Legislative Assembly

Wednesday, 7 November 1984

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

TRAFFIC

Equestrian Sports: Petition

MR BATEMAN (Canning) [2.17 p.m.]: I present a petition in the following terms—

> To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled:
>
> We, the undersigned residents in the State of Western Australia do herewith pray that Her Majesty's Government of Western Australia will do all in its power to assist the ever-increasing equestrian sport in safety measures and provide riders who use the road verges to ride to their nearby equestrian ovals in safety by displaying signs throughout rural areas to motorists to show caution at all times to horseriders; the signs to show speed limits through the various areas to protect the rider and horse from inconsiderate motorists. Your petitioners therefore humbly pray that your honourable House will give this matter earnest consideration and your petitioners as in duty bound will every pray.

This petition bears 531 signatures, and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

(See petition No. 64.)

POULTRY

Cage Layer System: Petition

MR GORDON HILL (Helena) [2.18 p.m.]: I have a petition which is couched in the following terms—

> To: The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament Assembled.
>
> We, the undersigned, request that the cage layer system of egg production be phased out and replaced by a humane method, in which the hens would be free to walk, stretch their wings, dust bathe, nest build and fulfil their natural instincts.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 274 signatures, and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

(See petition No. 65.)

SECONDARY EDUCATION AUTHORITY BILL

Introduction and First Reading

Bill introduced, on motion by Mr Pearce (Minister for Education), and read a first time.

CREDIT (ADMINISTRATION) BILL

Second Reading

MR TONKIN (Morley-Swan—Leader of the House) [2.21 p.m.]: I move—

> That the Bill be now read a second time.

This Bill forms the second of the Bills in the package relating to the reform of consumer credit.

It provides for the administration of the credit laws package and establishes a system of licensing and discipline of credit providers. The Bill provides that a person who carries on the business of providing credit either separately or in the course of or incidental to or in connection with carrying on another business must hold a credit provider's licence.

Credit is defined as "providing financial accommodation". It does not extend to certain financial accommodation which is excluded from the definition of credit. Secondly, there are a number of specific exceptions from licensing. These include banks, insurance companies, credit unions, building societies and pawnbrokers.

The reason for that is that those persons are already currently licensed or registered under other Acts of Parliament.

The licensing requirement is limited to those who carry on the business of providing credit by way of regulated contracts only; that is, those contracts which are regulated by the terms of the proposed Credit Act.

The Bill provides a system of licensing and discipline through the Commercial Tribunal which will be the licensing authority. The Commercial Tribunal will be responsible for granting licences upon grounds specified in clause 12.

The tribunal will also be responsible for the disciplining of credit providers. The grounds for disciplinary action are to be found in clause 23.

The provision of credit by an unlicensed credit provider has serious consequences. In addition to stringent penalties which may be imposed as a result of prosecution, a credit provider will also stand to lose the amount financed, as well as any credit charge. This is contained in clause 8 of the Bill.

The Bill also provides that where a credit provider has repeatedly engaged in unjust conduct the Commissioner for Consumer Affairs may seek a written undertaking from the credit provider as to the discontinuance of the conduct, his future conduct, and the action he will take to rectify any consequences of the conduct.

If the credit provider gives such an undertaking and observes its conditions, no action may be taken in the case of a credit provider holding a licence, to have that licence suspended or cancelled.

In circumstances where the commissioner is unable to obtain the undertaking or an undertaking obtained is not honoured, the Commercial Tribunal may order the observance of the undertaking or discontinuance of the conduct.

Unjust conduct is defined so as "to extend to conduct which is dishonest or unfair or which is done in breach of contract, or is in contravention of the Credit Act or regulations made thereunder". This is contained in part III of the Bill.

In addition, part IV of the Bill will authorise the Minister to appoint the Commercial Tribunal or a nominated person to conduct and generally inquire into matters relating to the provision of credit or the consequences of the provision of credit or both.

The Bill is ancillary to the Credit Bill and forms part of the uniform package. The Bill as presented is in conformity with the Credit (Administration) Act passed recently in New South Wales, save for the provision introduced there by amendment, which provided for the registration of credit providers who were not required to be licensed, subject to the payment of a fee equivalent to the licence fee.

It reflects the Government's desire for uniformity in this important area of law.

Accordingly, I commend the Bill to the House.

Debate adjourned, on motion by Mr Trethowan.

CREDIT BILL

Second Reading

MR TONKIN (Morley-Swan—Leader of the House) [2.26 p.m.]: I move—

That the Bill be now read a second time.

The introduction of this Bill as part of a total legislative package represents for Western Australia the final chapter of the most comprehensive reform of consumer credit laws in this State. This legislation represents a significant advance both in the protection of the consumer and for the finance industry involved in consumer lending.

The Bill now before the House should be placed in some historical context. As early as 1969 the Rogerson committee in South Australia concluded that sweeping changes needed to be made to consumer credit laws. That report resulted in legislation based upon the report being introduced and enacted in 1972 in South Australia. However, the steps taken were not uniform. Nothing happened in other States.

About the same time the Crowther committee in the United Kingdom presented in 1971 recommendations which formed the basis of the Consumer Credit Act 1974 in that country. A uniform consumer credit code was approved for introduction.

In 1972 a committee of the Law Council of Australia, known as the Molomby committee recommended major reforms to the laws relating to consumer credit. The existing laws had major deficiencies. These deficiencies included—

(a) The regulation of credit transactions according to their form and not their substance;

(b) a failure to distinguish between commercial and consumer transactions;

(c) excessive technicality; and

(d) the lack of relevance of existing laws to contemporary credit industry practice.

I say that those same criticisms are still valid today. This is so notwithstanding some piecemeal steps taken here in Western Australia following the Royal Commission into the Hire-Purchase Act in 1972.

In 1973 the Standing Committee of Attorneys General agreed to the formation of a credit laws committee consisting of State and Commonwealth representatives, as well as three members of the Molomby committee to develop model consumer credit legislation for introduction by all States and Territories.

Ultimately this task fell to New South Wales and Victoria, although liaison was maintained with Western Australia and other States. The States were firm in a general resolution to implement model legislation. Finally in 1981 New South Wales and Victoria introduced legislation, the Consumer Credit Act and Credit Act respectively. While these Acts achieved a large measure of substantive uniformity, there were a number of major differences.

As well, many areas of common agreement were not expressed in the same or similar language. This did little to promote uniformity and consistency. The Acts were criticised for this lack of uniformity which had been an underlying theme to the whole exercise.

Ultimately, following changes to the Government in Victoria, a joint and thorough review of the 1981 Acts was made. As a result of that review a greater degree of uniformity in policy and expression has been achieved. Common policy was now to be expressed in the same language. The amended legislation was introduced into the New South Wales and Victorian Parliaments in March and May of this year and has now passed through both Parliaments.

Administrative matters such as licensing and the constitution of the licensing body have been left to the respective States to enable these to blend with existing policies and structures. However, the substantive provisions are adopted in both New South Wales and Victoria as part of the implementation of uniform consumer credit laws throughout the Commonwealth.

The goal of uniformity in relation to the substance of consumer credit law reform is a most important one. The major operators in the field of consumer credit are all national companies the operations of which spread across all States. The impact of differing laws and requirements and obligations has significant operational difficulties and can only add to the cost of credit to the consumer.

With this in mind, therefore, it is the intention of the Government by this legislation to adopt, with only such differences as are essential to meet local conditions, legislation which has been passed in New South Wales and Victoria.

This will mean that the same documents may be used in each of the States, the same rights and obligations and benefits will accrue to the credit provider and the consumer, and the same provisions as to relief and variation of agreements will apply. It is obvious this will be beneficial to both credit provider and consumer alike.

The substance of this Bill will be to regulate three types of consumer credit transactions—

(a) The credit sale contract;

(b) the loan contract; and

(c) the continuing credit contract.

Firstly, the Bill will regulate the relationship between the parties to a regulated credit sale contract, being a sale of goods or services on credit where the purchaser is not a body corporate and the case price for the goods or services does not exceed $20 000; or the goods are a commercial vehicle or farm machinery.

Under such a contract the credit provider is supplying both the goods or services as well as credit in respect of the transaction.

Secondly, the Bill will regulate the relationship between the parties to a regulated loan contract for the lending of money where the debtor is not a body corporate and the amount financed is less than $20 000 or the annual rate for the loan exceeds 14 per cent.

Thirdly, the Bill will regulate the relationship between the parties to a regulated continuing credit contract. Those contracts, such as Bankcard, provide credit under a current account not being a bank or pastoral finance company overdraft where the debtor is not a body corporate and the maximum amount owed does not exceed $20 000 or the annual percentage rate does not exceed 14.

It will be seen that the protection offered by the Bill is directed at consumer credit transactions. It does not affect lending to bodies corporate although the definition of this does not encompass the strata title body corporate or company title home unit holder.

However, it is the intention of the Bill to give special protection where the goods sold under a credit sale contract are farm machinery or where a mortgage over farm machinery is taken to secure payment under a loan contract, notwithstanding that the cash price or the amount of the loan is in excess of $20 000.

Non-regulated transactions of this type will continue to have the benefit of the Hire-Purchase Act which will be preserved to the extent necessary to cover such transactions. "Farming machinery" and "farming undertaking" are given a wide meaning in accordance with the Government's intention to provide assistance to this section of the community.

The Bill will, in contrast to the New South Wales and Victorian Acts, not exclude from its application the consumer lending activities of credit unions or building societies. Proposed

amendments to the Building Societies Act will soon provide for an extension of their role into consumer lending to a limited extent. Consistent with this extension it is proposed that this legislation apply to such transactions, although not to home lending secured by mortgage. The extension of the role of building societies has not yet occurred in other States.

In relation to credit unions the Standing Committee of Attorneys General originally when considering this legislation early on, decided it should also apply to credit union lending. This originally was to have been effected through amendment to credit union legislation. However, for consistency and efficiency of administration it is preferable merely to amend this Bill to remove the current exclusion.

There is no logical reason that such bodies should be excluded from the ambit of the legislation where the intention is to deal broadly with consumer credit transactions. It is also consistent with the concept of competitive neutrality.

As I have indicated, three types of credit transactions are covered by the legislation. Commercial leasing transactions, however, will not be affected, although leasing transactions used for non-business purposes and which are in substance implied purchase leases will be converted into credit sale contracts by clause 13 of the Bill.

I now turn to an explanation of the various parts of the Credit Bill itself.

Part I of the Bill deals with a number of machinery matters necessary for its implementation, together with definition and interpretation clauses.

Part II of the Bill deals principally with the concept of the linked credit provider and his liability. These provisions state where a sufficient commercial link is found to exist between a supplier of goods or services and a credit provider, the person will be a linked credit provider and will be liable ultimately for otherwise irrecoverable losses sustained by a debtor arising out of a supplier's misrepresentation, breach of contract, or failure of consideration in relation to the supply contract.

Initially this would be a joint liability upon the credit provider and the supplier of the goods or services. However, the Bill provides for proceedings to be instituted against the credit providers alone, where the supplier is insolvent or in liquidation, or has died, or where, after reasonable attempts have been made to locate the supplier, he cannot be found.

To ensure that this liability will arise only where the credit provider has funded the activities of patently dishonest or of not financially viable suppliers clause 24(2) contains important defences. The concept is also applied to continuing credit contracts and similar defences are again available to credit providers.

Division I of part III deals mainly with important matters of pre-contract disclosure and the content of regulated contracts.

With a view to minimising the practice of consumers being coerced into signing blank documents or only partly completed contract documents, clause 32(5) provides that once the offer or contract document is signed, no alteration or addition will have any effect unless the alteration or addition is contained in both the original and the copy and is duly signed and initialled by the parties.

Clauses 35 and 36 which must be read in conjunction with schedules 2 to 6 specify the matters which must be disclosed in a credit sale or loan contract. Subject to these general requirements the form content and layout of a regulated contract will be left largely to the credit provider, although the credit provider will need to ensure that the document is readily legible and comprehensible. These requirements are contained in clauses 151 to 154.

Importantly, all up-front charges which are part of the cost of credit will need to be expressed as part of the annual percentage rate and the making of procurement charges will be prohibited.

Division II of part III will impose a number of requirements on credit sale contracts of a continuing or revolving nature. Clauses 58 and 59 will require the credit provider, before a debt is first incurred under a continuing credit contract, to give to the debtor a notice of his relevant rights and obligations under the legislation and those of its terms and conditions.

For example, clause 56 provides that the billing cycle should not exceed 40 days and clause 61, together with schedule 7, specifies the notice which must be disclosed in the statement of account. Procedures will exist for querying and correcting billing errors.

Division II of part III deals with the consolidation and variation of regulated sale and loan contracts. In particular, clause 74 is directed towards the situation where a debtor, by reason of illness, unemployment or other reasonable cause, is temporarily unable to make payments at the contract rate. This remedy enabling adjustment of the contract is available for continuing credit contracts, credit sale contracts, and loan contracts.

This is in contrast to the provisions of section 36A of the Hire-Purchase Act, which is of course

limited only to hire-purchase agreements. Such a provision does not now apply to money lending contracts or existing continuing credit contracts. Accordingly, the inability of a person to seek deferment in a similar fashion to that under a hire-purchase agreement is now remedied.

Another provision in part III, clause 77, permits a prospective debtor to revoke an offer for finance prior to acceptance.

Part IV of the Bill encompasses a number of general provisions relating to secured contracts. In particular, clause 95 prohibits entry on premises for the purpose of repossessing goods, except with the genuine consent of the debtor or in accordance with an order of the court.

Part V of the Bill deals with the termination and enforcement of regulated contracts and mortgages. As a general rule a court order will not be required before repossession must take place.

However, clause 110—a section consistent with section 12A of the Hire-Purchase Act—is inserted. Section 12A of the Hire-Purchase Act currently requires the consent of the Commissioner for Consumer Affairs to repossession where 75 per cent or more of the amount financed has been paid. Clause 110 converts this to require an order of the Commercial Tribunal. Clause 115 contains special moratorium provisions for farmers.

Part VI deals with a number of general matters concerning regulated contracts and mortgages.

Part VII of the Bill relates to contracts of insurance entered into in relation to regulated contracts and should accommodate current market practices.

Part VIII of the Bill deals with the question of guarantors and ensures that a guarantor's rights are more closely identified with the rights of the debtor. Part IX of the Bill relates principally to the question of harsh or oppressive regulated contracts and mortgages.

The effect of this will vest jurisdiction to deal with such matters in the Commercial Tribunal. Such provisions, although differently expressed, reflect the reasoning that exists behind section 24 of the Hire-Purchase Act. It should also be noted that the Commercial Tribunal will be empowered to fix maximum rates of interest for an individual class or classes of lending.

The provisions of this Bill as enacted in New South Wales and Victoria have been strongly supported by the Australian Finance Conference, the industry association representative of national financiers. The introduction of the Bill in this State is another step towards uniformity in this important field.

It is understood that moves are already being taken in other States where the legislation has not been enacted to also introduce similar legislation to that enacted in New South Wales and Victoria.

This Bill will be of significant benefit to consumers in their everyday transactions relating to the provision of credit. It will leave them better informed and better protected.

Consumers will be better able to feel that they have the same rights and remedies, whatever the source of credit, by reason of the application of the same rules for disclosure and protection.

In the finance industry there is strong support for the maximisation of the principles of uniformity inherent in this Bill and the obvious benefits which flow to national organisations which provide the vast bulk of consumer credit.

I commend this Bill to the House.

Debate adjourned, on motion by Mr Trethowan.

DISTRICT COURT OF WESTERN AUSTRALIA AMENDMENT BILL

Second Reading

MR GRILL (Esperance-Dundas—Minister for Transport) [2.42 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes to amend the District Court of Western Australia Act in three different respects, namely—

to extend the civil jurisdiction of the courts;

to change the title of the Chairman of Judges of the court; and,

to provide for the microfilming of court records.

It is proposed to extend the civil jurisdiction of the District Court to allow the court to hear all personal injuries cases without restriction as to amount. At present, only personal injuries cases arising from the use of motor vehicles may be heard by the court. Clause 8 effects this.

It is also proposed to extend the court's jurisdictional limit for other civil claims to $80 000. Clauses 8, 9 and 10 effect this. This limit was last increased to $50 000 in 1981.

Powers to remit pending Supreme Court cases are given by clause 11.

The extension of civil jurisdiction of the District Court is consistent with the developing role and status of that court within the State's judicial system. It will also further the Government's aim to reduce the backlog of Supreme Court civil cases. To that end, the Government has already

amended the Supreme Court Act to provide for the appointment of an additional Supreme Court judge. An additional District Court judge has also been appointed. As well, the Chairman of Judges of the District Court has been acting for some months as a commissioner of the Supreme Court.

In addition, agreement in principle has been reached with the Commonwealth Attorney General, Senator Gareth Evans, that most bankruptcy work presently dealt with by the Supreme Court will in future be done by the Federal Court.

The second change proposed by this Bill alters the title of the Chairman of Judges to Chief Judge. Clauses 5, 6, 7, and 13 effect this change. The title "Chief Judge" is more appropriate to a bench of judges and is the title which is used for the equivalent courts in New South Wales and Victoria.

The third change is effected by clause 12, which proposes to insert a new part IX into the Act. This authorises, subject to the Library Board of Western Australia Act, destruction of court records generally and destruction after a shorter period of records which have been microfilmed. This will alleviate storage problems in the District Court.

The amendments are similar to provisions contained in the Local Courts Act and the Justices Act, which in turn were based on recommendations of the Law Reform Commission—project No. 72, the retention of court records.

I commend the Bill to the House.

Debate adjourned, on motion by Mr MacKinnon (Deputy Leader of the Opposition).

COMPLAINTS AGAINST POLICE BILL

In Committee

The Chairman of Committees (Mr Barnett) in the Chair; Mr Carr (Minister for Police and Emergency Services) in charge of the Bill.

Clauses 1 to 8 put and passed.

Clause 9: Parliamentary Commissioner may determine that complaint should not be investigated—

Mr RUSHTON: I relate the provisions in this clause to the remarks of the Minister in his reply at the second reading stage. He said as follows—

> I can think of only two occasions where the Ombudsman has the final say: Firstly, where he is not satisfied with the internal investigation and he wants to conduct his own inquiry, or order a new inquiry, that is his decision. We do not back away from that, because if one has an overseeing structure one must act upon it.

Mr Carr: That was one of the provisions and the other was a separate one.

Mr RUSHTON: The Minister's speech has been analysed by the Police Union and although the Minister denied control was being given he later indicated that the Ombudsman had the final say. That is the position we take up and the reason we object to the legislation. It is an intrusion into the administration of the Commissioner of Police.

The Opposition has said that it will not seek to amend this Bill because it is unacceptable in its present form and is incapable of being amended to an acceptable form which would provide for an independent external overview of complaints against police without directly intruding into the responsibility of the Commissioner of Police.

I intend to take advantage of the third reading to state as clearly as I can the Opposition's position. It is not our intention to seek to amend the Bill.

Mr OLD: The nub of the matter and probably the kernel of the whole problem relates to the powers of the Parliamentary Commissioner; there seems to be some doubt about their extent. We are getting different interpretations of what the Parliamentary Commissioner can and cannot do and may and may not do. Despite the protestations of the Minister it is my understanding that the Parliamentary Commissioner may decide to initiate his own investigation. If that is the case it is quite contrary to my understanding of the Minister's second reading speech.

There is no doubt that there is great unrest in the Police Force, and with some justification. Many of the members of the Police Force are concerned that their rights as individuals will be impinged upon by the Parliamentary Commissioner if this Bill is passed as it stands today.

There is no way in the world that we could quietly sit by and let a Bill go through which is causing such concern to a paramilitary force of such importance as the Police Force. In this morning's Press there was a report that the South Australian police officers are now voicing very deep concern at a Bill which has been introduced into the South Australian Parliament. Obviously, it is framed in the same manner as this Bill.

Mr Carr: It does not sound very similar at all, according to the newspaper reports.

Mr OLD: It does to me. I suggest the Minister has another look at it. Obviously he is taking advice, and so are members of the Police Union. The advice they are taking seems to be diametrically opposed to that being given to the Minister. This Bill should be left to lie until these matters are

cleared up and the Minister can convince the House that this is a desirable Bill.

Mr CARR: I note that the two members of the Opposition have indicated their intention not to deal with the Bill in detail in Committee. I noted that the member for Dale said that the Opposition would make certain comments at the third reading stage, but would not seek to amend the Bill in Committee. That is a rather surprising and disappointing attitude. It is interesting the way the Opposition has shifted its ground considerably during the course of the debate on this Bill. Initially, it responded purely to the comments of the Police Union and jumped on the bandwagon established by the Police Union, saying that the Bill was not acceptable. The Opposition then announced it would amend the Bill in the Parliament. The Leader of the Opposition was fairly extensively quoted as saying he would amend the Bill.

Mr Rushton: He said he would seek changes. We sought changes; you have not agreed to them.

Mr CARR: If the Leader of the Opposition was misquoted, it is up to him to answer.

Several members interjected.

Mr CARR: There was, first of all, a motion to set up a Select Committee of this House to examine the Bill. Now that motion has been defeated, the Opposition will move for a Select Committee of the upper House. Clearly the Opposition does not know where it stands on this Bill.

Mr Rushton: Very clearly.

Mr CARR: The member for Dale made comments in the second reading debate about what would be acceptable. One suggestion was that the Ombudsman would handle the inquiries completely. The other was that the Ombudsman was not to be involved at all until after the initial inquiry by the internal investigators had been completed.

