a major and costly dispute.

The Hon. D. W. COOLEY: If the Leader of the House will not do it, I will tell Mr Oliver that provision has been in the Act since 1912. This is nothing new. It has always been that way. It is supposedly a layman's court.

Clause put and passed.

Clauses 32 to 36 put and passed.

Clause 37: Effect, area, and scope of awards—

The Hon. G. C. MacKINNON: I move the following amendments—

Page 35, line 15—Delete the expression "(2)" and substitute the expression "(1)".

Page 35, lines 17 to 19—Delete all words commencing with the word "but" down to and including the passage "operation."

There is nothing very earth-shattering about these amendments. They are tidying up unnecessary verbiage.

Amendments put and passed.

Clause as amended, put and passed.

Clauses 38 to 40 put and passed.

Clause 41: Consent awards—

The Hon. D. W. COOLEY: I am not expressing the view of my party, but a personal view. I regret that the provisions for making industrial agreements, and their registration by the Industrial Commission, have been deleted. Under the present Act unions and employers may hammer out conditions for their industry and then draw up a document and have it registered by the commission, in which case the agreement has the force of law. When that has happened with me and a number of other trade union officials and employers, when we have gone before the commission we have been congratulated by the commission for having been able to come to agreement. This clause proposes that when an agreement is reached, the parties may have a consent award issued by the commission; and then certain procedures must be adopted in relation to how the award shall issue, and how all parties are bound by the award. If it is extended in any way and it becomes a common rule, a number of other organisations like the TLC and the Confederation of Western Australian Industry will have to be involved.

It is a shame that the agreement situation has been abolished. I know the reason for that, because it was expressed here when a Bill was introduced in 1975. Under the Whitlam Government the then Federal Minister for Labor and Immigration (Senator McClelland) said he intended the Australian Commission should look at all agreements for the purpose of abolishing what was loosely termed "sweetheart agreements". When Senator McClelland made that statement, this Government seized on it and immediately amended the Act in this State to ensure that such a situation applied here. Members on this side of the Chamber strongly opposed that move.

The Hon. G. C. MacKinnon: It was not a matter of seizing on it. It was a matter of being co-operative with Senator McClelland.

The Hon. D. W. COOLEY: The point is, that situation never came to pass in the Federal area.

The Hon. G. C. MacKinnon: Did the unions put too much pressure on Senator McClelland?

The Hon. D. W. COOLEY: No; the Whitlam Government was cheated out of office in the meantime.

The Hon. G. C. MacKinnon: I thought that was a reasonably fair election.

The Hon. D. W. COOLEY: Members all know a swindle took place at that time.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): Order! I cannot allow that digression.

The Hon. D. W. COOLEY: The Whitlam Government went out of office in 1975 and since that time we have had four long, tedious years on the political scene in Australia. The Federal Liberal Administration has made no attempt to bring about a situation where agreements have to be vetted by the commission before they are registered. However, under this provision, the decision taken here in 1975 with regard to industrial agreements is virtually put into effect.

This was another episode of Government interference in the industrial relations area. When we become the Government we will fix up this situation. We believe there should be a minimum of Government interference in industrial relations. Commissioner Kelly determined that in his report also. I view with extreme regret the abolition of the industrial agreements system.

Clause put and passed.

Clauses 42 and 43 put and passed.

Clause 44: Compulsory conference—

The Hon. D. W. COOLEY: I should like to refer to two small matters, the first being the penalty under subclause (3). A penalty of $1 000 may be incurred for failure to attend a compulsory conference.

While Mr Lewis is in the Chamber I should like to say that if this penalty is applied to a company such as Broken Hill Pty. Ltd., it would be able to meet the payment of the fine more easily than would a man who was earning $140 a week.

The Hon. A. A. Lewis: Mr Cooley knows quite well that nobody likes to pay fines.

The Hon. D. W. COOLEY: The Government has flown in the face of Commissioner Kelly's recommendation. He suggested a modest increase of $100.

Several members interjected.

The DEPUTY CHAIRMAN: Order!

The Hon. D. W. COOLEY: I suggest it is necessary to have a penalty for failure to attend a compulsory conference which has been convened by the court; but it should not be as much as $1 000 for working people.

The Law Society drew attention to clause 44 also as far as it concerns the hearing of disputes. A commissioner has powers to hear disputes of which it has prior knowledge. The objections of the Law Society read as follows—

> This clause is objectionable in principle. It is of the utmost importance that at the conciliation stage the parties all talk frankly, in the knowledge that what is said will remain within four walls. That frankness must be severely inhibited in circumstances where the particular Commissioner who is conducting the conference might turn out to be he who conducts the hearing. In a sense the background knowledge he so obtained would be useful to him, and accordingly there would be a tendency for the Chief Industrial Commissioner to appoint him notwithstanding objections raised by a party. The difficulty then is that the Commissioner would tend to decide the matter partly on that which he heard during the course of the conciliation conference, and partly on the evidence led before him at the arbitration hearing. This is apt to give rise to an undisciplined result. The present provision by which a Commissioner who presides over a conference can only conduct a hearing if the parties specifically consent to his so doing is infinitely preferable, and ought be retained.

The present situation is that the only time a commissioner who sits on the initial conference can subsequently hear a matter which is in dispute is if the parties agree to his doing so. However, under this clause the matter is left entirely to the Chief Industrial Commissioner.

We could have a situation in which a compulsory conference is called and the Chief Industrial Commissioner could appoint the commissioner who heard the initial conference to preside over the conference which finally makes the determination. That is all very well if the parties agree, but the situation has been altered in this clause and the Chief Industrial Commissioner has the sole right to decide who should make the determination. I hope that even at this late stage the Government will do something about that.

The Hon. G. C. MacKINNON: I would like to put on record that the objection of the Hon. D. W. Cooley is appreciated. If a situation arises and strong objections are put forward, every effort will be made to ensure that the same commissioner who dealt with the initial conference does not hear the dispute. However, there may be circumstances in which it is totally impossible for a different commissioner to be appointed; therefore, it is necessary for the Chief Industrial Commissioner to have this power. I put that on the record in order to allay some of the worries of the member.

The Hon. O. N. B. OLIVER: This clause is consequential on clause 41. Under consent awards or common rule agreements, the parties to the conference are circulated widely so that they are aware of the determination. Therefore, the right is given to any other employer or employee, within a period of 28 days after they have been notified, to dispute the determination in order to ensure that the common rule should be set aside.

Clause put and passed.

Clause 45: Powers of Commission where industrial action has occurred—

The Hon. D. W. COOLEY: If members look at this clause in detail they will see that it is one of the most controversial parts of the Bill. As we progress through the legislation, members of the Committee will see the reasons that I say that.

This clause is very objectionable in my view, and the view of the trade union movement and the Australian Labor Party. I must emphasise this point in case it is raised at a later stage. The clause reads—

> 45. (1) Where industrial action has occurred or is, in the opinion of the Commission, likely to occur in relation to a matter the Commission may—

It then goes on to state that the commission may inquire into any matter, and so on. That action could go to the point of taking away a contract of employment if certain orders are not obeyed.

I see nothing wrong with the Industrial Commission intervening in a dispute if the matter is referred to it by either party, but I see a great deal wrong with the Industrial Commission entering a dispute when it has not been so advised, or even if something is likely to occur.

A strict interpretation of this clause would mean that a union official could say that if something was not done there would be a possibility of a strike. This clause will allow the Industrial Commission to be brought into the dispute simply by the use of those words. An order could be made against the union stating that if the union did not obey the order its contracts of service would be cancelled. It could go further and further, as the provisions of the

Act progress, and it could reach the point where the assets of the union would be taken away and even penalties imposed on each individual member of the union simply because of the statement of a union official.

There is nothing wrong with the provision in the Bill to allow the commission to enter a dispute if one party finds it needs some assistance, or if one party is aggrieved as a result of the actions of the other party. But the fact that the commission will be able to enter into a dispute, before it is entitled to, constitutes Government interference in industrial relations. That should be avoided at all costs.

Right throughout this Bill it is the intention of the Government to involve the commission at an early stage in matters which really do not concern it. That sort of power will be given to the commission as a result of the provisions of this clause.

The penalties which can be imposed are harsh. The clause states that where employees are taking industrial action—and that does not mean they would be on strike—orders may be issued suspending their entitlements subject to such conditions as may be specified in the order. That will be the result of this clause.

I repeat: If there is any talk of a dispute the commission will be able to go in and bring down orders which will quell any further discussion. If industrial action is contemplated, contracts of service will be cancelled. That is harsh.

The Hon. G. C. MacKINNON: The points made by Mr Cooley are factual, according to his point of view. There is a divergence of opinion regarding this clause, not only in this Chamber, but within the political parties. Liberal Party members can be found with views quite similar to those of Mr Cooley, and I am quite certain some members of the Labor Party have views similar to mine.

The Hon. D. K. Dans: I hope I never find them.

The Hon. G. C. MacKINNON: I could find them for the honourable member without any trouble.

The day has almost gone when employees and employers were able to have a fight in their own backyards without affecting anybody else. No longer are we isolated from the main stream of a very complex society. There have been occasions, and I have seen them, when the protagonists have got themselves into a situation where it almost has been obvious they were looking for somebody to intervene. The Chinese have a monopoly on the old saying "face saving", but I can assure members that it does not apply in this instance.

This provision is included in order to provide the facility to intervene. I agree with the contention of Mr Cooley that the provision would have to be used with care. He might not have actually said that, but that was his contention.

I am quite certain a reliable and responsible commission would not rush around buying into every fight. It will use the provision with care. The day has come when this facility is necessary so that the commission can intervene. Members opposite might immediately say "Let us write in all the situations", but that would be completely impossible.

This is one of those clauses in regard to which, in any gathering of people, there would be divergent views ranging from mine to those of Mr Cooley. I think we need the right for the commission to intervene, and we are providing that right.

The Hon. D. K. DANS: The Leader of the House always amazes me. He said that Mr Cooley was factually accurate according to his own point of view. I cannot follow that reasoning.

The Hon. G. C. MacKinnon: I think Mr Cooley can follow it.

The Hon. D. K. DANS: I am afraid I cannot. "Factually accurate according to his own point of view"! That will make good reading.

I agree with Mr Cooley this was one of the recommendations of Commissioner Kelly, but this clause is fraught with a great deal of danger. It has been represented to the public that this Bill will do certain things. This provision will create the situation where it will be impossible for a non-unionist to get a job. A monopoly situation will be created. If this provision is mishandled it will be likely to cause a great deal of industrial confrontation.

The clause deals with orders, and I am *au fait* with orders made by the Commonwealth Commission. I would like to have all the money spent on telegrams which were sent to me relating to orders. Whether one complies with an order is a different matter.

The present commissioners appear to me to have a great deal of common sense, but at any stage of the proceedings they may become yesterday's heroes, and a new group of people could take their place.

For instance, some of the mad people in the Liberal Party could decide to leave Parliament and inflict themselves—under the "old boys" system—on the industrial field.

The Hon. R. Hetherington: There would be some hassling then!

The Hon. D. K. DANS: Senator Spicer set up the industrial court and left Parliament to become its first oppressive judge. Despite all those happenings, industrial relations are probably better than ever in Australia, but not because of the industrial court. All that did was to create a number of disputes.

I agree with the Leader of the House when he said sometimes people like to indulge in a little "face-saving", and we do need an umpire. However, we will not find an umpire in this clause! Under the present Act any party to a dispute can apply to the commission but this clause goes a little further. It contains some let-out provisions, and it then brings in the Attorney General. It is most dangerous.

I want to be on record as saying this clause, mishandled, could be one of the greatest causes of industrial disputation in the future if the provisions of this Bill are applied. It will be interesting to see when the Bill is proclaimed. I am pretty sure that will be almost on the eve of the election.

I am at a loss to understand why the Government has accepted a clause such as this. It has been very quick to adopt a number of other clauses and tack little bits on, but this clause is in line with the current thinking that the only way to get industrial peace is to try to crack a peanut with a steam hammer.

We have had industrial arbitration in this country since about the turn of the century. All sorts of Governments have invoked all kinds of systems, but industrial arbitration still remains. To my mind, this Bill is a political exercise to try to make the industrial climate worse. I do not mean this particular clause, but I must agree with Mr Cooley that it is quite amazing because it says that if something does not relate to an industrial matter, the commission may inquire into it, even if it is not included within the ambit of the Bill. Why would we want the commission to inquire into something that is not an industrial matter, and leave it to the commission to say, "We have had a look at it, and we will not interfere with it"?

Paragraph (b) is far-reaching. The commission could inquire into a matter on its own motion. Matters such as superannuation are outside the range of the legislation, but the commission, on its own motion, or with prompting, could inquire into that area. I do not want to delay the passage of this legislation, but I believe this clause should be approached with great caution. As I have said before, this measure should be titled the "industrial confrontation Bill".

The Hon. R. HETHERINGTON: The first two lines of this clause read—

> Where industrial action has occurred or is, in the opinion of the Commission, likely to occur in relation to a matter . . .

With one sweep of the pen these words enable the commission to be converted from an arbitral body to an arbitary body—the keynote for arbitrariness is unpredicatability. We do not know what the mind of the commission will be on any given issue, and the commission must make up its mind that industrial action is likely to occur. On what kind of evidence we do not know. No objectivity is written into this provision.

We know when industrial action can occur—we can examine that and see clear evidence. We tend to assume—too lightly in my belief—that because the members of a commission are reasonable, sensible, trustworthy people, it is safe to write dangerous provisions into legislation. However, we should always remember that we cannot completely rely on the members of the commission to be sensible people. In the future for some reason even members of the present commission could suddenly become very twitchy about matters.

I have been concerned always about the tendency to bring arbitrary language into legislation. I well remember Mr Neil McNeill chiding me once because I missed this in a piece of legislation, and I took his point. However, one does not always pick up these things. We put too much faith in continuing institutions, and this can be dangerous.

I take the points mentioned by the Leader of the House that in a real situation the commission, as we have always known it, is unlikely to act frivolously. It would probably intervene only for a sufficiently grave reason, and most likely that reason would be one that could be tested objectively. However, the power remains, and it should not be there.

I would have thought the whole point of having an arbitral body was not that it should go in before the event, but that it should try to reconcile a dispute when one arose. If we start stepping in before there is a dispute, we will be treading on dangerous ground. Whatever we may find in the Labor Party or the Liberal Party, on liberal principles this provision should not be in the Bill because it gives arbitrary powers to the commission no matter how trustworthy its members may be. This is not consistent with liberal principles.

The Hon. D. W. COOLEY: Of course we have faith in the commission, but we believe this clause

will give the commission too much power. Certain laws were made in Germany in 1933. People were appointed to certain positions to implement those laws, and every action taken under the German regime was taken under the laws.

Once this Bill is proclaimed, there is no possibility of its being repealed. Even if the Labor Party comes to office next year it could not be repealed because of the imbalance in voting rights for the upper House.

To understand the full implications of this clause, it is necessary to read it in conjunction with clause 74, which contains a reference to clause 45(1). It will entitle the Industrial Commission to enter a potential dispute and to make orders against a union or a person which may bring about the cancellation of that union's or person's contract of service. If those orders are not obeyed, the commission is empowered not only to cancel a contract of service, but also to impose a fine of $2 000.

The most unjust part of this clause is that, even if the dispute is caused by a group of non-union freeloaders, if there is only one person in that group who is a member of a union, that union is held responsible, and its contracts of service under its award may be cancelled, and the union fined. If any member opposite thinks that is fair and reasonable, his idea of the phrase is quite different from mine.

