

Legislative Council

Wednesday, 16 July 1986

THE PRESIDENT (Hon. Clive Griffiths) took the Chair at 2.30 p.m., and read prayers.

BILLS (4): ASSENT

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

1. Metropolitan Region Town Planning Scheme Amendment Bill.
2. Valuation of Land Amendment Bill.
3. Builders' Registration Amendment Bill.
4. Local Government Amendment Bill.

AMERICA'S CUP YACHT RACE (SPECIAL ARRANGEMENTS) BILL

Introduction and First Reading

Bill introduced, on motion by Hon. D. K. Dans (Minister with special responsibility for the America's Cup), and read a first time.

BILLS (2): THIRD READING

1. State Energy Commission Amendment Bill.

Bill read a third time, on motion by Hon. J. M. Berinson (Attorney General), and returned to the Assembly with amendments.

2. Constitution Amendment Bill.

Bill read a third time, on motion by Hon. D. K. Dans (Leader of the House), and passed.

ACTS AMENDMENT (OCCUPATIONAL HEALTH, SAFETY AND WELFARE) BILL

Second Reading

Debate resumed from 8 July.

HON. G. E. MASTERS (West—Leader of the Opposition) [2.38 p.m.]: The Opposition does not oppose the Bill on occupational health, safety and welfare. From examination of the Bill and the Minister's second reading speech, I understand that a number of statutory bodies which have had responsibility in certain areas of health, safety and welfare will now lose those responsibilities and they will be placed in the hands of the Occupational Health, Safety and Welfare Commission. As members will recall, the commission was set up as a result of legislation passed some two years ago.

When the Bill was before members in both Houses of Parliament extensive debate took place as to what was likely to happen in the occupational health, safety and welfare area, particularly with regard to the powers of the commission. Members will recall that as a result of the fairly lengthy debate, some very firm proposals and commitments were recorded in *Hansard* as to the powers the commission would be given. As far as the Opposition is concerned, this Bill is a tidying up affair and Opposition members have no reason at all to question the propriety of it.

It is interesting to note that the commission is a tripartite body; that is, comprising Government, employer, and employee groups. I have no doubt that the Government is moving towards introducing further legislation which will codify some of the provisions and requirements under the Act in the health, safety and welfare areas of the workplace. The way the legislation is progressing is certainly an advantage to the Opposition and, I guess, to the Government as well. It is being carefully and progressively introduced and it gives us the opportunity of picking up any problem areas as they come to light. The Opposition had said that it was fearful of the end result if, in fact, the recommendations in Dr Judyth Watson's report were put into full effect. We understand that that is not the case and in any event the tripartite-based commission should be able to pick up some of those problems.

We will continue to keep a close eye on such legislation but in the event it progresses this way I have no doubt it will come to some fair conclusion.

The Opposition supports this legislation.

HON. H. W. GAYFER (Central) [2.41 p.m.]: Likewise, the National Party sees no reason why this Bill should not be instituted. The three boards operating at present can operate under the proposed commission. We see no reason why they should not.

The National Party does wonder about the power of the responsible Minister. While the commission will make recommendations to the Minister I would sincerely hope that the matters which would normally go before the board—and now the commission—would not go directly to the Minister so the Minister would not be making a decision in every aspect.

We have already aired our views on two or three previous pieces of legislation. The Government is using more and more executive

control and ministerial authority in carrying out all the duties of the running of departments and committees. We are a little apprehensive.

The National Party will be most interested to see how the commission does work and what authority the Minister will exercise over the commission by the reportability of that commission to him. We have noticed a tendency already in this session for executive authority to be implemented far greater than ever was the case before. I have a gut feeling that this sort of control is coming into being. We are watching it very carefully.

HON. D. J. WORDSWORTH (South) [2.44 p.m.]: I hope the new commission will look at the matter of occupational health, safety and welfare in relation to the changing economic situation that is occurring in rural areas.

I was in Merredin on Monday visiting a factory by the name of John Walker Silo Makers and General Manufacturers which once employed over 30 people building silos, header fronts, disc drills, etc. In former years that company had a turnover of many millions of dollars. It was sad on Monday to see the modern lathe being used for the last time before it departed Merredin for some factory in Perth. It is certainly to be no longer used in Merredin. This man now employs only six people including his son and a secretary. Regrettably the rural recession has meant fewer people coming in his door.

One person who did come to his factory was a shops and factories inspector. He made an inspection of three different sections. One was the prefabricating section, the other was the normal workshop and paint section and the third was the office. Having made a full inspection, the inspector decided that although Mr Walker had full toilet and washing facilities including two pedestals in each toilet, he required a urinal for the comfort, welfare and safety of his employees.

Needless to say, the inspector was asked where he would like this urinal because Mr Walker has six people split into three groups. He said, "It does not matter where. You are just due for one urinal." Needless to say the owner threw that inspector out of his office. I would not be surprised however if there was not some legal action to enforce the addition of one urinal.

This is an utterly ridiculous thing in the circumstances. I hope this new commission will advise the Minister to review some of these

ridiculous regulations and the manner in which they are imposed.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Hon. D. K. Dans (Leader of the House), and passed.

ARCHITECTS AMENDMENT BILL

Second Reading

Debate resumed from 8 July.

HON. P. H. LOCKYER (Lower North) [2.48 p.m.]: The Opposition generally agrees to this Bill. It is merely a tidying up of an Act that has been in place for a number of years. In actual fact, it has come into this House on the recommendation of the Architects' Board of Western Australia. It is interesting to note that the education provisions in this Act have remained unchanged since 1921. I hope that the Government is looking at various Acts that have been in place for a number of years. In particular, I know the Leader of the House at one stage was the Minister for Racing and Gaming. I suggest that the Act that covers the racing fraternity in this State is highly overdue for review and should perhaps be looked at by the Minister for Racing and Gaming.

The PRESIDENT: Does this have anything to do with the Architects Amendment Bill?

Hon. P. H. LOCKYER: I mention it because that Act has not been looked at since 1892, just as this Architects Act has not been looked at since 1921. I have some further comments to make during the Committee stage.

I support the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Hon. John Williams) in the Chair; Hon. D. K. Dans (Minister for Works and Services) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Section 28 amended—

Hon. P. H. LOCKYER: Does this clause mean that charges have actually been paid in the past; and if so, does it mean that they were paid before the Act came before the Parliament?

Hon. D. K. DANS: This amount was extended by amendment to encompass payment of an annual subscription by registered architects, practising corporations, and practising firms, because there are now firms of architects.

The second point is that the Act only refers to the amount of annual subscription payable by architects, but the deletion of "architects" is as a result of the broader and correct reference to registered architects and practising firms of architects.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon. D. K. Dans (Minister for Works and Services), and transmitted to the Assembly.

GENERAL INSURANCE BROKERS AND AGENTS ACT REPEAL BILL

Second Reading

Debate resumed from 9 July.

HON. P. G. PENDAL (South Central Metropolitan) [2.54 p.m.]: In dealing with the previous Bill for the Opposition, Hon. Phil Lockyer mentioned the fact that the legislation in the two cases to which he made reference had remained intact for many years without attention. The same could not be said about the legislation now before the House in the form of a Bill to repeal an Act which became law in 1981 under the previous Government. The insurance brokers' legislation that was introduced by the Court Government in that year especially set out to both register and license insurance brokers. It arose out of considerable unrest and unease which had existed in the industry for the previous five or 10 years, owing to a number of insolvencies. When Hon. Joe Berinson introduced the Bill into this House he made a comment which I believe summed up this legislation fairly. He said that only the shell of the State Act is left intact now

that the Commonwealth has moved to legislate in the field of insurance brokers.

This raised a matter which I want to touch on in the course of this brief debate. In effect, the Attorney General is saying, and I think correctly so, that where it can be seen that token legislation exists—and while the Attorney General did not use those words, I think that conveys the spirit of it, which for some reason or another has come to be overtaken by Commonwealth law—that is a good enough reason to see it withdrawn from the Statute books of Western Australia.

Therein lies an important principle. One is reminded of another piece of legislation to do with companies and securities that was hailed across Australia in more recent years, largely at the behest of people such as Hon. Ian Medcalf, which was enacted in both the Commonwealth and the State Parliaments. I took a view then which I now retain: I have grave doubts as to whether we should be involving ourselves in what is after all legislation of a token kind. The companies and securities legislation can in fact only be amended by the Commonwealth Parliament. At the time it seemed to be a good compromise when the Attorneys General established a Ministerial Council, the approval of which was needed before an amending Bill could be taken to the Commonwealth Parliament.

In fact legislation is frequently introduced into the State Parliament, which really means we then have no option other than to accept what is in those amending Bills. For the Attorney General to do what he is now doing is, I think, commendable in that it takes away any of the tokenism that is involved, and it takes away the illusion that this State Parliament is legislating when in fact the legislation has been overtaken by events, such as in this case, or where the State law becomes invalid. I made a particular point of this in my maiden speech to the Parliament in 1980, when I put the suggestion that perhaps we ought to go more along the lines of some sort of constitutional trade-off, whereby both the State and the Commonwealth would be prepared by agreement to withdraw from certain fields of legislation in favour of the other parliamentary jurisdiction. This would mean the people of Australia would have but one set of laws to obey and to be enforced in a particular area be it State or Commonwealth. We are told by the Attorney General in this case that the Commonwealth law has now been put in place, and in fact in all but a num-

ber of material matters, it is now a substantive piece of legislation for that industry.

I took it as well that the Attorney General indicated that perhaps the only purpose in keeping this Statute on our books would be that we still have the power to register insurance brokers. Therefore, we would thereby derive some small income from the registration fees. Naturally enough, the Opposition supports the Attorney General in the view that that is not justification to have legislation of this kind hanging about the Statute books merely to become a source of income in a field of law which has not been overtaken by the Commonwealth.

I have said on a number of occasions in this House, and have lamented the fact, that the Federation and the balance of political and legislative powers are not in all that good a shape. I doubt very much whether this will be helped by the Constitutional Commission which has since been set up by the Hawke Government. I have lamented the general encroachment in the first place by Commonwealth legislation, and, secondly, I think it is equally valid to say that there is an inability in the part of both Federal and State Governments around Australia, of whatever political colour, to come to some agreement and to put forward, perhaps even in the form of a constitutional amendment, some form of agreement whereby people would withdraw behind a line so that the Commonwealth was responsible on the one side for certain things and the State was responsible on the other side for other things.

To the extent that this legislation achieves that aim, the Attorney General and the Government should be congratulated. It does not mean that consumers or anyone else will be left without the adequate provisions that the State Bill provided in 1981 because those provisions, and perhaps even superior ones, are made under Commonwealth law which, to all intents and purposes, has been in operation now for several years and has been introduced in dribs and drabs.

With those remarks the Opposition signifies that it supports the repeal of this redundant piece of legislation.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

HON. KAY HALLAHAN (South-East Metropolitan—Minister for Community Services) [3.02 p.m.]: I move—

That the Bill be now read a third time.

HON. P. G. PENDAL (South Central Metropolitan) [3.03 p.m.]: Throughout my remarks at the second reading stage I heaped praise on the Attorney General and his colleague in the other place, and I now discover that in fact he had nothing to do with the legislation. Nonetheless, the Opposition maintains its views and commends the Minister for Community Services for the same reasons.

Hon. D. K. Dans: You were probably reading the wrong Bill!

Question put and passed.

Bill read a third time and passed.

PEARLING AMENDMENT BILL

Second Reading

Debate resumed from 9 July.

HON. P. H. LOCKYER (Lower North) [3.04 p.m.]: This Bill has become necessary because the Pearling Act is a very old Act, having been introduced in 1912. The Bill merely streamlines the way in which the Government is able to set fees, the fees having last been set in 1965. Obviously the legislation needs streamlining and the Opposition supports that move.

During my research on this Bill I was interested to learn of the history of pearling in Western Australia, because when members of the public and honourable members think of pearling they immediately think of Broome. In fact, pearling began in Little Bay just outside Cossack near Roebourne in 1861. Cossack was then known as Tein Sin. In fact, in 1873, 80 boats operated out of Cossack and members who have inspected the historical buildings in Cossack will know that the town's history relates entirely to pearling. It was not until 1890 that Broome became the main pearling area. Pearling out of Broome was a very big operation until about 1930 when people overworking the pearling fields, like in so many other industries, left the industry in tatters. This, connected with the withdrawal of Japanese divers during the second World War, left the industry in quite bad shape.

The whole industry today operates in a much wider area; in fact, even within my electorate of Lower North Province outside Shark Bay cultured pearls are produced. These cultured pearls serve a very different market today than

in previous years when the pearl shell was used for belts, buckles, and buttons. Today the cultured pearl industry almost entirely produces jewellery. It is a much more valuable and tighter operation.

As I said earlier in the piece, the Bill merely streamlines the manner in which the Government can set fees and for that reason the Opposition supports it.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Hon. D. K. Dans (Leader of the House), and passed.

LAND AMENDMENT BILL

Second Reading

Debate resumed from 9 July.

HON. D. J. WORDSWORTH (South) [3.08 p.m.]: I welcome the introduction into the Parliament of this Bill. Indeed, the record will probably show that I requested the Lands and Surveys Department to prepare it. When I was Minister for Lands I effected major changes to the pastoral provisions of the Land Act, and at the time it was felt inappropriate to tag on a small amendment to the conditional provision section of the Act.

Indeed, only a little over a year ago I wrote to the then Minister, Hon. Ken McIver, and asked him to exercise ministerial discretion for me personally because I wished to freehold my property and I had not completely boundary fenced. As it happens, I was in the same position when I was Minister but I refused to make an exception for myself. I felt that perhaps the Minister might have done that because it had been explained to me that when I was Minister I had the ability to exercise discretion, and indeed did so on many occasions. In the Minister's second reading speech attention is drawn to that matter although it is claimed that the limited ministerial discretion to waive this requirement occurs only when a boundary fronts a river or other natural feature. Anyway, that is a very minor difference and I am very glad to see any doubt removed in the legislation.

I refused to change my conditional purchase farm to freehold by fencing along a boundary when I knew the land so enclosed was of no use. It would have cost me \$6 000 and the land contained some scrub which was not useful. Often scrub contains poisons so it perhaps could not even have been grazed. I refused to be caught by a ridiculous Land Act provision. When this Bill is passed I will be able to apply for freehold title for my farm.

Hon. Kay Hallahan: And save \$6 000!

Hon. D. J. WORDSWORTH: As I pointed out, the fencing in this type of country lasts only about 15 years. It is quite ridiculous to put fences up before they are required. I asked the Under Secretary for Lands and Surveys why the provision was put in the Act in the first place. It took him about two months to reply that fences have to be put up to mark boundaries.

Hon. H. W. Gayfer: What about a survey post?

Hon. D. J. WORDSWORTH: They rot out. Star pickets could have been used, but the boundaries have to be marked now with a six-line fence.

Hon. H. W. Gayfer: It broke a lot of hearts during the Depression.

Hon. D. J. WORDSWORTH: I will bet it did and also during the recessions in Western Australia in the last 15 years. Most European farms do not have fences, particularly where there are crops; there is no need for fences other than to mark the boundary. I have just been in India and I did not see any fences there.

Hon. H. W. Gayfer: There is not one on the prairies of Canada, either.

Hon. D. J. WORDSWORTH: And not many in the United States. Farmers import Basques from Spain to look after their stock because if the stock is not confined at night they are eaten by coyotes and wild dogs. Fencing is an Australian requirement and in this case is out of place.

I am glad to see this provision go. Farmers have, at times, wanted to set their fences back from their boundaries so they could put trees on the boundaries of their properties and not have to double fence them. In other words, the boundary fences stopped the stock from eating the trees. When I applied for freehold title to the land I was told by the department that it would not be granted because I had not complied with the Act. I know of a farmer who truncated his property for a road—he cut off

the corner—and was told that he did not comply with the Land Act because he had not fenced to the corner properly. That is how exact the department is. As the Minister I was able to correct the later anomalies. I am now pleased to see that freehold title will be granted on properties without a fencing requirement.

HON. E. J. CHARLTON (Central) [3.14 p.m.]: On behalf of the National Party of Australia, I support the Bill. The comments made by Hon. David Wordsworth on this legislation are in line with everybody's thinking. The legislation is extremely logical, and it is a shame that it was not introduced a long time ago. I suppose, though, that one can ask why Henry Ford did not build the Fairlane 30 years ago.

The new land farmers will benefit greatly from this legislation which, together with conservation measures in agricultural areas, will mean enormous advantages for the land. The public should know that a great deal is being done to improve conservation standards through the greening of Australia policy and other conservation measures. They have led to an enormous improvement in the soil and the country as a whole.

This legislation will enhance those measures and will also allow farmers and owners of land to make their future planning in a more practical and logical way that will benefit the agricultural community and the State as a whole.

HON. J. M. BROWN (South-East) [3.16 p.m.]: I also add my support to this Bill. The provisions contained in the legislation have forced hardship on the rural community. Members should be mindful that when we were opening up one million acres of land a year in the 1960s, this Act has caused much stress and concern to the farming community in respect of boundary fencing. I remember the Commissioner for Soil Conservation directing farmers to leave a one-chain strip inside their boundaries in order to stop soil degradation. In some instances farmers erected fences one chain inside their boundaries. However, when they applied for freehold title of their land they were told they could not have it because they had not complied with the provisions of the Land Act which state that the land must be fenced on the boundary.

In retrospect, it is a shame that this legislation was not introduced years ago. The Government is certainly to be commended for introducing it now. Hon. Eric Charlton reminded me of the problems faced by the new

land farmers when seeking support from financial institutions. This legislation will help with those applications because they will not have the added cost of having to fence the boundaries of their properties in order to obtain freehold title.

I support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Hon. Kay Hallahan (Minister for Community Services), and passed.

HOUSING LOAN GUARANTEE AMENDMENT BILL

Second Reading

Debate resumed from 9 July.

HON. G. E. MASTERS (West—Leader of the Opposition) [3.20 p.m.]: The Opposition supports this Bill, which amends the Housing Loan Guarantee Act 1957. That Act, at present, makes it possible for people of moderate means—people who have low incomes and limited resources—to purchase their own homes. I understand that the Treasurer guarantees the repayments of those loans when there is any risk involved and indemnifies certain people for payment; for example, it is not likely that banks, insurance companies and the like would lend funds to terminating building societies and put their funds at risk if there were not some sort of guarantee. That is what the Act is all about.

The Act was introduced before the mortgage insurance scheme. It has been found with the advent of that scheme that the Housing Loan Guarantee Act was perhaps a little behind the eight-ball and needed upgrading. The Act makes a significant difference to people on low incomes. I understand that purchasers could be saved up to \$400 when purchasing their homes. The new Bill will cover new and existing loans and will therefore be at about the same level as the mortgage insurance scheme.

The cost appears minimal and only a limited amount of risk is involved. Since 1937, \$102 million has been covered under this guarantee scheme and the loans amounted only to

\$30 000 or \$31 000. In 1985-86 something like 820 families were accommodated under this scheme. Those families would possibly not have the opportunity to purchase their homes if this guarantee scheme had not existed. In addition to helping people on low incomes, in some special cases loans are made available to something like 95 per cent of the value of the home or a shade more. I think the move was well made and will certainly encourage those organisations with substantial funds to make the funds available for people of moderate means. I think that we all agree that the more people given every encouragement to own their homes, the better, because nothing is more satisfying for a person in Australia than having the opportunity to buy a home; it does not really matter whether it takes 20 to 30, or 40 years. People who are buying their homes feel very real security and we should make every effort to encourage people to do so. This Bill represents such effort; therefore, the Opposition supports it.

HON. H. W. GAYFER (Central) [3.23 p.m.]: In essence, I have no complaints about the Bill. After all, it saves new homebuyers \$400. That is all well and good, but that type of give-away to city and town dwellers rankles when people on the land who supply housing or accommodation for employees or family members do not receive such relief. Instead, we are shackled with a fringe benefits tax. I enthusiastically support the legislation, but point out that on the one hand we are making it much easier for the rank and file to have a home—which every man and woman should have—but on the other hand another Government of the same colour as this Government imposes a fringe benefits tax on property owners, thus virtually preventing them from setting up homes for their families, employees, and others. It is becoming well nigh impossible for property owners to provide such homes.

It is absolutely wrong that there is such a difference in treatment of two groups with a common need. Everybody seeking a first home should be treated with the same degree of consistency. I have no objections to the Bill, but, heavens above, country people are just about at the end of their tether. We are supplying houses, first homes, and the like to encourage people to live in the country and give them a roof over their heads, but we are taxed for doing it.

I support the Bill, but I had to vent my thoughts at this time.

HON. KAY HALLAHAN (South-East Metropolitan—Minister for Community Services) [3.26 p.m.]: I welcome the support of members opposite. In accepting that support for the Bill, I make a couple of points. The first is in reference to the comments made by Hon. Gordon Masters. I make them merely to save confusion to readers of *Hansard*. Perhaps the honourable member had a faint photocopy, but anyone following our debates in this place could be confused by two figures he gave. He mentioned the cumulative total since 1937. The correct year was 1957. Since 1957 the cumulative total of guarantees issued is \$102 million.

Hon. G. E. Masters: What did I say?

Hon. KAY HALLAHAN: I think the honourable member said 1937. I am just wondering whether he wants to check his eyesight or the copy he has.

Hon. G. E. Masters: My notes say 1957, so I must have read the figure incorrectly.

Hon. KAY HALLAHAN: The other figure that needs to be put right is that during 1985-86 a further 520 low to middle income families will be assisted. I think the honourable member mentioned a figure of 820.

Hon. G. E. Masters: Yes, I did.

Hon. KAY HALLAHAN: I do not make those two points for the purposes of our debate, because we are all in agreement, but so that readers of *Hansard* will not be confused.

In response to Hon. Mick Gayfer I just make two points. I accept that the honourable member was just taking an opportunity to vent some of his—

Hon. H. W. Gayfer: Ire.

