Legislative Assembly

Tuesday, 10 November 1981

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

EDUCATION: FOUR-YEAR-OLDS

Petition

MR PEARCE (Gosnells) [4.32 p.m.]: I have a petition addressed to the Speaker and members of Parliament from 839 citizens of this State protesting against the Government's proposed funding cuts for the pre-school education of four-year-old children in community-based pre-school centres. The petitioners ask that honourable members take notice of that. I have certified that it conforms with the Standing Orders of that Legislative Assembly.

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

(See petition No. 112.)

EDUCATION: FOUR-YEAR-OLDS

Petition

DR DADOUR (Subiaco) [4.33 p.m.]: I have a petition from 364 residents of Western Australia which is exactly the same as the last petition. The petition conforms with the Standing Orders of the Legislative Assembly and I have certified accordingly.

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

(See petition No. 113.)

EDUCATION: FOUR-YEAR-OLDS

Petition

MR I. F. TAYLOR (Kalgoorlie) [4.34 p.m.]: I have a petition along similar lines to the one presented by the member for Gosnells. The petition contains 512 signatures which were collected over a period of one week. I have certified that it conforms with the Standing Orders of the Legislative Assembly.

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

(See petition No. 114.)

BILLS (2): INTRODUCTION AND FIRST READING

1. Petroleum (Submerged Lands) Registration Fees Bill.
2. Petroleum (Submerged Lands) Bill.

Bills introduced, on motion by Mr P. V. Jones (Minister for Mines), and read a first time.

BILLS (8): ASSENT

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

1. Small Claims Tribunals Amendment Bill.
2. Agriculture and Related Resources Protection Amendment Bill.
3. Metropolitan Market Amendment Bill.
4. Marketing of Lamb Amendment Bill.
5. Acts Amendment (Land Use Planning) Bill.
6. Pay-roll Tax Assessment Amendment Bill.
7. Stamp Amendment Bill.
8. Business Franchise (Tobacco) Amendment Bill (No. 2).

EQUAL OPPORTUNITY BILL

Second Reading

MR PEARCE (Gosnells) [4.39 p.m.]: I move—

That the Bill be now read a second time.

Prior to the second reading of this Bill I would like to say that it is part of a long-standing commitment on behalf of the Opposition to have anti-discrimination legislation in Western Australia.

Mr Brian Burke: Hear, hear!

Mr PEARCE: It is not the first time we have moved in this way. In 1977 my predecessor, the shadow Minister for women's interests (the member for Warren), moved a similar Bill to deal specifically with discrimination against women or against persons on the ground of their marital status.

Members may well recall that that Bill did not proceed to a vote at the second reading because the Government refused to provide the money to set up the necessary offices. I can appreciate, or perhaps anticipate, that a similar difficulty may be encountered in regard to this Bill. However, I hope that in the four years that have passed since then the Government has softened the implacable stance it took against anti-discrimination legislation, and against setting up the type of machinery necessary for people to seek proper redress against discrimination.

In those four years I think the community attitude has changed somewhat. One would be a very brave soul indeed to say that the community

attitude, as far as being tolerant towards people of a different race is concerned, has not changed. However, community attitudes are still not perfect, and the fact that they have improved does not make the need for this type of legislation any the less. In some way it makes the need even greater, because given the right sort of legislation, this Parliament could be setting a lead to the community to help achieve a properly tolerant society where all people are taken on their own merits, irrespective of attitudes that may divide them towards differences in sex, religion, or anything else.

Although the Bill I am putting forward to the House is a very comprehensive one, and one which I think will rate with the best in Australia in terms of its comprehensiveness of cover, it would be too much for me to claim that it is a particularly radical move to introduce it in 1981. All other States except Queensland have such legislation, or are moving towards it, and some States have a number of Bills covering this area, or they are moving to introduce such Bills. Once again Western Australia finds itself trailing with Queensland at the rear of social reform in Australia.

That is not a particularly happy situation, and certainly not one that the Opposition can accept. So there is a need for legislation at this time, and the fact that community attitudes are improving only underlines the situation that we are out of step with community thinking; we are not providing the machinery for redress of grievances for people who are discriminated against. The Opposition is offering the House the opportunity to catch up with the times in this area.

It is important to mention at this time the insidious nature of discrimination. The person who is discriminated against, or the person who is discriminating against someone, not only is demeaned or demeans himself by that very act of discrimination, but in fact, also undermines the stability of our whole society. It is very important in these troubled times, with a world as complex as it is, that we are all able to accept people on their own merits, and that we do not look upon people as a group of stereotypes. We should not look upon women as being different or inferior, or indeed, as though they were all the same. We should not have this attitude towards religions and say that all Jehovah's Witnesses or all Catholics are the same. We should not regard all Pakistanis as being the same, and, of course, we all know about the situation in regard to the Aborigines in this State. The cost of stereotyping different groups is causing tremendous damage to the type of society we have. Any society which persists in an attitude that stereotypes people according to their sex, race, or religion, ends up damaging everyone.

It is particularly true to say that in the past our community has not drawn properly and completely on all the reservoirs of talent available to it. I could find no better way of illustrating that than by pointing to the particular role of women in the community. The women of Australia have a vast reservoir of talents and experience upon which the community can draw, but by and large until the last decade the community has not drawn on those resources. So 50 per cent of our population is denied access to positions of power and authority, or even the opportunity to lead fulfilling lives, because of the old stereotype of the family that we use to confine women to that position.

It is less true now than 20 years ago, but it is still true today that migrants to this country, people whose origin is different from our own, are equally handicapped in a whole range of ways. It is harder for a person who does not have our particular ethnic background to make a contribution to society than if that person were of the same background and spoke the same language as you and I, Mr Speaker.

Religious differences have divided communities; not so much our community perhaps, as in places like Ireland, but nevertheless religious discrimination exists. The plight of the Aborigines in this State, and the particular kind of racism we have, are things of which none of us can be proud. For all these ills I have mentioned, there is no redress in our community at the present time. It was only a tardy recognition of the plight of the Aborigines that caused the Government to rethink its attitude towards segregated bars in hotels in country areas, and, at the last minute, to propose amendments to the Liquor Amendment Bill.

While on the question of racism, I am disappointed to find spokesmen in our community who seek to stir up racial hatred. In my own electorate we regularly find such messages as "Asians go home" painted on bus shelters. That is a kind of discrimination, and the sort of thing I find very difficult to tolerate.

I noticed a reference in the Press this week to W. W. Mitchell, a person close to the Government, who tends to argue that anyone is racist if he seeks to do anything at all for Aborigines. If one seeks to improve the plight of these unfortunate people, one is described as a racist by people such as W. W. Mitchell. No doubt this gentleman will accuse me of

discrimination in attempting to relieve the plight of those discriminated against on the grounds presumably that everyone should be discriminated against equally.

That is not the sort of attitude we have in the Opposition. In fact, the nature of discrimination is such that it demeans everybody in a community which allows discrimination to be practised. Discrimination undermines the very civilised ethic that holds up our whole society, and it makes us all less as people if we seek to make any other person less than ourselves.

This is the philosophical basis of the legislation. We believe that this type of legislation is effective. I recall that the Minister for Police and Traffic said in this House quite recently, when he replied to a question of mine, that we cannot legislate to change the community's attitude. It is true that if this legislation were passed, the community's attitude would not be different tomorrow from that which it is today, but I believe it is possible to change people's attitude by legislation, and I point to the specific case which was taken before the Victorian Equal Opportunities Board by a woman who wished to be a pilot with Ansett Airlines of Australia; that is, Ms Debbie Wardley.

Before this case probably whole sections of the community felt it was unthinkable that a woman could fly a jet aeroplane; people seemed to recoil from that idea. The community attitude was such that safety in the air was assured only with male pilots. This case was fought over a long period before the courts of the land, and the end result was that this woman was taken on as a pilot with Ansett. Several other women have now entered the course and are flying jet aeroplanes.

All of us catch planes at various times, and I am sure that now no-one gives a second thought to the possibility that the pilot may be a woman. That is a clear case of the way community attitudes can be changed by legislation. Such a change of community attitude is very welcome and worth-while, and, of course, if the attitude changes, legislation of the type I am introducing would be unnecessary. However, community attitudes have not yet reached that point. Legislation of this kind is necessary, but it is the belief of the Opposition that such legislation will lead to the situation that it will be no longer necessary because the community attitude will be such that there will be no need to enforce the legislation.

That is our answer to the Minister for Police and Traffic and others who say that we cannot legislate to change people's attitudes. This Parliament is a very important opinion-maker in the community; the attitude of this Parliament will guide the attitude which people in the community adopt. If we give the lead in this very important area of anti-discrimination legislation, I believe community attitudes will follow.

I will go through the provisions of this Bill and explain how the anti-discrimination machinery would operate, and the way in which a person who believed he was discriminated against could achieve redress for the complaint. The Bill sets up two offices. One of them is the office of commissioner for equal opportunity. A person who believed he was being discriminated against in employment, in the provision of goods or services, or in other areas, would go to the commissioner for equal opportunity in the first instance and make his complaint.

The commissioner would attempt to seek a solution by conciliation; that is, he would approach the other party to the dispute and attempt to reach a conciliated settlement of the matter. If a conciliated settlement were not possible, the commissioner could refer the complaint to the second office to be established, that of the equal opportunity board.

The equal opportunity board would consist of a number of persons. It would determine the matter, and have the ability to impose an anti-discrimination order on one party to the discrimination action, instructing that party to do something. If the party still refused to comply with the board's order, the board could apply penalties for non-observance of its anti-discrimination order.

The priorities are that, as far as possible, a conciliated settlement to a dispute would be arrived at. Only in the last instance, when no person agreed to what would otherwise be a fair-minded conciliated settlement, would penalties be applied. Those penalties are by way of fines, as outlined in the body of the Bill.

The Bill provides for people to make complaints to the commissioner in the first instance if they believe they are being discriminated against on the grounds of sex, marital status, race, country of origin, colour of skin, or religion. That is what is set out in the Bill before the House. However, I can say that should this Bill be given a second reading, it is my intention in the Committee stage to extend the application of the anti-discrimination provisions of the Bill so that they cover people who are discriminated against on the basis of age or physical disability.

The Bill before the House does not make provision for those two categories as I had not intended to include people discriminated against

on the grounds of age or disability within the purview of the Bill. The technical problems of withdrawing the Bill and reintroducing it have led me to deal with the amendments in this way.

I received a number of approaches from people who were discriminated against on the basis of age or physical disability when I announced my intention of introducing this legislation. The deputationists were able to convince me that it was appropriate to extend the ambit of this Bill to cover both those groups, whereas my previous disposition, although I appreciated the need for anti-discrimination legislation in those areas, was that separate Bills would have been more appropriate. For example, disabled people have specific problems, and that would make it particularly appropriate to have a disabled person on the equal opportunity board to deal specifically with the problems of such people. In fact, that model has been followed in South Australia in its legislation to deal with discrimination against physically handicapped people.

I am disappointed that in this International Year of Disabled Persons the Government has not moved to introduce such legislation. Members will recall that only some weeks ago I asked the Premier whether the Government was intending to introduce legislation of this type, and he indicated that it was not.

Although in some ways it is unsatisfactory to have a Bill with such a wide cover of anti-discrimination, covering such a wide range of people within the one set of machinery, nevertheless it is better to have some legislation. If the Opposition does not move on this, nothing will be achieved because the Government has no intention to do anything.

The Bill establishes a commissioner for equal opportunity and an equal opportunity board. It makes administrative provisions for the operation of an equal opportunity board. It gives a wide range of definitions to cover the acts of discrimination to which the Bill applies. It deals with discrimination in employment, discrimination in the provision of goods and services, and discrimination in accommodation and premises; and it makes provision for other unlawful acts.

I draw the attention of the House to two provisions which no other Australian Parliament has considered. Those two provisions in my Bill deal with the question of harassment. One provision makes it an offence for anybody to harass another person on the grounds of sex, marital status, race, country of origin, colour of skin, or religion. That is a general harassment provision. One provision makes it a specific offence to harass a woman sexually in the course of employment, education, or some other field. The provision gives redress to people who are harassed in this fashion.

In recent times there has been considerable discussion in the community about the problems that women face in receiving promotion, obtaining passes for examinations, and such like, when they are put in a vulnerable position by people in superior positions who make sexual overtures to them. The view of the Opposition is that this kind of sexual coercion is no less bad than is rape. A provision of this type needs to be provided so that women have redress against that type of harassment.

It has been a good thing that women have spoken out about their problems and brought to the attention of the community the problems they face. The point about the harassment in this sense is that the harassment is able to be used only because it is an implied discrimination. The woman is told by her employer, "Unless you do the right thing you will not be promoted as you would otherwise be entitled to be". An examiner in a tertiary institution might say to a woman, "Unless you do the right thing, you will not get an A". In those instances, the women are being coerced by the threat of discrimination. That is why sexual harassment on the basis that I have illustrated is being brought into the anti-discrimination provisions because discrimination is at the base of the whole business.

The Bill provides for some general exceptions. I will not list them all; but it is understood by everybody that, when seeking to broaden the ambit of access to a whole range of educational institutions, employment opportunities, or goods and services, some areas ought to permit discrimination. A classic example is that if we were to make it impossible to discriminate against people in employment on the ground of religion, we would not be seeking to force religious bodies to accept anybody as a minister in that particular religion. By this Bill, we would not be seeking to permit access to the Catholic priesthood by anybody who may wish to apply, whether or not he were a Catholic.

We are not seeking to force schools that operate on a single sex basis to take students of either sex; that is, girls' high schools, and boys' high schools, or indeed primary schools. I do not believe that a single sex school gives the best educational opportunities; but it is not our intention—

Mr Clarko: There is no evidence against it.

Mr PEARCE: There is no evidence against, but there is none in favour either.

In some ways academically, single sex schools may be advantageous. In some terms they are probably a disadvantage. They are not my idea of model schools. However, if the administrators of such a school believe in that sort of thing, it is not our intention to bring schools of that type within the ambit of the Bill.

General exceptions are provided in the Bill. We are prepared to allow age or sex discrimination with regard to life insurance where the calculations for premiums are based on actuarial evidence about life expectancy and sex. We are not seeking to stop that sort of activity at present. We are hoping that in general areas, where discrimination is practised, the people discriminated against will be able to obtain redress.

Part VIII of the Bill deals with the enforcement provisions which I covered before. There are a number of miscellaneous clauses, one of which requires the equal opportunity board to report to the Parliament.

The Opposition is offering this anti-discrimination legislation to the House. It seems that in the 1980s it is rather late to be considering legislation of this type. We think it should have been enacted a decade ago.

If the House does not take the opportunity which the Opposition is offering it, and it does not pass this legislation and establish the commissioner for equal opportunity and the equal opportunity board, giving redress to the people who are discriminated against, the Opposition will not stop in its determination to have legislation of this kind passed. The Bill which I have put before members could be filed away and, suitably updated, it would be an appropriate piece of legislation for the next Labor Government.

Debate adjourned, on motion by Mr O'Connor (Deputy Premier).

GOVERNMENT SCHOOL TEACHERS ARBITRATION AND APPEAL AMENDMENT BILL

Second Reading

MR GRAYDEN (South Perth—Minister for Education) [5.01 p.m.]: I move—

That the Bill be now read a second time.

The Government, at the time of drafting the Government School Teachers Arbitration and Appeal Act of 1979, undertook to retain all the provisions of the previous legislation. However, after the Bill had been assented to, the State School Teachers' Union identified several aspects in which the new Act differed unintentionally from the Act which it replaced. This amendment reinstates several features of the previous Act and clarifies two other matters. Both the Education Department and the Teachers' Union endorse the changes proposed.

A provision in this Bill is to ensure that the appointed deputy to either the chairman or a member can act in the case of the member being unable through illness or otherwise to fulfil his duties.

In common to such industrial legislation, clause 3 will require the tribunal to advise the two parties of any matter which the tribunal intends to take into account in determining an issue that was not raised before the tribunal during the hearing.

This Bill makes explicit the powers of the tribunal to confirm, modify, or reverse any decision, determination, or finding appealed against. This power was explicit in the previous Act, but implicit only in the new Act.

The amendments embodied in the above have been referred to the chairman of the tribunal. They are, I believe, in every way non-controversial and will facilitate the more effective functioning of the tribunal.

Debate adjourned, on motion by Mr Pearce.

EDUCATION AMENDMENT BILL

Second Reading

MR GRAYDEN (South Perth—Minister for Education) [5.03 p.m.]: I move—

That the Bill be now read a second time.

This Bill introduces three necessary amendments to the Education Act.

Changes envisaged will provide that, in the appointment, transfer, or promotion of any teacher, no regard shall be had to whether or not the teacher is an officer or a member of the State School Teachers' Union. Clause 7(b) is in accordance with the view of the Government that any teacher should be able to exercise by free choice whether or not he or she wishes to join the Teachers' Union and that the teacher's future career in no way should be jeopardised by the choice either to join or not to join.

Secondly, this Bill also establishes under the Education Act the powers of the director general to impose penalties upon teachers for misconduct. These powers are presently embodied in the education regulations. The technical legality of the regulations has been challenged before the Supreme Court and a hearing is scheduled before

the end of this year. In order to place the director general's powers under the existing regulations beyond legal doubt in the future, the provisions of the regulations will be incorporated without significant change in the Act. The amendment will not apply retrospectively so that the specific cases which form the basis of the Supreme Court challenge will not be prejudiced by this amendment.

This Bill also makes provision to disentitle from salary those teachers who do not fulfil their teaching responsibilities.

During the recent industrial dispute numbers of teachers withheld for periods of two weeks or more their teaching services from classes to which they were assigned. The Education Department was advised that, under the provisions of their statutory conditions of service it was doubtful whether legal power existed to withhold salary from these teachers. As a consequence the teachers received full pay and the Education Department was ultimately forced to invoke powers to fine teachers for misconduct for refusing to fulfil their teaching responsibilities.

It is a generally accepted industrial practice that workers who withhold the services for which they are paid disentitle themselves from salary. However, it is inappropriate that this be achieved by applying the regulations relating to misconduct to a teacher involved in an industrial stoppage, since a charge of misconduct could, conceivably, impair a teacher's future career.

Section 7D establishes procedures, with right of appeal, by which a teacher is disentitled to salary for such periods as he or she refuses or fails to fulfil the responsibilities of the position for which the teacher is employed.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Pearce.

MACHINERY SAFETY AMENDMENT BILL

Second Reading

Debate resumed from 27 October.

MR PARKER (Fremantle) [5.07 p.m.]: This Bill is largely a procedural one which details certain increases in charges and certain upgradings of the facilities provided under the Machinery Safety Act, and it is not contentious.

Our committee has examined the Bill and it has also had discussions with various people in the industry who will be affected by the legislation. Their attitude appears to be that the Bill is nothing more than that which is necessary and required.

Therefore, we have no objection to the Bill and we support the second reading.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr O'Connor (Minister for Labour and Industry), and transmitted to the Council.

WORKERS' COMPENSATION AND ASSISTANCE (CONSEQUENTIAL AMENDMENTS) BILL

Second Reading

Debate resumed from 27 October.

MR PARKER (Fremantle) [5.11 p.m.]: This Bill is required, because the original Workers' Compensation Supplementation Fund Amendment Bill, which was dealt with in May of this year, was passed prior to the passage of the Bill designed to create a new Workers' Compensation Act.

When the Bill originally came before the House in May of this year, I pointed out to the Minister it would be necessary to amend the Bill if any amendments were made to the Workers' Compensation Bill. As it transpired, that Bill was withdrawn subsequently from the House and a completely new Bill was introduced. That Bill has now been amended substantially in this place, and I understand 51 amendments were made to it in another place.

This is an "I told you so" situation, because I indicated previously I thought it was unwise to pass this particular piece of legislation in May prior to the passage of the Bill to which it referred, especially as it referred to specific clauses of that Bill. As a result, the situation has now changed and amendments are now needed to the Bill which was passed back in May, and that is the reason for this particular piece of legislation.

Nevertheless, we support the concepts contained in the Bill and, therefore, we will support the second reading.

I understand, and some of my legal colleagues have told me that, as a result of some of the amendments made to the Workers' Compensation and Assistance Bill in the Legislative Council last week, there will need to be further amendments to

the Bill which is before us now, because apparently some of the clauses of the Workers' Compensation and Assistance Bill have been renumbered.