The Government has received the paper by the Law Society on this Bill. The Law Society has drawn attention to potential injustices in the legislation. I realise the paper came forward too late for anything to be done in the other place. However, the Government certainly had time to examine the Law Society's report before the Bill came to this place; yet nothing has been done to amend these objectionable clauses.

The Law Society said, in respect of this clause—

> This clause is again objectionable in principle.

Has the Minister and the Government examined the opinion of the Law Society on this clause?

The Hon. G. C. MacKinnon: It has been seen and replied to.

The Hon. D. W. COOLEY: Yet nothing has been done about it. The Opposition can assume only that, in the face of good legal advice, the Government intends to go ahead with its plans. The Bill represents a grand plan to weaken the bargaining strength of unions in this State.

The Hon. D. K. Dans: It will not succeed.

The Hon. D. W. COOLEY: The only remaining strength which will be left to the unions will be their right to take strike action as a last resort; this right should never be taken away from them.

This clause will have the effect of weakening a union's bargaining power. Add to this the reduction in union membership which could be expected as a result of the abolition of the preference clause, and making the closed-shop system illegal, and we are left with a submissive, tame-cat union system. If the union movement is not strong and able to stand up for its rights, everybody in the community will be adversely affected.

The Government should not go ahead with this legislation; it should have a better look at what it is bringing before this place. Harsh and repressive legislation will not solve industrial problems. There is nothing in this clause similar to the recommendations of Commissioner Kelly. He brought down his report in a fair and impartial manner, having regard to the policy of the Liberal Party and also to the welfare of workers in this State.

Clause put and passed.

Clauses 46 to 65 put and passed.

Clause 66: Power of President to deal with complaints by members or Registrar against union—

The Hon. R. HETHERINGTON: What are the criteria to be adopted to determine whether a rule is "tyrannical or oppressive"? It seems to be a ridiculous form of verbiage. Tyrants generally are people who rule countries. Idi Amin was tyrannical. What sorts of union rules does the Government expect to be tyrannical? Why are these words in the Bill?

The Hon. G. C. MacKINNON: I am a little surprised at that question. I have done no preparation on this point because the words appear in the present Act and I assumed they were accepted. I am told that "tyrannical" has been regarded as meaning "undemocratic".

Clause put and passed.

Clauses 67 to 72 put and passed.

Clause 73: Summons for cancellation or suspension of registration of union—

The Hon. D. W. COOLEY: I have already made a request to the President of the Legislative Council to determine whether part of this clause should be accepted. The clause is the means whereby a union can be deregistered. There has always been such a provision in the Act and I suppose it is basically true that if one joins an

organisation one should be prepared to abide by the rules. If one consistently flouts the rules there should be provision for one to be removed from the organisation.

However, when that situation comes about, there ought to be a certain process followed to give everyone an opportunity to be heard in a reasonable manner. After all the avenues have been exhausted, a hearing should be held and a determination made. As I said in my second reading speech—the Minister for Labour and Industry has not disputed this, and in fact he has confirmed it—clause 30 allows for the intervention of the Attorney General to have the commission call a union before it and within less than an hour that union can be deregistered and have its legal standing removed.

The Hon. G. C. MacKinnon: The commission can also refuse to deregister a union after the Attorney General has made his request.

The Hon. D. W. COOLEY: I am not saying that is not so; but a union previously could not be deregistered in such a short space of time on the advice of the Crown.

The Hon. G. C. MacKinnon: Are you sure it can be done in an hour?

The Hon. D. W. COOLEY: I am quite sure. If I am not sure, perhaps the Minister for Labour and Industry is not sure. I consider this to be contrary to the natural course of justice and we should not allow anything in this Bill which is against the natural course of justice.

With the Minister I raised the question of article No. 4 of ILO Convention No. 87 which concerns the freedom of association and the protection of the right to organise. The Minister said the Government was acting under the umbrella of the conventions when it allowed any person the right to join or not to join a union. If the Government is to be consistent it should not allow this paragraph to remain in the Bill. Accordingly, I move an amendment—

Page 82, lines 26 to 31—Delete paragraph (a).

As I said earlier, I asked the President to rule this paragraph out of order on the ground that it was breaching an ILO convention agreed to by the Government. I believe any international law, established with the approval of the Australian and Western Australian Governments, should be abided by. It is a waste of time othewise for us to send representatives to the ILO conferences each year. They are sent at considerable expense to the State to help frame conventions. No nation is obliged by law to ratify a convention, but when it does it should uphold the convention. The President replied to my letter as follows—

(i) There is no standing order providing for such a ruling;

(ii) (a) This Parliament may legislate as it thinks best notwithstanding that the legislation may be in conflict with the I.L.O. Convention or any other international convention or treaty.

(b) However, if there were a conflict between a proposed provision and an international convention, (a matter which I have not considered at all in the present case) that would be a matter which could be considered by Honourable Members when deciding whether or not to support the proposed provision.

(iii) Ratification of the I.L.O. Convention by the Commonwealth Parliament does not alter the position.

Under the circumstances, I am sure you would agree it would be wrong for me, or the Chairman of Committees, to accede to your request.

I respect that decision. Possibly it would be wrong for the President to override any consideration we may make. I should like to quote from a document titled "Freedom of Association—Digest of decisions of the Freedom of Association Committee of the Governing Body of the ILO" as follows—

The suspension, by administrative authority, of the legal personality of a trade union is not compatible with Article 4 of Convention No. 87.

Article 4 states—

Workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority.

Clause 73(3)(a) states—

(a) where the request is made by the Attorney General and is accompanied by a declaration by him that the safety, health, or welfare of the community or a part of it is at risk, the Commission shall give a direction under that subsection; and

Clause 73(1) states—

73. (1) Subject to this section, the Commission may of its own motion or at the request of the Attorney General or any employer or union at any time direct the

> Registrar in writing to issue to a union a summons to appear before the Full Bench on a date specified in the summons, and show cause why the registration of the union under this Act should not be cancelled or, as the case may be, suspended.

If, in the opinion of one man, the safety and welfare of the community is at risk and the commission can show that there is good cause to have a hearing to deregister a union, that union could be brought before the commission on the day the advice was received from the Attorney General. If the union cannot show a good reason why it should not be deregistered at that particular time, it will be deregistered. That means the union will have to defend itself without any prior knowledge of the charge.

There is a procedure which can be adopted in respect of a deregistration, and that is to be found in subclause (1)(a). That should be taken out altogether because it is unjust. If Government members believe that it is just, then they should have another look at it. There should not be such a provision.

My main contention is that we have no authority in this Chamber to override an international convention to which we have agreed. We have a moral and legal obligation to ensure that this convention remains. If we pass such a clause we are in breach of article 4 of ILO Convention No. 87.

The Law Society in this State has become very concerned about what is proposed and it says that this clause has the appearance of injustice. I will quote its comments on clause 73(3)(b) as follows—

> This clause has the appearance of injustice and as we are constantly told the law must not merely be just, but it must appear so. The position is that the Commission may issue a summons to a union calling on it to show cause why it should not be deregistered, and it is obliged to do so if the Attorney-General makes a request to that effect and declares that the safety, health or welfare of the community or a part of it is at risk.

I make the point that there may be an isolated dispute and the Attorney General can call upon the commission to bring the union before the court to show cause why it should not be deregistered. To continue—

> Otherwise the Commission may act if requested so to do by an employer or a union, or of its own motion. In those cases it is precluded from directing that a summons issue unless "by reason of the conduct of the union or its officers or members or any of them, either generally or in a particular case, it appears to the Commission that the continuance of the registration is not consistent with or will not serve the objects of this Act", and even then it must first have discussions with officers of the union.

That is fair and reasonable. Commissioner Kelly was more cautious in recommending deregistration procedures. The commissioner said talks with the committee of management should be entered into before actions were taken.

This does go part of the way in respect of that, except when we refer to subclause (3)(a). The Law Society states—

> The obfuscating wealth of words used may confuse and create a belief that all is reasonable, but that cannot be so in principle. What is required is that the Commission reach a conclusion without hearing the other side to the case, that is the union which may be the subject of deregistration proceedings. That is simply and plainly contrary to natural justice. Different considerations might apply were it necessary to have discussions with union officials before the Commission could form even the tentative view that continuation of registration was not consistent with the statutory objects. As a matter of principle this provision ought be deleted or amended, at least so as to give the union a right to be heard before any factual judgment contrary to its interests is made.
>
> There is another objection to clause 73 which is of even greater moment. The effect of deregistration is to deprive a registered union of legal standing—it is equivalent to a death penalty on a natural person.

So, we have a group of lawyers saying that what we are doing is the equivalent of the death penalty on a natural person. We are applying this to a trade union. This is most harsh and it is placing the unions in the same category as that of a common criminal. I do not think that was intended. To continue—

> It therefore seems proper that deregistration proceedings not be taken except for carefully defined statutory cause, and the proposed Act could not be more vague in this regard. The requirement for particulars does not assist, because particulars of something undefined may be forgiven for vagueness. It is essential that the Act contain stated factual grounds upon which the decision must be made.

If the Attorney General votes against my amendment he is acting contrary to his legal principles. Surely, a man of his standing and knowledge of the law would not agree to a situation under which the unions' legal rights can be taken away almost at the drop of a hat. There is no justice associated with that and we, as responsible people of the community and as legislators, should not be allowing a provision in the Act which will bring about a situation under which a union can be deregistered in the manner described.

The Hon. G. C. MacKINNON: I am sorry Mr Cooley has adopted such an intransigent attitude on this because there has been quite an amount of exaggeration in some of his statements. The Attorney General does not operate in the Cabinet as a lone individual, particularly in a case as serious as this. He would at least consult with the Minister for Labour and Industry and would, without doubt, also consult with the Premier. It would be extremely unlikely that he would take such a step without informing his other Cabinet colleagues. The matter would go a little beyond the Attorney General with regard to the practicalities of the situation. The Attorney General's name is mentioned because he is the legal officer of the Government. He advises on certain very narrow precedents, such as the matters of health, safety, or welfare, as written.

There are some very important matters in my portfolio which have been of urgency as far as I am concerned. One example is the waste water treatment works, because it is a health matter and also it would be urgent because of the inconvenience caused.

The Hon. D. K. Dans: You would deregister the union where that happened.

The Hon. G. C. MacKINNON: That is where it is wrong. What one must do, of course, is to have the Attorney General make a request to the commission. The commission then requests the registrar in writing, to remit a summons to the union. The inference here has been that the Attorney General can deregister a union. Of course he cannot.

The Hon. D. K. Dans: I did not say that.

The Hon. G. C. MacKINNON: I am sure Mr Cooley understands. It has to be heard before the commission. Let us look at an instance which occurred yesterday and in which a union not only stopped supply thus affecting the health of a group of people, but actually picketed the place. Whoever was responsible in that particular country was not able to act quickly enough and a situation of confrontation developed between the doctors, the nurses, some cancer patients, the pickets, and the union.

The Hon. D. K. Dans: Are you citing the photograph in the daily Press?

The Hon. G. C. MacKINNON: We do not want that sort of conflict to arise. That is why the provision is as it is. It is reasonable. We share none of the fears of Mr Cooley. There is no conflict in the matter of justice as far as we are concerned. If a situation develops such as the one we have read about and the hypothetical situation I mentioned where the sewerage works are cut off or no rubbish is carted away and there are dire health risks, we want to be able to get the people together to effect a settlement. Members are aware that at times the courts have said to the union management, "Please get your fellows to do this or that", and the union management has said, "We can't; they are out of hand, we have lost control." It is considered the court should be able to do something about that situation.

Under all the circumstances, and the conditions we foresee, we consider the clause is reasonable. In a situation where no heating was available for cancer patients, the Attorney General would react. I have been referring to a photograph and the news item which appeared in the Press, but let us use it as an example. It is a little more visible than my hypothetical case about the people working in the waste treatment plants walking out. It would be proper under those circumstances for the Attorney General to step in.

I hope the explanation is sufficient to persuade the Committee to oppose Mr Cooley's amendment.

The Hon. R. HETHERINGTON: I am not as sanguine as the Leader of the House is that the reasons given in subclause (3)(a) are specific. I understand safety and health, but then we have the grab-bag welfare—the welfare of the community. In the past I have heard a great deal of debate in this place and elsewhere about whether the actions of certain unions were affecting the welfare of the community in the short term or the long term. It seems to me with this clause we have safety and health so that the Leader of the House can say there are certain specific reasons. Then we have welfare. The Leader of the House spoke about health and safety, but did not give us any hypothetical, real, or reported instances of welfare.

The Hon. G. C. MacKinnon: I can think of one and I will tell you about it when you sit down.

The Hon. R. HETHERINGTON: No doubt the Minister can think of all sorts of things, but "welfare" has a grab-bag of interpretations. I am

not happy about the powers given to the Attorney General throughout the Bill or about the subjectivity of much of it. I agree with Mr Cooley that it is undesirable.

What I do not understand about this Bill and clauses such as this is—to repeat the question Mr Dans has often asked throughout the debate—how these provisions will bring disputes to an end. It seems to me they will exacerbate disputes. If this clause is acted upon because of a real safety issue, it does not follow naturally that the dispute will be brought to an end. And if the union is deregistered, the whole situation may be exacerbated. Once a union is deregistered it ceases to exist, and whether people choose or do not choose to join it, the union does not exist as a legal entity.

The Leader of the House has not convinced me. I think Mr Cooley's arguments still stand, and because of the breadth and subjectivity of the term "welfare", I join with Mr Cooley in opposing this clause.

Sitting suspended from 12.36 to 2.01 p.m.

The Hon. D. W. COOLEY: The Opposition is not satisfied with the explanation of the Minister that this clause is necessary in circumstances where a union loses control of its members and that all sorts of dire circumstances can apply as a consequence of a strike. Members may place varying interpretations on whether the safety, health, and welfare of the community is at risk. I cannot recall that situation arising in the last 20 years as a result of an industrial dispute. In every industrial dispute I know about or have been associated with the union has invariably set up a committee to guard against that circumstance and to ensure that essential services are maintained. I would stand corrected if members could give me an instance where that has not been so; but even in the worst disputes the safety, health, and welfare of the community has not been at risk.

The Government says the Hamersley dispute had a lot to do with this Bill, but at no stage during that 10-week strike was the safety, health, or welfare of the community at risk.

The Hon. G. C. MacKinnon: Do you remember the milk strike?

The Hon. D. W. COOLEY: When have children suffered as a consequence of the withholding of milk by unionists? There has never been a protracted milk strike.

The Hon. G. C. MacKinnon: That was only because we got people to distribute the milk.

The Hon. D. W. COOLEY: That is not altogether true.

The Hon. Neil McNeill: Having been very much involved in it, I know it is completely true.

The Hon. D. W. COOLEY: People were available to carry out essential services.

The Hon. G. C. MacKinnon: What about the SEC strike?

The Hon. D. W. COOLEY: Men were on the job providing power to the community. Western Australia has never suffered a complete blackout as a consequence of a strike by SEC workers.

The Hon. G. C. MacKinnon: It nearly gave me a heart attack because I had to climb nine flights of stairs to get to my apartment.

The Hon. D. W. COOLEY: We all have to suffer some inconvenience at some time.

The Hon. Neil McNeill: Why?

The Hon. D. W. COOLEY: I suffered inconvenience when I was put in uniform by a Liberal Government and made to carry a gun, along with thousands of others.