Hon. KAY HALLAHAN: —frustration about circumstances as he sees them. The Bill is about a changing of ownership of property and housing, and I think that the circumstance he cited does not relate to this legislation or the assistance being given. It is an opportunity to give to people on very low incomes assistance towards home ownership. While I appreciate the question the member was raising about providing housing in the country, particularly on farming properties, we are not then talking about home ownership. Therefore, this Bill has no relevance to the particular problem the honourable member faces.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Hon. Kay Hallahan (Minister for Community Services), and passed.

WESTERN AUSTRALIAN TREASURY CORPORATION BILL

Second Reading

Debate resumed from 8 July.

HON. V. J. FERRY (South-West) [3.32 p.m.]: The Opposition supports this Bill, which could be termed a Treasury Bill. In my view it is a professional Bill to meet a professional need in financial management. The Bill repeals the Borrowings for Authorities Act 1981. That Act was brought in five years ago to meet a perceived need to permit the orderly borrowing of moneys for public use, and subsequently, through negotiations throughout Australia through the Loan Council and input from other States, it has been deemed necessary now to come up with the Bill before us.

The move in recent years towards the deregulation of financial matters in Australia has accelerated this action, and is one with which I have no quarrel. It is necessary to have control through a central borrowing system. On the world scene today it must be understood that there is an acceptance by people, both overseas and domestically, that the central borrowing authority is a prerequisite for Government needs—so much so that all the States in Australia have set up their own corporate bodies. They do not call them by the same title in each State, but in effect they perform the same role. One can refer to New South Wales, where the body is referred to as the New South Wales Treasury Corporation. In South Australia it is called the South Australian Government Financial Authority. Other States call their authorities by different titles, but the intent is the same. It is therefore necessary for Western Australia to fall in line with the global approach to this matter.

In his second reading speech the Minister alluded to the final report of the Campbell committee of inquiry. Paragraph 12.18 reads—

12.18 The Committee therefore *recommends* that:

- (a) Where it can be clearly demonstrated that a public authority is basically subject to market disciplines, it could be viewed as a 'commercial' authority.
- (b) The volume of borrowing by 'commercial' local and semi-government authorities, and the terms and conditions of such borrowing, should be free from Loan Council control; borrowings by these authorities should not be government guaranteed.

I mentioned that because the recommendation refers to borrowings by commercial enterprises which could incorporate such organisations as the State Energy Commission, Australia Post, and some other undertakings.

I now refer to recommendation 12.22 of the same report, which reads—

12.22 The Committee therefore *recommends* that 'non-commercial' authorities should continue to enjoy a government guarantee and remain under Loan Council oversight in respect of the overall volume of borrowings; however, terms and conditions (including maturities) of borrowings should not be subject to Loan Council control but be negotiable between the government guarantor, the borrower and the lender.

The legislation we are now debating runs along the course recommended by the Campbell committee. There should be negotiation between the State authorities set up under this Bill to arrange loans, receive money, and pass it on to whoever the lender may be. All borrowings of a non-commercial type in that category would go through the corporation in this State.

I have perused this Bill. It is a professional Bill; I do not believe it is a political Bill at all. It is necessary for the good order and superintendence of public borrowings in this State for the benefit of the whole State. I have no quarrel with it.

I just make the observation that, like all these measures, and like all administration, it depends on the calibre of the people at the helm. Our State Treasury in the past has had great service from its professional officers. I trust that this professionalism will flow over into the Western Australian Treasury Corporation which will continue to serve Western Australia well.

HON. H. W. GAYFER (Central) [3.37 p.m.]: I want to make one point only. Hon. Vic Ferry has ably stated the feelings on this side of the Chamber, but on the last page of his second reading speech the Minister mentioned that local authorities could borrow from the corporation if this was considered to be a mutually acceptable proposition.

I took the trouble to ring up the Country Shire Councils Association to find out if it agreed with the tenor of the Bill and what great benefit this alteration to the schedule would have on the shire councils. The association stated that central borrowing combining all local authorities has been sought for many years—in other words, enabling local authorities to arrange their borrowing requirements. The association believes that this Bill goes a long way, but it is not sure that it is all that the shire councils really want in their own type of legislation which I understand is presently under discussion with the Minister for Local Government.

I signify that we are aware of their ideals. I cannot say whether we would approve if such legislation came before us. The power the shire councils have to borrow under the terms of this Bill is appreciated by them, and will be used, I am sure, by many of them until such time as their own central borrowing fund is set up.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Hon. J. M. Berinson (Attorney General), and passed.

INDUSTRIAL RELATIONS AMENDMENT BILL

Second Reading

Debate resumed from 9 July.

HON. G. E. MASTERS (West—Leader of the Opposition) [3.41 p.m.]: The operations of Parliament never cease to amaze me. One day the House will sit until past midnight debating a particular subject, and the next day business will proceed very quickly to Order of the Day No. 12. Progress today has been quite remarkable.

Hon. S. M. Piantadosi: You have been very good.

Hon. G. E. MASTERS: Give me time; things are about to change.

The Opposition opposes this legislation. Over the last three to four years members on this side have seen legislation introduced by the Labor Government once or twice a year which always has the same objective. It is very interesting that this legislation has been introduced and yet contains no reference to the tripartite council. Members will recall that the Government made much publicity of the tripartite council, which was set up to advise the Government on industrial matters. Without exception, whenever Bills dealing with industrial matters have been introduced over the last four years, they have been backed up by some sort of statement referring to the tripartite council.

I assume that this time the tripartite council is not at all in favour of this legislation, but nevertheless even if it is in favour, or even only partly in favour, the Opposition opposes this legislation, as no doubt the Government would expect. Before I draw members' attention to the Minister's second reading speech, I extend a welcome to some new members of Parliament who, no doubt, will be taking an added interest in this legislation. No doubt these new members will be busily writing notes and leaping to the defence of this legislation and everything in it which they support.

However, I refer to the first part of the Minister's second reading speech, which is to be found on page 1513 of *Hansard*. This is very important, for in the first line of his speech he says—

This Bill is the first step in a legislative package aimed at modifying, finetuning, and improving industrial relations in Western Australia.

I specifically draw members' attention to the words, "... the first step in a legislative package ...". Members will recall that substantial industrial relations legislation has been introduced into this House over the past two or three years but because some of the more horrendous details and some of the more objectional legislation have been rejected, the Government has decided not to put its industrial relations legislation into one Bill this time but to spread it throughout a number of pieces of legislation.

We must remember that this legislation is part of a package of legislation and members all know what the eventual aim of this legislation

is. The trade union leadership, which is well represented in the Labor Government in this place, has but one objective and that is to have compulsory unionism in operation throughout the workplace. This union leadership is absolutely committed to having every single person in the work force being required or forced to join a union, and every workplace to be unionised.

Sitting suspended from 3.45 to 4.00 p.m.

Hon. G. E. MASTERS: As far as the Labor Party is concerned and many of those people who represent the trade union movement in this State today, there is one objective—they want every single person to be required, and forced if necessary, to become members of a union, and for their workplaces to be unionised. In 1983 and 1984 legislation was introduced into both Houses of this Parliament which was universally condemned by the public. It contained some quite horrendous proposals. As a result of a great deal of work by the Liberal Party to enable the community to understand what was proposed, that Bill was defeated with public acclaim, as Hon. Tom Butler well knows.

Hon. T. G. Butler: No, he does not know that.

Hon. G. E. MASTERS: In late 1984 a "Mark II" model was introduced which was partially successful. The Opposition did not oppose the second reading, but naturally we knocked out some proposals which have been presented to Parliament again today.

We saw in the 1983-84 legislation—the session overlapped the Christmas period—the real objective of people like Hon. Des Dans and the TLC, which was total control of the workplace. There can be no doubt about that. The legislation began by attempting to change the definition of "employee" so that it was so broad as to include many people who we would say are self-employed and not eligible to become members of a union; people such as subcontractors, contract workers, and people self-employed in small business. They would have been pulled into the net in such a way that they would have been classified as employees or workers.

That probably will be in the next piece of legislation which the Government introduces into Parliament. We know if that definition of "employee" had been successfully changed everyone who physically works would have been roped in and forced to become a member of a trade union, whether he wanted to or not.

We have seen people in many areas being compelled to join against their will. If they do not do as they are told and obey orders, or if they are a small or large business, they are sent broke or bankrupt. That is the reality of the situation.

The 1983-84 legislation would have allowed the Industrial Commission to challenge contracts made, and would have enabled trade union leaders to challenge contracts and have them declared void.

The Minister's second reading speech said this Bill is the first part of a package. Next week or next year, whenever it is, the next piece of legislation to come into Parliament will be directed at changing the definition of "employee" and at interfering in contractual arrangements. Whether in the city or the country, people have to think of what could happen if someone made a contract or arrangement for fencing, cartage, or bricklaying, and the contract was successfully challenged and the Industrial Relations Commission declared it void or awarded a higher rate of pay.

Hon. H. W. Gayfer: It would arouse a degree of suspicion.

Hon. G. E. MASTERS: Yes, but what we must have clear in our minds is that this Bill is part of a package; it is very important as far as the TLC and the Government are concerned. We must bear that in mind when we are looking at these proposals to repeal part of section 23 of the Industrial Relations Act. Section 23 of the Act states in part—

The Commission in the exercise of the jurisdiction conferred by this Part shall not—

It then goes on as follows—

(e) provide for—

(i) compulsion to join an organization to obtain or hold employment; or

(ii) non-employment by reason of being or not being a member of an organization;

(f) provide for preference of employment at the time of, or during, employment by reason of being or not being a member of an organization;

If the Government is successful in having this Bill passed the Industrial Relations Commission will be able to compel people to join a union. They will be compelled to join or lose their job; that is exactly what it says. I point out that paragraph (e)(ii) refers to non-employment

by reason of being or not being a member of an organisation. So the Industrial Relations Commission could say that a person is not employed if he is not a member of a union. If it considers there has to be a closed shop that is the end of the matter. If this part of the Act is deleted the commission will be able to provide for preference; union members will have preference of employment and if one is not a member of the union, one will not get a job. The Act goes further in paragraph (f) which refers to providing for preference of employment at the time of, or during, employment.

In the Federal legislation preference is given to union members at the time of employment. In this legislation the Government is saying it wants to remove part of the Act so that the Industrial Relations Commission can give preference at the time of employment or during employment. So there may be a nice little workplace operating happily, where workers are probably being paid above what they would expect under the award, and suddenly the Industrial Relations Commission as a result of pressure from union groups can say that workplace will be unionised and be a closed shop. Workers will have to join the union or lose their jobs. That is what will happen if section 23(3) paragraphs (e) and (f) are deleted from the Act. People will have absolutely no say whatsoever, and the Industrial Relations Commission will most certainly change the arrangements.

What we are talking about is compulsory unionism in the workplace. It is quite possible that the trade union movement and the Government would achieve total unionisation of the workplace through the repeal of this part of the Act. I say to members opposite they should understand that we live in a changing world and everywhere else people are moving away from this direction. However, we in Australia are going more down the path of forcing people to do certain things against their will. I remind members—and I do not know whether it makes any difference—that the Labor Party and the trade union movement are always talking about human rights, the International Labour Organisation Conventions, and the like. I quote these words every time there is an industrial debate; they come from the United Nations' Universal Declaration of Human Rights, article 20(2) which states—

no one may be compelled to belong to an association.

Hon. C. J. Bell: I understand that is not in the Federal Bill of Rights.

Hon. G. E. MASTERS: That is right. That provision in the UN charter should apply all over the world. Convention 87 of the International Labour Organisation also upholds this principle.

I will quote article 2 of Convention 87 as follows—

Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.

Of course, that assumes they may choose not to join an organisation. It needs to be repeated time and time again. I get sick and tired of people in the community who quote from the United Nations Declaration of Human Rights and the International Labour Organisation Convention to suit their own purposes.

This Government, in changing times, works against everything in which a free society believes. Everything for which the people of Australia have worked, including freedom of choice, is under threat. It is not proper for any trade union to dragoon its members; it must earn them.

I support some of the very good unions in Australia and Western Australia which have earned members through their efforts. In many cases those members chose to join their union because of the benefits afforded to them. That is how the unions should go about obtaining membership, and they will find they will have strong and powerful membership.

We should not have a situation where a trade union does not have to make any effort at all to obtain membership and where it can do what it likes because it knows jolly well that if a worker does not choose to join the union he will not be employed. That is not the way we should work in Australia. The dragooning of members is wrong and it will be the downfall of unions in Australia.

Hon. Fred McKenzie: I believe that under the conscientious objection clause a person does not have to belong to a union.

Hon. G. E. MASTERS: I am coming to that point. I know that Hon. Tom Butler had a finger in the pie when the original legislation, which I refer to as "bad stuff", was drafted. He was employed by the Premier and helped write the legislation which was the worst piece of legislation ever introduced into this Parliament, yet he claims he had nothing to do with it. After working for some years for the

Premier, Hon. Tom Butler is now in this House and is saying that the Government wants every person in the workplace to join a union.

Hon. T. G. Butler: You have a marvellous imagination.

The PRESIDENT: Order! I ask honourable members to come to order. Members can only be heard in silence and not with this constant slanging match across the Chamber. I will not tolerate it this afternoon and I call on the member not to enter into a slanging match with members on the other side of the House.

Hon. G. E. MASTERS: It would be far from my purpose to do that. I will quietly go about my speech and make the points I wish to make as well as I can.

I was saying that there are members in this House, including Hon. Tom Butler, who had a large part to play in the previous legislation which was introduced into this Parliament by the Government a few years ago. It was totally unacceptable to the community and its objective was to have every person in the work force becoming a member of a union. That is Hon. Sam Piantadosi's and Hon. Tom Butler's aim in life.

Hon. Fred McKenzie: What about me?

Hon. G. E. MASTERS: And Hon. Fred McKenzie. I do not really think that Hon. Des Dans believes it any more and I will make special reference to that at a later stage. He has learnt his lesson well and there are people who are friendly towards him and who are making the statements I think he would make these days.

What some members in this House and the trade union movement cannot understand is that times have changed and that this country is going bankrupt.

Hon. S. M. Piantadosi: You did it.

Hon. G. E. MASTERS: I thought Hon. Sam Piantadosi was a moderately reasonable fellow.

Hon. P. G. Pendal: It is the company he keeps.

Hon. D. K. Dans: I did not think that magic mushrooms grew in Perth.

Hon. G. E. MASTERS: One lives and learns every day.

Hon. D. K. Dans: When was your last meal?

Hon. G. E. MASTERS: There are some people in the union leadership who simply cannot accept that times are changing and that they have to change with them. They cannot accept that the community is changing and will

not tolerate being stood over and dictated to. I know that we are doing our best and that we will fight our way out of it, but economically we are in a serious situation.

Some people boost the trade union movement and say that it has done a wonderful job in the workplace—and so it has for a time. However, in recent times our standard of living has dropped from sixth or seventh in the world to the mid-twenties. If it is a claim that the trade union movement is maintaining the standard of living, then it is not a substantial claim. If it says it is helping to maintain our standard of living it is not in fact, because down the skids we have been going. The union movement must understand that times have changed and we are rapidly becoming a second-rate country. Our standing in the world may be under threat.

Hon. D. K. Dans: You should not denigrate your country. I do not believe what you are saying.

Hon. G. E. MASTERS: I am saying what everyone understands; that is, Australia has a serious economic problem. I did say that I am sure we will fight our way out of it, but to do that things will have to change. Many of those things that will need to change are reflected in this legislation.

Hon. D. K. Dans: You would not blame the trade unions for that.

Hon. G. E. MASTERS: I said that the trade union movement is partly to blame. I am only blaming some of the leaders in the trade union movement.

Hon. S. M. Piantadosi: One.

Hon. G. E. MASTERS: I am not just blaming the union Hon. Sam Piantadosi represents, because there are others which are just as bad.

I urge members to very seriously consider the situation when it comes to repealing certain paragraphs in section 23 of the Act. If members do not vote against that measure we will surely have compulsory unionism in Western Australia overnight.

I refer now to the proposed repeal of part VIA in this legislation which Hon. Des Dans and other members who were in this House five or six years ago vigorously opposed. They said it would not work and Hon. Des Dans will stand up in this House and say that it was a waste of time and caused more trouble than it was worth.

Hon. Fred McKenzie: Tell us differently.

Hon. G. E. MASTERS: We know and Hon. Des Dans said when he was Minister for Industrial Relations that he would not apply that part of the legislation when it was required to be used and there were genuine complaints.

Let us see what part VIA does and ask why this Government is trying to repeal it. On page 119, the Industrial Relations Act states that an employer cannot and must not victimise a person in the work force because that person is or is not a union member. In other words, the employer is penalised if he takes action to ensure that one of his employees becomes a member of a union. It provides protection for the worker and that is what it is about. The employer is in trouble if he applies pressure on a worker for not being a union member.

At the same time, the legislation states that a union leader cannot victimise or threaten his boss. Is not that proper? Why should not an employer be protected from union standover in the same way as his employees?

It is a perfectly legitimate argument; it is not one-sided and does not state that the union leader will be penalised but the employer will not. It states that both shall be penalised equally.

Part VIA also states that no other person, whether an employer or a union member, can victimise or threaten another person. That is protection from standover tactics. It states that workers cannot be dismissed for the reason that they are entitled to the provisions in an award. It means that a boss cannot sack a person because he considers that under the award he will have to pay him too much. If an award is in place setting out the rate of pay the employer is obliged to pay that wage. He cannot say that he will not pay it or suggest a lesser amount. The award is protected, as are the people receiving the award.

Part VIA states that a person must not force a person to take action against another person. That may sound like double-dutch but, of course, I am talking about secondary boycotting. For example, a small company or another person cannot be forced to take certain actions in an attempt to pass the blame down the line. We all understand what secondary boycotts are about and are aware of the problems and heartache they cause. It is wrong and criminal and should not be allowed.

Hon. S. M. Piantadosi: You should know about that.

Hon. G. E. MASTERS: The honourable member should be careful when he talks about my knowing all about that because I was a Minister when he was a union leader. I heard all about him and I know, Mr President, that Mr Piantadosi was asked—

The PRESIDENT: Order! I reminded members earlier that I will not tolerate these slanging matches. I am asking the members interjecting to stop and I ask the honourable member addressing the Chair to continue to do so in moderate and temperate language.

Hon. G. E. MASTERS: Hon. Sam Piantadosi should be very careful when he interjects and makes loud noises in the House. I was a Minister when he was a union leader and I know that he was asked to leave as a result of his using threatening behaviour.

The PRESIDENT: Order! I will not tolerate the honourable member making those statements on a Bill that has absolutely nothing to do with it.

Hon. G. E. MASTERS: With all due respect, and I will not refer to that matter again, I am talking about legislation which protects people from standover threats and intimidation.

The PRESIDENT: Order! I am saying to the honourable member that to suggest a member of this House was involved in that sort of action is out of order.

Hon. G. E. MASTERS: I apologise for that remark, Mr President, and I will not refer to it again.

This legislation protects people in the workplace from intimidation, standover tactics, and threat and will certainly apply to anyone who uses those tactics whether he be an employer or an employee.

Hon. T. G. Butler: Your definition of "standover" is very loose.

Hon. G. E. MASTERS: My definition of standover is when people are threatened and told that if they will not do a certain thing they will lose their job; when a boss or company is told to take certain action or that company will be black banned; when a worker is threatened that he will lose his job and never work in the industry again unless he does certain things; when a person is told he must join the union and pay certain fees or he will not work again; when a person who is self-employed is forced to join a building union superannuation scheme against his will, from which he will never gain the benefit and to which he is not really entitled to belong. They are the things I would class as

standover and I am sure everyone in this House will agree. If I am wrong, perhaps Hon. Tom Butler, Hon. Sam Piantadosi and others will tell me what "standover" is.

I have been self-employed all my life, as many other members have been, and I have worked very hard for every dollar I have earned. There is absolutely no way I will tolerate anyone telling me what I can or cannot do, I will choose which association or organisation I want to join, I will choose where I work and the hours I work. That is my right in this country and that is what this matter is all about. I can understand that some honourable members do not have an inkling of what I am talking about. They have no idea of the risk involved in putting one's last dollar on the line; they do not know what it is to work Saturday and Sunday whether or not one wants to. They do not understand what it is to worry and work, to have to roll up one's sleeves and wonder whether it will be possible to pay the wages at the end of the week. I suppose that to some extent I am wasting my time trying to explain these matters.

Hon. T. G. Butler: Why would we not understand?

Hon. G. E. MASTERS: Because some members have never done it.

Further protection for the worker is contained in subsection (5) of the Act on page 121 which states—

(5) A person who hinders or prevents the supply of goods or services by a second person to a third person or the acquisition of goods or services by a second person from a third person with intent to cause the commission of an offence under subsection (1), (2) or (3) commits an offence.

That is protection against secondary boycott, yet the Government is seeking to repeal that part of the Act. Why? What is wrong with it? This part of the Act makes it clear that employers and corporation officers are liable to prosecution; it does not apply to just one group. If a company is guilty of an offence those people responsible for running the company are also guilty of an offence and can be prosecuted. It covers union leaders and unions; they also are liable for prosecution if they take certain actions. Part VIA protects everyone against unfair treatment. That is the objective and I cannot understand what is wrong with it. If, in fact there are some deficiencies in the legislation surely a respon-

sible Government should be seeking to strengthen it, to make sure that adequate protection is provided.

Reference is made to inspectors. Hon. Des Dans was Minister for Industrial Relations in the past and he frequently said in this House that if a complaint was made to him or his department he would not send inspectors to check the complaint. He said that they were not there for that purpose, and that they were employed to look after the health, safety and welfare aspects of the workplace. Of course, I am not objecting to that part of their duties. However, they should also be used for investigating complaints. Under the Act they can investigate complaints on the authority of the Minister but the Minister chose not to give that authority. The Minister for Industrial Relations in another place said that the legislation does not work. Of course, it cannot work if the inspectors are told not to investigate these complaints.

If any member of this House were employed in the workplace, whether or not in his own business, and he was intimidated for any reason by an employer or a union leader and telephoned the Minister asking for help because he was being threatened, he would be entitled to the services of an inspector. That is what they are there for and they have tremendous powers in this area. That is the cause of the problems. If people telephone asking for help because they have a problem it is no good telling them that the police will come, because the police will not. Hon. Des Dans has said that on previous occasions when confronted with this problem.