Those are two very clear alternative positions adopted by the Opposition, but they are miles apart. Those two models were considered by the Government, a different model, namely, an external tribunal, and the model contained in the Bill. Four different models were considered, and the Government decided on the model it considered appropriate. The irony is that the model accepted in this Bill is halfway between the two models the Opposition thinks are acceptable. How can the Opposition consider acceptable the proposition that the Ombudsman should come in only after a full-scale inquiry, or the proposition that he should do everything? I cannot understand the logic of that position.

The Bill before the Parliament is a very moderate one. The only conclusion I can draw from the Opposition's decision not to discuss the Bill in detail is that it is too lazy to consider the detail of the Bill!

Several members interjected.

Mr CARR: Opposition members are possibly incompetent to consider the detail of the Bill, but they are stuck with the embarrassment that they jumped onto what the Police Union said on Sunday week last, after the union passed the motion that it did.

The Police Union is embarrassed. This is supposed to be a terrible Bill; it is supposed to do all these terrible things to infringe civil rights. It is now known that is not true. Members are now saying the Bill is not as bad as they were told it was.

Several members interjected.

Mr CARR: The initial reaction was to say, "It must be terrible, so we will toss it all out". Now it is suddenly found to be a moderate and reasonable proposition; it is seen to be so by many people in the community, but the Opposition does not have the courage to come out and say, "We have made a mistake, we will treat it on its merits". The Opposition is hoist with its own petard on that too-hasty decision it made when the Police Union passed those resolutions.

Several members interjected.

Mr CARR: That is very clearly my opinion. I suggest that is the true position.

Several members interjected.

Mr CARR: There is reference to the meeting I had with three members of the Police Force in Geraldton. I am aware of a motion carried by police officers in Geraldton a week or so ago. I was going to Geraldton last Saturday and I asked an officer in my office to make contact with the Police Union in Geraldton with an offer to discuss the matter with it. Three members of the Police Union met me in Geraldton. Obviously, the union knew about that, because the member for Dale asked a question in this House. When I met those policemen they said, "We cannot discuss the Bill with you because the union has told us not to talk about the details of it with you". The union knows very well that whenever I or other members of the Government, or people who have read the Bill, speak with police officers and discuss the detail of the Bill, we are very easily able to allay those hysterical fears which have been whipped up, but the union knows, if its members discuss the Bill with me or with other members of the Government, their inaccuracies or misrepresentations will

be exposed. That is exactly why the Police Union does not want its members to speak with me or with other members of the Government.

Several members interjected.

Mr CARR: I think we are talking about the Police Union.

Mr MacKinnon: It was your leader who said the Police Union should be dealt with like any other union.

Mr CARR: The Premier said this Government will not be intimidated by threats of industrial action from any union.

Several members interjected.

Mr CARR: In respect of threats from any union, all unions are treated the same because this Government will not be stood over by intimidatory threats from the Police Union, the Transport Workers' Union, the BLF, or any other union.

I would like to deal with one issue which was raised by the member for Dale and the member for Katanning-Roe, and that relates to the question of the Ombudsman. We make no apology for the fact that there are circumstances where the Ombudsman will make the decision. In a whole lot of other situations he does not have the final decision. We have been through that. The whole Bill is structured on consultation between the Ombudsman and the commissioner.

For example, after an inquiry has been conducted by the internal investigators and is being reviewed by the Ombudsman, he has the power to say there will be a further inquiry made by the police, or he can conduct his own inquiry.

That is the decision of the Ombudsman and we make no apologies for it.

The other situation is where a complaint is being considered, in the context of whether or not it is trivial and whether the inquiry should be discontinued. Discussion takes place between the commissioner and the Ombudsman and if they do not agree on whether or not it is trivial and the complaint should be discontinued, it is the Ombudsman's right to say the complaint shall be considered and inquired into. We do not apologise for that, because if there is going to be an effective external scrutiny the Ombudsman must have some powers to exercise in the context of that scrutiny. It would be absolutely ludicrous to provide for an external scrutiny and overview where the Ombudsman can read the reports, but cannot do anything about them.

Mr Peter Jones: How does this relate to the clause?

Mr CARR: The clause we are dealing with relates to the powers of the Ombudsman to dispense with trivial or vexatious complaints. I am specifically answering the complaint by the member for Dale that the Bill provides for the Ombudsman to have the final say.

Mr Rushton: Why don't you treat them equally, as you do with prison officers, and do the same thing?

Mr CARR: I do not know what prison officers have to do with this. I am not aware of their having any advantages over the police in this context. If we are going to have an external scrutiny it is pointless having a scrutiny which says the Ombudsman can read the report but he cannot do anything, say anything, or have anything whatever to do with taking any further action.

The member for Katanning-Roe suggested that the Ombudsman would be able to initiate an inquiry. That is not strictly true. The only situation in which the Ombudsman would initiate an inquiry is in what is termed in the Bill as a special complaint or a special investigation. In every other situation the internal investigations branch of the Police Force will handle the initial inquiry.

The Bill also provides for circumstances where it may not be appropriate for the initial investigation to be carried out by an officer of the internal investigations branch. It may be a complaint against an officer more senior than the most senior person in the internal investigations branch; it may be a complaint against a person in the internal investigations branch; or it may be a complaint that is made against two people, one a police officer and the other a civil servant. It is therefore more appropriate that the Ombudsman conduct the investigation in what we refer to as special investigations.

The Ombudsman does have the power to initiate an inquiry after consultation with the commissioner. If the commissioner and the Ombudsman do not agree, it goes to the Minister for the tiebreaking right to say who will conduct that special investigation. In every other situation, the internal investigation branch of the Police Force will undertake the initial investigation.

In practical terms, as far as the police officer out in the field is concerned, there will be almost no change, apart from a few improvements. Some members may have read the newspaper advertisement placed by the Government in the last couple of days in which details were explained as to how police officers will be better off. In the main, there will be no change in practical terms, except that there will be an effective overview.

Clause put and passed.

Clauses 10 to 28 put and passed.

Clause 29: Circumstances in which special investigation to be conducted—

Mr CARR: I move the following amendments—

Page 26, line 26—Delete the word "person" and substitute the words "police officer".

Page 26, line 32—Delete the word "person" and substitute the words "police officer".

Page 27, line 2—Delete the words "some other person" and substitute the words "a police officer".

Page 27, line 6—Delete the words "another person" and substitute the words "a police officer".

The effect of these amendments relates specifically to the special investigations I referred to earlier. Some concern has been expressed particularly by the Police Union as to the exact intent of special investigations, and that the wording of this clause meant that a special investigation could be undertaken by a police officer or the Ombudsman, or some other person. Because of that wording, fears have been expressed throughout the Police Union as to what sort of person other than a police officer and the Ombudsman could be appointed as a special investigator. There have been rumours about so-called radical antipolice lawyers being appointed to conduct these types of inquiries. In order to quell that fear the amendment seeks to make it very clear that a special investigation would be conducted only by a police officer or by the Ombudsman. We have not even gone so far as to say it should be a member of the Ombudsman's staff. We have specifically said it should be the Ombudsman.

"Special investigations" relate only to those very rare and extreme allegations where a senior police officer or a member of the internal investigation branch is involved. In those circumstances it may well be appropriate that the initial inquiry be conducted by the Ombudsman.

Amendments put and passed.

Mr CARR: I move an amendment—

Page 27, after line 13—Add after subclause (3) the following new subclause to stand as subclause (4)—

(4) In this section "police officer" means a person, other than a police cadet, appointed under Part I of the Police Act 1892 to be a member of the Police Force.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 30 put and passed.

Clause 31: Powers of special investigator—

Mr CARR: I move an amendment—

Page 28—Delete paragraph (h).

This amendment relates to the provision which existed in the special investigation section for an oath to be administered by a person other than the Ombudsman. This provision was widely misunderstood because people interpreted it to mean that an oath can be administered at any stage of an inquiry and also in court proceedings, and that oaths would be administered only to the police officer in either the investigation stage or inquiry stage.

There are a couple of points I wish to clarify: Firstly, in the judicial stage, be it at the police tribunal or at a court case, oaths are administered to all participants in the normal way. With regard to the investigation stage, the Ombudsman does have power under this Act to administer an oath to the person complained against and to anybody else who is interviewed as part of an investigation. When the Ombudsman is conducting an inquiry an oath may be administered to a person being complained against or to any other person—the complainant, or any other witness—who has been interviewed during the course of that inquiry.

In the situation in which a member of the internal investigations branch or another police officer is conducting an inquiry, there is no provision for an oath other than the situation which exists already by virtue of the oath of office made on becoming a police officer combined with the routine orders which require the answering of questions posed by superior officers.

This amendment should take away much of the emotion and uncertainty that has been generated as a result of the passage in the Bill.

Amendment put and passed.

Mr CARR: The second amendment with regard to this clause has a similar purpose. I move an amendment—

Page 29—Delete subparagraph (ii).

Amendment put and passed.

Mr STEPHENS: I refer to paragraph (c). My understanding is that, in law, any person has the right to refuse to answer questions; yet we are creating a situation in which a police officer being investigated is denied a right which is accorded even to a common criminal, assuming that that person has previous convictions. Can the Minister explain why he sees fit to have a double standard?

Mr CARR: It is certainly true that the situation is different from that which normally applies in the community. The penalty is copied exactly and deliberately from the present police routine orders.

The police are not ordinary members of the community; they are members of a disciplined force. They have special responsibilities in the community; and as part of their existence as a disciplined force, if they refuse to fulfil a lawful command made by a superior officer, a penalty of $200 applies. We have deliberately set this penalty at the same level.

I will refer to the point made persistently by the member for Dale during the debate the other night. He repeated an assertion made by the Police Union that, in fact, police officers who do not provide information or answer questions as required under the proposed Act could be liable to a penalty of $250 and/or 12 months' imprisonment. As I said at the time, I understood how he made that mistake, because it was a fairly complicated piece of construction.

If the member were to look at clause 41, subclauses (7) and (8) deal with offences and refer to a penalty of $200.

Mr Chairman, I can see the look on your face; but I am referring to this clause briefly to answer a specific connection between it and the clause before the Chair.

Clause 41(9) makes a specific point of saying that with regard to subclauses (7) and (8) any punishment other than the $200 does not apply.

The point is that with regard to the offences when a police officer refuses to comply with a lawful command of an investigating officer the penalty is $200. A separate provision of the Bill referring to $250 and/or 12 months' imprisonment relates to the confidentiality provisions; and that is directed to a member of the staff of the Ombudsman, or anybody else, who becomes aware of information which is intended to be confidential.

Mr STEPHENS: To a certain degree, it depends on one's interpretation of a lawful command. The fact that the provision is already in the Police Act, and it is a disciplined force, is one thing; but I fail to see how we can give consideration to a lawful command in a situation in which a police officer is being investigated, bearing in mind we will have an outside body overseeing the investigation.

The National Party supports this legislation as a step in the right direction and in the public interest; but we cannot accept that the two situations are comparable. When an outside body is involved in an investigation, a police officer should have the same rights as an ordinary citizen. For that reason, I move an amendment—

Page 30—Delete paragraph (c).

Amendment put and a division taken with the following result—

Ayes 2

Mr Stephens	Mr Cowan

(Teller)

Noes 38

Mr Bateman	Mr Laurance
Mrs Beggs	Mr MacKinnon
Mr Bertram	Mr Melver
Mr Blaikie	Mr Mensaros
Mr Bradshaw	Mr Old
Mr Bryce	Mr Parker
Mrs Buchanan	Mr Pearce
Mr Brian Burke	Mr Read
Mr Carr	Mr Rushton
Mr Court	Mr P. J. Smith
Mr Coyne	Mr I. F. Taylor
Dr Dadour	Mr Tonkin
Mr Davies	Mr Trethowan
Mr Evans	Mr Troy
Mr Grayden	Mr Tubby
Mr Grill	Mr Watt
Mr Jamieson	Mr Wilson
Mr Peter Jones	Mr Spriggs and
Mr Tom Jones	Mr Gordon Hill

(Tellers)

Amendment thus negatived.

Clause, as amended, put and passed.

Clauses 32 to 48 put and passed.

Title put and passed.

Bill reported with amendments.

ACTS AMENDMENT (COMPLAINTS AGAINST POLICE) BILL

In Committee, etc.

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

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

Second Reading: Budget Debate

Debate resumed from 6 November.

The SPEAKER: I hope the member for Vasse has not spoken in this debate already.

MR BLAIKIE (Vasse) [3.36 p.m.]: I do not believe I have spoken in this debate, but, if I have, I can assure members that the next instalment will be equally as exciting as the first! I would have preferred to speak at a later stage, but I do not intend to see debate on this Bill closed while we wait for some of my colleagues to return to the House.

I draw attention to a matter which concerns the State Energy Commission. On 20 January of this

year one of my constituents, Mr Rickie Fontana of Rosa Brook, had a fire on his property. That fire was caused by a break in the SEC wire, resulting from a wire falling across an insulator which caused an arc which burnt part of the cross-arm of an SEC pole, and then proceeded to cause a fire that caused considerable damage to Mr Fontana's property. The cost of the damage was approximately $6 500.

Since 20 January, Mr Fontana has been in contact with the SEC, the Parliamentary Commissioner for Administrative Investigations, and me. Unfortunately the SEC has not accepted liability and the insurer, the SGIO has rejected any payout because of the refusal on the part of the SEC to admit negligence.

The fire on Mr Fontana's property damaged 60 chains of fencing, including loss of 240 fence posts and eight coils of wire. It also damaged pigsties, 30 acres of pasture, and burnt in excess of 200 acres of bush pasture. As a result, Mr Fontana had to agist stock from 24 January to 9 April. It also meant that he had to buy in bales of hay to feed his cattle. Members will recall that the 1984 season was a rather difficult one for stock management and stockfeed; but notwithstanding that Mr Fontana lodged a claim with the SEC to no avail.

In addition to the claim that was lodged, I raised the matter with the commissioner, Mr Kirkwood, and following a series of personal conversations with officers of the SEC, on 23 July I wrote to Mr Kirkwood saying—

> I write on behalf of my constituent, Mr R. Fontana, owner of the above property which was damaged by fire earlier this year.
>
> To date my constituent appears to have made little headway with your Commission on meeting the costs that he has incurred, following damage to his property caused by a line snapping and a Commission pole burning.
>
> Losses to my constituent are quite extensive and I look forward to your early reply.

The commission duly replied. The letter came from Mr D. W. Saunders, Assistant Commissioner of the State Energy Commission. He is a very good officer.

Mr Peter Jones: What was the date of that letter?

Mr BLAIKIE: The reply was dated 2 August 1984. Part of the letter reads as follows—

> The cause of the fire was due to electrical arcing when the conductor of a high voltage line was broken and fell to the ground. The reason for the conductor failure has not been established. It is possible that a transient fault under storm conditions could have caused a weakness in the conductors at the point of failure. These conditions are difficult to detect.
>
> There are thousands of kilometres of similar lines throughout the country areas of the State and conductor failure is infrequent. The incident and loss to Mr Fontana is of course regretted but in consideration of the circumstances I believe there is no evidence of negligence by the Commission.

I want to raise this point in the Parliament; the Minister responsible is not in the House, but the Treasurer is present. This is a question involving responsibility of a Government instrumentality; namely, the State Energy Commission. The letter written to me by Mr Saunders and information contained in a parliamentary answer are identical; they state that the fire was due to electrical arcing when the line was broken and fell to the ground. The only reason that Mr Fontana's property suffered fire damage and he suffered consequential losses was that an SEC line was through his property. The SEC accepts the fact that its line was responsible for the fire. However, the SEC does not accept liability for any negligence on its part. My constituent is out of pocket by some $6 500 because of a fire which the SEC acknowledges was caused by its broken line. My constituent will not receive any recompense because the commission denies any negligence on its own behalf.

The point I make here is that it is virtually impossible for the little bloke to get a fair go under this system. We must have a system wherein redress can be had, and where ex *gratia* payments can be made by the SEC to meet circumstances such as those I have outlined.

I asked the following question of the Minister for Minerals and Energy—

> Were there any other costs incurred in controlling the fire and if so to what extent, and has it been agreed that any costs will be met by the Commission?

The Minister's answer was as follows—

> Some costs would have been incurred by the fire brigades involved. The Commission has not agreed to meet any costs arising from the incident, because according to the Commission's insurers there is no evidence of negligence.

The SEC's insurer happens to be the State Government Insurance Office. The SGIO has said there was no negligence on behalf of the SEC and

has told the SEC not to pay damages. Under the insurance policy that the SEC has with the SGIO, the SEC meets all public liability claims up to $10 000. So it is not a question of blaming the SGIO for not meeting the claim. Either the Act needs to be changed or the intransigent attitude of the SEC needs to change in order to allow this claim which I believe should have been met.

To sum up, the SEC should pay for the fire damage caused to this Margaret River property because the SEC has admitted that its powerline caused the fire. The SEC said it will not pay damages because the SGIO said there had been no evidence of negligence. I visited the property and I saw the powerline in question. What happened to my constituent, Mr Fontana, could well be repeated in scores of other places across the State. It is quite unjust and improper that these circumstances could be repeated elsewhere.

The responsibility for the loss of pasture and fencing and the cost for agistment should properly lie with the SEC. It needs to be very clearly remembered that fault did not lie with the farmer. He did not ask for the powerline to be put there in the first place. He was not responsible for the line's being erected or for the circumstances that led to the fire being started. The SEC has a responsibility, certainly on moral grounds, and has a moral obligation to pay damages. It is totally unacceptable that a farmer should suffer these consequences of matters completely outside his control.

I have spoken so far only on matters related to Mr Fontana. In addition, local bushfire brigades were involved in the fire. In respect of a fire outside its control the local authority has been expected to meet all the costs involved, which I do not believe is fair or appropriate. The SEC should have a responsibility to meet the costs that have been incurred in this regard.

Another matter I want to relate concerns a question I asked in Parliament of the Minister for Transport. The Minister mentioned that a system of highway numbering and highway coding was to be introduced into Western Australia. The Minister indicated that the system would be a State route numbering system and it was proposed for both rural and metropolitan roads. One of the important motivating factors that prompted the Government to move in this regard was to have the system largely operational by 1986 in time to assist the large number of visitors expected in Western Australia for the America's Cup. The specific aim of the system is to assist the travelling public, particularly visitors to WA, to give them the ability to navigate our road system numerically rather than having to read various street and highway names, which situation currently applies.

That proposal will be of definite benefit to the State and to the motorists within our State and it will be of substantial benefit to tourists, giving them an ease of following the various highway and road systems of our State. Members who may have visited other countries where a highway numbering system is in operation would understand the benefits, and give praise to such a system. Last year my wife and I visited Britain and we spent part of our time in England motoring out of London and around the English countryside in particular. I found it far easier to follow a highway number than to try to follow a highway name. Travelling in that country was relatively easy, although members would appreciate that with the very heavy density of traffic within the London area it was easier to follow the A40 compared with following Pennington Road. It was also extremely easy to drive on the motorway, be it the M1 or the M5. I can only compliment the numbering system that the British have adopted. The highway coding system that our Government is suggesting, provided it is followed in a very positive and constructive way, can only add to the benefits of touring in Western Australia.

On reading through the papers again I came to the conclusion that the system proposed for the metropolitan area may be too confusing. I have not had the opportunity to speak to the departmental officers on this, but it was my understanding that most major roads and outlets in the metropolitan area will be given a number and a specific coding.

I believe this system will be confusing. Therefore, only major routes within the metropolitan area should be code numbered first. Such major routes would be Stirling Highway, Canning Highway, Albany Highway, and Great Northern Highway; these are highways that have a direct link to the important centres of Fremantle, Midland, Armadale, Rockingham, and Wanneroo. It would be important to code number those link routes first to see how the new system operates, before the Government, through the Main Roads Department, embarks on a far broader system of random numbering of other roads and arterial routes.

I will be making representations to the Minister and the department, that when the proposition is put forward to route number the metropolitan area, consideration should be given to the major routes first; that is, the highways I have mentioned.

My understanding is that under the new proposal currently under consideration roads such as

Bulwer Street, Newcastle Street, Aberdeen Street, Vincent Street and Lake Monger Drive, to name only some, would be given a number in the second instalment. I believe those roads should be left to the second instalment—after the major direct line links within the metropolitan area are established. This urban proposal is an extension of the national highway and national road system. All members know of national highway No. 1. Within this State we have highway No. 1 and highway No. 94. Highway No. 1 follows the coastal road around Western Australia and highway No. 94 goes from Perth and links up with what is known as route No. 95 from Perth to Meekatharra to Port Hedland.

I wish to comment further on highway No. 1. This follows the coastal area in the southern parts of the State from Norseman through to Esperance, Albany, Walpole, then through to Manjimup, Bunbury and Perth. For some years representations have been made to the National Road Council for national highway No. 1 to follow the coast to include the areas of Augusta, Margaret River, and Busselton. Those representations have not been successful. This proposal is to make that route from Northcliffe to Pemberton, Nannup, Augusta, Margaret River, Busselton and Bunbury, to be known as highway No. 10.

I recommend to the Minister and his department that that highway No. 10 be designated as an alternative route to highway No. 1. This will provide an opportunity for the touring public of Western Australia and visitors to this State to have a choice about whether they wish to travel through the country via Manjimup, or to take an alternative route through Busselton and Augusta and return to the highway at Northcliffe.

That proposal would be an advantage to the tourist industry, as well as the area I represent. A further advantage would be that it would reduce the amount of traffic on highway No. 1 and extend the tourist areas which are so important to the south-west region.

I would like to discuss school insurance. Members would be aware of the Medicare legislation, which meant that private insurance was not permitted to operate outside the guidelines laid down within the Act. At the time I was concerned this would have an effect on private school insurance.