The Hon. Neil McNeill: Didn't you volunteer?

The Hon. D. W. COOLEY: When my country was at risk I did—

The Hon. Neil McNeill: That is a different situation.

The Hon. D. W. COOLEY: —but I was conscripted at first. Fancy the Minister saying he had to climb nine flights of stairs. Life was not meant to be easy, was it?

The Leader of the House referred to a strike of sewerage workers. How many times have those people been on strike?

The Hon. G. C. MacKinnon: I didn't say they had. I said it would be difficult to imagine the consequences. I used the strike in England as an example.

The Hon. D. W. COOLEY: The clause even refers to part of the community being at risk; even if only a very small section of the community is involved a union may be deregistered. If sewerage workers did strike and the provisions of this clause were invoked, the union could be deregistered within an hour. How would that assist to get the men back to work if they have been taken out of the system altogether? They would be free agents. They would not be covered by the provisions of the Act.

The Government will embitter people who are on strike if it takes this action.

The Hon. O. N. B. Oliver: They come under the umbrella of Mr Dans' methods in West Germany.

The Hon. D. W. COOLEY: We would go along with the situation if, for argument's sake, there was a strike at the sewerage works and somebody said to the men, "If you carry on like that again you will be subject to deregistration", and they continued despite the orders of the commission. Then there would be grounds for using the provisions of this Bill. However, for one union to be brought before the Industrial Commission and deregistered under this clause with the stroke of a pen is completely—

The Hon. O. N. B. Oliver: Oh—

The Hon. D. W. COOLEY: Mr Oliver said, "Oh", when we were talking about section 54B of the Police Act. Mr Baxter said it could not happen, but it did happen at Karratha. The people in this Chamber will not be administering the verbiage of this Act when it is proclaimed. There will be other people to do that—legal people who understand these sorts of situations.

The Hon. G. C. MacKinnon: Your interpretation of what might happen is quite wrong.

The Hon. D. W. COOLEY: If that is the situation, why did Mr O'Connor say that a union could be deregistered within an hour?

The Hon. G. E. Masters: He did not say that.

The Hon. D. W. COOLEY: It is in the second reading speech.

The Hon. G. C. MacKinnon: He said "hours".

The Hon. D. W. COOLEY: If it is hours, I say it could be done within an hour.

The Hon. G. C. MacKinnon: The Minister said "hours". He could have meant 32 hours.

The Hon. D. W. COOLEY: I am saying it could be done within an hour; and it would be quite simple. The people who are knowledgeable about those things and about the industrial process know that can happen. How many unions have been deregistered since 1963 when the Industrial Commission was established? There would be very few indeed.

The Hon. G. C. MacKinnon: Was not most of the deregistration of unions in this country done by Mr Chifley?

The Hon. D. W. COOLEY: Whether it was done by Mr Chifley, Mr Curtin, or Mr Fraser, it does not make it right.

The Hon. G. C. MacKinnon: I am not arguing; I am just asking.

The Hon. D. W. COOLEY: I do not know whether Mr Chifley was responsible for the deregistration of unions. I have said on more than one occasion during the debate that I do not believe that unions should not be deregistered if they are not playing the game within the terms of this Bill. What I am complaining about is paragraph (a) of subclause (3). That is the question before the Chair. A union could be deregistered in an hour, in my view.

The Hon. G. C. MacKinnon: The processes involved would not allow that.

The Hon. D. W. COOLEY: The Law Society goes even further than that. It says that a union could be deregistered without being given the opportunity to provide a defence.

The Hon. G. C. MacKinnon: The society is wrong.

The Hon. D. W. COOLEY: I think it is wrong; but that is its interpretation of it.

The Hon. G. C. MacKinnon: Well, we agree on one thing.

The Hon. D. W. COOLEY: But it could happen—in my view, within an hour; in the Minister's view, within hours. It could happen within a morning. It is not fair and it is not just. It is not in accordance with the principles of the ILO which Mr Pike laid down when he was justifying the abolition of the preference clause and the abolition of the closed-shop system.

The Government has not been consistent during this debate. If it uses the ILO principles to justify the abolition of preference to unionists, surely the ILO principles should stand in relation to the taking away of the legal standing of a union. I have proved, in my letter to the President and by documentary evidence, that this clause is contrary to ILO Convention 81. Government members should not be supporting the provisions of this clause; they should be supporting my amendment.

As I have said, there was no legal obligation to sign the ILO convention; but there was a moral obligation to do so. Nobody forced the Government to agree to the ILO convention. What is the purpose of having the ILO, and agreeing to its principles, when this sort of provision is accepted by the Government?

The ILO is the only international organisation that has stood the test of time. It has been operating since the end of the First World War. All other such organisations have been abolished; but the ILO is still there, and it has been responsible to the people.

The ILO expects that, when it brings down a convention which is approved by a country, the convention will be upheld. Nobody in this Chamber this afternoon has said that the Government is not breaching the ILO convention by this Bill.

The Hon. G. C. MacKinnon: We are not.

The Hon. D. W. COOLEY: The Government is. It is taking steps to take away the legal standing of unions. That is not compatible with the—

The Hon. G. C. MacKinnon: Provided it is done by a legally constituted court, it does not contravene the ILO convention.

The Hon. D. W. COOLEY: Does the Leader of the House have legal opinion on that?

The Hon. G. C. MacKinnon: I have my own.

The Hon. I. G. Pratt: Have you not been telling us that in certain circumstances unions should be deregistered?

The Hon. D. W. COOLEY: I did say that, yes.

The Hon. I. G. Pratt: What are you talking about now?

The Hon. D. W. COOLEY: I am saying that the procedure adopted is not the same as in the present Act, and it is not as proposed by Mr Kelly. I know Mr Pratt is listening, but I am not getting through.

When it is possible to have a union deregistered within an hour—

The Hon. G. E. Masters: You are exaggerating. There is a procedure set out in the Bill.

The Hon. D. W. COOLEY: I know there is. It will be a good procedure, if members opposite agree to my amendment.

From what Government members are saying, I conclude they want to use the heavy hand of the law to resolve industrial disputes by threatening unions with deregistration. This has been a tactic of unscrupulous employers who support this type of legislation; people such as the Thomases, the News, and the Harrises, who brought a mob up here that day. When an industrial dispute arises over wages or safety, their tactic is to start talking about cancelling awards or deregistering unions.

What happens is that the real issues are lost. In many cases the workers are forced back to work with fewer benefits than before. The employers, with a stroke of a pen, can cancel the workers' annual and long service leave entitlements by giving them notices of dismissal and can start talking about deregistering their union.

The ACTU or the TLC may then come into the dispute, but the only thing it can hang its hat on is its efforts to see that the awards are used to protect the workers. The real issues are lost. People such as Rick New and others in right-wing organisations are the architects of certain provisions in this Bill; there is no question about that. The gentleman sitting in front of me (Mr Oliver) would not have the slightest understanding of the problems of the trade union movement in respect of the things its members have to suffer.

The Hon. O. N. B. Oliver: Get back to reality.

The Hon. D. W. COOLEY: I am. The Minister has said the Bill will allow for the heavy hand of the law to be used to break industrial disputes. That should not happen. If a union consistently breaches its obligations under the Act, it should be allowed to follow certain procedures so that it has the opportunity to put its case; so that its members can put their case. Certainly, the legislation should not be used to break strikes by deregistering unions. Such action will only embitter people and place unions in a situation where they will not be subject to the provisions of this Bill.

The Government is going against ILO principles, moral principles, and legal principles by supporting this clause. Government members should wholeheartedly support my amendment if they believe in fairness and justice.

The Hon. R. HETHERINGTON: I have been brought to my feet because of Mr Masters' action of waving the Bill over his head and saying, in effect, "Look at all the provisions the Government has to go through". It brought to mind a statement that the issue is clouded by the verbiage. Let us consider how fast a union can be deregistered. Clause 73 (1) states—

> 73. (1) Subject to this section, the Commission may of its own motion or at the request of the Attorney General or any employer or union at any time direct the Registrar in writing to issue to a union a summons to appear before the Full Bench on a date specified in the summons and show cause why the registration of the union under this Act should not be cancelled or, as the case may be, suspended.

So an order may be issued any time specifying the date, and the date may be the same day, an hour or half an hour hence. Subclause (3) (a) Ftates—

> (a) where the request is made by the Attorney General and is accompanied by a declaration by him that the safety, health, or welfare of the community or a part of it is at risk,—

It does not state it has to be proved in any objective way. It merely has to be accompanied by a declaration. Then the commission "shall" give a direction. It is mandatory. The declaration would include a statement of the reason. The reason is that the Attorney General considers there is a risk. Subclause (5) states—

(5) The union concerned may apply to the Registrar for further particulars of the statement of reasons referred to in subsection (4) and the Registrar shall supply such further particulars as the Commissioner who constituted the Commission that gave the direction may direct.

The commissioner may direct the registrar to go no further. Subclause (7) states—

(7) On the return of the summons the Full Bench may make such order in respect of the registration—

It is mandatory; no reasons have to be given to make it necessary and within hours on the same day the union can be called before the full bench and be deregistered. Mr Cooley was right when he said one had to look through the provisos.

The Hon. G. E. Masters: Are you saying the Attorney General, by coming into the action, is able to bring about the deregistration of a union straightaway?

The Hon. R. HETHERINGTON: No. I am saying if the Attorney General, under subclause (3), makes a request accompanied by a declaration indicating that the safety or whatever of the community is at risk, the commission is obliged to issue an order.

It is very obscure. The registrar has to give the reasons; he does not have to give any further reasons if the commissioner so directs. And within the same day, within an hour, a union can appear before the full bench.

The bench has to order the deregistration. All the Attorney General does is start the whole procedure and it is mandatory if he does it in this way. I think it is unfortunate because I do not understand why the Attorney General should be given the special prerogative—I use the word "prerogative" quite clearly. I have made reference before to the Stuarts and to Charles I.

The Hon. G. C. MacKinnon: I thought you said yesterday that history did not matter.

The Hon. R. HETHERINGTON: The Leader of the House is wrong again; do not talk nonsense.

The Hon. G. C. MacKinnon: I know you said that.

The Hon. R. HETHERINGTON: Rot! The Leader of the House talks nonsense. History is very important and we can learn much from it. The other day I said members opposite do not learn from history and it is time they did. The Leader of the House has a mine of facts, but he does not learn things. He is not helping us to learn.

I have said before that we have a Charles in Executive who wishes to bring back some of the prerogative of the Executive. Here, the Attorney General steps in. The Attorney General can request the procedure to proceed.

The Leader of the House said that of course the Attorney General would consult with other Ministers and the Premier. I can well imagine he would and I can imagine the type of consultation. The Premier would order that the action be taken immediately because it was time to confront unions. We have politicians intervening in disputes for political purposes and I believe that is the purpose of this clause.

The Hon. O. N. B. Oliver: No. Do you put yourself above the community?

The Hon. R. HETHERINGTON: I do not put myself above anyone.

The Hon. O. N. B. Oliver: The way you were talking indicates you do.

The Hon. R. HETHERINGTON: I do wish Mr Oliver would stop talking nonsense. If he closed his mouth more often it would help.

I am very concerned about public interest and I am concerned about individual rights. I am concerned about what the Premier and the Government intend to do. What is more, I know something about this matter which is more than I can say for the Hon. Neil Oliver.

The Hon. A. A. Lewis: Little lecturer at work again!

The Hon. R. HETHERINGTON: I am not put off by these statements. I am interested in making sure we protect the rights of individuals, of unions, and of everyone else in this community. I suggest this clause would not be in the public interest and not in the best interests of the community. It is a clause which can be abused.

When discussing clauses such as this, it is important that we do not say, "Look at the Attorney General; he would never do a thing like that". After all, the Hon. Ian Medcalf, the Attorney General, may drop dead tomorrow. I am not wishing that on him because we would all miss him. But, we will not always have the same Attorney General. We have to consider the fact that this clause can be used for political purposes and the commission has no discretion whatsoever on this issue. The Cabinet can override the commission. The Cabinet at any stage can decide that the public safety, health, and welfare are at risk and can instruct the commission to issue a direction.

The Hon. G E. Masters: Certainly issue a summons.

The Hon. R. HETHERINGTON: Can direct the registrar to issue a summons. Therefore I am objecting to it.

I intend to speak about whether this direction could be carried out within an hour. It certainly could be done within hours, and hours does not mean 24 hours. Usually when people use this term they mean within the day. The whole process could be started in the morning and completed in the afternoon. There is no doubt about that.

The Hon. G. E. Masters: The final decision is with the commission.

The Hon. R. HETHERINGTON: I am not arguing that at all and, I have never suggested that. I am worried that the process—

Several members interjected.

The CHAIRMAN: Order! If the honourable member ignored the interjections it would help the work of the Committee.

The Hon. R. HETHERINGTON: I am not saying it is not finally in the hands of the commission. What I am saying is that the Cabinet can decide to intervene and force the whole process and in that way could put pressure on the commission.

The statements from members opposite indicate that their view of welfare is not the same as mine. It is a catchy phrase and it is very subjective.

Once again, I oppose this Bill and I will certainly be glad to hear the comments of Mr Oliver and Mr Masters. I certainly hope Mr Masters will speak because I would prefer to listen to him.

The Hon. G. C. MacKINNON: Before the lunch break I did want to mention a matter to which Mr Hetherington referred when he asked about welfare. I will explain one of the reasons for the use of the word "welfare".

The Hon. D. K. Dans: I hope this is better than your explanation of the word "tyrant".

The Hon. G. C. MacKINNON: When I was Minister for Health and we were drawing up the regulations under the Clean Air Act, we listened to complaints. One of the actual complaints referred to lime dust from the cement works at Rivervale. The Public Health Department said it was not a health hazard; it did not have a deleterious effect on a person's health. However, after a while it was pointed out that it did affect a person's welfare. Although the safety and health of a family were not affected by the dust, its welfare was. I do not know a better word to use than the one in the provision.

The Hon. F. E. McKENZIE: I will join with my colleagues in supporting Mr Cooley's amendment. I wonder why Commissioner Kelly's recommendation was not accepted in regard to subclause (2). Commissioner Kelly thought that the period should not be less than 21 days. The Government saw fit to reduce the period to 14 days. That was a tightening up in respect of the time allowable for a union to reply to a summons.

The inclusion of a provision to enable the Attorney General to act in such haste indicates to me a lack of understanding of industrial relations on the part of the person preparing the Bill. Certainly conflict will result if an Attorney General acts hastily without good cause. Obviously an interpretation will be made by him or by the Cabinet. I consider it is an obnoxious provision—I thought Hitler died some years ago.

The Hon. G. C. MacKinnon: Don't talk that sort of rubbishy talk!

The Hon. R. Hetherington: He can. You listen and reply if you can.

The Hon. G. C. MacKinnon: We have heard it for years. It takes a pretty small man to get down to arguments like that. The fellows on our side did more about it than you did.

The CHAIRMAN: Order!

The Hon. F. E. McKENZIE: Certainly this provision is similar to the laws Hitler introduced.

The Hon. G. C. MacKinnon: Rubbish!

The Hon. R. Hetherington: Listen to his argument.

The Hon. G. C. MacKinnon: He is not putting up an argument.

The Hon. F. E. McKENZIE: Commissioner Kelly, a reasonable person, did not see fit to include such a provision in his proposed Act. Even The Law Society has indicated its abhorrence of this provision. It is only sensible of the Government to agree to Mr Cooley's amendment in the interests of harmony in the community. As I said, this provision will create conflict. I thought Hitler had long since died.