Of course, Hon. Fred McKenzie differed from that opinion, and said that the police should not be involved. Nevertheless, people cannot be expected to continually complain to the police or to expect the police to act at all times. At least an inspector should be able to act in the workplace, ascertain what the problem is and decide how he can help. The Act allows that to happen but if the Government has its way it will repeal parts of the Act so that that protection will no longer exist. By removing this protection we are throwing the gates wide open and in the very near future there will be no subcontractors as we know them today.

People who are being threatened, and bankrupted in certain cases, will have absolutely no protection. There is little enough already—there is virtually none with a Government that refuses to apply the Act. I know some members here have worked in big workplaces,

and they are a different matter. This legislation will not be very effective in big workplaces.

Hon. Tom Helm knows from working in the mining industry, and I know, that there are closed shops and other accepted practices, but that does not always apply in smaller workplaces, nor to a great extent in the metropolitan area, and certainly not to small country towns. Yet every day this sort of thing is happening.

Clause 6 of the Bill is totally unacceptable. Hon. Fred McKenzie pointed out that the Bill contains an option for people to opt out of a union if they want to. That statement assumes they will be compelled to join in the first place. In this legislation the Government is saying that people will be required to join a union—the Industrial Relations Commission will say “You join a union.” But Mr McKenzie and this legislation say “If you decide not to join a union you can apply to the Industrial Relations Commission, and if the commission thinks fit, you may be exempted.” That is, not by right.

Hon. T. G. Butler interjected.

Hon. G. E. MASTERS: Hon. Tom Butler should read it himself. That is exactly what this piece of legislation says. There are only two pages in the Bill, and the clause I refer to is on page 2—he probably has not got that far yet. I quote from the Bill—

(1a) The members of the Commission, or a majority of them, may make regulations—

And members will note that it says “may” and not “shall”. The clause continues—

- (a) requiring the Registrar to issue certificates of exemption from membership of organizations to persons who object to being members of the organizations, apply for those certificates and pay to the Registrar amounts ascertained in a manner specified in regulations made under this subsection;
- (b) providing for the duration of certificates referred to in paragraph (a) and for their renewal from time to time on payment to the Registrar of amounts required by the Registrar . . .

The clause says that the Industrial Relations Commission may issue certificates. It is even worse than some of the earlier legislation. That has always been the case, and the argument is that if people want to opt out of a union, if indeed they are compelled to join, they ought

to be able to make the choice of paying a significant sum of money, probably the amount of the union fee, into a charity. That was the old way of doing things, but the Government is now saying that the commission may allow people to do so, not that they shall be able to do so.

Mr Deputy President (Hon. John Williams), you and I know that the Industrial Relations Commission these days simply reacts to union and industrial pressure, and it is likely that when under pressure the commission will succumb to that pressure where there is not a closed shop, or a preference here or there; and all those people will be required to join a union. Some people might say they do not want to be members of a union, and the Industrial Relations Commission may, if it wishes, say, “Too bad.”

Apart from that, the question of opting out of joining a union, of being able to say “I do not want to be a member of a union”, and paying a sum of money into a charity, assumes that there is a compulsion in the first place. We say there should be no compulsion, and because there should be no compulsion there is no reason at all why people should have to pay to opt out. It is as simple as that.

These three measures go together. We have talked about that for a long time, over a number of years—that is, that this Government directs itself towards the total unionisation of the workplace and the work force. That is the clear and absolute objective of members on the Government side, and certainly those union leaders here today. When will they get it into their heads that times are changing? They are going the wrong way, and one of the movements in the community is going against this sort of thing. There is a freeing-up in the workplace and an understanding that people can have better conditions by doing things differently if they want.

I accept that there are many areas in the workplace where some of the union leaders do a magnificent job, maintaining standards and working very hard; but the system they are pursuing to the nth degree is outdated. It is a corrupt system which causes unemployment and bankruptcy.

It is not just my opinion that things are getting worse and not better, and that they ought to change. I will quote a few words of a very good friend of Hon. Des Dans, who has quoted the same person on a number of occasions in this House and whom he regards highly. He has

been very active in the union movement, and I refer to Charlie Fitzgibbon. Mr Fitzgibbon produced a paper for the Economic Planning Advisory Council. For members' interest, he was a former ACTU vice-president, general secretary of the Waterside Workers Federation, and a very effective and immensely powerful trade union leader.

Hon. D. K. Dans: I would agree with that.

Hon. G. E. MASTERS: I will quote some of the statements he made in his article—

Starting from the point that the union movement arose from the excesses of industrial capitalism, Fitzgibbon said that the balance of power had shifted, and now produced excesses on the part of unions.

Mr Fitzgibbon recognised that the pendulum had swung too far and that the trade union movement started because there were excesses on the part of employers. Hon. Tom Helm comes from an area where those excesses would have been worse than anywhere else in the world.

Hon. Tom Helm: In the north of the State, in the Pilbara, there are excesses by employers.

Hon. G. E. MASTERS: If that is the case, I do not argue that something should not be done. What I am saying is that in general there is a recognition, even by experienced trade union leaders like Charlie Fitzgibbon who in my book was always quite extreme and very tough, that things have gone too far. He made that statement, and it does seem that many union leaders accept that proposition.

Mr Fitzgibbon goes on to say—

Since Australian workers can compare with the workers of any country, it might surprise just how much productivity could be improved if the workforce understood that the increase in productivity was going to result in an increase in their security or reward, while not prejudicing their safety or principles.

They are very simple messages from an experienced union leader who has recognised them and made a statement to that effect. Everyone knows that is what is happening. I am convinced that, despite the comments that will be made by Hon. Des Dans in response to my speech, he firmly believes in those statements made by Mr Fitzgibbon.

Hon. D. K. Dans: I could not get up and condemn Charlie Fitzgibbon.

Hon. G. E. MASTERS: The article also says—

Unless this challenge was faced, Fitzgibbon warned, Australia would continue its present gentle slide into oblivion.

That is what I have been saying throughout my speech.

I conclude my remarks with these comments: Bearing in mind the statements by Mr Charlie Fitzgibbon, an experienced union leader; and bearing in mind our economic decline, our difficulties in the workplace, and the excesses that have been applied by some union leaders in recent times, we must look at this Bill very carefully. I go back to where I started my speech: This Bill is the first part of an industrial package which we assume will mean that the Government, having got this part through—if it is lucky—will then proceed to the next step, which is the definition of "employee" and the effects of the contract.

We have to make up our minds whether to go backwards or forwards. Do we want compulsory unionism in every workplace in Western Australia or do we not? This Bill will proceed to do that and I urge members to think very sincerely about what they are doing with this piece of legislation. I know that for members on the Government side it is impossible to make that decision, but if we want to go backwards this Bill is the first step in a very solid move downhill, from where we will never recover.

I urge members to oppose the Bill.

HON. FRED McKENZIE (North-East Metropolitan) [4.39 p.m.]: I support the Bill. I hope I will not disappoint Hon. Gordon Masters by doing so. I was here when Mr Masters brought a number of Bills into this Chamber. Each one was aimed at curing the problems of the workplace, yet each one exacerbated those problems.

During the period Hon. G. E. Masters was the Minister for Industrial Relations we saw a record number of industrial disputes. That indicates the value of that legislation. Instead of improving matters, it exacerbated them.

Since the Labor Government has been on the front benches in this State it has attempted, on a number of occasions, to remove from the Statute Book those obnoxious sections of the Act that are little used, but are nevertheless inflammatory.

This Bill is quite simple, and there is little of substance in it. It contains the result of the Government's consideration of legislation which was passed through this Parliament, without any obstruction from this House, in spite of the Opposition. On every occasion we try to remove even a minor portion of the Industrial Relations Act, we are obstructed. I hope that will not be the case on this occasion and that good sense will prevail.

If one looks at the legislation one sees, as Hon. G. E. Masters said, that it is part of an industrial relations package. It is the first step in that package which will be brought before the Parliament in this session and the session that is to follow.

The legislation reflects the Government's intention to ensure that the legislative aspects of industrial relations in Western Australia are not only relevant but also are up-to-date and in keeping with the needs of the State. Part VIA of the Act has been little used. In fact, I am not sure it has been used at all. It is a complete farce and there is no reason to retain it. Indeed, industry has ignored it.

Statistics show that industrial disputation is at its lowest level for years. There are now fewer stoppages and days lost than there have been for some time. Part VIA which we seek to repeal is a bad law and should be removed. The Government believes that union membership is better handled by the Industrial Relations Commission in an independent and fair manner. It was dealt with in that way from 1964 until the provision was removed from the Act. That provision was the one about which Hon. G. E. Masters was most concerned.

If my theory is correct, we are trying to introduce results from an inquiry conducted by the former Chief Commissioner, Mr Eric Kelly. He made a recommendation that the preference clause be retained and that those people wishing not to belong to a union have the opportunity to pay a sum equivalent to their union contributions into a charity. That is what it is all about. During that period, when people realised they still had to pay their union contributions, they opted to stay in unions. Very few people were genuine conscientious objectors.

In our industrial relations system we have the employers on the one hand and employees on the other. As a result, we have an Industrial Relations Commission which sets award rates and conditions for workers in employment. I do not think it is fair that people who do not

pay their union fees should benefit from the efforts of the trade unions which have improved the working conditions and wage rates of those in our community. I do not think it is fair that they should have a free ride. That is precisely what this provision means. Those people will not get a free ride if this legislation goes through, because they will be given the opportunity to belong to a union and, if they are genuine, they will not have to join and provision will be made by way of regulation for the registrar to grant them an exemption certificate. It is as simple as that, despite what Hon. G. E. Masters might read into it. They will be given—

Hon. G. E. Masters: They may be given. Read it.

Hon. FRED McKENZIE: I will quote from the second reading speech.

Hon. G. E. Masters: That is wrong.

Hon. FRED McKENZIE: How does Hon. G. E. Masters know it is wrong?

Hon. G. E. Masters: It does not say the same thing in the Bill at all.

Hon. FRED McKENZIE: That is what will prevail and Hon. G. E. Masters knows full well that was the system that prevailed from 1964 until the Act was amended.

Hon. G. E. Masters: Read the Bill, Mr McKenzie.

Hon. FRED McKENZIE: I have read the Bill. Does Hon. G. E. Masters think it should say that the commission "shall make recommendations"?

Hon. G. E. Masters: No, I do not agree that the commission "shall" at all.

Hon. FRED McKENZIE: Of course Hon. G. E. Masters does not. It is better to have the word "may". Each circumstance will be dealt with accordingly. We are leaving it to the Industrial Relations Commission.

Hon. G. E. Masters: We all know what the end result will be.

Hon. FRED McKENZIE: It is a direct quote from the second reading speech. Those who do not want to join unions will get a certificate of exemption. There is nothing clearer than that. It is the Government's intention.

Hon. G. E. Masters: No-one takes any notice of what the Government says now unless it is in legislation. Broken promises!

Hon. FRED McKENZIE: Hon. G. E. Masters knows full well when writing up legislation one cannot cross every "t" and dot every "i".

One has to leave scope for interpretation. Each case could well be quite different. We are not here to spell out the procedure exactly. We seek to insert a provision in the Act for the Industrial Relations Commission to operate under knowing full well the Government's intention. There is nothing clearer than that. The Minister has spelt it out. It is a simple amendment to the Industrial Relations Act.

I do not think we should again be obstructed in the industrial arena. In fact, predictions were made during our last term in Government that we would be run out of government on the issue of industrial relations. It seems to me we have certainly improved our position within the House. Furthermore, the Government is prepared to introduce this type of legislation time and time again. We are taking the risks. I know Hon. G. E. Masters said that the community would not accept this legislation. The Government is prepared to take that risk.

Hon. G. E. Masters: You cannot go backwards.

Hon. FRED McKENZIE: Hon. G. E. Masters will not go backwards. One will not go backwards when one is trying to move away from the eighteenth century legislation of the Court-O'Connor Government.

Hon. P. G. Pental: Look at the Bill of Rights.

Hon. FRED McKENZIE: We did go back on that occasion. Members can talk about the Bill of Rights, but what about the people who complained about having to pay for water when they did not utilise that service? Will members do something about that? Members opposite did not attempt to do something when they were in Government.

Hon. P. G. Pental: Tell us about people being forced to do it. That is what the Bill of Rights provides.

Hon. FRED McKENZIE: People may not use the water but because the service goes past their property they still pay for it. Is that not an infringement of people's rights? What about registrations for various professional groups? Are not people being forced to register? If one wants to run an orderly society, of course there must be regulations and rules, and Governments should not be allowed to have an unfettered approach. Members on the other side of the House had that unfettered approach because they wanted to change the Industrial Relations Act or any other Act—

Hon. P. G. Pental: You never let up on us. You were merciless.

Hon. FRED McKENZIE: Although the House was undemocratic, the legislation was passed. It was a question of numbers.

Hon. P. G. Pental: In your opinion.

Hon. G. E. Masters: What do you think of the system now?

Hon. FRED McKENZIE: Several members on the other side of the House support this legislation. The Government is taking the risk, if that is how members want to term it. Members opposite have told a big story about how dangerous it is and how the community wants to reject it. Why are we so hell-bent on bringing these matters forward time after time?

Hon. P. G. Pental: Because your masters at Trades Hall tell you to do it.

Hon. FRED McKENZIE: It is not that at all.

Hon. G. E. Masters: You know you will never be able to reverse it if you get it through.

Hon. FRED McKENZIE: The situation is quite different from the time when members opposite were in Government.

Hon. D. K. Dans: They would be better off in a cat farm. They could make more money.

Hon. D. J. Wordsworth: How long is it since your railway strike?

Hon. FRED McKENZIE: How long since what?

Hon. D. J. Wordsworth: The railway strike.

Hon. V. J. Ferry: Are they running yet?

Hon. G. E. Masters: I bet you were horrified about that, weren't you?

Hon. T. G. Butler: Well, we hate them, don't we?

Hon. P. G. Pental: When they act like that, we do.

The DEPUTY PRESIDENT (Hon. John Williams): Order!

Hon. FRED McKENZIE: The railways have an excellent industrial record.

Hon. G. E. Masters: Yes, they have.

Hon. FRED McKENZIE: Unfortunately, changes must take place.

Hon. G. E. Masters: There is a change in the leadership of the union, is there not?

The DEPUTY PRESIDENT: Order!

Hon. G. E. Masters: Mr Hanley was very good.

Hon. FRED McKENZIE: Mr Hanley was a very good secretary.

The DEPUTY PRESIDENT: Order, the Leader of the Opposition!

Hon. FRED McKENZIE: Whether Mr Hanley was there or not these little hiccups, as I prefer to call them, do occur from time to time. They cannot be evaded. Misunderstandings occur.

I support this legislation and, like Hon. Gordon Masters, I urge members on both sides of the House to give this Bill a go. These provisions were in place for a number of years and worked quite effectively. The parts we are trying to repeal were introduced by a Liberal Government. We are not happy with those provisions. They have never been utilised because they are too dangerous. They are inflammatory and they simply will not work. It has been clearly indicated that that is the position.

In addition, it is the Government's intention very shortly to introduce a code of conduct Bill. That will be another way to deal with industrial disputation, and it will depend on the passage of this Bill. The thing is, when one is talking about changes to industrial relations practices one has to convince the workers in society that one is not taking everything away from them and that they will be given something in return. All that is being returned to them is something that they have enjoyed for a number of years. The code of conduct Bill is another way of looking at the industrial relations scene. This Bill also does that, and that is why it is part of a package which is very important to the future of industrial relations in Western Australia.

I indicate quite clearly that I support the Bill and I urge members on both sides of the House to give it their support.

HON. TOM HELM (North) [4.55 p.m.]: Hon. Gordon Masters picked me right away; it is correct that I think that all workshops, mines, and places of manufacture—places where workers get together—should be union shops. That is a good idea because of the changes that Hon. Gordon Masters spoke about which are occurring in our society. I am a trade unionist of 30 years' experience. I have always been in a union and I have wanted to do so. I have never been forced into it. In some cases people have tried to force me out of them when times were tight in certain locations.

Today unions are sold as a commodity or product. They offer people something that they cannot purchase in other establishments. The situation up north is that there are many mine sites and major mining companies that have in regard to unions what can be described as a closed shop. I have never seen any inspectors up there; then again, I have never seen anyone

forced to become a member of a union who did not want to do so.

In the smaller shops there is a problem where small subcontractors and small manufacturing or fabrication shops are being squeezed and they try to do the best they can. The men on the bottom end, the workers, are under a two-way threat; that is, firstly, award rates are being threatened, and sometimes they are not being paid to keep up with the cost of living; and, secondly, the practices that apply in the workplace are not up to the standard existing in the north. Members must remember that up north when a person does not work and goes on the dole it is a lot harder for him to live, for example, in the Pilbara or the Kimberley, than it is in Perth. Many extra costs are involved and it is very important for people to belong to a union.

Let us look at the Government's intention behind the amendments. The Government intends to remove the adversarial side of employee-employer relationships, to remove the battle that unions have had to have with employers to become recognised. They must become recognised to fight for the things they believe their members should have. If we take away this adverse way of looking at things and adopt a more positive and cooperative attitude no-one could say, "Look, we fought for that, therefore we are asking you to support us now that we have that which we fought for." Let us take that situation away. That has only been happening in the last three years or so in our industry.

We should sit down and talk about the fears, both real and imagined, being expressed by both sides. A decision cannot be reached which is not what the unions want, but perhaps the employees might work for it, and this is middle ground. Really what happens is we do not get anyone walking away from the battle that takes place, sticking his chest out and saying how good he is, but we get the workers and the employers in industry working together so all those people—the industrialist who has invested in mines and the people who have invested their future in mines—can obtain the best benefits possible in the circumstances or situation they are in. We need to get away from the thought that a battle must take place before the rights of both the employer and the employees are recognised.

[Questions taken.]

Hon. TOM HELM: My union colleagues all over the State, but particularly in the north, perceive our industrial relations system as adversarial. Somebody is seen to have a victory or to win some kind of battle, thus making the task of cooperation much more difficult and making resolutions of conflicts more difficult to achieve. We can achieve much greater results with cooperation rather than confrontation, which I mentioned in my maiden speech.

Hon. Gordon Masters mentioned that there was a trend for people to become more against the trade union movement; he did not make it clear whether that trend was taking place in Australia or overseas. The Labor Party commissioned Australian Nationwide Opinion Polls to do a survey in the north to find out how popular trade unions were in the Pilbara. The results astounded even the Labor Party. The unions were held in very high regard.

About six years ago I went to work in Paraburdoo. It was very difficult to get a fortnight's pay because of disputes, and I was unable to understand what those disputes were about.

After some time I understood that shop stewards and conveners felt they had been slighted in the past and they now had an opportunity to pay back what they thought was a wrong. That sort of bad situation should be avoided. Hon. Gordon Masters will talk about his experiences as a businessman, having to drag himself up by his bootstraps, and therefore claim to be able to speak with some authority about a person being able to conduct a business. That cannot be denied; but when it comes to industrial relations perhaps his experience is lacking a little.

We talk about unionists and businesses getting together to remove part of an Act or a bar to anyone being in a union. It was suggested that when one has a small business, everyone works happily together. A small shop is a non-union shop and someone would come along and say, "Join the union." I was about to ask why, but I was advised that would be out of order. I shall not ask why, but I will say that heaps of fabrication shops and small businesses are union shops.

We may have a happy union shop where the man who owns the place employs half a dozen workers who are in the appropriate union. This is not a closed shop. Then someone comes into the shop and starts work. Everything is going along quite well. Those working with him know

that he will not accept an approach, or even join a union of his own free will.

What sort of response would there be in a shop happily engaged in doing its business when it is a union shop? I wonder if Hon. Gordon Masters is referring to the fact that most people would feel less than happy working with an odd man out—someone who does not want to belong to the union. It would be sensible to have a facility for him to say that he did not want to belong to a union because of his religion or for some other reason. If he decided not to belong to a union and had put his money into a certain charity which he nominated, that would be understood.

There is no facility for it to go on now, but I know that people are putting money into nominated charities because of their religious convictions, and there should be a facility to do that. That is the commonsense way in which we are working.

Another allegation was that unions were becoming unpopular. We have to say that they are becoming more popular because of their responsible attitudes. One must bear in mind that a commodity is for sale. One must be able to do one's job and deliver the goods, rather than use the big stick treatment. A union organiser will go along to a shop which is not organised. He will either do the job for the employees, or present them with what he can do. He will not ask for any union dues until such time as he can deliver the goods. If he sees problems, or if problems are presented to him—in some cases an industry may be precluded from stepping outside negotiated agreements—he does not ask the employees to join, and that is the end of it. There is no question of anybody being forced.

If one looks abroad, one finds there are clear examples of where trade unions have been smashed, crippled and hamstrung. They are unable to do the job they should be doing in the first place. That is obviously a great threat in the United States.

Great Britain is a fine example. Everything is going great there, except for the high unemployment—even worse than it was in 1926. Unions cannot be blamed for that situation because the power of the unions has been taken away; they have been hamstrung.

Let us look at the United States of America, where the position is slightly different. In the northern industrial part of the States unionism has maintained its own, although it has perhaps slipped back a little. In the southern parts of

America unions have been smashed by the different State laws.

Hon. Gordon Masters referred to a move in America to say employees did not have to belong to a union. Laws were put into place which made the unions' job impossible. People work hard for 40 hours, putting in time trying to make businesses boom, yet there is massive unemployment and massive poverty. It is like a Third World country. There are examples on both sides, some being successful and others not.

Unions are being destroyed and the country is being successful. Look at the state of Australia now. We have a balance of payments problem. We have a great debt which we hear from the Opposition must be serviced. Look at the way it is being serviced.

Spending is continuing, but no-one seems to be able to pinpoint the target. Money is brought into the country for takeover bids which cost large amounts of foreign exchange. How much money in the form of foreign exchange is used to finance takeover bids which do not produce one job?

Trade unions have been asked to take part in the accord. Unions have seen it as their patriotic duty to take part in the accord, and wages have been frozen. The standard of living has been reduced because of the ability of trade unions to accept responsibility.

Hon. Garry Kelly: Profits and prices!

Hon. TOM HELM: Look at the BHP profits!

