by which the matter is being introduced, and we are sure that had the Government introduced it in another way we would agree with it. We feel the legislation is necessary, but the situation is being covered surreptitiously through the parent Act.

Sir Charles Court: It is not. What is surreptitious about bringing it to Parliament?

Mr MAY: Of course it is. The Government is not game to take on the unions by way of the Industrial Arbitration Act, so it is doing it in another way. It is doing it only because it is aware that in the present political climate the public is on side with the Government as a result of the fuel crisis, and the Government thought this was a good opportunity for it to use. It is catering for the situation in a sinister fashion, and we will certainly oppose most of the clauses in the Committee stage.

Debate adjourned, on motion by Mr Skidmore.

House adjourned at 11.15 p.m.

Legislative Assembly

Thursday, the 22nd August, 1974

The SPEAKER (Mr Hutchinson) took the Chair at 2.15 p.m., and read prayers.

SUPPLY BILL

Assent

Message from the Governor received and read notifying assent to the Bill.

QUESTIONS (48): ON NOTICE

1. IMMIGRATION

Building Company Nomination Scheme

Mr BRYCE, to the Minister for Immigration:

(1) When did the Minister become aware that officers of his department were allegedly "brainwashing" migrants who arrived under the building company nomination scheme?

(2) In what respect were officers of his department allegedly "brainwashing" migrants who arrived under Landall's sponsorship?

(3) Who was responsible for drawing the Minister's attention to the alleged "brainwashing" of company nominee migrants?

Mr GRAYDEN replied:

(1) to (3) The previous conditions relating to the building company nomination scheme contained the provision—

> On arrival in Western Australia, nominees will be met by a company representative and conveyed to their accommodation. Within three (3) days of arrival, it is encumbent on the company to convey its nominees to the State Immigration Office so that they may be given an advisory talk on such subjects as home purchase, contracts, hire-purchase, employment, vehicle purchase, over commitment, etc. It is reiterated at this talk that there is no compulsion to purchase a home and that they are free agents. They are also offered departmental assistance if required.

My comment was intended to convey that in the light of verbal and written information given to migrants by State migration officers at the point of arrival in WA, there was not a need nor is it desirable for a migrant to be ordered to appear before a departmental officer to be lectured unless the migrant wished to do this quite voluntarily.

It is emphasised to migrants that they can talk to State immigration officers at any time if they need advice or assistance. It is further emphasised that the department is now in the process of preparing additional printed information for distribution to migrants at the time of arrival.

2. IMMIGRATION

Mrs P. Kemp: Statutory Declaration

Mr BRYCE, to the Minister for Immigration:

Will he inform the House of the conclusions reached by his department in respect of inquiries made into the case of Mrs P. Kemp of 23 Findon Crescent, Balga, outlined in a statutory declaration by the Member for Balga in the House on Tuesday, 13th August?

Mr GRAYDEN replied:

If the member for Balga will supply me with the statutory declaration referred to by him in the House on Tuesday, 13th August, 1974, I will have the matter examined.

3. IMMIGRATION

Mr A. Markoutsis: Statutory Declaration

Mr BRYCE, to the Minister for Immigration:

Will he inform the House of the conclusions reached by his department in respect of inquiries made into the case of Mr Antonius Markoutsis of Flat 20, Crystal Court, Comer Street, Como, outlined in a statutory declaration by me in the House on Tuesday, 13th August?

Mr GRAYDEN replied:

If the member will supply me with the statutory declaration referred to by him in the House on Tuesday, 13th August, 1974, I will have the matter examined.

4. IMMIGRATION

Mr G. Bramham: Statutory Declaration

Mr BRYCE, to the Minister for Immigration:

Will he inform the House of the conclusions reached by his department in respect of inquiries made into the case of Mr G. Bramham outlined in a statutory declaration by me in the House on Tuesday, 13th August?

Mr GRAYDEN replied:

If the member will supply me with the statutory declaration referred to by him in the House on Tuesday, 13th August, 1974, I will have the matter examined.

5. IMMIGRATION

Mr S. Perry: Statutory Declaration

Mr BRYCE, to the Minister for Immigration:

Has the Minister indicated at any time that the contents of the statutory declaration from Mr S. Perry of Morley read by me to the Parliament on 29th March, 1972, were not genuine or correct?

Mr GRAYDEN replied:

If the member will supply me with the statutory declaration referred to by him in the House on the 29th March, 1972, I will examine the matter and will then be in a position to answer the question.

6. NATIONAL ANTHEM

Choice: State Jurisdiction

Mr A. R. TONKIN, to the Premier:

(1) With reference to a Press statement that State Cabinet has decided that "God Save the Queen" should be used at State functions, will the Premier indicate at which functions this rule will apply?

(2) Does he not agree that a decision involving the choice of a national anthem is beyond the powers of a State Government?

Sir CHARLES COURT replied:

(1) Broadly, it will apply to any function arranged as a responsibility of the Western Australian Government at which the national anthem is to be played.

(2) No. Legal opinion is that the State Government is not obliged to heed the announced wishes of the Prime Minister in this matter.

7. ENVIRONMENTAL PROTECTION

Display on Ecological Problems

Mr A. R. TONKIN, to the Minister representing the Minister for Cultural Affairs:

(1) Has the Minister discussed with his colleague, the Minister for Conservation and Environment, the development of a display at the WA Museum which would show some of the ecological problems confronting modern society?

(2) If "No" will he approach the Minister with a view to implementing the suggestion?

Mr RUSHTON replied:

(1) No.

(2) The Trustees of the Western Australian Museum, in exercising their authority under the Museum Act, have been planning three new display galleries concerning the environment of Western Australia within the theme, "Western Australia—Land, Man and Wildlife". These displays will consist of:

(i) a gallery introducing the features and natural environment of Western Australia;

(ii) a gallery illustrating Western Australian wildlife and its ecology; and

(iii) a gallery of displays of our coasts and adjacent areas.

The marine gallery, which will have as its theme, "Life in our Western Seas", is at an advanced stage of planning and preparation. The trustees hope that there will be sufficient funds in the estimates to construct the showcases needed for implementation during the course of this financial year. The skeleton of the blue whale, which is the centre-piece of this display is already in position.

The gallery of Western Australian wildlife is currently being planned by museum archaeologists, with the assistance of consultant ecologists from the University of Western Australia and the CSIRO.

Planning for the gallery introducing Western Australia has already begun but I am sure that the director and the planning committee would welcome suggestions from any source for consideration by the trustees, whether they be from other Ministers, Government departments or private industry.

8. TRAFFIC

Accidents: Fire Control Precautions

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

(1) Is he aware that there are valid reasons for criticising the inadequate fire control precautions which have led to the incineration of accident victims?

(2) Is it a fact that the police force is critical of these inadequacies?

(3) Is it intended that action will be taken to remedy the situation?

Mr O'CONNOR replied:

(1) No.

(2) No, I am advised that the present control precautions are considered adequate.

(3) Answered by (2).

9. HEALTH

Pharmaceutical Goods: Advertising

Mr A. R. TONKIN, to the Minister representing the Minister for Health:

What legislative or other action is contemplated in the attempts to regulate the advertising of certain pharmaceutical goods, especially analgesics, slimming tablets and laxatives, so that various undesirable practices and habits may be discouraged and which problems have been discussed at various meetings of the Australian Health Ministers including that of last weekend?

Mr RIDGE replied:

Regulation of advertising of therapeutic goods is contemplated on a voluntary basis. Problems discussed include fair balance and statements of limitations and effects of therapeutic goods.

10. HEALTH

"Antabuse" Drug: Safeguards

Mr A. R. TONKIN, to the Minister representing the Minister for Health:

What safeguards are placed upon the use of the drug "Antabuse" which is placed under the skin of alcoholics?

Mr RIDGE replied:

Available information is that Antabuse for placing under the skin of alcoholics is in the form of a special implantation pellet which is not imported into Australia by the agents of the manufacturers.

11. INDUSTRIAL DEVELOPMENT

Pilbara Plan: Tabling

Mr B. T. BURKE, to the Minister for Industrial Development:

(1) Does he recall the Premier, when he was Leader of the Opposition, seeking permission from the former Government for access to departmental files so that he could locate the "Pilbara Plan" he so often referred to?

(2) Has the Premier asked the Minister to locate the plan?

(3) Has the plan been located?

(4) If "Yes" will he table a copy of the plan so that all Members can benefit from the experience?

Mr MENSAROS replied:

(1) I well recall the Premier, when Leader of the Opposition, endeavouring to get the then Government to give him access to the departmental files with the appropriate Minister present, together with the senior officers who advised the Brand Government so that the then Leader of the Opposition could demonstrate to the Labor Government the nature and extent of the Brand Government's plans and progress in Pilbara.

(2) There is no need for the Premier to do this because the work of the Brand Government in Pilbara is not only self-evident from the large railway, port, mining and town systems which actually exist, but also the very obvious amount of forward planning which is within the department and was readily available to and, in fact, used by the Tonkin Government.

Mr B. T. Burke: There is no Pilbara plan.

Mr MENSAROS: Continuing—

(3) Answered by (2).

(4) As has been so often explained to the Parliament, the Brand Government's work in Pilbara is so extensive and diversified, both in terms of actual performance and plans for the future, that it never was, and never could be incorporated into one so-called "plan" or brochure, as apparently seems to be the misconception of the Member.

I suggest the Member pays a visit to Pilbara and sees the work achieved in the field during the term of the Brand Government. What he will see is only the foundation laid for a logical development of the area in accordance with the plans of the then Government and which, unfortunately, were interrupted by three years of Labor Government.

Mr May: What a ridiculous statement!

Sir Charles Court: We have been telling you the facts of life.

The SPEAKER: Order!

Sir Charles Court: What did you do? Not a single thing in three years!

The SPEAKER: There must be no cross-conversation.

12. RAILWAYS

Fertilisers: Freight

Mr P. V. JONES, to the Minister for Transport:

What is the freight charge per tonne for fertilisers railed from Kwinana to Kulin in—

(a) peak;

(b) off-peak periods?

Mr O'CONNOR replied:

(a) Peak (1st January to 30th June)—
\$7.92 per tonne.

(b) Off peak (1st July to 31st December)—
\$7.04 per tonne.

13. POLICE

Hiring by Building Firm

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

Further to my question of Tuesday, 20th August, regarding the hiring of police by a building firm, will he advise me of the position regarding the jurisdiction of the policeman after he has received the report from the Commissioner of Police?

Mr O'CONNOR replied:

The jurisdiction of the policeman was confined to ensuring there was no damage to property or injury to persons. I am informed that in no way did he interfere with union activities.

14. INDUSTRIAL DEVELOPMENT

BHP Integrated Steel Works Agreement

Mr TAYLOR, to the Minister for Industrial Development:

Under the terms of the Broken Hill Pty. Company's Integrated Steel Works Agreement—

(a) what conditions in respect of production expansion have been fulfilled and what conditions have still to be complied with and by what date line;

(b) if some expansion of the AIS (Kwinana) plant is contemplated within the next few years what likely increase in workforce numbers is contemplated?

Mr MENSAROS replied:

(a) The company has fulfilled all its processing obligations to date. In view of negotiations to establish a jumbo steelworks in Western Australia a 12 months' extension of time to 31st December, 1979, has been granted the company to meet its obligations to increase the annual capacity of its blast furnace and steel-making and finished product facilities to not less than 500 000 tons per annum respectively.

(b) The increase in workforce depends on the decisions to be made in regard to the jumbo steel plant and/or the level of development of the Kwinana plant.

15. INDUSTRIAL DEVELOPMENT

Jumbo Steelworks: Location

Mr TAYLOR, to the Minister for Industrial Development:

(1) With respect to the so-called jumbo steel plant at present under consideration by a consortium including BHP, does the Kwinana area appear to provide—

(a) adequate land area;

(b) adequate coastal frontage and depth of water;

(c) adequate services including water power, and transport;

(d) a substantial proportion of suitably skilled and/or semi-skilled labour?

(2) Are there any records or reports which on an environmental basis appear to mitigate against the establishment of such a plant at Kwinana?

(3) What areas, other than Kwinana, are being considered by the study group and what are the suggested possible advantages of each?

(4) At approximately what date is the proposed jumbo steel plant feasibility study to be completed?

Mr MENSAROS replied:

(1) The feasibility study by the consortium will include an assessment of the factors referred to in the Member's questions. Accordingly I consider it premature to comment on these matters.

(2) An environmental study will be an important part of the overall feasibility study. I know of no reports mitigating against a Kwinana site.

(3) See (1) above.

(4) Mid-1975.

16. *This question was postponed.*

17. PRIMARY INDUSTRY NATIONAL COMMITTEE

Western Australian Members

Mr COWAN, to the Minister for Agriculture:

(1) Is he aware of the appointment of two Western Australian primary producers to a national committee which will advise the Federal Minister for Agriculture?

(2) If so—

(a) will he name the persons appointed;

(b) what experience, qualifications and/or offices are held by those appointed;

(c) could he indicate what inquiries or discussions were held before the appointments were made?

Mr McPHARLIN replied:

(1) I am aware of a Press report which indicates the appointees to be Mr C. R. Cunningham and Mr John Walsh.

(2) (a) and (b) Mr Cunningham is a wheat and wool farmer and a member of the Farmers' Union of WA.

Mr Walsh is a wool, meat and cereal producer, Senior Vice President of the Farmers' Union of WA, and a delegate to the Australian Farmers' Federation.

(c) I am unaware of the nature of the inquiries or discussions which led Senator Wriedt to make these appointments.

18. HOSPITAL

Kalamunda Spa: Acquisition

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

(1) Have approaches been made to the Government to take over/lease/hire/purchase the hospital at Kalamunda often known as the Kalamunda Spa?

(2) If so, what has been the Government's reaction?

Mr RIDGE replied:

(1) No.

(2) Answered by (1).

19. ROAD MAINTENANCE TAX

Collection and Distribution

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

(1) What amount was collected in Western Australia in road maintenance tax for the year 1973-74?

(2) What amount of road maintenance tax was distributed to local authorities in the metropolitan area during 1973-74?

(3) What amount of road maintenance tax was expended by the Main Roads Department in the metropolitan area for the year 1973-74?

(4) What amount of road maintenance tax was distributed to country local authorities for the year ended 30th June, 1974?

(5) What amount of road maintenance tax was expended by the Main Roads Department in country local authority areas for the year ended 30th June, 1974?

Mr O'CONNOR replied:

(1) $3 682 110.

(2) Nil.

(3) $419 500 was allocated for expenditure.

(4) $575 390.

(5) $2 497 300 was allocated for expenditure.

20. TRAFFIC

Patrols: Use of Private Vehicles

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

(1) Is it correct that private vehicles are being used for police traffic patrol work in the metropolitan area?

(2) If so, will he advise the number of vehicles that have been involved and the period the private vehicles have been used?

(3) Are the private vehicles owned by members of the police force or are they hired from car firms?

(4) What are the mileage rates that are paid by the department for use of these vehicles?

Mr O'CONNOR replied:

(1) No.

(2) to (4) Answered by (1).

21. TRAFFIC

Patrols: New Vehicles

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

(1) Further to my question of Tuesday, 20th August, 1974, what new police traffic patrol cars have been brought into service this year, and what are the dates involved?

(2) What additional traffic patrol cars are on order and expected date of delivery?

Mr O'CONNOR replied:

(1) June, 1974—4 additional vehicles.
July, 1974—6 additional vehicles.
July, 1974—12 replacement vehicles.
August, 1974—2 replacement vehicles.

(2) 32 additional traffic patrol cars have been ordered of which 26 have been delivered and are being fitted out. The expected date of delivery of the remaining six vehicles is not yet known.

22. PROSTITUTION

Prosecutions

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

(1) What penalties are provided where any person being the keeper of a brothel suffers any girl or woman under the age of 21 years to be therein?

(2) Do the police records disclose that girls under the age of 21 years have been arrested and charged in the police court on the undermentioned dates for prostitution—
(a) 13th June, 1967;
(b) 15th March, 1974;
(c) 27th March, 1974;
(d) 5th July, 1974;
(e) 12th March, 1974;
(f) 12th March, 1974;
(g) 13th March, 1974;
(h) 29th March, 1974?

(3) If "Yes"—
(a) were the keepers of the brothels charged under section 194 of the Criminal Code;
(b) what were the names and addresses of the people charged;
(c) what were the addresses of the brothels involved;
(d) what were the charges laid in each particular case;
(e) where any charges were not laid, what were the reasons why no action was taken against the keepers of the brothel in each case?

Mr O'CONNOR replied:

(1) to (3) The answers to the questions asked by the Member will take a little time to collate. I will pass the answers to him as soon as they become available.

23. "PROGRESS" PUBLICATION

Destruction

Mr T. D. EVANS, to the Premier:

(1) Is it a fact that he recently instructed or was in any way associated with an order alleged to have been given that all available copies of *Progress* detailing the record of the Tonkin Government's three years in office be burned?

(2) Is it a fact that inquiries were made by members of the media with regard to (1) above and as a result the instruction or order was rescinded?

Sir CHARLES COURT replied:

(1) This is a complete fabrication. There never has been any such direction given by me—or anyone else known to me—for the books to be burned. If the Member has reliable information to the contrary, the Government would like to receive it from him.

(2) I was asked a similar question by a member of the media on 20th August, and I gave the reply as in the first sentence to (1) above.

24 to 26. *These questions were postponed.*

27. SEWERAGE

Tijuana Park, Armadale

Mr BARNETT, to the Minister for Water Supplies:

(1) What sewerage plant services the State Housing estate in Tijuana Park, Armadale?

(2) What is the annual running cost of the plant?

(3) What is the number of houses connected to it?

(4) On what basis are the water and sewerage rates calculated?

(5) What qualifications do the departmental officers who make the calculations, have?

(6) Would he please provide a map of the areas serviced by the Westfield plant, Kelmscott plant and the plant in question?

Mr O'NEIL replied:

(1) The area in Armadale known as Tijuana Park includes 50 State Housing Commission houses. It is serviced by Westfield wastewater treatment works.

(2) $60 677 for 1973/74.

(3) Approximately 1 500 at 31st July, 1974.