The Hon. G. E. Masters: We are talking about the interests of safety and welfare of the community. If you think that is not important, you should not be here.

The Hon. F. E. McKENZIE: Why do we need to act so hastily?

The Hon. G. C. MacKinnon: For safety reasons. Everyone in industry wants to stop work on a question of safety.

The Hon. R. F. Claughton: Do you think the commission is irresponsible?

The CHAIRMAN: Order!

The Hon. G. C. MacKinnon: We are giving it the power to act. It has had no power to act up to date.

The CHAIRMAN: Order!

The Hon. F. E. McKENZIE: Why designate that power to the Attorney General? He has not had it before, and he does not need it now. Where have we had problems about safety? The Leader of the House has not told us this. He cannot justify the provision.

The Hon. G. E. Masters: Do you mean to say that where there is a power strike there is no danger?

The Hon. F. E. McKENZIE: Such provisions are in the legislation because of pressure from the extreme right wing of the honourable member's party.

The CHAIRMAN: Order! It will help the work of the Committee if the person who has the floor and the protection of the Chair addresses himself to the amendment and to the Chair. He should not carry on running conversations across the Chamber. That is not the way to get through legislation. We have been very tolerant on this so far, but we will not be tolerant for much longer. If members do not follow the normal procedure, we will be here for a very long time.

The Hon. F. E. McKENZIE: I thank you, Mr Chairman, for the protection of the Chair. If members opposite do not like what I am saying, it does not give them licence to interject continually.

The CHAIRMAN: I would suggest that the honourable member does not carry on a conversation with the interjectors. He should address the Chair.

The Hon. F. E. McKENZIE: I feel that I must make this point. I must get the message over in some way to members opposite.

The Hon. O. N. B. Oliver: Do you think that previous speakers have tried to get it over and have been inadequate?

The Hon. F. E. McKENZIE: This provision was not in the Act previously. The Government cannot justify its inclusion. I support the amendment, and I hope members opposite will do so also. Unfortunately, it is quite clear that they will not.

The Hon. O. N. B. OLIVER: I am somewhat reluctant to join this debate.

The Hon. D. K. Dans: I'll bet your leader is reluctant also.

The Hon. O. N. B. OLIVER: We have not heard yet from Mr Bunbury.

The Hon. D. W. Cooley: Who is Mr Bunbury?

The Hon. O. N. B. OLIVER: Mr Bunbury is a member in this Chamber who refers to Bunbury when he talks on most clauses. However, that has not been so on this occasion.

The CHAIRMAN: There is no mention of Bunbury in the matter before the Chair.

The Hon. O. N. B. OLIVER: To say that this clause originated from a right-wing, radical group of Government is total nonsense. The speeches I have heard from Opposition members clearly indicate they are espousing the policy of the left-wing leaders of their party.

The Hon. R. Hetherington: It seems to me the member doth protest a trifle too much!

The Hon. O. N. B. OLIVER: Mr Dans referred to the West German system of conciliation. Obviously then he will know that in that country the actions of a union can be tested in a civil action. Mr Dans espoused that system in his second reading speech, and this clause provides that if a union does not abide by a decision, ruling, declaration, or decision of the committee—

The Hon. R. Hetherington: It does not state that at all.

The Hon. O. N. B. OLIVER: —that is, if the union thumbs its nose at the commission—obviously it must be brought to task. It must understand that if it does not comply with the ruling of an independent umpire, it may be suspended or deregistered.

As to the mechanics of this matter, a caution may be given; a certain time may be made available to the union in which it must comply with a direction of the full bench. Under those circumstances, a union has the right to put forward its case. However, it is simply not good enough for unions to have a bet of two bob each way, and want to be part of an arbitration system and then thumb their noses at the system when a decision does not suit them.

We have had many examples of such disregard for the umpire's decision. The Perth City Council refuse disposal dispute went on for four or five weeks. If that is not a case where the Attorney General should issue a declaration to the commission because the strike is considered a health hazard, I do not know what is.

The Leader of the Opposition mentioned the State Energy Commission strike, but Mr Cooley said he was not aware of it. I am sorry Mr Cooley is unaware of the State Energy Commission and the Perth City Council disputes. I could give many other examples where unions have thumbed their noses at authority.

Under these circumstances, and knowing the facts, I could not support Mr Cooley's amendment.

The Hon. D. W. COOLEY: Someone should give Mr Oliver a life jacket, because he is well and truly out of his depth now. His remarks had no relevance to the matter before the Chair. The person who should be making a contribution to the debate is the Attorney General.

The Hon. R. Hetherington: The Leader of the House will tell you it is not the Attorney General's Bill.

The Hon. D. W. COOLEY: That does not matter.

The Hon. R. Thompson: He should show some responsibility.

The Hon. D. W. COOLEY: I think there will be another Attorney General next year.

The Hon. G. E. Masters: What makes you say that?

The Hon. D. W. COOLEY: There is to be an election next year, and the Labor Party is going to win it.

The Hon. G. E. Masters: That is the funniest thing you have said all afternoon.

The Hon. D. W. COOLEY: The Attorney General should tell the Chamber whether he believes the Law Society statement that "the law must not merely be just, but must also appear to be just" applies in this case. Can the Attorney General tell this Chamber of any other law in this State under which any individual or organisation—not only trade unions and employer organisations—can be brought before a tribunal, tried within hours, and have its legal status taken away?

The Hon. O. N. B. Oliver: It happens in court every day. Go down to the East Perth court and see.

The Hon. D. W. COOLEY: No it does not; time is given in which people might prepare their case. Even if a person is sent to gaol, he does not lose his legal status. No other organisation would have an injustice like this perpetrated upon it.

The Hon. O. N. B. Oliver: Didn't you hear what I said?

The Hon. D. W. COOLEY: I never listen to what Mr Oliver says because he always talks rubbish. I am sure it would go against the grain of the Attorney General to vote against my amendment. I do not believe legal people would be a party to the sort of verbiage contained in this Bill.

The Hon. R. Thompson: It is not contained in any other law.

The Hon. D. W. COOLEY: I would be very surprised if it were. It is beyond my comprehension why it should be confined to unions. I pause to allow the Attorney General to reply.

Mr Chairman, it is unfortunate the Attorney General has not chosen to reply; that indicates to me he cannot tell us of any other case which is as discriminatory as this one.

The Hon. G. C. MacKinnon: I have already done so.

The Hon. D. W. COOLEY: To date, the unions have been quite passive about this legislation; however, this clause will make them very angry indeed. When the Attorney General—who, after all, is the highest legal authority in the State—cannot justify the clause and other provisions in this Bill, there must be something drastically wrong with them. Members would be acting irresponsibly if they defeated my amendment after the non-performance of the Attorney General.

The Hon. R. F. CLAUGHTON: We have heard a few interjections from the other side claiming knowledge of this clause and asserting we are wrong; however, there has been a complete lack of any interest on the part of members opposite to take part in the debate to make formal their assertions.

The Hon. R. Hetherington: Except for Mr Oliver.

The Hon. R. F. CLAUGHTON: Mr Masters, for instance, has been interjecting; I would have thought he would welcome the opportunity to tell us where we are wrong. We are moving to delete clause 73(3)(a) which refers to the safety, health, or welfare of the community. It gives the impression that only the Attorney General could possibly show any responsibility in respect of these matters and that the commissioners would be acting irresponsibly in ignoring such a situation in the community.

I cannot believe that with the appointment of people to this body the Government has been less than sensible in its choice of appointees, or that it will be less than sensible with future appointments under this Bill when it becomes law. I do not believe the Government will appoint people who would be so irresponsible as not to take account of events in the community, should the community be seriously affected to a point where the Attorney General considered it necessary to step in. I cannot accommodate my mind to believe that sort of situation would occur.

There is a procedure contained in the rest of the clause allowing the commissioner to summon a union before a court to justify the action it has taken. So why do we need this provision under which a view is formed ostensibly by one person, but probably by the entire Cabinet, comprising faceless men? This will not allow the public to know who is the effective force moving the Attorney General to take action. They will be faceless men in this sort of dispute and they will not be answerable to the people.

The Hon. F. E. McKenzie: They stand condemned by their silence.

The Hon. R. F. CLAUGHTON: They will not appear before the court to answer for their actions. As Mr Cooley said, this action can be taken within a matter of hours, so that the union will be summoned without being given adequate time to prepare any defence; all it will know is what is contained in the summons.

We know that the circumstances which might be used by the Attorney General—or the Cabinet behind him—to make an order under this paragraph can be brought about by people who have no relationship to a union. They might be provocateurs; people who might be deliberately setting out to stir up trouble; people with ill will towards the union movement.

Yet the union will be held responsible. It will be prejudged by the very fact that the direction has been given. That is not a principle of justice under our system of society. I hope good sense will prevail, although it is a line of argument I have taken in this Chamber previously to which members opposite have not listened or they have been unprepared to step outside the direction given by their parties.

This is a matter of considerable importance and one in regard to which far greater conflict can be brought to the community, should this provision be allowed to remain. The clause allows for political interference in industrial matters, and we should all consider this to be intolerable. Quite clearly, it will be a decision made by whatever party is in Government at the time. That being the case, the action can be taken to serve political party ends and not the real interests of the safety, health, or welfare of the community.

I very firmly support the amendment moved by Mr Cooley to have this paragraph deleted so that the remaining provisions can be allowed to flow and there will be a chance for reason to be the basis of action taken rather than political expediency, which could well be involved in the implementation of this paragraph.

The Hon. D. K. DANS: I support Mr Cooley's amendment because I believe it is essential that this paragraph be deleted, in the interests not only of industrial peace but also of the people of Western Australia. At the risk of being repetitious, I indicate that since this Bill was introduced, no Government member has been able to say, "We are putting this clause in the Bill because we believe it will do a great deal to enhance the industrial climate in Western Australia. These are the reasons it has been inserted. We have done our research and we can tell you why it is in the Bill."

Mr Oliver said this sort of clause would have been excellent to deal with the garbage dispute. I do not suppose he could have mentioned a more appropriate dispute than a stoppage by "garbos". There have been stoppages by these people all over the world including the City of New York, where one such strike lasted for several weeks. I venture to say the US Government did not bring out the national guard; the State of New York did not enact legislation of this sort; and the Mayor of the City of New York did not resort to the actions being taken by this Government.

Bearing in mind the illusion created with respect to industrial disputation, I have to keep asking—and no-one will tell me—"What is the need for punitive provisions in this Bill?" I would like any member opposite to say, "The punitive provisions in this Bill will improve our industrial climate."

The Hon. F. E. McKenzie: Deathly silence!

The Hon. D. K. DANS: Government members could not say that since the beginning of our arbitration system, where such provisions have been included or excluded by the 300 wages boards and arbitral tribunals, they have enhanced our industrial climate.

As I have said, it is the job of the Opposition to persuade the Government to give its reasons for bringing in Bills. This Bill does exactly the opposite to what the Liberal Party thought it would do.

It will remove the right of some non-unionists to obtain a job. I am aware of that. No-one in this Chamber has told me about it. People with whom I associate and who put large sums of money into industry in this country have told me the action they will take. The Government knows what will happen, because these same people have spoken to the Government.

I shall not go over this matter, chapter and verse, because I do not believe it will have a great deal of effect. The Government has the numbers here and the Bill will be passed. This provision

appears to intrude into a number of areas in which the commission can be called upon to act in respect of deregistration and it seems to streamline that kind of activity.

A number of clauses similar to this one have come and gone. The legal profession exists and likes twisting words, so despite what is contained in the Bill I have no doubt this will be a happy hunting ground for the legal profession and what may start out as a streamlined process, notwithstanding the provisions in the Bill, will become a long, dreary, and tiresome business, requiring reams of transcript and a great deal of case law. It will cost thousands of dollars and will have an effect opposite to that provided by the existing law. I am sure that will be the case.

In practical terms, to use Mr Oliver's example again, let us say the full measure of the law was applied to the municipal workers' union in respect of the garbage dispute. If that union was deregistered, because the garbage in the streets of Perth was considered to be a health hazard, how would that enable the garbage to be cleaned up? If the workers were on strike and the union was deregistered, how would one get the workers to return to work?

I should like to give members an example in practical terms of how it will work. Deregistration proceedings could take place, but it would not have the necessary effect. The people engaged on both sides of the dispute would get together behind closed doors and talk matters out. All this time the garbage would be lying on the streets of Perth.

In addition to the original dispute, by this time a number of other unions would be involved, because that is the way of the world. In this country when we kick down a man everyone goes to his aid. Clause 74 does not contain a provision under which a union can be registered within hours. Perhaps if the Government wants that to apply, another clause should be added to say that, within hours, a union could apply for registration and be registered.

This is another piece of grandstanding and union-bashing on the part of the Government. The way is still open for the Minister, or anybody else on the other side, to get up and use Mr Oliver's argument, because it is a good one. When we are dealing with a health hazard, how will the deregistration of a union within hours clean up the garbage in Perth and remove that health hazard?

A wrong definition has been put on the "welfare of the community", because they are wide-ranging words. However, almost anything in the community can be affected by the word "welfare". Almost anything could come under that definition. I am not referring to welfare payments or to someone being kicked out of his house. I know what it means.

The Hon. R. Hetherington: It means anything you want it to mean.

The Hon. D. K. DANS: The Hon. Robert Hetherington is correct; it means anything one wants it to mean. From a report which was brought down by the chief commissioner, to the mutilation of that report by the Government, we now have a tiger by the tail. I am sorry for some of the people who will be affected by this Bill. Previously I have used the Asian term, "He who rides a tiger is afraid to dismount". I hope Government members remember that in the months to come.

I am sure the Bill will be proclaimed. I am not so sure that, when the ramifications of what has been done here become widely known, many clauses of the Bill will be applied. I say that because the Bill effectively will prevent a number of people obtaining jobs under any circumstances. There will be no let-outs for them, because the Bill does not provide any let-outs.

It is no good the Government tinkering with matters it does not understand. When the Government starts tinkering with matters which affect the trade union movement, it is tinkering with the biggest section of the Australian community. I would like a great number of words removed from our vocabulary. One such word is "pensioner". As soon as one says one is a pensioner, one is immediately placed in a corner. As I have said previously in this Chamber, we will all be eligible for a pension one day.

The Hon. G. C. MacKinnon: Hopefully we shall.

The Hon. D. K. DANS: Hopefully we shall all be eligible for a pension. The moment one is born, one takes out one's indenture to old age and a pension. There is no way one can get away from that. The other words I should like removed from our vocabulary are "trade unionist". I suggest it would not be a bad idea if the unions changed their names, because I can give many examples of how people do not accept that the person who is a trade unionist, or who belongs to a professional organisation, lives next door. He is the person who is a member of the local PCA; he is the person who is a member of a sporting club; and, in many cases, these people serve on councils and all manner of other bodies. Trade unionists are people. They make up the largest part of the Australian community.

Finally, no answer has been given as to how this provision will affect the solving of disputes. I suppose what is really intended is that by inserting this provision the Government will terrorise unions.

The Hon. R. J. L. Williams: Ha, ha!

The Hon. D. K. DANS: Mr Williams' laugh echoes my thoughts. The Government wants to terrorise unions so that they will cringe away and become an insignificant part of our community. That will not happen.