Hon. G. E. Masters: What is their investment?

Hon. TOM HELM: The investment is 14 000 jobs shed last year in the steel industry, but a profit of \$1 000 million this year for the loss of those jobs. If we attack responsible trade unionists we will destroy the only organisation which can be called on to make sacrifices to get this country out of the mess it is in. That is what is taking place now, and that is why we must move towards allowing unions to put these laws in place for everybody.

There should be no compulsion. People still feel their jobs may be under threat, or their chances of employment may be reduced if it becomes widely known that they are members of trade unions. No-one can deny that many employers, once they see a union card, will not employ a person.

Hon. S. M. Piantadosi interjected.

The DEPUTY PRESIDENT (Hon. John Williams): Hon. S. M. Piantadosi's interjection is not required. Hon. Tom Helm is doing remarkably well.

Hon. TOM HELM: Honourable members have mentioned how they have been and perhaps still are members of unions and are proud of that fact. I would like to ask them why they are proud of it. There is something to be proud of in the history of unions in Australia. Of course there were battles, but at the same time the camaraderie, the togetherness and brotherhood of unions was something everyone was proud of. There is no reason why that cannot continue. The number of demarcation disputes taking place in industry now has been reduced to nothing. We have the makings of getting unions together to act responsibly, and the accord has proved it.

We must get away from the fact that it is either a smart or wise move to make it as difficult as possible for people to organise and explain their points of view, and have the facility, not only to express the good things they can contribute, but also to have open forums so other people can approach them and become part of the group.

I repeat, and I am harping on my English experience, but it was reported in the Press here, and the same sort of problem may occur in Australia where most unions, not all, have a branch or other democratic system. Surely it is to our advantage—I agree with Hon. G. E. Masters—to encourage people to attend union branch meetings and to get away from the attitude that those people who have the most to say in the union are the ones who could be described as the militants. That is where one sees the types of unions that Hon. G. E. Masters referred to. If we have, within our industrial structure, the facility that unions should not be recognised as the bogey man, but as being unions with something constructive to say, in spite of all the obstacles, they will still be able to play some part in our society.

I support the legislation.

HON. C. J. BELL (Lower West) [5.32 p.m.]: I think Hon. Tom Helm should be commended for his comments. He made a key comment earlier in his speech when he said that unions need to be perceived as organisations with commodities to sell. I agree with him. I recognise that many members on the other side of the House have had long experience in the industrial workplace.

In some ways, I have had a similar experience, but from a different aspect. I spent 10 years at a senior level in a farmer organisation. It was, in many ways, not dissimilar from a trade union organisation. I know that many trade union leaders become frustrated when they see people freeloading. They are concerned, and yet freedom is the all-important factor.

I make no apology for many farming industry leaders being frustrated and saying that they would like to have a compulsory levy on producers so they can fund their organisation. They do not want to spend the time and money chasing up their membership. The organisation was called the Farmers' Union in the early years.

If the organisation is providing a service which is good and in the best interests of its members, then the vast majority of people, not all, will join willingly. During the period I was involved, there were between 14 000 and 16 000 farm enterprises in Western Australia. Some of those enterprises were non-commercial and run by city businessmen and some were small hobby blocks; so those figures are, to some degree, incorrect. The voluntary membership of the two farmer organisations in this State cumulatively has fluctuated from 5 000 to 12 000. When the figure was 12 000 it was because the organisations were perceived by those who paid for the service to be doing their job. When the figure went down, it was perceived that the organisations were not doing their job.

The unions should take that on board. Hon. Tom Helm has indicated he believes in that basic thrust. It is no good talking about the freedom to seek an exemption for fear of loss of employment. That is not an appropriate basis for the membership of an organisation. How can one use fear? It has to be on the basis that what one has to offer is appropriate and worthwhile. There is no doubt in my mind that the exemption is far from automatic, although Hon. Fred McKenzie indicated it would be very simple. From reading the Bill, I do not believe that. If that exemption was easily gained, a person could get a lifetime exemption until such time as he wished to change some aspects of it. It will not convince anyone who believes in freedom of association that coercion is an appropriate way to lift the membership of an organisation.

I oppose the Bill.

HON. E. J. CHARLTON (Central) [5.35 p.m.]: I refer to the legislation and the debate that has taken place. Members have spoken

from extreme points of view or have tended to imply that they are far apart in their thinking about what is good, and what should or should not be done.

While I disagree with the proposal put forward by the Government, I do not think that all the problems are with the unions. I think it has been proved conclusively that large business has a lot to answer for when we look at the problems in the industrial relations area in this nation over the last few years. There is no doubt that many of the deals by major operators have been to the great detriment of the small business people of this nation. The small business people employ the great majority of workers, whether or not they be unionists. We ought to remember that and take note of it when we speak about this legislation.

Compulsory union membership goes against all the other things that Governments—both State and Federal—have been putting forward over a long period. They have said we need to free up the legislation and give more rights to the individual. On the one hand, we have the Bill of Rights before the Federal Parliament, giving the opportunity to individuals to be protected against "Big Brother", yet, on the other hand, we are saying that the only way to go is to make sure everyone is a member of a union and that will lead to better industrial relations.

I am strongly of the view that if Australia is to benefit it will only do so by adopting a commonsense approach whereby the employers and employees have some ground rules to apply to each other. Both these groups need an incentive to work together in the work force to enhance profitability and provide benefits, not only in the form of financial rewards, but also to give self-satisfaction to both sides. Those aspects are absolutely necessary and must form the basis for success.

The situation espoused by the Government gets away from the point. I refer to the examples given by Hon. Tom Helm in the mining industry, particularly the iron ore industry, where the unionists, the employees—I say this based on my little experience having moved among those people up there—control and dictate who will belong to the union. In the other unions it is the union executive which decides who will or will not belong to the union, and how its operation will take place.

We need to remember when talking about this Bill that there are two sides to the story obviously, as there are in every other disagree-

ment or proposal that comes before Parliament. I do not think it is a fair deal to say, "Look, if we have them all in it will make everything easier." It would be too extreme from the point of view of the building or the mining industry or the other 101 industries.

I join with members on this side of the House in placing on record the fact that no-one is against unionism. We need it. We need groups of people coming together trying to achieve the best for their members. On the other hand, to say that the best and only way out of this situation at this point of history is to have a situation such as that being proposed by the Government, is really going too far.

Hon. Tom Helm's comments were very genuine. He discussed the effect of Australia's current situation on the world scene. Questions were asked about our viability, about our overseas financial position, and even about the Australian tourism industry in the lead-up to the America's Cup, together with the "Hoges" advertisements appearing on television in the United States. Some members may have seen on television the other night the other side of the Australian story being told, wherein people may enter Australia and finish up lying for two or three days in an airport, not having anywhere to go because someone held them to ransom at the last minute. Those sorts of actions by unions bring disgust upon the union movement, and the last thing those people who get caught up in those circumstances either as employees or travellers want is legislation along these lines. That is one example, but we see the situation time and time again.

I agree that no large-scale situation has developed in this State recently, but that is not because of the closed shop type of operation. It is because of other factors that have taken place to encourage people to stay at work. All these other things have been loaded upon the employers and we have all paid for them very dearly. The lost time and down time has not occurred and the employee is no better off financially. Certainly society and the nation as a whole are going backwards and if we keep going down this sort of road it is obvious that compulsory unionism, total union membership, will not answer any of the employees' expectations. The only way we will overcome our problems is by changing a few of the rules on the job to give incentive to people who want to work.

I visited Southern Cross last week. A union member approached me—my point may be a little off the track—to discuss his trade union

movement and the matter of earning money. I can never understand the union movement when it keeps pressurising for an increase in salary or conditions, yet never seems to put the emphasis on trying to pressurise the Federal Government to give employees more take home pay so they can spend it how they want to spend it to improve their lot and to have more independence to do what they want to do. The Federal Government seems to lift the gross income but this has little effect on the net income. For example, the person in Southern Cross to whom I spoke told me, "Here I am, working five days a week. My employer wants me to work again tomorrow, Saturday. I want to work tomorrow but there is no incentive to do it because I would be paid less per hour than I would get for the other days of the week." When dealing with this sort of legislation we get bogged down with what is best for the industry, what is best for the employee, and so forth. Often we ignore some of the other initiatives we should be taking notice of in industries where employer-employee relationships seem to be strained.

To summarise my first point about big operators and the union member or employee, it does not seem to matter whether or not there is union membership prior to employment being offered; the fact is that particularly in the building industry—we will probably discuss this matter at length later—this is one of those situations which develop and cause problems in the industry, mainly because of the bigger deals that are being made. This is greater than the problem of union membership and it is fair to say, without fear of contradiction, that this sort of legislation will not do anything at all to overcome this type of problem. The problems will only be overcome when incentives are given to people to get in there, to do their best day's work for a fair day's pay, and to be able to look after their families. I implore the union movement and the employers to put a little more emphasis on pressurising Governments and political parties of any colour to drop their emphasis on the unions versus the employer situation and get back to more incentives so that a person can do a day's work and take home more money and be able to spend it the way he wants to spend it without any of these imposts being put on him to ensure his contribution to a particular company or to the work force as a whole.

I am quite convinced—and I think I speak for every other National Party member—that I cannot support this sort of legislation because I

do not think it goes anywhere at all towards overcoming the problems confronting the union movement, employers, and our society in this State.

HON. T. G. BUTLER (North-East Metropolitan) [5.47 p.m.]: I naturally support the Bill. I listened fairly intently to the comments made by Hon. Eric Charlton. His contribution was quite valuable but it highlighted his lack of knowledge of the industrial scene, and I do not blame him for that. The situation that we find ourselves in, the type of legislation that is presented and part VIA, were topics covered by Hon. Tom Helm. Part VIA is legislation which simply prohibits proper industrial relations. It prevents people from being able to sit down and reach an amicable agreement on working conditions and wages simply because it provides that total agreement cannot be reached. It is a breach of part VIA of the Act to reach total agreement, or for unions to insist that all members will enjoy the provisions of the agreement that has been reached. That sort of legislation does absolutely nothing to improve the situation.

We can talk about compulsory unionism and preference to unionist clauses as being compulsory unionism and we can be very irrational about that simply because those people who talk like that do not really understand what they are talking about. Unions are very jealous of the fact that they are able to initiate or advocate into agreements and awards improved conditions and they believe that the people who should enjoy those sorts of conditions, as Hon. Colin Bell said, are the people who contribute by way of union membership. There does not seem to be anything wrong with that, but in a situation whereby one pays his dues to an organisation and that organisation advocates or negotiates for improved conditions, those conditions should be provided only to members of that organisation, and I cannot see anything wrong with that.

Some members of Parliament belong to exclusive clubs. These clubs provide benefits to their financial members. Members of those clubs, quite rightly, object to the fact that non-members can walk into the club unannounced and uninvited. That is a simple analogy of which members should take notice.

THE PRESIDENT: Order! When a member is addressing the House he is entitled to be heard. Hon. Tom Butler does not have a very powerful voice and *Hansard* is having difficulty picking up what he is saying. I am certainly having the same difficulty. If members are going to

hold meetings I ask them to hold them outside this Chamber.

HON. T. G. BUTLER: I am sorry, Mr President, I did not realise my voice was not carrying. I could use my mass-meeting voice if members would prefer.

HON. P. G. PENDAL: Your Trades Hall voice?

HON. T. G. BUTLER: This legislation is not mischievous. It simply seeks to get rid of a provision that places a prohibition on good industrial relations. It sets out to return to the Industrial Relations Commission the jurisdiction that it enjoyed for so many years in being able to award preference to unions and workers who have earned it. There is nothing in the legislation that says that preference to unionists will automatically flow back to every union. If a union does not have a good industrial record, it will not. That is how it was and that is how it will be again. Members opposite can place whatever connotations they like on the words "shall" or "may", but the legislation allows for anybody who has a conscientious objection not to belong to a union if he or she so wishes.

However, the legislation provides that such people should pay something, and so they should if they are to enjoy the conditions negotiated in awards and by agreements. That is fair. It is beyond me why people from the other side of this Chamber say that the provision simply means compulsory unionism, as was stated by Hon. Gordon Masters. I do not want to sink to the level to which he sank with his attacks on me. I made up my mind, in the time that I was employed as an adviser to the Premier and to the Minister for Industrial Relations, that if ever I got the chance I would say to Hon. Gordon Masters that if he stops telling lies about me I will start telling the truth about him.

HON. P. G. PENDAL: That is an old one.

HON. G. E. MASTERS: Are you ashamed of being involved in the writing of this legislation?

HON. T. G. BUTLER: No, I certainly am not.

HON. G. E. MASTERS: So you had something to do with it?

HON. T. G. BUTLER: I certainly did. I am proud of the fact that I had a part in bringing some sense to the industrial relations scene that had been destroyed by the legislation that was worded by Hon. Gordon Masters. He had no experience in industrial relations and no feeling for working-class people or for any sense of fair play.

Hon. G. E. Masters: You are getting upset. I have had real experience.

Hon. T. G. BUTLER: Hon. Gordon Masters' legislation sought to divide the working-class people.

Hon. G. E. Masters: Rubbish!

Hon. T. G. BUTLER: I invite him to look at part VIA.

The PRESIDENT: Order! When I call "Order" the member has to stop talking. When I indicated earlier that his voice was not carrying, I did not intend to suggest that he make it heard in the building across the road. He was going along in very fine style. He will only get into difficulties, as far as the administration of my task is concerned, if he enters into fruitless arguments with the Leader of the Opposition. I would ignore him.

Hon. T. G. BUTLER: Thank you for that very sound advice, Mr President, because I think he is worth ignoring. I did, however, want the *Hansard* reporter to record my comments. I apologise if I used my mass-meeting voice.

Hon. G. E. Masters: Are you not going to apologise to me for upsetting me?

Hon. T. G. BUTLER: No, I really do not have any conscience about the fact that I may have upset Hon. Gordon Masters.

I think we have to look at part VIA and analyse what it says. It says that if somebody causes a person to be dismissed from his employment or prevents him from obtaining a job simply because he is not a member of a union, he will be fined between \$400 and \$5 000. If that sort of provision does not divide working-class people and does not create a huge chasm between employers and employees, I do not know what does. People cannot sit down in that sort of straitjacketed situation and discuss industrial relations and hope to reach a proper and sensible working industrial relations agreement. I understand why Mr Masters put that provision in the Act. He does not understand industrial relations and he never did as Minister for Industrial Relations. It was obvious that the Leader of the Opposition (Mr Bill Hassell), when awarding shadow portfolios, recognised that and removed the Industrial Relations portfolio from Mr Masters and gave it to a man for whom I have a great deal of respect, Mr Ian Thompson.

Members opposite will never achieve proper industrial relations until they can put trust back into the whole situation between employer and employee organisations. We have

seen what can be achieved by people sitting down and talking; the accord is a classic example. We do not want to see an on-going battle which simply divides people.

I was extremely frustrated while listening to the speeches by members opposite. I got an indication, from what I heard, that the legislation will not be passed. If that is to be the situation, I am sad because it displays a lack of knowledge of industrial relations by members opposite. Not one member of the Opposition was able to tell me or any of my colleagues where the inclusion of part VIA has had any success or where it has played a part in proper industrial relations.

Sitting suspended from 6.00 to 7.30 p.m.

Hon. T. G. BUTLER: As I said previously, it saddens me, having heard the arguments from members on the other side, to think that this legislation might be defeated. Members opposite have a problem in that they do not understand what part VIA of the Act is about. It simply straitjackets people, and this type of legislation has never been in the best interests of industrial relations. Not one member opposite who has spoken in the debate has been able to demonstrate that part VIA, or restrictive legislation of that type, has done anything at all for industrial relations. It has not, and it never will.

I ask members not to be fooled by the rhetoric of Hon. Gordon Masters simply because he is more concerned with trying to present this Bill as legislation that allows for compulsory unionism. That is utter nonsense and utter rot. The legislation simply takes away those restrictions in the Act and returns to the Industrial Relations Commission the jurisdiction to deal with the perplexed question of industrial relations.

Hon. G. E. Masters interjected.

Hon. T. G. BUTLER: That is what I mean. Mr Masters continually amazes me because he openly displays this lack of understanding of industrial relations, yet during the period of the Liberal Government he was the Minister for Labour and Industry. One would have expected him to understand at least one thing about industrial relations. However, he understands not one thing about the matter.

Hon. G. E. Masters: I do, I understand exactly what you and your kind are about.

Hon. T. G. BUTLER: I ask members opposite, especially those from the National Party, to ignore the rhetoric; it means nothing,

it is untrue, and it does nothing to enhance the standing of this House.

I support the legislation simply because it attempts to restore some sanity to the question of industrial relations.

Debate adjourned, on motion by Hon. V. J. Ferry.

PAY-ROLL TAX ASSESSMENT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. J. M. Berinson (Minister for Budget Management), read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Minister for Budget Management) [7.36 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains a number of amendments which arise from recommendations by a joint professional committee comprised of representatives of the accounting and legal professions. The proposed amendments are aimed at achieving uniformity in the State's taxing laws in respect of objection and appeal provisions.

In particular, the proposed amendments will—

Require the commissioner to include his reasons in the written notice currently given on the determination of an objection;

remove the provisions restricting the hearing of an appeal by the court to the same grounds as stated in the objection; and

introduce provisions to allow the payment of interest when tax is refunded following a successful objection, appeal or case stated.

The rate of interest to be paid is to be prescribed by regulation to facilitate adjustments from time to time as the need arises.

The amendments are consistent with the Government's policy of achieving three desirable features in the tax system; namely equity, simplicity, and efficiency.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. Neil Oliver.

PAY-ROLL TAX AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. J. M. Berinson (Minister for Budget Management), read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Minister for Budget Management) [7.40 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to implement the changes to the payroll tax rate announced on 24 June. It forms part of the package of measures announced in the Premier's economic statement at that time.

These changes will alleviate the burden placed on small and medium-sized businesses by reducing the rate of payroll tax payable by businesses with annual payrolls of less than \$1.8 million. On the other hand, tax payable by large businesses will be increased by one percentage point.

In particular, this Bill will—

reduce the amount of payroll tax for all businesses with annual payrolls of less than \$1.8 million;

reduce the rate of payroll tax for businesses with annual payrolls of \$1 million or less to 3.75 per cent;

set a rate of payroll tax of between 3.75 per cent and 4.75 per cent for businesses with annual payrolls of more than \$1 million but not more than \$1.8 million; and

introduce a new rate of payroll tax of 5.75 per cent for businesses with payrolls in excess of \$1.8 million.

The above changes will come into operation from 1 August 1986.

The net overall effect of these measures, together with complementary measures in the Pay-roll Tax Assessment Amendment Bill, is estimated to be an increase in revenue of \$28.5 million in 1986-87 and \$34 million in a full year.

Mr President, this is the third occasion on which the Government has reduced the basic payroll tax rate. No other State Government has reduced the payroll tax rate since the Federal Government handed over this tax to the States in 1971. Our 3.75 per cent rate compares with minimum rates of five per cent in other States.

The proposed surcharge of one per cent on businesses with payrolls in excess of \$1.8 million will mean that the maximum payroll tax rate for larger businesses will be 5.75 per cent. This rate compares favourably with the maximum rate of tax of six per cent which in recent years has been imposed on large businesses by New South Wales, Victoria, Tasmania, and the Northern Territory.

The further reduction in the rate of tax proposed by this Bill will provide concessions to approximately 5 700 employers, or 90 per cent of those who are registered for payroll tax purposes.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. Neil Oliver.

PAY-ROLL TAX ASSESSMENT AMENDMENT BILL (No. 2)

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. J. M. Berinson (Minister for Budget Management), read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Minister for Budget Management) [7.42 p.m.]: I move—

That the Bill be now read a second time.

The Bill is complementary to the Pay-roll Tax Amendment Bill, and grants further relief from payroll tax to small and medium-sized businesses, effects desirable amendments to the grouping provisions, and effects consequential amendments to proposed amendments to the Pay-roll Tax Act 1971.

In particular, the Bill proposes to—

increase the basic annual payroll tax exemption level;

extend the taper range;

change the criteria for the commissioner's discretionary power of exclusion from groups so that—

- (a) exclusion is to be granted where a bare 50 per cent control of businesses exist and "substantial independence" can be demonstrated;
- (b) no exclusion is to be granted where a greater than 50 per cent control of businesses exists; and

provide that a beneficiary of a discretionary trust is deemed to have a beneficial interest in excess of 50 per cent for the purposes of the grouping provisions.

Under the current legislation taxpayers are entitled to a basic payroll tax exemption level of \$220 000. Currently, if the annual payroll is greater than \$220 000 but does not exceed \$880 000, the basic exemption is reduced by \$1 for every \$3 by which the payroll exceeds \$220 000 until it tapers to zero at \$880 000.

The Government proposes to increase the basic payroll tax exemption level from \$220 000 to \$250 000 and to correspondingly extend the maximum point in the taper range from \$880 000 to \$1 million while maintaining the current \$1 for \$3 taper.

The increases in the annual basic exemption and the extension of the taper range are in excess of that necessary to maintain the same real level as last year and will mean that the Government has doubled the basic exemption level since it first came into office.

These proposals will result in 500 to 700 currently registered taxpayers being completely relieved of any liability under the Act, and many others with payrolls falling within the extended taper range receiving considerable reductions in payroll tax.

In response to criticism in respect of the grouping of businesses where only a bare 50 per cent control factor exists under the existing grouping provisions, the Government proposes that the commissioner be empowered to exclude such businesses where "substantial independence" can be demonstrated. At the same time, the proposed amendment recognises that where an interest in excess of 50 per cent is held in businesses, control is undeniable and exclusion in such cases will not be available.

The proposed amendment that deems that a beneficiary of a discretionary trust has an interest in excess of 50 per cent is designed to counteract a potential loophole in the grouping provisions of the legislation. Discretionary trusts are commonly utilised in contrived schemes to minimise taxation.

The Government considers that the amendments to the grouping provisions will maintain the efficacy of the law while meeting most of the concerns that have been expressed.

Finally, other minor amendments in this Bill are consequential to the proposed amendments in the Pay-roll Tax Amendment Bill 1986 and are essential for its effective administration.