(4) Water and sewerage rates for residences are calculated on the basis of annual valuations as provided under section 74 of the Metropolitan Water Board Act, at rates fixed by the board in accordance with sections 90 and 91 of that Act.

(5) Since the calculations are based on valuations determined by the State Taxation Department and

calculated as in (4), no specific academic qualifications are necessary. However, the board's staff is adequately trained in all appropriate procedures.

(6) Map, with permission, is hereby tabled.

The map was tabled (see paper No. 177).

28. LOCAL GOVERNMENT

Rockingham: Sanitary Landfill

Mr BARNETT, to the Minister for Urban Development and Town Planning:

(1) Has an approach been made recently to any of his departments either directly or indirectly by the Rockingham Shire Council, seeking permission to utilise a section of the wetlands incorporated in Lakes Cooloongup and Walyungup for sanitary landfill?

(2) If so, is this the first approach by the shire for this purpose?

(3) If this is not the first approach, how many others have been made and what was the result of these approaches?

(4) Has a decision been reached on the latest request by the Rockingham Shire Council for the use of this wetland area?

(5) Has a recommendation been forwarded from the Fisheries and Fauna Department, and if so, will he table it?

Mr RUSHTON replied:

(1) I have not been able to find any record of such an approach.

(2) No.

(3) One; first approach was made in August, 1971, but no decision was made.

(4) Yes. The Metropolitan Region Planning Authority at its meeting on 19th September, 1973, refused the request of council to use approximately 10 ha of wetland area for sanitary landfill purposes.

(5) Yes—papers are tabled for one week.

The file was tabled for one week (See paper No. 178).

29. *This question was postponed.*

30. HILLMAN SCHOOL

Enrolments

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

(1) How many children were enrolled at Hillman primary school in—

(a) February 1974;

(b) March 1974;

(c) April 1974;

(d) May 1974;

(e) June 1974;

(f) July 1974?

(2) How many children are expected to enrol in February, 1975?

Mr MENSAROS replied:

(1) (a) 147;

(b) 149;

(c) 149;

(d) 158;

(e) 167;

(f) 172.

(2) Approximately 300.

31. HILLMAN SCHOOL

Tenders

Mr BARNETT, to the Minister for Works:

On what date did the first call for tenders for the construction of Hillman school close?

Mr O'NEIL replied:

2nd July, 1974.

32. SEWERAGE

Koongamia

Mr SKIDMORE, to the Minister for Housing:

(1) How many State Housing Commission homes are connected to the deep sewerage system in the area of Koongamia?

(2) Are there homes in the Koongamia area belonging to the State Housing Commission that are not connected to the deep sewerage system?

(3) If so, how many SHC homes are not connected, and what is the reason for the commission's failure to connect these homes to the deep sewerage system that is now operable in the Koongamia area?

Mr O'NEIL replied:

(1) and (2) There are no State Housing Commission rental homes connected to the deep sewerage system in the area of Koongamia.

(3) There are 180 State Housing Commission rental homes in the area not connected to deep sewerage. The commission has been aware that since December 1973 the deep sewerage scheme has become operative and it is the commission's intention to commence with the connection of houses as funds are available and having regard to priorities in other areas.

33. KINDERGARTEN

Shelley

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

(1) Has the Minister received any representation from the Town of Canning, community organisations and residents, regarding the establishment of a kindergarten at Shelley for occupation in 1975?

(2) Is he aware that unless the Town of Canning receives a grant of at least $5 000 from the Pre-school Education Board plans for the Shelley kindergarten could be deferred?

(3) Is he further aware that approximately 90 mothers in the Shelley area have established a play centre to cater for in excess of 100 children with parent participation?

(4) Will he detail the determinating factors which establish priorities concerning the allocation of funds for kindergartens?

(5) Having regard for the answer to (4), will he advise the priority with regard to the proposed Shelley kindergarten?

(6) When financial arrangements with the Australian Government have been determined, will he give an assurance that the proposed Shelley kindergarten will receive high and urgent priority?

Mr MENSAROS replied:

(1) to (3) Yes.

(4) Commonwealth funding for 1973-74 was available for the discharge of existing mortgages and to build a number of new kindergartens in areas of greatest priority of need defined on a socio-economic basis.

(5) The Pre-school Education Board has not completed its current investigations but it is anticipated that several localities will have a higher priority than Shelley.

(6) The nature of Commonwealth funding for pre-school education for 1974-75 is not clear at this time and for this reason no assurances can be given concerning Shelley kindergarten.

34. EASTERN GOLDFIELDS HIGH SCHOOL

Site Plan

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

Will he please table a copy of the plan of the site of the new Eastern Goldfields Senior High School, the plan to show dimensions and areas of sections intended for:

(a) buildings;

(b) recreation; and

(c) sporting?

Mr MENSAROS replied:

Yes. A copy of the plan is tabled.

The plan was tabled (see paper No. 179).

35. HOUSING

Kalgoorlie-Boulder Project: Plan

Mr TAYLOR, to the Minister for Housing:

(1) Will he table an up-to-date plan of the proposed Adeline Estate, Kalgoorlie/Boulder?

(2) If not included in (1) could he also table a plan showing the relationship between the proposed shopping centre, hotel, high school, and other associated community facilities?

Mr O'NEIL replied:

(1) and (2) Yes—the plan as tabled has been approved by the Shire of Boulder.

As the proposed use of the land coloured purple and the site shown for private clubs, to the extreme left of the plan, does not comply with the Shire of Boulder recently approved town planning scheme, the final usage of these areas of land is not yet determined.

The plan was tabled (see paper No. 180).

36. ARTS SCHOOL

Incorporation in Cultural Centre

Sir DAVID BRAND, to the Minister representing the Minister for Education:

(1) Is it planned to provide for an arts school in the cultural centre?

(2) If not, where will such a school be sited?

Mr MENSAROS replied:

(1) No.

(2) A Department of Graphic Art is being planned as part of the new Bentley Technical School.

37. *This question was postponed.*

38. TRAFFIC

Crosswalk Attendant: Yale Road School

Mr BATEMAN, to the Minister for Traffic:

(1) In view of the situation existing in Yale Road, Thornlie, when school children are subjected to

fast moving trucks and motor cars when endeavouring to cross Yale Road to attend the Yale Road primary school, will he place a crosswalk attendant at the school to provide safety for the school children crossing Yale Road?

(2) If "Yes" when can it be expected an attendant will be employed?

(3) If "No" why not?

Mr O'CONNOR replied:

I thank the Member for bringing the matter to my attention and I will arrange for the matter to be investigated by the Special Schools Crossing Committee.

(1) A decision to place a crosswalk attendant will be made after investigation and consideration by the Road Traffic Safety Authority.

(2) and (3) Answered by (1).

39. HEALTH EDUCATION

Funds

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

(1) Will he advise what moneys were provided from the Consolidated Revenue Fund for health education in the following problems—

(a) alcoholism;

(b) venereal disease;

(c) cancer;

(d) drug dependency;

(e) smoking;

(f) heart disease?

(2) To what organisations were the moneys allotted?

Mr RIDGE replied:

(1) The Health Education Council of Western Australia received a grant of $108 000 for the year 1973-74 from the Consolidated Revenue Fund.

The council conducts a health education programme which covers all the issues listed and Consolidated Revenue Funds are provided for the total programme with the exception of cancer.

Funds for health education on cancer are normally allotted to the Cancer Council of Western Australia, which in turn provides funds for the cancer education programme conducted by the Health Education Council on its behalf.

The Cancer Council received no specific funds for this purpose during 1973-74.

(2) Answered by (1).

40. BYPASS ROAD

Lake Joondalup

Mr TAYLOR, to the Minister for Urban Development and Town Planning:

(1) Has he received representations regarding the siting of the by-pass road at Lake Joondalup?

(2) If so, has he been able to offer any assistance in this regard?

(3) Is he able to say whether he supports the road going to the east or west of the lake?

Mr RUSHTON replied:

(1) Yes.

(2) Only to the extent of advising that the matter is under consideration and that all alternatives and representations will be given earnest consideration.

(3) No. Until I have had the opportunity of studying the submissions and various reports, including that of my department, I think it would be unwise to prejudge the issue.

41. PRE-SCHOOL EDUCATION

Pilot Schools

Mr H. D. EVANS, to the Minister representing the Minister for Education:

Will he list the six schools which have been selected as pilot schools for the proposed pre-school education scheme in 1975?

Mr MENSAROS replied:

Final selection of the 1975 pilot schools has not yet been made.

The Minister's Advisory Committee has made the following recommendations: Montrose, Southwell, West Busselton and Jarrahdale primary schools, and North Scarborough junior primary school. A sixth school is under consideration by the committee.

42. TEACHERS' SALARIES

Relationship with New South Wales

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

Referring to question 36 of 21st August, 1974 regarding school teachers' salaries, is it the Government's policy to continue or break the nexus that exists when dealing with the fixing of salaries?

Mr MENSAROS replied:

This question will not be considered until the time when teachers' salaries come up for review.

43. HOUSING FOR TEACHERS

Geraldton

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

(1) Is the Minister aware of the serious shortage of accommodation confronting single teachers in Geraldton?

(2) Is he aware that six single employees of the Education Department occupy suitable and cheap accommodation at 93 Gregory Street, Geraldton?

(3) Will he consider asking the Government Employees' Housing Authority to pay the rent of this accommodation during the Christmas school holidays to ensure that this facility will be retained for the use of the single teachers located in Geraldton in 1975?

Mr MENSAROS replied:

(1) Yes, and for this reason the building programme for 1974-75 includes one six bedroom duplex and three three bedroom houses at Geraldton.

(2) The Education Department's annual survey of teachers occupying private accommodation is due to be conducted in September/October.

(3) The authority will be requested to consider leasing the accommodation providing it conforms with normal Government Employees' Housing Authority policy and standards.

44. *This question was postponed.*

45. LAND AT SOUTH FREMANTLE

Zoning for Obnoxious Industries

Mr TAYLOR, to the Minister for Industrial Development:

With respect to that area of South Fremantle and Hamilton Hill sited on both sides of Cockburn Road and zoned for obnoxious industrial use—

(a) what is the approximate area so zoned;

(b) what is the approximate area owned or under the control of the Industrial Lands Development Authority;

(c) what is the approximate area owned or under the control of other State and/or Commonwealth Departments;

(d) what is the approximate area of lots on which improvements have been constructed?

Mr MENSAROS replied:

(a) Approximately 163 ha.

(b) Approximately 20 ha.

(c) This information is not readily available in the department; neither can the Town Planning Department supply the information. It would require considerable investigation, including a search at the Titles Office, inquiries at the Lands Department and contact with Commonwealth departments.

(d) Not available in the department but the Member may be able to obtain the information from the local government authority. The only possible source of the information would be from the rating records of the Shire of Cockburn.

46. TABLING OF PAPERS

Definition of "File"

Mr DAVIES, to the Speaker:

In view of his ruling of 13th August, 1974, *Hansard* page 537, regarding tabling of files, can he, for the guidance of members, define what constitutes a "file"?

The SPEAKER replied:

I prefer "a set of papers" as a definition of "file".

In regard to the general subject of tabling of files, I refer the Member to information contained on page 421 of *May's Parliamentary Practice* 18th edition under the heading of "Citing Documents not before the House."

47. ROAD FUNDS

Threat of Discontinuance

Mr BATEMAN, to the Premier:

In view of his statement in *The West Australian*, Monday, 19th August, 1974, on page 21, that the Prime Minister, Mr Whitlam, had written to him to stop Western Australia's monthly instalments of road funds beyond July and August if the Opposition amended legislation, will he table the threatening letter?

Sir CHARLES COURT replied:

I seek leave to table the letter.

The letter was tabled (see paper No. 181).

48. ORD RIVER SCHEME

Hookers Limited Operations

Mr H. D. EVANS, to the Minister for North-West:

(1) Is the report presented by the ABC television programme "This Day Tonight" that Hookers

Limited are intending to terminate their lot feeding operations at Kununurra correct, and has the State Government been informed of this intention?

(2) If so, does the State Government have any alternative plans for the area, and if so, what are they?

(3) What is the total annual cost of the Ord River scheme to the State Government through all charges including subsidies, departmental expenditures, interest on capital works, and any other charges, and would he itemise each?

Mr RIDGE replied:

(1) In common with feed-lot operators elsewhere in Australia, Hookers have been affected by the sudden depression in beef prices. Feed-lot beef which commanded 38c per lb. in the 1973 season at the Wyndham Meat Works is now realising about 20c per lb.

Although generally uneconomic at this level, there are indications of price rises and most authorities anticipate a return to the higher prices in 1975.

The Government has been aware of the difficulties being experienced by the company for some time but Hookers, in fact, are not "pulling out of the Ord"; they are changing their emphasis. They wish to take up other irrigable land away from Kununurra and the cotton crops and concentrate on pasture improvement for supplementary feeding of range cattle.

(2) The State Government is aware that Hookers have planted a portion of their farm to forage sorghum and propose to use this to improve the turn-off of young cattle from their surrounding stations. They also intend to fallow portion to control sorghum almum and with the Yates Seed Company are investigating vegetable seed production with a view to making experimental plantings.

One of the problems of the Ord is the economy of scale. The area is still too small to obtain advantage of bulk transport and shipping. Expansion is needed so that, amongst other things, the port of Wyndham can be upgraded and thus help to reduce off-farm costs. In this regard the State will continue to make representations to the Commonwealth Government for funds to expand the area.

It should be noted that the State Government has complete faith in the ability of the area to eventually become a major food and fibre producing region, and we will continue to give encouragement and financial support to further research. As the Member will be aware, there has been a change in management of the research work at the Ord. Kimberley Research Station is now operated by CSIRO and will continue with basic research whilst the State Agriculture Department will carry out extension work and farm scale research.

We are presently negotiating with the Colonial Sugar Refining Company for further studies on sugar production, and other crops are being studied by various other departments and organisations.

There is still a necessity for the State Government to financially assist the cotton farmers but, recognising that the area has insect control problems, increasing research is being carried out in this direction and the Government is closely examining biological control.

(3) Losses on revenue producing concerns—1973-74 (including charges on capital works)—

	$
Irrigation	1 120 500
Water supply	59 200
Sewerage scheme .... (1972-73 figures as 1973-74 figures not yet available)	32 000
Kununurra hostel	80 500
Airport (State share)	53 600
	1 345 800
Cotton subsidy 1973-74	125 000
Total annual cost to State Government ..	1 470 800

QUESTIONS (3): WITHOUT NOTICE

1. DEPARTMENT OF IMMIGRATION

Leakage of Confidential Information

Mr BRYCE, to the Minister for Immigration:

(1) With reference to his quotations last evening from extracts of the Public Service inquiry into alleged departmental leaks, would he indicate to the House why he tabled only alleged statements made by Mr Trifonuvic and alleged complaints from Landall Holdings?

(2) Will the Minister now table the complete report of the Public Service Board which was held on

the alleged leakage of information from the Department of Immigration?

Mr GRAYDEN replied:

(1) I tabled the papers that the honourable member requested be tabled. He did not ask that any further papers be tabled, but I shall be happy to table the documents from which I quoted.

(2) No.

The SPEAKER: I presume the Minister will table those documents in due course.

Mr GRAYDEN: Yes, Mr Speaker. I have them in my office and I will be pleased to table them.

2. INDUSTRIAL DEVELOPMENT

Pilbara Plan: Tabling

Mr B. T. BURKE, to the Premier:

My question arises out of an answer given by the Minister for Industrial Development to question 11 on today's notice paper. In view of the denial of the Minister for Industrial Development that the Premier's Pilbara Plan existed in a form that could be extracted, can the Premier explain what he hoped to locate by searching files drawn up during the previous Government's term of office?

Will the Premier now admit that his Pilbara Plan does not exist and has never existed?

Sir CHARLES COURT replied:

I thought the Minister for Industrial Development gave a comprehensive and sensible answer to the question asked by the honourable member. The honourable member is taking up a theme song used by his colleagues but which has long since worn out.

Mr Jamieson: That's what you think.

Sir CHARLES COURT: I want to make it quite clear to the honourable member that when a Government is developing something as complex, important, and far reaching as the Pilbara, it does not do it by producing a pretty document. Dozens and dozens of documents go to make up the whole and for that reason no-one in his right mind would ever lay claim to producing a simple document called the "Pilbara Plan".

Mr Jamieson: You said you could if you had the documents.

Sir CHARLES COURT: If the honourable member would just give me a moment, I will finish my answer. I am just getting around to explaining to the honourable member that the previous Minister for Industrial Development declined my invitation to demonstrate to him and his colleagues that the entire concept of the Pilbara was laid out clearly and that the plan was being acted upon. What the present Minister for Industrial Development must now do is to take up where we left off in 1971.

3. INDUSTRIAL DEVELOPMENT

Pilbara Plan: Tabling

Mr J. T. TONKIN, to the Premier:

Is it a fact that before the 1971 election the Premier stated publicly that it was his intention to publish the Pilbara Plan? Did he subsequently announce that publication of the plan would be withheld until after the election?

Sir CHARLES COURT replied:

The point raised by the Leader of the Opposition is substantially correct, but I repeat that one does not publish a plan in one simple document; it is a series of reports and documents. In fact the process is similar to that followed by the town planning people—it goes on like the brook. This is what the Opposition does not seem to understand and it does not want to understand. So I throw back at the Opposition—not a single tonne of ore has been exported, and not a mile of railway exists in the Pilbara as a result of the policies of the Tonkin Government.

BILLS (2): INTRODUCTION AND FIRST READING

1. Stamp Act Amendment Bill.

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

2. Nickel Refinery (Western Mining Corporation Limited) Agreement Act Amendment Bill.

Bill introduced, on motion by Mr Mensaros (Minister for Industrial Development), and read a first time.

FUEL, ENERGY AND POWER RESOURCES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 21st August.

MR SKIDMORE (Swan) [2.53 p.m.]: The Bill before the House seeks to amend the Fuel, Energy and Power Resources Act. The original Bill, introduced by the previous Government, had as its intention, primarily, to provide the means to investigate the best use that could be made of

the fuel, energy, and power resources of the State of Western Australia. The functions of that Bill were to set up a commission which would have the authority "to carry out investigations to determine the demand for fuel and power in the State and the capacity of the State to meet those demands whether from internal resources or otherwise". It also had the function "to institute or promote inquiries to assess the impact of any present or future lack of fuel or power on the development programme of the State or in any specific case".