I have with me some insurance brochures from the Zurich Australian Insurance Ltd. which indicates clearly what has happened to school insurance before and after Medicare.

The brochure for 1983-84 indicates that parents could insure their children for up to $11 500 for $15 a year. This insurance is available 24 hours a day, at home, school and play. Dental expenses are included and the optional benefits include GP fees, etc.

I emphasise that general practitioner fees were included as an extra in that $15 a year policy. The schedule contained in the brochure lists optional benefits available for an extra premium of $5. Also included were general practitioners' fees, hospital outpatients' fees, non-referred specialists' fees and specialists' fees. Physiotherapy fees, chiropractic fees and chemist fees were included also.

They are all the optional benefits which were available to people taking out school accident insurance. The maximum benefit available on any one claim was limited to $1 500. In relation to general practitioners' fees, $13 would be paid for each consultation or visit. Since Medicare came into operation it is illegal to have private insurance to cover the cost of these fees.

There were also other benefits available under section 1, and these included permanent disabilities, partial disabilities, ambulance charges, dental treatment, spectacles, and funeral expenses. They were all available prior to the introduction of Medicare. The policy available as at 30 June 1984 indicates that a fairly substantial change has taken place.

In the first instance, although the premium remains the same it does not cover as many items. They have been substantially changed. I have indicated that, in relation to general practitioners', physiotherapists' or chiropractors' fees, the maximum amount available on any one claim was $1 500. If a child received lacerations, a claim for up to $1 500 could be made. Under the new 1984-85 policy, the only matters which can be claimed are definable injuries and defined costs incidental to the injuries. The cover now is for basic dental treatment, clothing and equipment, home nursing, ambulance emergency transport, and defined injuries. The defined injuries relate to payments for broken bones, so if a child fractures an arm, leg, wrist, cheekbone, or collarbone, the parents can receive the amount that has been predetermined. However, if a child receives lacerations no amount is payable at all because Medicare has effectively decided that it is not payable.

I believe a number of parents throughout the State have taken out school accident insurance and are not aware of the provisions in the new cover. The Zurich Australian Insurance Company, one company with which I have followed through this matter, has acted quite properly. Under no circumstances do I want to suggest

there is any element of doubt over the way it has acted.

The circumstances of the national insurance scheme, Medicare, have caused great problems for this company and will certainly cause problems for many parents if and when their children are injured and they lodge a claim, believing that certain claims will be valid, which they would have been under the old system of school insurance. They will not be valid under the revised conditions now that Medicare is in operation.

This matter has been raised with me by a parent who has expressed her concern. Their child received a very bad leg injury for which treatment was given and the parents received a number of accounts for payment in addition to those which were allowed for under Medicare. When they forwarded them to the insurance company they found those claims were not covered by insurance. The reason given was that the Medicare legislation prevented people from taking out private insurance.

That is a very serious matter and it will be a cause of great concern to many parents throughout the State, when they realise the private insurance they have taken out for their children does not cover a number of items which they believe it covers. In relation to fractures, a lump sum can be paid as follows: For a broken arm which is a simple fracture, a lump sum of $125; for a compound fracture, $250. However, if a child loses an ear or suffers a serious laceration the parents will receive no compensation or payments at all.

The whole question of school insurance needs to be taken up and investigated by the Government. Families must understand the provisions of insurance policies and the Government must recognise that many families are not currently insured.

That brings me to the final point I want to make, which is that if the Government inquired of the SGIO, it would find that that body has withdrawn from the school daily insurance cover scheme with which it has been involved for many years because of the Medicare arrangements. The SGIO will still look at insurance for school groups going away for a specified period and purpose, but it is not involved with the daily school insurance scheme.

Another matter to which I want to refer relates to local government. I am concerned at the situation of local government throughout the State, particularly in areas I represent, in relation to valuation ratings. I am particularly concerned for local government during these times of reduced rural activity when, on the one hand, the prices farmers are receiving for their commodities are depressed or under attack by Government action and, on the other hand, the imposts being placed on those farms are increasing week by week, particularly through higher Government taxes and charges. Local government is in trouble and the ratepayers in those areas are in trouble because they are being called on more and more to meet the costs of local government. Part of this relates to the drying up of the personal income tax rebates paid to local authorities in the State. I am concerned that a change of direction has taken place in the grants paid by the Grants Commission to local authorities. It is clear evidence that Governments in Australia, and particularly Western Australia, have a real antirural attitude. This is causing local authorities in rural areas grave concern.

I have indicated that, within my electorate, ratepayers are very concerned with the increasing burden of rates they are expected to pay in order to get the services that local authorities provide. The local authorities are also concerned that they get their fair proportion of the grants made available to the local authorities, if the shires keep on this ever-increasing spending spiral. We therefore have a situation that new property valuations are being made and values are increasing. The rate percentage may go down but the actual amount of money collected is going up and there is a gross disparity between ratepayers in different shires.

Property values in areas that have been used for hobby farms have shown substantial increases as have property values in seaside resort towns and have caused a general unbalancing of rates paid by communities.

All of this relates back to the need for communities to pay for the costs of services provided to them. I believe, in this context, that there is a very positive need for the Government to look into the valuation system and at the system of rating.

Though some changes were approved by the Parliament this year, there needs to be a total overhaul of the system of rating and valuation because it is my view that the system is fast becoming outdated.

It is a matter of even greater concern—this matter was outlined during the debate last evening on the Land Tax Assessment Amendment Bill—that while a period of rising property values exists and while those high valuations cause great concern to smaller local authorities, it is seen as an advantage for inefficient Government because while high valuations continue, it is almost like a machine printing more and more money for Government. The only organisation to benefit out of the current very inefficient system is the

Government. It helps with the rates charged for drainage, land tax, sewerage and stamp duty. The system is inequitable and the only beneficiary is the Government.

I have indicated that there is a need for a change to the system. There is also a need to understand that the grants that are being made to local government are local government's lifeline. Local governments are on a treadmill now and cannot get off. The Government needs to have a very sympathetic and understanding attitude towards local government to ensure that it continues to exist and to ensure that the level of personal income tax funding being received by country local authorities is not only maintained but also is stabilised and not reduced. I believe that the Government has a cross to carry on this matter. The Minister has indicated that he has effected changes to the system; however, it is a case of their being too little too late.

I have indicated my concern for the current system of allocating grants and funding to local authorities. I will indicate also that there is a definite need for a change of direction in this antirural bias which we are seeing creep into the allocations being made.

On 2 October, the *Geraldton Guardian* headline said, "Carr reacts sharply to criticism". The leading paragraph states—

> Local Government Minister Jeff Carr has rejected claims by the Federal member for O'Connor, Wilson Tuckey, that the WA Local Government Grants Commission has been restructured to the detriment of country councils.
>
> "The facts are that no restructuring of the commission has taken place at all," Mr Carr said.
>
> "The only change has been to fill vacancies when the terms of previous members expired late last year.

The article continued—

> Mr Carr said other comments by Mr Tuckey were also misleading.
>
> "Firstly, there has been no massive shift of funds from country to city.
>
> "The proportion is still about 60 per cent country to 40 per cent city—as it has been since the inception of the grants' scheme.

I take issue with the Minister on those points because there has been a change of direction. There has been a change in the percentage of funds allocated to city and country areas. That level of funding has given me cause for great concern.

Mr Carr: It has been a very minor shift: in decimal points, somewhere in the vicinity of 0.1 per cent.

Mr BLAIKIE: The Minister has indicated that it has been a minor shift. I indicate to the House that my understanding of that shift is that it has been more than an 0.1 per cent shift.

The Minister was not here when I began my remarks. I have already indicated that local Government is now on a treadmill and is dependent on funds from the Grants Commission. I am very concerned about that because local authorities are almost like drug addicts. If that outside money is not forthcoming they then go into a state of flux. They cannot get by without the Grants Commission funding.

Any reduction in that funding has a profound effect on local authorities and on their ability to carry out the services they provide. They then are faced with the alternative of charging ratepayers more or reducing services. Neither move is palatable. I think that local government is really at the crossroads.

I wish now to refer to a general system as it applies to my electorate and come back to a matter which applies to the balance of the State. First, I indicate very clearly that while the percentage increases, in money terms, are certainly quite exceptional, in the first instance they reflect the drying up of the money from personal income tax contribution rates. I also further my argument by saying that that reduction also reflects a change of direction by the Grants Commission not to favour country areas, as has been the case.

In 1982-83 the Busselton Shire Council received $367 000. That represented a 25.68 per cent increase over the amount received in the previous year. In 1983-84, the figure rose to $398 000, which was an 8.45 per cent increase over the previous year. Therefore, automatically, the amount of increase had dropped some 17 per cent. In 1984-85, the amount of grants received was $420 227, which represented a 5.58 per cent increase. So, in two years, the grants to the Shire of Busselton had not grown by 20 per cent over what it could have reasonably expected.

The Capel Shire Council in 1982-83 received a grant of $123 000. That represented a 24 per cent increase over the previous year's allocation. In 1983-84 it received $133 000, which represented an 8.1 per cent increase over the previous year. Members will note that there was a very substantial decrease in the amount of funds available. In 1984-85, the shire received $137 730, which represented a 3.56 per cent increase. That is

less than the rate of inflation and it certainly caused the shire grave concern.

I wish now to come back to the final point that I want to make on this matter; that is, that from 1980-81, of the total grants made available to the State, 39.43 per cent was made available to the city area and 60.75 per cent was made available to country areas.

In 1982-83 39.51 per cent of the total grants was allocated to the city and 60.49 per cent was allocated to the country. In 1983-84 it changed a little to 40.80 per cent to the city and 59.2 per cent to the country, and in 1984-85 it was 41.96 per cent to the city and 58.04 per cent to the country. In a two-year period there was a 2.45 per cent decrease in the amount of money received by country areas which meant that local authorities in the country areas have lost $1 119 250.

That is what I mean when I talk about the anti-agricultural attitudes of this Government. The local authorities have had to charge more for their services or, alternatively, have had to reduce the level of services provided to the community. Neither is palatable and the Government must give consideration to making available more assistance to local authorities in order to give them a go.

MR MENSAROS (Floreat) [4.11 p.m.]: Yesterday I wanted to make a contribution to the debate on the Land Tax Assessment Amendment Bill, but I inadvertently missed my opportunity. The reason I am taking part in this debate is to make up for missing out on my opportunity to speak to the Bill to which I have referred. The only subject I will speak about in this debate will be land tax.

The SPEAKER: I advise the member that he can talk about the principle of land tax, but he cannot talk about the Bill which has left this House.

Mr MENSAROS: I intend to talk about the principle of land tax which might have been more difficult to talk about in connection with the Bill, even though it was an amending Bill to the Act and not only certain sections of the Act.

Land tax is a discriminatory tax, a wealth tax, and it has nothing to do with land except that it affects the landowner. It affects only a small portion of urban landowners. My thoughts on land tax are not new and I have mentioned them in the Cabinet room, when we were in Government, and I have mentioned them in Opposition, in this Parliament, but I have not met with a great deal of success.

With respect to any tax which has been introduced for a specific purpose, such as land tax, unless the proceeds are used for that specific purpose in time it becomes a revenue raising instrument and the revenue becomes the property of the Treasury. Quite frankly, I do not think any Government can succeed against the Treasury.

Land tax was originally introduced in 1904 in order to force the large landowners to subdivide in order that large holdings of land could be made available to people who wished to acquire smaller parcels of land. The tax was levied on this basis for approximately 60 years and in 1968 amendments were made to the Act which exempted certain landowners who owned land below the value of $6 000, and gave a further tapered part exemption to land owners up to the value of about $50 000 from payment of land tax. Subsequent changes to the Statute resulted in the collection of land tax being more and more selective and we have now reached a stage where we have approximately 500 000 landowners and only one-fifth of them, approximately 93 000, are taxed. That is about 18.6 per cent.

According to available statistics, in the nine months ending March 1983, the aggregate tax collected by the Government increased by more than 20 per cent. During the same period the total revenue of the State increased by 10.4 per cent and the Consumer Price Index increased by only 10 per cent.

What was intended as an incentive to make land available became a disincentive because today land must be subdivided and the area developed before the land can be sold. As we have urban planning, land has to be provided with services for a proposed development which usually needs time. Consequently, the land tax which is levied during the development procedure becomes a heavy disincentive to developers.

I refer to a study undertaken in 1972 by Professor Martyn Webb who is the Professor of Geography at the University of Western Australia. He said that withholding tax, which land tax was originally, was introduced during boom times and it needed to be re-examined because circumstances changed and, therefore, the result of this measure could drastically change. This is what happened to land tax. An incentive is required for people to make available land at a reasonable price, but land tax became a definite disincentive.

Another matter that concerns me is the Government's participation in the development of land. Of course, the Government has a great advantage over private developers because Government agencies are automatically exempted from land tax, but private developers have to incorporate in their costs the cost of holding land, by way of

paying land tax to the Government. Government agencies have an unfair competitive edge over private developers.

The same applies indirectly to small business and even to people who cannot afford to live in their own homes. The owners of business and residential units, whether new homes or a block of units, have to include land tax in their costs and, of course, the costs flow on to the occupiers because they must be expressed in the rental fee that is charged.

I suppose the Minister who has responsibility for developing business, the Deputy Premier, or the Minister for Housing who has responsibility, generally speaking, regarding the availability of rental homes, should be concerned about this ill-effect of the situation we have today.

Of course, from the point of view of the developer there is another aspect: He is in business like any other businessman and the land he owns should not be actually considered as an asset but rather as a stock-in-trade. No normal businessman is expected to pay wealth tax on the stock which he has for resale, but land developers must do so. Again, this is a great disadvantage to them.

If we consider the various efforts which have been made to examine this situation we find that on each examination the opinion has been expressed that land tax is a very iniquitous tax. In 1975 when a committee of inquiry into rates and taxes attached to land valuation—it was known as the Keall Committee—made its deliberations it reached the firm conclusion that in order to restore equity it would be necessary to either universally apply land tax—80 per cent of landowners should not be exempt because they are owner-occupiers—or, alternatively, it should be abolished altogether. Somewhat later in 1981 the McCusker committee made certain deliberations and published its findings. It found that 19 per cent of the State's landowners were assessed for land tax. Furthermore, its findings stated that only 4.6 per cent of these landowners paid nearly 80 per cent of the land tax being collected by the Government. Therefore, it is not inappropriate to call this tax a wealth tax and a very discriminatory one which affects only a very small proportion of the community.

The State Taxation Department's estimates for 1980-83 indicate that the 93 000 landowners who have been assessed for land tax, out of a total of 500 000, produced revenue for the period of $35.5 million which represents an average of $382 per person per assessment. Had the revenue been collected from all 500 000 landowners the per person payment would have been reduced to $71. On the other hand if the land tax, even taking the exemption as it prevails today, had applied to the land and not to the landowners this $35.5 million divided among the existing assessments would have resulted in approximately $163 per assessment.

In connection with land tax generally it should be considered that a much wider spread of land tax would automatically include a wider spread of the metropolitan region improvement tax. However, with a Government whose policy is that the local government electoral roll should be universal and that the vote should be given not only to ratepayers but also to people who reside in the area, there is the question of whether it thinks it is equitable for the metropolitan region improvement tax—the results of which affect and benefit everyone in the metropolitan area and not only landowners—to be spread in a much wider field and in a more equitable manner.

I agree with the recommendations brought down and widely publicised by the Urban Development Institute of Australia which stated that the existing sliding scale of the tax should be replaced by a single rate applied to every property. I quote an example demonstrating the effects of the present progressive system of taxation. The assessment on a single lot valued at $20 000, assuming there is no exemption, would amount to $90 per year in land tax. However, if the owner of a somewhat larger estate owned not one block but six blocks of land, similarly valued at $20 000 each and making a total of $120 000, the land tax assessment for each block would amount to $480. This is in contrast to the $90 for a block if he owned only a single block.

A further matter which is also a recommendation by the Urban Development Institute is that the land tax should not be used simply as a money-raising exercise. Therefore, the rates should be changed yearly by decreasing the scale. As has been correctly pointed out by the member for Vasse, the scales remain the same and with increased valuations the aggregate tax increases by a much larger proportion than does the general tax revenue or the cost-of-living index. If we look at a period of six years from 1976-77 to the last available statistics in 1980-83, it can be seen that the average yearly increase in land tax has been 20 per cent. At the same time the average yearly increase in all taxes has been only about 10 per cent and the cost-of-living average increase every year during this period has been below 10 per cent.

Therefore, land tax represents a good source of revenue for the State but it is very inequitable in itself. It is even more inequitable for the development industry and, consequently, for the development of urban land which is so necessary from a

social and economic point of view. Therefore, another recommendation by the same institute should be considered by the Government; it should at least give some sort of tax holiday from land tax to the developers who have to hold that land for some period in order to be able to subdivide it. The Government has promised the institute and other bodies, which I understand made representations to it, that it will consider these effects in connection with land tax together with consideration of the 1984-85 Budget. I do not know what consideration has been given, but the fact remains that the result was nil; no provision has been made for any of these recommendations in the land tax legislation and, indeed, the small amendment which was effected by the Government if anything made this inequity even greater.

I will mention another fairly small matter in connection with this tax, but it is not unimportant. The previous Government brought down a provision that the resulting tax on the new valuation should not be charged from one year to another, but that it should be phased in over a three-year period; but, virtually unnoticed, the legislation was framed in such a way that the phasing in applied to a general revaluation only. Very few people would realise that section 23 of the Valuation of Land Act contains a provision which allows the Valuer General to make interim valuations. I do not know exactly when the Valuer General uses this power; but when the land tax assessment is issued for the individual taxpayer, it contains two columns. One column shows the value of the property as assessed; the other shows the taxable value; and the difference between the two columns is the phasing in amount.

When the value jumps from one year to the next by, say, $3 000, the $3 000 will be included in the first column as part of the value of the property; whereas in the second column only $1 000 will be added to the value from the previous year. If the taxpayer found that his diminished taxable value did not occur in the second column and he made an objection, he might then be told, "You are not right because the phasing in does not apply to you, because your revaluation was not a general one; it was an interim one". However, no indication is made on the assessment that this was only an interim valuation, and the taxpayer had no clue, even though he knew precisely what sort of valuation it was under the Land Tax Assessment Act and the Valuation of Land Act.

The best solution to this problem would be to allow the phasing in provision for interim valuations also; but if that is not done, at least an indication should be made on the land tax assessment that an interim valuation had been made. That would save time and costs for both the taxpayers and the State Taxation Department because no objections would be lodged, and there would be no subsequent appeals.

As I said, that is the only subject I wanted to mention in this debate. I wanted to draw attention to this grossly inequitable tax, which is really a wealth tax. My only hope is that by placing these comments on the record, at some time a Treasury officer might take notice of them. With the effluxion of time, he might acquire a sufficiently senior position to be able to advise his Minister on the matter. However, at that time, if we have a Labor Government, perhaps the Treasury will not even be called the Treasury, because the Government is in the process of changing the name of every department lest it is accused of being conservative. Perhaps the Government would call it the "money management mob", or something like that. That is the sort of thing the Government is trying to do with the Public Works Department. Will it move on and do that with the other conservative departments—the Departments of Lands and Surveys, Mines, and Education—which so far have not been touched?

I trust that at some time these comments will be noted, and somebody will realise that the land tax is one of the most iniquitous taxes in our State.

Debate adjourned, on motion by Mr Stephens.

ACTS AMENDMENT AND REPEAL (INDUSTRIAL RELATIONS) BILL (No. 2)

In Committee

Resumed from 6 November. The Chairman of Committees (Mr Barnett) in the Chair; Mr Parker (Minister for Minerals and Energy) in charge of the Bill.

Clause 15: Section 23 amended—

Progress was reported on the clause after Mr Parker (Minister for Minerals and Energy) had moved the following the amendment—

> Page 23, line 9—Add after the word "organization" the passage " , except where, at the point of engagement for employment, all other things are equal ".

Mr HASSELL: I will not cover the ground that we covered yesterday, but I again place on record our very firm opposition to this amendment, which seeks to confer upon the Industrial Commission the power to impose compulsory unionism by way of preference at the point of engagement. It is our view that this is simply the thin end of the wedge in the development of a system of compulsory unionism throughout Western Australia in all industries and in all businesses. It is intended to

back up the union power which is growing throughout the State.

When these matters are raised, the Government is quick to say that people should produce the evidence. However, when the evidence is produced, no action is taken. No action has been taken to protect Mr Minniti, and no action has been taken to protect numerous other people who have been affected by such activities.

The inclusion of a requirement for compulsory unionism in this way is simply intended to add to union power—power which has been assumed *de facto;* power which the law is not able to control as it should because the Government will not enforce the law. We are opposed to backing up that power by the insertion of these words.

Mr COURT: The Minister described this provision as a mild form of preference. That shows the basic philosophical difference between the two sides of this Chamber. The Labor Party and the Trades and Labor Council in particular believe that in the arbitration system everyone should be involved in unions, with the unions on one side and the employers on the other side. Of course, that is not the case because, as we know, half the work force is unionised and half is not.

However, we are not debating whether one should be in a union. The question involved here is one of compulsion.

I want to emphasise this matter and in doing so point out to the Minister that it is one thing to have preference in employment, everything being equal; but a number of cases have arisen whereby one cannot be employed in an industry unless one belongs to a particular union, and when one goes to join that union one is not accepted as a member. That is very disturbing. A particular case which I followed through, without any success, with the Minister for Industrial Relations was in connection with the Merchant Seamen's Guild. A highly qualified person was involved. An employer wanted to employ this person because of his great qualifications, particularly in regard to working on offshore ships supplying oil rigs and the like. When the prospective employee tried to join the union—he had to be a member of the union to get the job—he was told he could not join it because members of the union were unemployed and the union wanted to put them into work before it would allow new members to join. That is the case of a person who is highly qualified and ideally suited for a certain type of job not being able even to get to first base and join the union because the union had closed membership. That is a practice which concerns me, and it still takes place today.