I suggest the Minister examine the matter and obtain advice from people in the workers' compensation area in regard to the amendments made in the other place. I am not aware of the exact clauses concerned, because as yet we in this place have not dealt with the amendments made by the Legislative Council. However, I suggest the Minister look at the matter; and, despite the comments I have made, we support the second reading.

MR O'CONNOR (Mt. Lawley—Minister for Labour and Industry) [5.14 p.m.]: I thank the member for Fremantle for his generous support of the Bill and the comments he has made.

I give the member an undertaking I shall check with the Parliamentary Counsel regarding the necessity to alter the numbers of any of the clauses, subsequent to the amendments made to the Workers' Compensation and Assistance Bill. I assume that, all going well, we shall probably deal tomorrow with the amendments made by the Legislative Council to the Workers' Compensation and Assistance Bill. Therefore, if any numbers need to be altered, that can be done when the Bill is dealt with in another place.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr O'Connor (Minister for Labour and Industry), and transmitted to the Council.

GRAIN MARKETING AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from 27 October.

MR EVANS (Warren) [5.16 p.m.]: This Bill validates the actions of the Grain Pool in regard to transactions in oats since the end of October 1980 when warehousing was reintroduced. The Bill does have several other provisions, but there can be no argument with their principle as they do have the support of this side of the House to the extent that they deal with the present situation. My remarks will be directed to the practice of warehousing.

To recapitulate on the salient points of this Bill, it aims to provide the Grain Pool with a power to trade in grains not approved or prescribed under the Grain Marketing Act and to ensure that it has no advantage or disadvantage compared with a private trader for these grains, thereby putting it on all fours with other sections of the industry that are involved in the marketing of such grains. Oats is the one of greatest interest. The machinery measures to keep separate accounts obviously logically flow on.

The disbursement of the surplus applied by the Grain Pool has been mentioned. Virtually the Grain Pool may use any surplus that it accumulates for any purpose to which the Minister may agree. This could be a decided advantage in the promotion of the industry. I do not know to what extent the Grain Pool is looking forward to establishing a surplus, but a matter that should be indicated is whether the Grain Pool is seeking to make a sustained surplus and, if so, how it will impinge upon the situation of the growers. That is incidental, but is something to which I am sure the Minister will make reference.

The Bill also aims to ensure that growers who sell only an authorised grain are not disfranchised when it comes to the voting for directors of the Grain Pool. It should not happen.

The points made in connection with warehouses are relevant and this coming year could see certain difficulties for growers as the season just past was one where the prices were quite high—as much as $130. What will transpire if the predictions for grain marketing are realised is not clear, but one thing that does raise some cause for apprehension and disquiet is that once trading starts, and if there is an excess of oats, marketing will become jeopardised and producers will need to have immediate access to ports and to grain-handling facilities; so growers further out will incur transport costs which are a significant factor which will probably cause their grain to be discounted by purchasers. This is a very real possibility, as I am sure the Minister appreciates.

Whether or not standards are adequately safeguarded under warehousing, the Grain Pool would be forced to accept an FAQ standard and would be in a position to control grain quality either at receiver or loading points. The selection process would be jeopardised, if not destroyed. That could be seen as a disadvantage if the requirements of particular grains are made more demanding and there could be problems in connection with shipping. This comes back to the

Warren system and could give rise to some anomalies.

As far as funding is concerned, the method of financing voluntary pools could be placed in jeopardy, but I come back to the point that it is those growers in the more remote areas who have the greatest cause for alarm. I do not know whether there is a possibility for carry-over stocks on a large scale. This question cannot be discounted. There is always the prospect that it could transpire and will, of course, give the grain handling authority—CBH—some difficulty.

Under a warehousing system, apart from the impossibility of making forward sales, the Grain Pool could find itself restricted in completing sales for the early shipping deadline. These things occur in the day-to-day operation of a marketing system and if the supply becomes distorted or unbalanced, very great problems can occur.

It is perhaps not fair to make reference to the use of pesticides. Some people are very sensitive to this. It is always essential that the national reputation as far as insecticide-trace-free grains are concerned is maintained at the highest level. I understand that countries such as Germany, which has become a valued customer, would be very sensitive indeed to the application of chemicals that do not comply with its stringent patterns.

As receivers would be under the control of the Grain Pool, an ability to establish off-grade pools for the benefit of growers in poor quality years could be removed. We have not seen these things occur in the last year, and for that reason it has been a little fortuitous, so in the cycle of grain growing and farming it means that in time these problems could all arise.

In 1981 the price has been about $130. It is not easy to predict the price in 1982 with accuracy, as the punters have been making mistakes for many years, especially with the world markets.

Possibly one of the reasons for the price of 1981 was the fact that the United States had three bad seasons and it would be unlikely that this situation could be repeated or continued. Trading in coarse grains on the world market is approximately 750 million tonnes; Australia may not be a large supplier, but has a very close interest in exporting.

Those are the matters that need to be looked at in relation to this legislation. The Grain Pool, from the Minister's answers to questions of the week before last, handled in excess of 360 000 tonnes. The Grain Pool itself is a fairly considerable force in the grain-selling market and it is essential that its transactions be legally valid and without question. If the Act is not cleared up and made specific, questions could be asked on overseas markets which could be to the detriment of the Grain Pool itself.

I do not wish to raise any objection. It is important that the Grain Pool has legal powers to proceed with its business of obtaining the best results possible for growers in Western Australia. I am sure the House would be interested if the Minister could give an indication of the anticipated surplus on which the Grain Pool expects to operate and what he would see as being the disbursement of this surplus and these funds. I do not know whether he wishes to comment on the overall question of warehousing and its latent problems.

Some action is desirable in case things go wrong. I do not know whether the Minister has examined the problems I have indicated or has thought that far ahead, but it is to be hoped that such an exigency does not arise. The support of the Grain Pool is essential in the meantime.

MR McPHARLIN (Mt. Marshall) [5.29 p.m.]: As indicated in the second reading speech of the Minister, the Bill clearly outlines the aims of the Government, and one of those aims is to provide the Grain Pool with the power to trade grain not approved or prescribed under the Grain Marketing Act. Oats were taken off the authorised grain list and warehousing was brought into being and the Grain Pool had to make what it considered to be other arrangements for the marketing and handling of oats. During 1980 it decided to buy out warrants issued by CBH for cash for competitive trading. The belief was that the power existed under the Grain Marketing Act for that to be done.

The Crown Law Department apparently did not think that that was the correct thing for the Grain Pool to do. The amendments to this Bill are now putting that beyond any doubt and will allow the Grain Pool to trade oats or any other grain on a private basis. There will not be any doubt, when this Bill is passed, that the Grain Pool will have the power to trade grain on a private basis, and this will apply to the forthcoming harvest. At the present time many farmers in the northern areas are harvesting their oats and delivering them to receival bins.

There was some doubt as to whether or not the warehousing provisions would be for the benefit of the growers, and there was also some doubt as to whether or not there would be a fair return on the oats after these provisions were brought into effect. It does appear a better market was attainable after the warehousing provisions were

introduced, and those farmers are quite pleased with the results they achieved last year.

I understand the method of warehousing is to be given a trial period of two to three years, and if it is considered it is not as efficient as the producers are expecting it to be, it will be revised and perhaps consideration will be given to putting it back under the category of authorised or prescribed grain.

The marketing of cereals is another matter which should be watched closely at all times in an endeavour to obtain the best system available and to ensure the producers are given the best available return for their product.

I support the Bill before the House and I believe it will give the Grain Pool the opportunity to operate without any restrictions that may have applied to date.

MR OLD (Katanning—Minister for Agriculture) [5.32 p.m.]: I thank members for their generous support of the Bill. It has been very well explained by both speakers. This Bill provides a new concept in grain marketing, and is validating market practices used by the Grain Pool last year. The proposed amendments place the situation beyond any legal doubt. The Bill now authorises the Minister to prescribe authorised grain by proclamation, and this will be done as soon as the Bill has been proclaimed. It will allow the Grain Pool to carry on with normal marketing arrangements.

The member for Warren mentioned a couple of points, and one was the disbursement of surplus funds. We have endeavoured, in this Bill, to put the Grain Pool on an equal footing with other private traders and to put the private traders on an equal footing with the Grain Pool. In other words, we will not give the Grain Pool an advantageous position. There will be no Treasury guarantees as far as authorised grains are concerned. Therefore the Grain Pool will have to make private arrangements for funding purchases of grain, as do normal traders. In the event of the Grain Pool being left with a surplus, it will have to disburse that surplus in the same way as private companies do. In other words, it would be allowed to pay the surplus back to the growers on a *pro rata* basis, or it may elect to put some into reserve—and this I am sure it will do, against the possibility of losses in the following year—or after consultation with the Minister, it may elect to invest money in programmes which would be of advantage to the industry.

Mr Evans: Will they be looking to establish equalisation funds?

Mr OLD: No, the Grain Pool will purely be establishing a buffer fund, which will allow it to take up any losses in the first year. It will hope to make a profit so it will have funds available for the next year. That is the general idea of the Bill.

The member for Warren mentioned a point which gives us some concern, and that is the marketing of authorised grain outside the areas closer to the ports. This does pose some problems. A great deal of trading in oats occurs and I believe this year will be no exception. A number of farmers in remote areas supply dairy farmers in the south-west with oats, and quite a trade exists. I do not believe any great problem will be experienced by people in outer areas. As far as off grade grain is concerned, the same applies. Off grade grain will not be received under warrant by Co-operative Bulk Handling. CBH will be charged with receiving grain of a certain standard and warrants will be issued for that particular grain. These warrants can then be held by the person who had them issued, or can be sold to private traders, including the Grain Pool. I believe this Bill is a step in the right direction. It is an interesting exercise and one which may even have application to other grains in the future.

In other words, we have another option and another string to the producer's bow.

In conclusion, I point out that the Grain Pool of Western Australia has a very fine record as far as the sale of grain internationally is concerned. It goes back to the days of the Barley Board, when we had two or three organisations, and these were amalgamated into the Grain Pool of Western Australia. I believe the system, as we see it today, will pose no problem to the Grain Pool as it is very experienced in its field. I believe the problems, if any are experienced by anyone, will be those of other people chasing its expertise. Last year the trading in oats proved to be very successful and I do not see any reason that it will be unsuccessful this year.

I thank members for their support of this Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

BILLS (3): RETURNED

1. Pay-roll Tax Assessment Amendment Bill.
2. Stamp Amendment Bill.
3. Business Franchise (Tobacco) Amendment Bill (No. 2).

Bills returned from the Council without amendment.

QUESTIONS

Questions were taken at this stage. During questions without notice, a motion for the suspension of Standing Orders was moved, debated, and defeated.

(See pages 5454 to 5460).

COLLIE COAL (WESTERN COLLIERIES & DAMPIER) AGREEMENT BILL

Returned

Bill returned from the Council without amendment.

COMPANIES (APPLICATION OF LAWS) BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr O'Connor (Deputy Premier), read a first time.

Second Reading

MR O'CONNOR (Mt. Lawley—Deputy Premier) [8.10 p.m.]: I move—

That the Bill be now read a second time.

Members will recall that when introducing the Companies (Acquisition of Shares) (Application of Laws) Bill on 6 May this year, the obligations of this State under a formal agreement entered into between the Commonwealth and the six States on 22 December 1978 were described in detail.

That agreement sets out the obligations of the parties in respect of a scheme for the Commonwealth and the six States to enact legislation for the purpose of establishing a uniform system of law and administration regulating companies and the securities industry in the six States and the Australian Capital Territory. A copy of the agreement appears in the schedule to the National Companies and Securities Commission (State Provisions) Act 1980.

The agreement establishes a Ministerial Council, comprising a Minister from each State and the Commonwealth, which is responsible for the formulation and operation of the uniform companies and securities laws provided for under the agreement and which will exercise general control over the implementation and operation of the scheme.

Pursuant to the agreement a first package of substantive laws relating to the regulation of the securities industry and company take-overs came into operation in all States and the Australian Capital Territory on 1 July this year.

The Bill now before the House relates to the introduction of a second package of substantive laws required by the agreement—laws relating to the regulation of companies.

Under the direction of the Ministerial Council, officers from each State and the Commonwealth have, for the past two years, worked together to formulate the substantive companies laws which will be applied uniformly in each jurisdiction under the scheme. These laws have become commonly known as the Companies Code.

In accordance with the agreement, the Companies Code is based on the uniform companies Acts presently in force in those States which are parties to the interstate corporate affairs agreement—the States of New South Wales, Victoria, Queensland, and Western Australia.

The changes which the Companies Code will make to the existing laws of these States relate mainly to those changes which are expressly authorised by the agreement or which are required to take into account the co-operative nature of the scheme. All changes have received the unanimous approval of the Ministerial Council.

The Companies Code has been exposed for public comment on two occasions and on each occasion the code has been amended to take account of public submissions received.

To ensure that the content of the substantive provisions of the code will apply uniformly in each jurisdiction, the agreement provides for the Companies Code to be set out firstly in Commonwealth legislation that will apply to the ACT.

Once this has been done, each State is then required to pass an Act which will apply the provisions of the Commonwealth legislation as Acts of the State to the exclusion of its present Companies Act. Those Acts will make only such changes to the Commonwealth legislation as are required to reflect local legal and administrative differences that are peculiar to each State.

Pursuant to its obligations under the agreement, the Commonwealth earlier this year passed its Companies Act 1981. That Act embodies the provisions of the Companies Code and applies those provisions as laws of the ACT. Each State is now required to apply the provisions of the Commonwealth Companies Act 1981 as laws of that State; and the Bill now before the House will achieve that purpose for Western Australia. Each other State has introduced, or will soon be introducing, similar legislation into its Parliament.

So as to distinguish the ACT companies laws as they apply in each jurisdiction from the ACT laws themselves, the applied laws will be known as a "code". Thus, the ACT companies laws as they apply in Western Australia will be known as the Companies (Western Australia) Code.

In addition to providing for uniform companies laws the Companies (Application of Laws) Bill of each State will ensure that the Companies Codes of each State remain uniform in each jurisdiction by automatically applying any amendments to the ACT companies laws as amendments of the State laws. It is noted, however, that under the terms of the agreement, the Commonwealth is not free to amend its ACT laws, which form part of the scheme, without the approval of a majority decision of the Ministerial Council.

Pursuant to the agreement the Commonwealth has established a body known as the National Companies and Securities Commission, or as it is more commonly known, the NCSC, which is responsible for the uniform administration of the substantive scheme legislation. The functions and powers of the NCSC in relation to this State were explained when the National Companies and Securities Commission (State Provisions) Bill was introduced in another place in October 1980. It is to be noted, however, that although the NCSC will be responsible for the overall administration of the Companies Code, the NCSC is required to have regard to the need to decentralise its administrative activities to the maximum extent practicable. Therefore, it is expected that the Western Australian Commissioner for Corporate Affairs will continue to carry out most of the administration of the Companies (Western Australia) Code.

As mentioned previously, the substantive provisions of the Commonwealth Companies Act 1981, altered to comply with local legal and administrative requirements, and applied as laws of the State, will be known as the Companies (Western Australia) Code. The Bill permits the printing of the provisions of the Companies (Western Australia) Code.

Copies of the Commonwealth Companies Act 1981 which contains the substantive provisions of the code, an explanatory memorandum relating to the provisions of the Companies Act 1981, and clause notes explaining the provisions of the Bill, are available on request.

Members will notice that clause 6 of the Bill makes two significant changes to the applied provisions. Firstly, it excludes the application of sections 1 to 4 of the Commonwealth Companies Act 1981 because those provisions are relevant only to the ACT. In their place the introductory provisions set out in schedule 4 of the Bill will appear in the printed code.

Secondly, the applied provisions are adapted in the manner specified in the first schedule to meet local legal and administrative requirements. Thus, for example, references in the Commonwealth Act to the ACT are replaced with references to Western Australia.

The Bill will overcome any local problems which might arise as a result of the amendment of the Commonwealth Companies Act 1981. As amendments to the Commonwealth Act will apply automatically as laws of the State, those amendments also may need to be adapted to meet local requirements. The Bill overcomes this difficulty by providing for regulations which have become commonly known as "translator" regulations to be made amending schedule 1.

Power to amend the provisions of schedule 1 by regulations will be necessary to allow amendments to the uniform companies laws to be implemented quickly in the State, and to maintain uniformity with the laws of other jurisdictions participating in the scheme. Similar provision is made also in relation to any amendments to the Commonwealth regulations which may be approved by the Ministerial Council.

In addition to applying the provisions of the Commonwealth Companies Act 1981, the Bill applies regulations made under the Commonwealth Companies Act 1981 and fees regulations made under the Commonwealth Companies (Fees) Act 1981 as regulations in Western Australia governing matters required to be prescribed by regulations for the purpose of the Companies (Western Australia) Code.

This Bill represents the last and most significant step taken by this State in relation to the introduction of the co-operative scheme legislation. Over many years there have been calls from all sections of the business community for increased uniformity in both company law and its administration. There also have been calls for a reduction in the duplication of requirements

inherent in a system where each jurisdiction imposes its own requirements.

Although the formation of the Interstate Corporate Affairs Commission brought about more effective arrangements between the States of New South Wales, Victoria, Queensland, and Western Australia, it did not represent a universal approach. The co-operative scheme has built upon the foundation established by the interstate corporate affairs agreement, and it will establish an effective procedure for securing and maintaining a uniform system of law and administration relating to companies and securities industry matters throughout the six States and the ACT. The scheme legislation will also reduce significantly the duplication of requirements inherent in the present companies laws. The scheme is designed to promote a stable and uniform business environment and to encourage investor confidence.

The Bill now before the House has been approved by the Ministerial Council for introduction into the Western Australian Parliament. Similar legislation has been approved for introduction into each of the other five State Parliaments.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Grill.

LIQUOR AMENDMENT BILL

Council's Amendments

Amendments made by the Council now considered.

In Committee

The Deputy Chairman of Committees (Mr Nanovich) in the Chair; Mr Hassell (Chief Secretary) in charge of the Bill.

The amendments made by the Council were as follows—

No. 1.

Clause 4, page 2, line 6—Insert after "(1)" the following—

" —(a) ".

No. 2.

Clause 4, page 2, after line 8—Add the following— "; and (b) in subparagraph (iii), by adding after "Anzac Day" the following—

or "outside the hours of ten o'clock in the morning and six o'clock in the evening on a Sunday, other than Christmas Day or Anzac Day ".

No. 3.

Clause 15, page 7, lines 34 and 35—Delete "a bar set aside for the public for consumption on the premises only" and substitute the following—

" for consumption on the premises only, in a bar set aside for the public ".

No. 4.

Clause 25, page 15—Insert after line 39—

(b) by deleting paragraph (aa) of subsection (3) and substituting the following paragraph:

" (aa) the liquor to be supplied pursuant to the permit is purchased or obtained by the permit holder from a body or organisation (not being a manufacturer or producer of liquor) of which the sole or the principal object is the promotion of one or more types or varieties of Australian produced liquor; "

No. 5.

Clause 25, page 16—Add after line 9—

" (5) It is not an offence against section 134 for a body or organisation referred to in paragraph (aa) of subsection (3) of this section to sell or supply Australian produced liquor to the holder of a function permit if—

(a) the liquor is purchased by the body or organisation from a member thereof; and

(b) the Court has in connection with the issue of the function permit authorized the body or organisation to sell and supply liquor in terms of paragraph (aa) of subsection (3) of this section. ".

No. 6.

Clause 40, page 21, lines 14 to 16—Delete "(a) in subsection (1)—

(i) in paragraph (f), by deleting "or provisional members"; and"

and substitute the following—

" (a) in subsection (1)(f), by deleting "or provisional members"; ".

Mr HASSELL: I move—

That amendment No. 1 made by the Council be agreed to.

Amendments Nos. 1 and 2 allow vignerons who produce wines on their own premises to sell the wine for consumption off the premises on Sundays

between the hours of 10 o'clock in the morning and six o'clock in the evening. These amendments have been the subject of considerable discussion in the other place. The Government's liquor committee sought to include provisions to cover the tourist situation. However, when the amendments were brought into the Chamber, a group of vignerons expressed the view that they would be disadvantaged by having to become licensed vignerons.