The proposed amendments are consistent with the Government's policy to reduce the incidence of the payroll tax burden on small and medium-sized businesses and are to take effect from 1 August 1986.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. Neil Oliver.

RESERVES AND LAND REVESTMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. J. M. Berinson (Attorney General), read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [7.46 p.m.]: I move—

That the Bill be now read a second time.

This Bill is similar in intent to many other measures brought before the House each year to obtain the approval of Parliament to vary Class "A" reserves for whatever reason and, in this case, to remove the trust existing in a certain Crown grant and close certain rights of way and pedestrian accessways situated in various suburbs. The amendment to a previous Act is also intended.

Apart from the final four clauses, the balance of the provisions of the Bill relate to Class "A" reserves.

Class "A" Reserves Nos. 5099, 5100, and 5101, situated approximately seven kilometres south-west of Dwellingup in the electoral districts of Dale and Murray-Wellington and electoral province of Lower West, are set apart for the purpose of "parklands and recreation" and vested in the Lands and Forest Commission.

Recommendation C72 of the Environmental Protection Authority's system 6 report provides for the cancellation of these reserves and the incorporation of their areas into the adjoining State Forest.

Class "A" Reserve No. 7557 at Torbay in the Shire of Albany, electoral district of Stirling and electoral province of South, is set apart for the purpose of "State Forest" and is unvested. As part of a programme to create a national park surrounding West Cape Howe, the Shire of Albany and the former National Parks Authority have recommended that this reserve be cancelled with the contained area being included with the adjoining Reserve No. 26117,

both areas being set aside for "National park" and classified Class "A".

Class "A" Reserve No. 7686 near Margaret River in the Shire of Augusta-Margaret River, electoral district of Vasse and electoral province of South-West, was set apart for the purpose of "State Forest" in 1901 and is unvested. Recent Crown Law opinion has suggested that subsequent dedication of the area as State forest No. 56 pursuant to the Forests Act 1918 failed to cancel the Class "A" reserve which has been managed as part of the State forest since 1940. In order to formalise the existing situation it is proposed to cancel Reserve No. 7686, and the Bill seeks that approval.

Class "A" Reserve No. 24436, situated 20 kilometres north of Yanchep in the shire of Gingin, electoral district of Moore and electoral province of Upper West, is set apart for the purpose of "protection of flora" and is vested in the National Parks and Nature Conservation Authority. Recommendation C13.3 of the Environmental Protection Authority's systems 6 report provides for the cancellation of this reserve and the inclusion of the contained land into the adjoining State forest No. 65, subject to the National Parks and Nature Conservation Authority being allowed to continue obtaining koala food through the harvesting of the foliage of flooded gums on the reserve.

Recommendation C13.3 of the Environmental Protection Authority's system 6 report provides for the cancellation of this reserve and the inclusion of the contained land into the adjoining State forest No. 65, subject to the National Parks and Nature Conservation Authority being allowed to continue obtaining koala food through the harvesting of the foliage of flooded gums on the reserve.

Class "A" Reserves Nos. 20194 and 2562 at Geraldton in the Town of Geraldton, electoral district of Greenough and electoral province of Upper West, are set apart for the purpose of "esplanade and recreation" with Reserve No. 20194 being vested in the Town of Geraldton and Reserve No. 2562 being unvested. To allow for the realignment of Willcock Drive and consolidation of foreshore reserve to provide space in which to effectively manage wind-blown sand drifts, it is proposed to cancel Reserve No. 20194 and include that portion of the contained area remaining after resumption of Willcock Drive into the adjoining Reserve No. 2562.

Class "A" Reserves Nos. 29534 and 28537 at Busselton in the Shire of Busselton, electoral district of Vasse and electoral province of South-West, are set aside for the purpose of "parklands and public open space" and are vested in the Shire of Busselton. As part of a redevelopment proposal by the Shire of Busselton for the town centre beachfront area, it is proposed to consolidate several reserves, including Reserves Nos. 28534 and 28537, into one reserve with vesting in the shire. This action will require the cancellation of Reserves Nos. 28534 and 28537.

Class "A" Reserve No. 385 at Wonnerup in the Shire of Busselton, electoral district of Vasse and electoral province of South-West, is set apart for the purpose of "camping and recreation" and is vested in the Shire of Busselton. A portion of the adjoining Forest Beach Road was recently closed and is now designated as Wonnerup Lot 93. It is proposed to include this area into the reserve.

Class "A" Reserve No. 4156 at Albany in the Town of Albany, electoral district of Stirling and electoral province of South, is set apart for the purpose of "museum and park" and is vested in the Town of Albany. The reserve forms part of the Major Lockyer Park complex. Following a meeting of interested parties, it was recommended that Albany Lot 875 be included into the reserve for development conducive with the purpose of the park.

Class "A" Reserve No. 9457, situated in the Town of Narrogin, electoral district of Narrogin and electoral province of Lower Central, is set apart for the purpose of "parklands and recreation" and is vested in the Town of Narrogin. Portion of the adjoining Jersey Street has been closed and is now designated as Narrogin Lot 1629. It is proposed to include this area into the reserve.

Class "A" Reserve No. 22204, situated in the Shire of Mandurah, electoral district of Mandurah and electoral province of Lower West, is set apart for the purpose of "parklands and recreation" and is vested in the Shire of Mandurah. Cockburn Sound Location 2666 has been formed by the realignment of Cemetery Road and it is proposed to include this location into the reserve.

Class "A" Reserve No. 24093, situated in the City of Bunbury, electoral district of Bunbury and electoral province of South-West, is set apart for the purpose of "children's playground" and is vested in the City of Bunbury. A portion of the adjoining Gibbs Street was

recently closed and it is proposed to include this area, now designated as Bunbury Lot 666, into the reserve.

Class "A" Reserve No. 36996 near Northcliffe in the Shire of Manjimup, electoral district of Warren and electoral province of Lower Central, is set apart for "national park and water" and is vested in the National Parks and Nature Conservation Authority. The reserve is named the D'Entrecasteaux National Park. As part of the Environmental Protection Authority's programme of consolidating land for the purpose of national parks and nature reserves, it has recommended the inclusion of the 5 685.4725 hectares of vacant Crown land described in this clause into the reserve.

Class "A" Reserve No. 10003 at Mt Barker in the Shire of Plantagenet, electoral district of Stirling and electoral province of South, is set apart for the purpose of "protection of boronia" and is not vested. Following advice from the former Department of Fisheries and Wildlife on the biological value of vegetation on this reserve and the adjoining Reserve No. 23687, the area was resurveyed and Reserve No. 23687 cancelled. It is proposed to amend Reserve No. 10003 to comprise the area as resurveyed and change its purpose to "conservation of flora and fauna", and this clause seeks approval for that action.

Class "A" Reserve No. 5574, situated in the City of South Perth, electoral district of South Perth and electoral province of South Central Metropolitan, is set apart for the purpose of "public recreation" and is vested in the City of South Perth. Portion of this reserve, being Perth Lot 963, is leased to the Royal Perth Golf Club and is used in conjunction with the adjoining "recreation" Reserve No. 10250. The City of South Perth has requested that this lot be excised from Reserve No. 5574 and, together with a closed portion of Amherst Street, be included into Reserve No. 10250.

Class "A" Reserve No. 5691 situated in the City of Subiaco, electoral district of Subiaco and electoral province of Metropolitan, is set apart for the purpose of "school" and is unvested. In order to facilitate the construction of a community child care centre on the adjoining Reserve No. 6671, the former Public Works Department, with the agreement of the Education Department requested the excision of Perth Lot 728 from Reserve No. 5691 and its inclusion into the adjoining reserve.

Class "A" Reserve No. 14222 at Port Denison in the Shire of Irwin, electoral district of Greenough and electoral province of Upper West, is set apart for the purpose of "camping and recreation" and is vested in the Shire of Irwin. As part of the Port Denison fishing boat harbour development, it is proposed to establish a navigation beacon on this reserve. The area required is surveyed as Port Denison Lot 581 and its excision from the reserve with subsequent reservation for "navigation beacon site" is necessary.

Class "A" Reserve No. 20928, situated in the Shire of Denmark electoral district of Stirling and electoral province of South, is set apart for the purpose of "recreation and camping" and is vested in the Shire of Denmark. Due to the difficulty in obtaining limestone for roadmaking and other purposes, the Shire of Denmark has requested the excision of Plantagenet Location 7553 from the reserve for quarry purposes subject to strict controls over management of the area and rehabilitation in accordance with a concept plan.

Class "A" Reserve No. 31362 at Walpole in the Shire of Manjimup, electoral district of Warren and electoral province of Lower Central, is set apart for national park being the Walpole-Nornalup National Park and is vested in the National Park and Nature Conservation Authority. As part of the Environmental Protection Authority's recommendations on national parks, it is proposed to excise that portion of the reserve west of Long Point Road, containing 2 530.6401 hectares, for inclusion in the D'Entrecasteaux National Park.

Class "A" Reserve No. 8313, situated in the Shire of Northam, electoral district of Avon and electoral province of Central, is set apart for the purpose of "natives" and is vested in the Minister for Community Welfare. On advice from the Department for Community Services that approval has been granted for the transfer of Aboriginal reserves to the Aboriginal Lands Trust as and when they become vacant, it is proposed to change the purpose of this reserve to "use and benefit of Aboriginal inhabitants" to facilitate its vesting in the trust.

Class "A" Reserve No. 5098 near Dwellingup in the Shire of Waroona, electoral district of Murray-Wellington and electoral province of Lower West, is set apart for the purpose of "parklands and recreation" and is unvested. Recommendation C72 of the Environmental Protection Authority's system 6 report provides for the change of purpose of

this reserve to "conservation of flora and fauna".

Class "A" Reserve No. 22674 at Broadwater in the Shire of Busselton, electoral district of Vasse and electoral province of South-West, is set apart for the purpose of "camping and recreation" and is vested in the Shire of Busselton. To facilitate the issuing of new leases over the reserve with conditions more appropriate to current usage, the Shire of Busselton has requested that the purpose of the reserve be changed to "recreational camp sites and group holiday accommodation".

Class "A" Reserve No. 24435 at Lake King in the Shire of Lake Grace, electoral district of Katanning-Roe and electoral province of South, is set apart for the purpose of "townsite and protection of flora" and is unvested. Following a recent inspection of the reserve, the Department of Conservation and Land Management has recommended that the reserve purpose be changed to "conservation of flora and fauna" to facilitate its vesting in the National Parks and Nature Conservation Authority.

Class "A" Reserve No. 21678, situated in the City of Bunbury, electoral district of Mitchell and electoral province of South-West, is set apart for the purpose of "closed cemetery and public park" and held by the City of Bunbury as a Crown grant in trust. It is intended to include two truncations from the adjoining closed Haig Crescent into this reserve and the Crown grant in trust.

Albany Lot 1194, Reserve No. 29210, situated in the Town of Albany, electoral district of Stirling and electoral province of South, is set apart for the purpose of "hostel (slow learning children's group)" and is held by the Slow Learning Children's Group of WA as a Crown grant in trust for that purpose. The group has requested the removal of the trust over this land to allow the sale of the property. It is intended that the proceeds from the sale will be used to purchase houses in the community, this form of small unit accommodation being considered far more preferable for the development of the intellectually disabled than hostel accommodation. This clause seeks approval for the removal of the trust upon payment of \$30 000 for the land contained in the reserve.

Class "A" Reserve No. 26733, situated in the Shire of Augusta-Margaret River, electoral district of Vasse and electoral province of South-West, was amended by section 23 of Act No. 120 of 1984 to include Sussex Lot 132.

The Bill seeks to amend that section by substituting "Margaret River" for "Sussex", this being the correct land description.

The latter part of this Bill seeks approval for the closure and reversion in the Crown of 12 right-of-ways and pedestrian access ways situated in various suburbs. The right-of-way adjoining Caporn street in the Town of Mosman Park, electoral district of Cottesloe and electoral province of Metropolitan, was created by subdivision in 1928 to provide a rear lane for night cart use and general backyard access. Following complaints from adjoining owners regarding the use of the lane as a general dumping ground, the Town of Mosman Park sought to close the lane by virtue of section 297A of the Local Government Act.

All but one of the adjoining land-holders supported closure and inclusion in their properties of the land. The dissenting party purchased the title to the land from executors of the original subdivider for \$50 and mortgaged it to his brother-in-law's company for \$100 000 as a device to hinder closure. The party has since sold his property and departed, but has failed to respond to requests to remove his mortgage. The current owner of his former property supports closure.

While section 297A denies the owner of the right-of-way entitlement to compensation, it neglects to make similar provision in regard to mortgagees. Legal opinion is nevertheless of the view that, following closure under section 297A, the subject land should pass to form part of the adjacent lots unencumbered by the mortgage. However, as the matter is not free from doubt, closure would be better effected by special legislation, in similar fashion to pedestrian access ways where section 297A is also deficient.

The pedestrian access ways and right-of-ways described in the schedule to this clause were created from private subdivision under section 20A of the Town Planning and Development Act. As a condition of subdivision they were vested in Her Majesty but passage of time has indicated that, in these instances, the ways are no longer required for their intended purpose or are causing problems through misuse, vandalism, intrusion into family privacy, and antisocial behaviour. In all cases, closure applications have been submitted by the relevant local government authority after adequate publicity on the intent to close, provision of time for submission of objections and, in some cases, consideration of petitions for and against the closure.

The need for this legislative measure arises from advice from the Crown Law Department that existing legislation under the Local Government Act is not able to effect closure of these types of access way. Amendment to existing legislation to establish permanent powers to deal with these closures is being prepared. However, as a short-term solution to this matter and to resolve these particular cases where closure is considered to be an immediate requirement, this reversion closure is intended to provide the legislative authority presently lacking. Existing machinery established under part VIIA of the Land Act will be used to enable disposal of the land to adjoining landowners with reasonable time being allowed for payment for the land.

The effect of the closure of portion of Harvest Road will be to shorten Harvest Road by approximately 45 metres thereby creating North Fremantle Lot 441, a riverfront lot which is intended to be consolidated with a part of the adjoining riverfront leasehold lot to the south and a portion of an adjoining freehold lot in order to provide a site for a water police facility. The proposed water police facility will be a relatively small two-storey building, described by its designer, the Building Management Authority, as being of "domestic" scale. Creation of the site for the facility will not involve excision of any part of the adjoining "A"-class reserve to which public access by a three metre wide paved pathway is guaranteed.

I commend this Bill to the House.

Debate adjourned, on motion by Hon. Margaret McAleer.

ACTS AMENDMENT (ACTIONS FOR DAMAGES) BILL

Second Reading

Debate resumed from 8 July.

HON. JOHN WILLIAMS (Metropolitan) [8.05 p.m.]: The Opposition supports this Bill, which is a result of a Law Reform Commission recommendation. The Attorney General outlined in his second reading speech the reasons for the legislation, the least of which is in regard to the horrendous damages, as it were, which are now being awarded by the courts. In an attempt to contain part of these awards in a proper way the Government has rightly been pressed to do so, and has introduced a Bill which will attempt to reduce the costs of some of these actions.

One part which disappears immediately is the abolition of action for the loss of a wife's assets or services. The Attorney General has correctly described that provision as anachronistic because of course it is a right which is not shared by the wife; in other words, one cannot petition or sue the other way. I want to try to help here; the Attorney General circulated in good time some amendments to the Bill. I ask honourable members to look at clause 4(2) of the Bill which is considered by some members of the legal fraternity to be retrospective. The Opposition also will agree to the Attorney's amendment to clause 6.

The amendment which the Attorney General proposes to introduce during the Committee stage corrects that erroneous idea or at least tightens the legislation to such an extent that no such thing is implied in the clause. I assure the Attorney General that during the Committee stage I will support his amendment.

Of great importance is a correction to the subject of interest currently used by the courts. It was the benchmark, as it were—I did not intend the pun—set by the High Court in 1981 in the *Todorovic and Waller* case. Because of the high inflation rate applying at the time, interest was fixed at three per cent. It is only sensible that if interest and inflation run parallel a percentage like that works very well, but today, while we have a reduction in the rate of inflation, we still maintain high interest rates so the real rate today is around the eight per cent mark.

The Bill will fix the interest rate on these payments at six per cent, which is a much more realistic figure. However, also built into this Bill is the fact that the Government of the day has the right to vary the rate of interest; in other words, at the time when people are awarded damages it will be based on the current rate of interest in the nation. It is not an attempt to fix it at six per cent as the High Court did and which has now become a great impediment, but it will allow the Governor-in-Executive-Council or the Government of the day to vary the rate of inflation when it becomes necessary.

The other minor amendment proposed by the Attorney General is in line 3 of the Bill, page 3, where the word "quantify" will be substituted by the word "qualify", which of course is a far better description. The Opposition agrees with that amendment. The Opposition also will agree to the Attorney's amendment to clause 6.

I commend the Government for introducing the Bill. It has long been a complaint of the courts and of the legal profession in general that damages being awarded to plaintiffs are so high that some attempt must be made to reduce those parts which can be reduced without allowing for an injustice. The Government has certainly succeeded in doing that in this Bill and the Opposition supports the measure.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Hon. D. J. Wordsworth) in the Chair; Hon. J. M. Berinson (Attorney General) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 3 inserted—

Hon. J. M. BERINSON: I move an amendment—

Page 2, lines 18 to 21—To delete subclause (2) and substitute the following subclause—

(2) The section inserted by subsection (1) has no operation in relation to a cause of action in respect of which legal proceedings have been instituted before the commencement of this section but otherwise applies to and in respect of acts and omissions occurring before that commencement in the same way as it applies to acts and omissions occurring after that commencement.

I take the opportunity to thank the Opposition, and Hon. John Williams, for the support of this Bill and also Mr Williams for largely avoiding the need for me to make extensive explanations at this stage.

This amendment will ensure that the abolition of the cause of action for loss of consortium will have effect only in respect of legal proceedings commenced after this Bill is enacted; that is, writs which have been or are issued prior to the Bill being enacted will not be affected by the amendment so far as the consortium action is concerned. This has the effect that actions already commenced in respect of consortium are not retrospectively affected.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 5: Section 5 inserted—

Hon. J. M. BERINSON: I move an amendment—

Page 3, line 3—To delete “qualified” and substitute the following—

quantified

Amendment put and passed.

Hon. J. M. BERINSON: I move a further amendment—

Page 3, lines 8 to 11—To delete “in order to make appropriate allowance for inflation, for future changes in rates of wages generally or of prices, and for tax (either actual or notional) upon income from investment of the sum awarded”.

The phrase “discount rate” has a well-established meaning and the proposal to delete those words is to ensure that it cannot be argued that some different discount rate should be applied to accommodate matters which are not mentioned.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 6: Section 32 amended—

Hon. J. M. BERINSON: I move the following amendment—

Page 3, line 28—To insert after “damages” the following—

in respect of pain and suffering or the loss of the enjoyment or of the amenities of life.

It is proposed to insert these words to make it clear that there is no intention to remove the right to interest on past earnings. The provision is intended to restrict interest in respect of damages for pain and suffering, or the loss of the enjoyment or of the amenities of life.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Bill reported, with amendments.

LITTER AMENDMENT BILL*Second Reading*

Debate resumed from 9 July.

HON. P. H. LOCKYER (Lower North) [8.20 p.m.]: The Opposition in general supports this Bill, but seeks some information on a number of matters. No doubt the Minister handling the Bill will be able to provide that information. Basically, the Bill seeks to change the representation on the Keep Australia Beautiful Council by replacing the nominee from the

Tourism Commission with a person nominated by the Department of Conservation and Land Management and to expand membership of the council from 12 to 15 members by including a representative from the Trades and Labor Council of Western Australia, a representative from the Conservation Council of Western Australia (Incorporated) and someone representing the interests of persons as consumers.

Basically, the Opposition has no objection to this measure. However, I would like the Minister to advise the House why the representative from the Tourism Commission has been expunged from the council. As the membership number is to be increased from 12 to 15, there seems to me no reason why the council's size could not have been extended, for example, to 16, thus retaining the representative from the Tourism Commission.

The Keep Australia Beautiful Council was set up by the Court Liberal Government in 1979. It has been successful in controlling pollution and litter in this State. In fact, I was a recipient of a terse letter from the council. Back in the bad old days when I smoked I tossed a cigarette packet out the window and was nailed. I got a letter from the council threatening that if I did it again I would be prosecuted. Apart from being astounded that I got the letter, I stopped tossing cigarette packets out the window. I have no doubt that the Keep Australia Beautiful Council has had a considerable amount of success in other areas, in particular, in cleaning up the road verges of our highways. I do not have the statistics at hand, but I understand that the council has information that the litter on highways has been considerably reduced as a result of campaigns undertaken by the KABC over a number of years.

Hon. V. J. Ferry: Not the KGB?

Hon. P. H. LOCKYER: No, not the KGB, but one would think from the way the council wrote its earlier letters that it might have some relation to that body. However, the council certainly does what it was designed to do.

The Bill also gives an additional power for an authorised officer to identify the driver of a vehicle who was littering at the time he was observed. In the past, if you, Mr Deputy President (Hon. John Williams), had lent your car to Hon. Phil Pandal and he inadvertently tossed out an empty cigarette packet and was observed by an authorised officer of the Keep Australia Beautiful Council you would get the

infringement notice and be required to divulge the identity of the driver. Nothing in the Act at present requires identification of the driver. This Bill clears up the matter and the driver who littered must be identified in order to receive an infringement notice.

The Act has also been amended to extend the time between which the offence was alleged to have occurred and the issue of the infringement notice from 14 days to 30 days. This is reasonable because it might take longer than 14 days to identify the owner of a car which came from the Kimberley and was in Perth.

The Minister's second reading speech also points out that the Government considered controlling junk mail deposited in letter boxes. It made the point that the Government had intended to legislate in this session to give some protection to persons who place "No junk mail" signs on their letter boxes. The Government has deferred taking legislative action because of the difficulty in drafting satisfactory legislation. I am pleased that the Government took the sensible approach because I would be concerned that legislative action would infringe the rights of people to put mail in people's letter boxes. I believe that most people delivering pamphlets and the like would take notice of a sign that said that no junk mail was required. Around election time, members of Parliament would be one of the great litterers of mail boxes, including Hon. Sam Piantadosi.