I find it very difficult to listen to members opposite when they talk about freedom, the rights of the individual, equal opportunities, and the like, and in the next breath say that a preference clause must be inserted into this Act. If unions sell their product correctly and if they provide a good service for their members, people will want to join them.

Mr Jamieson: It is people like you who want the facilities unions provide without paying for them.

Mr COURT: If unions are strong and provide a good service, they will attract their membership and no-one in Australia has any objection to that.

Mr Jamieson: There are still a lot of people like you who want it all and pay nothing.

Mr COURT: I inform the member for Welshpool that that is not the case at all.

Mr Jamieson: It is the case that exists and it is always found that people refuse to belong to a union. They are just selfish. They want everything provided and to pay nothing for it.

Mr Melver: And the first time something happens they squeal loudly.

Mr Spriggs: Order!

Mr COURT: To continue my comments—I was about to wind them up—there is no requirement to insert a preference clause in industrial relations legislation, no matter in what form it is drafted. I see it as being quite unnecessary and it goes against the principles which members opposite have been espousing so much over recent months.

Mr TRETHOWAN: During the passage of another Bill in this place I commented on this clause and the Government's attitude towards it. I found it amusing in a rather black way to see that a Government which proclaims the importance of equal opportunity and non-discrimination in the workplace should introduce a Bill in one House which seeks to achieve that aim in all but one aspect, and, in the other House of Parliament, introduces a Bill which seeks to introduce discrimination into the workplace. That represents an illogical inconsistency in attitude towards discrimination. Either one accepts that there should be no discrimination in employment on any basis, whether it be on the basis of sex, political affiliation, religion, marital status or membership of an organisation, or one does not accept it. This amendment underlines the fact that the Government is prepared to see that no discrimination occurs where it suits it in one case and to introduce discrimination into the workplace where it suits its own particular vested political interests, where it suits the people that the Government represents—the union movement—who wish to

see that form of discriminatory practice in the workplace. I have great concern about the amendment.

Mr PARKER: Once again, as I pointed out yesterday by way of interjection when the Leader of the Opposition was speaking, the Leader of the Opposition is being quite misleading when he says that this provision relates to compulsory unionism because, as I pointed out, it in fact comes under a subsection which expressly prohibits the Industrial Commission from providing compulsion to join an organisation, to obtain or to hold employment, or non-employment by reason of being or not being a member of an organisation. That is expressly prohibited and expressly excluded from the powers of the Industrial Commission.

Even paragraph (f), the paragraph to which this is to attach, expressly prohibits and excludes everything except this particular area we are looking to introduce, the employment preference at the time of engagement, all other things being equal, and not as in the situation we had with the old preference clauses of pre-1978 or 1979 where at every stage there could be preference, and not only in terms of promotion or termination. Neither of those things will happen as a result of this measure. That was the case under the preference clause which applied pre-1979, and it is currently the case in the South Australian and the Commonwealth legislation, not only in regard to promotion and termination, but also in regard to the preference clause which applied in the Western Australian jurisdiction. I am not sure that this measure was completely rejected in other jurisdictions where unions were able, in effect, if people did not join the union after a specified time, to prosecute those people for failing to join.

That practice is allowed in Queensland and perhaps New South Wales, but it is not common. It certainly existed in the pre-1979 years and it was used by a handful of unions, mainly the unions that the Opposition would probably regard as being among the most responsible unions, the Federated Clerks Union and the shopkeepers union, which were almost exclusive users of that principle.

Certainly if members went down to the industrial magistrate's court on any day of the week when the court was sitting they would see literally dozens upon dozens of cases of unions prosecuting their own members or workers for failing to observe that preference clause. No such situation will come about by virtue of our proposals here. What is simply being proposed is a system of preference at the point of engagement and at no other time, and only when all other things are equal.

The member for Narrogin was also misleading yesterday when he indicated that the iron ore industry was opposed to those conditions applying to it and to other industries in the State. Certainly insofar as other conditions are concerned, such as wages and annual leave entitlements, he is correct. Of course, he was supposed to be addressing his comments to this clause and I can only assume that he was abiding by the Standing Orders and addressing his comments to the clause. If that is the case the member was being quite misleading because in the area of union membership there is no place in the world, in Australia or in WA, let alone in the eastern goldfields, which the member particularly nominated, where there is anything other than a unanimity of view on the part of employers that they want to have a situation in which they have universal union membership in their plants.

Mr I. F. Taylor: Quite right, too.

Mr PARKER: Indeed, in Western Australia, for example, a company which has the bulk of its employees in the eastern goldfields said publicly, and certainly repeated it many times since to me and to other people, that it regards the 1982 legislation which this legislation seeks to correct as the greatest disaster for decades in regard to preference in the industrial relations area. Its only regret is that it did not go on the public campaign trail because it was given certain assurances as to how the legislation would operate but it turned out to be quite a different case.

That company said that in terms of employment, whatever was forced on it as an employer by the legislation which was introduced in 1982 by Hon. Gordon Masters—we have heard a lot from the Opposition about the employer's freedom, but what the Opposition wants is not freedom for them in this area—it would refuse point blank to send anyone who was not a unionist into a mining situation. If it had to have people who were non-unionists, because that was what the legislation said, they would be kept out of the mines. They would be found something else to do. That was not for reasons of industrial peace, as the member for Narrogin said, but for reasons of safety and comradeship: particularly when people are underground they need to trust each other, rely on each other, and know that people are prepared to pull together and be part of a team.

Mr Laurance: You voted for equal opportunity in this Parliament in the last few days. You voted for equal opportunity for everybody. What a hypocrite!

Mr PARKER: That was the attitude of Western Mining Corporation, and it is the same in the

Pilbara. The member for Narrogin, of course, acknowledged that, and it is the same in every mining area and activity in this State, as indeed it is in most industries throughout the State.

That is why the Western Australian Confederation of Industry and the Australian Mines and Metals Association supported this amendment.

The member for Narrogin referred to the "Institute of Mines and Metals", but it is the Australian Mines and Metals Association. Those two bodies are the only two organisations which represent the employers in arbitral procedures in this State, and both of them supported this amendment.

I conclude by saying that I agree with the member for Nedlands in one of the comments he made; that is, that this does show the basic philosophical difference between the Government and the Opposition. I do not want to run away from that, because it does show that basic philosophical difference.

This Government does believe that people should be prepared to pull their weight and that there ought to be some form of preference for the unions, which are very much a part of the system and very much a part of making the system work. It will work only if we have reasonable unions, and it is working very well at the moment. Like any other system there are problems and areas of concern, but it is certainly working in almost every area.

I agree with the member for Nedlands that there is a philosophical difference on this point, but we have been elected on this policy and we have the support of the tripartite council and most people in industry, recognising, of course, that on this particular clause there is some opposition in industry. I believe that this Parliament has an obligation in this matter to support the Government's move on this question.

Mr Laurance: You are a hypocrite!

Amendment put and a division taken with the following result—

Ayes 23

Mr Bateman	Mr Jamieson
Mrs Beggs	Mr Tom Jones
Mr Bertram	Mr Melver
Mr Bryce	Mr Parker
Mrs Buchanan	Mr Pearce
Mr Brian Burke	Mr P. J. Smith
Mr Burkett	Mr I. F. Taylor
Mr Carr	Mr Tonkin
Mr Davies	Mr Troy
Mr Evans	Mr Wilson
Mr Grill	Mr Gordon Hill
Mr Hodge	*(Teller)*

Noes 16

Mr Blaikie	Mr MacKinnon
Mr Bradshaw	Mr Mensaros
Mr Court	Mr Rushton
Mr Cowan	Mr Stephens
Mr Coyne	Mr Trethowan
Mr Hassell	Mr Tubby
Mr Jones	Mr Watt
Mr Laurance	Mr Spriggs
	(Teller)

Pairs

Ayes	Noes
Mr Bridge	Mr Thompson
Mrs Watkins	Mr Williams
Mrs Henderson	Mr Crane
Mr Terry Burke	Mr Old
Mr D. L. Smith	Mr Clarko
Mr Read	Mr Grayden

Amendment thus passed.

Clause, as amended, put and passed.

Clauses 16 to 46 put and passed.

Clause 47: Parts IIA, IIB and IIC inserted—

Mr PARKER: I move an amendment—

Page 68, line 7—Delete the semi-colon and substitute a full stop.

The CHAIRMAN: Order! The member for Narrogin will maintain the position he has just achieved in this Chamber. The member for Narrogin has been here long enough to know that the action he just took is highly unparliamentary, disorderly, and extremely discourteous to the Chair. It is not appropriate for him to pass directly in front of me—between me and the person on his feet—and I would hope that when he returns to his seat he will take the opportunity to apologise for his discourteous behaviour.

Mr PARKER: This amendment and the two succeeding amendments to clause 47 relate to precisely the same matter; that is, the question as to whether Government officers who are employees of the House of Parliament, either under the control of the President or the Speaker, or one of the joint committees, or are employed by the Crown or are officers on the staff of the Governor's establishment, should come within the purview of this Bill and the Industrial Relations Act, as finally amended.

Amendment put and passed.

Mr PARKER: I move an amendment—

Page 68—Delete paragraphs (g) and (h).

The debate on this matter is identical to the debate we had the other night and I do not propose to traverse it again, unless I have to by way of reply. I simply indicate that the same arguments apply.

Amendment put and passed.

Mr PARKER: I move an amendment—

Page 85—Delete paragraphs (f) and (g) and the word "or" at the end of line 27.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 48 to 57 put and passed.

Clause 58: Section 97 substituted and Parts VI and VIA and section 97A repealed—

Mr PARKER: I move an amendment—

Page 103, lines 15 and 16—Delete the passage "Part VI and sections 97 and 97A of the principal Act are repealed." with a view to substituting other words.

This amendment restores deletion of part VIA from the Bill and the exemption from membership of employee organisations. Repeal of part VIA has the unanimous support of the tripartite council. Its provisions have never been used and it has never had any support from employer or employee organisations since it was forced on the community by the previous Government in 1982. In 1982, the provision was rammed through Parliament without any consultation with employee or employer organisations who now, as they did in 1982, call for its repeal.

The amendment is intended to substitute words which will allow for exemption from union membership. I indicate, of course, that if these words are deleted, we will insert words which will provide for the introduction of exemption provisions so that people who have conscientious or any objections to union membership are able to apply for and be granted such exemption.

This is something that has been inoperative. It was universally condemned at the time it was introduced and it is still condemned.

All of the organisations in the industry are very anxious that these provisions be taken out of the Act to allow them to deal on a fair basis, employer to employee, in the way in which the Leader of the Opposition has so often said that they should deal rather than having the various threats hanging over their heads.

I commend the amendment to the Committee.

Mr HASSELL: Without question, this is one of the worst amendments that has been brought forward by the Government. It is inconceivable that, in the current industrial climate, the Government should be seeking to take out of the industrial law the only provisions which exist in an industrial context for the purpose of protecting people against standover tactics and intimidation. This occurs in the context in which, only a few days ago, Royal Commissioner Costigan put forward the most substantial evidence of serious criminality and industrial standover tactics and recommended that special laws of the very nature of those now in the legislation should be enacted on an Australia-wide basis. During the course of this debate I intend to refer to those matters as extensively as my time allows.

Right now I wish to bring forward in this Committee yet another case of industrial standover tactics which is directly related to those provisions which the Government has failed to enforce and refuses to do so. It refuses to do so as it seeks to push through Parliament the repeal of the protective provisions. I refer to the case of the company called F. R. Tulk and Co. Pty. Ltd. Two days ago, on 5 November, that company sent a detailed telex to the Premier and to the Minister for Industrial Relations and set out the facts of what has occurred. It asked for assistance for the law to be enforced to stop standover tactics. Without reading the whole of the telex which I am happy to table or to have incorporated in *Hansard*, the facts are as I have discussed them.

I point out that this is not the first case, by any means, that we have brought forward relating to these tactics. Over a few months we have brought forward case after case where names and details have been given and nothing has happened. Nothing has been done by the Government to put right the wrongs or to put a stop to these practices. We have seen the Minniti case and the Wells case and other cases, some of which are now the subject of legal proceedings, but all of which are related to the part of the Act that the Government seeks, by this very amendment, to repeal. Nothing has been done. It is not as though the Government has said that there is an alternative or that it will protect people in another way. In fact, the Government is saying that there is no protection against those sorts of tactics. In the case of F. R. Tulk and Co. Pty. Ltd., I became aware of the facts yesterday but was not at liberty to release those facts. I have been given authority to release the details of this case today.

One sees in that case activities of a deplorable kind involving union organisers standing up, not only against the employer, but also against the men employed by that company and threatening their jobs and livelihood because they will not submit to the demands of this man, Ken Richards, and one or two other people, including Gandini.

The facts are that the company sent a telex to the Premier and the Minister for Industrial Relations two days ago. It was not the first time that the company had approached the Minister for Industrial Relations. The company discussed the matter with the Minister months ago and sought assistance.

Mr Parker: What are the alleged failings of the Government in this matter? That company sent us a telex.

Mr HASSELL: It sent a telex requesting assistance in stopping the activities that have been going on and requesting the Government to take action and to send industrial inspectors to deal with those people.

Mr Parker: That is happening. I am advised that, in fact, the telex was received yesterday and that the industrial inspectorate commenced work on that matter immediately.

Mr HASSELL: What was done in all the months since that matter began?

Mr Parker: I do not know what they did with the Minister for Industrial Relations. One of the senior officers raised it with me. He had travelled with me to Thailand on a trade mission. He saw me in my room one evening to talk about the general issues. I gave him some advice in general terms as to what he should do. I said to him that if he had any further problems he should come and see me if he wanted to, given that trade implications were involved. I have not heard a thing.

Mr HASSELL: Are you the Minister for Industrial Relations?

Mr Parker: No, but he has not asked for further assistance.

Mr HASSELL: The company approached the Government months ago. It is at the point of being closed down because these men, Gandini and Richards, have been through the north of the State and have been talking to suppliers of orders to this company. They have told them not to supply orders to the company. When a vote of the men who worked for the company was taken at the request of Richards, they voted as follows: Support union membership, 4; informal vote, 1; do not support union membership, 101.

The voting was 101 to 4 against union membership, yet this company is being closed down this very day. That has been going on since July. It is no good the Minister saying that an industrial inspector has been out there today; the industrial inspector has gone out there after the event has happened.

The Act contains the most specific provisions against these kinds of activities and standover tactics and the Premier, who knew about this matter because he had the telex in his office, went on the radio this morning and asked why the Opposition did not bring forward the evidence. The Premier had the evidence when he made that statement.

Mr Brian Burke: It is no good shouting.

Mr HASSELL: This has been going on for months on end and has been building up. This kind of operation has not been put together by the union overnight. It has been put together after months of work and with the Government, in the knowledge of what was happening, refusing to enforce the law. Let us consider what Hon. Des Dans said in the upper House about this law: He described it as a disgusting law which he would not enforce. What right does he have to say he will not enforce the law? He is a Minister of the Crown entrusted with an obligation to uphold the law of the land as enacted by this Parliament. He has refused to do so. He has described the law as bad and evil but before that law is changed he has said he will not enforce it or do anything about it. Labor Party policy issued before the last election states that—

> Labor believes that workers and employers have the right to organise and engage in industrial action. Because industrial action may take many forms it is necessary to guarantee that all have the right to assemble and demonstrate peacefully, and the right to pursue industrial action within the limitation of industrial legislation.

Within the limitation of industrial legislation! We have no quarrel with the statement to that point but it says, "within the limitation of industrial legislation". This is what Mr Richards said at the Tulk factory when challenged about what he was doing. He was told that it was illegal and his reply was, "Law? What is the law?" and he left the factory. Mr Gandini headed north where he told the mining companies not only not to send orders to F. R. Tulk & Co. Pty. Ltd. but also to uplift the orders already with them. Such was the fibre of the mining companies—and I make no apology for them—that they sent in people to uplift the work already in possession of Tulks. A total of 106 men will be thrown out of work and lose their jobs because of this Government and the union movement that the Government constantly defends. The Government tries to brush aside the facts every time we bring up this matter. The Government tells us to go to the police, to bring forward the evidence and to do this, that and anything else it can think of. The Government will do anything except something about the unions and the standover merchants.

Mr Parker: What you are saying is lies.

Mr MacKinnon: You are defending thugs and you know it.

Several members interjected.

The CHAIRMAN: Order, order!

Mr Brian Burke: You are a bit shrill, Bill.

Mr HASSELL: During the meeting Mr Richards on behalf of the ETU threatened and I quote, "No work for Tulk & Co., and its employees if you don't all join up now". Mr Richards said, "Boys, you have a simple decision to make, union membership or no work". You, Mr Chairman, your colleagues in this House, the Minister and this Government are seeking to remove from this Act the protections available to those 106 men who have voted by an overwhelming majority not to join the union. The Government is changing the law which says that they should not be forced to. It is not a matter of one man on a mining site who does not want to join a union.

The CHAIRMAN: It is not appropriate for the Leader of the Opposition to say which way I shall be voting on this matter.

Mr HASSELL: I am sorry; I did not mean to do that.

Mr Brian Burke: That is what happens when you are het-up.

Mr HASSELL: I am not a bit het-up, Mr Chairman. I believe the Government has a lot to answer for and the Premier dishonestly went on the radio today and asked where the evidence was. He asked why the Opposition did not bring forward the evidence, yet the evidence was in his office in a telex. Case after case has been presented to me, yet the Government simply goes headlong into legislation. The Costigan report sets out step by step what should be done. Costigan makes it clear, as we do, that there should be no attack on legitimate union activity. He said there is a need to define that activity and to define it very carefully so that it will not be confused with the criminal law. However, what does the Labor Party say? It states the following—

> These rights will be insulated from such legislation as the Fuel, Energy & Power Resources Act, the Essential Foodstuffs & Commodities Act, the Police Act, the Government Agreements Act and the State Energy Commission Act.

The Labor Party also stated at its Conference and the Trades and Labor Council stated at its meeting that there should be no application of the criminal law and no application of the Police Act to any industrial situation. The Federal Labor Party says that there should be no Trade Practices Act. Let us look at the record: No Police Act, no Criminal Code, no part VI of the industrial relations Act and no Trade Practices Act. What protection is to be left to the businessman? What protection is to be given not only to individual employees but also to the small businessman? What protection has this Government given to Mr Minniti? What miracle has been wrought?

Mr Parker: We have the police out there enforcing the law.

Mr HASSELL: They are not enforcing the industrial law. Who has been there to do that?

[Questions taken.]

Sitting suspended from 6.00 to 7.15 p.m.

Mr COURT: This Government's record on standover tactics and intimidation in the workplace is appalling. In previous debates in this Chamber we have discussed the question of industrial relations and the Opposition has been told by the Government to give it evidence of cases where intimidation has occurred. I remember that at one stage the Minister for Education and the Minister for Police and Emergency Services said, "Come on, come out with the facts". During the debate the Leader of the Opposition listed many cases of complaints regarding standover tactics and, for quite obvious reasons, the names of the people involved were not mentioned. However, when the Opposition did bring forward a case in that particular debate, it did what was requested and it gave all the information that was required.

As you, Mr Deputy Chairman (Mr I. F. Taylor), would know, when one is dealing in the field of intimidation and standover tactics it is difficult to name people because often their safety and the safety of their families is at stake and, in many cases, their business or their job is at stake. This was highlighted in the Costigan report where it looked into the activities of unions. It has also been looked at in cases involving the BLF. The Wran Government in New South Wales is appalled with some of the activities with which this union has been involved, but unfortunately that does not appear to be the case with the Government in this State.

The Opposition has given the Government evidence of standover tactics and intimidation. The evidence has not only been produced in this Parliament, but also this year many cases have been heard in the courts involving intimidation and standover tactics and the person concerned has been prepared to stand up and have action recorded against people dishing out those tactics.

The people who have approached the Opposition and asked it to publicise their cases have come to the Opposition in desperation. They have asked the Opposition to tell their stories to the public because they do not want other people to have to go through the process through which they have gone. In all cases they have mentioned that they have gone to the Government for help.

The Opposition has outlined these cases in this Chamber. Members will recall one case where a person went to three Ministers for help and, in each case, he was told by the Minister involved, or his department, that it would be better for him to pay the money and then the bans would be lifted.

Tonight members heard about the case involving F. R. Tulk & Co. Pty. Ltd., which is an engineering company. Mr Tulk and his team went to the Minister for Industrial Relations on 19 July—not just Mr Tulk, but also his management team, because that is the sort of business it is. Although the company employs over 100 people there is a close-knit relationship between the management team and the employees. The Minister was told in detail about the problems of the company and the threats it had received and how they would affect the business.

The Minister said the Government could do very little but, interestingly enough, at that meeting he also said to the management that the Government did not want the television channels to get hold of the story and this case to get onto television. That happened on 19 July which was just after the ALP National Conference. With all the goings-on over there, I am sure the Government would not want this case to be made public.

In the case of all the employers whose cases we have brought forward, they could not be accused of rushing to the Opposition without first going through the proper channels. They have all tried to get assistance from the Government in the first place and in all cases the Government has been kept fully informed.

The sad part about this particular case involving the Tulk company is that it happens to be one of those high technology companies that the Government has said it wants to encourage. The Government has said that these companies will be required to lift employment and to take us into the new era of high technology. The Tulk company operates in that field and is very proud of its record.