It is my understanding that some of the vignerons in the Swan Valley do not want to become licensed vignerons, but they want to trade on Sundays, and they want to trade for consumption off the premises only. Others do not want to trade at all on Sundays; and they feel that if the provision is made, they will be put under pressure to trade. They already trade on six days a week, and they do not want any longer trading hours.

In line with the intention expressed by the Legislative Council in the proposed amendments, the matters have been considered. The amendments will allow the trading on a limited basis, as submitted by the Council.

Mr PARKER: The Opposition supports these amendments. We received representations from the association of vignerons in the Swan Valley after the passage of the Bill through this Chamber some weeks ago. At the time I was not aware—and certainly it was not made clear in the second reading speech or the second reading debate—that the majority of vignerons in the Swan Valley are not licensed vignerons. In fact, I understand that the majority consists of 32 out of 33 vignerons. In terms of the Liquor Act, that made fairly meaningless the intention to allow Sunday trading for those people, as was submitted to us initially.

These people do not wish to become licensed vignerons, as they would be brought under the Licensing Court, and the court would require them to undertake a whole range of things they feel they do not need to undertake. In many cases, they could not afford to undertake them.

One example is that they would need to provide toilet facilities to the standard which applies to hotels. Various other forms of upgrading would be required. For many of the family operations in the Swan Valley—and, I imagine, in other parts of the State—that would mean that the operation would cease to be viable.

On that basis, we believe that the people who operate under the exempt provisions in section 4 of the Act should be able to operate on Sundays. I am not entirely certain that the hours which have been set down are ideal. Nor am I certain that provisions which allow one group of vignerons to operate between fixed hours and another group of vignerons to operate only in the hours set by the court are fair. I would have preferred to have either the vignerons who are licensed also allowed to operate between 10.00 a.m. and 6.00 p.m. or this group of vignerons allowed to operate during the hours set by the court.

Be that as it may, the Council has made the amendments with our support; and we support them in this Chamber.

Mr BLAIKIE: I support the amendments to the Liquor Act proposed by the Legislative Council. The amendments are ample evidence of the importance of a House of Review when the House of Review is working as it ought to function. If members read the debates on the Liquor Amendment Bill, they would know that that Chamber acted properly.

It is important that we include amendments Nos. 1 and 2 in this legislation. It was by an oversight by myself and by members of this Chamber that we find ourselves in this position. The oversight occurred, not because of any lack of intent by the Minister, but by our not having a full understanding of the Liquor Act.

What was proposed initially by the Minister, and what will happen, is that licensed vignerons will have the opportunity to operate on Sundays. Their hours of trading will be set by the Licensing Court.

In addition, the Legislative Council has stated that primary producers, apart from vignerons, ought to have the opportunity to trade on Sundays between 10.00 a.m. and 6.00 p.m. This is the area in which this Chamber experienced difficulties initially. We called all producers of wine "vignerons" without appreciating that, under the parent Act, there were two different areas: One was the vignerons and the other the primary producers. The Parliament gave the vignerons the opportunity to trade on Sundays between the hours laid down by the Licensing Court and the primary producers were able to trade between 10.00 a.m. and 6.00 p.m.

This would certainly be of benefit to the primary producers in the wine-producing areas in my electorate, including the Margaret River district. Likewise, it would be of benefit to wine producers in the Mt. Barker area, because a great proportion of sales are made at the weekend to people visiting from the metropolitan area. Occasionally the product is sampled, but wine is not consumed on the premises. It is purchased and taken away for later consumption.

Therefore, the amendments proposed by the Legislative Council are sensible and I am thankful that it has had the wisdom to find an error which was made in this Chamber. I am delighted to support the amendments.

Mr HERZFELD: I wish to address myself also to the amendment to section 6 of the Act. I was surprised that publicity given to this amendment, when it was dealt with in another place, caused a considerable amount of opposition to be expressed by various sections of the industry.

On investigating the matter, I found a substantial number of primary producers were opposed to the provision of Sunday trading under the section 6 exemption. It appeared they were reasonably satisfied with the decision made in this place and the other place that the section 36A provisions be extended; that is, the vignerons' licences be extended to cover Sunday trading. However, many of the primary producers were against Sunday trading under the section 6 exemption, because they felt that, as they had to work hard in a labour-intensive industry which involves long hours of work both in the winery and in the fields, they were entitled to at least one day of the week which they could call their own, when they could have some time off, and when they could do some of the chores which must be done on properties of this nature and which cannot be performed when customers are present.

I experienced a considerable amount of mental conflict in reaching a decision as to how to deal with the amendments before us. On the one hand, I felt I should like to give people the opportunity to trade as they wished; but, on the other hand, I could understand the objections which were expressed rather forcibly by a major section of the industry.

Of course, it is argued there is no compulsion to open for trading on Sundays and in fact it is a matter which is in the hands of the individual trader. If a trader feels he does not want to open, he can decide not to do so. However, it is not as simple as that, as we saw when we debated extending general trading to Thursday nights.

It is obvious that if a grower wants to maintain his share of the trade, he will need to open for trade when his competitor does. I remind the Chamber that the business of wine selling is very competitive.

It seems that despite the fact that it is not compulsory for wineries to open for trading on Sundays under this provision, there is in fact a coercive element which will in practice force them to open.

It was put to me also that wine sales at the cellar door catered to a limited market and the extension of trading to Sundays would not increase the total amount of trade available to the industry. It was pointed out that, if Sunday trading were introduced, a great deal of the Saturday trade would take place on Sundays without a corresponding increase in trading on Saturdays. This would result in increased costs to the vignerons.

We must remember also that, when we talk about the tourist trade, we are really talking about two different sorts of trade. Firstly, there is the genuine tourist who is from interstate or overseas and who desires to see what the industry has to offer. I am told that, generally speaking, this sort of tourist trade occurs throughout the week and it is not concentrated on the weekends. People involved in the industry appreciate this type of tourist trade and are doing all they can to expand it. Secondly, there is the local person who tours the various cellars to buy stocks for his own consumption at home. That sort of trade is different from that involving interstate or overseas visitors and it is confined to people who have an appreciation of wine. I am assured by those involved in the industry that that sector of trade will not grow as a result of Sunday trading.

I see some disadvantages also in the proposals which have been put to us by the other place. Considerable pressure has been exerted to extend Sunday trading in a number of areas, not the least of which was the extension of liquor trading by licensed stores. When we discussed the amendments to the Liquor Act previously, strong pressure was brought to bear on members to allow liquor store trading hours to be extended.

I strongly resisted that extension for two reasons, the first being that it would be the thin end of the wedge for extended trading for the retail area generally. In the interests of small businesses, I felt it would be a retrograde step and something we should not contemplate in this place. It appeared to me also that, if Sunday trading were extended to liquor stores, the trade of vignerons in, for example, the Swan Valley, would suffer.

Mr Shalders: Won't hotel trading have the same effect?

Mr HERZFELD: I am afraid it will; but, of course, we are stuck with that now. The extension of the sale of packaged liquor by hotels on Sundays will certainly have some sort of an effect on the cellar door trade of vignerons.

When the Minister replies I should like him to indicate the way in which he views this

amendment and whether in fact we would be better to introduce shorter trading hours than those suggested—that is, from 10.00 a.m. to 6.00 p.m.—and initially permit Sunday trading under section 6 between the hours of noon and 5.00 p.m. That would be a compromise between those who are very much opposed to Sunday trading and those who favour it.

I should like to test the feelings of members of the Chamber in regard to the amendments by changing the hours which have been suggested by the other place from 10.00 a.m. to 6.00 p.m. to noon to 5.00 p.m. That would address the problem which has been put to me by a very large sector of the industry.

In summary, I point out I am concerned with the proposal from a practical point of view. In principle I am not opposed to it, because we should not be regulating people's ability to trade, particularly in a primary production situation which we have here. However, I shall listen with some interest to the Minister's comments and those of other members and then perhaps I shall move an amendment to the amendment.

Mr HASSELL: In reply to the member for Mundaring I can say only that, in my opening remarks, I acknowledged there were a number of points of view in relation to this matter.

The original concept of the committee of inquiry was to deal with the tourist situation which involved licensing vignerons with certain basic facilities to sell liquor on a Sunday on premises, for consumption on or off the premises, in contemplation that some would want to sell liquor for consumption off the premises only and some would want to sell it for consumption on and off the premises. It was done in the expectation also that some vignerons would want to sell liquor for consumption on the premises in association with a meal or some other tourist attraction of that kind.

Nevertheless, the vignerons who did not want to become involved in that way put it to me very firmly that for many years they had enjoyed the right under section 6(1)(h) of the Act as it now stands to sell their produce without the need for any licence. They did not want to be in a position of having to become licensed to trade on Sundays in the same way as they had been trading for many years on other days of the week. Although it was put to them that the licensing provision would not disadvantage them in any way, they were not convinced of that. As the member for Mundaring has said, some vignerons want the extension and some do not. Some of them want to be free to trade between 10.00 a.m. and 6.00 p.m. on Sundays and others do not want anybody to be entitled to trade on Sundays, because they do not want to be put under pressure to trade themselves.

It is natural and logical. We have seen it in other areas. In any competitive marketing situation where a trader is permitted to trade, he does so, and others who may not wish to do so effectively are compelled by market forces or market considerations to enter on that trade. I agree with the member for Mundaring's suggestion that any extension of Sunday trading tends to lead to an increase in pressure for other extensions of Sunday trading and leads to questions as to whether we are maintaining the delicate balance which exists in the liquor industry between competing economic interests.

From time to time various groups say they are dissatisfied. It may be the hotels who are dissatisfied because of the restrictions imposed on them *vis-à-vis* the restrictions which apply to licensed stores, and at another time the licensed stores are not happy, or licensed clubs are not happy; yet we have a liquor system in which we desire, on behalf of the community, to maintain a system of restrictions and controls. I do not believe the extension involved here is really significant in the overall context and it is for this reason that we have agreed to go along with it.

As to whether lesser hours might be prescribed instead of 10.00 a.m. to 6.00 p.m. on a Sunday, I do not propose to move an amendment as it is up to the member for Mundaring to move one if he wishes. I will consider that amendment when he moves it. We are getting down to some pretty fine distinctions, although I have no strong feelings one way or the other. If we are talking about the Swan Valley or any other wine-producing area where sales of bottles of wine produced on the premises are part of the regular pattern of trade, 10.00 a.m. is both early enough and late enough, because people who go touring around usually begin in the morning. If the feeling is strong enough in the Committee that it should be more restrictive, that causes me no great concern.

The DEPUTY CHAIRMAN (Mr Nanovich): Does the member intend to move an amendment?

Mr HERZFELD: Perhaps I could have some direction? I seek to delete the words "ten o'clock in the morning" with a view to replacing them with the words "twelve noon". I cannot refer to any lines. It is under amendment No. 2.

The DEPUTY CHAIRMAN: I will put amendment No. 1 and then if you wish to move an amendment, you can move it to No. 2.

Question put and passed; the Council's amendment agreed to.

Mr HASSELL: I move—

That amendment No. 2 made by the Council be agreed to.

Mr HERZFELD: As indicated earlier, I wish to test the Committee by moving to amend the time that has been suggested. The purpose of doing so is to allow vignerons at least half a day on Sunday in which they cannot be badgered by the public. I move—

That the amendment made by the Council be amended by deleting the words "ten o'clock in the morning" with a view to substituting other words.

Mr BLAIKIE: Let me say at the outset that I intend to oppose the amendment to the Council's amendment, moved by the member for Mundaring. The member is indicating that he wants to restrict the hours of Sunday trading for people under this classification. I remind the Committee again that those people under this classification are not vignerons and never have been. The Minister, by way of his amendment when this Bill originally went through this chamber, made a provision for vignerons whereby vignerons are permitted to trade—there are no arguments with this—under conditions laid down by the Licensing Court.

Mr Herzfeld: How do you define "vigneron"?

Mr BLAIKIE: I am pleased the member has asked me to do this, but I hate to tear him to pieces. A vigneron's licence is clearly defined in the Minister's amendment. What we are talking about now relates to section 6 of the parent Act which relates to a number of bodies to which the provisions of the Licensing Act do not apply. Included under those provisions of the Liquor Act are the following—

(a) the sale or supply of liquor in the Houses of Parliament, with the leave of, and under the control of, Parliament;
(b) the sale or supply of liquor by, or under the authority of, the Commissioner of Railways, pursuant to the Government Railways Act 1904, and the by-laws made under that Act;
(c) the sale or supply of liquor in a Police Force canteen, conducted in accordance with regulations made under the Police Act 1892;
(d) the sale, by auction, by the sheriff or any person authorised by him or by a bailiff or a member of the Police Force, of liquor taken in execution or seized under, or forfeited by operation of, this Act;
(e) the sale of liquor by a licensed auctioneer, for some other person, under, and in accordance with, the provisions of the Auctioneers Act 1921;
(f) the sale of spirituous or distilled perfume, in good faith, as perfumery;
(g) the sale or administration of liquor, by a registered pharmaceutical chemist, for medicinal purposes, either pursuant to the direction of a legally qualified medical practitioner or as a constituent of a medicinal preparation;

Mr Pearce: Are you getting to vignerons shortly?

Mr BLAIKIE: We then come to paragraph (h) which relates to "the sale, by the occupier of a vineyard of not less than two hectares of vines in full bearing or of an orchard of not less than two hectares, of wine manufactured by him, on the vineyard or orchard in quantities of not less than 740 millilitres, if the wine—(i) is not consumed or intended to be consumed on the premises where it is sold; or (ii) is not sold or supplied to a person for whom it is unlawful to sell or supply liquor". There it is. The intention of the legislation was to give to those persons to whom the provisions of the Liquor Act did not apply, the opportunity to sell liquor on a Sunday.

That sale of liquor on a Sunday from that outlet would apply from the hours of 10.00 a.m. to 6.00 p.m., or at any other time they choose. The member for Toodyay is proposing that the hours be—

Mr Pearce: Do you know something about the redistribution?

Mr BLAIKIE: The member for Mundaring—sorry—is proposing that the hours be restricted from 12.00 noon to 6.00 p.m. May I suggest to members of the Committee that, assuming this amendment to the Council's amendment is opposed and the proposal of the Legislative Council is in fact supported, primary producers will have the opportunity to make sales on Sundays on their own properties should they so desire between the hours of 10.00 a.m. and 6.00 p.m., but they also may not wish to open until 12.00 noon or 2.00 p.m. They have the opportunity to open if they desire between the hours of 10.00 a.m. and 6.00 p.m., or at any other time during that period. If the proposal suggested by the member is carried it will be completely restrictive to those vignerons in the south-west and in the Frankland area as it takes several hours of travel to visit those vineyards and return home.

The amendment is totally restrictive and is certainly not in the spirit of assisting those primary producers who, up until now, have never had the opportunity to make sales on Sundays. If there is ever to be an opportunity for the tourist trade to be promoted, then the hours should remain as suggested from 10.00 a.m. to 6.00 p.m. I oppose the amendment moved by the member.

Mr PARKER: As I said prior to this amendment being moved, the Opposition as a whole is committed to the ability of these vignerons we are discussing to open on Sundays, but as far as the specific hours for which they are permitted to open are concerned, whether they are 10.00 a.m. to 6.00 p.m. or 12.00 noon to 5.00 p.m. or 6.00 p.m., there is no commitment on our members to any course of action and our members are therefore free to vote as they wish in relation to this amendment.

My personal view is to support the amendment moved by the member for Mundaring. I had discussions with the vignerons—I imagine the same people with whom the member for Mundaring had discussions—and they indicated to me that while they wanted this ability, they were a bit worried about the length of time. One of the problems about this was that the original amendment moved in the Legislative Council was very confusing and, indeed, could not be understood by either the members of that Council or by anyone else looking at it, and in fact it was postponed for some time to enable it to be clarified.

During that time there were a number of other amendments proposed and moved and this was the one that was eventually carried. Certainly, it did seem that there was some rather strange information going back to some of the vignerons from members of the other place about precisely what was happening. I think that is one of the reasons this amendment in its current form causes problems. If one looks at the way in which these vignerons operate in other States—I have seen vignerons in the Hunter Valley and the Barossa Valley—the 12.00 noon to 5.00 p.m. period is suitable and allows people to have some period at least to be free. This meant that people were not forced to open and this would particularly apply in the Swan Valley.

Mr Blaikie: Just on that point, you mentioned the Swan Valley. Would you please give some consideration to vignerons who may well be 300 miles away from the mainstream of population?

Mr Pearce: Hear, hear!

Mr PARKER: I do not think any of these would be 300 miles from a large population centre. Although certain vineyards may be some distance from population centres, they would not be a large distance from each other. In the member's own electorate a number of vineyards are quite a distance from Busselton or Augusta, but they are within easy drive of each other. The same thing occurs in the Hunter Valley.

Mr Blaikie: The same thing does not apply in the Hunter Valley.

Mr PARKER: I think it does.

Mr Blaikie: Unfortunately you are confusing a vineyard licence with the rights of a primary producer already contained in the Act.

Mr PARKER: The rights of the primary producers under the Act do not include their right to open on a Sunday.

Mr Blaikie: We are attempting to ensure that they can.

Mr PARKER: I think every member accepts that they should have the right to trade on a Sunday. The question is whether they are to trade between 10.00 a.m. and 6.00 p.m. or between 12 noon and 5.00 p.m. At the moment I am putting my personal position.

Firstly, if we grant the extended hours, the vineyards will be trading over a much longer period than the hotels and clubs. If the Council's proposed amendment is agreed to, they will be permitted to trade for eight hours.

Secondly, it is interesting, of course, to hear members opposite complain about the effect of market forces on some of the people they represent. Nevertheless, if one person decided to operate from 10.00 a.m. to 6.00 p.m., it is fair to say that it would be very difficult for others to decide not to open and so run the risk of losing trade.

As far as the area represented by the member for Vasse is concerned, it seems to me that it would be possible, as in the Hunter Valley, for those vineyards to operate over different hours.

Mr Blaikie: Could I put a point to you before you conclude your remarks on that? The amendment grossly favours the Swan Valley growers.

Mr PARKER: I think the hours are 12 noon to 5.00 p.m.

Mr Blaikie: The alternative would be to allow the south-west producers to operate between the hours of 10.00 a.m. and 4.00 p.m. Not many people would be wanting to drive back to Perth after 4.00 p.m. By having a 12 noon start you will disadvantage the south-west producers.

Mr Laurance: Why not just leave it as it is?

Mr PARKER: I do not think that would be the case. I do not think many people leave Perth specifically to visit the Vasse area and return in the one day.

Mr Blaikie: The point is they would be leaving the area and coming back to Perth.

Mr PARKER: By and large the people I am referring to would be travelling in the area and they would be able to make their purchases and do their tasting just as easily between 12 noon and 6.00 p.m. as between 10.00 a.m. and 6.00 p.m. That is the first point.

The second point concerns the argument about the court determining the hours. When this Bill was in another place I discussed it with my colleagues. My suggestion was to include a provision to allow the courts to determine the hours for the vignerons.

Mr Blaikie: That has never happened under the Licensing Court.

Mr PARKER: I know that, and that is one of the problems. These people have never been subject to the Licensing Court.

Mr Blaikie: And they should not be.

Mr PARKER: They are exempt. I did not realise that until I received representations about this matter. It was not made clear in the second reading speech that many of the people concerned were people not likely to become vignerons under the licensing provisions of the Act.

Another matter concerns me about the amendment, and I will draw it to the attention of the Committee, even though I intend to support the amendment. I understand there has been some pressure from the industry to have this Bill dealt with as quickly as possible. If the amendment of the member for Mundaring were successful, it seems to me it would cause a delay. Although we should attempt to get the best legislation possible, that matter causes me some concern. I intend to support the amendment.

Mr HERZFELD: I am grateful to hear that there is some support for the amendment from the member for Fremantle. I would like to come back to some of the comments made by the member for Vasse when I interjected to ask him how he would define a vigneron. One of the problems that has faced members in both places during the passage of this legislation is the lack of a proper understanding of the difference between the provisions of proposed section 36A and the provisions of section 6.

Many of the arguments put forward by the member for Vasse were based on the fact that there seemed to be some difference between vignerons and people coming within the definition of section 6. I refer him to the definition of the word "vigneron" under proposed section 36A. That is identical to the definition under section 6 that he read. The situation is that there is no difference between a person licenced as a vigneron and a person who may fall within the exemption provisions of section 6. Really we are talking about one and the same thing.