A few years ago the Amalgamated Metal Workers and Shipwrights Union was deregistered in this State. During the years it was deregistered, it seemed to exist without any problems. The Seamen's Union to which I still belong was deregistered in 1968 and it got on better with the ship owners when it was deregistered than it had previously.

This is an extremely punitive clause. Its only value lies in the forlorn hope that people will be terrorised by it. The practical application of this clause will achieve nothing of value.

The Minister for Labour and Industry will need to include another subclause before this provision can be operational. That subclause would need to provide the same streamlined approach to the re-registration of a union as is provided for its deregistration. It is necessary that a union be re-registered easily so that the wheels of industry might start to turn again.

Does anyone seriously think that the simple deregistration of one union out of a whole group of unions will be taken lying down? I support the amendment moved by Mr Cooley. I am aware that members opposite will not vote for it, but if they had any common sense they would not pursue this matter with so much fervour.

Amendment put and a division taken with the following result—

Ayes 7

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

Noes 15

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

Pairs

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

Amendment thus negatived.

The Hon. D. W. COOLEY: Subclause (13) is one of the most petty provisions I have ever come across in legislation. It states that during any period in which a union is not registered, or the registration of a union is suspended, an employer shall not deduct from the wages of any employee any amount for or in respect of membership of the union. The penalty is $2 000. If that is not an attempt to destroy good relations with unions, I do not know what is.

An employer could be opposed completely to the deregistration of a union. He might have a long-standing agreement with the union to deduct membership fees, but under this provision if he continues to do that, while a union is not registered, he will be fined $2 000. There is no logic or reasoning in that provision; it is vindictiveness and pettiness in the extreme. I do not think Commissioner Kelly would have made that recommendation.

The Hon. G. C. MacKinnon: He had some pretty punitive provisions in his recommendations.

The Hon. D. W. COOLEY: I know there must be punitive provisions.

The Hon. D. K. Dans: This is absolute nonsense.

The Hon. G. C. MacKinnon: No, it is not nonsense.

The Hon. D. K. Dans: That subclause is nonsense.

The Hon. D. W. COOLEY: It will damage the good relationship which has existed for a long time. In many instances it is of advantage to both the employer and the employee to have union contributions deducted at the source of the wage. I doubt very much whether it would be legal not to deduct fees if a procuration order had been signed.

The Hon. D. K. Dans: It is very doubtful.

The Hon. D. W. COOLEY: I am not a legal person, but I think it would be doubtful if it were tested in law. I am almost ashamed to be part of the Legislature when I see something like this in a Bill which will become an Act. This is another example of the Government blatantly interfering in the affairs of the unions.

Clause put and a division taken with the following result—

Ayes 15

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

Noes 7

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

Pairs

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

Clause thus passed.

Clause 74: Summons for breach of certain orders—

The Hon. D. W. COOLEY: This clause contains the same principle as the previous clause in respect of the manner in which a union may lose its award. Provision has been made for the Attorney General to refer a matter to the commission if the safety, health, or welfare of the community, or part of it, is at risk, and the commission may make certain orders in respect of an industrial matter. Under clause 45(1) the Government can intervene in a dispute if it believes industrial action is likely to occur. At present industrial action must occur before penalties are applied, but under this clause industrial action need be only contemplated for an order to be made, and if the order is not obeyed the award can be cancelled. A penalty of $2 000 is provided.

I remind members of a decision taken by the Australian Council of Trade Unions in 1969, that any union subjected to penalties under any industrial legislation will have the full support of the unions affiliated with the ACTU. Therefore, it is meaningless to include a penalty of $2 000 because it simply will not be paid. There is no way in the world that penalties can be collected from unions. That has been proved since 1969.

The Hon. T. Knight: We all live in hope; people in the community must pay fines and I do not know why unions should be exempted.

The Hon. D. W. COOLEY: If Mr Knight had read Mr Kelly's notes—and I will read them out later; so perhaps he may remain in the Chamber—he would know what an industrial expert thinks of penal provisions and the payment of fines. There is a difference between criminal law and industrial law. Does Mr Knight think that a person who strikes should be classified as a criminal?

Judges in the highest courts of the land have said there is a distinction between civil and industrial law. Justice Wallace in this State has said that, and so has Justice Porteous in the Eastern States. This is recognised throughout the length and breadth of the land. Strikes are not illegal in any country apart from Australia—where people cherish the freedom and the principles of democracy.

The Hon. T. Knight: You said industrial law is different from civil law. Why are employers charged when they commit breaches of industrial legislation?

The Hon. D. W. COOLEY: Employers breach industrial laws every day and get away with it. Mr Knight knows people commit offences against the Act every day of the week. In some cases they are men of straw and are not in a financial position to pay employees for their labour. Mr Knight knows that very well. Why did he break the law during the last election?

The Hon. T. Knight: Did I break the law?

The Hon. D. W. COOLEY: Yes, Mr Knight broke the electoral law when he was campaigning, and so did every member of this Chamber.

The Hon. W. R. Withers: I didn't.

The Hon. D. W. COOLEY: Yes, Mr Withers did.

The Hon. W. R. Withers: No fear, I didn't.

The Hon. D. W. COOLEY: Penal provisions in industrial law are just not acceptable. The Government is merely flying a kite because it knows it will not collect $2 000 by penalty from a union.

Clause put and a division taken with the following result—

Ayes 16

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

Noes 7

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

Pairs

Ayes	Noes
Hon. J. C. Tozer	Hon. R. H. C. Stubbs
Hon. G. W. Berry	Hon. R. T. Leeson
Hon. N. E. Baxter	Hon. Grace Vaughan

Clause thus passed.

Clauses 75 to 87 put and passed.

Clause 88: Property liable to execution—

The Hon. D. W. COOLEY: This is a rather odd clause, and it comes under part IV—Western Australian Industrial Appeal Court. If a union is fined an amount which is unlikely to be collected, the court has the right to issue a warrant of execution, and to take away from the union all its property, goods, and chattels. That has been in the Act for a long while, and it has been in the Federal Act for a long while; but it has never been enforced because nobody has had the courage to recover the goods. That is with the exception of the policeman who went to a worker's home and took his spare tyre out of the boot of his car to recover a $5 fine. That was a commendable act on the part of the Government!

The odd part about the clause is that if the court cannot make up sufficient money from the goods and chattels of the union, it can then fine the members of the union $20 each in order to recover the amount. I suppose if the members do not pay, the court can start collecting their spare tyres and the essential things they require in their normal lives.

This is a repressive clause, and I cannot go along with it. I know certain things have to be done in respect of enforcing judgment orders, particularly in relation to debts. However, to take $20 out of the pocket of a working man is wrong, especially when that man may not have taken part in the strike. He might have gone to the meeting and voted against the strike when the majority decided to go on strike; and then he would be penalised under this provision. It may not be a strike; it might be a misdemeanour committed by the union.

It is really scraping the bottom of the barrel, when people will be penalised for an innocent act. Even if the person voted to take strike action, that is a decision made in accordance with the rules of the union, voted on in a democratic manner. The man should not be subject to penalty because he carried out a democratic vote in a union meeting.

The Hon. T. KNIGHT: I have to rise on this clause because of the comments made. Any member of the public may be prosecuted for breaking the law. If the person cannot pay the fine, his goods and chattels may be seized. That applies in all courts—traffic and civil. I know of no reason to exempt unions from paying fines if they commit breaches of the industrial laws of the country.

The Hon. R. F. Claughton: They can legally go on strike under this Bill.

The Hon. T. KNIGHT: If a union breaches the industrial laws, it should face the penalties. As Mr Cooley suggested, the member who voted against the strike may be prosecuted; and that is a good reason for non-compulsory unionism. Workers would not have to accept the consequences of actions with which they did not agree.

The Hon. D. K. Dans: I have a story about that.

The Hon. T. KNIGHT: Mr Cooley made a distinction between the civil law and the industrial law. If that is the case, why should anybody committing a breach of the industrial law not be prosecuted? In my speech the other day I dealt with a statement made by Sir John Egerton who said that 10 unions had property to the value of $14.2 million. There are companies with a lot less money than that.

If we are here to make laws and the Opposition believes that the Parliament should exempt some sectors of the public from the laws, we should be ashamed of ourselves. We bring in laws for the people, and everyone is as liable as the next person, whether or not he is a member of a union.

The Hon. D. K. DANS: I have to return to this point all the time—this kind of rabble-rousing that Mr Knight has been encouraging. He talks about lawlessness, and all the other things that come from it. He was almost incoherent. Has he not learned from history that all these things have been tried before?

The Hon. T. Knight: They succeeded before.

The Hon. D. K. DANS: They have never succeeded.

The Hon. T. Knight: Mr Chifley did.

The Hon. D. K. DANS: Mr Chifley did not. Mr Chifley's troops did $15 million-worth of damage in the open-cut mines, so it has been said. Mr Knight should ask the colliery owners whether they ever want the troops in the coalmines again. They will tell him. Mr Knight should ask the stevedoring companies whether they ever want the troops down on the wharves again.

In this country, there is a kind of common bond; and we do not like repressive legislation. Under this clause, the court will fine each member of a union, whether or not he voted for a stoppage. If he does not pay, the court will not put him in "Greystone Friars" in my electorate; it will take something away from his home.

Almost every punitive clause in this Bill is designed to cause more industrial conflict. The Government knows that the prison officers have said they will not process anyone who has been

gaoled on a matter such as this. There is no chance of their going to gaol. In turn, that will bring other people into conflict. That sort of situation occurs in the United States.

The Hon. T. Knight: It does not happen in Russia though, does it?

The Hon. D. K. DANS: We are not discussing Russia. I do not know what happens there. Let us discuss this country.

The Hon. R. F. Claughton: Do you want to bring the Russian system into Western Australia?

The Hon. R. Hetherington: That is what he wants.

The Hon. D. K. DANS: He would like the situation with Hedi Lamarr and Charles Boyer—

The CHAIRMAN: Order! Film stars are not relevant to the discussion.

The Hon. D. K. DANS: Mr Knight wants to keep all the good things for himself and his party. This is repressive and punitive legislation and if the Government attempts to use it, it will widen the area of industrial conflict.

I do not know whom the Government advisers were. Certainly the advice of Commissioner Kelly was not taken. I agree with Mr Cooley that we have always had punitive provisions in arbitral Acts and we accept that; but the Government has gone beyond that. Not only has it gone beyond that, but it is also making this State the laughing stock of Australia. People skilled in industrial relations, not only on the union side, but also on the employer side, are laughing at the Government.

The Hon. T. Knight: To be honest, I have not struck any of them.

The Hon. D. K. DANS: The Government knows what some of the big firms are saying, because they have told it. If Cabinet has not relayed the message to members, they are being kept in the dark. The Government wants industrial confrontation and that is why these clauses have been included in the Bill. The Government knows they cannot be applied and, as a result, it is aware of the spin-off which will be more industrial confrontation. It cannot be any other way.

Both in the Committee stage and during the second reading debate I have asked on frequent occasions how this Bill will reduce industrial disputation and provide a better industrial climate. Not one member opposite has answered my question. When the Leader of the House replied at the end of the second reading debate, he did not tell me the answer.

The Hon. G. E. Masters: I thought it was a very good reply.

The Hon. D. K. DANS: Members opposite still have not answered the question.

When I spoke during the second reading stage, I told members I still belong to a union which has existed for 109 years.

The Hon. G. E. Masters: You have not been in it all that time.

The Hon. D. K. DANS: Sometimes it feels as if I have been a member of it four or five times longer than that; it just depends on the day! The Government has not done away with that union and it never will. What will the Government do next? Will it try to take action similar to that taken in Victoria which has a much more diverse and militant work force and where an industrial relations Bill has been introduced?

Will the Government send the bailiffs into people's homes to collect $20-worth of goods when fines are not paid? If that is done, waterside workers, metal workers, and a whole host of people will go on strike. The Government will then have to obtain a warehouse in which to store the goods it has seized from these people.

The Government can take a whole range of action. Why does it not suggest to the Federal Government that it tighten up the laws on bankruptcy? It is a fact that someone who is declared a bankrupt today is back in business tomorrow.

The Hon. W. R. Withers: We would all agree there.

The Hon. D. K. DANS: It is all one-way traffic; and that is what annoys me about this legislation. Some people who belong to the club of which I am a member have been declared bankrupt two or three times. However, they are still able to purchase a boat worth $200 000. Mr Knight would know that tradesmen and contractors are left high and dry.

The Hon. T. Knight: I do not know. I have never been bankrupt.

The Hon. D. K. DANS: This is a dreadful clause; it is petty. I would rather be kicked in the abdomen than have something petty done to me. It is girlish; it is childish.

The Hon. G. C. MacKinnon: It has come out of Commissioner Kelly's report word for word.

The Hon. D. K. DANS: The person who decided to include this clause must have pulled the pigtails of all the girls at school when he was a young fellow.

I cannot support a clause such as this.

Sitting suspended from 3.45 to 4.00 p.m.

The Hon. F. E. McKENZIE: If anything demonstrates the inconsistency of the Government—

The Hon. G. C. MacKinnon: Can I make it clear? This is not a Government recommendation. It is a recommendation by Commissioner Kelly in his proposed Bill.

Several members interjected.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): Order! Members, it is my wish and it is your wish to do the best we can with this legislation. The only way we can do that is to be orderly. I will not have these interjections; and I mean that sincerely. The honourable member on his feet has the floor as far as I am concerned.

The Hon. D. K. Dans: The best thing to do with this legislation is to drop it in the wastepaper bin.

The DEPUTY CHAIRMAN: Order! Again, I remind members that interjections are disorderly. It has been the Chairman's job and it is my job to ensure the speaker on his feet has the protection of the Chair.

The Hon. F. E. McKENZIE: It is true that Commissioner Kelly had this in his draft Bill also, but members will recall that in my second reading speech I said I did not agree with everything Commissioner Kelly did in his proposed Bill.

This particular clause demonstrates the inconsistency of the Government in presenting the Bill to the Parliament. This clause provides for members of unions to pay an amount of up to $20 if there are insufficient funds or insufficient chattels in the possession of the union. If we refer to the provisions in this Bill in relation to penalties we find that for employees there is no such provision for shareholders in companies. If a company is not able to meet its commitment in regard to a fine, there is no provision for the shareholders or partners of the firm to be liable for the payment of that fine. That is the inconsistency and it indicates the intention of this Government to indulge in union bashing—to hit the small people, the people who are least able to defend themselves.

There is no provision to penalise those people in the community who could be regarded as the most privileged. I just wish to point out that anomaly because it indicates the inconsistency of the Government.

The Hon. R. HETHERINGTON: I notice when there is an unpleasant clause the Leader of the House is quick to say "This is Commissioner Kelly's doing."

The Hon. G. C. MacKinnon: It is in the previous legislation; it has been there for a long time.

The Hon. R. HETHERINGTON: I point out that this is the Government's Bill and I am talking about the words in it. The Minister misunderstood me the other day when I said we can all learn from history. When we look at history we can learn what the words mean. It is a pity the Leader of the House misunderstood me.

The Hon. G. C. MacKinnon: Is that by way of apology—

The Hon. R. HETHERINGTON: I am not apologising for anything. I am saying we should learn from history and it is important, when we are looking at a Bill, that we look at the words of the Bill.

The Hon. G. C. MacKinnon: It sounded like you were apologising.

The Hon. R. HETHERINGTON: Far from it. When the day comes that I need to apologise to the Leader of the House I will.