Hon. H. W. Gayfer: Not all of us. Some of us cannot afford that sort of thing.

Hon. Tom Stephens: Ours are not junk.

Hon. P. H. LOCKYER: Hon. Tom Stephens has made a good point. As the man of great fairness that he is, I am sure that he would have referred to all of us when he said, "Ours are not junk". However, some people would regard our publications as junk.

It is not very difficult to sort through one's mail box and put any junk mail one does not wish to read in the bin. I quite welcome the things that appear in my letter box and take the time to read them. From time to time there is something useful among it. If one does not want to receive such mail, one should put up a sign that says "No junk mail". I would be very concerned if the Government felt a need to have people who ignored such signs dealt with by the authorities. That seems to be a "Big Brother" attitude and not one I would support. Obviously, good sense has prevailed on this occasion.

All in all, we support the legislation. I understand that a couple of my colleagues have some queries, but I would like the Minister to consider particularly my query as to why the representative of the Tourism Commission has been taken off the council and replaced with several others. No doubt there is a simple reason for it, but at present in view of the importance of tourism—incidentally, it is the biggest business in the world—I am concerned as to why that representative is to be no longer a member of the council. I would appreciate it if in due course the Minister clears up that point.

HON. H. W. GAYFER (Central) [8.27 p.m.]: Like Hon. Philip Lockyer, we acknowledge the work done by the Keep Australia Beautiful Council. It has certainly proved a boon to road verges, parks and wherever else it has had jurisdiction since it was set up. However, like Hon. Philip Lockyer, we query the need to take away the representative from the Tourism Commission, especially if that representative is to be replaced by a member of the Trades and Labor Council, one from the Conservation Council or a person representing the interests of persons as consumers. Persons from those organisations are unlikely to have the qualifications or the drive that a person from the Tourism Commission would have.

I circulated the second reading speech to some fairly large shires in my electorate. They also viewed critically the reason why somebody from the Tourism Commission should not be sitting on such a distinguished board as the KABC. In fact, they questioned why somebody from the TLC should sit on the KABC. For heaven's sake, what has the TLC to do with it? Why not have someone from the farmers' union or the Pastoralists and Graziers Association of WA (Inc) and the like? Why have somebody from the TLC?

Who is this "person representing the interests of persons as consumers"? All those now on the KABC are consumers. Why do we need a special person to represent consumers? The person from the TLC would be a consumer. It is strange indeed that the one representative we thought should have been left on the board, the representative from the Tourism Commission, is to be replaced by a representative from the Trades and Labor Council, the Conservation Council and this person representing the interests of persons as consumers. Admittedly, I can see the reasoning behind having a representative from the Conservation Council.

We do not understand the other reasoning. No doubt the Minister will explain it in detail. When we look at the second part of the Minister's second reading speech, he says that the Bill includes an additional power to an authorised person to require the owner of a vehicle to identify who the driver may have been at the time a litter offence is said to have been committed. To quote Hon. Phil Lockyer's words, if ever there was an infringement of rights, this could be it.

If some officer believes that one is the driver of a vehicle who 10 minutes before did something on a lonely road, like turving some stuff out of the window, who will have the right to say he did nor did not? Is that a question of being found guilty and having to prove one's innocence?

There seems to be a great deal of licence given to a KABC officer who can say a person may have committed an offence, and indeed it will stand up, because this is what is implied in the Minister's second reading speech. I am particularly worried about that section of his speech, because it represents a gross infringement of a person's rights.

I have been through cases myself. A little authority seems to go to the heads of many people. If someone was driving along a road in the north-west, where there may be one vehicle a week, and some litter is said to have been dropped on the side of the road, and one is alleged to own the only vehicle which went through there, one may be accused of tipping it out. If one is accused, how will one prove one's innocence?

Hon. Mark Nevill: Would you own up?

Hon. H. W. GAYFER: I do not know. Who will say a particular person called in at a parking area and did not put something in the bin? Who is to prove one did not pull in at the parking area? It is a case of one man's word against an officer's. In other words, the officer could have been around.

Hon. V. J. Ferry interjected.

Hon. H. W. GAYFER: It is pretty tough. It is one of the toughest things we have passed in this Chamber against the rights of an individual. I do not think this would be tolerated in the Police Act, but one will have to prove oneself innocent of an accusation made by an authorised officer who says one may have been the driver of a vehicle at the time an offence was committed.

I am very worried about that clause, as some other people are. I am not the only person concerned about this, although I am sensitive to this sort of thing.

Hon. P. G. Pental: You can tell us about it.

Hon. H. W. GAYFER: The honourable member wants to have a look at this. Hon. Phil Pental is one who believes in the rights of the individual.

Hon. P. G. Pental: I will speak as soon as you sit down.

Hon. H. W. GAYFER: I think we will be on the same side.

I agree with the 14-day clause going out to 30 days. This is a sensible move, and Hon. Phil Lockyer has quite capably dealt with junk mail. I agree with what he said there.

Like Hon. Phil Lockyer, we cannot understand why a person from the Tourism Commission has been taken away from the KABC. We cannot understand why a member of the TLC is included, and not a member of the farmers' union. There are more roads in the country than in the city, although I admit the TLC goes there too. Why not have the miners' union? I suppose they would be included in the TLC, with painters and decorators.

Several members interjected.

Hon. H. W. GAYFER: It is a job for Mr Butler.

Hon. T. G. Butler: They play a leading role.

Hon. Tom Stephens: We should have a litter representative for you.

Hon. H. W. GAYFER: I will think of an appropriate reply to that shortly. The member has caught me off balance. At least I am pleased to see him sitting in his seat when he makes that interjection.

Several members interjected.

Hon. H. W. GAYFER: Apart from that, we intend to support the Bill. However, I would like to hear a very good explanation from the Minister before we get too far along the track.

HON. V. J. FERRY (South-West) [8.37 p.m.]: In general terms I support the Bill. However, it intrigues me as previous speakers have intimated that the tourist industry should be deleted from the Act. We are all very concerned about tourism in the State; it means a lot to Western Australia, certainly to that part of the world I am privileged to represent. One needs to have a look at the composition of the council at the present time.

I want to commend the Keep Australia Beautiful Council. If it has had any effect on Hon. Phil Lockyer giving up smoking, well done!

It is important to this debate to record just who is on the council at the present time. One member shall be appointed on the nomination of the following organisation: The Soft Drink Manufacturers' Association (WA); The confederation to represent the brewing industry; the Packaging Council of Australia (Western Australia Division); the confederation to represent manufacturers of cans; the confederation to represent manufacturers of glass; the confederation to represent manufacturers of paper products; the Director General of Education; the Secretary for Local Government; the Director of the Department of Tourism; the Local Government Association of Western Australia; the Country Shire Councils' Association of WA; and one shall be a person with special knowledge of or experience in either litter prevention or environmental matters or both.

That is the existing council. This Bill proposes to delete paragraph (i) and substitute someone to be appointed on the nomination of the Director of Tourism. It is proposed to remove that and put in its place a person to represent the Department of Conservation and Land Management. We have one person representing the Trades and Labor Council, another representing the Conservation Council of WA, and one representing consumers.

I deliberately read out that list to show the composition of the council because it is important that we be aware of its wide representation. All these existing members of the council have a real part to play, and of course I include the representative of the tourism industry. However, this Government, which is making much of its thrust to encourage tourism investment—something I applaud—has seen fit to delete from this body the representative of the tourism industry. This is a retrograde step. In view of the size of the council it seems odd that the Government should worry about reducing its membership by one in this fashion. When the Minister responds I hope he will indicate that the Government is prepared to look at my suggestion to retain a tourism industry representative.

I compliment the council for its campaigns throughout the State to keep the State clear of litter. As members travel the roads, as they frequently must, I am sure they cannot but be impressed with the general improvement of the litter situation. Certainly litter still can be

found, but the council's litter drives to clean up the litter on our highways and byways are helping us to keep our State tidy. I certainly commend the council for its educational programmes aimed at stopping people littering the State. There is no doubt that the citizens of WA are responding well to these educational programmes.

I also praise the staff of the Education Department, the teachers and others, for their efforts to educate our children on the problems of litter. I find example after example where children are showing themselves to be very litter conscious. This is the result of the training they have received from their teachers, who conduct constant litter drives around their schools to keep their yards clean and tidy. What is more, the parents of these children are being educated by the children. The whole community is now responding to this educational process.

I have made it my business to inquire of many people about their attitude to what is commonly referred to as junk mail; that is, the pamphlets, advertisements, and visiting cards placed in private letterboxes. My experience is that the vast majority of the owners of private residences with single letterboxes accept this junk mail. If they do not want it, they find it an easy matter to throw it into their rubbish bins.

The main problem occurs where there are multiple letterboxes such as those found at blocks of flats, triplexes and so on. With all this mail being stuck into the various letterboxes, a good deal is left hanging out and a lot falls to the pavement. This tends to be a problem. Some blocks of flats place a receptacle by the letterboxes into which the tenants can throw any unwanted junk mail.

There is an increasing trend for firms and individuals to use junk mail as a means of advertising their wares or professional services. The use of this junk mail has been amplified because of the high cost of delivery services and postage costs.

Most people accept junk mail as a part of their daily lives. Those people who do not appreciate it can generally overcome the problem by placing the appropriate notice on their letterbox to indicate that they do not wish to receive any of this sort of mail. Most of the people delivering this mail accept the message and move on to the next house.

I refer now to that part of the Bill referred to earlier by Hon. H. W. Gayfer; namely, that provision which places the onus on the owner

of a vehicle from which litter has been thrown to show who was driving the vehicle at the time of the offence. I am perplexed as to the application of the provision in real life, although I can understand the reason for it, because it is necessary to have some method of tracking down people who transgress.

I am mindful of the fact that large quantities of litter can be dumped by the side of a road when a commercial vehicle breaks down and is forced to jettison its load. A private vehicle could also be in a similar position. The provision places the owner of a vehicle in the very invidious position of having to suggest who might have been driving the vehicle and what the circumstances of the offence might have been. I do not believe the provision is a very satisfactory way of apprehending wrongdoers. As the owner of a vehicle, I would be very reluctant to provide the information. I am not happy with the provision and during the Committee debate I will examine it further. I ask the Minister to note my comments and others directed to him on this point. Perhaps at the Committee stage we can tidy it up if we are unable to obtain an appropriate explanation for its inclusion.

I repeat the first point I made and emphasise my disappointment and astonishment that a representative of the tourism industry is to be taken from the Keep Australia Beautiful Council. I hope the Government sees its way clear to change this situation.

HON. P. G. PENDAL (South Central Metropolitan) [8.49 p.m.]: I also want to make a brief contribution to this debate. Hon. Phil Lockyer and other speakers on the Opposition side have rightly pointed out that anomaly which appears to take away from the Keep Australia Beautiful Council any representation from the Tourism Commission, although the Act refers to the Tourism Department. As the Opposition spokesman on tourism, I believe the comment made in this regard is a valid observation, indeed one I have made in another forum before tonight. A further point needs to be made about the fact that the current Act provides for representation from the Tourism Department, which became the Tourism Commission with the proclamation of the new Act a year or two ago.

The point that needs to be raised is whether—and I am diverging a little from my colleagues—the Tourism Commission should be represented, as distinct from one of the private bodies which represent the tourism industry in Western Australia. I would cite, for

example, the Western Australian Tourism Industry Association which was established as an umbrella organisation of the private sector a couple of years ago. If it is valid to make a point about the lack of representation from the Tourism Commission, as other speakers have done, it is equally valid to ask why a representative of the private sector might not replace a representative of the commission if the Government felt there was no value in having the Public Service department or statutory body represented on this council. I do not know whether that association would have welcomed the chance to be represented on the council. I rather suspect going through the list which is in the Act and which has already been referred to by Hon. Vic Ferry—

The PRESIDENT: Order! Honourable members, there is an enormous amount of audible conversation which must cease. I will not tolerate those meetings and conversations going on in the Chamber while a member is speaking.

Hon. P. G. PENDAL:—that maybe the stage has been reached where we need to review not only this Act, but many others in relation to the representation on statutory bodies. Hon. Vic Ferry has already named each of the bodies which is represented on the council. It may come as a surprise to some members who did not count them while Hon. Vic Ferry was speaking to know that the Confederation of Western Australian Industry actually provides five of the places in the current 12-man council.

I would imagine that to a very busy confederation and business community it may well be a pain in the neck to have to provide people out of the industry on a regular basis—I guess once a month—for meetings of this council. I take the point raised by one of my colleagues who queried the need for the Trades and Labor Council to be represented. I would take that one step further and say I wonder whether the Confederation of Western Australian Industry would be all that happy about having to provide so many people to attend one meeting of this council.

I want to turn now to the second point, and it is one that was equally perplexing to me as it was to Hon. Mick Gayer and Hon. Vic Ferry. It may be the case—and I am in no position to assume what the Attorney General's response may be—that what is in the Bill differs from what is in the second reading speech. If that is the case it is at least of equal concern to the

point raised by Hon. Mick Gayfer. The second reading speech says—

The Bill also includes an additional power for an authorised officer to require the owner of a vehicle to identify who the driver of the vehicle may have been at the time a littering offence has been committed.

If one goes then to the amendment proposed to section 27, it allays some of my fears. It is proposed to write in the following words—

(1a) Any owner of a vehicle and any person to whom for the time being the possession or control of a vehicle may be entrusted shall, if required by an authorized officer, give any information which it is in his power to give . . .

It then goes on to say some other things. If that is the explanation to Hon. Mick Gayfer's question and it is a saving clause because it gives an "out" to that person as it requires him to give information which it is in his power to give, it seems to allay those fears. However, if that is the explanation it is inconsistent with what is in the second reading speech. Therefore, rather than answer the fear raised by Hon. Mick Gayfer and Hon. Vic Ferry, it may create a new problem. I would be interested to hear what the Minister has to say about that matter.

Finally, because I doubt that this is a matter worth going to the barricades about, I want to join with a number of other members who have paid tribute to the work of this council. I do so from a slightly different tack. It is quite a remarkable organisation, and perhaps if the Minister in his capacity as Minister for Budget Management gives out an annual prize for people who contain the growth of the bureaucracy, he might consider awarding it to the Keep Australia Beautiful Council.

It was pointed out, I think by Hon. Phil Lockyer, that the council started in 1979. These organisations tend to grow like Topsy, as everyone in this Chamber knows. I have had some reasons to pass by this organisation's office on many occasions to and from my place of work and I know that it runs on the smell of an oily rag and a very lean budget. I took the opportunity of turning up the 1985-86 Estimates, and that is confirmed. After seven years or so, this organisation still operates with a maximum staff level of eight, and that includes people involved principally in education, publicity, and liaison work.

That is a pretty good record for an organisation which has a fairly hefty responsibility. It has been able to not go the way of most statutory bodies and find ways of justifying exorbitant increases in expenditure levels and significant increases in staff levels. The total allocated to it on an annual basis is still considerably less than \$1 million, and a great deal of that is recouped from industry sources, to the tune of about \$630 000 a year.

I agree with other members that somebody ought to say to those people, "Good on you", for doing what most other statutory bodies are unable to do and containing expenditure and staff levels. It is still performing a public service without making a weller of it.

With those remarks, but with those two queries in mind, firstly in regard to the exclusion of a tourist industry representative, and secondly that rather troublesome clause, I support the Bill.

HON. D. J. WORDSWORTH (South) [8.59 p.m.]: I rise to support this Bill. It seems to be a very popular Bill. I have rather a soft spot for this group because as Minister for Transport I had three or four small offices in which my officers were situated, such as a man from the railways who was the liaison officer. The Keep Australia Beautiful organisation with a staff of two worked out of one of these six by eight offices adjoining mine, and I had a soft spot for them; they worked long and hard. At that stage they had no money, and I do not think they had an Act of Parliament. I was happy to foster them for three years, and I think they have done a great job.

This body has grown; one is frightened at times at the way departments grow, and this one has grown from small beginnings to a big department. Nevertheless, it is doing a good job.

I am concerned about the relationship between the Keep Australia Beautiful Council (WA) and local authorities. I recently attended a Country Shire Councils Association of WA meeting at which 30 local authorities were represented and I was somewhat perturbed at the manner in which they asked an executive officer from the Keep Australia Beautiful Council to explain why local authorities were being asked to contribute towards cleaning up their shires. There was ill feeling between both organisations, and I was disappointed.

The argument put forward by local government was that they should not have to contribute towards keeping their shires clean. I under-

stand that the usual thing is that the Keep Australia Beautiful Council provides the local authorities with funds to clean up their shires initially and it then encourages local authorities to keep their areas clean.

At that meeting representatives from local authorities attacked another representative who happened to own a soft drink business. He was told that his business was creating rubbish and, therefore, it should be levied and made to contribute towards cleaning up the areas.

When one looks at the Act one realises provision is made for various companies which are associated with causing litter—I refer to the brewery and soft drink companies—to make voluntary contributions to the Keep Australia Beautiful Council; and that money is used to help clean up the State.

I found it rather unfair that local authorities were blaming the one person and the organisation he represented and expected him to make a greater contribution because it was felt that local authorities should not have to contribute in the manner in which they are being asked.

It depends in which area one is in as to what is the definition of litter. The main litter one sees on the Nullarbor is babies' paper nappies—I do not know what they are called.

Hon. Garry Kelly: They are called disposable nappies.

Hon. D. J. WORDSWORTH: People crossing the Nullarbor dispose of these nappies because they are smelly, and they are thrown out of the window as quickly as possible.

Hon. Mark Nevill: Should we ban babies from the Nullarbor?

Hon. D. J. WORDSWORTH: I am not suggesting that. I do not know whether manufacturers of disposable nappies can be requested to contribute to the Keep Australia Beautiful Council. Perhaps that could be a suggestion.

I hope that there will be a better understanding between local authorities and the Keep Australia Beautiful Council. I know that local authorities have two representatives on that council and I question the need to include representatives from the organisations listed in the Bill. It is rubbish to add a trade unionist. The Government is trying to exercise its authority while it is in office.

Already there is a representative with special knowledge and experience in either litter or environmental matters on the council and one would have thought that a representative from

the Department of Conservation and Land Management would not be necessary.

Hon. P. G. Pandal: Or the person from the Conservation Council of Western Australia.

Hon. D. J. WORDSWORTH: I will not argue about that.

I believe the council is doing a reasonable job and is certainly keeping Western Australia clean.

I was glad the council was able to charge a person for throwing litter out of a moving vehicle. My house is situated in an area visited by many tourists—I do not know whether they come to see my house.

Hon. J. M. Berinson: They come to get a glimpse of you.

Hon. D. J. WORDSWORTH: I am often sent outside by my wife to pick up the litter that collects around my fence, and if this legislation prevents me from having to do that I will support it.

HON. DOUG WENN (South-West) [9.05 p.m.]: I will not refer to the organisations which will be represented on the Keep Australia Beautiful Council because I am sure the Attorney General will take care of that.

However, I will refer to junk mail. It is one of those touchy areas because people have differing views. I have a number of senior citizens in my area who look forward to receiving their junk mail because it gives them something to read.

There are times when one has so much junk mail in one's letter box that the postie is unable to place registered mail in it and he has the right, because the letterbox is full, to put the mail back in his bag and not deliver it. If I asked members whether junk mail or registered mail is more important to them, I know what the answer would be.

It is the right of anyone who does not want junk mail placed in his letterbox to place an appropriate sign on it stating he does not want junk mail. If it is the desire of the person delivering the junk mail to ignore that sign I think the person receiving it should be able to take some action against the person delivering the junk mail.

I am not being disrespectful to smokers because it is their right, but I refer now to cigarette packs being thrown out of a moving vehicle. If someone throws rubbish out of the window of a moving vehicle he should expect to receive a fine. The litter inspectors who report individuals for such action are responsible

people and will not say, "You were the last one to drive past this spot and, therefore, you are responsible for discarding the litter." They are sensible people and are very careful about making reports, and they do not charge people willy-nilly.

I add my congratulations to the Keep Australia Beautiful Council because it is doing a top job. The people who visit the south-west will notice the litter bags on the side of the roads which have been filled by the young people who clean up the verges for the council. They do a good job and I hope they continue to do so.

HON. NEIL OLIVER (West) [9.09 p.m.]: I will be brief because most of the speakers tonight have traversed the contents of the Bill.

I was interested to hear what Hon. Phil Pandal said regarding the authorised officer being required to identify the driver of the vehicle from which rubbish has been thrown. It appears that the Attorney General's speech is in conflict with clause 6 of the Bill. I presume that in his reply the Attorney General will explain why the word "may" has not been used in this clause.

I was interested also to hear the comments made by Hon. Doug Wenn concerning the disposal of litter from moving vehicles.

It is extremely obvious as one drives in the areas of Northam or Clackline on the way to Perth. Previous speakers have described the work done by scout groups to clean up the verges. In the area of Wooroloo and Wundowie clean-ups are undertaken by the prisoners from the Wooroloo Prison Farm. Prior to the collection of the rubbish it is all brought to the edge of the verge and at times one can drive for up to four kilometres and see the collected rubbish that has been thrown from cars and scattered on the verges. A tremendous amount of that rubbish is cans or bottles which originally contained intoxicating liquor. It is quite disturbing.

Apart from the cigarette butts and the bottles to which I have referred, members will be aware that the throwing of a lighted cigarette butt from a car is illegal in most States of Australia. In some Asian countries and in Singapore in particular it is an offence to discard a lighted cigarette butt onto the pavement and extinguish it with the foot. The penalty for doing so is the equivalent of \$A100. Therefore, a person can walk the streets of Singapore—and I challenge any member who has been

there to contradict me—without seeing anybody discard a cigarette butt.

Sometimes when I drive in the country in Western Australia at times of acute fire hazard I see people discarding lighted cigarette butts from their cars. It is reasonably obvious during the day but it is most obvious at night when one can see the sparks flying along the road. It absolutely astounds me and I do not know how we can go about eradicating this problem. However, I believe the penalty should be quite severe because there is enormous danger from the ravages of bushfires. We have seen those bushfires in most States of Australia and we have seen them through the Darling Range. Major burn-off programmes are conducted in an attempt to avoid this danger.