I would like to come back to my reasons for seeking to amend the suggested amendment from another place. To suggest that a vigneron may operate between 10.00 a.m. and 6.00 p.m. really means a full day's work.

Mr Blaikie: On that point, about the vigneron's licence, it gives a vigneron the right to sell alcohol on his premises, either for consumption on or off the premises. That is different.

Mr HERZFELD: That is right. That is the difference.

Mr Blaikie: It is a vast difference, because the vigneron has an open licence to sell on his premises and that is not available to a primary producer.

Mr HERZFELD: We are not dealing with the question of the consumption of liquor; that question has been decided by both Chambers. That is behind us. We are deciding whether bottle sales should take place at the cellar door on Sundays, and if so, the hours between which those sales should take place. I think the Chamber has agreed generally that there should be cellar door sales on a Sunday and the point at issue is the hours.

I believe it is the wish of the majority of the people involved in cellar door sales to have some time to themselves. The ones to whom I spoke indicated fairly strongly that they did not want Sunday trading at all. I am suggesting to the Committee that a fair and reasonable compromise is to allow them to trade for half a day. This is my reason for my amendment to the amendment made by the Council.

In the few minutes available to me I will refer to the area represented by the member for Vasse. I can understand that he feels the situation in his area is very different from the situation in the area I represent—the Swan Valley. I pose the question to him: How many people on a Sunday would drive all the way from Perth to the Margaret River area?

Mr Blaikie: Or Mt. Barker.

Mr HERZFELD: Or how many would drive to Mt. Barker to visit the cellars and to purchase supplies of wine? Incidentally, I hope that the

vignerons in those districts would seek more than simple door sales. If people travel long distances to those vineyards, it is hoped the vineyards would have the facilities to sell wine for consumption on the premises. By the time one drove such a long distance, one would be very thirsty.

Mr Pearce: They would not be able to drive back!

Mr HERZFELD: If that were the case, they should be seeking a vigneron's licence under proposed section 36A. As I indicated earlier, proposed section 36A and the extension of trading to Sundays has been decided already.

I cannot understand the concern of the member for Vasse. I would have thought that those he represents would be glad of the opportunity to have half a day off. If they wish to trade for extended hours, they should apply for a vigneron's licence which, I think, would permit them to trade from 8.30 a.m. to 8.30 p.m. under the amendments which have been agreed to already.

I again ask the Committee to support my amendment which I believe more closely reflects the wishes of the majority of the people in the industry—at least the majority of those I represent; and I would say I represent the vast majority of the industry in this State.

Mr SHALDERS: At the outset I must say that I intend to oppose the amendment moved by the member for Mundaring. In his remarks he said that most of those to whom he has spoken were opposed to Sunday trading. There is nothing in the amendment proposed by the Council that would make one of those people trade on a Sunday. There is nothing obligatory upon them—it is a matter of choice.

Mr Tonkin: Or competition.

Mr SHALDERS: Or competition. So it would seem that people who do not want to trade on Sundays also do not want anyone else to have the right to trade on Sundays. In my opinion that is not free enterprise. I believe experience will show that some of these people will have customers on their doorstep at 10.00 a.m. and in other areas customers will arrive at a later hour. In the summertime people prefer to go out either early or late in the day. Probably there will be more sales between 10.00 a.m. and noon and with a lull in the middle of the day

For the benefit of the member for Mundaring, I point out that many people go into the south-west just for the weekend. They go to places like Busselton, Bunbury, Albany, or Mandurah, and want to buy some of the local wines before they start their return journey on the Sunday.

Mr Old: Or Margaret River.

Mr SHALDERS: If they are to be forced to wait until midday, obviously what will happen is that many people will leave for home without having purchased wine. That is the particular reason the member for Vasse would like to see provision for 10.00 a.m. opening retained in the Bill, and I support him. Having lived in the area, I know of the importance of the wine industry to the electorate of Vasse.

I reiterate that there is no obligation upon any of these people to open for any or all of the hours contained in the amendment. By our providing them with a range of hours, they will be able to suit themselves as to when they trade; certainly, they will be able to trade at a time which suits the public.

Mr BLAIKIE: One of the points at issue is the provision of a vigneron's licence and also the provisions which affect the primary producer who is exempt from the provisions of the Liquor Act. Some confusion was evident in the other place in regard to these matters, and apparently there is a degree of confusion in regard to the same matters in this place. There is a vast difference between the two situations. I have already explained that a primary producer can do anything, because he is exempt from the provisions of the Liquor Act.

A vigneron's licence may be granted or renewed if the court is satisfied that the applicant carries on his business as a vigneron on the premises named on the licence, and he is the occupier of the premises, and is a vigneron occupying an area of not less than two hectares. However, the Act further provides that where a person who would otherwise be eligible for the granting of a vigneron's licence satisfies the court that the vineyard or orchard occupied by him, or the place where he processes the wine, is not a convenient location for the sale of wine, the vigneron may be granted a licence in respect of other premises situated within a reasonable proximity thereto, and nominated in the licence. So, a primary producer can sell goods only from his property whereas a vigneron may sell wine on premises approved by the Licensing Court. They may be two miles away from his vineyard.

Mr Herzfeld: Would you also agree he could have his licence apply to the two hectares of producing land?

Mr BLAIKIE: Of course he could, but the licence could also apply to a property down the road, or one mile away. Notwithstanding that, the vigneron not only can sell liquor to be consumed off the premises, but also can sell for profit liquor to be consumed on the premises. This facility is

not available to a primary producer. So, there is a vast difference.

The hours contained in the Council's amendment are sensible and rational and offer the degree of flexibility needed by the industry and which primary producers certainly need; the amendment also is important to the tourist industry.

The amendment moved by the member for Mundaring seeks to prohibit the sale of liquor from the premises of primary producers before 12 noon on a Sunday. I ask members to appreciate the situation where people travel to the south-west for the weekend and, before returning to Perth on the Sunday, seek to buy some of the local wine. The bulk of wine purchases are made by people living within the metropolitan area, which is not surprising when one considers that of a total State population of some 1.3 million, about 900 000 people live within the metropolitan area. If a vigneron is operating 300 miles from Perth, he will make most of his sales early on Sunday morning, on the day people return to Perth. It is important to provide this flexibility, and the amendment will not provide it. The amendment is nitpicking, and I trust members will oppose it.

Assembly's amendment on the Council's amendment put and a division taken with the following result—

Ayes 6

Mr Bryce	Mr Pearce	
Mr Herzfeld	Mr Stephens	
Mr Parker	Mr A. D. Taylor	
		(Teller)

Noes 33

Mr Bertram	Mr Laurance	
Mr Blaikie	Mr MacKinnon	
Mr Brian Burke	Mr Mensaros	
Mr Terry Burke	Mr O'Connor	
Mr Carr	Mr Old	
Mr Clarko	Mr Rushton	
Mr Coyne	Mr Sibson	
Mrs Craig	Mr Spriggs	
Mr Crane	Mr I. F. Taylor	
Mr Davies	Mr Tonkin	
Mr Evans	Mr Trethowan	
Mr Grewar	Mr Tubby	
Mr Grill	Mr Watt	
Mr Hassell	Mr Williams	
Mr Hodge	Mr Young	
Mr Jamieson	Mr Shalders	
Mr P. V. Jones		*(Teller)*

Assembly's amendment on the Council's amendment thus negatived; the Council's amendment agreed to.

Mr HASSELL: I move—

That amendment No. 3 made by the Council be agreed to.

The purpose of this amendment is purely and solely to clean up the drafting, which we undertook to do when the Bill was before us previously. The drafting was less than felicitous, and our suggested amendment was accepted by members in another place.

Mr PARKER: I support the amendment.

Question put and passed; the Council's amendment agreed to.

Mr HASSELL: I move—

That amendment No. 4 made by the Council be agreed to.

The purpose of this amendment is to allow the sale of liquor by a promotor of Australian wines and brandy and comes as a result of representations made by the Wine and Brandy Producers Association. The association's particular objective was to allow for the sale of liquor at wine tastings conducted by bodies, with its approval.

Question put and passed; the Council's amendment agreed to.

Mr HASSELL: I move—

That amendment No. 5 made by the Council be agreed to.

This is supplementary to amendment No. 4 and completes the requirements of that amendment.

Question put and passed; the Council's amendment agreed to.

Mr HASSELL: I move—

That amendment No. 6 made by the Council be agreed to.

The purpose of the amendment is to put in order the drafting of the Bill as a result of an amendment we made in this Chamber when the Bill was first considered.

Question put and passed; the Council's amendment agreed to.

Report

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

MOTOR VEHICLE DEALERS AMENDMENT BILL

Second Reading

Debate resumed from 3 November.

MR TONKIN (Morley) [9.32 p.m.]: The main thrust of this Bill is to make sure that the consumer is protected. There is to be a market operator's licence. This is necessary if fairs such as those we have seen recently are to be held.

On the face of it, such fairs are a good idea, but we must not allow a chink in the consumer protection fence to appear so that consumers are

not protected. As the Opposition's main concern in this kind of matter is to ensure that the consumer is protected, we have much pleasure in supporting the Bill.

Mr O'Connor: I thank you for supporting the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr O'Connor (Minister for Labour and Industry), and transmitted to the Council.

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

In Committee

Resumed from 5 November. The Deputy Chairman of Committees (Mr Watt) in the Chair; Mr O'Connor (Deputy Premier) in charge of the Bill.

Division 3: Legislative Assembly, $263 000—

Progress was reported after Division 3—Items—had been partly considered.

Mr O'CONNOR: I move—

> That further consideration of Part 1, and consideration of Part 2, be postponed.

The DEPUTY CHAIRMAN (Mr Watt): I point out to the Deputy Premier that Standing Order No. 306(5)(d) means that these parts must be postponed until all other estimates have been considered.

Motion put and passed.

Division 22: Deputy Premier's Office, $1 840 000—

Mr PARKER: My understanding is that although the Government Printer's office is not contained in this estimate it is under the jurisdiction of the Deputy Premier.

Mr O'Connor: No, it is under the Premier's jurisdiction.

Division 22 put and passed.

Division 23: Governor's Establishment, $675 000—

Mr TONKIN: Mr Deputy Chairman, how long do I have to speak?

The DEPUTY CHAIRMAN (Mr Watt): If the member has been deputed by the Leader of the Opposition to be the lead speaker, the member has unlimited time.

Mr TONKIN: Before I am misunderstood, I want to make it clear that I am not necessarily attacking the concept of the monarchy. In fact, the British compromise, whereby an ancient instrument of dictatorship has been transformed into something quite compatible with democracy, is a brilliant achievement. On the face of it, what is irreconcilable has been reconciled. I am also mindful of the constitutional position of the Governor, who purports to represent the Sovereign. So at this stage I do not want to argue whether there should be a Governor.

I suggest to the Committee that in central Perth we have a prime piece of estate which could be better used. Government House and those magnificent gardens should not be confined to the use of a person whose job is, after all, largely ceremonial. If we must have a Governor—as we do with the present Constitution—I do not see why he has to live in that place. I do not see why he cannot have a home more in accordance with a democratic institution and a democratic society. We could have a Governor living at City Beach or Nedlands and still he could carry out his present functions.

The piece of real estate involved is truly magnificent. Some consideration has been given to its use, because perhaps twice a year the grounds are thrown open for the general public. If I wanted to flatter myself I could say this was done after I had raised the matter in this Chamber, but I am not on an ego trip tonight.

I believe the grounds and the building would be better used if the Governor were not in residence there. I am not attacking the office or the person of Governor. Members may recall that I did attack the way a previous Governor discharged his duties. He had become blatantly political. At the time I pointed out that the Sovereign did not act in that way and I suggested that perhaps there should be a school for Governors so that a Governor who did not know his role could be told what was expected of him. Governors are certainly not to be political. I have no reason to say that the present Governor has transgressed in the way his predecessor did. I am saying that the Governor's residence and the grounds belong to the people and should be used in a better way.

I cannot say at this stage that the building should be used as an art gallery, a college, or

something else; it could be used for many things which would be fitting. However, the way in which the Governor is treated is outmoded in this modern day and age, and the real estate to which I have referred should be put to better use.

I had some happy days earlier this year when I visited Vienna. The parks and woods in that city are wonderful and are available for its people—the gardens make the city look lovely. In fact, it is lovely in many ways. If in this city the gardens to which I have referred were added to the ones we already have for public use, the public would receive the benefit. I think the days are long past for us to shut the Governor away from the common herd—as it was thought best to do. He was treated with awe and locked away as though he were a prisoner; and in that regard he had the worst part of the deal. We have a great deal of pomp and ceremony associated with the position of Governor. A far better use of the gardens and that fine building could be found. It is not a question of whether that should happen, but when.

For the sake of the people of Perth we need more garden space; Perth is growing continually. The time of using the gardens to which I have referred for the benefit of all the people should be soon, not late.

I was in Paris earlier this year, and I have found no city more beautiful. The gardens of Paris give one the feeling of being in a country area. They are large grassy areas, and we would do well in Perth to imitate that concept. We should be adding to our park areas.

If we had the Governor occupy a normal house and position in society we would save money. His house should be more commensurate with his role, which has shrunk from that which it used to be. There was a time when the Governor was the sole administrator of the colony; he was the boss, he ran the show, he was in charge of the Government. It is rather foolish for us to continue with the present situation. The head of the Government now is the Premier; he lives in a normal residence. A person who does not have one-tenth of the responsibilities of the Premier lives in a house of great dimensions; that concept does not belong to the last 20 years of the 20th century.

Mr O'CONNOR: I acknowledge the comments made by the member for Morley. The Government House Gardens and the Governor's Residence are magnificent. They are a section of the city which must be maintained; the house and the gardens are a part of Western Australia's history and a beautiful section of the city. I accept the area is used infrequently by the people of Perth, although in recent times at garden parties and such events many people have gained much pleasure from the gardens.

If we had the Governor reside somewhere else we would not be able to do certain things. When royalty visit Perth they stay at Government House, and functions of an important nature are held at the residence.

Although I take note of the comments made by the member for Morley, I must say that the residence and the gardens play an important part in our community. I will pass on his comments.

Division 23 put and passed.

Division 24: Labour and Industry, $5 432 000—

Mr STEPHENS: I congratulate the Minister for Labour and Industry on the manner in which earlier this year he handled matters relating to the workers' compensation legislation. He saw fit to consult the various sections of the community involved in that matter, which was commendable and obviated a great deal of bitter debate in this place. If the Government is prepared on more frequent occasions to adopt a consensus type of approach the community will be better served.

The main reason for my rising tonight relates to the training of apprentices. We are all concerned that in the last few years unemployment has increased, and the young section of our community has been most affected by that increase—young people make up a large percentage of our unemployed.

When we have an economic upturn after a period of high unemployment we see an increase in immigration to obtain the necessary number of workers to handle the jobs available—we import more trained personnel. We should adopt a different approach to the training of apprentices to meet that increased demand.

I appreciate that such a scheme would require the co-operation of all sections of the community involved, such as employers, the trade union movement, and the Government. I would like the Government to consider and investigate a process which broadly is along the lines of the way we train doctors. In other words, apprentices could become full-time students. Under the process I suggest apprentices would mainly do full-time study with certain periods set aside for practical experience in the work force. Perhaps a period of one month each year, or a period of two weeks or three weeks twice a year, would give apprentices the necessary practical experience. The period of practical experience would be related to the type of trade involved.

At the completion of the formal training the apprentice could be given a conditional certificate which would be confirmed as a tradesman's certificate after the apprentice had completed a year's full-time training with a tradesman.

As I understand the training of doctors, students go to university first, during which time they do short periods of practical training at a teaching hospital; and before they are qualified as a member of the profession they spend a set period as an intern at a hospital. If we adopted a similar scheme for apprentices we would have approximately 75 per cent or 90 per cent of the people we need when an economic upturn occurs. At the moment when we have a downturn we have few opportunities for training apprentices, but when an upturn occurs we have a shortage of trained people. The type of approach I suggest would mean that when an upturn occurs we would have properly qualified tradesmen after apprentices have completed a short term of practical experience. In that way also we would have our young unemployed people put to use, rather than our using imported labour to fill the vacancies that occur.

What I have said is only a suggestion, and something on which I have not carried out any research; however, the Government should consider the suggestion so that people who cannot at present obtain employment are trained in the skills we will need.

Mr TONKIN: I will make one or two comments in relation to industrial relations. I agree wholeheartedly with the member for Stirling when he spoke about the prevalence of confrontation in industrial relations. People are heartily sick of such confrontations; they want to get away from it.

In 1977 I was Opposition spokesman for labour and industrial relations, and spent a week in Bonn as a guest of Friedrich Eleert Stifftung.

Mr O'Connor: What was that name?

Mr Bryce: It was Friedrich Eleert Stifftung.

Mr O'Connor: I thought it was a sausage!

Mr TONKIN: I studied what the Germans call "co-determination"; in other words, industrial democracy. I was impressed by the German industrial scene and its lack of confrontation. When I returned to Australia, as returning politician-travellers are wont to do, I put out a Press statement in which I said we should have between management and labour some kind of sharing of the decision-making power. I suggested we should have some kind of industrial democracy.

I think it was the Confederation of Western Australian Industry—I cannot remember the name of the body, but one like that—which said, "We don't want that kind of thing here". I heard the same kind of remark from many Australians who were not in favour of sharing between labour and capital the responsibility for decision-making. While I was overseas, serious industrial trouble occurred in Western Australia, and that seems to happen on most occasions I am overseas! We had a winter of great turmoil, but when I confronted people with the suggestion of industrial democracy they said, "We don't want to have any part of it". Perhaps Australians are not as concerned by industrial disputation as they claim to be; perhaps they do not care that much about it. When a strike occurs I know people say they are concerned about industrial disputation, and they talk and talk about it; however, they do not seem to want to listen to the idea of capital and labour going into partnership.

Surely it is logical that if two people are in partnership they are less likely to have confrontation. A parent learns quickly that if he is to impose discipline on a child he must adopt a proper attitude. When forceful discipline is imposed upon a child he is more likely to object than if he is in a partnership situation with the parent. The parent can explain, "We can't do this because of this". The various reasons can be given for the behaviour not being suitable and the child is more likely to accept that discipline.

As a teacher of social studies I realised that children are tougher disciplinarians than are teachers. The children made some tough rules and policed them properly. The rules were followed because the children played a part in the making of the rules. If I imposed discipline—all people are egotistical—the tendency was to object to not having been consulted. I put the proposition seriously to the people of Western Australia that we need a partnership between labour and management.

If people wish to be arrogant about this and say, "We do not want new fangled ideas, we want to know who is boss and who is not", then I am tempted to say, "Enjoy your strikes and industrial disputation", because it seems to be that they wish to have a degree of disputation. Whatever the degree of disputation, it is too high.

Mr O'Connor: I agree with that.

Mr TONKIN: I think the trade union movement would agree with that also because it is very often forgotten by members on the Government side of the Chamber that a person goes on strike very reluctantly. If he goes on strike

he loses money and very often it is the last action he can take because there is no other place to go.

There is too much disputation and I consider that management, labour, and capital believe that also. Why cannot we approach this matter with an open mind and with the concept of sharing responsibility?

If we consider the average person who works for a living we note that he decides what time he must get up in the morning. No-one says what time he should rise. The decision is his, though it may be determined to some degree by the time he commences work. He also makes a decision whether or not to have breakfast and the moment he enters the work force he ceases to be a democratic-thinking individual. He then has to work under orders. The moment he leaves work then he is once again a democratic, thinking individual. He may decide whether to go home to the wife and 16 screaming kids or to the local pub. The only time his freedom of choice is taken away from him is when he enters the work place.

What I am saying is that a normal, rational person who can be trusted to vote for Governments to be placed in or out of power and can be trusted to spend his money on certain foods and look after his children should be trusted to share authority in the work place. There are many ways in which authority can be shared and there are many pitfalls.

Some people in the trade union movement have reservations about the ways in which they may share authority, but I will not discuss the particular types of sharing at this stage. This country must consider seriously the introduction of democracy in the work place. We have democracy in the home. Although we certainly do not have democracy in our electoral system, we on this side of the Chamber believe that we should have democracy in our electoral system.