I point out to Mr Knight that it is all very well to say if people break the law they will be fined and they must pay their fine. We are saying that if a collective body breaks the law and if the funds of the collective body cannot meet the fines, then every person in that collective body, because he happens to be a member, must pay $20; whichever way he voted, he will be punished.

A union is a union, and companies can take out limited liability to make sure the individual members are not liable for the company's debts. So it does depend on the company situation. As far as I am concerned, this is a poor clause.

I make the point that Mr Dans made previously; that is, if the Government is really trying to improve industrial relations then this clause will not do it. The Government wishes to have unions really irate. It will fine the members, and take their $20. Let us see what it does for the industrial relations of this country! No-one has explained yet how this clause will help to improve industrial relations.

I would like Mr Knight to get up and explain—without all those generalities he made previously about people meeting their commitments—how this will improve industrial relations in this country.

When Mr Moore made his Budget speech he indicated how the philosophy of the Liberal Party had filtered down. He asked where the Labor Party was when the Government confronted unions. The Labor Party was not confronting

anybody—unions or management. We do not adopt that kind of attitude.

When I entered this House I spoke of conciliation and mediation in my maiden speech; and I have been consistent right through. However, sometimes I find I have to confront the confronters to try to show them their own stupidity. I oppose this clause.

The Hon. D. W. COOLEY: I think I heard the Minister say by way of interjection that this clause is in the present Act. I have read right through the Western Australian industrial appeal section—

The Hon. G. C. MacKinnon: It is section 102. The words have been changed just a little.

The Hon. D. W. COOLEY: The Leader of the House said it had not been changed.

The Hon. G. C. MacKinnon: I did nothing of the sort.

The Hon. D. W. COOLEY: It is different altogether.

The Hon. G. C. MacKinnon: It is not different altogether.

Several members interjected.

The Hon. D. W. COOLEY: It is contained under the present industrial magistrate section. What we are talking about is the Western Australian appeal court; and the matter goes to that court for determination. There is a big difference between what is in the present Act and what is contained here.

It is an injustice in the old Act and also in the new legislation. We violently resisted the old Act in 1963 and this was one of the provisions we resisted then. When we look at the matter closely, we find that the right to have a person reinstated and a number of other things were taken away.

Clause put and passed.

Clauses 89 to 95 put and passed.

Clause 96: Power of Commission in Court Session to declare certain persons to be Government officers—

The Hon. D. W. COOLEY: I will not go through all the points we canvassed here last night in respect of the employment of people in this place. This clause reads—

> (1) In this section—
>
> "Government officer" includes—
>
> (b) every person employed on the salaried staff of—
>
> (i) the Commissioner of Main Roads appointed under the Main Roads Act, 1930;
>
> (ii) the Forests Department under the Forests Act, 1918;
>
> (iii) the Commissioner of Transport constituted under the State Transport Co-ordination Act, 1966;
>
> (iv) the Metropolitan Market Trust under the Metropolitan Market Act, 1926; . . . .

Subclause (6) reads—

> (6) Notwithstanding subsection (1), the following persons are deemed not to be Government officers, namely—
>
> (a) any person who is an officer or employee in either House of Parliament—
>
> (i) under the separate control of the President or Speaker or under their joint control;
>
> (ii) employed by a Committee appointed pursuant to the Joint Standing Rules and Orders of the Legislative Council and Legislative Assembly; or
>
> (iii) employed by the Crown;
>
> (b) any person who is an officer or employee on the Governor's Establishment;
>
> (c) any officer employed on the teaching staff of the Education Department under the Education Act, 1928, or the regulations made under that Act;
>
> (d) any officer within the meaning of that word in the Railways Classification Board Act, 1920;
>
> (e) any officer or other servant appointed or employed by the State Energy Commission under the State Energy Commission Act, 1945.

All those mentioned are excluded from the Bill. However, all these workers are covered by some type of industrial tribunal except those people we spoke about last night who are employed in this place and at the Governor's establishment. It is wrong to take these people out of the jurisdiction of the Industrial Commission and not provide some tribunal to which they might appeal in respect of their wages and conditions. The people

who are excluded under the provisions of this legislation have no recourse, as have other employees.

Clause put and passed.

Clause 97: Certain strikes and lock-outs prohibited—

The Hon. D. W. COOLEY: This is a "hark back" to the old days. I thought we had gone past the days of such penalties for strikes. There is an ILO committee ruling which I have read out so many times in this place. Members are well aware that in respect of western democracy the ILO has brought down recommendations that members have a right to withdraw their labour to protect their occupational interests. Nearer to home we read from Commissioner Kelly's report, which says—

> The proposed Act makes a significant departure from the present one by abolishing provisions whereby strikes and lockouts are offences under the Act. That kind of sanction has proved to be quite ineffective as a means of preventing disruption in industry over industrial disputes and its retention had little if any, support from the people with whom I discussed the matter in the course of this review.

Commissioner Kelly spoke to a number of people before drawing up his proposed Bill, and according to his report very few people did not agree with him that penalties regarding strikes and lock-outs should be removed altogether from an industrial arbitration Bill. He went on to say—

> Moreover, to prohibit strikes and lockouts absolutely is, as I have indicated earlier, to swim against the current of international opinion and I am sure that the measures which would be necessary to make such a prohibition effective would not be for long, if at all, accepted by the community.

A penalty of $2 000 is imposed for a strike and it could never be collected. A clause such as this is ludicrous. But to sweeten the pill a little the Government has included the following provision—

> (2) Subsection (1) does not apply in relation to a strike or lock-out if, before the commencement of the strike or lock-out—
>
> (a) a secret ballot of the members concerned has been conducted pursuant to Division 5 of Part II; and
>
> (b) a majority of the members concerned has voted in favour of striking, or of instituting the lock-out, as the case may be.

Our main objection is directed at the penalty of $2 000. As Commissioner Kelly says, in imposing such penalties we are swimming against the tide of international opinion. We are told the Bill updates the industrial system, yet it includes an ancient penal provision if a union goes on strike. It goes on to say a strike may be held provided the decision to strike is reached by secret ballot. It would be very difficult to hold a secret ballot in relation to a strike situation.

It has been proved time and time again that when orgainisations are given an opportunity to conduct a secret ballot in respect of a strike, almost invariably members will vote in favour of the strike. Under this legislation they will be locked into a situation where they are acting legally. How can they be returned to work when they have the law behind them? In strike situations it is the easiest thing in the world to get people to walk off the job, but it is very difficult to persuade them to go back to work once they are on strike. If they agree by secret ballot to go on strike, how much more difficult it will be for union officials to persuade them to go back to work. It would be far more difficult than if the situation were left completely alone.

It is a mockery to say union members can have a secret ballot to decide whether to go on strike, and to provide in clause 45(1), which we passed this afternoon, that the Industrial Commission can move in on the dispute and order them back to work, irrespective of the secret ballot. How effective is the secret ballot under those circumstances, when they are ordered to go back to work under penalty of either being deregistered or having their award taken from them? The only thing we can do in that respect is to absolve them from paying the $2 000 fine, which could not be collected anyway, because the trade union movement has decided—quite rightly, in my view—that industrial fines will not be paid.

Mr Knight has expressed the view that industrial fines should be paid. Of course, if employers breach an award they should be fined, and unions or members of unions who breach contracts should be fined. But when an award contains a condition which we know is wrong and which is against all accepted principles, it is only right and proper that no fine should be imposed if it is breached.

The evidence in relation to secret ballots is overwhelming. Even a prominent Liberal member

who aspired to be Prime Minister (Mr Billy Snedden) is opposed to the concept of secret ballots. At one time he was a Minister for Labour in a Federal Government. The *Daily News* featured an article about him in 1977. I will not read it but the headline was "The secret ballot won't prevent strikes." Mr Snedden put forward a valid argument as to why secret ballots will not work.

All the bank officers throughout Australia recently held meetings in respect of their wages and conditions. At a meeting at Mt. Isa the proposition was put whether they should proceed with their claim. The proposition was supported overwhelmingly by all sections of the banking industry. The other proposition was whether they should take industrial action.

The Hon. R. G. Pike: Are you opposed to secret ballots?

The Hon. D. W. COOLEY: I am not opposed to secret ballots if they are taken by a proper decision of the union itself. If the union members agree to a secret ballot, I am in favour of it, but I am not in favour of their being forced to hold a secret ballot under these sorts of provisions imposing a $2 000 fine. Of course we are not opposed to secret ballots. As a consequence of the propaganda put out by a number of people, the public throughout Australia have a false view that the trade union movement does not believe in secret ballots. Those propagandists are even presumptuous enough to say officers of trade unions are elected by means other than secret ballot. That is quite wrong. The provisions of the arbitration legislation require that secret ballots be held for the election of officers, and I know of no instance where union officials have not been elected by secret ballot. We accept the will of the people in the organisation which is making the decision.

The bank officers opposed the proposition that industrial action be taken. It was found there was a diversity of opinion. The Mt. Isa branch was the only one which had a secret ballot and it decided by 54 votes to six to take industrial action.

The Hon. O. N. B. Oliver: Have you heard of the situation in the Redfern postal exchange where 800 secret ballot papers were hidden?

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): I suggest the honourable member address the Chair.

The Hon. D. W. COOLEY: That was only hearsay and had no basis at all in fact. If those employed at the Redfern exchange took a secret ballot about the holding of a strike, there would be no objection to it; the secret ballot would go ahead. The trade union movement is the most democratic organisation in our system. Everything it does is done in a democratic manner. The people who helped to draft this legislation have no understanding at all of the trade union movement, its problems, or the dedication of those holding official positions in the movement. Members opposite are quick to denigrate them when they have never met the people and know nothing about them. They brand people like Jack Marx and Laurie Carmichael as villains, but they have never met them and they come in here and denigrate the unions and the people who run them.

The imposition of a $2 000 fine on a union if it takes strike action is contrary to democratic practice in all western countries. The only place where strikes are illegal is Russia. In those countries there is far greater consultation with the trade union movement than there is in this country, in respect of the economic welfare of the country. There is no confrontation in the Soviet Union, West Germany, or any of the other enlightened nations. There are not continual confrontations between the Government and the unions, although there may be confrontation between the unions and the employers.

We have developed in this country a head-on confrontation between the Government and the unions. The employer organisations are left aside. In Western Australia we hear very little these days about the Confederation of Western Australian Industry and the role it is playing in industrial relations. I am sure the purpose of the confrontation between the Government and the unions is to create a situation where the Government will be perpetuated in power, because of the affinity of the unions with the Labor Party. That will never work in the long run. Bad laws will never be obeyed by the trade union movement.

If we had to obey bad laws put into Acts from time to time, we would be in bondage today. If bad industrial laws were not disobeyed, we would be still living in the dark ages. While the Government insists on having a provision to impose a $2 000 fine on unions, this will be a bad clause. Whether or not the Government likes it, the unions will not pay fines such as this.

The only way the Government will improve relations with the trade union movement is to abolish these penal provisions. Whatever this legislation contains, the trade union movement will continue. This legislation will not solve industrial disputation. Penalties do not solve industrial unrest.

The only way the Government will improve the industrial situation is to have a better understanding of the trade union movement, and not to try to impose penalties such as are contained in this Bill.

Despite the fact this clause contains secret ballot provisions, and that a strike shall be legal if it is called after a secret ballot is taken, the Opposition must oppose this clause. As I pointed out earlier, clause 45 is one of the worst clauses of this Bill, and can nullify any decision made by a union—by secret ballot—in respect of strike action.

This clause has been dreamed up by someone in the Liberal Party who has no understanding of the trade union movement. The Government believes in secret ballots in respect of strike action, but has botched up this clause. The words "or induce" were inserted in another place; however, that amendment is not good enough because the secret ballot provisions will be ineffective due to clause 45.

The Opposition opposes this clause.

The Hon. R. G. PIKE: Mr Cooley said, "We are not opposed to secret ballots provided the proper decision to have one is made by the unions themselves." By that comment, I take it Mr Cooley was referring to the fact that in the existing legislation a union could determine by a non-secret ballot process whether it would hold a secret ballot, whereas this Bill provides there may be a secret ballot, notwithstanding the fact that the union chooses not to have one. Is that a clear interpretation of what the honourable member said? I take his silence as confirmation.

Why should members opposite oppose the secret ballot provisions contained in this Bill? I have listened to the debate with a great deal of care, but this matter has not yet been discussed by the Committee.

I wish to deal with the matter under the heading of "crowd behaviour". Most individuals, acting personally, are above reproach and their word is their bond. However, this same individual who acts honestly and fairly and with respect on his own behalf, strangely at a crowded union meeting supports a collective action which would be repugnant to him were it a personal action. That is a statement of fact. Individuals support actions at union meetings which they would never support if they were acting in their own name. They will do so and, historically in this State, in the name of the collective union they have done so. Mr Dans, Mr McKenzie, and Mr Cooley all know this to be the case. That champion disc thrower from another place—the one with the blancmange image dedicated as he is to the cause of mediocrity—knows it.

The Hon. D. K. Dans: Who is that?

The Hon. R. G. PIKE: Mr Dans has a poor memory; I am referring to his leader in another place.

The Hon. R. Hetherington: Your heavy irony is too much for us.

The Hon. R. G. PIKE: When union executives, without the use of the secret ballot process, start down the path to power which begins because there is no secret ballot, they must move faster and faster to keep ahead of the union troops; they must put forward ever more sweeping demands and proposals which the community finds more and more difficult to meet.

For that reason, I believe the point which Mr Cooley has so clearly enunciated and not accepted—that one difference between this Bill, and the present Act relates to the rights of a union to hold a secret ballot—is one of the guts clauses in this Bill, and I ask the Committee to support it.

The Hon. D. W. COOLEY: I do not think Mr Pike has read the Bill, because what he said is completely wrong. I understood him to say the Bill contains a provision that a union will conduct a secret ballot before it goes on strike.

The Hon. R. G. Pike: You did not hear me.

The Hon. D. W. COOLEY: Mr Pike said a union was required to hold a secret ballot before going on strike. That is not the case; it is optional under this clause. However, if a secret ballot is held before strike action is taken, the union will not be liable to a fine of $2 000, whereas if strike action is taken after a show of hands, it will be so liable.

However, all this is ineffective because of the provisions of clause 45, which can result in unions being ordered back to work whether or not a secret ballot has been held. If they do not obey the order to go back to work, the award conditions may be cancelled; and, if they further disobey, the union may be fined $2 000.

The Hon. O. N. B. OLIVER: Mr Cooley said that Government members have not discussed secret ballot provisions with union officials. I point out to the honourable member I have discussed this matter quite fully with the national secretary of a major union.

The Hon. D. W. Cooley: Tell us who he was.

The Hon. O. N. B. OLIVER: I would not dare mention his name in this place for fear of the reprisals which may be taken against him. I discussed this matter with him in a very large

parkland area, where he could not be overheard. He said, "My executive would not have a bar of secret ballots in regard to strikes. I will say this to you now, but I would not say it in public."

The Hon. R. HETHERINGTON: This is an intolerable and stupid clause. Earlier in the debate, the Leader of the House waxed eloquent on safety provisions. Under the provisions of this clause, any union which has a stoppage over safety conditions is guilty of holding an illegal stoppage. Of course, this legislation will not prevent people from holding stoppages over safety conditions; I am sure the Government would not want unions to ignore the question of safety. If union members in a coalmine, or working in State Energy Commission premises, see a safety hazard, naturally they will stop work.