Mr MacKinnon: You would think the Deputy Premier would be at least slightly interested.

Mr COURT: I very much doubt it; he is not even here.

The company and its employees are very proud of their activities which are: Significant international technical consultancy and assistance to 14 countries; an ongoing workload developed from the Eastern States; a company that is aggressively creating markets in the Eastern States; technical recognition from the United States and Canada for the design and manufacture of high voltage coils and bars for large motors and generators; and, establishment of a research and development facility which is directly assisting the development of high technology coil and bar business from overseas. Approximately 60 apprentices have successfully completed their training at the Tulk company's Osborne Park premises. The company started from a humble backyard operation 27 years ago and it has grown to be a leader in Australia in the specialty field of upgrading, refurbishing, and rewinding coils and bars for large motors and generators.

The company has never been involved in industrial disputation. That is a remarkable record for the company. It is the type of business which all of us should be bending over backwards to help. Yet these officials from the ETU are prepared to put pressure on the company and to put it out of business simply because the employees do not want to belong to the union. Those tactics are being employed.

Another sad part about this case is that if the work is lost to this company it is possible that it will simply be carried out or the equipment supplied from overseas. The company represents one of the industries which services the mining sector. That sector has the choice of dealing with this company in Western Australia or buying its equipment from overseas. From 19 July onwards the Government should have been bending over backwards to do what it could to control the activities of the ETU which was trying to put pressure on the company.

As the Minister quite rightly said, when the organiser came onto the site he put the employees offside by the way he carried out his activities. When that happens it does not matter what compulsion is applied to the people concerned to get them to join the organisation; even if they do so they will not be willing members.

On 17 July a secret ballot was held as a direct result of the meeting held on 12 July with Mr Richards of the ETU. The result of that ballot which was carried out and balloted by employees was: Support for union membership 4; informal vote 1; do not support union membership 101. That is a pretty telling ballot, is it not? There is no point trying to pressure those people to join an organisation that they do not want to join.

This Government seems to be making a mockery of promoting the manufacturing industries in this State. It is bad enough for these businesses to have to face the cost pressures at all times. It is worse to have this added pressure, particularly when such companies are proud of their industrial relations record. The Tulk company could not have a better industrial relations record and it is

the type of company we should all support. The pressure being applied to it boils down to the bloody-mindedness of a union determined to increase its numbers by hook or by crook.

Since this Government has been in power it has given the unions an open hand to go and build up their membership without worrying about the tactics employed. That is no good to anyone. The unions should be able to attract membership because of their performance and the services provided to the members of the union. It does no-one any good to use standover tactics to make people join the unions. It does this Government no good either.

By the time these businesses come to Opposition members and outline their cases, having first approached the Government, it is often too late. Invariably once these cases become public the Government rushes around, and sends out industrial inspectors and such things when the situation has been known to them for some time. In some cases they have been informed weeks or even months earlier. In most cases the Government has been informed for months and has done nothing to help. The last thing we want to see is the quite fruitless situation occurring in Western Australia as is occurring in the United Kingdom. I refer in particular to the coalminers' dispute in the United Kingdom.

We do not want to see that sort of action here. We want to see companies such as F. R. Tulk & Co. Pty. Ltd. thriving. We want to see them doing well, employing a lot of apprentices, and working at the forefront of technology which the Deputy Premier said we should be doing in this State—and, of course, so we should. That company is pulling its weight and its record in that field is remarkable.

We have had cases in the building industry, in the transport industry, and we are now regularly getting cases coming to us from the clothing industry where certain sections of the union movement seem to be determined to wipe out subcontractors. Tonight I believe we have heard about one of the most serious cases in a high technology engineering field—a field in which we should be proud of the record of this company and the type of service it provides to the mining industry, in particular, in this State.

The Government is being absolutely stupid in trying to amend the legislation in this way. Standover tactics and intimidation in the workplace, whether the Government likes it or not, are rife and something must be done to help these people, because the easy way out for the employer when he is stood over or when things are made difficult for him, is to get out of the industry. He does not have much option other than to do so and, when he does, he takes employees with him. No wonder we are having trouble with employment when businesses which must struggle to make a living at the best of times have to operate under conditions such as those which apply to this great company whose case we are bringing forward in this Chamber tonight.

Distinguished Visitor: Mr Gordon Scholes

The DEPUTY CHAIRMAN (Mr I. F. Taylor): Order! Before we proceed further with debate on this amendment, it is appropriate that I should acknowledge the presence in the Speaker's gallery tonight of the former Speaker in the House of Representatives and the Minister for Defence, Mr Gordon Scholes.

Committee Resumed

Mr HASSELL: The telex message which F. R. Tulk & Co. Pty. Ltd. sent to the Premier about which the Premier says he knows nothing—and to the Minister for Industrial Relations (Hon. Des Dans), about which I understand he claimed in the upper House this evening he knew nothing—

Mrs Buchanan: He did not say he knew nothing about it.

Mr HASSELL: I think members will find, if they look back, that the Premier said he had not seen the telex. He said he did not know anything about it and Mr Dans said the same in the upper House.

Mr Parker: I indicated that the telex had been received and referred to the industrial inspectorate.

Mr HASSELL: But that is not what the Minister said in the upper House. He said something in that House quite different from what the Minister said on his behalf in this Chamber. In part, the telex reads as follows—

> We believe Mr Ken Richards, Mr Gandini and the E.T.U. are committing offences under section 96B and 96F of the Industrial Arbitration Act 1979-1982 and we hereby urgently request you to implement proceedings which will allow the company and its employees to carry on the legal right of normal business, free of intimidation, threats and black bans.

I raise with the Minister two specific questions: Firstly, will the Minister give this Chamber an assurance on behalf of the Government that this matter will be carried through to the point of prosecution? Secondly, will action be taken under this legislation—under the clear provisions of the

Act as they stand—to ascertain whether a conviction can be secured against this union?

There is absolutely no dispute: The union has said straight-out that it has gone about banning this company. It has banned its work. The union has gone to the iron ore companies and has told them they are not to provide work to F. R. Tulk & Co. Pty. Ltd. Those facts can be established from the written records of F. R. Tulk, not only of Mr Tulk himself and his associate management, but also from the more than 100 employees of the company. There is ample evidence of the fact that the iron ore companies not only ceased to give orders to F. R. Tulk, but also sought to take away from the company the work already given to it.

There is no end to the sources of evidence for what has happened, but will there be a prosecution? Will the Government be prepared to take on this union under the law?

If one reads the provisions of section 96B(3), one finds it is very clear that that is what the section is about. It reads as follows—

> (3) A person who—
>
> (a) advises, encourages or incites another person to engage in conduct in relation to a person or employee that would constitute an offence under subsection (1) or (2);
>
> (b) takes, or threatens to take, steps against another person for the purpose of causing the other person to engage in conduct in relation to a person or employee that would constitute an offence under subsection (1) or (2);
>
> (c) engages, or threatens to engage, in conduct having the effect, directly or indirectly, of prejudicing in his employment an employee who is—
>
> (i) not a member of an employee organization for the purpose of causing that employee to become; or
>
> (ii) a member of an employee organization for the purpose of causing that employee to cease to be,
>
> a member of an employee organization; or
>
> (d) demands from a person who is not a member of an employee organization (in this paragraph called the non-member)—
>
> (i) directly or indirectly for the benefit of an employee organization or of a person acting on behalf of an employee organization; and
>
> (ii) with threats of injury or detriment of any kind whatsoever to be caused to the non-member by any other person if that demand is not compiled with,
>
> any thing, or that any thing be procured to be done or omitted to be done by the non-member,
>
> commits an offence.

There is no doubt on the face of what has been related to this Chamber tonight and what can be so easily verified from so many sources, that serious offences have been committed. Hon. Des Dans has made it clear that he will not enforce this law. I ask the Minister to tell the Chamber in the debate tonight whether this matter will be taken through to a prosecution, if the evidence can be obtained. I have no doubt that the evidence can be obtained. It is there in writing; the evidence is on the record. I ask the Minister whether there will be a prosecution of this union, of Gandini, of the man Richards, and of the Electrical Trades Union. Will action be taken?

That is the first specific question I ask the Minister to answer. I then ask him this: When the Minister succeeds in this Chamber in removing that provision of the Act which prohibits this conduct, what protection is left for people in the position of F. R. Tulk & Co. Pty. Ltd?

What is to be their protection from these kinds of activities—a union which goes into a workshop in Osborne Park and says to the men, "You will join this union or you will not have jobs"? When the men by an overwhelming vote refuse to join that man's union, he spends the money earned by unionists and paid by them in union dues to go to the Pilbara to engage in illegal activities. That is what this man Gandini did. He took the money from the union members and travelled to the Pilbara to engage in illegal activities. There is not one word of condemnation from the Government. There is not one endeavour to do something about the matter.

I ask the Minister to inform the Chamber about what the protection will be. This Government has said through Mr Dans and through its policy that criminal law will not apply.

Mr Parker: It has not said that at all. It is not true.

Mr HASSELL: Let me quote to the Minister the policy document.

Mr Parker: You quoted it before and it does not say that.

Mr HASSELL: It reads as follows—

> These rights will be insulated from such legislation as the Fuel, Energy & Power Resources Act, the Essential Foodstuffs & Commodities Act, the Police Act, the Government Agreements Act and the State Energy Commission Act.

Mr Parker: It is not true.

Mr HASSELL: The Government has had the clearest of statements from the Trades and Labor Council and the ALP State Conference that the Criminal Code and the Police Act should not apply. The Commonwealth Labor Government has recently tried unsuccessfully to remove section 45D from the Trade Practices Act. What will be the law and protection for these people? Why does not the Minister tell us this on behalf of the Government? What is to stop this misconduct in the absence of prohibiting law? What is to be done with companies such as F. R. Tulk & Co. Pty. Ltd., a highly successful Western Australian company where the employees, because of their relationship with each other and their employer will not join a union and have no reason to do so? I can tell members about Mr Tulk and his activities because I have known him for a long time and I know how he operates his business.

Mr COURT: I do not quite know what the Minister was trying to imply just now when he said something about the Leader of the Opposition saying that he knows a successful engineering company proprietor in this State.

Mr Hassell: What does it explain?

Mr Parker: It explains, for a start, the fact that telexes were received yesterday, and you indicated when you first started speaking that you were aware of the matter yesterday but were not able to do anything about it prior to its release today.

Mr Hassell: I didn't see the telex yesterday.

Mr Parker: The member was advised about it at the same time the telex was sent, apparently.

Mr Hassell: I was not free to raise the matter.

The DEPUTY CHAIRMAN (Mr I. F. Taylor): Order! The member for Nedlands.

Mr Hassell: I would be interested to hear about it.

The DEPUTY CHAIRMAN: Order! The member for Nedlands.

Mr COURT: Mr Tulk could have come to see us at any time from 12 July.

Mr Parker: He could have come to see us at any time too.

Mr COURT: He did so on 19 July.

Mr Parker: He did not come back again until yesterday.

Mr COURT: Mr Richards approached Mr Tulk on 2 July advising of his intention to unionise the switchboard and associated service industries. On 17 July, only a few days later, a lengthy and detailed meeting was held with the Minister. The Opposition got to know about it in November!

Mr Parker: At our meeting the Minister set out with a clear understanding that they got what they asked for and if they wanted any more they would come back.

Mr COURT: A clear understanding not to put the case on television came out of that meeting.

Mr Parker: Did the member hear about it only yesterday?

Mr COURT: In July they went to the Government and in November they went to the Opposition and that refutes what the Minister was trying to imply.

Mr Hassell: It speaks volumes for the sincerity of the Government, too.

Mr COURT: The Minister for Industrial Relations has said, "Come up with the evidence of standover tactics and intimidation. We will do something about this problem which you are saying is out there". We have come forward with this evidence this year and every time we have been asked to supply a case we have done so and as yet the Minister has not honoured with his side of the bargain which is to conduct a judicial inquiry into this problem.

In relation to secondary boycotts, it is interesting that in regard to this one form of protection which is available under the Trade Practices Act, the Federal Government wants to get rid of those provisions and it was only because the measure was defeated in the Senate that we still have that form of protection in our legislation. As the Leader of the Opposition mentioned, we have the Criminal Code, the Police Act and attempts to get rid of secondary boycotts and it really does not leave a lot of protection to help those people who are on the receiving end of some of these activities.

I make clear that 99 per cent of Australians, and probably more, do not like standover tactics or intimidation. The same situation would apply to unionists. Approximately 99 per cent or more unionists do not like these activities and do not like what is going on about which we are hearing so much. We are hearing only about the tip of the iceberg in regard to some of the activities that are occurring. The unions do not like hearing about it because it is a blight on their good name for the

good work they do in the community. It is unfortunate for these reasons that the Minister's office, this Government and the Department of Industrial Relations has allowed these tactics to get out of hand.

We all want businesses to prosper and to be successful. We want people to have the freedom to voluntarily and not compulsorily join unions. We want them to have the option to join unions, but pressure is applied on employees by people such as the organisers for Mr Gandini, Mr Richards and others in this case who seem to be determined to destroy the company just to get all the members to join the union. They go out to a business with a perfectly happy, good industrial relations record and they say their intention is to unionise the switchboard and associated service industries. We have outlined tonight how they go about doing so. If these people want to break a company, I am quite sure they could do so. If they want to break the people who own or work in that company, I am quite sure they could do so, but it is a sad day for Australia if we all sit back and allow this sort of thing to happen. It is a very sad day when a Government sits back and is told in all detail about what is taking place in the workplace and it does not do anything about it.

Mr Tubby: It is an absolute disgrace!

Mr COURT: The Government allows a union organiser to say to those employees, "Boys, you have a simple decision to make: Union membership or no work". It is very difficult for employees to accept that sort of situation when they are very proud of the fact that they work in a company such as F. R. Tulk & Co. Pty. Ltd.

Mr Hassell: A progressive company.

Mr COURT: I would like the Government to reconsider its stance on this matter. I fully realise the pressures it is under from the TLC over this section of the legislation, but it must realise that what is occurring in the workplace is giving the union movement a bad name and it is certainly giving this Government a very bad name.

Mr PARKER: This is not a question of reply, but I wanted to make a few points in respect of the questions which have been raised by the Leader of the Opposition and the member for Nedlands. Firstly, I want to reiterate some points I made in answer to a question in this Chamber during question time this evening, and that is to say that one must question the credibility of this company in this issue. I do not know the detail of the matters to which the Leader of the Opposition has referred in terms of the iron ore industry or anything else. The very first time I heard about them was at 4.30 or 4.45 this evening and, as members would appreciate, I am at somewhat of a disadvantage in that regard since this is not actually my portfolio. However, I do happen to have some knowledge of the matter because of the discussions to which I referred which took place in Bangkok at about the same time in mid-July. I cannot remember the exact date.

As I said before, I was approached by Mr Roy who is a senior executive of the company—I cannot remember his precise title; perhaps he is the marketing manager—who was genuinely concerned about the attitude expressed to him by the ETU. I indicated that and the member for Nedlands has referred to one aspect in his speech this evening. If what Mr Roy said to me and what has been suggested about the ETU or its organiser is true, I have no time or support for it whatever. I told Mr Roy that in July.

Mr MacKinnon: You are now taking every section out of the Act that would give you power to deal with it.

Mr PARKER: That is not true.

Mr MacKinnon: It is true

Mr PARKER: It is not, and if the Deputy Leader of the Opposition listens he will discover why.

I expressed sympathy with the company's position, and Mr Roy really wanted to talk to me to see what he could do about it. It was a request for a discussion about the avenues and possibilities. I enunciated the various possibilities which were available including legal remedies, and not only under this Act.

Mr Hassell: Did you suggest he use the Trade Practices Act?

Mr PARKER: No. There are a whole host of legal remedies which I suggested in general terms. I am not a lawyer and I did not have any Acts with me. I talked about the generality of the legal remedies available and suggested some ways he could look at from the point of view of negotiating, which was his preferred course.

Mr MacKinnon: Have you tried negotiating with thugs?

Mr PARKER: I suggested various things he might try and said that they may or may not work and that if he wanted further assistance from me, given we would both be back in Western Australia shortly, and things did not work out, or he was not prepared to try them, he could come back to me at any time for further assistance. I did not know at the time I was talking to him that he or the company management had had meetings with Mr Dans. It may be they were taking place at the

same time. As I said, I cannot remember precisely the dates.

At no time until about 4.45 p.m. today have I had any further approach from Mr Roy or anyone else from F. R. Tulk. I saw him subsequently about six weeks ago at a debriefing session we had for the people who had been on the mission to Thailand, and in a general way without meaning anything serious I said, "How are you going?" and he said, "Fine" and did not raise the matter with me. Of course he did not have to raise the matter but he did not do it. I did not think about it because I had forgotten about it. He could easily have raised it at any time and he had a direct opportunity to do so at the debriefing session. Since that time I have not heard anything from the company about anything at all, and there is nothing wrong with that.

Then we get a situation—and this relates to the credibility of the company— in which a telex was sent yesterday to my colleague the Minister for Industrial Relations, with a copy to the Premier, and on the same day according to the Leader of the Opposition he was aware of the subject but, to use his words, he was not cleared to release it. The following day, although there had been no chance for a response from the Government, and quite apart from the fact that the company could have gone to the Government at any time or done other things separately at any time in terms of lodging complaints with the industrial inspectorate—

Mr Court: It went to the Industrial Commission and the commissioner said the ban should be lifted.

Mr PARKER: The day after the company sent a telex to the Minister for Industrial Relations and a copy to the Premier it cleared the Leader of the Opposition to raise the matter here. Most of the Leader of the Opposition's colleagues, certainly those on the front bench, would know that the number of matters dealt with in Government on the same day or the next day could be counted on the fingers of one hand because of the vast volume of correspondence and telexes which come to one's office.

There seems to be a feeling on the part of some people, and the unions seem to be the worst perpetrators in this, that if they send a telex it will get greater attention than a letter. That is not the case at all; the only difference is that a telex is more difficult to read.

Mr Old: Some letters are pretty hard to read.

Mr PARKER: That is true, but I was talking about typed letters. There is nothing magical about a telex. Like every other piece of correspondence it is received and dealt with. I understand from the staff of the Minister for Industrial Relations—to answer a comment from the member for Nedlands, the Public Service staff—the matter was speedily and expeditiously sent that day for determination by the Office of Industrial Relations and the industrial inspectorate. I do not know whether it was seen by the Minister. Different Ministers have different practices. I always see all correspondence at some stage, although if my staff feel it is an important matter they will often refer it to the department knowing that I will not see it until later that day, and leave a copy on my desk. I do not know what practice my colleagues follow. The most important point is that the matter was referred to the appropriate Government agency that same day.

The following day, today—and I do not know what the Government agency has done because less than 24 hours has elapsed—the Leader of the Opposition chooses to raise the matter here. What is the credibility of a company which comes forward in that way? It has raised the matter twice, once with the Minister and once with me, and on both occasions—certainly on mine, and I understand on the occasion of the meeting with the Minister for Industrial Relations—the company was invited to return if the various solutions which were suggested proved to be not viable. It did not return until this telex was sent—

Mr Court interjected.

Mr PARKER: It may have gone to the Industrial Commission, but it may surprise the member to learn that body is completely independent of the Government. The fact is the company has gone to the commission and that almost excludes the consideration that the Government is involved.

Mr Court: This has been worrying these people for four months; they have gone through the correct procedures and gone to the Government and to the Industrial Commission. You can get technical about these things.

Mr PARKER: If they were so worried why did they not come back to the Government in August, September, or October?

Mr MacKinnon: Because their previous experience had given them an indication that they would not get a favourable hearing.

Mr PARKER: Rubbish! I do not know what the Minister for Industrial Relations told them—I cannot speak from personal experience because I was not there—but I am told the discussions were cordial, amicable and co-operative and that the company was told that if it wanted anything further from the Government it should come back; but it did not.

I know from personal experience what was said in the discussions with me, and I said the same thing. I told Mr Roy what he could do and that if it did not work or he wanted further assistance he should come and see me and I would do something about it, whether by going to the organisations concerned or to my colleague. I did not know at the time a meeting had been held with my colleague. Yesterday the telex was sent and the Leader of the Opposition knew about it then, and today it is here in the Assembly as an issue. I do not mind that, that is fine. If that is the way companies want to operate that is their affair. If they think that is a proper way to proceed, it is up to them.

Mr Hassell: The more you attack that company, the more you are digging your own grave.

Mr PARKER: Let it not be suggested by the Leader of the Opposition that as a result of that there is some failure on the part of the Government when the Government has been approached and has had discussions and not been asked to do anything. On the day a telex was received it was referred to the appropriate Government agency, and in view of that, nothing can be alleged about any failure of the Government.

There has been no opportunity for the Government to do anything. Do not suggest that it has had an opportunity, because whatever may be the merits or demerits of the company, as far as the union is concerned the Government has played no part in this case. It casts grave aspersions on the integrity of the company if it is prepared to suggest that the Government has failed in some way when the facts are as I have recorded them. Some of the things I have said are a result of a conversation I had with a senior representative from that company.

The Opposition said that it raised allegations and that the Government did nothing about them. That is not true. The Opposition failed to say in a debate in this place earlier this year that the allegations which were raised against the trade unions were investigated by the Police Force. Does the Government tell the Police Force to prosecute? It does not, it advises the Police Force of the allegations made and it is up to it to investigate the complaints and see whether there is any ground for the allegations. That is what happened.

The Leader of the Opposition, when he was Minister for Police, would have been the first to cry long and loud about any suggestion that he had intefered in the operational decisions of the commissioner. What the Government did was appropriate: It referred the allegations to the Police Force and asked it to further investigate them.