At weekends people have the choice as to whether they will go to the football or whatever, but we do not have democracy in the work place. To not have democracy in the work place is to turn our backs on peace.

I wish to put forward a philosophical point to the Chamber. In our present society we have a situation where capital hires labour. That is not God given and it is not the only way in which society can be organised. One could quite easily have the situation where labour employs capital and sacks capital when it does not come up to requirements.

We must realise that capital and the labour movement are both indispensable to the productive process and that the way in which we have organised our productive processes is as it was centuries ago in Europe. We have a situation where there is a person with capital who is the employer and who has a master and servant relationship with an employee. That may be the traditional way in which we have done things, but it is not necessarily the best way.

As men and women become better educated and have a greater choice in their lives outside the work place they will demand a greater say within the work place. There is no use our complaining about this and talking about the good old days when everyone knew his place. We did not invent mankind and the world. I am not telling members what ought to be—although I have a few ideas on that—I am just saying this is the world as it is.

Unless an employee is treated more like an adult who is capable of making rational decisions, there will be trouble. The employee today has never been better educated. If one were to look for the most intelligent men and women one would find a large percentage would be employees. We have many people who are well educated and intelligent yet they are not accorded the full dignity they should have once they enter the work place.

We should try to get away from our rigid ideologies in which we talk about how things have been for a long time. We should be prepared to be more pragmatic and to look at the industrial situation to ascertain to what degree we can rid ourselves of confrontation. In doing that, we should be prepared to not be bound, narrow, and dogmatic. We should be prepared to look at the various options. Unfortunately in Australia we have not been prepared to look at those options.

The rejoinder to my suggestion on behalf of the Opposition in 1977 as spokesman on this matter of democracy in the work place, was that we should not have that and there was no rational denunciation of this suggestion. In an analysis as to what was wrong with the suggestion it was stated that we have never done it here and we are not going to do it in the future. It was a plain ideological rejection.

Mr Herzfeld: Would you agree that a prerequisite for working towards what you are suggesting is that the union leadership would have to accept the ruling of the umpire and the rulings of the Industrial Commission before you could get down to any sort of situation where there might be some chance of getting parties together?

Mr TONKIN: If we had this degree of industrial democracy there would be much less resorting to the umpire. It is not a very good analogy because the resorting to an umpire is

only, in the last analysis, after collective bargaining and after discussions for conciliation have broken down. I am not arguing about whether the umpire should be obeyed; I am talking about a process long before that stage is reached. I am saying there would be far less need to resort to arbitration if there were a proper means for conciliation at an earlier stage. The member for Mundaring is formalising the matter because once one is in a situation where there is an Industrial Commission and two protagonists, there will be trouble because one is already in a difficult situation because there is confrontation. There should be a situation where the matter is discussed on the job much earlier and informally. The member for Mundaring wishes to score a point.

Mr Herzfeld: It has nothing to do with a point. I am trying to bring out something which is a reality at present. There is a degree of mistrust between the two parties because of historical factors. If there were more acceptance of the arbitration process, you might get to the stage where the employers and the employees could talk together.

Mr TONKIN: The member is putting the cart before the horse. I will refer again to the analogy of the child. One would be imposing something on the child instead of entering into a dialogue with the child and saying, "If you do as I say on this occasion, tomorrow we will start talking and sharing". That is what is wrong with the member for Mundaring's attitude. Trust is not built up by accepting the arbitrator's decision. It is built up over a long period of time. What must be formulated is the means whereby a useful dialogue can occur and which must be established an arbitration commission enters only when relationships have broken down.

What the member for Mundaring has said suggests he is hidebound by his ideology and indicates he is most unfit to take part in the discussion, because he is indicating there must be confrontation and there must be some boss or arbitrator to say, "You will do this".

In Europe, where there are good industrial relationships, they do not have cumbersome arbitration systems.

Mr Herzfeld: It is two-sided; it is not one-sided as it is here at present.

Mr TONKIN: There is no point in my answering the member's interjections, because he is interested in making a point and I am not. The fact of the matter is that a person must obey a court or the police. One arrives at a police or court situation only when other relationships have broken down.

Mr Herzfeld: I realise it is a fundamental difference between my side of the Chamber and your side of the Chamber. You do not believe in the rule of the law.

Mr TONKIN: That is what is wrong with industrial relations in this country; we have narrow-minded, little, ideological people who want to score points.

Mr Stephens: He does not understand what you are talking about.

Mr TONKIN: We must get away from the idea of an arbitration system which is like a policeman giving orders, putting people in their place, and making them do as they are told.

If we have a situation where dialogue and discussion as well as sharing and responsibility occur, there will be no need to call on the arbitration system. I believe we should examine that possibility. It is not something we could bring in with a Bill and which could be introduced in five minutes; it is something which will take decades to work out, as has been the case in other countries. However, it is an option we should consider seriously.

I question whether we are right on this. Have we the wisdom to look at this question properly? The people talk continually about the number of strikes and the number of disputes; but they still have the 19th century views that we have just heard. That is the sort of thing that leads to a breakdown in relations.

As long as one has the 19th century attitude of the school master versus the little boy who has to do as he is told, one will have disputation and confrontation. We have to reconsider the situation.

Mr BRYCE: I support the sentiments expressed by the member for Morley. I applaud the approach that he took to this very important question.

It concerns me that industrial relations have been the No. 1 political football in Western Australia for too long. I deplore the sentiments expressed by the member for Mundaring by way of interjections during the course of the remarks by the member for Morley who was putting to this Committee serious suggestions about a major problem that is dividing our community. It ill-behoves somebody like the member for Mundaring to take that smug, unconcerned-with-the-consequences attitude.

Mr Herzfeld: Do not misrepresent what I said. I said that before you can achieve what the

member for Morley was suggesting, you have got to have some basis of trust between the two parties. I suggested ways in which that basis of trust could be established.

Mr BRYCE: The members of this Committee heard the interjections made by the member for Mundaring during the remarks of the member for Morley. I do not intend to canvass the ins and outs of those comments, other than to say simply that members of Parliament who want to use industrial relations as a political football are doing a grave disservice to their own community.

We have reached the stage at which we can no longer afford to allow that sort of thing to happen. Some members who sit opposite are fairly smug in the belief that it is in the interests of the State to foment industrial disputes on the eve of elections. We on this side of the Chamber do not!

Mr Herzfeld: That is nonsense.

Mr BRYCE: I ask the member for Mundaring to do his homework. The last very expensive Hamersley Iron dispute was prior to the last Federal election. He probably does not remember it; but that dispute was motivated and extended politically.

Mr Herzfeld: It cost the State $5 million in royalties. I remember it very well. An amount of $5 million could have gone into education.

Mr BRYCE: It concerns me that it is doing a grave disservice to our community.

As our party's spokesman on industrial development and resource development, I want to raise, during the course of this Committee debate, a very important question relating to Western Australia's reputation for reliability as a supplier of raw materials. In some international quarters our reputation is in tatters. Members of this Parliament have, knowingly or unknowingly, contributed to the destruction of our overseas reputation by virtue of the statements that some of them have made in this place and through the medium of Press releases, because it has suited them to do so, for political reasons. Many members of this Parliament fail to appreciate the sophistication of the international intelligence system that the Japanese have developed. The Japanese collect their information about regional economies around the world. They put that information to the most effective use for their own purposes. When it suits them, the Japanese use a country's reputation or lack thereof as a reliable supplier of industrial resources when it comes to the prices that the country is to receive for its resources. That applies whether the commodity is coal from Queensland, iron ore from the Pilbara, or any other resource from any other area.

The Japanese intelligence system relies very heavily upon media coverage in this country. I would like to say a few firm things about the way the media covers industrial disputes in this country. Editors have overlooked—or they do not understand—the damage that they do to this country with the style of reporting and the form of coverage of industrial disputes they adopt in Australia, and in Western Australia in particular. It is time that we examined some of the differences between the myth and the reality of our ability to supply our resources.

There is a big difference between the myth and the reality, but it suits the Japanese to talk about what is called the "Australian disease". The "Australian disease" describes the alleged frequency and the total number of industrial stoppages.

I have made it my business to make a few international comparisons on this subject in recent years. It simply is not true that, by comparison with other sophisticated industrial nations, we stand out in front in terms of the number of man days lost. I suggest that the editors of newspapers should share some of the burden for the reputation which we have gained overseas, because the Japanese intelligence system relies to a large extent on newspaper coverage of industrial relations in this country. They use against us the information that they glean from the columns of our own newspapers.

I suggest that the style of reporting needs reviewing. All too often the newspapers are attracted to the glamour of conflict. If real conflict is involved, they give it prominence in big headlines. They put it on the front page and make it the thing that will sell the newspaper.

By contrast, in other countries of the world many of the newspapers have grown tired of the industrial relations issues. Industrial stoppages are rarely given the same type of coverage in the newspapers. They are not given the sensationalised prominence that the newspapers in this country make it their business to give them.

In Western Europe, Britain, and Canada in particular nothing like the prominence based on conflict is given to industrial disputes by the media. Rarely does the media in Australia bother to present to the community the reasons behind the industrial stoppages. All too often, we find a shopping list of the alleged disruptions and the implications to the community of the stoppage. The newspapers grind every bit of value that they can from the conflict involved. The newspapers are sold on sensationalism.

Some of my colleagues and I have had discussions with leaders of the mining industry recently; and I put to the Committee that the trade unions and the leaders in the industry realise the damage caused by the breadth of coverage given to industrial disputes in this community. Both management and labour would prefer to see a great deal more concern for the well-being of the community on the part of the editors when they present stories about industrial stoppages. In recent times I have been advised that in some of the major companies the management is concerned about the degree, the nature, and the extent of the polarisation caused by the coverage of those disputes by the media.

Mr O'Connor: That would be right.

Mr BRYCE: It is time that the major arms of the media in this country realised that they are doing themselves a great disservice by allowing this sort of coverage.

We have a vested interest in our overseas reputation. It is a matter of grave concern that a myth is being spread by the international bankers, and by the Japanese in particular, that Australia is an unreliable supplier. However, the mining companies have been able to meet their contractual commitments. It cannot be claimed that they have been unable to fulfil those commitments because of industrial stoppages.

Mr P. V. Jones: You are making a very good point, because there is not a single blast furnace in Japan that has been obliged to stop because of the lack of delivery of iron ore.

Mr BRYCE: Or coal.

Mr P. V. Jones: Coal caused some problems because it was not a company stoppage. It was an industry stoppage in Queensland. The point about being a reliable supplier also relates to the credibility of Governments to be able to make decisions and not alter the rules. The problem that we have had in Australia—and we have not had it in Western Australia—is that the Government has arbitrarily altered the rules by imposing additional imposts or changing the rules on export provisions, or whatever it might happen to be. The point you make about industrial relations is very valid.

Mr BRYCE: We are considering budgetary allocations to the Department of Labour and Industry, which has the primary responsibility for industrial relations problems in this community. Maybe we have reached the stage where, rather than allowing industrial relations to be the No. 1 political football, we should have a degree of consensus from both sides of the political spectrum that a much more significant amount of human and financial resources should be allocated to the department in an endeavour to find solutions to some of the problems. We should do that, rather than sit back and heap scorn on the people who participate in the process of industrial relations—not endeavouring to do anything, but simply going along on a day-to-day basis on the assumption that it is all part of the jungle, and an insoluble problem.

Mr PARKER: The first point I wish to make is one with which I have dealt during other debates on industrial relations questions and matters affecting this portfolio, and it relates to the structure of this department.

Since long before I was a member of Parliament, I have believed the structure and manning of the Department of Labour and Industry were insufficient to provide the Government or the community with the level and appropriateness of advice it needs in these areas.

I shall take an issue about which there have been some discussions by some of my colleagues earlier tonight. I do not believe the sorts of things which have and have not been done by the Government in relation to the iron ore industry would have occurred had there been a better manning provision in this department.

If members compare this department—even bearing in mind the differences in population—with the Commonwealth Department of Industrial Relations, they will see that in fact a true comparison in regard to the level of appropriateness of expertise cannot be made.

I do not want to denigrate the public servants working in the Department of Labour and Industry, because I know many, if not most of them, and they are highly competent public servants; but there are very few who have any expertise in industrial relations.

We have seen a step in the right direction with the appointment of an industrial labour relations officer and at least that is an indication it is recognised there is a need for specific advice to be given to the Minister and the Government on questions of industrial relations and arbitration. However, I do not believe that is sufficient.

It would be appropriate for the Government to upgrade considerably the number of people in the department who have expertise in the processes of conciliation and arbitration. It would be preferable if the Government appointed people who had broad experience or understanding in this area, whether as a result of working in employer or employee organisations, or through academic training.

If members look at the people available in the Commonwealth department, they will find people with that sort of expertise who are able to give advice to the Commonwealth Government. Some of the decisions made by the Commonwealth Government in this area do not reflect that level of advice, but most of those decisions are ideological ones which are made by the Government or, alternatively, they are due to the incompetence of the Minister of the time or the current Minister who has ruined any credibility he might have had in the industrial relations area. I refer there, of course, to Mr Viner.

Nevertheless, the Commonwealth department operates at a high level and in a way which gains it a certain amount of respect from the people who work in industry. As I have said previously in debate on industrial relations matters, that is not the case with respect to our State department. It does not have ability, expertise, or manpower sufficient to enable it to provide an adequate level of advice to the Government or the community. That is one of the reasons for some of the extraordinary actions taken by the Government. It is simply not being given an indication of the various problems which can arise in these situations.

Neither the department nor the Minister is responsible for the Public Service Board; but when one looks at the way in which the board and some of the people it employs operate—presumably these people operate under instruction—it is clear it has ensured some industrial disputes which should not have occurred have in fact occurred.

The role of the Government in the industrial relations field is twofold: It should create an environment within which parties, whether they be private employers, Government, or semi-Government employers, and their employees and employee organisations, can deal with each other and resolve situations which arise without resorting to industrial action. It needs also to create the mechanisms which allow parties to have recourse to those areas to enable them to reach decisions.

As well as that, the Government has a role with its own employees which is to ensure that its relationships with its employees are conducted in the best possible way. There can be no question that this Government has patently failed in dealing with its own employees. A range of matters come to mind in this respect, and I have referred to some of them previously. They include the way in which the Government has dealt with teachers, nurses, civil servants, prison officers, and recently fire brigade employees.

It is instructive that it appears that, when these matters become issues, the various Ministers concerned, as the employing Ministers, rush off at the mouth with statements about their ideological views as to what should happen to specific employees in the departments they administer, without any regard for the industrial relations implications.

For example, we have seen the situation recently in regard to fire brigade employees. Those employees wanted to stop work to go to a rally called by the TLC approximately 10 days ago. The Minister concerned made considerable statements which greatly alienated employees of the Fire Brigades Board. The sorts of things the employees wanted to do were things which it was freely acknowledged they had the right to do for many years by many Ministers of various political persuasions.

Mr Hassell: What—to leave half a dozen fire brigades in the metropolitan area unmanned? Are you saying they had a right to do that?

Mr PARKER: On several occasions when such meetings took place, it was conceded those fire brigade employees ought to attend. Prior to the current Minister taking over this portfolio, it was recognised there was an entitlement—

Mr Hassell: An entitlement to abandon their responsibilities to the community!

Mr PARKER: —and it was exercised in a certain way.

Mr Hassell: They did not recognise it.

Mr PARKER: Previous Ministers and the boards which they administered ensured that, in discussions with the employees concerned, an appropriate level of manning was arrived at. On this occasion, despite some approaches by the union, no discussions took place between the board, the Minister, and the employees.

Mr Hassell: They gave 24 hours' notice that they were walking out on the job.

Mr PARKER: There were no discussions on the manning of the fire stations and the union stated no approach was made by the employing authority, the Minister, or anyone else in an appropriate position in the Government to ask it to vary the provisions which were offered with regard to manning.

Mr Hassell: All they did was give notice they were walking out. They gave 24 hours' notice.

Mr PARKER: In contrast to that, the Minister has been criticised roundly for his attitude to industrial relations in his departments by almost every authority one can think of in this State, including the person who is now the Chief

Industrial Commissioner. I do not propose to go over those grounds, but if the Minister persists in interjecting, maybe I will have to.

Mr Hassell: Perhaps you will tell the Committee that you defend the walk-out.

The DEPUTY CHAIRMAN (Mr Blaikie): Order! Both the member and the Minister will come to order!

Mr PARKER: How can I come to order? I am speaking.

The DEPUTY CHAIRMAN: When I call for order and rise to my feet, whether or not the member for Fremantle is speaking, he will come to order.

Mr PARKER: I did.

The DEPUTY CHAIRMAN: He will come to order again, and he will not answer me back or I shall deal with him.

If the member for Yilgarn-Dundas wants to take issue with me, he can do so now.

Mr PARKER: As I said in my perfectly orderly speech, I do not believe it is necessary for me to traverse the whole gamut of the approach to industrial relations of the Minister who has just been interjecting on me, because it has been dealt with previously. However, I should like to deal with one aspect of it. This is not the first occasion by any means on which fire brigade employees have been or have sought to go to meetings of this nature. Previously different Ministers of the same Premier's Government have recognised fire brigade employees have been able to do that and they have been able to take their fire tenders and other machines to the meetings in order that they would be more than ready to go to any emergency which might arise.

Mr Hassell: What you are saying is not accurate.

Mr PARKER: I have been at meetings where it has happened.

Mr Hassell: It might have happened, but it was not accurate that it received approval.

Mr PARKER: I did not necessarily say it received approval. I said the practice was recognised by Ministers and the board and no action was taken or suggested should be taken against those officers for having the machines present at those meetings. It was conceded and I believe it was accepted very sensibly by the Ministers in charge of the board at various times.

Mr Hassell: It was not accepted.

Mr PARKER: Now, of course, that position has changed. What has happened with regard to this dispute is very illustrative of the fact that this Minister is totally out of touch with the way in which industrial relations are administered by his department.

Mr Hassell interjected.

The DEPUTY CHAIRMAN: Order! I draw the attention of the Chamber and that of the member for Fremantle to the fact that he is pursuing an argument under the Part which relates to the Deputy Premier, and the Minister for Labour and Industry, Consumer Affairs, and Immigration. It is right that he should do so and he is proceeding accordingly.

The member is referring also to matters which concern the portfolio of the Chief Secretary, and the Chief Secretary is making repeated comments. In order to facilitate the proceedings of the Chamber and to ensure all members and Ministers have an opportunity to speak, I can only offer as a suggestion to the member for Fremantle that he may well continue his remarks in the current vein, but he may raise the point again when we deal with the Division which relates to the Chief Secretary who will then have an opportunity to reply. Of necessity, I ask the Minister to desist from making so many interjections.

Mr Brian Burke: Hear, hear!

The DEPUTY CHAIRMAN (Mr Blaikie): Order! I look forward to receiving the co-operation of the member for Fremantle in this regard.

Mr PARKER: It seems to me the most appropriate thing to do would be to ask the Minister to desist from interjecting.

The DEPUTY CHAIRMAN: I have done so and I am also seeking the co-operation of the member for Fremantle.

Mr PARKER: I am making a perfectly orderly speech in regard to industrial relations in the Department of Labour and Industry and I have referred to the lack of expert advice available in that department with regard to these issues.

This lack of advice reflects not only on the Department of Labour and Industry which employs some 267 people, but also on other departments about which it is supposed to give advice to the Government.

There is nothing to stop the Chief Secretary, if he so desires, from getting to his feet during the course of debate on this Part and replying to anything I say; but I propose to continue as I have been speaking.

This matter finally went before the Industrial Commission. The Chief Secretary—the man who criticises the Industrial Commission and will not

have a bar of its decisions when they do not suit him and who introduces legislation to change them; indeed, it surprises me that we have not seen some legislation here in regard to the dispute which occurred 10 days ago—suffered a massive defeat at the hands of the Industrial Commission, because it discussed with the parties for the first time, because the Government had not tried to, the question of the level of manning appropriate under the circumstances, and a level of manning which was appropriate was determined.

Mr Hassell: The only level of manning which is appropriate is full manning—what they are paid to do.

Mr PARKER: No-one is suggesting they wanted to get paid from the time they were not in their stations.

Mr Hassell: They just wanted to wander off to an industrial meeting they did not have to go to? What kind of nonsense you speak about!