The Government is particularly fond of introducing such legislation, whereby it forbids something and then polices it selectively, in much the same manner as it does with gambling and prostitution.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): Order! I do not think this has any relevance to the clause under discussion.

The Hon. R. HETHERINGTON: I think it has a great deal of relevance, as I will point out. This clause cannot be policed. Therefore the Government must either ignore it or police it selectively. Of course, the latter is the intention. In this way, it can get rid of the militants; it can bring down the axe at any time when unions hold a stoppage.

I would like to tell Mr Pike what I think about secret ballots in relation to strikes. I believe they are highly foolish because they sometimes have the opposite effect and make things more difficult.

The Hon. O. N. B. Oliver: In what way?

The Hon. R. HETHERINGTON: Secret ballots can cause difficulties in the sense that people will go on strike anyway, under certain circumstances. However, if they hold a secret ballot, the strike becomes legal and, in the minds of the people, it has the backing of law. Often, it is very difficult to get these people back to work. Sometimes strikes would have taken place had it not been for union secretaries trying to avert such action.

Mr Pike talks about the actions of a mob. I think Marx was right when he said that as the quantity of people is increased, so the quality changes. What a large group of people will do is not necessarily what a small group will do. However, a good union leader can get a large group of people to listen to him. Union meetings very often produce vigorous debate and sometimes one is not sure how things will work out.

The Government cannot simply say "You must not strike." If an issue is involved, of course people will stop work to discuss it. However, a secret ballot approving a strike could turn a 24-hour stoppage into a major strike. So, by encouraging unions to obey the law, the Government could find itself creating more extensive strikes.

This is a foolish provision. It goes back to the 19th century, when strikes were illegal in England. The Liberal Party no longer is represented by men like William Ewart Gladstone—although sometimes the Premier acts as though he is back in 1829, with his attitude to industrial relations, his policy of confrontation, and his desire to keep workers in their place.

This is an unworkable, undesirable, archaic, and foolish clause, because it will only make matters worse. I wonder how this clause will help industrial relations in Western Australia.

How will this clause help the process of industrial disputation? How will it clear up industrial disputes? The Government cannot expect people not to stop work if a safety issue is involved. They will have to be either fined or allowed to break the law, in which case the Government will have to be consistent in its application of the law. In other words, if anyone stops work the Government will have to fine him $2 000 immediately. The Government will soon get rid of unions and get rid of any money they might have.

What the Government is doing with this legislation is getting rid of industrial arbitration and instituting industrial warfare, because when there are two clearly defined sides and legislation such as this is law, all we will have is industrial anarchy.

There is not a great deal to be said for secret ballots. There might be something to be said for the commission having power to order a secret ballot to stop a strike. I can understand the sense of that. If that provision were put in the Bill it would not be foolish; but this clause is obviously foolish. The Government is saying all strikes are illegal and is saying that before unionists stop work they must hold a ballot.

The law will be ignored; if it is not we will have industrial anarchy. For the sake of argument, even if we accepted this clause, members should consider clause 97(1)(b) which reads—

(b) an officer or employee of the union has, whether directly or indirectly, ordered or induced the members concerned to strike—

During discussion on the electoral Bill we spoke about the word "induce". It means "persuade" or "indirectly persuade". Good heavens, who could not the Government get under this? One might argue that an inflammatory anti-union speech by Mr Pike induced people to go on strike. The Government could not fine him because he is not a member of a union. The Government has drafted the legislation so that it can get at union leaders. That is why the provision is included in the Bill—so the Government can selectively prosecute those union leaders it does not like.

I recall a time back in 1945 when I made a prediction which came true. There was a great fanfare in the Press to prove that all strikes were Communist-inspired. This was when there was a good number of Communist-controlled unions. One did not have to rely on the same old trio of Carmichael, Halfpenny, and Marks; they were everywhere. It was the attitude of the Press and of Sir Robert Menzies' newly formed Liberal Party that all strikes were Communist-inspired. This developed the scenario for the Liberals to introduce a Communist Party dissolution Bill. That Bill was to be used to get rid of all the militant unions.

My mind boggles when I consider the content of this legislation. The Government is either malicious or it does not understand anything about the union movement. The Government could learn something about unions by reading about them, by talking about them, and by studying their history.

What worries me about this legislation is that if it is applied in a blanket form, and not selectively, it will destroy unions. We will be left with an unorganised rabble of workers who either will be ground into the dust or will immediately start to organise and go through the whole process again. We will experience the same bitterness and divisiveness experienced in the past. The Government does not realise how lucky it is to have the union movement as it is.

I realise problems are caused with unions covering industries such as the power industry. Strikes in these industries can cause a good deal of trouble. However, the Government should not expect to solve these problems in the second half of the 20th century by putting us back to the second half of the 19th century. I think the Premier has been too busy celebrating our 150th year to remember that we are now in the year 1979, not the year 1829.

I oppose this clause, lock, stock, and barrel. The only thing I might consider is that the commission, under certain circumstances, has the power to order a secret ballot, rather than have this blanket nonsense. It is a disgraceful piece of drafting.

Perhaps the Leader of the House could tell me what would happen if a firm decided on a lock-out. Among whom would a secret ballot be held? Would it be a board of managers?

The Hon. F. E. McKenzie: You would have to wait a long time.

The Hon. R. HETHERINGTON: Indeed, I would. If one of the managers suggested the firm should have a lock-out, but perhaps did not mean it seriously, could he be fined $2 000 because he indirectly induced his firm to have a lock-out?

It must be obvious I do not like this clause. It is stupid, dangerous, destructive, and undesirable. As Mr Dans said earlier, "He who rides a tiger is afraid to dismount."

The Hon. G. C. MacKINNON: We all gathered from that vituperation that Mr Hetherington does not like this clause. I do not mind that. I shall point out certain matters to clarify the Bill for his understanding. He could turn back to clause 75 where he will find the commission can do what he wants it to be able to do; that is, the commisson can obtain the opinion of employees half-way through a strike.

The other point is, if there is a strike over a safety issue, which is quite common, invariably it will have emanated from the men, so that strike would not be affected by this clause. I am inclined to think that the member who said clause 45 would be used more frequently was right.

There is a difference of opinion which is causing this argument. Our differences should be based on fact and not on a misunderstanding of the Bill.

The Hon. D. K. DANS: The Leader of the House gave me a clue to the thinking of the Government in relation to this clause. When he said the men were on strike I presume he meant the members of the union.

The Hon. G. C. MacKinnon: Exactly as it says in the clause. It includes women, of course.

The Hon. D. K. DANS: I did not think differently. I realise the Government has just begun to read the Book of Revelations, so there is a chance for it yet.

By inference, Mr MacKinnon seems to think there are two different situations when men take

action on a safety issue; either they take it on their own shoulders to stop work, or a union leader will arrive on the job and tell them to go out. I wish it were as easy as that.

When I was in the Pilbara recently the situation was completely the reverse. The manager of probably the biggest mining company there said it was one of his saddest days when a particular union official told him he was not going to make any further agreements with the company unless he had 125 members of the union looking over his shoulder when he signed the papers. The inference was that there was a big gap between what the members of a union and the union officials think is practical.

There have been a number of secret ballots tried in the past, both controlled and otherwise. Mr Cooley would recall a secret court-controlled ballot some years ago where all the ballot papers failed to reach the registrar. They were found locked in, I think, a post office in Inglewood. I am one of those people who are not enamoured with secret ballots. For some years I went around lauding the seamen's union for the way it had conducted its ballots for positions on its executive for 50-odd years. It had a reputable firm of auditors in New South Wales handling all matters. They had scrutineers, arrangements for ballot papers to be posted, counterfoils, arrangements for members to tear off the corners of their ballot papers to check their ballot was registered, and so on. I said it could not possibly be anything but correct.

Just recently, however, I found that jolly old George Sinclair was not the man of honour I thought he had been over all those years. And I knew him better than I knew any member in this Chamber.

There is really nothing secret when ballot papers are handled by human beings. The only way to ensure secrecy is to have electronic voting such as America has for its national elections. That is the only truly secret ballot, where one can step behind a curtain and register a vote by computer.

The Hon. R. G. Pike: I understand the State Electoral Office will conduct these ballots.

The Hon. D. K. DANS: That office is well equipped to carry out its normal ballot functions. It does it most admirably.

The Hon. R. G. Pike: You seem to be impuning its integrity.

The Hon. D. K. DANS: Mr Pike can say what he likes. He has a habit of going away and, on his return, attempting to pick up an argument half way through.

The Hon. R. G. Pike: He has never been out of the place.

The DEPUTY CHAIRMAN (the Hon R. J. L. Williams): Order!

The Hon. D. K. DANS: I agree with what the Leader of the House says; I am a little suspicious of secret ballots. I am not saying there is anything wrong with our secret ballots—

The Hon. G. C. MacKinnon: Paragraphs (a) and (b) apply. They are linked together. They are both required conditions.

The Hon. D. K. DANS: Thank you very much.

The Hon. G. C. MacKinnon: There is a little word there. It is "and". You do not like secret ballots; our members do.

The Hon. D. K. DANS: I am thinking of the members on the job who may not. What will be done if there is a stoppage without a secret ballot? What will be the suggested penalty—$2 000?

The Hon. G. C. MacKinnon: We will think about it when the time comes.

The Hon. D. K. DANS: We will discuss it here. Every time I have asked a reason for this legislation the Leader of the House has declined to answer. These are very fundamental questions.

The Hon. G. C. MacKinnon: They are rhetorical.

The Hon. D. K. DANS: It is not a rhetorical question at all, I just want to know how this legislation will promote a better industrial climate. However the Leader of the House refuses to answer. It is legislation to cause industrial confrontation.

The Hon. G. C. MacKinnon: That is what you are saying.

The Hon. D. K. DANS: With this clause, it should be a simple exercise for the Leader of the House to get up and say that because of the application of this particular clause there will be an improvement in respect of industrial disputation. Is that what the Leader of the House would say?

In any industrial disputation it is not difficult to go on strike; it is difficult to get the men to return to work.

The Hon. G. C. MacKinnon: Mr Cooley has already said that.

The Hon. D. K. DANS: I do not care what he said. I have never known of a Bill in regard to which a Minister has not endeavoured to answer any question. The Leader of the House usually misuses words, tries to turn things around, etc. It does not work with me. Not one attempt has been made to justify these proposed actions. It is as

simple as "ABC" for the Leader of the House to say "We are doing this for such-and-such a reason."

With regard to the fine of $2 000, the Minister in another place said "Look at the legislation in 1963, you moaned about that, but it turned out to be good." After studying the introduction of that legislation in 1963, surely members can see that we have all the proof we need. What occurred in that year shows the reason why this cannot be done; it cannot be justified.

Anything at all can be written into a Bill, but how is it to be applied? If a policeman walked down a street with the Police Act in his left hand and the Criminal Code in his right hand and he apprehended everyone who did something against those two Acts, our gaols would be full and overflowing. There would not be enough policemen to enforce the law. How will this legislation before us be enforced?

I cannot understand why the Government persists with such foolhardy actions. If this legislation is applied, chapter and verse, it will cause nothing but chaos. If this is applied by the police in the manner we apply legislation in the keeping of and the provision for the running of common gaming houses and brothels then it may work. However, I do not think we will have that same tolerance and containment with this Bill.

It seems futile to go on debating a Bill when we cannot receive the answers from the Government. The Government will not tell us what we wish to know. I know how members on the other side will vote, but a large number do not have their hearts in it, because they know that the Opposition is correct. The little man is discriminated against in this Bill.

We do not want confrontation, we wish to make a better industrial climate and that cannot be done with this Bill. Based on our experience, we know it will not work. The previous Minister for Labour and Industry in the other place did not open his mouth once during the course of the debate on this legislation. He had too much common sense to be associated with something like this.

There is an old left-wing phrase which says, "The workers can live without the bosses but the bosses cannot live without the workers." I recall once being in the City of Brisbane when the pan system was in operation. The night-cart men went on strike. People used to make jokes about these men, but when they went on strike they stopped talking about them; it was a serious time. Brisbane was on the "nose" for a couple of days and by popular acclaim from the people that dispute was finished very quickly. The point I am making is that in the complicated society in which we live today everyone is important. We know what happens when some withdraw their labour.

It was only through the good sense of Bob Hawke that seven engineers in the La Trobe Valley did not pull the switch on Victoria. How would those men have a secret ballot?

Progress

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

TRANSPORT COMMISSION ACT AMENDMENT BILL (No. 2)

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

Second Reading

THE HON. D. J. WORDSWORTH (South —Minister for Lands) [5.11 p.m.]: I move—

That the Bill be now read a second time.

This Bill provides the necessary legislation changes for the Government to commence the first steps in introducing a new policy for the transport of goods by road and rail.

The origins of this new policy go back to 1975 when the Government set up the Southern Western Australia Transport Study, which was conducted under the direction of the then Commissioner of Railways, (Mr Pascoe) and the Director General Of Transport, (Mr Knox).

The resultant report, commonly referred to as "SWATS", was released to the public in May, 1978 and, no doubt, members who have taken the time to study those documents will fully appreciate the wealth of information contained in them.

As Minister for Transport at the time of releasing the report, I invited public comment to assist the Government in its review of the documents and, in response, well over 100 written contributions have been received.

The co-directors of the SWATS made no effort to direct the study team towards any particular conclusion and their recommendations were therefore of major interest to the Government, as well. These were released to the public at the end of last year in order to assist the debate.

In addition, the Minister for Transport, in company with senior advisers, undertook a series

of visits earlier this year to about 20 country areas throughout the southern half of the state to gain first-hand views of country people on the needs of a transport policy.

He spoke also with regional development committees, members of Parliament, the transport committee of the Rural and Allied Industries Council, representatives of the unions which would be affected, the West Australian Road Transport Association, representatives of owner-drivers, commercial and industrial people, the farmers' union, the Pastoralists and Graziers Association and many others.

His observations from these meetings were that, apart from the fact that there is not complete agreement on exactly what should be done, virtually all recognised the need for greater freedom in freight transport.

Out of all the discussion and analyses, a large number of needs have become very clear and it is the aim of the Government to strive to fulfil them.

At the same time, the need is recognised—

to maintain a healthy, prosperous Westrail;

to hold transport rates to a realistic level;

to protect farmers' interests;

to give transport users a free choice where ever possible;

to prevent a spiralling of Westrail deficits;

to give the road transport industry an opportunity to offer services which road vehicles can efficiently provide; and

to keep transport energy situation under review and control.

There are other needs which could be added to this list, but members will no doubt appreciate that the full list is best summarised by the overall objective of safeguarding the State's economic and social development through efficient, reasonably priced, land freight transport services.

Finding a way through all the alternative proposals in a responsible way is not easy. Those who have studied the SWATS report will have noted the remarks in relation to the study team's own recommendations which state—

> The study team believes the recommendations should be accepted as a policy package in which each item is closely related to the other. The team believes it would be undesirable to regard the 10 basic elements as a "shopping list" from which individual items can be selected.

The Government agrees that some unpalatable changes must come with the palatable; that, together with the popular decisions there must, at the same time, be some that are unpopular. The new policy can be implemented only if the Government faces its responsibilities. In a report as large as SWATS, it is not surprising that the Government has not implemented all the study's recommendations in detail. It is, however, setting about putting its principles into practice.

The new policy does not aim to make a major transfer of freight onto rail, nor does it aim to make a major transfer away from rail. It aims to allow the users of transport services to make a free choice, based on equitable competition between transport suppliers. Where necessary, regulations and subsidies will continue, but there will be far fewer than there are now.