In May 1984 the Government referred to the Police Force the complaints that had been made, as it indicated it would; and on 8 July the Commissioner of Police said that the allegations made by the Leader of the Opposition and the member for Nedlands had failed to uncover any criminal activity.

I would like to refer to an article which appeared in *The Western Mail* on 8 July.

Mr Hassell: What do you think is the basis of the O'Connor prosecution?

Mr Carr: That is one exception.

Mr PARKER: What are the criticisms that can be levelled at the Government in that case? It referred the matter to the Police Force to investigate and the police decided, correctly or incorrectly, whether there was a case sufficient for them to issue a prosecution. The member for Nedlands referred to pressure from the trade union movement for the Government to interfere with the decision of the police. Has there been any interference in this case by the Government? There has been none. In fact, it is quite the opposite, because the Government has deliberately refrained, and it indicated to the Trades and Labor Council and others that it would refrain in any intervention in the police case against O'Connor.

Whether there has been some scintilla of evidence that O'Connor may or may not be guilty of the offence, the same thing has happened. The Police Department made the investigation and it was done without any interference by the Government. The Police Department laid the necessary charges and the court will decide the matter. The Government has not interfered and it is doing the right thing in relation to this complaint.

As I mentioned, I refer to an article in *The Western Mail* under the headline, "No union thugs, says police", which reads as follows—

> Building unions accused of blackmail and coercion by the State Opposition have been cleared by police after two months of CIB investigations.
>
> Police Commissioner John Porter said allegations by Opposition Leader Bill Hassell and Liberal front-bencher Richard Court had failed to uncover any criminal activity.

Further on it states—

> But a CIB detective involved in the investigations said there was no evidence to suggest a need for police action.

Mr Court: There have been convictions.

Mr PARKER: I am not aware of convictions.

Mr Court: About two weeks ago a brickie in Armadale said that they had gone onto his site. He took the case to court.

Mr PARKER: There have been convictions resulting from the normal course of duties of the police, and that is the way that things should be handled.

Take the Ethell case. The Government did not raise it. He was foolish enough to appear on television, and without any instruction from the Government the police prosecuted him, and he was convicted.

The Opposition has said there has been a failure on the part of the Government—it is one thing to say things happen in the community that we do not like, but it is another thing to say that the Government has failed in some regard in dealing with these matters. Nothing that has been said in this Chamber today suggests any failure on the part of the Government.

The Opposition is indicating how desperate it is in regard to these matters. The only desperation involved is the Opposition's desperate bid to find an issue.

Mr Court: We are trying to help 150 people who have good jobs.

Mr PARKER: If the Opposition had been helping them and Tulk had been helping them, why did he not go to the Government?

Mr MacKinnon: He knew the answer he would get.

Mr PARKER: That is nonsense. He was invited to come back by my colleague and his senior employee was invited to come back by me. If what the Opposition says is true—I do not know whether it is—those people have no credibility with me, because I gave them the opportunity to come back and it was not taken up.

I would like to make something crystal clear: The prosecution which has been taken by the police against Mr O'Connor and which I referred to earlier, had nothing to do with this amendment and it will not have any effect on whether Mr O'Connor is prosecuted. However, what it does show is that other remedies are available for people who want to seek them if they allege they have in some way been disadvantaged. The second question put to me by the Leader of the Opposition was, "What protection is left if this section is removed from the Act?" I will tell the Chamber what protection will be left. Any person subjected to intimidation, threats or interference with contracts has available to him legal action through common law rights or rights granted under the laws of this Parliament—the Criminal Code and the Police Act. If a person is intimidated or receives threats and he wishes to obtain a remedy, common law actions are available which would, in fact, be the traditional avenue for that approach. Common law actions which would be available in a union inflicted case would include inducing breach of contract, conspiracy, and intimidation.

There is case law on these matters and the *Australian Law Report*, paragraph 7-912 states as follows—

> . . . (i) inducing breach of contract (see Thomson v. Deakin (1952) Ch. D. 646); (ii) conspiracy (which may be either "conspiracy to injure" . . .

Cases of intimidation have been dealt with on a number of occasions by common law as a result of union matters.

Section 560 of the Criminal Code refers to conspiracy and reads as follows—

> Any person who conspires with another to effect any of the purposes following, that is to say:—
>
> (1) To prevent or defeat the execution or enforcement of any Statute law;
>
> (2) To cause any injury to the person or reputation of any person or to depreciate the value of any property of any person; or
>
> (3) To prevent or obstruct the free and lawful disposition of any property by the owner thereof for its fair value; or
>
> (4) To injure any person in his trade or profession; or
>
> (5) To prevent or obstruct, by means of any act or acts which, if done by an individual person would constitute an offence on his part, the free and lawful exercise by any person of his trade, profession or occupation . . .

Sections 558 and 559 of the Criminal Code relate to conspiracies to commit various offences.

Mr Hassell: Will you get the police to investigate the Tulk case?

Mr PARKER: We will get the police to investigate the Tulk case. We are happy to do that. There is absolutely no compunction about saying that.

The truth of the matter is that what the Labor Party is saying—I cannot speak on behalf of the trade union movement—

Mr MacKinnon: They speak on your behalf.

Mr PARKER: —is that criminal matters ought to be dealt with by way of the criminal law, not industrial law. No-one in the Labor Party is saying there should be an immunity from criminal law for actions by people who undertake industrial actions. There should be a place to deal with criminal activity, and that is in the criminal law, whether under the Criminal Code, the Police Act or any other enactment, and the proper place to deal with industrial disputes is in industrial law.

We have no objection at all, and my colleague, the Minister for Industrial Relations, when this very provision was debated in the upper House in 1982, said exactly the same thing. He said this—

> The Minister has belly-ached about the Builders Labourers' Federation, but on many occasions people associated with that union could have been apprehended and charged under the Criminal Code of this State.
>
> The Hon. P. G. Pendal: Would you have supported that?
>
> The Hon. D. K. DANS: Yes, I am giving the truth. I have said publicly that I would support that action.

He said that, if people resorted to violence in the workplace, the law, as it stands, is outside industrial law.

My other colleague, the Attorney General, who spoke in that debate in the Legislative Council, said this—

> I join with my leader in this Chamber, the Hon. Des Dans, in saying that I do not deny that examples can be brought of conduct by unionists which is improper and intolerable by any standard. Threats to workers' physical safety or employers' physical safety would come within that example and so does malicious destruction of property. We already have legislation outside the industrial arena which is directed at punishing that sort of conduct. We have that in the criminal law. If the existing provisions are inadequate to deter the conduct complained of, we should amend that legislation. We should not try to achieve that end by this broad brush approach to industrial legislation which goes much further than the declared objective of the Government itself. . .

Those comments were made by my colleague in the other place.

Of course, there were some brief references by the Leader of the House to the Costigan report. Apart from the controversial aspects of the Costigan report, it is interesting that despite the fact that a number of volumes of the Costigan report relate to the painters and dockers' activities, virtually no publicity has been given to any of those recommendations. When one looks at the recommendations Mr Costigan made in that regard, he specifically stated that the main recommendation is the need to distinguish clearly between industrial and criminal law, and to use industrial remedies for industrial activities and criminal remedies for criminal activities.

Mr Hassell: That is true, but he was saying the kind of activities we are referring to here need to be dealt with in a special law.

Mr PARKER: He talks about a criminal sanction. Let me tell members what he says.

Mr Hassell: I shall be quoting it extensively. I know what is in there.

Mr PARKER: This is the general effect of criminal sanctions on page 147 of the report. It reads—

> The Trade Union Movement is constantly engaged in the legitimate use of its power to withdraw labour to gain legitimate ends. These ends are related directly to the improvement of wages and other conditions of employment. They are financial advantages which they seek.
>
> The demands of Unions are met by employers who seek to minimise the financial loss their acceptance would entail. Often the demands are "excessive" when seen through the eyes of the respondents. Indeed, Unions make little secret of the use of the tactic of demanding more than they really seek. This is not unusual in commercial affairs. It is done often by businessmen between themselves when negotiating agreements. However, as they do between themselves, the respondents often characterise the Union demands as "extortionate" or "blackmail". By this they do not mean that they are unlawful demands but that the amount demanded is far too great for the work done. Thus they label demands excessive in amount by terminology which the law uses to describe demands which are unlawful, dishonest and criminal.
>
> Hence when it is proposed to use the general criminal law to deal with demands in the industrial scene, there is an understandable fear by many that the criminal law may be employed against them to prevent the normal and legitimate negotiation of agreements.

The criminal law speaks in very general terms, and provides no explicit exception of legitimate industrial negotiation. Although the Courts, in applying the criminal law, would exclude lawful negotiation, that exclusion does not appear on the face of the Statute; and so the fear arises. It is not abated by expressions of faith that the law would be so limited.

In these circumstances, if the criminal law is to be applied in this area it should explicitly state that which is, and that which is not, criminal. There should be no misunderstanding as to what is prohibited. No misunderstanding on the part of the Courts; but, more importantly, no misunderstanding by laymen reading the law's description of the offence. Industrial negotiations are usually conducted by people not trained in the general law, and certainly inexperienced in the criminal law. It must be made clear to them that the criminal law has no application except to that conduct which they, in their experience, would recognise plainly as being wrong.

Mr Hassell: The law we are talking about is not criminal law.

Mr PARKER: That is absolute nonsense, because Costigan is clearly distinguishing between what is criminal to be dealt with under the criminal law, and what is industrial to be dealt with under the industrial law. If the allegations made concerning the dispute in this business relate clearly to criminal activity, they should be dealt with as a matter of industrial disputation.

Mr Hassell: Is that your solution to this problem, to deal with this as a matter of industrial disputation?

Mr PARKER: No, I said the reverse. I said if the sort of activities to which the Leader of the Opposition is referring are occurring—and the credibility of the company is significantly in doubt, given its performance over the last few months—there is no doubt that the fact this provision is not in the Act would not mean that the matter could not be dealt with. Such a suggestion is nonsense. In fact it could be dealt with in its more appropriate form, namely within the industrial law.

There are other sections to which I have not referred. There is section 441 of the Criminal Code, which talks about damage to property; section 338, which talks about threats; section 318 and other sections. Sections of the Police Act, such as section 54, for example, talk about disorderly conduct. All those matters are capable of being complained of, or being initiated by people who want to have matters addressed and remedied. This Government does not have a record of interfering or stopping the exercise of those provisions. In fact, the position is precisely the reverse: It has a record of ensuring that the law is carried out to the full. That is the record of this Government.

The Leader of the Opposition also asked whether, if the matter is referred to the industrial inspector, it will be carried through.

Firstly, I point out that part VIA of the Act is a matter for determination not by the Minister for Industrial Relations but by the Attorney General or by an industrial inspector. Prosecutions could be initiated by the Attorney General or an industrial inspector. Indeed, prosecutions were initiated by an industrial inspector during the latter stages of the former Government's period in office. That was in relation to Hamersley Iron. I think there was one other matter, which I cannot recall at the moment. Certainly, the one that did go to court was in relation to Hamersley Iron. What is the record of this Government in that matter? It would have been very easy—and certainly some pressure was applied—for the Government to have instructed the industrial inspector to withdraw that complaint. It is quite the reverse. We have taken the view that the industrial inspectors are independent agents under the law and if they lodge complaints the complaints should be pursued to their conclusion. The industrial inspector had lodged the complaint in question concerning a fellow by the name of Rhys at Hamersley Iron. We deliberately stood back and said, "No, there will be no interference with the decision of that industrial inspector to prosecute that company". At some considerable risk—and the pressure did not mainly come from the trade union movement for the Government to do something about that—we decided that that was the appropriate method of proceeding and that we would not interfere, in the same way as we have not interfered in the O'Connor case, or the Ethell case, or in any other case. We have let the appropriate agencies of the Government go about doing their job in enforcing the law. It is not our job to enforce the law. It is our job to ensure that the agencies of Government which are created to enforce various laws can enforce them; and we have done so.

Mr Mensaros: In a more sophisticated way you are just passing the buck.

Mr PARKER: Nonsense. The member should talk to his leader, about what he would say about the Government interfering and telling the Police Force what to do when enforcing the law that comes within its jurisdiction.

Mr Mensaros: That is a different matter.

Mr PARKER: That is not different. That is exactly what we have done. We have completely stepped aside and said, "Here are the allegations, we will send them through to you". As I said to the Leader of the Opposition earlier, we will send to the police the F. R. Tulk allegations or any other allegations he comes up with, or the people themselves, if they have any sense to go directly to the police. We will send them to the police and I have no doubt that we would not need to do anything to ensure that the police did properly investigate that matter.

In the case of industrial inspectors we have also taken the view, that although they are public servants, and theoretically could be instructed to do anything that the Minister chose, they are independent in so far as their decisions on these matters are concerned. That is this Government's record, and we did not interfere with that prosecution. It went ahead, and in fact Crown Law officers were supplied to represent the industrial inspector in the court. As it turned out, the man was found not guilty, which was quite obviously a legitimate outcome. Who knows whether any of these people will be found guilty in these matters: that is a different question. The important thing is that this Government not only has not done anything to interfere with the appropriate performance of the law but also it has facilitated the due processes of the law by ensuring that allegations which come to our attention are drawn to the attention of the appropriate law enforcement agencies—as this F. R. Tulk matter has, when yesterday we received it and sent it to the industrial inspector. I do not know whether it is going to be prosecuted. I do not know whether the industrial inspector will decide that it is worthy of prosecution. I do not know whether the police, once they have investigated it and spoken to the Leader of the Opposition, and presumably Mr Tulk and anyone else, will decide it will be prosecuted.

What I am saying is this: This Government will not interfere with the industrial inspectors or the police in their decision as to whether prosecution should be taken under either industrial law or criminal law.

Nor will we interfere—and nor could we—in the common law remedies which may be available to the people by going directly to the courts without any reference to Government. None of those things has happened in this case. We have a stunt which has been created by the Leader of the Opposition for the purposes of this evening's entertainment, a stunt in terms of the way in which this matter was brought up.

If it is true, I am not disputing the seriousness of it, but certainly one has to have some doubt about the credibility of the people concerned, given the fact that despite the many opportunities that they have had, when this matter was finally brought to the attention of the Government, less than 24 hours' notice was given to the Government to do something about it before it was given to the Opposition. As the Leader of the Opposition said, he even knew about it yesterday, before he was allowed to "clear it", as he put it.

Mr Court: Don't you think it was only fair that it go through the Industrial Commission?

Mr PARKER: I am not disputing that; there is no argument with that. What is the point?

Mr Court: It is not a stunt, we have to bring it up on this basis.

Mr PARKER: Absolute nonsense. What I am saying is that immediately the Government became aware that the matter was a continuing problem—and the Government is not aware of what goes on in the Industrial Commission and nor should it be—it did what was appropriate: It referred the matter immediately to the industrial inspector. Apparently, according to what the Leader of the Opposition said, it was even referred by the Minister's office before the Minister had a chance to see it. That should be applauded, not criticised.

Mr Court interjected.

Mr PARKER: As I understand it—and I was not at the meeting—there was a lengthy discussion. I think either the Leader of the Opposition or the member for Nedlands confirmed this fact. At the end of the meeting I was advised that the clear impression my colleague had was that the company concerned did not want him to do anything further, but rather wanted to go away and explore various solutions. My colleague extended to the company representatives the invitation to come back. That is what I am told. I cannot swear to that, but I am sure that my colleague and his staff are telling me the truth.

What I do know to be the case is that I gave a similar offer. I was not asked to do anything. I was asked for some advice. I gave it and I also issued a similar offer to another person within the same company to come back to me if there was any problem. Nothing happened, despite the fact that apart from the myriad opportunities available simply by picking up the telephone or writing a letter, there was also a specific opportunity when I saw the same person a couple of months ago.

It was quite legitimate for them to go to the Industrial Commission and to approach the Minister in July. It was quite legitimate for them to send the telex they sent yesterday. But for it to be suggested that there has been some failure on the

part of Government because we did not respond within the last 24 hours to a telex which was received yesterday, is extraordinary. It throws into doubt the whole credibility of the Opposition and the company on this issue. I am prepared to concede that, perhaps—naively—the company did not realise that the Opposition would use this matter in the way it has. If that is the case, one would have to give further consideration to the way in which one might look on this company.

If what has been said about the dispute is true, it is a sorry dispute, and ought to be dealt with. But the way in which this matter has been raised by the company and certainly by the Opposition is an even sorrier episode and throws into doubt the credibility of the Oppositon—if it ever had any credibility—and probably that of the company as well.

The truth of the matter is that the repeal of part VIA as provided for by this amendment and the subsequent amendment will not have any impact on this matter because the full force of the criminal law, whether by way of the criminal code or the Police Act, and civil remedies which are available, will continue to be available, as will the dispute-settling mechanisms of the Industrial Arbitration Act. So, there are different ways of dealing with it. Attempts can be made to deal with it by a dispute resolution. People do not have to travel that route first; they can go straight to the Criminal Code or the common law route. If they try the industrial dispute-resolving procedure, which is what this Act is designed to facilitate, and that does not work, they can go to the other alternatives.

What has been suggested by the Opposition is that in effect there ought to be criminal sanctions in the Industrial Arbitration Act, or the industrial relations Bill, and the Government totally and completely rejects that.

Mr HASSELL: Mr Deputy Chairman (Mr I. F. Taylor), I do not claim you are responsible for the Standing Orders of this Chamber. However, it does seem to be grossly unfair that the Minister is allowed time to make a very lengthy speech and I have only 10 minutes with which to deal with it. I know the Minister has not spoken before, and that I have, but it seems a very outdated provision.

The Minister tries to make out that all in the garden is rosy, and that what the Government is doing is standing aside and letting the law be enforced.

Let us look at the facts. The facts are that Hon. Des Dans has made it clear on the public record that he will not enforce part VIA of the Industrial Arbitration Act; he will not use its provisions. *Hansard* shows that he referred to the provisions as "filthy" legislation.

If the Government was in any way dinkum about protecting people, it would not have needed a telex to the Premier and to the Minister to get an industrial inspector sent out. An industrial inspector would have been sent out by the Industrial Commission because the commission was approached about this matter last week when the company sought a hearing date. Why did the Industrial Commission not send out an industrial inspector? The reason is that this Government will not enforce the law.

Mr Parker: The commission does not have industrial inspectors.

Mr HASSELL: It has the power to require an investigation by an industrial inspector; but the Government has made it clear that it will not have investigations. The Industrial Commission is responding to the Government's position on this matter by not enforcing the industrial law.

Mr Parker: It is a totally independent body and you are grossly insulting it by suggesting it will be influenced by the Government.

Mr HASSELL: The Government has set the whole climate of opinion and action by resisting the enforcement of the law. I previously asked whether this matter would be carried through to prosecution, and the Minister referred to the Criminal Code. Because I do not have much time I cannot refer to all the arguments, but I want to deal with this point.

The Minister is really saying that this matter of attempted enforcement of union membership at F. R. Tulk and Co. Pty. Ltd. is a matter for the Criminal Code. Precisely what the Minister is saying is that we should take away part VI of the Act, which deals with industrial intimidation, and rely on the Criminal Code. That is what he must be saying because he is saying that part VI is inappropriate and that the Government is going to get rid of it and rely on the criminal law.

This is precisely what Costigan talked about and it is precisely what the Minister has quoted. The kind of intimidation and standover tactics indulged in here might, in a broad sense, be a criminal act within the Criminal Code, but in reality what was the objective of the union? The objective was not to break F. R. Tulk; it was not to extract money from the company; it was not to disadvantage the company. The objective was to enforce the employees of the company to become union members against their will.

It seems to me that if ever there was a case about which it would be reasonable to say that this activity was in the nature of industrial activity,

however wrong, this is such a case. This is the sort of case that Costigan was saying should be defined very clearly as being illegal industrial activity as distinct from criminal law activity, even though in the broad concept it may be criminal.

I quote from page 147 of the Costigan report as follows—

> There are two difficulties in the present laws governing this matter and those difficulties reach far beyond the waterfront:
>
> (1) The criminal sanctions are too general in their effect and raise issues of concern to legitimate trade unionists in circumstances where such concerns should be clearly set to rest.
>
> (2) The effect of the crime is not felt so much by the participants as by the community. The payments are passed on.

What Costigan is saying is that these kinds of standover tactics of trying to bring a company to its knees if it will not force its employees to join the Electrical Trades Union are exactly the sorts of matters that ought to be covered in a new law. What we are saying is that we have that kind of law in part VIA of the Industrial Arbitration Act. The Government is trying to get rid of that law. When the Government is confronted with a case of the stark reality of the Tulk situation, the Minister reverts to saying, "We allow the law to take its course; we allow people to enforce the law; we allow the agencies to enforce the law; but we do not believe we should have this law". The Minister then quoted extensively from the Criminal Code.

This Minister will have some accounting to do to his masters in the Trades and Labor Council when they realise he is saying that all this industrial activity, however wrong it be, really comes under the Criminal Code and ought to be treated that way.

Mr Parker: If it is true that that is what has occurred.

Mr HASSELL: As Costigan said, the criminal sanctions are too general in their effect. These sorts of cases do not fit precisely into criminal law because the criminal law is directed to situations where a person is trying to get some gain for himself. The Minister does not understand the criminal law. The criminal law and the Criminal Code are directed to cases where a union man goes in and says to a company, "Pay me some money". This union has not said to F. R. Tulk, "Pay some money". This union has said to Tulk, "Force your employees to join the ETU or one of the other unions, or we will bring you to your knees", and it has proceeded to do just that. I would be very surprised if this case could be brought within the Criminal Code.

The Minister is seeking to take away the protection and the remedy available in this case. He will not say that there will be a prosecution under this legislation.