Mr PARKER: It is not surprising that the Minister is so touchy about this issue, because he suffered a massive defeat at the hands of the Industrial Commission.

Mr Brian Burke: Do you want to be here all night?

Mr PARKER: He agrees with me and not the Minister. What the Industrial Commission did was discuss for the very first time the question of the proper level of manning with the parties during the time of the exercise of the workers' rights to go to a meeting and discuss their conditions of employment and determine a level acceptable to the department and the employers as well as the commission. That was done and was something the Minister had never tried to do. Had he tried to do it, he might not have reached the stage of this happening.

The second thing the commissioner did was not only to recognise the right of those workers to attend that meeting, but also to instruct the chief officer of the Fire Brigade Board to have transport available at the meeting to take officers from that meeting back to their stations should any fire hazard occur. That was the instruction given by the industrial commissioner.

Mr Hassell: That was a safety measure. It was not to get the men to the meeting.

Mr PARKER: We all know that the Minister was very upset indeed at that decision of the industrial commissioner. It is common knowledge that that was the Minister's position because he regarded it, and correctly so, as a defeat of everything he stood for in his paramilitary attitude towards his service. No other Minister has ever felt the need to adopt such an attitude.

The point I am making with regard to the Department of Labour and Industry is that perhaps if that department were to have a greater role and a greater facility to provide that role in the industrial relations area, amateurs like the Chief Secretary—people whose ideological purity and antagonism towards unionists and unionism overrides any considerations which may prevail towards the good government of this State—might be overridden. If those features were available to the person responsible for industrial relations in this State—namely, the Minister for Labour and Industry—maybe it would be possible that the sorts of idiocies we see coming from the Chief Secretary would not occur.

Mr Brian Burke: Hear, hear!

Mr PARKER: There can be no doubt that there is a great need for the strengthening of our collective role in industrial relations in this State by Government departments. Not only the Chief Secretary, but also a number of other Ministers, have undermined good relations between the departments they administer and the employees of those departments, and there is a growing need for co-ordination in these matters.

The Commonwealth Government co-ordinates through the Department of Industrial Relations. I understand in Victoria the Premier has some form of co-ordination unit which co-ordinates the industrial relations policies and practices of the various departments and the execution facilities of that unit are provided by the Department of Labour and Industry in that State, and those facilities are always taken into account in determining these matters rather than having someone's right-wing ideology coming in and determining the attitude which ought to be adopted.

This can be achieved only with a substantial upgrading of that department and only if there is a willingness on the part of the Government to place its industrial relations performances with regard to its own employees at a much higher level than currently prevails. There is no Government in the history of Western Australia which has had a worse relationship with its own employees than has this Government. That applies to a range of people including people who have hitherto never felt it necessary to undertake industrial action of any sort. That area is one of concern and is something which ought to be considered seriously.

I suggest it might be appropriate to separate the funding of the department which relates to

such things as apprenticeship, weights and measures, factories and shops, industrial safety, and so on from the vote, on a strictly industrial relations aspect, and to upgrade the industrial relations policies because that is a way in which there will be a greater level of advice and, hopefully, that will result in a better policy and practice being adopted by the Government in this area.

Mr O'CONNOR: I thank the member for Stirling for his comments in connection with the workers' compensation Bill and say that I also got a lot of pleasure out of seeing the Bill go through in such a way, which is to the advantage of the community generally. He did make mention of apprenticeship training and I make the point that we do have a manpower planning committee operating in Western Australia.

Some members may not realise it, but the manpower planning committee does have a practical look at what employees or apprentices in industries will require over a period of time. It looks three to five years ahead and in this area it has looked, assessed, and has given us an indication of what it thinks the various trades will require over the next three years. On the manpower planning committee we have a representative of industry, of trade unions, and of the Department of Labour and Industry. It has done a very good job and we are hopeful of getting as many apprentices through that area as we can. We have had assistance from the Commonwealth in putting 600 people through this school at present. It is important. It costs about $13 million to train these people. Industry looks after them for 17 weeks and the Government looks after them in schools for 17 weeks and pays for them during that time. This is along the lines suggested by the honourable member. If he wants further details, I will be happy to supply them to him.

Members have made comments regarding industrial relations and I agree that this is probably the most important thing that affects us in Western Australia more than in any other part of the world. We have been looking at ways and means by which we can improve the operation generally. Strikes and disputes do nothing for the worker, the employer, or the country. We must reduce these considerably from the present level where not only industry, but also individuals, are being disadvantaged.

I have had discussions with Ministers of other States and we are looking at ways and means by which this situation can be improved to the benefit of all concerned.

As far as disputes are concerned, there is no point in our blaming any one group. The employers are at fault in some cases and individuals and unions are at fault in others. Demarcation disputes are the most difficult to understand. Why do they occur at all? We are looking at all systems in an effort to improve our present set-up.

I thank members for their comments. The remarks regarding the views overseas are irrelevant and do not do us any good at all. I agree with that point. I hope this can be reduced and that we can reach a stage where we have a better name overseas, both by our actions and through the media in due course.

Division 24 put and passed.

Division 25—Industrial Commission, $1 200 000—put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr Parker.

BILLS (2): INTRODUCTION AND FIRST READING

1. Lotto Bill.
2. Acts Amendment (Lotto) Bill.

Bills introduced, on motions by Mr Hassell (Chief Secretary), and read a first time.

House adjourned at 10.59 p.m.

QUESTIONS ON NOTICE

HEALTH: MENTAL

Mental Health Services: Jarrah Road Land

2559. Mr DAVIES, to the Minister for Health:

(1) Does Mental Health Services have any plans for construction of a day care centre or other development on land in Jarrah Road, East Victoria Park?

(2) If so—

(a) what is proposed;

(b) have plans been prepared;

(c) when is it likely building will commence;

(d) are the plans available for perusal, and if so, where?

Mr YOUNG replied:

(1) No firm plans have been drawn up. Consideration is being given to the possibility of providing a day activity facility at Jarrah Road during 1982-83, depending upon availability of funding.

(2) (a) to (c) See answer to (1).
(d) No.

RESEARCH STATION

Avondale

2560. Mr McIVER, to the Minister for Agriculture:

(1) Will any staff employed at Avondale research farm at Beverley be retrenched?

(2) If "Yes", how many and from what date will it take effect?

(3) Will Avondale be on a reduced budget this financial year?

(4) If so, by how much?

Mr OLD replied:

(1) and (2) The research station will lose eight staff, mainly by relocation. It is expected that most adjustments will be made by early January 1982.

(3) Yes.

(4) $70 000.

HEALTH: TOBACCO

Meeting: Health Ministers

2561. Mr BERTRAM, to the Minister for Health:

(1) Was a meeting of Health Ministers held recently at Darwin?

(2) If "Yes", what decisions, if any, were made at that meeting relating to—

(a) cigarette smoking;

(b) the pushing of drugs through cigarettes; and

(c) the continuing carnage resulting as a direct consequence of cigarette smoking?

Mr YOUNG replied:

(1) Yes.

(2) (a) Recommendations relating to the labelling of cigarettes for tar and nicotine yield were accepted and considerable progress has apparently been made in discussion with the tobacco companies. In general terms, the Health Ministers are agreed that smoking is a health hazard and that there should be a gradual reduction in advertising and in smoking in Australia.

(b) I presume the member refers here to advertising. The question of tobacco advertising signs at televised sporting events, etc. is being discussed with the Australian Broadcasting Tribunal. The Ministers agreed "to seek funds for a research campaign:

1. To provide funds to employ a contract economist to study the economy of tobacco products in relation to revenue and health expenditure.
2. To provide support for a national seminar on tobacco products (to be hosted by South Australia) which would consider all aspects of tobacco product control.
3. To provide advertising for a request for submissions to the Subcommittee from the public, the industry and health professionals (to be considered by the Subcommittee).

4. To provide finance for contracting an opinion poll on the attitude of the general public towards stricter controls on tobacco promotion and advertising."

The recommendation recognising that the tobacco product subcommittee should negotiate with industry from strength and indicate that the Health Ministers would take over action if negotiations were not successful within a reasonable period of time, was not accepted.

(c) The word "carnage" is defined as "a great slaughter" and is not an appropriate term to describe the deaths of people who willingly smoke. Whilst the Health Ministers did agree that there should be a gradual reduction in advertising and in smoking in Australia, there was no real unanimity as to how this should be done, and the whole question has been referred back to the tobacco product subcommittee.

HOSPITAL

Geraldton Regional

2562. Mr CARR, to the Minister for Health:

(1) In view of the fact that—

(a) a constituent of mine last Thursday received 16 accounts for pathology services in 16 separate envelopes;

(b) the accounts were all processed on the same day and all tests were taken during the one stay in hospital; and

(c) last Friday a further four accounts were received in four envelopes, making 20 accounts in 20 envelopes in two days;

is it standard practice that related accounts to the same patient are sent separately rather than as part of a single account?

(2) How does the Government reconcile this practice with its frequent protestations of financial stringency?

Mr YOUNG replied:

(1) Yes.

(2) The accounts branch is responsible for the raising of some 2 500 accounts every second day. These accounts, due to audit and the Commonwealth Department of Health requirements, must relate to the individual pathology request made by the requesting medical practitioner. Hence, computerised amalgamation of accounts is not feasible. Because of the volume involved these accounts are burst, trimmed and enveloped mechanically into pre-printed postage paid envelopes. In order that the postage charges can be kept to a minimum, the department avails itself of the concessional bulk postage rates offered by Australia Post. It can therefore be appreciated that to pay the wages of additional staff to peruse all accounts to sort and envelope by hand is not practical.

TRANSPORT: ROAD

Murchison

2563. Mr JAMIESON, to the Premier:

In view of his recent statement in a television interview, that freight rates to the Murchison have decreased since private enterprise took over from Westrail, would he supply a comparative table of freight rates showing the rates last charged by Westrail, and the present rates being charged in various categories of freight, including freezer goods?

Sir CHARLES COURT replied:

The comparative table below clearly illustrates the point I made recently concerning the reduced freight rates for goods to the Murchison area since private enterprise took over.

The member should at the same time appreciate that a comparison of May 1978 rates with November 1981 freight rates needs to take into consideration the effects of inflation.

Comparison of Road and Rail Rates to Meekatharra

Commodity	As at 1st May, 1978		As at 9th November, 1981	
	Road $/t.	Rail* $/t.	Road** $/t.	Rail* $/t.
Beer, Machinery, Building Material, Groceries and Hardware	40.00	53.10	52.00	80.60
Electrical Goods and Household Furnishings	40.00	85.90	52.00	130.50
Freezer/Chiller	61.00	67.00†	82.72	—

** Includes a 5.6 per cent increase approved effective from 1st November, 1981.

* Gazetted rail rates assessed at distance before closure of Pindar-Meekatharra line: Kewdale-Meekatharra 975 km.

† These rates were no longer appropriate as Westrail withdrew from refrigerated transport from 31 October 1977.

Note: All rates based on one tonne consignments.

EDUCATION: PRE-SCHOOL

Centre: Pemberton

2564. Mr EVANS, to the Minister for Education:

(1) What is the lease value placed on the Pemberton Pre-school Centre by the Education Department?

(2) How is the lease value on such buildings determined?

Mr GRAYDEN replied:

(1) The Pemberton Pre-School Centre has not transferred to the Education Department and consequently no lease value has been placed on the centre.

(2) Lease amounts paid for transferred centres depend on the condition of the building and the contribution made by the Education Department to its on-going upkeep, such as gardening.

CONSUMER AFFAIRS

Charitable Organisations: Books of Concession Tickets

2565. Mr BRIAN BURKE, to the Minister for Consumer Affairs:

With regard to books of tickets being sold for $30 which contain reductions in prices for restaurants, night clubs and other facilities, can he advise what percentage of the funds raised goes to the charity or community organisation involved?

Mr O'CONNOR replied:

No. The matter is one of private negotiation between the charity organisation and the promoters.

GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES: APPOINTEES

Retiring Age

2566. Mr BRIAN BURKE, to the Premier:

(1) Further to question 2510 of 1981 relating to retiring ages of those persons employed by Government agencies, will he give the relevant Statutes which specify retiring ages for persons appointed to boards and other Government agencies?

(2) Will he advise the retiring age under each of those Statutes?

Sir CHARLES COURT replied:

(1) and (2) I do not feel it is appropriate to divert staff to research the information sought by the member, which in effect means listing any Statutes involved.

The simple fact is the Government of the day must respect the age limit where specified by the law.

In other cases, the broad policy outlined in answer to question 2510 is followed.

EDUCATION: COMPUTER SYSTEMS

Recommendations to Schools

2567. Mr PEARCE, to the Minister for Education:

(1) Has the Education Department decided which minicomputer systems will be recommended to schools as the standard system in Western Australian schools?

(2) If so, which system has been selected?

(3) If not, when is it expected that a decision will be made?

Mr GRAYDEN replied:

(1) and (2) Two microcomputer systems have been approved for purchase by Western Australian Government secondary schools. They are—

(i) INDEX System 2000

(ii) VECTOR GRAPHIC System 6A

(3) A system has yet to be selected as approved equipment for primary schools. It is expected that one or two systems will be approved by the beginning of the 1982 school year.

EDUCATION: PRIMARY SCHOOL

Canning Vale

2568. Mr PEARCE, to the Minister for Education:

(1) Is it intended to build a primary school as part of the Canning Vale Prison complex?

(2) If so, when?

Mr GRAYDEN replied:

(1) The Education Department has no record of any approach to it for a school to be built as part of the Canning Vale Prison complex.

(2) Not applicable.

EDUCATION: PRIMARY SCHOOL

Canning Vale

2569. Mr PEARCE, to the Minister for Education:

Which is the projected primary age population of the current catchment area for the Canning Vale Primary School in—

(a) 1984;

(b) 1986?

Mr GRAYDEN replied:

(a) and (b) At present 80 primary aged students originate from the Canning Vale Primary School catchment area. No significant change is expected in future years unless housing developments, as yet unspecified, occur. When any such potential effects are in their planning stages the likely influence on school enrolments will be assessed.

COURTS: LAW COURTS

Building: Security Agents

2570. Mr CARR, to the Minister representing the Attorney General:

(1) Further to his answer to question 2467 of 1981 concerning the employment of private security agents at the new law courts complex, how many security agents are expected to be employed?

(2) How many extra police officers are expected to be needed to man the building?

Mr O'CONNOR replied:

(1) Seven persons between 9.00 a.m. and 6.00 p.m., Monday to Friday, and three persons at all other times.

(2) Allocation of police officers is a responsibility of the Commissioner of Police. The number of police officers required is therefore not known.

As far as I am aware, police officers will only be involved in guarding prisoners and in the normal prosecutions functions and duties connected with court proceedings.

EDUCATION: PRE-SCHOOL

Teachers and Teacher Aides

2571. Mr WILSON, to the Minister for Education:

(1) In view of the uncertainty surrounding the continuing employment prospects in 1982 for teachers and teacher aides in pre-school centres which cater for a preponderance of children in their fourth year or only four-year-olds, and in view of the need for such persons to have adequate notice of the need to seek alternative employment, will he issue a clear statement with regard to the Government's proposals concerning the future employment of persons in these particular situations?

(2) What alternative positions, if any, will be offered to teachers and teacher aides who stand to lose their positions in the event of the closure of such centres?

Mr GRAYDEN replied:

(1) Yes, action along these lines is already in progress.

(2) Vacancies in community kindergartens and pre-primary centres will be made available as far as possible.

EDUCATION: SOCIAL WORKER

Replacement

2572. Mr WILSON, to the Minister for Education:

With reference to his answer to question 2527 of 1981, what is the nature of the crisis referral service mentioned in part (2) of his answer as a replacement for a district social worker who has provided on-going case work counselling to schools in Girrawheen and Koondoola over a period of several years?

Mr GRAYDEN replied:

In situations beyond the capacity of the school to handle, the social work supervisor, who is familiar with the children and the schools of the district, will provide whatever help is possible. This will not be a full replacement for the service these schools have been receiving but will provide a satisfactory service until the end of this school year.

HEALTH

Cosmetics

2573. Mr WILSON, to the Minister for Health:

(1) What provision exists for the compulsory labelling of cosmetic products with respect to the listing of ingredients?

(2) If there is no current provision in force, what consideration is being given to the need for its introduction in view of the wide range of allergies to various ingredients used in the manufacture of cosmetics?

Mr YOUNG replied:

(1) None.

(2) It has been considered from time to time by the National Health and Medical Research Council, but there are enormous difficulties and it must be appreciated that allergy in the individual is highly idiosyncratic.

FUEL AND ENERGY: ELECTRICITY

Voltage Fluctuations

2574. Mr WILSON, to the Minister for Fuel and Energy:

(1) Can he confirm that tests carried out recently in Balga showed that voltage fluctuations were within statutory limits; that is, 250 volts plus or minus 6 per cent?

(2) In view of the fact that one consumer has complained of having to replace up to six bulbs per week under these conditions, what action does the State Energy Commission intend to take to improve the situation in that area?

(3) When will any such action be undertaken?

(4) In what other areas is it planned to implement similar action?

Mr P. V. JONES replied:

(1) Yes. Voltage tests were carried out at Preston Way, Balga, and the voltage recorded was within statutory limits of 250 plus or minus 6 per cent, over the 24-hour period tested.

If electricity users are having problems with light globes, or appliances, they should take advantage of the Energy Commission's free customer advisory service. The difficulties may be caused by factors other than system voltage.

(2) Since the voltage is within statutory limits, it is not essential for the commission to take any action to improve the situation. However, the commission aims to maintain its voltage well within limits and, as the voltage during peak load periods is lower than preferred by the commission, it is intended to reinforce the distribution system in the area to cater for normal expected growth. There have been no other complaints from the vicinity.

(3) No date has been set.

(4) Throughout the State, as and when the need arises. The commission is continually monitoring its supplies to customers to ensure satisfactory service, and such system reinforcement is a normal process.

TOURISM: CARAVAN PARKS

Long-term Residents

2575. Mr WILSON, to the Minister for Local Government:

(1) Can she confirm that long-term residency in caravan parks in Western Australia is illegal and officially unrecognised?

(2) Can she also confirm that an inter-departmental committee chaired by Mr R. Zehnder estimated that 40 per cent of bays in Perth caravan parks were being used on a permanent basis?

(3) Did this committee submit a report to several Ministers including herself recommending substantial changes to legislation controlling caravans and caravan parks?

(4) If "Yes", when did she receive this report and what action has resulted from it?

(5) What further action is planned in response to this report?

Mrs CRAIG replied:

(1) Long-term residency of a caravan park is not necessarily illegal. Under the provision of the Local Government model by-laws (caravan parks and camping grounds), a person must obtain approval of the council to occupy a caravan in a caravan park for more than six months in any one year.

(2) The inter-departmental committee's report refers to an estimated 49 per cent of metropolitan caravan park sites being occupied by permanents.

(3) and (4) A copy of the report was received by my predecessor in July 1978. Since then, the Local Government Act has been amended to authorise the making of uniform by-laws to control caravan parks. Uniform by-laws and Health Act Regulations for caravan parks have also been drafted.

(5) It is intended to promulgate new uniform by-laws and regulations.

TOURISM: CARAVAN PARKS

Long-term Residents

2576. Mr WILSON, to the Minister for Health:

(1) Has he or his department received a copy of a survey of long-term caravan park dwellers in Western Australia sponsored by the Save the Children Fund?

(2) Is any consideration being given to the recommendations contained in the study regarding the need for legislation pertaining to caravan parks?

(3) If "Yes", what is the current state of any such consideration and when does he expect to be able to introduce legislative proposals?

(4) Was legislation drawn up earlier this year but not proceeded with?

(5) If "Yes" to (4), what was the reason for not proceeding with such legislation?

Mr YOUNG replied:

(1) Yes.

(2) Consideration was given to the recommendations but there is no scope for them to be introduced under the provisions of the Health Act. I understand that they are receiving consideration by the Minister for Local Government.

(3) Not applicable.

(4) No.

(5) Not applicable.

TOURISM: CARAVAN PARKS

Long-term Residents

2577. Mr WILSON, to the Minister for Community Welfare:

(1) Has he or his department received a copy of a survey of long-term caravan park dwellers in Western Australia sponsored by the Save the Children Fund?

(2) Is any consideration being given to the recommendations contained in the report regarding the care of children of long-term caravan park dwellers?