The commission also had the power "to initiate or promote negotiations, consultations, or other measures to ensure that supplies of suitable fuel and power are available for use in this State in the manner best calculated to further the public interests in all respects". From that I think we may draw the conclusion that the Act was for the purpose of ensuring that, at all times, the people of Western Australia were able to enjoy the comforts of life which would be brought about by the availability of those resources; namely, fuel, energy, and power.

The parent Act, of course, has the concept of providing the wherewithal to Governments to institute an investigation and to carry out feasibility studies to determine whether or not certain functions required by the people controlling those resources were put to the best use for the benefit of the people of this State.

So the Act itself has the genesis of being in the interests of the Western Australian people and I find that I am unable to agree with the present measure which seeks to amend the principal Act. In no way will it contribute to the well-being of the people of Western Australia, especially in regard to the manner in which the Bill seeks to achieve the objectives set down. In his second reading speech, the Minister made the following remark—

> This Bill has been drafted to amend the Fuel, Energy and Power Resources Act, 1972, to provide certain powers to control fuel supplies in emergency situations.

One would not quarrel with that aspect of the Minister's speech. I agree that they should be controlled. We then come to the next part of the Minister's speech which reads—

> It has been framed to provide that, in the best interests of the whole community, present and future sources of fuel, energy, and power are protected in cases of emergency.

So we will have the all-embracing provisions of the legislation covered by an emergency power. The Minister also made the statement that the Bill provided for the maintenance, control, and regulation of energy supplies, and he concluded that statement with the words—

> . . . and services so as to secure the well-being of the community.

So starting with a simple statement of fact that the Minister wished to cover no more and no less than fuel, we now have energy and power added, and the provisions of the Bill will ensure that the supply of fuel and power resources is always readily available to the people of Western Australia.

I find myself, of course, agreeing with the content of the Act but not the manner in which the Minister seeks to amend the Act to ensure that in an emergency situation this power should be granted to a Government.

I would now like to refer to the following statement which the Minister made during his second reading speech—

> This Bill makes provision for the Government to declare a state of emergency in any part of Western Australia provided he is satisfied that by reason of embargoes, disruption of supplies, or for any other reason, the supply of fuel to the community is restricted.

I have objections to the question of embargoes. Members may well recall the international fuel oil crisis when an embargo was placed upon the export of fuel oil by some oil producing countries, causing embarrassment to many countries of the world, including possibly our own. The question was raised as to our receiving crude oil in this country for our refineries. I certainly do not quarrel with that aspect of the Government's intentions. Neither do I quarrel with the power sought following disruption of supply under an embargo on fuel or any other dispute that may arise from that. However I object strongly to the term, "or for any other reason". That term is far too wide in its application and should have a restriction placed upon it. I therefore suggest that the Bill which has been presented to us will be dealt with accordingly by members on this side of the House in the Committee stage and this will possibly overcome some of the objections we have to it.

When introducing the second reading of the Bill, the Minister also made this remark—

> The Bill simply provides power to make the regulation that would be necessary. To be effective in any crisis it is necessary to act swiftly, . . .

At this point I would just like to ask: How effective would be the term "to act swiftly" under the amending Bill before the House? The Government will be unable to act swiftly under the amendment in the Bill which the Government seeks, because it will do nothing more than stagnate the interests of many people connected with the disruption of fuel supplies. It will take away from such people, and from the influential courts and tribunals, the very purposeful power that is available to them to reach the objective the Government hopes to achieve.

I would now like to refer to clause 4 of the amending Bill which seeks to insert a new section to become section 41. It is as follows—

> (1) Where the provisions of this Part of this Act are inconsistent with any of the provisions of any other Act, or of any regulation, rule or by-law made under any other Act, the provisions of this part shall prevail.
>
> (2) Emergency regulations made under this Part of this Act shall have effect notwithstanding anything, whether express or implied, in any other Act or in any law, proclamation or regulation—

Then comes the part to which we object very strongly in proposed new section 41. To continue—

> —or in any judgment, award or order of any court or tribunal or in any contract or agreement whether oral or written or in any deed, document, security or writing whatsoever.

I imagine that if ever anybody has sought to achieve the objective of gaining sweeping powers and being able to control the destinies of many of our people, in a manner which previous Governments have never envisaged, then it is the present Government which hopes to achieve it by the provision I have just read out.

This particular provision overrides all other Statutes which give protection to the working people; it overrides all other Statutes which govern contracts and agreements which may be made between the Government and the oil companies. Those powers become operative if the emergency regulations are made.

Mr Mensaros: I hope the honourable member realises that the provision to which he is referring has been taken verbatim from the Bill which was drafted under the instruction of his Minister.

Mr J. T. Tonkin: But never approved by the then Government under any shape or form. The Minister may wriggle his hand as much as he likes, but it was never approved by that Government.

Mr Mensaros: It has your signature.

Mr SKIDMORE: If it is the intention of members on the Government side to reduce the time for which I am permitted to speak, and to make it difficult for me to present what I believe to be valid reasons that the Act should not be amended in the form proposed by the Government, then no doubt they will achieve their objective by interjections. They will, no doubt, interject on grounds I do not want to discuss, and which are not related to the reasons I want to put forward to show that the amendments contained in the Bill are stupid, ludicrous, unworkable, intangible, and have no place in our industrial life, because these amendments have many failings. I shall turn to those reasons in a few moments.

If members opposite will sit back and relax, maybe they will become better educated to understand the problems which could be forced upon the people of Western Australia, and particularly on the workers, under the stupid regulations and amendments which are proposed.

Assuming that proposed new section 41 becomes part of the Act, the provision will override the Industrial Arbitration Act. Surely within the scope of the Industrial Arbitration Act sufficient control is reposed in the Government to ensure that industrial peace exists and that industrial disputation does not interrupt, or cause the people of Western Australia to be subjected to shortages of, oil supplies.

The Industrial Arbitration Act has stood the test of time. It was amended quite extensively in 1963 by a Government of the same political complexion as the present one. All I can say is that as one of the persons who has had to work under this Act, as amended, some of the amendments did receive approval and gave encouragement to the trade union movement in the industrial field. However, I cannot say the same about the provisions in the amending Bill that is before us. It seems that the members of this Government have forgotten the lesson they learnt in the industrial field and they prefer to get away from industrial arbitration. They seem to think this, "The only way in which we can gain our objective is to hit the worker over the head with a big club. We do not want conciliation, or to try to understand the problems which confront the workers."

One might be led to believe that the Government wants to be able to act swiftly. I believe that the powers already available to the Government under the Industrial Arbitration Act do enable it to act swiftly. I wonder whether the Government has considered the many and varied situations which need to be covered. Let me turn to to the ample control that is provided to the Government under the Industrial Arbitration Act.

I refer to that Act, and in particular to sections 132 to 142A inclusive. These sections appear in part IX which deals with offences. The offences are set out quite specifically. Various sanctions are placed on unions which may step out of line with the Industrial Arbitration Act, and in this regard section 132 provides—

> (1) A person who takes part in a lockout or strike commits an offence against this Act.

Let us consider the penalty that is stipulated in that section for such an offence. Surely the penalty is a sufficient deterrent and no doubt both the Minister and the Government are aware that trade unions can thus be controlled.

Mr Grayden: Do you think—

Mr SKIDMORE: The Minister should not count his chickens before they are hatched. He does not know what I think. Section 132 provides further—

> Penalty: In the case of an employer or industrial union, five hundred pounds; and in other cases, fifty pounds.

Converting the amounts to decimal currency they are $1 000 and $100 respectively.

I believe that in section 132 there is sufficient provision to cover what is ultimately needed to control industrial disputation. How far does a union have to go under the provisions of the regulations, before it comes within the ambit of the emergency regulations? Will a union be allowed to use its industrial strength for the attainment of better wages, and the securing of flow-ons from industrial awards, like the 17½ per cent annual leave loading which was granted under awards within the Federal jurisdiction, and which the employers in Western Australia should rightly have permitted to flow on; but through the devices adopted by the Employers Federation which dilly dallied, the workers of this State were placed at a disadvantage?

Is this the way in which the Government will bring in the emergency regulations? Of course not. There are many more important issues arising out of this amending Bill than that proposition. I have simply quoted section 132 because it specifically deals with the question of strikes.

I want to make it clear that I do not believe, I will never believe, and no-one will be able to convince me, that the right to strike should be taken away from the working man. This is his capital; it is the only capital he has in providing labour. Surely he has the right to withhold that capital from the market place, just as the employer has the equal right, if he so desires, to say to the worker, "I do not want your services any more" and so dismisses him. Even that aspect is covered by the penal clauses of the Industrial Arbitration Act.

There is already an avenue available to the Government to ensure that the industrial trade unions obey the laws of the State of Western Australia, and comply with their normal obligations in the course of their industrial activities; thus providing a guarantee of fuel, power, and energy supplies when they are required.

The opportunity for the Crown to intervene is already provided. There is no question about that. Section 68 of the Industrial Arbitration Act makes the Crown's position quite clear if it wishes to intervene on a matter of interest to the general public. That section reads—

> 68. Where in the opinion of the Minister, the public interest is or is likely to be adversely affected by any industrial dispute or by any award, order, decision or determination of the Court or the Commission, the Crown may intervene in any proceedings before the Court or the Commission as the case may be, and may make such representations as may be thought necessary to safeguard the public interest.

Sir Charles Court: Where does that get you?

Mr O'Neil: When there is a strike there is no action before the court.

Mr SKIDMORE: So the avenue is available to the Government through which it can approach the court or commission in the event of a union holding the State of Western Australia to ransom in respect of fuel, energy, and power resources.

Mr Grayden: Would you support such an approach?

Mr SKIDMORE: I will not take any notice of the Minister. After I make this last and final comment he can waffle on all he likes, because I have turned myself off as far as he is concerned.

Recently the previous Government, now the Opposition, inserted a provision in the Industrial Arbitration Act in an effort to encourage conciliation rather than arbitration. Even under that section the Crown has a right to intervene and it can do so quite easily. Section 108 I (4) (a) of the Industrial Arbitration Act reads—

> (4) (a) The power conferred on a Commissioner by subsection (1) of this section may be exercised for the purpose of preventing or settling an industrial dispute and shall be exercised upon an application made for that purpose by—
>
> (i) any union, association or employer; or
>
> (ii) the Attorney General,
>
> and not otherwise.

For the Government to tell us that this legislation is necessary because it does not have the power to control an explosive situation is a paradox in the extreme, particularly when it is endeavouring to render awards inoperative. Surely the Government is indicating that no awards will be applicable under emergency regulations. The Government is ignoring the fact that it will have struck out of existence during an emergency the very essence of the principle of industrial relations and wage fixation in this State; in other words, the Industrial Arbitration Act. It is ignoring the Industrial Commission. The Government is virtually saying to it, "You are not competent or able to adjudicate in this situation. You do not have the jurisdiction now to deal with this dispute." Where will we finish up? What industrial anarchy will we have when awards disappear?

Does the Government want regulations drafted to defend the unions or workers? If that were the case I might be able to say there is some validity in that argument. That may be a reason for passing the amendments, but is that the intention of the Government, and how would the provisions work? Would they not only add to the industrial chaos with which we would be faced under those circumstances?

The whole sordid business revolves around the question of industrial unions having to seek registration under the Industrial Arbitration Act in this State. Some unions are affiliated in the Federal field. I myself am the secretary of a union which is in that position. It is a Federal union and it is a State union. The Federal union is a branch of the Federal association and it covers workers under Federal awards. Likewise there are State workers covered under the State awards. What will be the position of those workers covered under Federal awards? I do not know whether or not the Government is aware of the problems it will create for itself in regard to the Federal award worker.

Even if I conceded that the Government would have the right to strike out the effects of the Federal award—which I do not concede for one moment—what would be the effect? Those workers would have to front up to very much the same sorts of sanctions which would be applied under our State Act, with the one exception of course that under the Federal Act it would be necessary for what is commonly known as a bans clause to be inserted into the award. That is done only after conciliation and arbitration before a commissioner. If the commissioner is not satisfied that the union is acting correctly by going on strike, he then inserts a bans clause in the Federal award which states that the strike is illegal and the workers should return to work; or he makes whatever order he may deem fit.

I have stated the position briefly, because I do not want to become boring when discussing the legality of the situation. However, if the Minister desires to check on what I have said—and I think he should—he has only to look at the old section 32 of the Conciliation and Arbitration Act of the Commonwealth. I am led to believe that some of the section numbers have now changed, but even as late as 11.00 a.m. today I was not able to obtain any information on these. However, that Act provides the control necessary to be exercised upon workers covered by Federal awards, if the Minister feels that his legislation entitles him to bring those people under his control.

One might ask what powers are available to the Government, assuming that it is able to proceed against a worker under a Federal award. They are covered by part VI of the Commonwealth Conciliation and Arbitration Act. The part is headed, "The Enforcement of Orders and Awards". Section 119 subsection (1D) reads—

> the maximum penalty that may be imposed under sub-section (1.) of this section—

I might add that subsection (1.) is merely the vehicle section to enable people to make their protest—

> —in respect of a breach of a term of an order or award is—
>
> ...One thousand dollars;

The fine for a union which fails to measure up to its responsibility under the Act is $1 000. Surely that should be a sufficient deterrent, or does the Minister feel it ought to be $2 000, $3 000, or $4 000? Is it possible to buy industrial peace in this way? If that is not envisaged I would be very pleased to hear from the Government precisely what it intends to do in regard to the regulations.

Mr Mensaros: It is not in; you have only to read the Bill. There are maximum penalties set out.

Mr SKIDMORE: I find the Minister's remarks hard to hear. If he wishes me to reply to his interjections I would appreciate it if he would speak up, loudly enough for me to hear him. I do not say that in a derogatory manner because he could probably make a worth-while contribution to the discussion.

I am rather surprised that the Government of the day feels that under its amendment it can control Federal unions. I am no legal eagle so perhaps I will need to get my friend, the member for Boulder-Dundas, to extricate me from a legal position in which I may place myself. I was never frightened to jump into a hole with both feet and I will do so now. I believe section 65 of the Conciliation and Arbitration Act makes it abundantly clear that this Government cannot legislate to override the provisions of the Commonwealth Conciliation and Arbitration Act. It cannot make laws which contravene or are inconsistent with awards made under that Act. Section 65 of that Act reads as follows—

> Where a State law,—

I underline that, because it is a pertinent part of the section. To continue—

> —or an order, award, decision or determination of a State Industrial Authority, is inconsistent with, or deals with a matter dealt with in, an award, the latter prevails and the former, to the extent of the inconsistency or in relation to the matter dealt with, is invalid.

Mr Hartrey: Section 109 of the Constitution says the same thing.

Mr SKIDMORE: I thank the member for Boulder-Dundas for his comment; I am aware that section 109 of the Constitution says the same thing and, because of that, Federal awards are sacrosanct. What sort of stupid position will we have under the provisions of the amendment now before us? The Government will be confronted with a double standard. Two awards will cover the workers. The Government will not be able to control one group because it will be covered by a Federal award, but the other group, which works under the State award, will be controlled. However, I ask: Could these workers be controlled? If the control is removed the workers will no longer be covered by the State award. That is precisely what is intended by the amending Bill now before the House. That situation is untenable. It is a possibility which we should not be prepared to accept in the industrial field today.

Let us go to the ultimate of the power which the Government seeks. Clause 4 of the amending Bill provides the overriding power for the Government to take no notice whatsoever of awards, agreements, any order of any court or tribunal, or any contract or agreement whether oral or written, or agreed to in any other way.

With my knowledge of industrial awards I suggest that workers would have no award coverage. The stupidity of the proposed amendments is apparent to anyone with any knowledge of industrial law—and I profess to have a little, not a great deal.

The SPEAKER: Will the member for Morley please sit down?

Mr SKIDMORE: The position could be that we would have a situation where a worker, being in breach of the proposed emergency regulations, could have no award cover once the regulations came into force. I ask those who perhaps can understand industrial law to consider the legal implication of that provision. Does the removal of the industrial cover mean that a worker will have no right to expect protection under a contract of service signed by an employer? Of course, he will have no protection; there will be no contract of service. What about the loss of entitlements to the worker under such a proposition? The employer will have an opportunity to tell the employee that his contract of service has been broken and any accumulated benefits will disappear.

The Minister may smile but he can check the legal implications to see whether I am right. The rights of the worker will be taken away. What about the question of holiday pay? I remind the Minister—if he will do the research necessary to establish my point—to consider the dispute between the meat employees' union and an abattoir whereby the employees returned to work under an agreement to the effect that they would not lose any entitlements due to them. However, those workers were subject to a management decision when some of them were put off because of a recession in the industry. When those workers went along to collect their entitlements they were told that because they had been dismissed as a result of strike action, under the terms of the award their entitlements were lost, notwithstanding the assurance given by the management that that would not be the case.

Surely the same thing will apply in this instance because there will be no contract of service. There must be a loss of entitlement to those workers affected, and the loss could be great. It could extend over a considerable period of time and mean the loss of long service leave entitlement. If the Government is successful in passing these amendments, and has them promulgated and made lawful, we will be in the position whereby the employer could take action as I have mentioned because there would be no award to cover the worker. That is what the Government desires, and that is what the amendment sets out to do. Those are the cold facts with regard to this Bill.

Surely to goodness this is the strangest and most fantastic way for the Government to achieve its objective. I am concerned with the question of industrial unrest. I have spent all of my life in the industrial field and I am aware that most of the unions are responsible and obey the laws of the land. I have no worries at all, and the Minister for Labour and Industry need not feel disturbed because of what I say, or because of anything said about me by my colleagues at Trades Hall. I have stood on my feet in the industrial union movement for many years and I have never had to hide. I have always said what I wanted to say. I believe the unions must obey the laws with regard to industrial affairs.

However, the Government, by its very intentions, fails to accept that principle when it brings forward an amendment as stupid as that proposed in this Bill. I am really unable to understand what it is all about in relation to common industrial relations.

Let us look at the other side; the side of the worker who will not dispute the law and who will not go on strike. How will he be situated? He will not be covered by an award because it will not exist. His contract of service will be taken away. What will be the position then? Will he be given another contract of service?