Mr Parker: I said that the industrial inspectors would make that decision based on the evidence they have, and free from Government interference.

Mr HASSELL: Yet they were not available to look at the matter when it was put to the Industrial Commission. There is no enforcement arm.

Mr Parker: That is just not true.

Mr HASSELL: When we had this trauma before, we asked the Government to establish a special unit of the Police Force to actively investigate these matters and to seek them out, not to wait until some company big enough and strong enough—as is Tulk's—comes forward to give the facts. We wanted such a unit to get out there to find out what was going on and to take some action. But the Government refused to set up that kind of unit.

The Government does not want to enforce the industrial law. There has not been one word from the Minister in condemnation of the present disastrous situation in the building industry, the transport industry, and on the wharves.

Mr OLD: The Minister in giving the Government's attitude probably brought forward some very good points, because I do not believe the Government should interfere unnecessarily in the industrial arena. But there is a time when it is incumbent upon the Government to take some action with the intention of relieving the pressure on the long-suffering public caused by industrial action.

We have a situation in WA where a citizen of Geraldton lodged a complaint with the Police Force and where, after an investigation, the police decided to lay a charge against a union official. This charge was listed for hearing in the Criminal Court and on the day of the hearing the Transport Workers Union went on strike.

Point of Order

Mr PARKER: All the other speeches, whether or not I liked them, were about the subject matter, but the member for Katanning-Roe is referring to something which is quite extraneous to this issue of union membership. I would suggest that he should speak to the clause.

Mr OLD: With respect, I am talking about exactly the same subject the Minister covered in his speech. If it was fair enough for him to range far and wide on industrial problems and Government intervention—

The DEPUTY CHAIRMAN (Mr I. F. Taylor): The member for Katanning-Roe will resume his seat. I will pay close attention to the point raised by the Minister. I have given some freedom to the members with respect to this amendment, but I would ask that members do address themselves as closely as possible to the matter before the Chair.

Committee Resumed

Mr OLD: I certainly will address myself to the subject, as did the Minister, and I will go on to say that I believe it is time the Government took some action and relieved the situation, and the suffering of the people of Western Australia.

We are faced now with a situation where there will be possible industrial action on 20 and 21 December. In about seven weeks' time we will come to the festive season, when it is normal for families to get together. No doubt in four or five weeks' time there will be a sudden upsurge of travel throughout Australia by public transport such as airlines, railways, and buses. Certainly 20 and 21 December will be the prime time for travel and about that time we will be faced with the distinct possibility of a shutdown of transport in Western Australia.

I applaud the Government for its attitude inasmuch as the court should deal with industrial disputes and criminal charges. I have no quarrel with that, but there comes a time when the Government of the nation and the State should look to the welfare of the electors and the well-being of the people who want to make use of the public transport facilities.

Unless the Government is prepared to ensure industrial peace, and not aid and abet industrial anarchy, there will be little future for employers and employees. It is all very well to talk about consensus and accord. We have heard a tremendous amount on those subjects over the past year, and I must say the Federal Government has probably achieved a measure of success by applying this philosophy, but it cannot go on and become a one-sided deal. That is just what has happened with industrial strife throughout Western Australia.

The situation is not confined to Western Australia, but I do ask that the Minister give due regard to the suffering of people in this State and people who wish to travel and who face the grim possibility of not being able to travel at a time which has possibly been scheduled many months ahead.

Unless we come to some reasonable situation where the Government at least interferes and uses its powers of persuasion to maintain some industrial peace, we are headed for a grim future.

We are looking at the situation today where on the eastern seaboard there has been industrial action to the extent—

The DEPUTY CHAIRMAN (Mr I. F. Taylor): Order! I hope the member for Katanning-Roe will address himself to the matter before the Chair, which is that certain words be deleted.

Mr OLD: Might I just say, with respect to the Chair, that the Minister in his long dissertation hardly addressed himself to the amendment at all.

The DEPUTY CHAIRMAN: I would remind the member for Katanning-Roe that I have been in the Chair for this debate since tea time and I am well aware of the matters raised by the Minister, the Leader of the Opposition, and the member for Nedlands. I ask the member to more closely address himself to the matter before the Chair.

Mr OLD: I will continue to speak, Sir, and I have no doubt that if you are not satisfied I am at least following the lead set by the Minister and that you will sit me down. That is your prerogative.

The DEPUTY CHAIRMAN: It certainly is. The member for Katanning-Roe will address himself to the matter before the Chair.

Mr OLD: I continue: On the eastern seaboard at present there is a situation which pertains to the agricultural industry throughout Australia and which certainly will hit the wheat producers of Western Australia. Again, it is as a result of industrial anarchy.

Several members interjected.

Point of Order

Mr PARKER: I spoke, the Leader of the Opposition spoke, and the member for Nedlands spoke about situations of people compelling or attempting to compel other people to become members of unions and repealing legislation which related to that and alternative legislation which related to it. The member for Katanning-Roe has spoken at length, and I did not interrupt him after the first time because I thought he might come back to the point on the question of the O'Connor case, which has nothing to do with this. Now he is

about to speak about a case in New South Wales, which has nothing to do—

Mr Old: How do you know it was New South Wales? I said "the eastern seaboard".

Mr PARKER: Well, I am sorry. Nothing of what he has spoken about has anything to do with the question of whether there should be offences in this Act to deal with people who try to compel other people to become members of unions.

The DEPUTY CHAIRMAN: (Mr I. F. Taylor) Further to that point of order: I asked the member for Katanning-Roe to be more specific when he addresses himself to the matter before the Chair. I am now again asking the member to do that. If he is not prepared to do that I will be prepared to take further action.

Committee Resumed

Mr OLD: I will continue by talking about industrial relations as the Minister did. If I am ruled out of order then I will consider myself to be gagged, and will resume my seat.

Mr Parker: That is an insult to the Chair!

Several members interjected.

Mr OLD: It is not an insult to the Chair at all!

The DEPUTY CHAIRMAN: Order! The member for Katanning-Roe will address himself to the matter before the Chair, which is that certain words be deleted. If the member is not prepared to do that I will ask him to resume his seat.

Mr OLD: In supporting the motion that certain words be deleted I would like to talk about some industrial situations which pertain in Australia at present. May I do that?

The DEPUTY CHAIRMAN: The member will resume his seat. I am prepared to listen to matters relating to industrial situations in Australia at present if they are relevant to the matter being considered by this Committee, which is that certain words be deleted. As the Minister indicated in his point of order, the Leader of the Opposition, the member for Nedlands, and the Minister have all addressed their remarks reasonably closely to that matter.

Mr OLD: In view of your ruling I will resume my seat and consider myself as having been silenced by the Chair.

Several members interjected.

Mr COURT: The Minister—

Mr Old: The Government has no guts!

Mr Parker: Don't you believe in the Standing Orders?

Mr Old: As much as you do.

Mr Carr: No wonder the National Party won't have you.

Mr COURT: —during his speech mentioned the building cases which we brought up in recent debates in this place. I thought I had made it clear to him that it is very difficult, particularly in the case of small employers, to have cases brought out publicly, because in many cases the employers fear for their family's safety and certainly fear for their job or small business.

The Minister also mentioned that he had discussions with an executive from F. R. Tulk and Co. when he was in Bangkok. I would tend to ask myself the question: Why did not the Minister take it further?

Mr Parker: I was not asked to. I was specifically asked not to.

Mr COURT: I know that the company and the management went to the Minister. They had a meeting with the Minister at which the whole thing was explained. That was on 19 July. I am not saying that the Government had to take the matter further, but it had the opportunity to find out what was happening in that case. I thought a Government which says that it is committed to expanding industry and, particularly, to expanding industry in the high technology area would treat this type of thing with a bit of urgency.

I asked the Minister to explain what has to be done for some action to be taken by this Government.

Mr Parker: You have to have a request, for a start.

Mr COURT: Yes, there must be a request. If a person goes to the Minister for Industrial Relations and explains the problem, he makes a request. That person may have been before an industrial magistrate and had his case heard. What happens, after the case has been heard, if that person is stood over and intimidatory tactics are used by union officials? He then goes to the Minister to request assistance. What does the Minister do? The Minister can then send out an industrial inspector to have a look at the matter.

Mr Parker: If he is asked to. The point is that on 19 July, at this meeting, there was no request for the Government to take any action. I understood, at that meeting, that the matter had been rectified.

Mr COURT: I was stating a hypothetical case. I asked what would happen in the case of a person who had been before an industrial magistrate, that matter had been settled by the court, and then intimidatory tactics were used against that person,

against the court's ruling. I would have thought that the Minister would have sent out an industrial inspector in order for him to see what was going on. That is what happened in the TWU case in Geraldton. The Government just sat back. All of the problems that we now have are due to the fact that the Minister did not act.

Mr Parker: That is not so.

Mr COURT: I am talking about the TWU case. All of the disruption that the member for Narrogin mentioned will occur at Christmas time because, when a person was being stood over and intimidatory tactics were being used against him, the Government did not take action. That is the point we are debating.

In summary, the Opposition refuses to accept the repeal of part VIA. It provides the protection which is necessary in the workplace. It provides protection for people who are being stood over and who are being forced to join a union. It provides protection against pressure being placed upon subcontractors, etc.

Under part VIA, heavy penalties are provided for times when those tactics are used. The Opposition is saying that that part should be retained unless the Government can come up with alternative protection that is acceptable for the people in the workplace.

We have said at some length in this debate that the Government is flatly refusing to use part VIA of the Bill to protect people in the workplace. It is refusing to use Government inspectors when people have asked for help.

After enough of these cases have been brought out into the open, I would like to think that this Government will start to use industrial inspectors more quickly. If it sent an industrial inspector to do something about this matter, well and good.

During the discussions on the Minniti case, the Minister said that he needed a formal complaint before he would send out an industrial inspector. The shadow Minister then made a formal complaint and the Minister refused to accept it. He said it was a gimmick.

Mr Pearce: It should come from the person who was complaining.

Mr COURT: It can come from anyone in the community.

Mr Pearce: If the builder is so concerned, why can't he make a complaint?

Mr COURT: A member of Parliament can make a complaint. If a member of Parliament cannot make a complaint to the Minister for Industrial Relations, who can? He is exactly the person to whom—

Mr Pearce: Why can't the person who was aggrieved make the complaint? What did he do?

Mr COURT: Plenty.

Mr Pearce: That is the point.

Mr COURT: He was being stood over in the workplace.

Point of Order

Mr PARKER: The member for Nedlands has been excellent in his speech. However he is moving away from the matter we are debating.

The DEPUTY CHAIRMAN (Mr Burkett): There is no point of order. The member for Nedlands was responding to interjections from the other side of the Chamber.

Committee resumed

Mr COURT: Thank you, Mr Deputy Chairman. It makes me very annoyed when the Minister for Education comes into the debate at this point and asks why that person did not go to the Government. He did. He wanted the protection of the section of the Act that is attempting to be repealed. He went to the member for Perth and asked for help. The Minister for Education should know that that person went to the Government and asked for help. The Premier's adviser was working on the case. However, no industrial inspector was sent out.

The Government knows that the three things that concern us are: Firstly, the ALP, at its conference, stated that the Criminal Code should not apply to industrial activities; secondly, Labor's green paper which was put out prior to the last election by the now Minister stated that industrial activity should be immune from the Police Act and the Fuel and Energy Act; and, thirdly, we have seen the Federal Government try to repeal sections 45(d) and (e) of the Trade Practices Act. Fortunately, that move was unsuccessful.

If this part of the Act is repealed there will be very little protection from the standover tactics being used to make people join unions. If this part is repealed, the Government should replace it with an acceptable alternative. Just because the Government has been told by the TLC that it has to come out of the Act does not mean that the Government should go along with that.

I am sure that the case that we have mentioned tonight concerns all of us. I am glad that the Minister has said that he does not like the activities which have taken place.

Mr Parker: If they have taken place.

Mr COURT: The Government has been given the full details on the matter. The company has

provided a four-page detailed outline of the history of this problem. It must concern all of us that a company which is in this position is under attack. Some of the products which are being used in the secondary boycott of this company unfortunately can be supplied as new products from overseas. We could see another manufacturing business phased out of the scene in this State. None of us wants that.

Mr MacKINNON: The Minister will be happy to know that I speak directly to the amendment. I will illustrate to the Committee exactly what the Government is withdrawing from the legislation.

I want members to be clear in the knowledge of what the Minister and his colleagues are doing. They are condoning the removal of many protective parts of the Act. Let us first consider section 96B. It reads, in part—

> A person who—
>
> (c) directly or indirectly hinders or prevents the employment of another person or the promotion in his employment of an employee,
>
> commits an offence.

The Minister is saying that anybody who directly or indirectly hinders or prevents the employment of another person or the promotion in his employment of an employee—I should have read further—

> when a reason for doing so is that the employee or other person—
>
> (d) is or is not a member of an employee organisation;
>
> commits an offence.

The Government is withdrawing from the legislation that section which refers to a union organiser who causes any employee to be dismissed from his position or to be refused employment, or to have his promotion hindered because he is not a member of that union. Therefore, under the proposed Bill, he does not commit an offence and no action can be taken against that person. The Minister wants us to believe that the course of action where the person is aggrieved in promotion or employment terms is to take the matter to common law or to proceed under the Criminal Code or Police Act. However, the other evening the same Minister, when talking about voluntary employment contracts, asked what would happen if there was a dispute and who would it go through—the Industrial Commission or the courts? He said that if it was necessary to go through the courts that would be an imposition upon these people in cost terms and in other ways. Yet today he is saying directly the opposite. He condones the actions of unionists who will, and he knows they will, take action to try to refuse the employment of people and to stop the promotion of people in their jobs because they are not members of a union.

We all know that the possibility of an individual taking that course of action against a union is highly unlikely; if he does take the action and it is successful or unsuccessful how will he prove in the future that any of the reasons mentioned is the reason he does not get a job or a promotion? In due course if he loses his job because of pressure from the union, seeks employment elsewhere and the employer says, "I am sorry, you do not measure up", a number of reasons can be given for not employing that person without stating the truth. The real reason could be one of the provisions under this section, yet that person can take no action whatsoever. The Government and the Minister are condoning this action by removing the section.

Section 96F states—

> (1) A person who—
>
> (a) threatens that—
>
> (i) discriminatory action will or may be taken against a second person; or
>
> (ii) the free and lawful exercise of his trade, profession or occupation by a second person will or may be interfered with,
>
> by reason of the circumstance that the second person or a third person is not a member of;

And it continues dealing with unions. Again, the Government is saying that any threats made by one party, either directly or indirectly through another party, will now be condoned by this Government.

Mr Parker: That is absolute nonsense.

Mr MacKINNON: It is not nonsense. The Government is removing that section from the Act, and by doing so it is condoning the action. If the Government is concerned about this type of activity within the union movement or industry at the moment, it would leave that section in. The Minister has admitted that this happens in industry day by day.

Mr Parker: I have not.

Mr MacKINNON: The Minister admitted it this afternoon when he referred to the Minister in another place and said that not all unions are on the up and up, and these sorts of activities happen.

Mr Parker: Yes, but that is not the same as saying they happen day by day.

Mr MacKINNON: Even if they do not occur day by day, but happen every second day, that is a day too often for the Opposition. Whether it is day by day or otherwise, the Government is not giving protection to these people. It is removing sections of the Act which give protection to them.

Mr Parker: That is nonsense.

Mr MacKINNON: It is not nonsense. The Minister said that their only recourse is through common law or the Criminal Code. How often does the Minister think that people affected will take that course of action? One person is doing so at the moment and the Minister's friends in the union movement are saying that it is not on, and it is no go. They are saying that the union should not be prosecuted and that it should be above the law. What does the Government have to say about that? The Minister is silent, as are the Premier and the Minister for Industrial Relations. We have a strike situation and the Government stands by and condones the union movement holding itself above the law. The Government is removing from the Act any provision whereby unions can be in contravention of the law. Penalty section 96G subsection (3) states—

> Subject to subsection (4), when a penalty is imposed on an employee organization in respect of an offence under section 96B or 96F and the employee organization does not forthwith pay the penalty, the rights of the employee organization and its members referred to in subsection (5) are suspended until the penalty is paid.

Here is another really good reason why the Minister wants this section removed on behalf of his trade union colleagues. They do not want the union to be suspended for contravention of the Act.

I ask the Minister to explain in due course how a person who is aggrieved by an action of a unionist will take action against the might of the union through common law or the Criminal Code; and if he is successful, will the union pay the fine? The Minister knows as well as I do that the union will not. The only effective sanction against the union is through suspension. That provision is contained in this section

The Minister knows that when we were in government and proceeded to take action that is exactly what occurred. That is why the Minister wants these sections removed.

It is also interesting to note that the penalties do not just apply to the union movement, but to anbyody who commits an offence under this section—whether employer or employee. Therefore, it is not surprising that a tripartite council or group would want these sections omitted. It is not at all surprising. It is clear why the Government wants these sections removed; it condones the sort of action that its colleagues in the union movement subscribe to and carry out almost on a daily basis.

Therefore, I oppose the removal of these sections of the Act that give real protection to individuals within our community today.

Amendment put and a division taken with the following result—

Ayes 22

Mr Bateman	Mr Jamieson
Mrs Beggs	Mr Tom Jones
Mr Bertram	Mr Parker
Mr Bridge	Mr Pearce
Mr Bryce	Mr D. L. Smith
Mrs Buchanan	Mr P. J. Smith
Mr Carr	Mr Tonkin
Mr Evans	Mr Troy
Mr Grill	Mrs Watkins
Mrs Henderson	Mr Wilson
Mr Hodge	Mr Burkett *(Teller)*

Noes 17

Mr Blaikie	Mr McNee
Mr Bradshaw	Mr Mensaros
Mr Court	Mr Old
Mr Cowan	Mr Stephens
Mr Coyne	Mr Trethowan
Mr Crane	Mr Tubby
Mr Hassell	Mr Watt
Mr Laurance	Mr Spriggs
Mr MacKinnon	*(Teller)*

Pairs

Ayes	Noes
Mr Read	Mr Thompson
Mr Barnett	Mr Peter Jones
Mr Gordon Hill	Mr Rushton
Mr Davies	Mr Clarko
Mr McIver	Mr Williams
Mr Terry Burke	Mr Grayden

Amendment thus passed.

Mr PARKER: I move an amendment—

> Page 103, line 15—Substitute the following for the words deleted—
>
> Parts VI and VIA and sections 97 and 97A of the principal Act are repealed and the following section is substituted—
>
> " 97. (1) A person who—
>
> (a) objects to being a member of an organization;
>
> (b) applies in writing to the Registrar for a certificate of exemption from membership of that organization; and
>
> (c) pays to the Registrar an amount equivalent to the amount which, under or pursuant to the rules of the

organization would be payble or, in the event of a question arising, would, in the opinion of the Registrar be payable, by a person in order to become a member of that organization for a period of one year,

shall be issued by the Registrar with a certificate of exemption from member ship of that organization.

(2) A certificate issued under this section shall remain in force for one year and may be renewed from time to time by the Registrar upon payment of such amount, not exceeding the amount referred to in subsection (1)(c), as the Registrar may require.

(3) The Registrar shall pay any amount received by him pursuant to subsection (1) or (2) to the credit of the Consolidated Revenue Fund.

(4) An award or order shall not be made under this Act so as to contain any provision that—

(a) solely or substantially because a person is a member of an organization, gives to that person preferential treatment of any kind in or in relation to employment to which that award or order applies as against a person who holds a cerificate in force under this section; or

(b) solely or substantially because a person holds a certificate in force under this section, operates to the detriment of that person in or in relation to employment to which that award or order applies.

Mr HASSELL: The proposal to insert the words allows me the opportunity to continue to raise the issue with which I have not been able to deal as fully as I wish. I am dealing with the telex sent by F. R. Tulk and Co. Pty. Ltd. to the Premier and the Minister for Industrial Relations.

Mr Deputy Chairman (Mr I. F. Taylor), the telex is 2½ pages long, and I seek to have it incorporated into *Hansard*.

By leave of the Committee, the following material was incorporated—

Attention:

Hon. Premier,
Mr Brian Burke.

Hon. Minister of Industrial Relations,
Mr D. K. Dans.

WE, F. R. Tulk & Co. Pty. Ltd., and its employees contact you in your respective capacities as Premier and Minister of Industrial Relations, seeking immediate and direct involvement in an industrial confrontation we currently have with the Electrical Trades Union.

1. Background:

Mr Ken Richards representing the E.T.U. approached Tulk & Co., management on the 2nd July, 1984 advising of his intention to unionise the switchboard and associated services industries.

During the meeting Mr Richards:

1.1 Insisted that all tradesmen employed by F. R. Tulk & Co. Pty. Ltd., would be required to join an appropriate union. Unions nominated by Mr Richards as being suitable were E.T.U., A.M.S.W.U. and A.S.E.

1.2 Clearly indicated the consequences of F. R. Tulk & Co. Pty. Ltd., employees not joining appropriate unions.

1.3 Stated that F. R. Tulk & Co. Pty. Ltd., and its employees were now a prime target to be a fully unionised facility.

1.4 Said, if necessary to persuade F. R. Tulk & Co. Pty. Ltd., and its employees, the E.T.U. in conjunction with the T.W.U. would ensure cessation of work being delivered to or collected from F. R. Tulk & Co. Pty. Ltd., Osborne Park facility.

1.5 Said, furthermore, if full union membership was not quickly complied with, the E.T.U. in conjunction with the T.W.U. would apply a black ban on all Tulk serviced equipment in the Pilbara. In clarifying "quickly" Mr Richards advised "within a couple of days".