(3) If "Yes", what progress has been made with such considerations?

Mr HASSELL replied:

(1) Yes.

(2) Yes.

(3) Officers from a number of State Government departments met with representatives of the Save the Children Fund in March of this year. The report, its recommendations and possible action by appropriate State departments was discussed.

The report's recommendations require no explicit action by the Department for Community Welfare.

TOURISM: CARAVAN PARKS

Long-term Residents

2578. Mr WILSON, to the Minister for Local Government:

(1) Has she or her department received a copy of a survey of long-term caravan park dwellers in Western Australia sponsored by the Save the Children Fund?

(2) If "Yes", has she agreed to convene a meeting to follow up the recommendations of this report?

(3) If "Yes" to (2), when is this meeting to take place, and who will be involved in the meeting?

Mrs CRAIG replied:

(1) I have received a copy of design guidelines for children's play in long-term caravan parks from the Save the Children Fund as well as recommendations for additions to proposed new uniform caravan park by-laws and Health Act regulations.

(2) I have agreed that a meeting should be arranged.

(3) I expect the meeting to take place shortly. It will be attended by officers of the Local Government Department and the Public Health Department, as well as representatives of the Save the Children Fund.

COMMUNITY WELFARE

Child Welfare Act

2579. Mr WILSON, to the Minister for Community Welfare:

(1) Is he aware of the concern that has been expressed by many of the private welfare agencies and, in particular, organisations providing private residential child care facilities, about the lack of consultation with these organisations to allow clarification of the issues related to the "children in limbo" study and proposed changes in legislation arising from the study?

(2) Will he contact or will he arrange for his department to contact the chairman of the residential child care committee to ensure that meaningful consultations on these matters may be held in the near future?

Mr HASSELL replied:

(1) I am aware of the concern expressed by some interested organisations that the "children in limbo" report would be introduced without full and proper consultation. I draw the member's attention to a Press release which I issued yesterday.

With leave, I table a copy of that press release.

(2) A senior officer of my department is a member of the consultative committee on residential child care and is in constant touch with the chairman and other members. Meaningful consultation has taken place with that committee on the "children in limbo" study.

The Press release was tabled (see paper No. 574).

TOURISM: CARAVAN PARKS

Long-term Residents

2580. Mr WILSON, to the Minister for Education:

(1) Can he confirm that the curriculum branch of his department has undertaken research into educational factors affecting children living in caravan parks?

(2) Is his department aware of a recommendation contained in a survey of long-term caravan park dwellers in Western Australia sponsored by the Save the Children Fund calling for the revision of correspondence courses in view of the caravanning lifestyle and comments made by the caravanners in the study?

(3) What consideration, if any, has the department given to the recommendations of this study and what other response has it made to the special needs of children of caravan park dwellers?

Mr GRAYDEN replied:

(1) No. Such research was not undertaken by the curriculum branch.

(2) No, the department is not aware of the survey sponsored by the Save the Children Fund. However, steps will be taken to obtain and study the survey.

(3) The department is not aware of the recommendations of the study. The correspondence materials which have been revised and upgraded are available to the children of caravan park dwellers in isolated areas.

QUESTIONS WITHOUT NOTICE

WATER RESOURCES: MWB

Chairman: Confidence

763. Mr BRIAN BURKE, to the Minister for Water Resources:

Does the Chairman of the Metropolitan Water Board (Mr Batty) have his full confidence?

Mr MENSAROS replied:

The Chairman of the Metropolitan Water Board, as chairman of an instrumentality, was appointed by one of my predecessors for a set term, and I am trying to co-operate with him as much as I can.

WATER RESOURCES: MWB

Chairman: Travel Expenses

764. Mr BRIAN BURKE, to the Premier:

(1) Why is it that Cabinet, at a meeting on Monday, 2 November, approved the payment of $8 484 expenses to the Chairman of the Metropolitan Water Board for his overseas trip when Mr Batty did not make a statutory declaration about his expenses until three days later, on Thursday, 5 November?

(2) Why was approval given despite the fact that the figures in Mr Batty's original memo differ from those in his statutory declaration?

(3) Are his expenses to be paid on the basis of his memo or his statutory declaration?

Sir CHARLES COURT replied:

(1) to (3) The Leader of the Opposition seems to have a bit of a thing about this matter. I would like to tell him that my understanding is that the Cabinet decision which was made public was subject to the statutory declaration and to the best of my knowledge—

Mr Brian Burke: It was not sworn out until three days later.

Sir CHARLES COURT: So what if it was three weeks later? What is Perry Mason up to now? One cannot rush up, get someone out of bed in the middle of the night, and tell him to sign a document just because the Leader of the Opposition will be upset if it is not signed before breakfast. Good heavens, so the member says it was three days later! I do not know how long it was. It was subject to a statutory declaration.

Mr Brian Burke: The figures were different from those in the original memo.

Sir CHARLES COURT: My understanding is that he signed the statutory declaration, but I do not know; it is not my job to check up on matters of this kind. We have competent officers and a very competent Auditor General who looks after those sorts of things and who wants authority for every account that is paid. So far as reference to the different lists of figures is concerned I do not know of that, but if there is any substance in the comment I will certainly investigate the matter.

CONSUMER AFFAIRS: SUPERMARKETS

Electronic Check-out Systems

765. Mr SIBSON, to the Minister for Consumer Affairs:

(1) With reference to *The West Australian*, page 32, today, is the Minister aware that Western Australian consumers are being urged to allow the introduction of automatic check-out scanners in supermarkets?

(2) Is it true that computerised product scanners remove the need to individually price stock?

(3) If "Yes", can the Minister tell me whether housewives and shoppers generally will be able to determine the exact price of each individual item on the supermarket shelf?

(4) If not, is he aware of the great inconvenience that will be caused to the public?

(5) In the light of the resistance to the measure in other States and countries, will the Minister assure me that a full investigation of likely adverse effects to the public will be carried out before computerised scanners are allowed to be introduced?

Mr O'CONNOR replied:

(1) to (3) Yes.

(4) No.

(5) Ministers in all States have agreed that introduction of supermarket scanners should proceed on an industry self-regulation basis. Should problems be experienced in this area, Ministers will then contemplate the introduction of legislation.

WATER RESOURCES: MWB

Chairman: Travel Expenses

766. Mr BRIAN BURKE, to the Premier:

(1) What was he afraid of or concerned about that made him say in his memo of 27 October to the Minister for Water Resources concerning the overseas trip expenses of the Chairman of the Metropolitan Water Board that Mr Batty needed to "help us to present the position in a way which will bring it to finality, and quickly"?

(2) Is the Premier able to do what his Minister for Water Resources was unable to do; namely, express confidence in Mr Batty's continued chairmanship of the board?

(3) Can the Premier please explain how his Cabinet was able to approve expenses when he now informs the House he was unaware of a difference in the figures in the two documents submitted by Mr Batty?

Sir CHARLES COURT replied:

(1) The Leader of the Opposition's attempts to play Perry Mason are quite pathetic and amateurish; they are not even entertaining.

Mr Bryce: Your attempt at a cover-up was pretty pathetic, too.

Sir CHARLES COURT: I am not going to comment on a stolen document which the Leader of the Opposition seems to want to flout around. It would seem that he is now the No. 1 receiver of stolen documents of this nature in this State. If he wants to do that sort of thing, and demean himself, that is his business.

Several members interjected.

The SPEAKER: Order!

Sir CHARLES COURT: I am not afraid or concerned about anything in relation to this matter.

(2) I have known Mr Batty for many years as a very competent—in fact, one of the most competent—industrialists in this State. The State Government and the people of Western Australia were very fortunate to get a man of his competence at a very nominal fee to be the chairman of an important body on which he had to do a lot of work in order to help sort it out; he has not yet finished that job. I say without reservation that I regard Mr Batty as a very competent person.

Mr Bryce: Your Minister does not agree with you.

Sir CHARLES COURT: He might not be everyone's idea of a personality boy, or a man who has the best of public relations. However, we do not measure a man in that mould. From what I saw of him when he was in charge of the fertiliser industry, he did a tremendous job for the farmers of this State, as well as for the company itself. We are dealing with a man of above-average competence; a man who could command very high remuneration if he sought to carry on his career as a consultant, and not in his present occupation.

Mr Brian Burke: Do you have full confidence in him?

Sir CHARLES COURT: I regard Mr Batty as a very competent person.

Mr Parker: In other words, you do not have full confidence in him.

Sir CHARLES COURT: I would regard him as a much more capable person, and one in whom I would have more confidence than I would have in the Leader of the Opposition.

Mr Brian Burke: I am thankful for that.

Sir CHARLES COURT: To continue—

(3) As far as I am concerned, I do not know whether any difference exists. I know only that the Cabinet agreed to pay a certain sum of money when a statutory declaration was signed and, to the best of my knowledge, that requirement was complied with.

RAILWAYS: FREIGHT

Small Goods

767. Mr GREWAR, to the Minister for Transport:

(1) Is the Minister aware of recent Press reports in which the Opposition has implied that the proposed joint venture to handle small goods will have a detrimental effect on the public.

(2) Will the Minister advise what impact the joint venture will have on—

(a) the users of the services;

(b) Westrail and its employees;

(c) the general community and the taxpayer; and

(d) the trucking industry?

(3) By what process is the joint venture company expected to be formed?

Mr RUSHTON replied:

(1) Yes.

(2) (a) The users will benefit through greater efficiency of services, the freedom of transport choice, the improved convenience of comprehensive door-to-door services and, most importantly, the holding down of freight prices due to the competitive market forces. The Commissioner of Transport will very closely monitor the joint venture proposal to ensure that users receive the best possible results.

(b) Westrail sees the major benefits of the proposal as—

(i) a reduction in annual deficit of some $7 million—1981 dollars—from 1984-85 onwards;

(ii) long-term security for Westrail involvement in smalls transport primarily through consolidation for the line haul task;

(iii) use of Westrail's available resources to the best practical advantage;

(iv) Westrail would be able to direct its energies to the job it does best—the carriage of bulk traffics, including contracting for wagon loads of goods for the proposed joint venture company;

(v) there would be no redundancies of Westrail staff; about half the 850 employees involved with smalls traffic are expected to be absorbed into the joint venture; the others would be transferred to worthwhile duties within Westrail, with the number being progressively phased out of the Westrail system through non-replacement, resignation, or retirement.

(c) Advantages from the community viewpoint are energy conservation, and anti-inflationary pressure. Taxpayers will benefit through a significantly lower Westrail subsidy.

(d) As far as possible a joint venture would use local carriers and it would enable Westrail to move out of its road freight operations. The intention, subject to a suitable joint venture being negotiated, is then to move toward total deregulation of general goods based on full and fair competition between transporters.

(3) When the offers for the formation of a joint venture are known the whole proposal will be submitted back to the Government for consideration. Appropriate legislation would be required for a joint venture arrangement and this would come forward in the first part of the parliamentary session in 1982 to allow the company to get under way by July 1982.

In the circumstances, I am surprised that Opposition members and some others are jumping to various conclusions on what the outcome of the matter will be and then rushing into print with their own views. I believe such uninformed comments are mischievous and cast grave doubts on the credibility of those who express them.

EDUCATION: TEACHERS

Union: Class Sizes

768. Mr HERZFELD, to the Minister for Education:

I refer the Minister to an article on page 5 of tonight's *Daily News* which concerns a letter the Teachers' Union is supposed to have sent to principals of our State schools, in which the principals are reminded of the direction of the union that it will take appropriate industrial action if class sizes do not meet certain specified limits set by the Teachers' Union. The article quotes the Deputy General-Secretary of the Teachers' Union as making the following statement—

> And as far as the union is concerned, non-union members can take all the extra pupils, . . .

I ask—

(1) As the action proposed by the union is deliberately discriminatory, and directed at coercing non-union members to join the union, will he give an assurance to non-member teachers that their work load will not be unnecessarily increased as a result of this directive to principals?

(2) Would the Minister give an assurance to the House that no child's education will suffer because his teacher happens not to be a member of the Teachers' Union?

Mr GRAYDEN replied:

(1) I have read the article in the *Daily News*, in addition to which I have seen the letter to which the article refers. The suggestion contained in the article is outrageous, and, without doubt, will be treated with the contempt it deserves by principals and teachers alike. Under no circumstances will the Government tolerate the Teachers' Union dictating class sizes; that is a job for the Education Department, and it will remain so. Therefore, I certainly give the member for Mundaring the assurance he has sought.

Mr Davies: The one which you asked him to seek.

Mr GRAYDEN: The Government will not tolerate discriminatory action of that kind.

(2) I am happy to give such an assurance in respect of the children.

WATER RESOURCES: MWB

Chairman: Travel Expenses

769. Mr PARKER, to the Minister for Water Resources:

I refer to the report he made to Cabinet on 26 October regarding the overseas trip of the Chairman of the Metropolitan Water Board (Mr Batty) and to the request of the Premier in his memo to the Minister of 27 October that "it could be put into a more formal type of document to be of use and to be capable of supporting an expense allowance for Mr Batty". I ask—

(1) Has he or Mr Batty since produced such a document?

(2) If so, when was it submitted to Cabinet, what was the substance of it, and will he table it in the House?

Mr MENSAROS replied:

(1) and (2) As is customary with all Governments, as far as one can remember, I will say nothing about documents or happenings in connection with Cabinet.

WATER RESOURCES: MWB

Chairman: Travel Expenses

770. Mr BRYCE, to the Premier:

Why does he regard it as "irksome"—to use the word he used in his 27 October memo to the Minister for Water Resources—for people who claim expenses from the Government for overseas travel to have to justify those expenses?

Sir CHARLES COURT replied:

I assume the Deputy Leader of the Opposition is making some quotation from a document he claims to be a Government document. I have no intention of commenting on it at all.

PREMIER: REPLY TO QUESTIONS

Suspension of Standing Orders: Motion

MR BRIAN BURKE (Balcatta—Leader of the Opposition) [5.57 p.m.]: I move, without notice—

That so much of Standing Orders be suspended as would prevent the Leader of the Opposition moving the following motion—

That this House express its concern at—

(i) The Premier's refusal to answer reasonable and valid questions in this House regarding the payment of expenses to the Chairman of the Metropolitan Water Board for his overseas trip.

Mr Hassell: Here is today's stunt.

Mr Tonkin: You call this whole place a stunt.

Mr Hassell: Your leader is a stunt man; one stunt a day.

Mr BRIAN BURKE: To continue—

(ii) The Premier's failure to ensure a proper accounting by the Chairman of the Metropolitan Water Board of his expenses claim for his overseas trip.

(iii) The Premier's attempt to place political considerations above proper controls on the expenditure of public funds in this matter.

Mr Grayden: That is a blatant misuse of question time.

Mr Bryce: Look at the way your Premier answered the questions.

Mr BRIAN BURKE: I have taken the unusual step of seeking the suspension of Standing Orders in order to move the motion I just outlined to the House.

Point of Order

Sir CHARLES COURT: Mr Speaker, to the best of my knowledge and belief, we are in the middle of question period, and you have not terminated that period in accordance with existing arrangements. I therefore seek your direction on the matter, because it would be quite farcical if, every time we got in the middle of question period, this sort of action was taken by any member of the House.

The SPEAKER: Order! I would like the opportunity to study the Premier's point of order and for that purpose, I will leave the Chair until the ringing of the bells.

Sitting suspended from 6.00 to 6.10 p.m.

Speaker's Ruling

The SPEAKER: The Premier has contended in his point of order that there is no provision for me to hear a motion moved by the Leader of the Opposition because it would interrupt question time. Normally, questions without notice are terminated by my taking some action, although there have been other occasions when they have simply come to an end because there has been no-one offering to ask a further question. I am not in a position to anticipate whether or not there were other members seeking to ask questions. Correction; the member for Mundaring did indicate he wished to ask a question.

There is always an opportunity, when no member has the call, for a member to move for the suspension of Standing Orders, and that has occurred on a number of occasions. If a motion is moved to suspend Standing Orders, the House can return to the business it was previously considering after the motion has been dealt with. In this case I would simply return to hearing questions without notice after the House has dealt with the motion for the suspension of Standing Orders moved by the Leader of the Opposition.

It appears to me I cannot uphold the Premier's point of order. Clearly the practice has been for motions to suspend Standing Orders to be accepted and moved when there has been other business before the House, but not when this interrupts a member who is speaking at the time.

Sitting suspended from 6.13 to 7.30 p.m.

Debate (on motion) Resumed

Mr BRIAN BURKE: I want to say firstly that the Opposition regards the amount of $8 000 involved in this matter as neither massive nor significant in the general run of things so far as State finances are concerned. However, in Parliament tonight and outside the precincts of the Parliament in the last few days this Government has breached two fundamental principles of parliamentary democracy.

The SPEAKER: Will the Leader of the Opposition resume his seat! The question before the Chair is one seeking to suspend Standing Orders, and I ask the Leader of the Opposition to confine his remarks to that matter.

Mr BRIAN BURKE: Yes, I will, Mr Speaker. I was simply trying to illustrate the main compulsion behind the move to suspend Standing Orders, and that is one of urgency, because as I was explaining to the House, this Government in the last few days has breached two fundamental principles of parliamentary democracy. The Government has refused to be accountable to the

Parliament for the actions it has undertaken and it has refused to give a proper accounting of taxpayers' funds. For that reason alone, Mr Speaker, it is incumbent upon this House to suspend Standing Orders to consider the motion of which I have given notice.

I addition to breaking those two fundamental principles of the parliamentary system—

Mr Herzfeld: You have broken one of them.

Mr BRIAN BURKE: —the Government has refused to answer in this House tonight questions that were reasonable and valid and put to it by the Opposition in an attempt to clarify an extremely serious matter. It is imperative to the health and future of our parliamentary system that the breaking of the fundamental principles to which I have referred does not occur with the sanction of this House, and that this House avails itself of the first possible opportunity to tell this Government it will not tolerate a situation in which the Government refuses to be accountable and to answer valid and legitimate questions.

During the past few days the Premier has attempted to mastermind a whitewash of the whole Batty affair. It is obvious from the documents to which the Premier refers as being stolen in his attempt to evade his responsibility that he has masterminded this whitewash. I want to make it perfectly clear in emphasising the necessity to bring on this matter quickly that the Opposition has not stolen anything. The claim the Premier makes in his attempts to evade his responsibility—that the Opposition is dealing with stolen documents—is just so much hogwash. About the documents I say this: The attempts by the Premier to sidetrack the public by asking it to consider only whether the documents are stolen, will not wash, because it is not important whether the documents were stolen, but whether they are an accurate reflection of where the Premier stands on this matter. The Premier ought to be glad, in answering the challenge raised by those documents, that they have been brought to the light of day. He should not attempt to evade them by referring to them as being stolen. If that was not the lesson of Watergate, what was the lesson of Watergate?

Several members interjected.

Mr BRIAN BURKE: If that was not the lesson of Watergate, what was? On the Premier's premise—

Several members interjected.

Mr BRIAN BURKE: —Richard Nixon would have seen out his second term in office because all the information used to release him from office was leaked information. The essence of the situation is not its appearance, but whether it is true—that is the point.

Mr Young interjected.

Mr BRIAN BURKE: The point is that the truth or otherwise of the documents comprises the fundamental challenge to the veracity of this Government, not whether the documents were stolen. Are the things in those documents true? That is what the Government needs to answer.

Mr Blaikie interjected.

Mr BRIAN BURKE: We have seen tonight preparations being made to make Mr Batty a sacrificial lamb. Mr Speaker, when in your experience have you ever heard a Minister refuse to say he has confidence in the chairman of a statutory authority for which he has responsibility?

Several members interjected.

The SPEAKER: Order!

Mr BRIAN BURKE: Has that ever happened before to the knowledge of any person?

Several members interjected.

The SPEAKER: Order! I ask that interjections cease and I ask also that the Leader of the Opposition confine his remarks to the question before the Chair which clearly is for the suspension of Standing Orders.

Mr BRIAN BURKE: The failure of this Minister to state whether he has confidence in Mr Batty urges the necessity of the consideration of the Opposition's motion tonight and urges that the motion not be left in these dying days of the session to be debated some time after midnight, because tonight in this place we have seen the Minister turn away his departmental head and say he does not have confidence in that man.

Government members interjected.