An example of precautions taken in this regard is the Hotham Valley railway which operates with antique rail carriages and a steam engine. It is a great tourist attraction and people have a wonderful day travelling to Dwellingup, Toodyay, or Bunbury. However, during the summer months a steam engine is not used because of the danger of bushfires being started from the sparks.

These matters should be considered in relation to the Bill and, if necessary, the Traffic Code which covers the throwing of projectiles from cars. Greater surveillance is needed, particularly in unmarked police cars, and serious offenders should be apprehended. Consideration should be given to treating the matter as a serious offence. We all drive in other States of Australia, in addition to Western Australia, and I believe this problem is more common in this State than in other States. Therefore, there seems to be something wrong with the penalties imposed and the manner in which we approach the problem. We also need public education to alert people to this hazard.

I will not canvass the area of membership but apparently there have been major changes in the membership of the Keep Australia Beautiful Council. People who have served the council well for a number of years have now been removed for one reason or another, some because of age and some perhaps may have chosen to leave the council. I would like to pay tribute to Sir Bruce McKinley who for some years—approximately 15 years or more—has either served as a member of the committee or has been chairman. Prior to his retirement he was managing director of J. Gadsden Pty Ltd, which is Western Australia's major container manufacturer.

Hon. P. G. Pandal alluded to the role in the council of the Confederation of WA Industry, which dates back to the time when we had a chamber of manufacturers and an employers' federation. Many of the people on the Keep Australia Beautiful Council, and particularly the five to whom Mr Pandal referred, were manufacturers in their own right. For instance, Mr Dixon was the chairman of Coca-Cola Bottlers of Western Australia. Those men decided that as they were in an industry from which the problem was created they were prepared to take a voluntary role to ensure that the containers did not litter the State.

With those few remarks, I support the Bill.

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [9.18 p.m.]: A number of speakers, led in the first place by Hon. Phil Lockyer, raised a question as to why the Tourism Commission has been deleted from the membership of the Keep Australia Beautiful Council. I think Hon. Mick Gayfer was concerned with the same thing, and also Mr Ferry and Mr Oliver. I can assure the House that there is nothing sinister in this omission and, in fact, in response to a similar inquiry elsewhere the Minister made it clear that it was the commission's own view that it had more direct work to involve itself in and that it did not see itself as having a particular role on the Keep Australia Beautiful Council. The initiative in this case was not taken against the commission but, if anything, in response to the commission's own view as to its proper place in the scheme of things.

On the other side of the coin, questions were asked as to why certain organisations and individuals were added to the Keep Australia Beautiful Council. I think most attention was directed to the inclusion of a representative of the Trades and Labor Council. One of the honourable members opposite described that as ridiculous, as I recall. I think it is very much in place if one sees the proposition in the context of the structure of the council as it now exists.

Among the current members of the council are nominees of the Soft Drink Manufacturers' Association of WA, the brewing industry, the Packaging Council of Australia WA Division, and the manufacturers of cans and glass. In other words, the employers who are engaged in the industries which are seen most often as causing the litter, and are being looked to to make some contribution, are there. It needs to be recalled that for every one of these employer groups there is a large number of employees as

well; and their interests, in the same way as the interests of their employers, could be involved in proposals that are made from time to time and are submitted by the council for Government consideration.

Hon. D. J. Wordsworth: Full marks! I reckon that is good. You are wasted here.

Hon. P. G. Pandal: You ought to go into politics.

Hon. J. M. BERINSON: Since I am now getting interjections on what I thought was a highly uncontentious comment on my part, I am tempted to add that I was surprised to be asked for that explanation as I would have thought it was self-evident.

As to the question of a consumer representative, it is really not surprising either. Let me give one example. It has been suggested from time to time that the current income of the council is insufficient and that consideration should be given to levies on the manufacturers in respect of their products. As we all know, the Government is determined on nothing so much as to keep all taxes and impositions to an absolute minimum.

Hon. P. G. Pandal: It is a pity *Hansard* cannot show that you have a grin on your face, but it will now.

Hon. J. M. BERINSON: As a result, suggestions of that kind have never been adopted. Nevertheless, the fact is that they keep popping up again, quite consistently. It is a mistake in that context to think that a proposal for a levy on the packaging of goods, cans, bottles, and so on is something that only affects the manufacturers or, for that matter, the workers in that particular industry. We all know that any levy would be passed straight on to the public—that is, the consumer—and that is just a very narrow sort of question where someone under the general heading of "consumer representative" could be called to make some contribution.

Hon. D. J. Wordsworth: I thought you were going to say that meant less money for the workers.

Hon. J. M. BERINSON: I think Mr Gayfer raised a more serious question.

Hon. H. W. Gayfer: I was serious about that, too.

Hon. J. M. BERINSON: Yes, I mean a question of greater principle—if I can put it that way—in respect of clause 6. In part he was answered by Hon. Phillip Pandal's later comments. To those comments I would just add

that I believe Mr Gayfer is reading too much into the clause.

Hon. H. W. Gayfer: I just interpreted your words in the second reading speech.

Hon. J. M. BERINSON: Then perhaps I read too much into it!

If we can move from my second reading speech to the actual terms of the Bill, I suggest that clause 6 is not nearly as threatening as Mr Gayfer may have been led to believe in one way or another. In particular there is certainly no question of there being a reversal of the onus of proof. I think Mr Gayfer feared that this could be a case where one would have to prove one was not guilty. That is by no means the case, and in fact the information which is sought by the provision in clause 6 is referred to in this way—

... give any information which it is in his power to give, which may lead to the identification of any person who was driving...

That is not by any means a conclusive identification. There is no question that, even if the person being asked the question does refer to another person, that concludes the matter and it is then up to the described person to prove the contrary. What is said is that he should give information which may lead—that is, that is capable of leading—to the identification of the person who actually threw the cigarette, or can, or whatever it was, from the moving vehicle.

Hon. H. W. Gayfer: Do you think it is tight enough?

Hon. J. M. BERINSON: I would put it the other way—I would say it is not as tight as Mr Gayfer feared and is much more flexible, but it does at least point the way to giving the authorities some chance of identifying the litterers in circumstances under which, at the moment, they have virtually none.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Hon. Mark Nevill) in the Chair; Hon. J. M. Berinson (Attorney General) in charge of the Bill.

Clause 1: Short title—

Hon. P. G. PENDAL: I do not want to drag out what has otherwise been a fairly lengthy debate, but I do want one point clarified. I understood the Minister to say in his response to the second reading debate that there had at some time been some consideration given to

the imposition of a levy, perhaps as another way of financing the operation of litter control in Western Australia.

I think it should form part of the record that already the Keep Australia Beautiful Council is virtually kept alive by contributions by the private sector. In my address on the second reading I made reference to the Estimates of Expenditure and Revenue for the current financial year; and on page 87 that document indicates that, of a total gross expenditure estimated for this financial year to be \$737 000, industry contributions and other revenue account for \$564 000. As I have worked it out, that represents about 70 per cent. It leaves a total net expenditure of \$173 000 for the Government to provide.

I am the first to admit quickly that I do not know where the "other revenue" comes from when it is mentioned in the same breath as "industry contributions".

Hon. J. M. Berinson: Can you tell me whether there is a breakdown of the amounts between "industry contributions" and "other revenue".

Hon. P. G. PENDAL: No, there is no breakdown. It simply shows that the total gross expenditure for the council this year is \$737 000, less industry contributions and other revenue of \$564 000. It is often the case in those Budget papers that contributions from other sources such as a Commonwealth agency are deducted. Therefore it may indicate, and I suggest it does, that the whole of that comes from non-Government sources; and that means that when 70 per cent is being paid by industry, as it is as at the moment, there is effectively a system of levy anyway because of those packaging companies to which Hon. Joe Berinson referred. They are already making that stout contribution at the rate of 70 per cent.

Hon. J. M. BERINSON: The honourable member is quite correct in saying that the industry itself does make a substantial contribution to the income of the council. On the other hand, problems inevitably arise in two ways: Firstly, where the income from that source is insufficient to meet the increasing demands for the working of the council, and secondly from the fact that the contributions from within industry itself are uneven.

Hon. P. G. Pendal: Such as?

Hon. J. M. BERINSON: Such as arising from the fact that manufacturers of similar products do not contribute. One of the reasons in support of the levy that has been put to me from

time to time is precisely on that basis; that the spread of support is very uneven and there ought to be a way of preferably encouraging but if necessary insisting that everyone in the industry takes some fair share of the burden.

Hon. D. J. WORDSWORTH: That was the point I was endeavouring to make. If one supports a levy as a means of funding one has to support a levy on all those people who manufacture babies' disposable nappies and everything else making up litter. That would be very hard indeed to administer.

Hon. J. M. Berinson: So far we are not representing anyone. We do not want to get too enthusiastic about that.

Hon. D. J. WORDSWORTH: The Government would be changing the whole principle of the original Act and how it is set up.

Hon. J. M. Berinson: No. I gave that as an example of one of the things the council may be asked to consider from time to time. Nothing has changed.

Hon. D. J. WORDSWORTH: There are two ways in which this Act could have tackled the litter problem. One was by voluntary contribution, the other was the matter of charging companies which would then pass the charges on to the purchasers of their goods. This would have escalated costs, possibly as a deposit on items such as bottles which may be refunded on return. Both principles were originally considered and the ideal was shown to be the way we have gone by having a voluntary contribution. We should be sticking to that as long as we can.

Hon. J. M. Berinson: I agree.

Clause put and passed.

Clauses 2 to 4 put and passed.

Clause 5: Section 9 amended—

Hon. V. J. FERRY: I understand the Minister to say during the second reading debate that the Tourism Commission was virtually not interested in maintaining its presence on the Keep Australia Beautiful Council, implying that it had better things to do. That is what I believe the Minister said. If that is correct, I do not doubt the Minister's response in that regard. It seems an odd attitude for the Tourism Commission to take. One would have thought that keeping Australia beautiful for tourism would be of prime importance to the citizens of Western Australia and to that body. What could be more off-putting in attracting people to Western Australia than untidy landscapes, and untidy streets with litter and rubbish

everywhere? I find the Tourism Commission's attitude extraordinary. I am quite sure that that attitude would not be the attitude of the vast majority of private tourist operators in this State and the tourist industry itself.

I believe that the private components of the tourist industry would welcome the opportunity of having one of their nominees made available to join this committee in lieu of the official Tourism Commission. There are any number of private business operators associated with the tourist industry in this State who would welcome the opportunity of having input in this regard because they know it is their bread and butter to make the place as attractive as possible for visitors to this State.

I would ask the Minister to reconsider the representative of the tourist industry rather than have an official representative from the Tourism Commission—whatever it may be called—and to invite a representative of the private sector to the tourist industry to have input on this committee.

Hon. P. G. PENDAL: I want to raise a matter not dissimilar to that raised by the Hon. V. J. Ferry. This is the clause that will provide for the appointment of a member of the Conservation Council of Western Australia as a member of the Keep Australia Beautiful Council.

What I would like to know is why the Government has seen it necessary to specifically appoint someone from that council, given that the Act at the moment, in part I, already provides for a person with an environmental background.

I agree with the comments of Hon. V. J. Ferry and Hon. H. W. Gayfer about rationalising the membership of this council. Again, I do not think the State will come to a standstill because of the exclusion from membership of one or more of these people or the organisations they represent. It does seem a funny way to go about a task. The more I read it the more puzzled it becomes. As the Opposition spokesman on tourism, it troubles me that the Tourism Commission seems to think that it is below its dignity to be part of an organisation which does not have the high profile that it would like. That is why the point made by Hon. V. J. Ferry is relevant.

Secondly, I cannot see why the Conservation Council has been provided for when the Act already provides for a person with environmental experience to be part of the Keep Australia Beautiful Council.

Hon. J. M. BERINSON: I refer to Mr Ferry's suggestion that consideration be given to a representative of the tourist industry. I am happy to convey that to the Minister and ask that that be considered in the context of any future amendments to this Act.

Mr Pental commented again on the inclusion of the Conservation Council. To that, I can only say I do not see that there is any scientific basis for establishing the ideal committee. It does seem to me that, in a body composed of as many as 15 members and directing its attention to the work which the Keep Australia Beautiful Council does, it is unreasonable to have two persons engaged generally in the conservation movement.

In the present case the reference to the consultative council provides an opportunity for the umbrella organisation and environmental groups in this State to participate within the general framework of the legislation, and given the role of the council I can only respond to Hon. Phillip Pental by saying that it seems to be perfectly reasonable.

Hon. D. J. WORDSWORTH: May I ask: Was it not the case that the organisation formerly known as CALM was not represented in any way? CALM is a new organisation but, if I recall correctly, the Forests Department, for example, had a representative on it anyway.

Hon. V. J. FERRY: Following on from Hon. David Wordsworth's comments about CALM I point out that the department now comprises what was previously known as the Forests Department, the National Parks Authority and the Wildlife branch representatives.

Hon. D. J. Wordsworth: Are they not represented on the board?

Hon. V. J. FERRY: In the past, representatives of the council and this organisation have not been on the board and I think it is appropriate that a representative of CALM should be included because not only does CALM represent the forests area but also it represents national parks, so that would be very appropriate indeed.

I refer again to the extraordinary situation whereby the tourism industry, which has an overall interest in all public lands, especially tourist facilities in national parks and other places, is not represented on the council and I indicate I support the inclusion of a representative of the tourism industry on it.

Clause put and passed.

Clauses 6 and 7 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon. J. M. Berinson (Attorney General), and passed.

RESERVES AND LAND REVESTMENT BILL

Tabling of Papers

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [9.44 p.m.]: At the conclusion of my second reading speech on the Reserves and Land Revestment Bill I referred to a proposed road closure in respect of Harvest Road and I omitted at that time to table certain papers which have been prepared for the assistance of honourable members. I seek leave to now table the following papers: firstly, an artist's impression of the relevant facility and, secondly, the Lands and Surveys Department plan (diagram 87559) which identifies the area of the road reserve site to be closed.

Leave granted.

(See paper No. 262.)

LIQUOR AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. J. M. Berinson (Attorney General), read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [9.46 p.m.]: I move—

That the Bill be now read a second time.

The Bill before the House incorporates the majority of the recommendations of an inter-departmental committee on liquor licence fees assessment procedures plus a restructuring of liquor licence fees.

I propose to deal first with the recommendations of the inter-departmental committee. The effectiveness of the existing procedures used to assess and collect licence fees payable under the Liquor Act 1970 came under notice primarily as a result of the relatively low growth in licence fee collections in 1984-85 when compared with Australian Bu-

reau of Statistics figures on private final consumption expenditure on alcoholic beverages.

As a result the Government in October 1985 decided that a review committee reporting jointly to the Minister for Racing and Gaming and the Minister for Budget Management be formed to examine the licence fee assessment procedures and, if considered necessary, to recommend changes to those procedures.

The terms of reference for the committee were—

- (i) to review current procedures and practices for the assessment and payment of licence fees payable under the Liquor Act 1970; and
- (ii) if necessary, recommend changes to the procedures, practices and associated legislation outlining the expected cost benefit of any recommendation.

After much deliberation the committee concluded that the principles of the current licence fee assessment and collection system have the potential to be generally effective. However, major problems were identified as follows—

- (1) inability to obtain complete and accurate information on all relevant liquor transactions;
- (2) difficulty in conducting investigations;
- (3) inability to evaluate information supplied in returns;
- (4) inability to collect evaded fees arising from a lack of power in the Liquor Act to reassess licence fees;
- (5) complexity and information requirements of liquor return forms; and
- (6) difficulties in meeting assessment deadlines.

Currently the Liquor Act provides for a penalty of \$200 for a licensee who knowingly makes a false statement in any return, while a licensee who fails to lodge a return is liable to a penalty of \$100.

These penalties do not provide an adequate deterrent against non-compliance. This is supported by the fact that for the 1985 assessment period, undeclared retailers' purchases of \$3.5 million were discovered when retailers' returns were matched with available suppliers' returns. Conservatively 75 per cent of retailers' returns were, to some extent, inaccurate, and 276 licensees failed to lodge returns by the due

date. Of these, 34 did not lodge a return at all and were assessed on suppliers' figures.

To date very few prosecutions have been instigated due to the time and cost necessary to obtain a conviction and what is considered to be an insignificant penalty.

In New South Wales and South Australia the maximum penalty for failure to lodge a return is \$2 000 or imprisonment for one year or both, and \$5 000 respectively.

The current level of penalties for non-lodgment of liquor returns or false returns provides wide scope for a possible fee evasion, and the rewards for evasion far outweigh any penalty that may be incurred.

To counteract this deficiency, the following offences and relative penalties have been incorporated into clauses 10 and 11 of the Bill—

Failure to lodge a return by the due date:
An administrative penalty of 2 per cent of the amount that in the opinion of the principal receiver of revenue would be payable on furnishing of the return imposed weekly for each week or part thereof to a maximum of 10 per cent that the return is outstanding for up to two months with a minimum penalty of \$50.

Where a return has not been submitted within one month of the due date, the licence shall be suspended until the return is lodged.

Where a licence fee is or would have been under assessed by reason of incorrect information in a return, failure to provide information in a return or failure to lodge a return: An administrative penalty of up to 100 per cent of the amount by which the licence fee was or would have been under assessed.

In all cases where an administrative penalty has been imposed, the principal receiver of revenue is to have the power to reduce or remit any penalty if reasonable cause is shown by the licensee, and if the principal receiver of revenue is satisfied that in the circumstances it is just and proper to do so.

Failure to include in a return all details as prescribed by the Act: Maximum penalty of \$2 000.

Knowingly making a false statement in any return: Maximum penalty of \$2 000 plus up to three times the amount of fee evaded.

The Liquor Act states that where a licensee does not pay the licence fee by the due date, the fee may not be accepted unless the licensee pays by way of a fine a further amount equal to 10 per cent of the amount payable. Where the licence fee and fine are not paid within one month of the due date, the licence is voided. This penalty is considered harsh and inequitable as a 10 per cent fine is imposed for all late payments whether one day or one month late. The fine is appealable to the Licensing Court, and virtually all appeals are successful in reducing the fine to a nominal amount.

To overcome the inequitable situation that currently exists and to relate the amount of the penalty to the degree of offence in terms of lateness of payment, clause 9 includes an administrative penalty which states that where a licence fee payment is not received by the due date an administrative penalty be imposed that is equal to two per cent of the amount payable for each week or part thereof that the payment is outstanding for up to one month with a minimum penalty of \$50. If payment is not received within one month of the due date, the licence shall be voided until payment of the licence fee instalment and an accrued penalty.

Section 163(7) of the Liquor Act requires holders of a licence who furnish a return under the Act to maintain all documents and other records relating to purchases and sales of liquor for a period of not less than two years after the sale or purchase of the liquor. The penalty for non-compliance with these requirements is \$200. These requirements were incorporated in the Liquor Act primarily to assist in the establishment of procedures whereby licensing inspectors would be able to inspect licensees' records to check that fees were being correctly assessed. Compliance with these requirements is not considered to be unreasonable in view of the fact that such records would need to be kept by licensees to facilitate the completion of the annual licence return and for other purposes including income tax and sales tax assessment.

It has become evident over time, however, that there are major weaknesses inherent in the existing requirements to maintain records which have created a number of potential avenues for licence fee avoidance. The problems centre around the fact that the requirements do not concisely state the nature of the information which the licensee must maintain, the format in which the records or documents should be kept, or the location at which they must be stored. This has resulted in a situation where licensees have generally not been keep-

ing records to a satisfactory standard. Indeed, in many cases boxes of unsorted invoices, delivery dockets, and other documents in some instances also referring to non-liquor purchases, make up the licensee's "record of transactions". Because records are not being maintained in a proper or uniform format, the ability of licensing inspectors to adequately examine records and effectively check the accuracy of fees assessed by licensees is greatly reduced. This automatically creates a situation where fee avoidance could quite easily take place.

Where related companies hold a wholesale licence and also a retail licence, the assessable amount can easily be reduced by discounting the price of the liquor sold so that the unit price on which the licence fee is assessed is substantially less than the value of the liquor. It is difficult to determine the extent or magnitude of fee avoidance which occurs as a result of weaknesses in the current requirements to maintain records, but it is considered to be significant.

The licensing authorities in the other States also require licensees to maintain records of their liquor purchases and sales, but in most cases both the nature of the information to be recorded and the manner in which the records must be maintained are prescribed in legislation. To rectify the inadequacies with regard to the maintenance of liquor transaction records, the following requirements and penalties have been incorporated in clause 12 of the Bill—

Licensees will be required to maintain proper records incorporating prescribed information with the format to be prescribed by regulation and with provision for the principal receiver of revenue to approve the keeping of prescribed information in a suitable alternative format;

liquor transaction records and their supporting documents will be required to be kept on the licensed premises for a period of not less than six years; and

the penalty for non-compliance with the requirement to maintain records is up to a maximum of \$2 000.

The current provisions of the Liquor Act do not provide for a licence fee to be reassessed after the initial assessment has been completed. As a result licence fees cannot be collected on any undeclared purchases or sales detected after the initial assessment. This is a glaring anomaly, because the ability to reassess a li-

cence fee is a critical component of any strategy employed to minimise fee evasion.

To overcome this problem, clause 14 of the Bill states that the reassessment of a licence fee at any time within five years of the initial assessment and that liability for any additional reassessed fees lie with and be apportionable to the person or persons who held the licence at the relevant time and were therefore considered responsible for the under-assessment.

Section 163(1)(a) of the Act requires both retailers and suppliers to include the volume of all liquor transactions in their annual returns. In the past the requirement was not enforced as the court did not have the necessary processing resources; nor was there seen any major need of or use for volume details. However, more recently, because of the increased level of financial inspections and the increased concern over licence fee evasion, it was decided to enforce the requirement.