The provisions of the Industrial Arbitration Act will be removed, so it will not be possible to approach the commission and ask it to arbitrate. It will no longer exist as far as the Government is concerned. This is fact; it is not fantasy or fiction. What will the Government do then? Will the employer establish a new award? The law-abiding worker will carry out his duties in accordance with his

concept of decency towards the community at large. However, he would be at the beck and call of the employer or the Government. That is the sort of situation which the Government will create in an emergency.

If that is the intention of the amendments, then in my opinion the Government will be placed in an awkward position, and in a position different from that which it originally sought. The Government claims that it wants to be able to act swiftly; that is what it is all about. However, how swiftly could the Government act to rewrite an award in a regulation? Is it the intention of the Government to tell the law-abiding worker that he does not have an award and then, to further compound the duplicity, to tell the worker that under the emergency regulations an award would be written and would apply to the worker? Where are we going? How fair dinkum would the Government be in that situation? It is sheer hypocrisy.

It is disgraceful that such a situation should be allowed to develop; but whether we like it or not, that is the position as I see it. Perhaps I will be proved wrong; I am willing to be corrected. I do not desire to mislead the House. I put forward these expressions of view because I sincerely believe them to be true. I have done research into the matter and I have worked for 15 or 20 years in the field about which I am speaking. What I say is said in all sincerity and is truthful.

What will be the position of the worker who is sacked? Could he be sacked? Could a worker be dismissed in a time of emergency? That can happen only if the regulations so provide, because he will not be covered by any award. Let us assume the Transport Workers' Union is involved in disputation and the union is named in the regulations. Let us assume the disputation also involves the railways, in which case the locomotive drivers' union and the Western Australian society of railway engineers' union will also be named. Will working conditions be established for the members of those unions? There will be no award; that will have been taken away. So two new awards will have to be made under the regulations.

It has taken many years of patience, understanding, and industrial disruption since 1904 for learned commissioners of the industrial courts of Western Australia to establish sensible industrial awards; but the Government expects to make them at the stroke of a pen, and to overcome all the difficulties and disadvantages experienced under the Industrial Arbitration Act by promulgating a regulation.

The SPEAKER: The honourable member has five minutes more.

Mr SKIDMORE: I wonder whether that objective can ever be achieved. If it is achieved, the Government will have found the panacea for industrial ills not only in Western Australia but in the entire nation. Does any Government envisage that such control can be exercised by anybody? If the Government has found the secret, this country will owe it a debt of gratitude. But I say, without any malice aforethought, that because of the intent and purpose of the Bill and its sheer stupidity, it just cannot work.

Surely to goodness the Government can rely upon the other legislation which is available to it in the event of disputation. Why does it not use that Act? Respective Governments have drawn up legislation to control the industrial movement, but the present Government ignores it. In these circumstances, it is intolerable for the Minister to say to me, or to any other member on this side of the House, that what he proposes is a good approach to industrial problems.

It is time the Government realised it is not necessary to belt the worker over the head with a big stick in order to achieve its objectives. Such a course has never been successful—at least not in my time in the industrial movement—and I am sure it will not meet with any success in the future. The questions I have raised in this House are valid. I believe the Government of the day would be far better advised to withdraw this amendment to a good piece of legislation which gives the Government the right to look after fuel and energy resources and deal with the matter of research, in respect of which some people and companies may be holding us to ransom. That was the intention of the parent Act—not to assume emergency powers which are dealt with in the Industrial Arbitration Act under which commissioners have been appointed to carry out that function. Likewise, under the Federal Conciliation and Arbitration Act the Federal commissioners are able to adjudicate and look after the interests and welfare of workers.

All I can say is it is a tragedy. In fact, if it were not so serious I would say the amending Bill proposed by the Government is farcical.

MR T. H. JONES (Collie) [3.34 p.m.]: Just a week ago the Minister for Fuel and Energy introduced into this House a Bill to amend the Fuel, Energy and Power Resources Act which was brought down by the previous Government. We on this side of the House strongly oppose legislation of this type, and I am sure I voice the sentiments of the entire trade union movement in Western Australia. In the time available to me, I hope to illustrate many of the shortcomings of the proposed legislation.

The Minister who is in charge of the Industrial Arbitration Act is the Minister who should be handling the Bill. The Government's method of amending the provisions of certain Acts of this Parliament leaves me dumbfounded, to say the least.

The Minister for Fuel and Energy was obviously interviewed by a reporter from *The West Australian* newspaper outside Parliament House last Thursday evening, and if he is correctly reported there is no doubt in my mind what the Government's intention is in seeking to amend the Fuel, Energy and Power Resources Act.

As the honourable member who has just resumed his seat has said, if the Government wants to get at the trade union movement it should adopt the right process and amend the Industrial Arbitration Act. The Fuel, Energy and Power Resources Act is not the legislation in which to try to confine the activities of the trade union movement and suppress certain unions in Western Australia.

Following the interview with the Minister on Thursday, last Friday's issue of *The West Australian* newspaper carried the following report—

> Outside the House, Mr Mensaros said that last week's transport strike was an example of fuel shortages causing hardship and disruption.
>
> The Government was proposing the legislation to give powers to counter such industrial action—

Note the words "industrial action". It continues—

> —and to minimise its adverse effects on the community.

So it is quite clear—and the Minister admitted it on being questioned by reporters from *The West Australian* newspaper—that the intention is to circumvent industrial action. The Minister can deny making that statement if he wishes. He is very quiet so I take it he agrees that the report of his interview outside the House last Thursday evening is correct.

That being the case, it is quite obvious to us on this side of the House that the Bill under discussion is a way of getting at the unions in Western Australia. If the Government were dinkum, I would say it should be amending the provisions of the Industrial Arbitration Act rather than interfering with the Fuel, Energy and Power Resources Act, which was designed purely to deal with shortages of fuel in Western Australia.

Reference to *Hansard* will show that when the Fuel, Energy and Power Resources Bill was introduced into this House it was applauded by the then Opposition. Reference to *Hansard* will also show that when the Minister for Electricity introduced emergency regulations last year the then Opposition applauded the Government's initiative in being the first Government in Australia to bring in such emergency provisions. The position has not changed. As far as fuel supplies are concerned, the position is no worse today than it was then. If the Opposition at that time felt strongly that the legislation introduced by the Minister for Electricity did not go far enough, why did it not speak up in the Parliament when the Bill was introduced?

Mr Mensaros: To which one are you referring?

Mr T. H. JONES: The last Bill introduced to amend the Fuel, Energy and Power Resources Act in relation to the continuity of fuel supplies.

Mr Mensaros: I do not know that any such Bill was introduced.

Mr T. H. JONES: Reference to *Hansard* will show it was introduced. I wonder why the Government chose the Minister for Fuel and Energy to handle this Bill?

Sir Charles Court: Who else?

Mr T. H. JONES: Does the Government think the Minister for Labour and Industry has not the ability to handle the industrial scene in Western Australia? It is quite obvious to us that he is totally incompetent to handle the industrial scene and the provisions relating to industrial arbitration.

Sir Charles Court: Why did your Government have a Bill drafted to amend the Fuel, Energy and Power Resources Act?

Mr May: I'll answer that in the Committee stage.

Sir Charles Court: Wasn't it approved by Cabinet?

Mr May: No, you prove that it was.

Mr Jamieson: We just looked at the minutes.

Mr T. H. JONES: I want to assure the Premier that this Bill never reached Caucus. Our system is probably different from the system followed by the present Government. All legislation which we brought to this Parliament had been approved by the State Parliamentary Labour Party. This Bill never reached the State Parliamentary Labor Party, and I do not know whether or not it was ever considered by the former Government. I do know that had the Bill been discussed in Caucus it would have been opposed strongly by the Labor Party back-benchers. So do not let the Government try to pull the wool over our eyes by saying that the Tonkin Government meant to introduce this anti-working-class legislation. This is one of the worst pieces of industrial legislation I have seen during the time I have been associated with the trade union movement in Western Australia, which is a very long time indeed.

The legislation is designed to override all industrial Statutes and awards in Western Australia—it is an all-powerful Bill, to say the least. Certain industrial fields in this State have their own experts. The Industrial Commission and other industrial tribunals were set up to control

specific industries. I wonder whether the Minister, under the powers which the Bill will give him, will be competent to handle the coalmining industry. This is looked upon as a specialist industry, not only in Western Australia but in all parts of the world. This legislation provides that in an emergency, if it is felt that the coalminers are not doing the right thing—irrespective of awards and irrespective of safety—the Minister of the day, apparently, will have the right to override the provisions and conditions decided upon by the Western Australian Coal Industry Tribunal.

We are yet to see whether the trade union movement will accept this legislation. In principle it is similar to the Crimes Act which was introduced by the former Federal Liberal Government and followed by parallel legislation introduced by the Liberal Government in Western Australia. We have seen other attempts to introduce similar legislation, but it cannot be denied that the Crimes Act has been a dismal failure. No Government is prepared to take on the trade union movement, and I can see this legislation will suffer the same fate. I want to warn the Government that the trade union movement in Western Australia will not sit by idly and see workers and individual unions penalised under the provisions of this legislation. The Government might think it is easy to bring in legislation of this sort and get it through the House because it has the numbers, but it will find it is another thing to implement it.

Mr Coyne interjected.

Mr T. H. JONES: The honourable member is very good at sitting back and talking. Let us hear him on his feet.

Mr Jamieson: They are the only two things he can do at once—sit down and talk.

Mr T. H. JONES: This Bill contains provisions for penalties which can be imposed on individuals or unions. I suggest the Minister for Police and the Minister for Justice should set about planning more gaols for Western Australia—if this legislation is implemented there will not be room in the prisons to hold the workers of Western Australia. Do not think the workers will sit back and let people search their houses without a warrant. This legislation will give the police very broad powers.

Sir Charles Court: What are you trying to do—incite the people?

Mr T. H. JONES: I am trying to point out that this is Gestapo-type legislation.

Sir Charles Court: Where is this provision in the legislation?

Mr T. H. JONES: It cannot be anything else but Gestapo-type legislation.

Sir Charles Court: It might be under Governments of your kind, but it certainly won't be under this Government.

Mr T. H. JONES: The Government should do the manly thing—it should amend the industrial arbitration legislation to include these provisions rather than attempt to implement them under the guise of another Statute.

Sitting suspended from 3.45 to 4.04 p.m.

Mr T. H. JONES: Prior to the afternoon tea suspension I was referring to the attitude of the trade union movement of Western Australia and saying that it is totally opposed to the provisions of this Bill. We term it industrial legislation. It cannot be denied that it is industrial legislation; even the Minister himself admitted this in the statement he made outside the House last Thursday evening. I would have assumed that had the Government wanted to control the unions in any way the natural way to do this would be to amend the Industrial Arbitration Act.

It will be recalled that during the term of the Tonkin Labor Government we attempted to introduce a number of measures which the spokesman for the Opposition, the present Minister for Works, described as being in the opinion of the then Opposition matters which should rightly be referred to and determined by the Industrial Commission. The Bills to which I refer are those which were designed to increase the amount of sick leave for workers, to reduce the qualifying period for long service leave, and to increase annual leave.

I do not think the Minister for Works will deny this, because at the time he expressed quite strongly in this Parliament the opinion that those provisions should be determined by the industrial machinery set up by the Parliament to determine such issues.

Mr O'Neil: As working conditions and not as pieces of legislation.

Mr T. H. JONES: In my opinion this Bill is getting at the workers; and the Minister for Fuel and Energy has not denied this. He said so in the statement attributed to him which I read out previously; and I think at that time the Minister was not in his seat. To me this Bill is like the talked about highway patrol Bill. I know I cannot speak on traffic matters while I am speaking to this Bill; but I must say I am looking forward to seeing the form in which the highway patrol legislation will be introduced. In my opinion, if the Minister's statements are correct, he is getting himself into a horrible mess, to say the least.

The Minister for Fuel and Energy is reported in this afternoon's issue of the *Daily News*—and he may deny this if he wishes—as saying, under the heading of "Mensaros defends Bill"—

> The legislation is not aimed at strikes but is intended to deal with any emergency," the Minister said.

I would like to hear his definition of the word "emergency". This measure according to the Minister has nothing to do with strikes. That being the case, I look forward to the Minister agreeing to the amendments placed on the notice paper by the Opposition. The Minister referred to the legislation in South Australia.

Mr O'Neil: On what page is that?

Mr T. H. JONES: It is on page 16.

Mr O'Neil: The sporting page?

Mr T. H. JONES: If the Minister reads the paper—and I suggest that he does—he will see that what I have quoted is correct.

The SPEAKER: I hope he does not hold the newspaper high in front of him.

Mr T. H. JONES: To return to my point: If this is the situation, then I expect the Minister will go along with our suggestion—and obviously he would have studied the amendments on the notice paper—to incorporate the provisions contained in the South Australian Act, because further on in the Press report it is stated—

> Mr Mensaros said the South Australian Premier, Mr Dunstan, had introduced a Bill which had much wider powers than the WA Bill.

Mr Mensaros: That is so.

Mr T. H. JONES: If that is the situation, let us examine the point. Under the provisions of this Bill a state of emergency may be declared without any reference to Parliament; and the control of that emergency is vested in the Government, and particularly in the Minister. Of course, in South Australia we have an entirely different set of circumstances. The Parliament there is informed of the industrial situation and the reasons for emergency regulations being brought into operation. A brief reference to the South Australian Act shows this to be so. I refer members to section 5, which states—

> 5. (1) Where a state of emergency exists the Governor may, subject to subsection (3) of this section, make such regulations in relation to any matter, thing or circumstance arising out of the state of emergency as in the opinion of the Governor are necessary for the peace, order and good government of the State and any such regulations may provide for and prescribe penalties not exceeding, in each case, five thousand dollars or imprisonment for six months or both, for the breach of a provision of the regulations.
>
> (2) Regulations made under this section—
>
> (a) shall forthwith be published in the *Gazette*;
>
> (b) shall have effect as if they were enacted in this Act;
>
> and
>
> (c) shall have effect notwithstanding anything inconsistent therewith contained in any enactment, other than this Act, (whether that enactment was enacted before or after the commencement of this Act) or any instrument having effect by virtue of any such enactment.
>
> (3) Nothing in this section contained shall be held or construed as empowering the Governor to make regulations—
>
> (a) imposing any form of industrial conscription or prohibiting any person from undertaking any work whether that work is remunerated or not;
>
> or
>
> (b) making it an offence for any person to take part in a strike or peacefully to persuade any person or persons to take part in a strike.

No-one can tell me that the measure now before the House is as broad as that South Australian legislation. The Bill before us is a lot of hogwash; and the Minister can deny that if he likes. When we reach the Committee stage and discuss the amendments the Opposition has foreshadowed, we will look forward with interest to see whether the Minister's attitude will be consistent with what is expressed in the *Daily News* today. If his attitude is consistent, we may end up with provisions similar to those of South Australia.

The Minister said he is not worried about strikes; he is worried about other matters outlined in the newspaper article. That being the case, if he is a responsible Minister—and I suggest he is—he will have no alternative but to agree to the propositions we have advanced.

I quote now section 5(4) of the South Australian Act—

> (4) Regulations made under this section shall be laid before both Houses of Parliament as soon as may be after they are made and shall expire after the expiration of seven days from the day on which they were so laid unless a resolution is passed by each such House providing for their continuance.

The above situation is totally different from that with which we are confronted at the moment. Under the provisions before us the Minister's emergency powers may be exercised for six months. In South Australia if the state of emergency lasts more than seven days the Parliament is called together in order that members may be fully informed of the reasons considered by the Government to be necessary to introduce emergency regulations.

That is a totally different proposition from the type of legislation the Minister is asking us to accept in this Parliament. Is it any wonder that we are strongly opposing this legislation? In my opinion, the last paragraph of the reported comments of the Minister is laughable. It reads—

> He was sorry that the WA Opposition had reacted as it did. Both sides acknowledged that emergencies could appear.

Of course emergencies could appear. I should like the Minister to give an assurance to the House that he will agree to the amendments, which are based on similar conditions contained in the South Australian legislation, and if we receive that assurance we might consider this Bill in a different light. However, I notice that the Minister is very quiet. He will not indicate his agreement because, possibly, he has received his instructions from the Premier as to how far he can move in relation to these matters. In the light of his attitude expressed in the *Daily News* today, I challenge the Minister to be consistent and support the amendments before the House.

I wonder how these provisions will be enforced. Is the Minister going to override industrial awards and authorities, established by skilled industrial leaders and arbitrators? For example, take the position in the coalmining industry. I do not think it will be denied that coal is a very important fuel in Western Australia today. Due to the climatic conditions the Western Australian Coal Industry Tribunal has determined there will be no night shift work on the removal of overburden in Collie. I presented a submission opposing night shift work and was supported by a union leader who has long experience in the coalmining industry.

The provision requiring union members to work night shift was not included in the new award. However, if a shortage of coal occurs, or there is an embargo on fuel, will the Minister override this decision and inflict penalties on the workers who refuse to work night shift? These are the questions I would like answered. It is clear that clause 4 of the Bill which will insert a new section 41 into the Act will give the Minister sweeping powers. Clause 4 states—

> 4. The principal Act is amended by inserting after section 40 a new section, to stand as section 41, as follows—
>
> 41. (1) Where the provisions of this Part of this Act are inconsistent with any of the provisions of any other Act, or of any regulation, rule or by-law made under any other Act, the provisions of this part shall prevail.
>
> (2) Emergency regulations made under this Part of this Act shall have effect notwithstanding anything, whether express or implied, in any other Act or in any law, proclamation or regulation or in any judgment, award or order of any court or tribunal or in any contract or agreement whether oral or written or in any deed, document, security or writing whatsoever.

It cannot be denied that this new section will provide the Minister with sweeping powers and will enable him to override every industrial authority in Western Australia. Why should this power be vested in one man?

Further on in the Bill reference is made to the state of mind of the Minister. If the Minister is in one mind one day he will make a certain decision but if he is in a different humour the next day we can expect another decision; it will all be done according to how the Minister feels.

Mr Hartrey: And he is feeling pretty bad today.