Mr BRIAN BURKE: The Deputy Premier is the only person in this whole affair who has maintained a semblance of his integrity. He is the only person who said when Mr Batty was about to embark upon his trip, "Give the man $4 000; don't give him $8 000". That is the problem upon which the Government is now transfixed; the Deputy Premier issued instructions that were ignored. The Metropolitan Water Board chose to ignore those instructions, and if that ignorance does not compel this House to consider as a matter of urgency the motion tonight moved by the Opposition, what will?

The Deputy Premier said, "Give the man $4 000". But he was given $8 000. When the political controversy followed the decision to give Mr Batty $8 000, we saw the Premier lead the

charge to justify the $8 000 contrary to the instruction of his Deputy Premier, resulting tonight it would seem in the refusal of the Minister for Water Resources to say he has confidence in Mr Batty. The direct question was asked, "Do you have confidence in Mr Batty?" And the Minister shied away from answering that question. If that lack of confidence does not compel the House to consider as a matter of urgency the Opposition's motion then what will?

Mr Sibson: Do you have confidence in Mr Batty?

Mr Grayden: Do your members have confidence in you?

Mr Pearce: Of course we have.

Government members interjected.

The SPEAKER: Order!

Mr Young: Dropped him like a hot spud.

Mr BRIAN BURKE: I wonder why the Government is so touchy.

Government members interjected.

Mr BRIAN BURKE: I wonder why, if they have nothing to hide. Why does the Minister for Water Resources want to cut off Mr Batty's head? Obviously that is so because that is what Mr Batty has been set up for.

Mr Young: You are running close to the line, according to blokes on your side of the House.

Mr BRIAN BURKE: I ask members to consider the other urgency prevailing upon them. The Premier is touchy about this matter. He said tonight he is unaware of a discrepancy in the original memo from Mr Batty and the subsequent statutory declaration. The Premier said that he was not aware of a discrepancy and, of course, the Minister said there is not a discrepancy.

People who have access to the documents can look for themselves at the parts which refer to the expenses claimed by Mr Batty in respect of his stay in Hong Kong. From his first memo the claim is $99 less than it subsequently appeared to be.

Mr Young: Oh, $99!

Mr BRIAN BURKE: The Minister for Health is not worried about $99? Is the Minister not worried about a discrepancy?

Mr Young: It is $99!

Mr BRIAN BURKE: If $99 is not important, is it important that the Government approved expenses on the basis of a statutory declaration that did not exist until three days after the original memo?

Several members interjected.

The SPEAKER: Order! I ask the House to come to order! I point out that in a very short while someone from the Government side, I imagine, will rise to speak on this matter. If I am to be able to give that person a degree of protection to make a speech it is reasonable I should do the same for the Leader of the Opposition. I ask that interjections cease and the Leader of the Opposition continue.

Mr BRIAN BURKE: If I may make the point again, the allowance was approved on 2 November, and that was three days before the statutory declaration that was the basis for that approval was even sworn out.

Mr Grayden: You have heard the explanation; you ought to be satisfied.

Mr BRIAN BURKE: Not only was the allowance approved three days after the statutory declaration was sworn out, but the declaration differed from the original memo sent out by Mr Batty. The Minister for Health may be right in saying that $99 is neither a massive nor a significant amount, but what is significant is the Premier's failure to be accountable in the terms of the memo he received through his Minister from Mr Batty; the memo he sent back to his Minister, and the subsequent declaration. That failure is significant, and in this regard one failure is most significant.

The other matter which requires this motion to be considered tonight as a matter of urgency relates to the information the Premier divulged about himself in the memo he sent to his Minister. The Premier wrote to his Minister in these terms—

> Whilst I felt the report you made to Cabinet last night on Mr Batty's overseas visit was useful, I nevertheless felt it could be put into a more formal type of document to be of use and to be capable of supporting an expense allowance for Mr Batty.

The import of the memo was not to find out whether the expenses were justified, but to justify them. What was the Premier saying about himself in that opening paragraph of the memo to his Minister? He was saying, "Let us set about the job of whitewashing the problem we have got". He continued to say—

> I know it is irksome for a person with Mr Batty's qualifications and background to have to justify his work and any expenses paid . . .

Mr Bryce: Shame upon the Treasurer!

Mr BRIAN BURKE: The Premier says, "I know it is irksome" for people who receive these

expenses to have to justify them. Does not that aspect demand urgent consideration, as does the following remark—

> It was always understood, and properly so, to obtain the services of Mr Batty, there would need to be an expense component in his remuneration.

In other words, the Premier was referring to perks. If that statement does not demand immediate and urgent attention then what will and what does? The Premier went on to say—

> I am quite prepared to have a talk to Mr Batty about the matter.

I have no doubt he was prepared, but I say this: If we were in Government we would ask Mr Batty to justify his expenses, not help him to do so.

The Premier continues—

> My advice would be for prompt action to be taken by Mr Batty to formalise his report into what could be termed as something of a professional report about the work he has done abroad and the results of that work.

If that is not an exhortation to a method of justification, what is? Mr Batty should have been asked, "What did you spend the money on?" That is all the Government needed to ask; the Premier did not need to shoot back three-page memos to the Minister to tell him how the question should be answered before it was asked. The Premier said in his memo that speed was of the essence. That sort of attitude by the Premier and Treasurer on a matter such as this demands urgent examination. The Premier continued—

> He in turn needs to help us to present the position in a way which will bring it to finality, and quickly. This is in the interests of Mr Batty as well as the Government and the Metropolitan Water Board.

We have seen that it may be that it certainly is not in Mr Batty's interests, but it may well have been in the interest of the Government and the board. What about the taxpayers' interest?

Mr P. V. Jones: You would not know much about that.

Mr BRIAN BURKE: Who will care for their interest in matters such as this? The Premier does not include the taxpayer and public in his exhortations to his Ministers to cover up what has developed. He is worried about Mr Batty latterly, but it seems he is not worried about the public. It seems he is more worried about the Government and the board. It has come out of his own mouth that he is more worried about them than he is about the public.

The Opposition does not back away from this whole sorry mess. It is an outrageous travesty of justice and it was improper and indiscreet for the Premier to interfere in this way. It was less than satisfactory for the Minister, by abdication, to say he has no confidence in Mr Batty and unless the motion presented tonight receives urgent consideration the parliamentary system, to which the Premier so often pays lip service, will be set back 100 years because it will mean that in the secrecy of Cabinet these sorts of things will be whitewashed or cooked up in order to cover up and keep from public gaze what has occurred.

I do not know how members on the Government side, understanding the political nature in this place, can accept and condone that sort of action on the part of the Minister and the Premier.

Mr Young: We can't work out how your blokes are supporting you on this rubbish.

Several members interjected.

Mr BRIAN BURKE: I can concede that, because of the complexity of the situation, members on the Government side of the House will rush to the defence of the Premier and will rush to rationalise the memo for which he was responsible. However, I cannot concede that everyone on the Government side of the House accepts that this is a proper and appropriate way in which a Premier should act. I cannot concede that they would accept that this sort of memo, this instruction on how to detail expenses and prevent political problems, is something that should be tolerated.

I do not expect this motion to suspend Standing Orders to succeed. However, I would expect its success would concede the censure of the Government and at the same time let us see some action on the part of the Govenment on the problem which is causing consternation and concern to the public.

Let us put an end to the sorry tale of the Metropolitan Water Board which has gone on for more than three years, with scandal after scandal surfacing and not being attended to by the Government. Let us set some sort of precedent—

Several members interjected.

Mr BRIAN BURKE: —so that problems like this, in future, will be handled by the simple request of people in Mr Batty's position, that they explain how they spent the money. That is all we are asking and that is all Mr Batty should have been asked. If he had not been able to provide substantial documentary evidence, he should have been made to refund the money. Then, we would not have had all these problems and the

involvement of the Premier, as well as the contradiction of the instructions of the Deputy Premier.

If only the Premier could admit that he was wrong.

SIR CHARLES COURT (Nedlands—Premier) [7.48 p.m.]: We have seen just another example of the Leader of the Opposition and his vaunted style of politics with which he is going to regenerate the Labor Party.

Mr Pearce: He has regenerated you.

Sir CHARLES COURT: He is gaining a reputation of being a "stunt-a-day" man. I wish to remind him that, in my experience, all the people in this place who have behaved in this way have had a very short political life because they have finished up in the political gutter with no friends at all and certainly with no credibility.

I wish to remind the Leader of the Opposition that he might not have a stolen document and a member of his party might not have stolen the document, but the act of receiving a stolen document is just as bad and as serious a crime. In some circumstances it is a much more serious crime than that of the person who actually stole the document.

I wish to deal briefly with the comments made by the Leader of the Opposition who adopts this holier-than-thou attitude on everything. This holier-than-thou man wants all members of Parliament to account for everything. He wishes to prove that he is as pure as the driven snow and, as such, everyone but he has something to account for.

I will be quite happy for time to judge the man concerned. Fortunately it will not be my task to have to pass judgment on him.

Mr Bryce: You've done a good job.

Sir CHARLES COURT: Those people who parade as holier-than-thou and who are prepared to deal in stolen documents invariably finish up in the one place, completely discredited. Likewise, in my experience, those who are always playing about with Standing Orders are trying to play smart tricks—

Mr Brian Burke: You used to do it yourself.

Sir CHARLES COURT: They usually finish up being a nothing in this place and being on the Opposition side of the House.

I will not become involved in a discussion on a matter which is based on stolen or unauthorised documents.

Mr Hodge: You are ashamed of it.

Sir CHARLES COURT: Having heard extracts of the document as read by the Leader of the Opposition—I have not taken the trouble to check whether his quote is correct when compared with the original—I must say it is not a bad letter.

Mr Bryce: The arrogance of power!

Several members interjected.

Sir CHARLES COURT: All I can say is the grammar is better than that which I normally use, because English is not one of my best subjects! I must say that from what I have heard of the letter, it was a very sensible way of trying to get the matter regularised and resolved in the proper way in the proper place.

Mr Bryce: Cover up!

Sir CHARLES COURT: I want to remind the Leader of the Opposition that it was he who said that $8 000 is neither meaningful nor significant and he is putting on a hullabaloo to say that we cannot answer or account for that money. Any decent, reasonable questions will receive reasonable answers. However, when the Leader of the Opposition and his colleagues wish to play around with questions based on stolen or unauthorised documents, they cannot expect to receive an answer that they could expect to a proper, orthodox, decent, sensible, and honest question.

The Leader of the Opposition has to try to make great play about the Deputy Premier's involvement. He is trying to "divide and conquer". The Deputy Premier would be the one to say that—as he has often said in public—he did question the $8 000. He had authorised $4 000, but at the time when his authorisation had gone through, the Metropolitan Water Board, thinking—and I consider quite sincerely—that it was acting within its own competence, authorised the chairman to draw $8 000.

I hasten to add that the Deputy Premier made the point that anything in excess of $4 000 had to be accounted for. He did not say there was not to be anything in excess of $4 000 but it had to be accounted for. It has been accounted for.

The Leader of the Opposition made great play about a so-called minor discrepancy in the amounts accounted for by Mr Batty. That was absolute nonsense because the authorisation given by Cabinet was that the amount would be paid in full, subject to a statutory declaration. That is where it all begins and ends—it is subject to a statutory declaration.

If members on the other side of the House have any fairness or any knowledge of such things, they will realise that the $8 000-plus which was given

to Mr Batty is a very modest sum when they consider the travel involved.

I remind members that $5 000 alone would have been paid on travel fares which would be the minimum amount, in view of the distances covered and the places Mr Batty visited.

Mr Tonkin: That is not the point.

Sir CHARLES COURT: He would then have approximately $3 000 for something like 60 days of travelling.

Mr Brian Burke: It was partly board business.

Several members interjected.

Sir CHARLES COURT: If members wish to talk about perks of office, I remind them of something I mentioned the other day and that was that members of Parliament—and this has always been a questionable matter as far as I am concerned—receive some very generous tax-free allowances which the public do not hear much about.

Mr Bryce: Nothing like the Premier of this State.

Sir CHARLES COURT: Members of Parliament do not have to account for a cent of that money, but we are discussing a man who has an expense allowance which is supported by a statutory declaration and it is a modest amount indeed.

Mr Evans: What about cars, etc.?

Sir CHARLES COURT: If the honourable member wishes to talk about cars then I remind members of the Opposition that they have three times the number of cars we had when we were in Opposition.

Mr Pearce: How many cars do you have?

Sir CHARLES COURT: How many cars should I have?

Mr Pearce: It does not matter; that is getting away from the main issue.

Government members interjected.

Sir CHARLES COURT: I have news for the member for Gosnells: I use chauffeur-driven cars less than has any Premier in my memory. I drive a smaller car myself; I want to keep in form with my driving because one is not always going to be a member of Parliament, and you want to remember that my boy.

The whole argument of the Opposition smacks of political nonsense. It is just a stunt and I imagine we will have more such stunts from the Opposition.

Mr SHALDERS: I move—

That the House do now divide.

Motion put and a division taken with the following result—

Ayes 27	
Mr Blaikie	Mr Nanovich
Mr Clarko	Mr O'Connor
Sir Charles Court	Mr Old
Mr Coyne	Mr Rushton
Mrs Craig	Mr Sibson
Mr Crane	Mr Sodeman
Mr Grewar	Mr Spriggs
Mr Hassell	Mr Stephens
Mr Herzfeld	Mr Trethowan
Mr P. V. Jones	Mr Tubby
Mr Laurance	Mr Williams
Mr MacKinnon	Mr Young
Mr McPharlin	Mr Shalders
Mr Mensaros	*(Teller)*

Noes 17	
Mr Bertram	Mr Jamieson
Mr Bryce	Mr McIver
Mr Brian Burke	Mr Parker
Mr Carr	Mr Pearce
Mr Davies	Mr A. D. Taylor
Mr Evans	Mr I. F. Taylor
Mr Grill	Mr Tonkin
Mr Harman	Mr Bateman
Mr Hodge	*(Teller)*

Pairs	
Ayes	Noes
Mr Grayden	Mr Bridge
Mr Watt	Mr T. H. Jones
Dr Dadour	Mr Wilson

Motion thus passed.

Question (suspension of Standing Orders) put and a division taken with the following result—

Ayes 17	
Mr Bertram	Mr Jamieson
Mr Bryce	Mr McIver
Mr Brian Burke	Mr Parker
Mr Carr	Mr Pearce
Mr Davies	Mr A. D. Taylor
Mr Evans	Mr I. F. Taylor
Mr Grill	Mr Tonkin
Mr Harman	Mr Bateman
Mr Hodge	*(Teller)*

Noes 27	
Mr Blaikie	Mr Nanovich
Mr Clarko	Mr O'Connor
Sir Charles Court	Mr Old
Mr Coyne	Mr Rushton
Mrs Craig	Mr Sibson
Mr Crane	Mr Sodeman
Mr Grewar	Mr Spriggs
Mr Hassell	Mr Stephens
Mr Herzfeld	Mr Trethowan
Mr P. V. Jones	Mr Tubby
Mr Laurance	Mr Williams
Mr MacKinnon	Mr Young
Mr McPharlin	Mr Shalders
Mr Mensaros	*(Teller)*

Pairs	
Ayes	Noes
Mr Bridge	Mr Grayden
Mr T. H. Jones	Mr Watt
Mr Wilson	Dr Dadour

Question thus negatived.

Questions (without notice) Resumed

The SPEAKER: Order! The member for Mundaring is to ask the last question of the day.

Mr Bryce: What a rort that is! What is the place coming to?

Mr Carr: He could not even do it with a straight face.

Withdrawal of Remark

The SPEAKER: Order! I call upon the member for Ascot to apologise to me for his reflection on the authority of the Chair.

Mr Bryce: I withdraw, Mr Speaker.

The SPEAKER: Thank you.

Questions (without notice) Resumed

The SPEAKER: The member for Mundaring.

Mr Bryce: Do your darndest.

Mr Parker: He cannot even find his question.

Mr I. F. Taylor: That is all right—the Minister will give him the answer.

The SPEAKER: Order! The House will come to order!

Mr Bryce: What a stunt.

Mr Parker: Let it be recorded that the Minister gave the member the question.

The SPEAKER: Order! The member for Fremantle—

Mr Hodge: It is a disgrace.

The SPEAKER: I can understand that the member for Mundaring may have had some difficulty in finding his papers. You will recall that he was on the other side of the House and he had to move back to his place. I believe he is probably now in a position to ask his question, and I give him the call.

Point of Order

Mr PEARCE: On a point of order, Mr Speaker, I doubt that it is the question of the member for Mundaring, because I quite clearly saw the Minister go over and give the member that question.

The SPEAKER: Order! I saw the member for Mundaring receive a piece of paper from the Minister—

Mr Parker: You are doing yourself a lot of damage.

The SPEAKER: —for Health, but I cannot say it was a question.

Questions (without notice) Resumed

Mr HERZFELD: Mr Speaker—

Point of Order

Mr PEARCE: I rise on another point of order, Mr Speaker. You appear to have determined there was to be a last question to round off question time in accordance with your previous ruling prior to the conclusion of the discussion on the last debate. I do not challenge your right to do so. However, it seems to me that the member for Mundaring sought the call without actually having a question, and it was only after he had been given the call ahead of the member for Fremantle—who had a legitimate question—that the Minister appeared to give him a paper.

The SPEAKER: Order! Now I will tell the member for Gosnells precisely what transpired. Prior to the tea suspension, and prior to the point of order being taken by the Premier—indeed prior to my giving the call to the Leader of the Opposition—I had recognised the fact that the member for Mundaring was seeking to ask a question. I made comment about that during the ruling I gave. Now, like many other people in this place, the member for Mundaring probably anticipated that question time had come to a conclusion. However, as I had recognised already the fact that he was wanting to ask a question, during the division I had a message passed to the member for Mundaring to indicate to him that it was my intention to give him the call to ask a question.

Mr Parker: You should resign after a statement like that.

The SPEAKER: Order! The member for Mundaring returned to his seat after the division, and subsequently he has found his question, and I invite him to ask it.

Mr Parker: You should resign. That is the most outrageous thing I have heard.

The SPEAKER: Order! The member for Mundaring will resume his seat. I have taken a fair bit from the member for

Fremantle by way of interjection during the exchange that has just taken place, and I want to remind him that there is a requirement while the Speaker is on his feet for all members to desist from interjecting. I accept that I am as vulnerable and fallible as anyone else, and I accept it is possible that the House may decide to dissent from a ruling I have given or to disagree with a statement I have made. If the member for Fremantle wishes to take issue with me, I invite him to do so in the proper way.

Mr Parker: I intend to, in the way you are running this House.

Withdrawal of Remark

The SPEAKER: Order! The member for Mundaring will resume his seat. I call upon the member for Fremantle to withdraw that statement.

Mr Parker: I withdraw it.

Questions (without notice) Resumed

CONSUMER AFFAIRS: NEWSPAPERS AND PUBLICATIONS

Late Evening Telephone Calls

771. Mr HERZFELD, to the Minister for Consumer Affairs:

I think it is only right to point out to this House that some time has elapsed since I set out to ask this question.

Mr Bryce: Ask your question, Dorothy.

Mr HERZFELD: It was a question on notice, and it was mixed up with a number of other papers. I have now found it.

Mr Carr: On the Minister for Health's desk.

Mr Bryce: Come on, ask your question, Dorothy, and get it out of the way.

Mr I. F. Taylor: You had better give the Minister back the answer, otherwise he may not have an extra copy.

Mr HERZFELD: I point out that some notice has been given of the question.

Mr Bryce: I hope the Minister thanked you.

Mr Carr: What a farce.

Mr HERZFELD: My question is as follows—

(1) Has he or his department had many complaints from the public regarding late evening telephone calls from representatives of various newspapers and publications soliciting repeat advertisements appearing in the morning newspaper?

(2) Do calls of this nature after 9.00 p.m. offend any existing legislation?

(3) If "No", what advice can he give members of the public who object to this type of practice and see late calls as an infringement of their privacy?

Mr O'CONNOR replied:

I think the question asked by the member for Mundaring indicates the farcical nature of the interjections of the Opposition members. I thank the member for some notice of the question, the answer to which is as follows—

(1) and (2) No.

(3) The response is a matter for the individual, but I offer some suggestions—

(a) hang up on such callers;

(b) advise the Law Reform Commission which is examining the general question of invasion of privacy.