An example of why volume details are an important aspect of efforts to minimise fee evasion can be found in section 164A(1)(b) of the Liquor Act which states, *inter alia*, that the court may assess a licence fee on the value of liquor sold or purchased if it considers that the amount paid or payable for the liquor is less than the value of the liquor. This ability is particularly useful in the situation where a person or organisation holds both a wholesale licence and a retail licence. As I stated earlier, liquor can be sold from the wholesale licence to the retail licence at well below cost, thereby reducing the amount paid or payable for the liquor and consequently the amount of the licence fee for the retailer. In such a situation, having noticed that the price per litre paid to the supplier was well below normal levels, an assessment may be made on the actual value of the liquor as determined by the court.

Indications are that most wholesalers are willing to comply with the requirement. However, strong opposition has been received from the retail section of the industry, basically on the grounds that enforcement of the requirement will necessitate the employment of additional staff and therefore place a heavy financial burden on an industry whose viability, it is claimed, is currently marginal.

Most other liquor licensing authorities in Australia require both suppliers and retailers to provide volume details. New South Wales, however, has recently reviewed its legislation and has relieved retailers of the volume requirement. It claims that this has resulted in an

improvement in the accuracy of returns. It is generally agreed that although necessary, the volume details need only be provided from one source. Very little is gained from being able to match volume figures. Therefore the requirement for retailers to provide details regarding volumes of liquor purchases is unnecessary provided volume details are supplied by wholesalers and retailers maintain proper records. Clause 10 of the Bill is introduced to exempt holders of retail licences from including volume details in returns of liquor purchases.

At present, liquor licence fees are calculated as a percentage of liquor purchases or sales for the premises to which the licence relates for the period of 12 months immediately preceding the commencement of that year. Liquor licence fees in Western Australia are among the lowest in the country compared with South Australia, New South Wales, and Victoria where the fees are 11 per cent, 10 per cent, and nine per cent respectively. I would also like to point out that the percentage fees have not been altered since 1975.

As announced on Tuesday, 24 June 1986, it is proposed to amend the Act to bring the fee structure into line with the Eastern States as follows—

A flat rate of 11 per cent for all licensed outlets;

a flat rate of seven per cent for indiluted liquor with an alcohol content of not more than 3.8 per cent;

a flat rate of seven per cent for undiluted wine with an alcohol content of not more than 6.1 per cent; and

continued exemption for beverages with an alcohol content of two per cent or less of proof spirit or 1.15 per cent by volume.

It is also proposed to raise the annual licence fee for wholesalers and brewers from \$60 to \$250, and vignerons' annual licence fees from \$20 to \$100. This has been done to bring the fees into line with modern-day relativities.

I would again like to point out that there has been no change to wholesalers' and brewers' annual licence fees since 1970, and vignerons' annual licence fees since 1972.

It is appreciated that there will be some difficulty for licensees to provide for the assessment of their annual licence fee information that they have not been required to maintain in the past; that is, information on the various categories of liquor purchased or sold. The

Government has therefore determined that an amount of 6.5 per cent of the total purchases or sales of liquor for the year 1985-86 shall be deemed to be prescribed low alcohol liquor. This percentage has been derived from experience in other States with low alcohol sales. It is considered to be generous in that it provides for the highest proportion of low alcohol sales in the two other States which record these sales to be the deemed percentage. However, if licensees can provide satisfactory evidence that the amount of low alcohol liquor purchased or sold was greater than 6.5 per cent, then the higher figure will apply.

The Government is also cognisant of the fact that if it introduced the new fees from 1 July, 1986 it would have placed undue hardship on the industry. This is because the industry will be required to pay at the higher rate without having enough warning or time to collect revenue at the higher rate.

The implementation date has therefore been deferred to 1 October 1986, with the payment becoming due at 31 October 1986. This will give all licensees at least a four-month period in which to collect revenue at the higher rate.

This means, in the case of retailers who pay the annual licence fee quarterly, that the first quarter will be assessed at the old rate and the following three quarterly payments will be assessed at the new rate. Wholesalers and brewers pay their annual licence fee in one lump sum on 31 July of each year. For the purpose of 1986-87 wholesalers will be required to pay the total annual licence fee at the existing rate on 31 July 1986, and the difference between the amount paid at the old rate for 12 months and the amount that should be paid at the new rate for the period 1 October 1986 to 30 June 1987 will be required to be paid on 31 October 1986. The fixed annual fee for wholesalers and brewers of \$250 will apply from 1 July 1986. In addition, the fixed annual fee for wholesalers will be increased to \$100 and will apply from 1 July 1986.

Generally, the increase in fixed annual licence fees reflects the inflationary trends of recent years, while the penalties are being introduced in an attempt to make licensees more responsible for their operation and to make the penalty fit the crime.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. P. H. Lockyer.

WHEAT MARKETING AMENDMENT BILL

Second Reading

Debate resumed from 9 July.

HON. C. J. BELL (Lower West) [10.02 p.m.]: The Opposition agrees with this Bill. With the changes that have taken place at Federal level, there is no longer a need to continue with the Western Australian Wheat Board. It has been claimed that perhaps it should be retained in case it is needed, but we should not retain Statutes which do not serve any useful purpose. Should it be necessary in the future to have a similar provision reintroduced to the Statute books, I am sure that the Parliament will see fit to reintroduce it.

With those few comments, we support the Bill.

HON. J. N. CALDWELL (South) [10.03 p.m.]: I also rise to support the Bill on behalf of the National Party of Australia. I have some reservations about the fact that the legislation will lead to more matters being placed under the Federal Government's control. At the moment, the wheat-growing industry is in dire straits. Not so many years ago we were getting about \$50 a tonne for wheat. Quotas were introduced and the industry was in strife; farmers were going to the wall. The wheat industry has been known to come out of these crises. Not so long ago, the price of wheat went from \$50 a tonne to \$100 a tonne and farmers became viable again. Now, the wheat industry is in a recession and those problems are returning. I only hope that as has happened in years gone by this is part of a cycle and the industry will pick up again.

Control of wheat marketing has been put in the hands of the Federal Government. Members of the National Party feel that the Bill is to be commended. One thing I would like to comment on is the fact that control of the wheat industry is going to Canberra. It is my opinion that this is not a really good thing because Western Australia does extremely nicely. I think that the Nullarbor Plain should be much wider than it is. I also think that water should be between us and the Eastern States so that we could have more say in what we do. This is just one area in which the Federal Government has taken control. It seems that our growers' representatives want that, therefore the National Party will support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Hon. J. M. Berinson (Attorney General), and passed.

House adjourned at 10.09 p.m.

QUESTIONS ON NOTICE

HEALTH: DRUGS

Heroin: Deaths

268. Hon. N. F. MOORE, to the Minister for Community Services representing the Minister for Health:

- (1) Are heroin-related deaths in Western Australia clearly recorded as such, or are the figures disguised through deaths recorded as being from particular organ malfunctions, system breakdowns, or infections; that is, kidney failure or hepatitis?
- (2) What is the number of heroin users who died from heroin-related disorders in each of the last three years?
- (3) What number of heroin users are on sickness benefits in Western Australia?
- (4) What number of heroin users are on invalid pensions in Western Australia?
- (5) What is the estimated number of heroin addicts in WA?
- (6) What is the estimated number of "occasional users" of heroin in WA?
- (7) What is the estimated quantity of heroin used per day by an "average" addict in WA?
- (8) What is the estimated gross expenditure per year in WA on heroin?
- (9) What is the estimated growth rate of the heroin market in WA?
- (10) What are the estimated costs of drug-related crime in WA?

Hon. KAY HALLAHAN replied:

- (1) A correctly coded death certificate should show heroin as the underlying cause of death. However, it is likely that when organ malfunction is the terminal event due to heroin abuse, heroin may be omitted or not stated as the underlying cause.

The Australian Bureau of Statistics is in the process of providing multi-cause death certification backdated to 1983, and this information will assist in providing these details.

- (2) Given the above, figures available are as follows—

1982—2

1983—6

1984—5

- (3) and (4) These parts relate to Commonwealth matters and should be directed to the Department of Social Security.

- (5) No accurate statistics are available on which to estimate the number of heroin addicts in Western Australia. The only statistics available relate to the number of clients registered with the Alcohol and Drug Authority at its William Street clinic.

- (6) No survey has been conducted in Western Australia; hence there is no estimate available regarding the number of "occasional users" of heroin.

- (7) and (8) As per (6)—no estimates are available.

- (9) and (10) This information is not available to me.

LAND RESUMPTIONS

Compensation: Deceased Estates

286. Hon. FRED McKENZIE, to the Minister for Community Services representing the Minister for Planning:

Referring to the Metropolitan Region Town Planning Scheme Amendment Bill and the amendment to section 36 of the Act, will the Minister advise—

- (1) Does this amendment mean that if a person is the owner of land when it is reserved and dies before any compensation is paid to him, the Crown will then be in a position to resume that land without paying any compensation for it?
- (2) If not, will the rights and procedure applicable to the owner of the land at the time of reservation pass to the inheritor or subsequent owner when resumption occurs?
- (3) Does that proposal also relate to both legal and illegal payments alike?
- (4) Has the MRPA or the commission ever made any illegal payouts on reserved land?
- (5) Is this proposal designed to meet such a contingency?

Hon. KAY HALLAHAN replied:

- (1) No.
- (2) Yes—answered by (1).
- (3) The proposal is not intended to apply to anything illegal.
- (4) No.
- (5) No.

ROTTNEST ISLAND

Management Plan

287. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

- (1) Has Cabinet yet received and considered the management plan for Rottneest Island?
- (2) When will it be made public?
- (3) Has the document been made available by the Government to anyone outside the Government?

Hon. D. K. DANS replied:

- (1) No.
- (2) Following Cabinet's consideration of the management plan.
- (3) The Rottneest Island Board has been provided with the management plan for advice.

TRANSPORT: BUSES

School: Hire Charges

289. Hon. N. F. MOORE, to the Minister for Community Services representing the Minister for Education:

- (1) Is the Minister aware that the minimum charge for schools to hire MTT buses has risen from \$20 in 1985 to \$60 now?
- (2) If so, what action has he taken to assist schools and parents to absorb this significant increase in costs?

Hon. KAY HALLAHAN replied:

- (1) The minimum charge is \$30 per trip. Most school excursions require two trips.
- (2) In view of current financial restrictions, the Education Department is not able to offer assistance to schools in addition to its present level.

TRANSPORT: BUSES

School: Hire Charges

290. Hon. N. F. MOORE, to the Leader of the House representing the Minister for Transport:

- (1) Is it correct that the minimum amount charged by the MTT for schools to hire buses has risen from \$20 in 1985 to \$60 now?
- (2) If so, what is the reason for this significant increase?

Hon. D. K. DANS replied:

- (1) No. The minimum charge is now \$30.
- (2) Not applicable.

HOUSING

Rental: Units

291. Hon. G. E. MASTERS, to the Minister for Community Services representing the Minister for Housing:

- (1) What is the total number of rental units planned by Homeswest for the financial year 1986-87?
- (2) What was the number of units scheduled for the year ended 30 June 1986?
- (3) What is the planned expenditure on rental units for the year 1986-87?
- (4) What was the expenditure for the year ended 30 June 1986?

Hon. KAY HALLAHAN replied:

- (1) The number of rental units to be constructed will depend upon the allocation of funds within the Budget.
- (2) The 1985-86 programme was for the provision of 1 464 rental units.
- (3) Answered by (1).
- (4) Expenditure on construction and provision of rental units during 1985-86, which includes expenditure on carryover commitments from 1984-85, was \$69.245 million.

TRAFFIC

Great Eastern Highway: Eastern Corridor Study

293. Hon. NEIL OLIVER, to the Leader of the House representing the Minister for Transport:

With reference to the Travers Morgan eastern corridor study—

- (1) On what dates were the explanatory plan and questionnaire

distributed to residents fronting Great Eastern Highway?

- (2) Why do the pamphlets or the exhibitions not indicate present and projected locality and township populations and their traffic needs?
- (3) On what basis of research is 35 000 to 40 000 vehicles per day estimated?

Hon. D. K. DANS replied:

- (1) to (3) This question is wrongly addressed to the Leader of the House representing the Minister for Transport. It has been referred to the Minister for Planning and he will answer the question in writing.

HEALTH: INTELLECTUALLY HANDICAPPED SERVICES

Devonleigh Hostel: Residents

294. Hon. V. J. FERRY, to the Minister for Community Services representing the Minister for Health:

- (1) How many residents are at present occupying Devonleigh Hostel in Anstey Street, Claremont?
- (2) Has a recent assessment of fire protection been made on the hostel?
- (3) If so,
 - (a) who carried out the review;
 - (b) what were the recommendations; and
 - (c) what steps have been taken to improve safety levels for the occupants?
- (4) Are improvements and/or renovations programmed for the hostel?
- (5) If so,
 - (a) what work will be carried out; and
 - (b) when will the work be effected?
- (6) Has the Government any plans to replace the hostel?
- (7) If so, what are the plans?
- (8) Will the residents be housed in a more appealing group home complex?

Hon. KAY HALLAHAN replied:

- (1) 29 residents.
- (2) Yes.

- (3) (a) Officers of the fire and safety section of the Health Department;
- (b) a comprehensive fire prevention plan was detailed for implementation in three stages;
- (c) costings for immediate implementation of stage 1 recommendations are being obtained; work is to proceed without delay.
- (4) A programme of renovations has been submitted in the Authority for Intellectually Handicapped Persons 1986-87 capital works budget.
- (5) (a) and (b) Subject to approval of the capital works budget a programme of general renovations including internal and external painting, reguttering, phase 2 and 3 of the fire prevention programme, and a range of minor repairs.
- (6) Planning consideration has been given to the feasibility of replacing the hostel with smaller alternative accommodation.
- (7) The proposed sale of the site is at a planning stage.
- (8) Should the replacement of Devonleigh Hostel be included in a future authority budget, the form of alternative accommodation likely to be proposed would be small group home or duplex units.

QUESTIONS WITHOUT NOTICE

BILL OF RIGHTS

Approaches: Commonwealth Government

78. Hon. P. G. PENDAL, to the Attorney General:

Why is there a refusal or a reluctance on the part of the Attorney General to inform the House of the Government's approaches to the Commonwealth Government regarding the contents of the Bill of Rights?

Hon. J. M. BERINSON replied:

It is in the nature of intergovernmental discussions that elements of that should proceed on a confidential basis. That is the position applying to this matter.

BILL OF RIGHTS

Submissions

79. Hon. P. G. PENDAL, to the Attorney General:

Does the Government intend to make public its submissions to the Commonwealth when those discussions are outside the realm of confidential intergovernmental relations?

Hon. J. M. BERINSON replied:

That is a question to which an answer can be given only at the point when a decision is made.

BILL OF RIGHTS

Property Ownership

80. Hon. P. G. PENDAL, to the Attorney General:

- (1) Does the Attorney General agree with the Minister for Local Government, who stated in Geraldton that the Bill of Rights should include a provision to guarantee the right of ownership of private property?
- (2) If so, what action has the State taken to convey that information to the Commonwealth?

Hon. J. M. BERINSON replied:

- (1) and (2) I have no comment to make on any views expressed by one of my ministerial colleagues. I indicate, however, that this is not a matter which has been the subject of a submission to the Commonwealth by the State; nor would I envisage that it would be.

The Bill of Rights is not drafted so as to be a comprehensive code outside of which no rights exist. Nothing that has been brought to my attention indicates that anything in the Bill of Rights or not in the Bill of Rights would react detrimentally in any way to existing rights in respect of property.

BILL OF RIGHTS

Property Ownership

81. Hon. P. G. PENDAL, to the Attorney General:

If what the Attorney General says is correct, why was it necessary for the Minister for Local Government to make that public announcement that

he was dissatisfied with the lack of provision in the Bill of Rights for the protection of private property?

Hon. J. M. BERINSON replied:

The member is perfectly entitled to ask that question, but not of me.

PRISONER

Raymond Mickelberg: Transfer

82. Hon. E. J. CHARLTON, to the Attorney General:

Further to a question asked by Hon. Phil Lockyer regarding Raymond Mickelberg's transfer and the hearing held into that transfer, will the Attorney General now tell the Parliament the results of that hearing which was supposed to have taken place last week?

Hon. J. M. BERINSON replied:

I am advised that a report by the review committee has gone to the Director of Prisons and that there was a split decision by the review committee. That is now subject to consideration by the director and report to me.

PRISONER

Raymond Mickelberg: Transfer

83. Hon. E. J. CHARLTON, to the Attorney General:

Could the Attorney General explain what is involved in a split decision.

Hon. J. M. BERINSON replied:

The transfer of a prisoner would not proceed on the basis of a split decision. I therefore need to wait on the consideration and report of the Director of Prisons before I can give any indication of the final outcome of the initial application.

PRISONER

Raymond Mickelberg: Transfer

84. Hon. E. J. CHARLTON, to the Attorney General:

Is it possible that a decision could be made to transfer the prisoner after the report is submitted to the Attorney General?

Hon. J. M. BERINSON replied:

I make it clear in the first place that no decision on this matter would be made by me. The process allows the Director of Prisons to further review the appeal just heard.

PUBLIC TRUST OFFICE

Claims

85. Hon. P. G. PENDAL, to the Attorney General:

I refer to the article which appeared in *The West Australian* concerning public doubts over the activities of the Public Trust Office. What action, if any, has the Government taken to determine the accuracy or otherwise of those claims in order to assure the public that there is no impropriety on the part of officers of that office?

Hon. J. M. BERINSON replied:

In the first place, I make it clear that I am satisfied, from detailed reviews of previous specific complaints, that the Public Trust Office in this State is entitled to the respect and confidence of the community and that the office can be relied on to perform its duties in a fully professional manner.

I regret that I responded to a telephone inquiry by the Press based on the petition lodged in the Legislative Assembly yesterday without having the opportunity of sighting the petition. Having seen it today, I realise that it is in a much vaguer and more generalised form than was suggested to me by the media inquiry. In fact, my initial impression on considering the petition is that it is in far too vague a form to allow me to properly investigate the various allegations made.

I also believe that, on the basis of that generalised criticism, I would certainly not think there is any basis for the establishment of a Royal Commission as requested.

PUBLIC TRUST OFFICE

Royal Commission: Evidence

86. Hon. P. G. PENDAL, to the Attorney General:

I direct a supplementary question to the Attorney General on the same topic. I accept that he has made a serious and professional judgment in relation to that part of the petition concerning a Royal Commission, but ask on what basis he made the decision that the evidence presented did not warrant further study, notwithstanding his justifiable suggestion that the evidence so far is of a broad nature and not necessarily specific?

Hon. J. M. BERINSON replied:

The position is that without allegations which are at least specific enough to permit individual criticisms to be identified by file and estate, it really is not practical to pursue inquiries. If the complainants wish to indicate which particular estates their allegations refer to, of course I will have inquiries made to the extent that I am not satisfied that sufficient inquiry has already been made.

Without extending the answer too far and beyond the petition, I indicate that members may have noted in the Press report today that I commented on the estate of Viv James. I did so because the inquirer put to me that that particular estate was the subject of a complaint and I assumed that the James estate had been named in the petition. I might say in respect of that estate, which was before the House in a number of forms in the last Parliament, that the complaints made against the Public Trustee by the beneficiary were the subject of the most exhaustive investigation and report, not only by the Public Trustee, but also by the Ombudsman who took a very close interest in the issue and had it fully investigated. At the end of the day, if my memory serves me correctly, the Public Trustee acknowledged that in one respect the administration of the estate should preferably have proceeded in a different way and an ex gratia payment in settlement of the beneficiary's claim was offered. I cannot recall whether

the offer was even taken up, but in my view the offer by the Public Trustee at that time was very fair and appropriate. Again relying on memory, I believe that that was also the conclusion which the Ombudsman reached.

ROAD

Eyre Highway: Facilities

87. Hon. C. J. BELL, to the Minister with special responsibility for the America's Cup:

I preface my question by saying that during the Easter period I travelled to and from South Australia across the Eyre Highway. Clearly, a number of officers of the Minister's department or somebody associated with them had contacted various businesses on that highway and put various figures to them with regard to the number of visitors likely to travel to and from the Eastern States during the period from November 1986 to March 1987. In fact, it was said that a car would pass the door of these businesses every 45 seconds between November and March, 24 hours a day. What provisions have been made for the upgrading of water facilities and shade houses across the Eyre Highway?

Hon. D. K. DANS replied:

In the first instance, I would like the member to understand the role of the America's Cup Office. When the office was formed, two proposals were put forward with respect to it. One was that it could be a "domo" organisation, sitting on top of everything. The other was for it to be a coordinating body. We decided that it should have a coordinating role.

I understand that officers of the Transport Commission are examining very carefully the requirements of the highway. I have been in Norseman and will go back there again to look at the requirements in respect of ambulances on the highway and to see that provision is made to clean up some of the airstrips. The reason I will do that is that I am a member of the inter-governmental committee which comprises the Federal Minister, the Mayor of Fremantle, and myself. My role is to get money out of the Commonwealth for America's Cup projects.

The figure with respect to the number of cars that will cross the highway varies considerably. We know that for every 100 cars we can expect an accident. The matters raised by the member are well in hand and there should be no problems by the time the America's Cup is held.

TOURISM

Accommodation Bookings

88. Hon. C. J. BELL, to the Minister with special responsibility for the America's Cup:

Further to that, could the Minister advise us of the advance booking position with regard to accommodation in Perth in the forthcoming months? Has there been a dramatic difference between advance bookings made and the forecast figures?

Hon. D. K. DANS replied:

That matter would be better addressed to the Minister for Tourism.

PUBLIC TRUST OFFICE

Royal Commission: Assurances

89. Hon. P. G. PENDAL, to the Attorney General:

I address a supplementary and, I hope, final question to the Attorney General on the matter to do with the Public Trustee.

Do his assurances that further inquiries are not necessary cover all the cases raised by the petitioners—that is, in relation to the Cryer family, Mr James to whom he has made reference, and to the Levett family—or are his assurances related only to the case of Mr Viv James?

Hon. J. M. BERINSON replied:

The petition that I saw was vocadexed to my office and consisted of only one page. It did not, on my reading, include the names to which Mr Pendal has referred. Since I have not been in my office for most of the day, it could well be that I have not yet seen all the material that is available. If two other specific estates are named, I will certainly either refresh my memory in the case of any with which I have previously dealt or ensure that I review the particular cases personally.