Mr T. H. JONES: This is bad legislation. What does the Government intend doing once this legislation comes into effect? Will it override all the industrial awards? The Minister is very silent on this point, but it is clear that this is the sole purpose and intent of the Bill. When in Opposition, the shadow Minister for Labour and his colleagues were great spokesmen for the industrial machinery of this State. Time and time again they stood and drew the attention of the people of Western Australia to the industrial machinery and said to the workers in the oil and transport industries, "Go to arbitration." That is all we heard in the three years we occupied the Treasury bench.

Now, of course, we see a completely different set of circumstances where the Government intends to override all the industrial authorities of Western Australia. The Minister, in conjunction with the Governor and the Attorney-General, by way of appeal, will become the all-powerful body in Western Australia. He will determine what the unions and the workers will do. Of course, if they do not obey the order, heavy penalties will be imposed and sanctions applied under the terms of this legislation.

This is the worst piece of industrial legislation I have ever seen. If the Minister wants certain powers to be vested in a certain body, why does he not give the powers to the Industrial Commission? The industrial machinery of this State has been established to handle industrial problems —this has been recognised by both sides— and if it is good enough for members opposite to say to the workers and the unions, "Go to your industrial machinery", surely future disputations should be resolved by that machinery. In my view, this is dictatorial legislation.

I am not surprised that the Minister for Fuel and Energy has been charged with the responsibility of introducing this Bill because when on this side of the House, together with the member for Bunbury, he was the most anti-union member in the State Parliament. It is not surprising that the Premier saw the writing on the wall and took the responsibility for this Bill away from the Minister for Labour and Industry—who, heaven knows, is in enough trouble anyway—and placed it in the hands of the Minister for Fuel and Energy.

Mr Grayden: It is the member for Ascot who is in trouble.

Mr T. H. JONES: No, the Minister for Labour and Industry is the one who has the problems.

Mr Grayden: Stick to the truth for a change!

Mr T. H. JONES: We will see about that one!

Mr Jamieson: You squibbed it on a Royal Commission.

Mr T. H. JONES: I have been a trade unionist myself and I warn the Government that the unions will not take this sitting down. It will be interesting to see whether the Government of the day will be game to put into effect the provisions of this legislation.

Sir Charles Court: Why are you making such a song and dance about this instead of speaking to the main purpose of the Bill?

Mr May: This is the main purpose.

Mr T. H. JONES: Why interfere with the award of an industrial union? Neither the Premier nor the Minister for Fuel and Energy should have the right to set up a separate industrial commission. I am certain this will bring about industrial disputation. Therefore why not allow the existing industrial machinery to handle such cases should they arise? If that were done I would then say the Government would be acting in an honourable fashion, but in my opinion this is dishonest legislation.

Sir Charles Court: Do you want the people to have fuel and energy so that the community can be serviced and looked after by being supplied with food, clothing, and heat?

Mr T. H. JONES: Why give one man power to override an industrial award?

Sir Charles Court: He does not get the power to do that.

Mr T. H. JONES: I noticed that the Minister for Fuel and Energy is now sitting next to the Premier but he has not answered one question that I put to him in the House this afternoon.

Sir Charles Court: You are ranting! Just simulated rage. We had all this during the debate on the Industrial Arbitration Act some years ago.

Mr T. H. JONES: The Premier can waffle on as long as he likes. He has the numbers in this House and it is easy to introduce legislation, but to enact it and to put it into operation are two different matters. When the workers demand wage justice, the Government says, "Go to arbitration." Why is not the Premier dinkum? If he wants these provisions enacted he should introduce an amending Bill to insert them in the proper Statute, which is undoubtedly the Industrial Arbitration Act.

The shortage of fuel is another question. All members must be concerned about the economic position of this State which is affected by the existing fuel situation. Therefore why is not the Government dinkum? Why does it not deal with the question of fuel supplies under a separate Bill, and deal with industrial matters under the Industrial Arbitration Act? I think I have said enough about that.

Mr Grayden: Hear, hear!

Mr T. H. JONES: The Minister has his hands full already without saying "Hear, hear."

Sir Charles Court: He is in complete command of the situation.

Mr T. H. JONES: He is in complete command after the Premier tells him what to do. He is regimented by the Premier in much the same way as is the Minister for Fuel and Energy. The Premier has them in such a position that they are not game to open their mouths. When the Ministers are asked a question without notice, and they are not sure of the answer, they do not open their mouths to answer it, but merely say, "I will get some instructions from the Premier." They are all frightened to move. We obtain certain information as a result of leakages from the Cabinet, and no-one could suggest that the Government is happy and that everything is rosy in the Liberal-National Alliance coalition.

I now turn to the provisions contained in clause 6 of the Bill. This clause seeks to grant power for a period of six months. If the Minister wishes to refer to the provisions in the South Australian legislation, why does he not incorporate those provisions in this legislation and so permit Parliament to be fully informed of the situation in Western Australia? Surely we are the representatives of the people and we have a right to know the situation in regard to oil and power supplies. If the Minister thinks the South Australian provisions are so sound he should agree to bringing them before Parliament so that it will be fully informed and will be able to make up its mind accordingly from time to time.

In my view, if this Bill is passed, it will lead to the engagement of scab labour in Western Australia. Time will prove

whether I am right or wrong. Of course, the Government would like to drive a wedge through the trade union movement so that it could engage scab labour; there is no doubt about that.

Mr Coyne: Yet you expect the people of Western Australia to put up with it.

Mr T. H. JONES: The member for Murchison-Eyre should be manful and get up on his feet to make his speeches instead of making them sitting down.

Sir Charles Court: What is this "manful" business?

Mr Jamieson: It is about time some of you over there showed some manliness.

Sir Charles Court: We will speak in our time.

Mr T. H. JONES: Clause 12, which seeks to insert new section 49 in the Act, also concerns me because it commences with the words—

> Emergency regulations made under this Part of this Act may confer upon any Minister of the Crown the power . . . .

Why is that provision necessary? The Minister for Fuel and Energy is in charge of this legislation, yet here we have a provision in the Bill which enables him to delegate his powers to other Ministers. If he is to be so skilled as the Government thinks he is in solving all the industrial problems in Western Australia, and if he is to be consistent, why is it necessary to include in this Bill a provision which will enable him to delegate his powers to another Minister? I would like to hear the Minister on this point.

Mr Mensaros: This is a very good question. I queried it myself, because it was in the member for Clontarf's draft and I got a good explanation.

Mr T. H. JONES: We hear a lot about this draft and in regard to that one of our former Ministers will be answering the Minister in full. Our Australian Labor Party is a very democratic organisation and I am confident that we would not have accepted this piece of legislation.

Mr Jamieson: Nothing like this piece of legislation was ever contemplated. The Minister is drawing a lot of red herrings across the trail with all the smells associated with them.

Mr T. H. JONES: I am glad to hear that from the Deputy Leader of the Opposition, because I could not imagine our Government coming to the Parliament with this legislation.

Mr Mensaros: This discussion means that it has never been brought into your party room or discussed by Caucus.

Mr T. H. JONES: If this Bill had been passed by Cabinet it would never have seen the light of day in Caucus. All pieces of legislation must be agreed to by Caucus.

Mr O'Neil: We know that.

Mr T. H. JONES: Our party is democratic and its members can have their say in the Caucus room. By a majority we then determine what legislation shall be brought to Parliament. I repeat that I could never see the Caucus of the Australian Labor Party agreeing to this anti-working-class legislation which is before us now.

Sir Charles Court: What happens if someone does not agree with the Caucus decision and decides to vote against it?

Mr Jamieson: Exactly the same as happens to a member of the National Alliance under its rules. Exactly the same!

Mr McPharlin: They do not get expelled.

Mr Jamieson: They do! You read the rules again! The Minister can't read.

The SPEAKER: Order! The member for Collie.

Mr T. H. JONES: Our party is no different from a golf club or a football club. Often we have a divergence of opinion, but once a decision is made it is binding on Caucus. Anyone who is truthful will agree that under our democratic system this is the way in which golf clubs, bowling clubs, the Farmers' Union, and other organisations operate; that is the only way they can operate successfully in our society. If anyone can tell me of a better system I would like to hear it.

Sir Charles Court: I shall tell that to the caucus of the football club I support, and hope that it wins next Saturday. I was wondering what was wrong with the team!

Mr T. H. JONES: What concerns me is the state of mind of the Minister, as referred to in the provision in clause 13 of the Bill. If anyone can tell me what that provision means I would like to hear him. The clause seeks to insert a new section as follows—

> 50. The powers of the Minister under this Part of this Act may be exercised on his behalf by any person for the time being so authorized by the Minister, and where the exercise of those powers is expressed to depend on a discretion or state of mind of the Minister that reference shall be read as if it referred to a discretion or state of mind of the person authorized to exercise those powers.

We are not dealing with the overriding of industrial awards and decisions, but with the state of mind of the Minister. It appears that the Minister will overnight become a hypnotist, and be able to delegate his thinking to the person authorised. What a lot of hogwash that is to be included in legislation of this nature! It is clear that neither the Minister nor the Government has given very close consideration to the Bill now before us.

The Bill contains one funny provision, and it should be included in the comic strip of next Sunday's newspaper; that is, an appeal against a decision of the Minister will be made to the Minister. That is the most stupid provision I have ever heard of. It is contained in clause 19 and is as follows—

> 56. A person aggrieved by any act done or omitted, or any decision or order made, or any direction given, pursuant to the implementation or purported implementation of the provisions of this Part of this Act may appeal in writing to the Minister in the prescribed manner, if any, and the Minister may thereupon, in his absolute discretion, take such action as he thinks fit and effect shall be given to the determination of the Minister.

I interpret it to mean that when the Minister makes a decision under the provision in proposed section 41, and someone is aggrieved with the decision, he has to fill in an approved form and ask the Minister, "Will you hear an appeal against a decision you have made?"

Has anyone seen a provision as stupid as this one? This is legislation which is supposed to be enacted by responsible people, yet it contains a provision which gives the right of appeal against a decision of the Minister to the Minister himself. What is even worse, the decision of the Minister on the hearing of that appeal is to be final.

I ask: Would any Minister allow an appeal against a determination he himself has made? This is like a judge in a court making a decision and saying to the party concerned. "You are not permitted to make an appeal to any court, but you can come back to me with an appeal and I will consider whether I was right or wrong. If I was not wrong the judgment will stand, but if I was wrong there is nothing more you can do about the matter."

Surely that is not a proper course of appeal. It does not provide adequate protection to the party affected. We should not agree to that provision being passed. Of course. I am referring to the provision in clause 19 of the Bill. If what I have said is not the intention of the Minister, then I would like to know what is the intention. That is the way I interpret the provision, and I am sure the member for Boulder-Dundas agrees with my interpretation. That is the only interpretation which can be placed on the provision.

The SPEAKER: The honourable member has five more minutes.

Mr T. H. JONES: I was just getting warmed up. I refer finally to clause 21 of the Bill which contains the following provision—

> 58. (1) A prosecution for a contravention of this Part of this Act, or of any regulation made thereunder, shall not be commenced without the consent of the Attorney-General.

We know what goes on in Government circles. If the Cabinet of the day includes an Attorney-General, then all the Minister has to say is, "I want to do a certain thing" and what he has in mind will eventuate.

In view of what the Minister has said, as reported in *The West Australian* and the *Daily News* of today, we will see how dinkum he is in relation to this provision. If the South Australian regulations are acceptable—and the Minister has implied they are—then he will go along with our proposition that parts of the South Australian legislation should be embodied in the Bill before us. He has clearly spelt out that intention in the report appearing in the *Daily News*, and we are looking to him to be consistent in the matter.

All of us in this Parliament have a duty to protect the interests of the citizens of this State, and also to protect human rights. I am wondering whether this legislation does protect the ordinary individual in the street. I have grave doubts about that. This is sweeping legislation; it contains some of the most stringent provisions affecting the industrial sector. I am sure it will not lead to harmony within the trade union movement. The opposite will apply, and by introducing this legislation the Government is looking for trouble.

Most people including those in the trade unions are against this legislation. I should point out that even the Fremantle waterside workers can be penalised. A dispute on the waterfront could arise over safe working conditions, but that aspect is not covered by the legislation. I saw a similar disputation arise in Collie in 1949 concerning safe working in the mines, which resulted in the whole State being put in darkness for a period. That was when the Bullfinch miners refused to drive the pony Red down the mine. In a similar case would the Minister call the police, the Army, or the Navy in to work the mines? What would happen if in the final analysis the miners are proved to be right, and it is regarded as a safety issue? This is not an industrial dispute.

Is the Minister saying that he is competent to intervene in issues related to safe working conditions? I do not think he should be given the power to exercise that very important function.

Before I conclude I want to indicate that the Waterside Workers' Federation passed unanimously a resolution submitted to the annual general meeting of the branch of that union on the 21st August at Fremantle oval.

The SPEAKER: The honourable member has one more minute.

Mr T. H. JONES: I might just have time to read the resolution. I would like it to be recorded. It is as follows—

> That this branch of the Waterside Workers Federation views with deep

concern the action of the State Government in its totalitarian action in attempting to shackle trade unions or members thereof.

This meeting declares that the full force of the trade union movement should be used to defeat this legislation and recommend that action should be taken by the Trades and Labor Council including public meetings to protest against this obnoxious legislation.

Copies of this telegram containing the above information have been sent to Hon. J. T. Tonkin, Leader of the Opposition, and C. H. Fitzgerald, General Secretary, Waterside Workers Federation of Australia because if this legislation is passed by this Government we foresee nothing but continuous industrial action and unrest.

I conclude my speech on that note, and I give a warning to the Government if it intends to proceed with the legislation in its present form.

Sir Charles Court: Are you representing the Waterside Workers' Federation?

MR O'NEIL (East Melville— Minister for Works) [4.40 p.m.]: By virtue of the rules of debate the Minister who introduces a Bill does not have an opportunity to speak again until all members desiring to do so have participated in the debate; so I am taking the opportunity to put the debate back onto the right course, I hope.

Mr Jamieson: It will be the first time in your life, then.

Mr O'NEIL: There would be no-one in this Parliament or any other Parliament in Australia, for that matter—with the possible exception of the South Australian Parliament—who does not recognise the fact that there is a serious loophole in the laws of the country, especially in cases of emergency.

The Commonwealth refers to natural disasters. Quite recently I attended a meeting chaired by the Minister for Defence relative to civil emergency. At that meeting an announcement was made that the Commonwealth had set up a natural disasters organisation. Members will be aware that the matter of civil emergency has been vested in the Minister for Works.

Mr Jamieson: The way you are going they need to centralise it in this State.

Mr O'NEIL: It has been vested in the Minister for Works because he and perhaps the Minister for Housing have at their disposal—in this case it is the same person—a great deal of expertise in regard to the Public Works Department and the like to handle what could be regarded as natural disasters; that is, earthquakes, flooding, and the like.

At the meeting I attended, a great deal of consideration was given to the need for legislative authority. The Commonwealth has no power to declare a state of national emergency under this particular Act and I doubt whether it has any power other than that provided in wartime when it introduces special legislation.

New South Wales does have, because it has civil emergency legislation under which the Government of the day has the power to declare an area a disaster area and to introduce emergency procedures which give a great deal of power to the director in order that he might abate the problems occasioned by the disaster. Those powers are very sweeping—as sweeping as the powers contained in the legislation in South Australia. By the way, the South Australian Legislation deals with general emergency situations and gives the Government of the day the right to request the Governor to declare a state of national emergency.

Mr J. T. Tonkin: For a very limited period.

Mr O'NEIL: For seven days, I think it is.

Mr May: That is right.

Mr J. T. Tonkin: And then Parliament is in control.

Mr O'NEIL: However, there could be some problems if after, say, the 31st January—as was the case this year—there is neither a Legislative Assembly nor members of the Legislative Assembly.

Mr May: Provision is made for that situation.

Mr O'NEIL: That is by the way. I am making the point that problems do occur in relation to giving virtually supreme power to the Government of the day in order that it might cope with these particular emergent situations.

It is very difficult. The Federal Minister for Defence said that the Federal Government was looking at legislation, but that it, too, appreciated the problems mainly because of the sort of argument which will take place in Parliament. No matter what Government introduces the legislation the Opposition is bound to oppose the vesting of powers in people it believes hold views opposite to its own. That is a very great problem; but I do not think any of us could deny that at times there is a need for someone to have power to make decisions on the spot which may, to a very limited degree, interfere with civil liberties, if that is the word, but which are necessary for the safety of the individuals concerned.

For example if a serious flood occurred in Western Australia and some people refused to leave their dwelling which was theatened by flood waters, thus endangering not only their own lives, but also the lives of their children, nothing could be

done to make them leave. That experience was faced in Queensland although it has not occurred here.

However, during the recent floods in Carnarvon some of the old folk were very reluctant to leave their dwellings which were in dire danger of being destroyed by flood waters. At such a time they do not think clearly and one can understand that. The only home they have ever had is threatened. They have worked hard for it; they are old; and they do not want to leave. However, because they stay there and no-one has any power to move them, they endanger not only their own lives, but the lives of the people who are trying to help.

That is one simple example, but there are many others. For instance, if a great fire occurred in a city—

Mr B. T. Burke: No-one has any objection to those examples.

Mr O'NEIL: I am trying to get members back to the purpose of the Bill. When I first spoke I said that we had been arguing about only one aspect.

Mr B. T. Burke: And that is the only aspect we wish to debate.

Mr O'NEIL: I want to get the House back onto the track, so let me continue. There is no doubt that in a case of a fire in a city someone may have to take it upon himself to declare a certain area to be destroyed to provide a firebreak necessary to prevent the fire devastating the whole city.

Mr May: The fires will start only from now on?

Mr O'NEIL: No.

Mr May: Fires have been occurring for years.

Mr O'NEIL: The ex-Minister is as silly now as he was when he was a Minister.

Mr Jamieson: You are getting wild now.

Mr O'NEIL: I commenced by saying that there is a loophole and that it has always been in our law. I said it has been extremely difficult for any Parliament or Government adequately to close it. However, some extensive powers are granted to country bushfire control officers. Members should study the powers they have in respect of an emergency. They can move in and burn a farmer's crop.

Mr Jamieson: You will not get over an emotional situation by a Bill like this. The people will run back into the fire in circumstances like that.