This year, the railways carried nearly 20 million tonnes of various freight and it is quite impossible to imagine how our transport system would cope without Westrail. However, the past policy of forcing most traffic onto rail and for Westrail to have to accept that traffic, even if at a loss, benefits neither Westrail nor the transport user. It is certainly not economic. Forcing Westrail to carry this loss-making traffic, through the common carrier obligation, has the effect of forcing Westrail to try, at least partially, to compensate for the loss by charging higher rates on its contributing traffic, like wool and wheat.

This cross-subsidisation means that Westrail's best traffic—the goods which it can carry very efficiently—are made less competitive because they have to help carry the burden of the remaining traffic.

Under the new policy, Westrail will progressively gain the freedom to market commercially the services which it is good at, without being burdened by the traffic which would be much better travelling by another means.

In general, the most obvious type of traffic which needs rationalisation is the small consignment, especially over shorter distances. Therefore, as one of the first moves in the new policy, user choice will be extended to consignments of nine tonnes or less of any goods, except freezer-chiller, which travel within 150 kilometres of Perth, or within 100 kilometres of Albany, Bunbury, Esperance, Geraldton, and Kalgoorlie. These new freedoms will be added to the other freedoms already enjoyed by transport users. As the implementation of the policy continues, both the weight and the distance limitations will be able to be lifted progressively.

In preparation for the extension of the freedoms, Westrail will be improving the

competitiveness of its services, in particular its wool, grain, and fertiliser handling.

In the case of wool, the Transport Commission will be granting permission for wool to be carried by road in those cases where Westrail is not able to supply a wagon or vehicle within a few days of a confirmed order being placed.

The further improvement of handling facilities for the contributing traffic, particularly the bulks, together with removal of the need to cross-subsidise the unprofitable traffic, will enable Westrail to develop and expand its role in its best traffic.

These initiatives will commence on the 14th April, 1980, and make up the highlights of the first moves. The exact nature and timing of later moves will need to be kept open while a careful watch on progress is maintained.

One important move which it is proposed to introduce on the 1st November, 1980, concerns certain grains. Farmers have invested enormous amounts in the handling facilities for the transport of grain by rail, but concern is growing that these facilities may be increasingly by-passed by direct road transport, especially to ports. The Government has given very careful thought as to how the trend might be stopped. As grain growers have been quick to point out, the trend can be stopped by Westrail providing the best possible services and rates. However, it is necessary to realise that services and rates depend partly on the amount of grain handled. If grain moves away from rail and onto road, Westrail's job becomes harder and harder.

The Government has therefore determined that, for a temporary period of time, certain grains will be regulated onto rail. This will give sufficient additional tonnage for Westrail to immediately reduce certain grain rates, a step which, in modern times, is very rare indeed.

The regulation will also give Westrail the "breathing space" necessary to further adjust its grain services to the most acceptable standards in preparation for removal of the regulations. By that stage, the regulations will be largely redundant, anyway, because rail will be the obviously preferred transport in nearly all cases where it is available.

Since the 1960s, there has been greater flexibility in the approach of the Transport Commission, and commercial goods vehicle licences have been more readily available for some transport jobs. The commission now has a long list of special types of transport jobs which can be carried out. These include most types of building materials, furniture, meat and meat products, newspapers, machinery and equipment, as well as goods for consumption at Gingin, Lancelin, Northam, Pinjarra, Toodyay, and York.

Under section 19 of the Transport Commission Act, the Minister can also notify exemptions from the provisions of the Act, where no licence from the Transport Commission is required. They include everything from bees to bulk petroleum, from fishing gear to fire prevention equipment.

However, despite all the apparent exemptions, it will be appreciated there have been instances where some unsuspecting citizen has been forced to meet his transport needs through a most illogical and often expensive process, using transport which is not the most suitable.

It is anticipated that the new policies will take at least seven years to implement and, as a consequence, some of the anomalies now being experienced will still be encountered. Changing to a more rational policy will be a long and complex task and, during the changeover, it will be necessary to live with a mixture of policies for a time.

One of the main causes of this mixture will be the very important need to "prepare the ground" before a particular type of transport job is opened up to competition and free user choice.

In this regard, the Government believes most strongly that some other States and countries have gone about introducing freight transport competition in the wrong way. They have very quickly removed the restrictions on road transport and done little or nothing to help their rail systems to respond to the new competition.

This Government is firmly committed to the future of the railways. It is absolutely determined to maintain Westrail as the backbone of the freight transport system in Western Australia. In a State with long distances and with enormous production of agricultural and mineral products, Western Australia cannot survive and prosper if Westrail does not survive and prosper.

It is therefore of paramount importance that the new policy be introduced in the manner proposed and that all along the way the success of each stage is monitored before committing ourselves to too many of the future stages. This is also the reason that this Bill goes only so far in introducing the new policy. Further changes to the present legislation will be necessary at future times. There will also be need for changes in the State Transport Co-ordination Act, which establishes the Director-General of Transport, and the Government Railways Act. But these will not be necessary until later stages in the implementation of the new policy.

In summary, this legislation is an important first step in a new policy which gives the transport consumer greater opportunity to develop a transport system which meets his needs and I commend the Bill to the House.

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

QUESTIONS

Questions were taken at this stage.

ADJOURNMENT OF THE HOUSE

THE HON. G. C. MacKINNON (South-West —Leader of the House) [5.31 p.m.]: I move—

That the House do now adjourn.

Sesquicentennial Celebrations: Parmelia Yacht Race and Military Tattoo

THE HON. R. J. L. WILLIAMS (Metropolitan) [5.32 p.m.]: I make no apology for delaying the House as I wish to remark on two items of importance, which I think should be incorporated in *Hansard*—the only official verbatim record of proceedings in this House—firstly, to set the record straight on one matter, and secondly, to commend the Minister in charge of the 150th anniversary celebrations. Members are aware that the road to hell is paved with good intentions, and if I let this opportunity pass, I will regret it.

All members are aware that recently we saw the exciting finish to what must have been the greatest international ocean race of all times. In fact, this race was so successful that other countries intend to copy it. As we know an ocean yachtsman has been described as a person who likes to stand under a cold shower and tear up $20 notes.

I am sure other members like me were absolutely thrilled to see the conclusion of the race. I want to set the record straight because apparently others, like me, had not followed the race closely and many people expressed the view that they were sorry Rolly Tasker in *Siska* had not finished first as his was a Western Australian yacht. Many people felt a bit of a pang because although his had been the fastest yacht from London to South Africa, and the fastest from South Africa to Fremantle, it still had not won.

In fact, one person said to me "It is a shame the Americans had to win the race." Personally I have nothing against the Americans, but I must put the record straight. The *Independent Endeavour* is owned by a Western Australian. Certainly it had an American skipper, but the yacht was built in Finland for Peter Wright. Although I have never met this gentleman, I know him by repute and I am aware that he thought about this project for 2½ years. He wanted to win, and he thought out the construction of the boat and the people he wanted to crew it. Mr Wright had the boat constructed in Finland, with the sole intention of winning safely the race from Plymouth to Fremantle. I believe a nephew of his was a member of a crew, and as we now know, the yacht accomplished its mission. So, although the Americans have a strong hold on the America's Cup, it was a Western Australian yacht, bought with Western Australian money, that won the Plymouth to Fremantle race.

The Hon. D. K. Dans: It is a sad fact of sailing that the person whose hand is on the tiller gets the credit.

The Hon. R. J. L. WILLIAMS: I would like to thank the Minister responsible for the 150th anniversary celebrations for recalling my childhood to me. Part of these celebrations was the Military Tattoo funded by the Commonwealth Government.

The first tattoo I attended was at the Rushmoor Arena in Aldershot. I was really thrilled the other night to see a similar tattoo, although on a smaller scale. Three items in particular are worthy of note. Firstly, the performance of the Golden Knights under First Sergeant Bob Wrenn was most spectacular. The night I was there the Golden Knights included in their act a member of the Australian Forces—of the SAS—who performed equally as well as the members of the troop from the United States

Anyone who has any knowledge of parachute jumping would be aware that the team performed under the most difficult conditions every night. The winds were quite strong off the ocean, and the men had to jump into the vortex.

Master Sergeant Mike Alvarez and his boys of the Fife and Drum Colour of the Third Infantry gave a memorable performance. We enjoyed the precision of a unit from a country which is only 200 years old—it celebrated its bicentenary in 1965.

The Hon. D. K. Dans: Let us hope that we make the same progress as it has done in the next 50 years, in a democratic sense.

The Hon. R. J. L. WILLIAMS: I am not sure what that means.

The Hon. D. K. Dans: Just think about it for a while.

The Hon. R. J. L. WILLIAMS: Lastly, I would like to thank Lieut.-Colonel Formby of the Second Cavalry of the Australian Troops. Had we

substituted bitumen for grass and red jackets and bearskins for fighting greens, with the precision of this unit and its commanding officer, it would have done credit to Her Majesty's Brigade of Guards.

To witness such a sight was one of the greatest thrills a Western Australian could have. I hope the Minister will be good enough to pass on to the people concerned my own personal thanks. I would like it recorded in *Hansard* so that it is there for all time, and I would not make such a request lightly.

THE HON. G. C. MacKINNON (South-West—Leader of the House) [5.38 p.m.]: I will send a copy of the speech of the honourable member to all involved. I thank him very much for his nice comments.

Question put and passed.

House adjourned at 5.39 p.m.

QUESTIONS ON NOTICE

RAILWAYS: FREMANTLE-PERTH

Closure: Encouraging Trend

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

(1) Referring to question 366 of Thursday, the 22nd November, 1979, is the Minister aware that a difference exists in the figures quoted in the Auditor General's report at pages 160 and 253?

(2) As I am now totally confused as to which set of figures is correct, will the Minister review the answer given and enlighten me on the reasons that they should be different?

(3) Is the Minister aware of the fact that on page 253 of the report, it is stated that Westrail supposedly received $12 164 000 from the Metropolitan (Perth) Passenger Transport Trust whereas on page 160 the MTT expenditure on rail is shown as $12 174 680? If so, could he explain the difference?

The Hon. D. J. WORDSWORTH replied:

(1) to (3) The Minister for Transport advises that the difference in the figures is accounted for by the amount spent directly by the MTT on suburban rail passenger services; for example, MTT collectors on railway stations.

RAILWAYS

Midland Workshops

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

(1) What was the total number of wages staff employed at Midland Workshops as at—

(a) the 30th June, 1978; and
(b) the 30th June, 1979?

(2) Has any ceiling been placed on the number to be employed at the workshops in each of the last two years?

The Hon. D. J. WORDSWORTH replied:

(1) (a) 2214;
(b) 2267.

(2) Yes; staff ceilings are placed each year in accordance with the planned work load.

TRAFFIC: MOTOR VEHICLES

Licences: Number Plates

380. The Hon. W. M. Piesse (for the Hon. H. W. GAYFER), to the Leader of the House representing the Minister for Police and Traffic:

What traffic regulation prohibits a local authority from issuing a motor vehicle licence, to the owner of a vehicle which carries number plates, displaying a letter or letters approved by the authority indicating a district, to a person who owns property in such district and now resides in another locality?

The Hon. G. C. MacKINNON replied:

There is no regulation covering this matter. The Road Traffic Authority maintains a policy of strict control on the issue of plates. However, reasonable applications are dealt with on their merits.

RAILWAYS

Midland Workshops

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

(1) Have any new wagon-construction programmes taken place at Midland Workshops over each of the last two years?

(2) If so, how many?

(3) What is the total number of new wagons constructed in each of these two years?

(4) What new wagon-construction programmes are listed for commencement in the workshops in the current financial year?

The Hon. D. J. WORDSWORTH replied:

(1) Yes.

(2) Seven programmes in each of the two years.

(3) Year ending 30.6.78—85
Year ending 30.6.79—70.

(4) 30 wheat wagons
1 oil tank car.

HOUSING: STATE HOUSING COMMISSION

Appeals Tribunal

382. The Hon. LYLA ELLIOTT, to the Attorney General representing the Minister for Housing:

In view of the constant disputation between the State Housing Commission and applicants for assistance over allegations concerning lost applications, racial prejudice, and preferential treatment for some tenants in respect of waiting times for transfers etc., will the Government establish an appeals tribunal?

The Hon. I. G. MEDCALF replied:

The State Housing Commission is not aware of the alleged constant disputations and the Government sees no reason to establish a tribunal, particularly in view of the many avenues of appeal that currently exist.

EDUCATION: HIGH SCHOOL

Governor Stirling

383. The Hon. LYLA ELLIOTT, to the Minister for Lands representing the Minister for Education:

(1) Is it a fact that in June this year the Education Department requested the Public Works Department to carry out an internal repair and renovation programme plus upgrading an additional 14 items at Governor Stirling Senior High School during the current financial year?

(2) If so—

(a) is it planned to carry out all or part of the work recommended during the current financial year; and

(b) what are the details?

(3) If the answer to (2) is to the effect that very little or none of the work is to be performed this financial year, will the Minister order an urgent review of the situation in view of the substandard conditions prevailing at Governor Stirling Senior High School?

The Hon. D. J. WORDSWORTH replied:

(1) In June, 1979, the Education Department sent to the Public Works Department a suggested list of items, in priority order, as a possible minor upgrade to be carried out in conjunction with an internal repairs and renovations programme proposed by the Public Works Department.
This is the usual procedure as there are obvious economic advantages.

(2) (a) and (b) No.

(3) Working drawings and estimates have only just been received by the Education Department and these will be discussed with the school authorities in order to reach an acceptable plan, in terms of funds available and suitability of the proposals.

QUESTIONS WITHOUT NOTICE

RAILWAY: FREMANTLE-PERTH

Closure: Encouraging Trend

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

In reply to question 378, the Minister provided an answer to part (3). I draw to the attention of the Minister that with respect to parts (1) and (2), it is obvious to me that pages 160 and 263 of the Auditor General's report have not been examined. Had they been examined they would have indicated that the amounts collected in revenue, and the cost of operating the services, as set out on the two pages, are entirely different.

The point I make is that parts (1) and (2) of my question have nothing to do with the expenses involved in the operation of the services.

I ask the Minister to have the question re-examined, and supply answers to parts (1) and (2) at a later stage.

The Hon. D. J. WORDSWORTH replied:

As members are aware, I am not the Minister for Transport; I am responsible for his business in this House.

My interpretation of the reply to the question is that two organisations are providing services; that is, MTT and Westrail.

I believe the Minister has tried to point out that in one instance Westrail is

providing the service and in the other instance both Westrail and the MTT are providing the service. Nevertheless, I will pass the question on to the Minister for Transport and request further information.

HOUSING: STATE HOUSING COMMISSION

Appeals Tribunal

2. The Hon. LYLA ELLIOTT, to the Attorney General representing the Minister for Housing:

Further to question 382 in respect of my request for consideration of the establishment of an appeals tribunal for the State Housing Commission, and the Attorney General's reply that there is no reason to establish a tribunal, particularly in view of the many avenues of appeal that exist currently, I now ask the Minister will he advise me of these avenues of appeal? If he cannot do this, will he obtain the information and forward it to me?

The Hon. I. G. MEDCALF replied:

The avenues of appeal which exist are the Minister for Housing, the Board of Commissioners of the State Housing Commission, local members of Parliament, the Parliamentary Commissioner for Administrative Investigations, and the Commissioner for Community Relations.