Mr O'NEIL: All right! The Opposition believes no power should be provided?

Mr J. T. Tonkin: No-one says that, but tear jerking will get you nowhere.

Mr O'NEIL: I am not tear jerking.

Mr J. T. Tonkin: Of course you are.

Mr O'NEIL: Under those circumstances any Government would find it extremely difficult to enact legislation of this nature without objection from the Opposition; but every Government at some time or another knows that there may occur a circumstance for which this power is necessary; and in my opinion no Government would use it indiscriminately.

The member for Swan, who is not here at the moment, and also the member for Collie, said that these matters concerning industrial unrest which will stop the supply of a vital material—namely, fuel—to the community should be covered under the Industrial Arbitration Act. As a matter of fact, the member for Swan said they were covered. He said that there is a power for the Minister to intervene in the public interest, and he read the whole section involved. I am thankful he did because that section refers to a dispute before the commission. So, if there is no dispute before the commission there is no power for any Industrial Commision to make a determination. The Minister of the day has no power to intervene. So, to suggest that this legislation should be tied up with industrial law is completely nonsensical.

I want to make another point. It has been said that the Bill before us is completely different from the one approved of by the Tonkin Government.

Mr J. T. Tonkin: Let me tell you that the Bill was never approved of by the Tonkin Government.

Mr May: That is right.

Mr J. T. Tonkin: A Bill was drafted, but never approved.

Mr Jamieson: Talk about being silly.

Sir Charles Court: You mean your Premier never signed it?

Mr O'NEIL: It was not signed by Caucus because it did not go there.

Mr J. T. Tonkin: The Premier signed the authority for the Bill to be drafted, but we never saw the draft because we went out of office.

Mr O'NEIL: The Leader of the Oppositions says that he never saw the draft Bill?

Mr May: It was only an authority for it to be drafted.

Mr J. T. Tonkin: I have a copy of the Cabinet minute.

Mr O'NEIL: Members opposite have, in fact, compared the draft Bill—for want of a better phrase which will satisfy the Opposition—

Mr May: That is right.

Mr O'NEIL: —with our Bill. *Hansard* cannot indicate what I am about to say, but members can see that parts of the Bill I have in my hand are marked in green and those green notations represent

the only additions. Members will see that there is very little difference. There is a part of clause 11 and also of clause 10 on page seven. There is very little difference between the two. Only those parts which I am displaying and which are marked in green are different from, or represent additions to, the proposal of the previous Government.

Mr May: What is the point you are trying to make?

Mr O'NEIL: The point I am trying to make is that some members on the other side of the House claimed this was nothing like the Bill.

Mr May: The only difference is that the present Government has introduced the Bill; we referred it back. We said there were sufficient conditions in the present Act to cover such a situation.

Mr O'NEIL: The Minister will deal with that point.

Mr Jamieson: This will be a continuing process. The other was to meet an emergency and would not last more than 12 months.

Mr O'NEIL: The Minister will handle that point.

Mr May: Then why not let him?

Mr O'NEIL: Because, as I have already explained—if the member for Clontarf does not already know—the Minister will not have an opportunity to speak until we have spoken.

Mr May: You have not explained.

Mr O'NEIL: I explained the reason when I got up to speak.

Sir Charles Court: Did not your Cabinet decide that the Bill be printed?

Mr May: No.

Mr Jamieson: Never; this is where you are out of order.

The SPEAKER: Order!

Mr O'NEIL: Let me get back to the Bill, and its proposals. The main objection to the measure is that it contains power to override all other Acts, awards, and agreements produced by any tribunal. They will all be subject to this Act and to the regulations made by the Minister when an emergency is declared.

Mr T. D. Evans: By the Government, I hope, not the Minister.

Mr O'NEIL: Well, regulations; that is fair enough. I suggest to the member for Kalgoorlie that he read some of the amendments proposed to be moved by the member for Clontarf. One would imagine that an amendment moved by the Opposition would propose to take away all control in the event of a shortage of fuel supplies caused by industrial disputes. That is what one would imagine. However, if one reads very carefully the amendment to clause 6 one will see that the provisions for declaring a state of emergency, in the event of industrial unrest, will still remain.

The amendment proposes to insert a passage stating that if at any time the commission is of the opinion that by reason of an embargo, a disruption, a natural disaster, or the occurrence of some other situation arising affecting, or likely to affect, the provision, supply, or distribution of fuel, energy or power to the State the commission shall report such fact to the Minister. So, it covers anything at all which tends to disrupt the supply of fuel to people in this State, and it can be subject to a declaration by the commission through the Minister.

The amendment also contains a very strange provision in which the ex-Attorney-General will be interested. It is proposed that the Minister will become nothing but a letterbox. The amendment sets out that the commission shall report such fact to the Minister who shall request the Governor to issue a proclamation. The Minister will become a letterbox.

Mr Rushton: Members opposite are used to that. That is what the Commonwealth wants to do with the States.

Mr O'NEIL: In other words, instead of the elected Minister—who is subject to attack in this Parliament, and who answers to the people at the polls—having the right to declare an emergent situation, the amendment provides that the commission shall decide the issue.

It states that if there is to be an interruption of the fuel supply for any reason at all—an embargo by oil producing countries, a disruption in shipping, a natural disaster, or as a result of some other situation—then the commission shall report such fact to the Minister who shall request that the Governor, by order in writing, declare that a state of emergency exists.

If any body is to be responsible for declaring a state of emergency—and we hope it will never be necessary—it should not be a commission; it should be the Minister.

Mr Jamieson: He has not been on his feet.

Mr O'NEIL: The point I am making is that most speakers from the other side of the House have simply talked about that part of the Bill which they consider will interfere with the practices of the unions. However, the amendments proposed by the member for Clontarf will make no difference at all.

If there is any reason to limit the supply and distribution of fuel, the proposals put forward by the member for Clontarf will come into operation, but the decision will no longer be the responsibility of the Government of the day, and will no longer be the responsibility of the Ministry of the day; it will be the responsibility of some commission set up under the parent Act. That is a farcical situation. This Bill is designed to cater for an emergency which might arise from any reason whatsoever

and when it will be necessary for the Government of the day to direct the fuel resources to urgent requirements. It could be to hospitals, transport, or elsewhere. It might even be that the Government of the day would have to ration fuel for private motorists, or cut it out. Certain transport facilities might have to be eliminated in order to conserve the supply of fuel.

The reason for the short supply of fuel is covered just as well in the Bill presented by the Minister as by the amendment to be moved by the member for Clontarf, whether it be a strike, a natural disaster, or anything else. The situation will not be affected at all, by simply changing the wording in the way proposed in the amendment. If the member for Clontarf thinks that his amendment will change the situation, he is hoodwinking his own backbenchers.

Adjournment of Debate

MR. HARTREY: (Boulder-Dundas) [4.58 p.m.]: I move—

That the debate be adjourned.

Motion put and negatived.

Debate (on motion) Resumed

MR. HARTREY: (Boulder-Dundas) [4.59 p.m.]: It may seem strange that I should remind members that we are sitting in the Legislative Assembly of Western Australia. I do so because I want to draw the attention of members to the fact that those words mean the law-making body of the Parliament of Western Australia. We are dealing with a law—or a proposed law—which is of the most ruthless character I have ever heard, even in time of war and under the wartime legislation which existed in Great Britain and Australia.

With all due respect to the Government, I think it has been sold a pup by the Crown Law Department. Apparently there was an attempt to do the same thing to the previous Government. I have no doubt at all that the Minister in charge of this Bill was quite right when he said that the Bill in its present form was very similar to that which was presented to the last Government. However, he was wrong in saying that the Bill which the previous Government had directed to be prepared was in these terms. He was wrong in saying that the then Government would have approved of any part of it, or would have had anything to do with it. He was not wrong in saying it had been prepared—and prepared in the most extravagant language for a Statute that I have ever read.

A community of free men is bound to show the greatest possible respect for the Constitution of its State or country because the Constitution is really the only ultimate guarantee of the individual freedom of its citizens. Yet according to its wording this Bill temporarily suspends the Constitution of the State. This is probably not the intention of the Government. I do not think the Government has any desire to point the gun right at the principle of liberty in Western Australia, but if it passes this astonishing measure without amendment it will achieve that result, to its own consternation and to the astonishment and confusion of the entire community.

The very first section proposed to be added to the quite legitimate legislation known as the Fuel, Energy and Power Resources Act, 1972, reads in this manner—

> Where the provisions of this Part of this Act are inconsistent with any of the provisions of any other Act, or of any regulation, rule or by-law made under any other Act, the provisions of this part shall prevail.

In itself, that paragraph does not challenge the Constitution of the Australian Commonwealth because the word "Act" is interpreted and is stipulated as being interpreted in accordance with our Interpretation Act, which says that "any Act" simply means any Act of the Western Australian Parliament. So the first subsection of the proposed new section 41 does not profess to abolish the jurisdiction of the Commonwealth Parliament, but it could extend to the State Constitution.

The second subsection of the proposed new section 41 reads—

> Emergency regulations made under this Part of this Act shall have effect notwithstanding anything, whether express or implied, in any other Act or in any law,—

The word "law" is not interpreted in our Interpretation Act. It continues—

> —proclamation or regulation or in any judgment,—

The word "judgment" is not interpreted in our Interpretation Act, so it could extend to a judgment of the High Court of Australia. It continues—

> —award or order of any court—

The word "court" is not interpreted in our Interpretation Act. It continues—

> —or tribunal—

The word "tribunal" could refer to a Commonwealth court or tribunal, and it could refer to the High Court of Australia. To continue—

> —or in any contract or agreement whether oral or written or in any deed, document, —

The word "document" could refer to the entire Constitution of Australia, which is a document. That is the start of this remarkable business; it is not by any means the end of it. The proposed subsection (3) of that section reads—

> All powers given by or under this Part of this Act or by or under the emergency regulations shall be in aid

of and not in derogation from any other powers exercisable apart from this Act.

What other powers are exercisable apart from this Act?

Section 6 (2) of the Act itself seems very reasonable and appeared very reasonable to this Parliament when it was passed by both Houses a couple of years ago. It reads—

> In the discharge of its duties and in the execution of its powers and functions the Commission shall . . .
>
> (b) consult with and take into consideration the views and requirements of such industrial, commercial or other interests, being interests likely to be substantially affected by the operation of this Act, as the Minister may direct or the Commission considers appropriate.

Here we have a determination to make incredibly drastic amendments to the existing legislation; but I have not heard that even the commercial interests, whom the Government represents primarily in this House, have been consulted. I know of no industrial interest that has been consulted. I do not know of any single union, or the combination of unions known as the TLC, having been consulted by the Government before it determined to introduce this revolutionary Bill—and it is revolutionary because it trascends the Constitution. I do not think the Government has any such intention, but it had better give this proposed legislation a great deal of serious thought.

Last night at a meeting of the Law Society—which I attended at 5.30 p.m. and left at 7.15 p.m. in order to give my attendance here—a motion was moved that the combined lawyers present—and there were well over 60 of them—should ask the Government to delay further consideration of this Bill until there had been an opportunity for it to be considered by those who may be reasonably said to represent a good deal of the collective legal knowledge in this State, apart from the judges. None of them attended the meeting, but there were a number of magistrates and barristers and solicitors of considerable experience. They resolved to ask the Government not to proceed with this legislation at present until they had had a chance to give it serious thought. They had not had a chance to study it individually.

A mere reading of this Bill shocked that quite temperate body. One member, only, made a slight attempt to suggest the Bill raised a party issue, and I responded by saying my political thinking was done here, not down there, and I did not go to meetings of the Law Society for political reasons. I was concerned only for the laws of this State, with which lawyers collectively had most experience and for the preservation of which we therefore bear a high degree of responsibility, whether members of this House or not. I had to leave the meeting at 7.15 p.m. and I did not know what debate ensued on the Bill, but I am told such a resolution as I have just mentioned was carried.

Let us come back to a consideration of the proposed measure. Here is a nice piece of work: it says there will be no appeal from anything whatever that is done under the Act. There will be no appeal to the High Court of Australia because there is an appeal to the High Court of Australia only from the judgments, orders, decrees, or sentences of a court from which an appeal could be made to the Privy Council in the year 1900, just before Federation was promulgated. Obviously there was no appeal to the Queen-in-Council—that is to say, to the Privy Council in England—from a magistrate's court in Western Australia, and no proceedings will go further than a magistrate's court under this legislation.

Any person who is aggrieved can appeal to the Minister, as the member for Collie pointed out; and any person who is to be prosecuted for any offence, and who can be imprisoned for six or 10 years, can be dealt with only by a stipendiary magistrate, from whose court there is no appeal to the High Court, and from whose court there will be no appeal to the Supreme Court of this State, because the provisions of the Bill will override "any court or any tribunal." So finally the only appeal from the decision of the magistrate is to the Minister, and there is no appeal from the Minister to the High Court. So the Government has cut out one of the basic safeguards to the individual liberty of the subject—the right of appealing to the highest judicial authority in the country of which he is a citizen.

Have Government members given this thought? I ask the Minister in charge of the Bill: has he considered this? I think he is the only person on the Government side who has any knowledge of law at all. I respect the Minister for Fuel and Energy as a man who knows, by training and by learning, the fundamentals of law, the administration of justice, and the interpretation of Statutes. I do not think there is any one else similarly qualified on the other side, so I ask him—but I will ask his colleagues as well—has he given thought to what these words mean, or has the Government simply swallowed holus bolus a palliative sent up from the Crown Law Department to be enacted as a part of the Constitution of this State?

Let me remind Government members particularly—and I say this in all sincerity —that they are the champions of the Legislative Council; the champions of the rights of the privileged persons who elect the members of the Legislative Council. When I use the word "privileged" I mean privileged in the sense that their voting power is much more highly weighted than

is the voting power of the people in the metropolitan area. This legislation will be administered by a Minister who is not responsible to the Legislative Council or the Legislative Assembly. If neither House is in session when an emergency is declared, then the Minister of the Crown could abolish the Legislative Council, or at least he could ignore completely and utterly any views which members of the Legislative Council might hold on any subject.

Mr Jamieson: If he can do that, then I think we will support the measure.

Mr HARTREY: I would not go that far; nothing could ever induce me to support a Bill that is so carelessly and clumsily put together. I am not blaming the members of the Government for this—they did not draft the measure and they did not know what it meant—but I am urging them to find out what they are asking us to agree to, in the name of the Law Society, in the name of the legal practitioners of the State, and in the name of common sense and justice. We are being asked to pass legislation which is completely absurd and atrocious.

Let us look at some more of these remarkable provisions as we proceed step by step through the Bill, getting more bewildered as we go. Proposed section 43 (2) reads—

> (2) An order under this section shall take effect from the making thereof or from a later date specified therein and shall, unless sooner revoked, continue in force for such period not exceeding six months as is specified therein, but more than one order may be made under this section in respect of an emergency.

So the emergency can continue and we may never emerge from it at all. There is nothing in the world to say an emergency has to stop in six months. One order holds good for six months, two for 12 months, and 110 orders will be good for, goodness knows how long—I cannot do the arithmetic.

What in the name of goodness are we going to do? We are talking about our Constitution, the liberty of our subjects. We should never be asked to pass laws as crudely worded as this one. The Deputy Leader of the Liberal Party tells us that this Government would never take the action which we say it could take under this measure. This Government would not do any of the horrid things which have been contemplated as a result of the legislation.

Mr Davies: Ho, ho!

Mr HARTREY: Who wants to know that? What we want to know is would any Government at any time use this legislation in the way we have suggested. The measure permits so many abuses that I warn members we may find a revolutionary party using it with great enthusiasm. And they would be using it constitutionally if we pass the measure. This is one of the most blatant constitutional amendments I have ever seen. I urge Government members: For heaven's sake do give this serious thought.

Embodied in this measure is an evil principle of law which everyone condemns. Any person in his right mind could not help condemning the straightout injustice of such a proposition—retrospective legislation. The meting out of retrospective punishment for a previously nonexistent crime is about the worst thing we can imagine. This means that we can pass a law today to say that some action taken three years ago was a criminal action and the person who took that action can be punished. Alternatively, the second most repugnant type of legislation is one that retrospectively pardons people who have committed some crime. Proposed new section 45 says—

> Where any acts are done before the commencement of any emergency regulations—

That is to say, without any authority at all. To continue—

> —made under this Part of this Act, and by virtue of those regulations those acts would have been valid and lawful if those regulations had been in force when the acts were done, the acts shall be deemed to have been validly done under the authority of this Part of this Act.

In other words, one can play hell before there is any emergency at all, or one can do whatever one likes in anticipation of a regulation being passed. This is a nice attitude—no regard for personal liberty or responsible government!

Mr Mensaros: You will realise, of course, that I am very grateful for your lesson, but it applies equally to both sides. No attempt was made to amend your legislation.

Mr B. T. Burke: Are you saying that excuses you from taking action?

Mr HARTREY: Gentlemen, if I might be excused for interrupting, I would like to reply to the Minister who was speaking to me. We do not want to amend this legislation—it is beyond amendment.

Mr Mensaros: I am sorry, there is a difference of opinion.

Mr HARTREY: This legislation should have been drafted along constitutional lines. The idea behind it is not bad, as the Minister for Works pointed out a little while ago. We must have provisions for national disasters and emergencies; it is proper that we should. However, we do not need this sort of extravagant, ridiculous, and at bottom, incomprehensible

legislation about which we are speaking. Let us look at clause 9(2) of the Bill. It says—

> (2) Emergency regulations made under this Part of this Act may make provision for or with respect to—
>
> (a) the co-ordination of emergency action with national bodies:

The Army, the Navy, and the Air Force are all national bodies—we could not possibly describe them as anything else. For argument's sake—in the event of a strike on the wharves or in the railways, whether Commonwealth or State—is it proposed that one solitary Minister, administering this astonishing measure, should have the right to call upon the armed services?

The measure is astonishing and beyond a joke. Let us look at some more of it. One subject about which a regulation may be made is contained in paragraph (f) on page 6. This paragraph commences—

> The delegation of powers and duties,—

The powers and duties of the Minister can be delegated to anyone—the local policeman in Doodlakine! The paragraph continues—

> —the inspection of premises without warrant,—

What about the old tradition of the Englishman's home being his castle? I am afraid that Australians have forgotten a lot of good old English traditions, and I say this as an Australian. The English migrants we meet here have a stronger sense of personal regard for liberty and a stronger distrust of assumed authority than a native Australian. If a policeman challenges a British migrant he is just as likely to be asked to produce his authority. The policeman may say, "Come to the police station with me", and the British migrant will say, "Why should I go?" However, the average Australian will go uncomplainingly with the policeman—I am sorry for my own countrymen, but this is a fact. The paragraph continues—

> —the questioning of persons;

That provision absolutely undermines the first principle of personal liberty. There is a Latin maxim which was good in the Roman days, and is still good: *Nemo cogetur se ipsum accusare.* That means, "No man should be compelled to accuse himself." In other words, no man is bound to answer incriminating questions. That principle is written into the Constitution of the United States; and it is part of the unwritten Constitution of the British Empire. I suppose "British Empire" is an antiquated expression to use nowadays. I am afraid the principles I am supporting here are becoming antiquated, but I hope to God they will outlive me. Let us turn to another provision which refers to "engaging persons, whether for reward or otherwise, to perform functions and to carry out acts". That could include, of course, the batoning down of workers who hold a procession to protest against this sort of legislation. I would not like to see that provision in the law of Western Australia.

I do not want to force this country into a state of emergency—and I am sure the Parliament does not want to do that—but this is precisely the sort of legislation which creates the intersocial tension which erupts in civil disobedience; and that is precisely what we do not want. No member of this House would want that, and all members would repudiate it.

I said previously I would refer to the question of penalties. The maximum penalty for an offence against the provisions of this Bill is a fine of $500 or imprisonment for six months. Just listen to this provision—

> (5) Where an offence is committed by a person by reason of his failure to comply, within the period specified in any order given to him under this Part of this Act, or the emergency regulations made thereunder, with the requirements specified in the order that offence shall be deemed to continue so long as any requirement specified in the order remains undone, notwithstanding that the period has elapsed.
>
> (6) Where, under the provisions of this section, an offence is deemed to continue, the person who committed the offence commits an additional offence against this Act on each day during which the offence is deemed to continue . . .

So if a worker went out on strike and he was commanded to cease to be on strike he would immediately commit within 24 hours a first offence for which he may be fined $500 or imprisoned for six months. If he holds out for 10 days he may be fined $5 000 or be imprisoned for 60 months.

Mr May: A continuing offence.

Mr HARTREY: If he holds out for three months then, God knows, the rest of his natural life would not be time enough for him to finish his sentence. Has anyone read this Bill properly and taken serious note of it? It is enough to drive a person off his wheels! Proposed new section 49 (1) states—

> 49. (1) Emergency regulations made under this Part of this Act may confer upon any Minister of the Crown the power to make any order or give any direction for the purposes of the regulations.

I presume that if the Minister was of the opinion that life imprisonment was not sufficient for an offender, he could almost

direct that the offender be hanged; because he can make any direction and give any orders, and so forth. We could even have two Ministers—like the two consuls the Romans used to have—because proposed section 49 (5) states—

> (5) Where under this Part of this Act two or more Ministers have power to make orders, the power may be exercised by them jointly or separately.

So one consul may decide to do one thing, and the other may decide to do something different. What is a provision such as that doing in this Bill? I cannot understand it; it certainly does not make sense. Just listen to proposed new section 53, which states—

> 53. Subject to section 54, no action shall lie, and no proceedings of any kind shall be instituted or heard in any court in respect of any act or decision of the Minister or any person or body authorized by him in the exercise or purported exercise of his powers under this Part of this Act.

If the Minister appoints the sergeant of police at Woop-woop, or the constable at Doodlakine to whom I referred before, to do something, and that person purports to do it pursuant to this legislation—even if he does not do it pursuant to the legislation—then no-one can do anything about it because he has complete immunity under this proposed new section. The only qualification is contained in proposed new section 54, which says that any person who has been injured by a stupid or unlawful act can ask for damages. If he is gaoled unlawfully he may receive damages. God knows what he would get, because it is provided that the Minister shall determine under what circumstances he shall receive damages, and how much he shall receive.

Proposed new section 56 has already been referred to by the member for Collie, but I cannot resist the temptation to refer to it again and to tie it up with proposed new section 59. Proposed new section 59 states—

> 59. Proceedings for offences against this Part of this Act or the regulations made thereunder shall be disposed of summarily before a court of petty sessions constituted by a stipendiary magistrate sitting alone.

I repeat: "disposed of summarily". Proposed new section 56 states—

> 56. A person aggrieved by any act done or omitted, or any decision or order made, or any direction given, pursuant to the implementation or purported implementation of the provisions of this Part of this Act may appeal in writing to the Minister in the prescribed manner, if any, and the Minister may thereupon, in his absolute discretion, take such action as he thinks fit and effect shall be given to the determination of the Minister.

Presumably that refers to the second determination of the Minister and not the first; but it does not even say that. However, there is to be a "prescribed manner" in which one may make an appeal to the Minister, and if no manner is prescribed there is no appeal! But what is the use of an appeal from Phillip drunk to Phillip sober, from Caesar to Caesar? It is a fundamental maxim of personal liberty that *nemo causae ipsius iudex;* that is, that no man should be the judge of his own case.

However, the Minister is the judge of his own actions. He may be a conscientious enough Minister and he may realise that he has made a mess of something and so reverse his decision and pay damages. But it takes a man of strong character to do that and Ministers are not always men of strong character—they are not always men of good character! If one wishes to appeal one must appeal to the Minister; and not from Minister A to Minister X, but from Minister A to Minister A; because if two Ministers are jointly vested with the same authority one cannot even appeal from one Minister to the other.

I think I have said enough. I have been through the Bill, and I have spoken without excitement, without animosity, and without any partisan feelings. Of course, as a Labor man and a representative of the party with which I am proud to be associated, and as a socialist—I was asked the other day how long I have been a socialist, and I answered that I have been one for 31 years—I resent this legislation politically. I am not appealing to members opposite to share my political views; I am appealing to Government members, to the Ministers, and to the Premier himself—unless they want a surprising and unfortunate result to come about—simply to suspend all further discussion on this Bill and to hold a conference with people who understand what this is all about. I am not referring to the Crown Law Department. Surely there must be outside of this Parliament persons highly qualified in the interpretation of the Statutes. Surely it is possible to get eminent counsel in this State—Queen's Counsel, of which certainly I am not one—to draft a Bill which will give effect to what the Minister for Works stated is the true intention of the Bill, and to eliminate all these ridiculous, oppressive, subversive, and destructive elements which are supposed to deal with emergencies, but which in fact, if they were applied, would only create a series of emergencies not seriously contemplated by the Bill.

In conclusion, I say that I resent several elements of this Bill which are aimed at coercing the working people of this State. Undoubtedly there is an overriding inten-

tion in this measure to do just that. When the day comes that a Statute or law compels a man to work on a job that he does not want to do, that man is degraded to the condition of a feudal serf. The only difference between a serf and a free man was that a free man could please himself for whom he worked or whether he worked at all and a serf had to obey the man immediately over him. Serfdom went out long before straw hats. It went out in the days of Richard II, and he died in 1399—

Mr Jamieson: What did he die of?

Mr HARTREY: —and that was a long time ago; in fact, it was 575 years ago. But now the Government wants to reintroduce those days with this Bill. This measure would give one Minister of the Crown, not responsible to Parliament or to anybody else—in fact, there may not be any Parliament; the Minister might decide to suspend that, too—the right to dictate to a union or an individual worker or a party of workers that they will do this, that, or the other and receive whatever remuneration the Minister sees fit to grant them. It says all that in this Bill.

Once we reach that status, we get down to the status known as *glebae adscriptus* or "bound to the soil", which was the description given to the serfs of old. When there is introduced into this country a law which binds a worker in every shape and form to do what the Government tells him to do we have reached the situation which applies in Russia, and that law will be worse interpreted and administered here than in Russia because in Russia the people are used to it and apply it tolerably to their own conditions whereas we would not be used to it. This law would breed discontent and would lead to revolt by the people.

I do not like revolts; in fact, I hate revolts. I am asking the Government not to force through a Bill which will promote that situation. I warn the Premier that unless something like what I am asking for is done, and unless that remarkable principle provided for in the Bill of appealing from the Minister to the Minister is amended, the Premier may go down in history by the name of "Kangaroo Court".

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

COMMONWEALTH PLACES (ADMINISTRATION OF LAWS) ACT AMENDMENT BILL

Second Reading

MR O'NEIL (East Melville—Minister for Works) [5.34 p.m.]: I move—

> That the Bill be now read a second time.

In introducing this measure which proposes to extend a degree of permanency to the Commonwealth Places (Administration of Laws) Act of 1970, I feel it is desirable to give a little of the background which preceded the introduction of the parent Act as a somewhat temporary measure to assert State rights in respect of places within the State occupied or being used under Commonwealth law.

The background to the legislation was purposefully explained by the member for Kalgoorlie on the 18th November, 1971, when as Attorney-General, the Hon. T. D. Evans introduced an amending Bill to extend the life of the legislation for a further three years to the 31st December, 1974.

To plagiarize another's thoughts and writings as one's own is something which does not particularly appeal to me. Therefore, with your permission, Mr Speaker, I desire to quote several paragraphs from the speech delivered by the Attorney-General on that occasion.

The Attorney-General explained—

> The need for this legislation arose because of a decision given by the High Court which might be said to have completely upset legal administration within the States throughout the Commonwealth of Australia.
>
> By way of brief background, section 52 of the Australian Constitution provides that the Commonwealth Parliament shall have exclusive jurisdiction to make laws in Commonwealth places and in places subsequently acquired after the coming into operation of the Australian Constitution.
>
> The purpose of the parent Act was to complement legislation enacted by the Commonwealth to overcome the problems created by the decision to which I have referred in what has become known as the "Worthing Case". Until that decision was given it had always been understood that State laws were operative throughout the whole of the State including within Commonwealth property.

The then Attorney-General further pointed out—

> The States during 1970 whilst agreeing to enact legislation to overcome this difficulty were unanimous in expressing the view that an amendment to section 52 of the Commonwealth Constitution should be sought by the Commonwealth; that the legislation then agreed upon was only a satisfactory short-term solution to the problem. Accordingly last year—

That was in 1970—

> —it was decided by each of the States to limit the operation of the complementary legislation passed in each State until the 31st December, 1971, and no longer. That was to enable the Commonwealth to pass the necessary initiating legislation to seek the approval of the people by way of a referendum. However, that was never done.

> The action taken by the States was meant to make it clear to the Commonwealth that the States regarded the legislation as a stop gap measure only. However, no initiating legislation for a referendum was effected by the Commonwealth. At the meeting of the Standing Committee of Attorneys-General of Australia held in Melbourne during July of this year—

That was in 1971—

> —the Attorneys-General agreed to recommend to their respective Governments that the operation of the respective Acts be extended for a further period of three years.

I must agree with the views expressed by the Attorney-General at the time that the only effective and responsible solution to the problem would be an amendment to the Commonwealth Constitution to give both the Commonwealth and the States concurrent jurisdiction in Commonwealth places.

With the principal Act now due to expire on the 31st December next, the Government was faced with two alternatives—either to seek a further extension for a nominal period, or to take the action as proposed in the amending Bill now before members to remove the time limiting provision of its operation but only as a tentative legislative procedure pending the discussion of this problem which is included on the agenda of the plenary session of the Constitutional Convention which is scheduled to take place in Adelaide in November next. Indeed earlier discussion is listed for the next meeting of the Standing Committee of Attorneys-General to be held in October in an endeavour to reach a uniform approach to the problem.

Members will appreciate that because of the timing of the Standing Committee of Attorneys-General and the Constitutional Convention the results of which would not be known until quite late in the year at the earliest, it is necessary at this point for us to do the legislative spade work by placing this Bill before Parliament with the thought that its implementation may not be necessary subject to the decisions of the meetings to which I have already referred. I might add that that is a pious hope.

It is of course hoped that a favourable resolution of the problem will eventually be found and this to the extent that our State legislation may cease to have effect. Nevertheless, the need for authorities to continue the maintenance of law and order in Commonwealth places is of prime importance, and we shall be guided by events as they occur between now and the closing days of the session.

I think members will realise that because of the timing of the meeting of the Attorneys-General and then the Australian Constitutional Convention, and the need to have a referendum to alter the Constitution, there seems little likelihood of all this being done before the House rises in this session.

However, miracles have happened and it is proposed to introduce the Bill as it is; to allow it to remain fairly low on the notice paper and, at some point in time just prior to the completion of this session it is hoped the Parliament will pass it. I think that might be the circumstances that will prevail. Since we have taken so long, in my own mind I cannot see that, between this point in time and the rising of the House in this session, we will have agreed with the decision made by the Standing Committee of the Attorneys-General or the Australian Constitutional Convention and have the question decided by a Commonwealth referendum.

So in the hope that miracles may still happen, I simply wish to advise the House that the Bill will be left fairly low on the notice paper from now on.

Debate adjourned, on motion by Mr J. T. Tonkin (Leader of the Opposition).

HIRE-PURCHASE ACT AMENDMENT BILL

Second Reading

MR GRAYDEN (South Perth—Minister for Consumer Affairs) [5.43 p.m.]: I move—

> That the Bill be now read a second time.

The Hire-Purchase Act Amendment Act, No. 107 of 1973, was passed in the concluding stages of the 1973 Parliament and although it received the Governor's assent shortly afterwards, it has not yet come into force.

Because of the comprehensive nature of the amendments, the framing of regulations entailed much preparation and they are in the course of finalisation. A further delaying factor is the need to bring the 1973 amending Act into force in parts at different dates and this procedure was not, unfortunately, provided for in the 1973 amendments.

It was therefore necessary to wait until the commencement of the current parliamentary session to present an amending Bill to cope with the situation and touch upon several other matters which have arisen since.

Having to bring the 1973 amending Act into effect in parts is exemplified by the need to proclaim those sections firstly which will allow the tribunal to function so as to receive and determine applications for licenses for hire-purchase credit providers before other sections take effect as, on the "appointed day", which will be notified in the *Government Gazette*, it will be unlawful for a person to carry on a business as a hire-purchase credit provider without holding a license issued under this Act.

The "appointed day" will be fixed and announced as soon as the tribunal is able to treat applications received by it so that all those granted a license will be in a position to comply uniformly with the requirements of the Act. Such applications will have to be lodged with the registrar of the tribunal by a certain date which will be advised to intending applicants.

As the expiry date of the 30th June each year is mandatory for all licenses—renewal is then required—it will probably mean that initial licenses, once this Bill is accepted, will be issued for an incomplete year and a *pro rata* license fee provided in doing so.

Provision is also made in clause 6 for the tribunal, if it thinks fit, to issue a new license—when the date of issue is between the 1st January and the 30th June—for a period of up to 18 months to take an expiry date to the 30th June. This will obviate cumbersome procedures in the functions of the tribunal where an application early in the year would ordinarily have to be followed shortly after by a further application for renewal.

I will now explain the main clauses in the Bill.

Clause 2: This controls the date of coming into operation of those clauses of the amending Bill which are tied to sections in the 1973 amending Act so that both will come into force at the same time.

Clause 3: This re-enacts section 2 of the 1973 amending Act so that the provision of that Act can be brought into operation on such days as is fixed by proclamation.

Clause 4: This clause is inserted to make it clear that the powers conferred on the tribunal by section 23E of the 1973 amending Act are not exhaustive and they do not detract from the tribunal exercising the powers conferred under section 23S as well.

In section 23E the tribunal may, upon determination of any proceedings before it, order payment of a fine and costs and suspend a license until such time as the fine and costs are paid.

Under section 23S the tribunal can inquire into the conduct of a person licensed upon the application of the Commissioner of Consumer Protection or some other person and, where proper cause is found to exist for disciplinary action, the tribunal may impose a penalty including a fine, suspension, or cancellation of a license.

Clause 5: This clause refers to the "appointed day" which will be fixed and notified in the *Government Gazette* and credit providers will have an obligation to be licensed on that day to be able to operate lawfully as such.

Clause 6: This clause has been previously referred to and allows the tribunal, in certain circumstances, to issue a license for a period longer than 12 months.

Clause 7: When section 40A was inserted in the 1973 amending Act authorising the making of regulations, it did not specifically provide for the fixing of fees to be paid by the licensee in respect of the grant or renewal of a license. In similar type Consumer Credit Act regulations of South Australia, the fee is fixed on either the total credit provided or the total number of credit accounts in the year preceding the grant or renewal of the license. The provisions of this clause are based on the same principle but would not restrict a standard fee if this were decided upon.

I commend the Bill to the House.

Debate adjourned, on motion by Mr J. T. Tonkin (Leader of the Opposition).

Message: Appropriations

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

EXPLOSIVES AND DANGEROUS GOODS ACT AMENDMENT BILL

Second Reading

MR MENSAROS (Floreat—Minister for Mines) [5.49 p.m.]: I move—

That the Bill be now read a second time.

This amending Bill has been framed to remove certain anomalies from the Explosives and Dangerous Goods Act, 1961-1967, and to add provisions which will make this legislation paramount in its control of explosives and dangerous goods.

When the original Act was drafted in 1961, it was intended that it should be the main instrument under which control is exercised over explosives and dangerous goods.

However, there are references to explosives and flammable liquids in certain other Acts of the State and it is possible that regulations and by-laws under these Acts might conflict with those under this Act.

This Bill proposes to amend section 6 of the Act to maintain the original provision that where there is any inconsistency between this Act and any other Acts, then the provisions of this, the Explosives and Dangerous Goods Act, will prevail.

The amending Bill is specific in requiring that its provisions be observed in addition to, and not in substitution for or diminution of, the provisions of the Explosives and Dangerous Goods Act.

Section 30 of the Act as it stands allows that explosives may be sold to the holder of any mining tenement. This provision is considered inconsistent with the overall intent of the Act because it includes many tenements which are not mines; such as garden areas, homestead leases, and the like.

The Bill proposes to remove this inconsistency by restricting the sale of explosives to—

(a) the owner or manager of a registered mine, or his authorised agent;

(b) a person who holds a license for an explosives magazine in which he stores explosives; and

(c) the holder of a permit to purchase explosives, or of a shotfirer's permit.

Section 34 of the Act deals with the use of explosives other than for mining, such as blasting to lay underground pipes, tunnel excavation, roadworks, and land clearing and building.

To control the use of explosives in town areas the Mines Department has cooperated with the Department of Labour which also has control of blasting on construction sites under the construction safety regulations.

To achieve uniform control of blasting at all places other than mines, and to remove any inconsistency between the explosives regulations and the construction safety regulations, amendments are necessary to section 34. Those provided in the amending Bill will achieve consistency and uniform control of blasting other than for mining.

The Bill proposes to continue the issue of permits by the police to approved persons who are known to be of good repute. The permits will be issued to small users such as farmers and prospectors, but with a restriction that the explosives are to be used only in prescribed areas outside towns, and that the blasting sites are to be a safe distance from public roads and dwellings. These provisions will allow farmers to continue to use explosives for normal development work as they do at present.

Subsection (2) of proposed section 34 defines in more exact terms the permit to purchase explosives and requires the quantity purchased to be marked on the permit. These permits are normally issued by the police in country towns, at no cost, to reliable people who are known to have a lawful need to use explosives.

Proposed new section 34 (4) defines the shotfirer's permit, which is required under the construction safety regulations for all blasting operations at construction sites. Applicants for these permits must pass a test to prove that they know how to use explosives, and have a proper knowledge of regulations covering storage and conveyance of explosives. Permits can be suspended or cancelled if the shortfirer works carelessly.

The amendments to section 34 of the Act will enable the Mines Department to control blasting operations in residential and town areas in close co-operation with the Department of Labour which deals with blasting only at defined construction sites.

The Bill proposes the amendment of section 36 of the Act to require that employees of State Government departments possess a shotfirer's permit for any blasting, and comply with the regulations in the same way as private blasting contractors.

State departments were exempted in the 1961 Act, but have indicated that they prefer to be subject to the provisions of the Act. An exemption remains for Commonwealth departments which may use explosives according to their own rules.

The purpose of the amendment proposed to section 38 of the Act is to clarify the present practice of the Mines Department of issuing special licenses for all vehicles which are used to convey explosives in quantities exceeding 500 lb. By licensing, it is possible to ensure that the vehicles are properly equipped and fitted for the purpose of carrying explosives with safety.

Subsection (1) of section 38 of the Act has no application since the Minister has never exercised the power conferred by it. It is considered unnecessary and the amended form in the Bill will enable the department to control conveyance on vehicles with more satisfactory authority.

The amendment proposed to section 47 of the Act extends the power of subinspectors to allow them to inspect explosives as well as dangerous goods.

The amendment proposed to section 56 of the Act makes it an offence for any permit or license holder not to observe the terms and conditions of the permit or license. The conditions set govern the quantity of explosives in a magazine, the quantity to be conveyed in a vehicle, or special conditions applied for flammable liquids as well as explosives. The amendment will enable the department to exercise control over any irregular practices that may arise.

Finally, the Bill proposes to amend section 62 of the Act by the addition of a new subsection (4) which will enable any action or thing to be done in a manner specified by reference to some standard, code, or practice which has been printed and published, and has been approved by the Minister.

This provision has the merit of allowing standard practices to be established in writing so that they may be studied, and complied with, by persons handling dangerous goods and explosives.

The amendments proposed in the Bill will standardise control of explosives and dangerous goods in this State so that they may continue to be used in a safe and adequately controlled manner.

I commend the Bill to the House.

Debate adjourned, on motion by Mr May.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

Second Reading

MR RUSHTON (Dale—Minister for Urban Development and Town Planning) [6.00 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is a simple one: it proposes to reduce from 21 to 12 the number of sitting days during which any substantial amendment to the metropolitan region scheme must lie before each House of Parliament.

The reason for this proposed amendment is that one of the obstacles encountered in bringing land speedily on to the market for urban purposes is the length of time involved in making major amendments to the metropolitan region scheme.

In such cases there has to be a minimum period of three months for the lodgement of objections. After these have been determined and reported upon, the amendment must lie before each House of Parliament for 21 sitting days. If either House does not pass a resolution disallowing the amendment, it then has effect.

As members will appreciate, 21 sitting days entail a total period of seven weeks. In a situation where these 21 sitting days cannot be fitted into one session of Parliament, this period could be considerably longer.

It is considered that if the 21 sitting days are reduced to 12, members will still have four weeks in which to study the particular scheme amendment. In addition it must be remembered that they also have the opportunity to study the amendment during the three months' objection period when the amendment is open to public inspection.

I commend the Bill to the House as a measure which will expedite a part of the planning process while retaining adequate safeguards against undue haste.

Debate adjourned, on motion by Mr Taylor.

TRAFFIC ACT AMENDMENT BILL

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Traffic Safety) [6.02 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes to amend the Traffic Act to provide for an increase in vehicle and drivers' license fees and transfer fees. These increases, which for vehicle license fees average 65 per cent, are urgently required to maintain the State's road construction programme and to sustain employment of road workers throughout the State.

The Bill also provides for recouping the cost of collecting vehicle license fees with an identifiable charge to be known as a recording fee and for providing vehicle drivers with the option of renewing their drivers' licenses for a term of three years.

I would like to explain to members that the provisions of the Federal Roads Grants Act now being considered by the Federal Parliament will result in a serious deficiency in Commonwealth funds for rural local roads and rural arterial roads in this State. The level of Federal grants to Western Australia for 1974-75 is $49 million compared with $49.2 million in 1973-74 so that after allowing for cost inflation there will be a substantial reduction in the actual roadworks which can be carried out from Commonwealth funds during the year.

Our problems are further compounded by the fact that there is also a serious imbalance in the allocations contained in the Federal legislation for Commonwealth funds for specified classes of roads in this State. The bulk of the Commonwealth moneys has been allocated to national highways and urban arterial roads with the result that the Federal moneys available for rural local roads and rural arterial roads have been cut back from about $27 million in 1973-74 to $18 million for this year, a decrease of about 33⅓ per cent.

To offset the deficiency in Federal allocations and to meet the pressing road needs of this State in such areas as the Pilbara where vast sums of money are required and to maintain grants including statutory payments to country local authorities for which complementary legislation will be introduced shortly, and to counter cost inflation, it will be necessary to raise a minimum net sum for roadworks of $27 million from State road-user taxes and charges to fund the State's road budget in 1974-75.

This will require increases in road-user charges as proposed in this Bill, as without these increases the net yield for road works from State road-user charges this year will amount to an estimated $18.9 million only. It is estimated that the increases which are to be effective from the 1st October will bring in an extra $8.1 million this financial year and about $10.9 million in a full year. The increases represent an average increase of 65 per cent in motor vehicle license fees, an increase in vehicle transfer fees from $2 to $3, and an increase in drivers' license fees from $3 to $5.

The proposals are based on retaining the existing 50 per cent concession for a farmer's first truck and for trucks paying

the road maintenance charge. Concessions in payment of vehicle license fees for other groups within the community are also unaltered by this Bill. The $2 drivers' license fee concession for pensioners will also continue. I should point out to members that generally speaking concessions given for payment of vehicle and drivers' license fees in this State are more generous than in the other States of Australia.

While the proposed average increase of 65 per cent in vehicle license fees is substantial, it should be noted that vehicle license fees have not been increased in this State since December, 1965, and, for several years, the Western Australian fees have been the lowest of the Australian States. Also, most of the other States will be forced shortly to increase their vehicle license fees in order to meet Commonwealth matching requirements and to fund a balanced road programme, so that the proposed Western Australian level of fees will soon be overtaken by some of the other States.

As a matter of fact, the Victorian Government indicated to me yesterday that it proposes to increase its fees by 60 per cent in the near future.

I should explain to members that there are two basic systems for licensing vehicles in Australia. These are tare weight, which has been used in New South Wales and Western Australia, and power-weight—with a weight factor based on tare and using the RAC horsepower rating—which is used in all other States.

At a time when an increase in vehicle license fees is proposed, it is opportune for us to remove any anomalies which have emerged under our present licensing system.

Under our existing tare weight system, based on the Australian average fee, the light four cylinder car class is penalised in this State compared with the heavy, high powered V8 engined car and this is contrary to the present world wide trend for a move towards the more compact type of car which is more economical on fuel consumption. Therefore, the proposed increase in vehicle license fees is based on changing our method of licensing for motorcars and trucks to the power-weight principle.

Under the power-weight system, a constant rate of tax is used for each power unit and weight unit for a particular class of vehicle and it therefore provides an equitable system of taxation for vehicles within a particular class and will remove the anomalies under our present tare weight system. I should point out that in the present day and age of the world-wide petroleum energy crisis, plus the increasing attention being given to minimising pollution and traffic and parking congestion, and also road safety factors, there are compelling reasons for changing to the power-weight licensing system as followed in most other States.

The effect of the change to the power-weight system, with a proposed fee of 83c per power-weight unit for cars, is that the percentage increase in fees for the high powered car will be greater than for the lower powered car. A separate scale with a comparable rate of increase has been set for cars with a rotary type engine.

Members may be interested in a few examples of the proposed average increase of 65 per cent as applied to particular vehicles, including a proposed recording fee of $4 which I will explain later. These are as follows: The fee for the Holden four cylinder Torana LC-70 will increase from $19 to $30.56—an increase of 61 per cent; for the Ford Cortina 1600 from $20 to $32.22—an increase of 61 per cent; the fee for the Datsun 1600 from $21 to $33.38—an increase of 61 per cent; for the Holden HG with 161 motor it will rise from $30 to $49.99—an increase of 60 per cent; for the Holden HG Kingswood with 186 motor the fee will rise from $30 to $51.31—an increase of 71 per cent; and for the Ford Fairlane V8 it will increase from $33 to $70.40—an increase of 113 per cent. However, I should explain that before the proposed increase the Western Australian license fee for the Ford Fairlane was well below the Australian average fee. Also, as this Bill does not alter the existing third party insurance rates or surcharge, the actual percentage increase on the total amount a motorist pays to license his vehicle will be much less than the above percentages, and in the case of the Torana will be 22 per cent; the Holden 186 Kingswood, 34 per cent; and the Ford Fairlane V8, 57 per cent.

Mr Jamieson: Will the Minister make the Eastern States comparisons available before we proceed with the Bill, as he promised me?

Mr O'CONNOR: I will ask for them and supply them to members.

Mr T. H. Jones: Will they be supplied before the Bill is discussed?

Mr O'CONNOR: I will ask the department to supply them.

The proposed fees for all commercial vehicles have also been calculated to yield an average increase of 65 per cent. As the annual mileage travelled by light commercial vehicles—utilities, vans, and light trucks—is approximately 20 to 25 per cent higher than for motorcars, a fee of $1 per power-weight unit is proposed for these vehicles, which is approximately 20 per cent higher than the car rate. Examples of the increase in fees for this class are Datsun 16 hp light van from $23 to $39—an increase of 70 per cent and Holden HQ utility from $34 to $61—an increase of 79 per cent.

The proposed increases for motor trucks have been set on an increasing scale as in other States, with the rates being $1.30 per power-weight unit for trucks between 30 cwt, or 1 530 kilograms, and 50 cwt, or 2 550 kilograms tare; $1.60 for trucks between 50 cwt, or 2 550 kilograms, and 60 cwt, or 3 060 kilograms tare; $1.90 for trucks between 60 cwt, or 3 060 kilograms, and 100 cwt, or 5 100 kilograms tare; and $2.10 for trucks exceeding 100 cwt, or 5 100 kilograms tare. The effect of these proposed rates is for most medium trucks to have increases of about 48 per cent to 55 per cent; and heavy trucks increases of about 40 per cent to 46 per cent. Members would be aware of course that heavy trucks also pay the road maintenance charge.

Examples of the proposed increases for medium trucks are Datsun 2 ton truck with a tare of 37 cwt, or 1 880 kilograms, from $50 to $76.80—an increase of 54 per cent and the Ford table top wagon with a tare of 95 cwt, or 4 826 kilograms, from $174 to $256.70—an increase of 48 per cent. For heavy trucks, with the 50 per cent concession for paying the road maintenance charge, the proposed increase for a Diamond T tip truck with a tare of 151 cwt, or 7 671 kilograms, is from $148 to $215.05—an increase of 45 per cent—and for a typical semitrailer with a tare of 180 cwt or 9 144 kilograms, from $163 to $238.35—an increase of 46 per cent.

For vehicle classifications such as caravans, cranes, and other mobile equipment, the tare weight scale is used and the increases are comparable with those for cars and light commercial vehicles. I would point out that the proposed increase for semitrailers has been calculated to put them more on a similar footing to equivalent rigid vehicles. For motorcycles the proposed increase is, for those not exceeding 250 cc, from $5 to $11; and exceeding 250 cc from $5 to $13. Members should appreciate that the proposed fees for motorcycles still compare favourably with the license fees for a small type of car. The proposed increase in transfer fees is from $2 to $3 and is justified as it is many years since this fee was last increased, and administration costs have been rising steadily.

For drivers' license fees, the proposed increase from $3 to $5 will bring Western Australia more into line with the fees charged in the other States. A feature of the Bill is that it also provides for motorists to have the option of renewing their drivers' licenses for a period of three years. Victoria has a three-year driver's license term. This measure will help to reduce administration costs.

I would point out that some States follow a two-part system for the licensing of vehicles under which a separate registration or recording fee is charged in addition to the vehicle license fee.

The separate recording fee is levied to cover the cost of collection and administration of vehicle licensing. This system has the advantage of using a clearly identifiable charge to separate the cost of administering vehicle licensing from the license fee which is a tax to assist in the cost of constructing and maintaining roads. Under our present system, an allowance for collecting license fees of $4 per vehicle for the first 1 000 vehicles and $3 thereafter is made to country local authorities, and $3 per vehicle to the Department of Motor Vehicles. Senior officers of the Treasury and the Department of Motor Vehicles strongly support the principle of a two-part licensing system with a separate recording fee to cover collection costs. They estimate that due to inflation in recent years, the present cost of licensing administration is about $4 per vehicle.

The Bill therefore proposes that a separate fee, to be known as a recording fee, of $4 per vehicle be levied to replace the present cost of collection allowance. It is important for members to note that the $4 recording fee has been included in the examples of the percentages and amounts of proposed fee increases as applied to particular vehicles which I have just given them.

Under the present system, an additional short-term fee of $1 is charged where a vehicle is licensed for a period of less than 12 months. The work involved in renewing a vehicle registration is the same each time the procedure is performed whether the renewal is for six months or for a year. Therefore it is proposed that in lieu of the short-term fee, the recording fee of $4 be charged each time a registration is renewed. Also, as the present cost of collection allowance is based on all vehicles on a licensing authority's register, it is proposed that the $4 recording fee be levied on all vehicles on the register; that is, there will be no exemptions from the recording fee which is a charge to cover the issuing and renewal of licenses. The recording fee will be retained by the licensing authority and the license fee will be paid to the Main Roads Trust Account.

I will conclude by summarising for the benefit of members the main provisions of this Bill, as follows—

(a) In order to meet the Commonwealth requirements for the proposed Federal Roads Grants Act and to provide the necessary funds for the Main Roads Department and local authority road budgets, and to maintain employment, vehicle license fees, transfer fees, and drivers' license fee will be increased as proposed in the Bill and contained in the third schedule to

the Bill. The increases are to be implemented as from the 1st October, 1974, and for motorcars, trucks, prime movers, and buses to be based on the power-weight system for vehicle licensing.

(b) A separate charge of $4 per vehicle, as a recording fee, will be levied as from the 1st October, 1974, for registration and renewal of motor vehicle licenses, these funds to be applied towards the cost of vehicle licensing administration.

I commend the Bill to the House.

Debate adjourned, on motion by Mr T. H. Jones.

House adjourned at 6.15 p.m.

Legislative Council

Tuesday, the 27th August, 1974

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.

ADDRESS-IN-REPLY

Presentation to Governor: Acknowledgment

THE PRESIDENT: I have to announce that I have, in company with several members, waited on His Excellency the Governor and presented the Address-in-Reply to His Excellency's Speech agreed to by this House, and His Excellency has been pleased to make the following reply—

> Mr President and honourable members of the Legislative Council: I thank you for your expressions of loyalty to Her Most Gracious Majesty The Queen, and for your Address-in-Reply to the Speech with which I opened Parliament.

SUPPLY BILL

Assent

Message from the Governor received and read notifying assent to the Bill.

QUESTION WITHOUT NOTICE

LOCAL GOVERNMENT

Grants Commission: Applications

The Hon. H. W. GAYFER, to the Minister for Justice:

(1) Is he in a position to inform the House of—

(a) amounts applied for,

(b) reasons for the applications,

(c) amounts granted,

to and by the various shire councils in Western Australia from the Commonwealth Government through the agency of the Grants Commission?

(2) Have those shires that have been refused consideration the right of appeal?

(3) If the answer to (1) is "No", why is this the case?

The Hon. N. McNEILL replied:

(1) (a) Applications for specific amounts were not required.

(b) Copies of submissions by councils to the Grants Commission may be examined by the honourable member at the Department of Local Government.

(c) The amounts granted to the various shire councils in Western Australia are as follows—

Region and Local Governing Body	Recommended Grant ($)
REGION 1: ALBANY	
Albany Shire Council	45 000
Albany Town Council	90 000
Broomehill Shire Council	Nil
Cranbrook Shire Council	15 000
Denmark Shire Council	28 000
Gnowangerup Shire Council	47 000
Katanning Shire Council	33 000
Kent Shire Council	17 000
Kojonup Shire Council	25 000
Plantagenet Shire Council	42 000
Tambellup Shire Council	9 000
Woodanilling Shire Council	Nil
Total Region 1	351 000
REGION 2: BUNBURY	
Augusta-Margaret River Shire Council	34 000
Boyup Brook Shire Council	15 000
Bridgetown-Greenbushes Shire Council	28 000
Bunbury Town Council	Nil
Busselton Shire Council	34 000
Capel Shire Council	12 000
Collie Shire Council	62 000
Dardanup Shire Council	10 000
Donnybrook-Balingup Shire Council	27 000
Harvey Shire Council	20 000
Manjimup Shire Council	74 000
Nannup Shire Council	8 000
Waroona Shire Council	Nil
Total Region 2	324 000