A further meeting was held between F. R. Tulk & Co. Pty. Ltd., management and Mr Richards on the 9th July, 1984 wherein the above discriminatory threats and intimidation were again witnessed and noted.

In accordance with Mr Richards rights, a meeting between Mr Richards and employees was held on the 12 July, 1984 at which Mr Richards indicated the advantages of union membership and the consequences of the employees not fully accepting union membership.

During this meeting it was noted and witnessed that Mr Richards, on behalf of the

E.T.U., threatened "no work for Tulk & Co., and its employees if you don't all join up now". Mr Richards said "Boys, you have a simple decision to make, union membership or no work".

On the 17th July, 1984, F. R. Tulk & Co. Pty. Ltd., employees held a secret ballot as a direct result of the meeting with Mr Richards on the 12th July, 1984. Results of this ballot, carried out and tallied by employees, was:—

Support union membership	4
Informal vote	1
Do not support union membership	101
	106

Results of the ballot were relayed to Mr Richards on the 18th July, 1984.

A meeting was held with Mr Des Dans, I. M. Kins and Colin Edwards on the 19th July, 1984 seeking assistance on the issue. F. R. Tulk & Co. Pty. Ltd., and industry representatives, Westinghouse Australasia and L. E. Jarvis, expressed their wish to uphold the industrial arbitration law. Mr Dans was fully briefed on the threats and standover tactics conveyed by the E.T.U. up to the date of the meeting.

The employees having decided not to comply with the demand for full membership, carried on their normal work responsibilities in the hope that the E.T.U. would not implement its threats.

2.

As of the date of this telex, the E.T.U. has implemented a black ban on all F. R. Tulk & Co. Pty. Ltd., serviced equipment utilised by the iron ore industry in the Pilbara.

Workload from the Pilbara represents a significant percentage of our workload.

The black ban commenced on the 29th October, 1984 and is seriously affecting the livelihood of the company and its employees, by causing it to suffer substantial damages.

Mr Tulk contacted Mr Richards on the 2nd November, 1984 to seek clarification of the extent of the black ban implemented by the E.T.U. and Mr Richards conveyed the following:—

2.1 The ban applied indefinitely to all Tulk serviced equipment and machines owned and operated by all Pilbara iron ore mining companies.

2.2 Tulk & Co., workshop to be totally unionised as a pre-requisite to lifting the bans.

2.3 A.S.E. and A.M.S.W.U. are acceptable unions where applicable.

2.4 Mr Gandini of the E.T.U. was in the north west orchestrating the effective black bans.

2.5 Tulk & Co., and its employees are the only service company involved I.E. the industrial action is restricted to Tulk & Co., and its employees and does not involve opposition service companies.

3. The company and its employees are very proud of the following achievements:—

Significant international technical consultancy and assistance to 24 countries.

On going workload developed from Eastern States of Australia.

Technical recognition from U.S.A. and Canada for the design and manufacture in Perth, of high voltage formed coils and bars for large motors and generators.

Establishment of a research and development facility which is directly assisting the development of high technology coil and bar business from overseas.

Approximately 60 apprentices have successfully completed their training at the Tulk & Co., Osborne Park facility.

The company and its 120 employees, from a humble backyard beginning 27 years ago, have grown to be the leader in Australia in the specialty field of upgrading, refurbishing and rewinding power generators and large motors.

There has never been industrial disputation within the company since its inception.

In summary, the company and its employees wish to uphold their moral and legal rights.

We believe Mr Ken Richards, Mr Gandini and the E.T.U. are committing offences under Section 96B and 96F of the Industrial Arbitration Act 1979-1982 and we hereby urgently request you to implement proceedings which will allow the company and its employees to carry on the legal right of normal business, free of intimidation, threats and black bans.

F. R. Tulk & Co. Pty. Ltd., has further been advised that the unlawful

conduct on the part of the E.T.U. and its officers breaches the provisions of the Trade Practices Act and the company will, if other solutions are not found, be obliged to seek an injunction from the Federal Court to stop the bans.

This dispute has also been referred to the State Industrial Commission for a hearing on Tuesday, 6th November, 1984. If the bans are not lifted after the commission hearing the company will have no option but to consider obtaining an injunction.

Since the livelihood of 120 employees and their families are directly involved, we seek your immediate attention.

Fred Tulk,
F. R. Tulk & Co. Pty. Ltd.,
23 King Edward Road,
Osborne Park. 6017
Western Australia.

Committee Resumed

Mr HASSELL: That saves undue repetition. The telex sets out a very clear record of what happened. It sets out the determination of the union organiser, Ken Richards, that the men should join the union regardless of their own wishes. It sets out the course of events leading to a vote of the men taken at the request of Richards, at which time the men voted clearly and overwhelmingly against joining the union.

Mr Jamieson: Where does this firm operate?

Mr HASSELL: Osborne Park.

Mrs Buchanan: It all seems strange.

Mr Jamieson: It seems more than strange. There is something weird associated with your indication of what happened. It is absolutely weird.

Mr HASSELL: I am glad that the members interjected, because one of the matters I wanted to take up was the attack on the credibility of the company by the Minister, and now the member for Welshpool and the member for Pilbara.

Mr Jamieson: There is something weird about the whole story.

Mrs Buchanan: Yes, it is weird.

Mr Parker: My simple query was that the company had plenty of opportunity to come to the Government, and it did not. It acted in this way in concert with you. The question must be raised.

Mr HASSELL: I will tell the Committee about Fred Tulk, whom I have known for about 14 years. My association with him began in the early 1970s when he was referred to me as a client in my practice.

The DEPUTY CHAIRMAN (Mr I. F. Taylor): I hope this is relevant to the question before the Chair.

Mr HASSELL: It is directly related to the debate about this matter. I am responding specifically to the Minister.

Mr Tulk was referred to me as a client because he was involved in a transaction in relation to his business. Of course, I will give no detail of that transaction. As a result of being involved with him for several months in that work, I came to know how he operated. I visited his factory from time to time. Since then, I have seen him and talked to him, and to his employees and his management.

Mr Tulk is one of the finest men one could find in this State. He is the embodiment of the people who have made this State into a great State. He did not have a great deal of formal education, as I understand it, but he has a most tremendous skill in the rewinding of electric motors. He is completely without pretence and ceremony. He works on the floor of the factory from time to time, without hesitation. He is uncomfortable in a tie, because he is the essence, the epitome of, a worker.

Mr Tulk has developed a tremendous business which the Government should be seeking to promote and to support in every way, because he has developed the business in a unique way, as a Western Australian carrying out tasks which are the envy of the world in the field in which he operates. Every day of the week, certain work is done in the Tulk factory that cannot be done in any other factory in Australia, and that is because of the skill and ability of this man. His company is one of few with the capacity to rewind the giant electric motors from the trains in the Pilbara and from the huge Haulpaks.

Mrs Buchanan: I am not disputing his skill in that respect.

Mr HASSELL: The company has been built from nothing by this man. Over the years he has built up the business because of his skill, and with the total support of his work force with whom he deals on the basis of complete equality in a company which is the model of industrial relations. Mr Tulk stands for everything that we have talked about in this debate in terms of the need to bring industrial relations back to human relations and an understanding of how people operate.

When I met Mr Tulk again on Monday and we were talking about this matter, he pulled me up at one stage when I referred to a company and he

said, "Oh, the problem in that company is with the people who are the managers". To him, it was not a company; it was the people who were the managers. That showed his total attitude.

There is just no way that the Minister, the member for Pilbara, or the member for Welshpool can legitimately question the credibility of this man or his company.

Mr Parker: In fact he came to see you on Monday morning which was before he sent the telex.

Mr HASSELL: Let me tell the Minister the sequence of events, because I have nothing whatsoever to hide, nor does Mr Tulk, in relation to this matter.

Mr Tulk contacted my office late last week and said that he wanted to see me urgently. I could not see him during the week, so I agreed to see him on Saturday morning and that is when he first saw me. He had taken certain advice from the Confederation of Western Australian Industry and he had instituted what action he could take in the Industrial Commission. He came to see me to get further advice.

I was able to give Mr Tulk only very limited time on Saturday morning, but I told him that over the weekend he should consider further matters. One of the matters I discussed with him was the fact that the Government had consistently said that it would not do anything about these industrial disputes unless it received a written complaint. So it was my advice to Mr Tulk that to get the Government to do anything, he had to furnish a written complaint.

Mr Parker: He had not asked us to do anything previously. That reflects on his credibility. I am not disputing his technical skill or anything else.

Mr HASSELL: That is a repetition of a misleading statement the Minister has made already in this Chambers, but let me finish the story. I shall deal with this point a little further before I go on, because the Minister must understand that this Government has created an atmosphere in which the business community does not believe the Government will do anything about these matters.

Mr Parker: That is simply not right. I have people coming to see me every day of the week about industrial problems.

Mr HASSELL: When members of the business community come to us about industrial matters, which they do on a daily basis—

Mr Parker: They come to see me on a daily basis.

Mr HASSELL: The Minister is not the Minister for Industrial Relations. He may aspire to be the Minister for Industrial Relations, but he is not.

Mr Parker: Let me assure you that I certainly do not.

Mr HASSELL: I remind members that the Minister for Industrial Relations has made it absolutely clear that he will not enforce the industrial law. He has said that in Parliament and privately.

Mr Parker: There are other ways of doing this.

Mr HASSELL: The Minister will not enforce the industrial law. What do the Minister and the Government expect of business when the Minister responsible for the law says that he will not enforce it? Does the Minister expect people to rush off to the Government knowing that the Government will not use the laws of the land?

Mr Parker: He has been given an invitation by the Minister for Industrial Relations and myself to aid in resolving the dispute, if he wants us to, but he did not ask us to.

Mr HASSELL: When people come to us about these matters we are often at the point of despair, because we see how hopeless it is to try to fight a system and a Government which has no sympathy, and which is not in tune with what is such a crying need—a determination to uphold the rules and strike out this kind of activity.

I shall complete the story, because I do not want the Minister to think I am trying to hide anything or, in fact, that Mr Tulk is trying to hide anything. When I saw Mr Tulk on Saturday morning I gave him advice to pursue certain remedies, to see whether section 45D of the trade practices legislation was applicable and to ascertain whether he could obtain the support of the Government by giving it a written complaint. I suggested he consider whether he was prepared to take on the issue or whether instead, in the interests of his business and his employees, about whom he is enormously concerned, he should capitulate.

I then arranged to see him again on Monday morning, which I did, with a number of my colleagues. We assured him we would make no statement and do nothing to embarrass him, if that was going to put his business or his employees at risk. We held our counsel, frustrating and difficult as it was, bearing in mind that we held a Press conference yesterday to highlight this very issue, until he gave us authority today to proceed with the matter and bring it into the public arena.

Mr Parker: And what was the basis of that? Nothing had happened between yesterday and today.

Mr HASSELL: The basis of it was that the company has decided it is simply not prepared to capitulate. It wants to fight this issue with every means at its disposal. It intends to fight against a union which tries to stand over it and to destroy it economically, because it will not succumb to the union's demands. That fight may involve all sorts of consequences for those people and I admire them for their courage in taking it on.

I can only say that they will have all the support that we can give them in their struggle simply to operate their business in the way that they see fit with employees totally dedicated to doing a good job for a company in an industry in which they have succeeded magnificently over a long period.

The member for Pilbara who has interjected two or three times tonight has not bothered to say one word against what is going on in terms of this attitude.

Mrs Buchanan: I want to know a lot more about it.

Mr HASSELL: Why does not the member for Pilbara say whether she agrees or disagrees with the standover tactics of this union man and Mr Gandini? Why does not the member for Pilbara tell the truth? The Government does everything it can and Government members do everything they can to avoid the issue all the time.

Mr COURT: Mr Chairman—

Mr Tonkin: Bash, bash! No expertise. Bash away.

Mr COURT: I generate a small contribution at this stage of the debate in order to enable the Leader of the Opposition to continue.

Mr HASSELL: I now turn again to the Costigan report and I make it clear at the outset, as I did at the Press conference I held yesterday, that I do not seek to deal with the Costigan commission or its report in a general way, to defend everything that Mr Costigan said, or to agree with everything he has said or the methods he had adopted.

Very large questions arise out of the Costigan report, but I agree with something the Minister said in that respect: It is amazing how little coverage there has been of the Costigan report as it relates to the industrial scene, bearing in mind that the whole commission was established to investigate the criminality within the Federated Ship Painters and Dockers Union. I understand that the only newspaper in Australia which has substantially covered that section of the report is *The Age* in Melbourne.

It is interesting to note what the Costigan report did and what it found. As I say, the inquiry was established to investigate the Federated Ship Painters and Dockers Union, but the final report covered much more and pointed to the very large dimension of organised crime in Australia. Costigan's investigations lead from one facet of organised crime to another, but in spite of four years of investigation, he was unable fully to pursue all leads. That is why his investigations into union activities were confined to the Federated Ship Painters and Dockers Union, but he addressed criminality in other unions. In the Federated Ship Painters and Dockers Union he found a harbour for convicted criminals, fraud and theft, and extortion.

Mr Costigan also found violence, murder, maiming, intimidation, drug trafficking, and organised prostitution running rife in the community.

The main thrust of Costigan's recommendations are directed towards strengthening the law to protect the community from having to bear the cost of extortion, theft and attendant criminality found in some unions.

To achieve these objectives he recommends the following—

> clearly separating through definition legitimate union industrial activity from extortion;
>
> compulsory reporting of extortion attempts;
>
> compulsory reporting of financial transactions between employers and unions and these to be public documents;
>
> prohibiting picketing for the personal enrichment of an individual;
>
> substantial penalties;
>
> enactment of laws similar to the U.S. Racketeer and Influenced and Corrupt Organisations Statute;
>
> profit annihilation where profit results from criminal activity.

The purpose of all this is that there should be a law in Australia which tries to get at this situation which has so often been disclosed recently by payments made under a standover situation. Everyone knows what is happening on the construction sites in Perth today. Everyone knows that strikes are occurring because of demands by the militants in the BLF and the BWIU and that when those strikes are held, on the most flimsy of grounds, demands are then made for the employers to pay wages for the duration of the strike, and the payments are made. Everyone knows that demands are being made on people involved in the construction industry for payments under the lap. It is not just a matter of union illegality or impropriety in these cases. The employers are also involved. The

ante is up to a level where the employers choose between one loss as against another. In the last 48 hours we have had related to us the case of a company involved for many years in construction and for the first time the proprietor was confronted with a demand from the union organiser for a payment of $25 000 and he said he would not pay it.

Mr Parker: When was this?

Mr HASSELL: This story was related to me within the last 48 hours.

Mr Parker: A union organiser asked for a payment of $25 000?

Mr HASSELL: A demand was made on the company for $25 000. This did not occur in WA, but my information came from a very direct source and I am giving this only as an example of what we know is going on. The man refused to pay the $25 000. I am talking about a big company. From the next day the proprietor of the firm had industrial strife at several building sites, the cost of which exceeded $25 000. That is the choice that unions are offering employers of one kind or another, "Either do what we, the BLF, BWIU or whatever want or we will call on a strike and then demand payment for wages during its duration"; yet this Government and this Minister talk about allowing the course of law to be followed. Let me remind the Minister that his Government withdrew the proceedings against the BLF after coming to office. It was not a case of allowing the law to take its natural course or allowing the prosecution to take its natural course. The Government by a deliberate act withdrew the prosecution against the BLF and stopped action in that case.

Mr COURT: I said in my earlier comments that if the Government were to repeal parts VI and VIA of the legislation it should offer an acceptable alternative form of protection against the type of tactics which we have outlined tonight as happening this very day in the workplace. That is not the case and it is creating a very dangerous situation. We are concerned that the situation will become even more open slather in the workplace. The unions in the case we mentioned tonight do not seem to care too much about the law, whatever it may be. By removing these provisions the Government is removing one of the very important safeguards available and I think it will find that it will be to its detriment, because these tactics are giving the Government a bad name.

I also briefly mention the second part of this amendment which we have not discussed tonight, which relates to the proposal that people who choose not to be members of a union should pay the equivalent of union dues into Consolidated Revenue. Without going into detail on this subject, because we are opposed to the concept of compulsory unionism and people having to join unions and the like, I point out we are also opposed to the proposition that people should pay the equivalent of union dues into a fund.

Mr HASSELL: The point we have been making over and over again but on which we cannot get any acknowledgement from the Government of its validity is that it is removing a law that is required. Costigan, having set out in his report the matters I have already referred to, proceeds in paragraphs 4.05.4 and 4.05.5 in volume 3, page 158, chapter 4, where he refers to the American laws and says—

> I recommend the enactment of similar legislation in Australia. It should be done by joint agreement between the Commonwealth and the States. It should be accompanied by legislation rendering inoperable the existing criminal laws relating to extortion where the circumstances permit the operation of these laws. It should not be limited to Maritime Unions. It should encompass all industry.
>
> 4.055 I have abstained from attempting to frame a Bill for Australia. The American legislation will serve as a guide to the draftsman. I am of the view that this legislation, to be fully effective, requires the active participation in drafting, and understanding, of the Australian Council of Trade Unions and the several Councils of employers. However, what is required is merely their participation; not their approval. This legislation is required for the protection of ordinary Australian citizens; many of whom belong to no Trade Union or employer council. It is they who ultimately pay the price of extortionate practices conducted often with the willingness of both corrupt Union officials and corrupt employers, or their agents. This is what I observed on the docks of Adelaide. It is what Mr Justice Sweeney observed. It is what Mr Winneke Q.C. found in the building industry. In the name of the vast majority of Australians, I recommend that it now be stopped by effective and precisely stated legislation.

I cannot say with more sincerity that the Government must confront this problem. We simply cannot go on with a situation in which the trade union movement, or part of it—because I think the Minister would agree we are talking about only a minority—is simply defying the law. It is defying the rights of people and their opportunity to make a living. It is defying decent moral standards; the

question of what is right and wrong is not considered by these people.

What is the Government proposing to do? It cannot withdraw into its shell as the Minister has done tonight, a shell from which he says all is well in the outside world and that people have the Criminal Code and civil remedies and the Industrial Commission in which to argue the case. Everyone knows that is not working. Everyone knows that Mr Minniti is under threat and that every house brick laid under the union black ban will be pushed down.

Mr Parker: And the Government's record shows that if that happens the people concerned will be fully prosecuted and, assuming they are guilty, will be convicted.

Mr HASSELL: The Government will not confront the broader issue. It simply cannot withdraw into a shell.

Mr Parker: Do you want us to have policemen on every building site to stop people from pulling things down?

Mr HASSELL: No, we do not need that. The Government needs an attitude and a determination to do something about it.

Mr Parker: We have.

Mr HASSELL: These circumstances did not arise when we were in Government.

Government members interjected.

Mr HASSELL: Because the people knew they would not get away with it.

Mr Parker: Nonsense! Absolute rubbish!

Mr HASSELL: The Minister made the completely false statement earlier tonight that part VIA had never been applied in our term in office. It was applied day after day and Hon. Gordon Masters who was Minister at the time sent out industrial inspectors whenever he received a complaint, which occurred frequently, and put an end to these practices. We seek from the Government tonight a commitment that if it does nothing else it should say genuinely and positively it will do something about this matter.

Mr Wilson: Because you say so.

Mr HASSELL: Oh, come on! The Minister for Housing cannot be serious.

Mr Wilson: We know how obsessed you are personally with these things. It is a strange personal obsession you have which is peculiar to you.

Mr HASSELL: I cannot understand the Minister for Housing.

Mr Wilson: You are a very peculiar person.

Mr HASSELL: I cannot understand how the Minister can enter a debate at this stage—

Mr Wilson: I am not entering the debate, I am making a passing remark.

Mr HASSELL: —with a personal attack, and has nothing to offer on what is a very serious situation.

Mr Wilson: I cannot take you seriously.

Mr HASSELL: Is the Minister for Housing saying that what is going on is all right?

Mr Wilson: I am not. I am saying that what you are proposing is not all right.

Mr HASSELL: What does the Minister propose?

Mr Wilson: You have heard what the Government proposes.

Mr HASSELL: It proposes to remove the law.

Mr MacKinnon: Remove protection.

Mr HASSELL: That is what we are debating.

Mr Wilson: *Ad nauseam* in your case.

Mr HASSELL: This clause relates to the removal of the law which gives some protection—inadequately; I would not dispute that. It is inadequate; more needs to be done. But the Minister for Housing's answer is to make a personal attack on me. What kind of level of debate or responsibility is that? Can the Minister for Housing not see that there are people out there legitimately trying to make a living? There are 106 workers in the company who have been told illegally that they will join a union or not have a job. They voted overwhelmingly not to join, as was their right, and the Minister for Housing's only answer is to make a personal attack on me because I raised the issue, and to say I have an obsession.

Mr Wilson: You have.

Mr HASSELL: Is that the best the Minister can do?

Mr Wilson: I think it is true.

Mr HASSELL: Can the Minister not come up with anything that deals with the issue and contributes to the debate?

Mr Wilson: If you cannot accept that about yourself, I cannot help it.

Mr HASSELL: I think the Western Australian people, and the Australian people, are looking for more than personal abuse.

Mr Wilson: Listen to the expert.

Mr HASSELL: I think they are looking for people who are genuinely seeking solutions.

Mr Court: It makes the Minister feel better.

Mr HASSELL: Does it?

Mr Court: It must do.

Mr MacKinnon: He is the Minister who claims to be horrified by the activities of the carpenters and bricklayers union on building sites and plans to do zero about it.

Mr Wilson: You are peeved because my relations with the building industry people are so good.

Mr MacKinnon: Peeved am I?

The DEPUTY CHAIRMAN (Mr I. F. Taylor): Order!

Mr HASSELL: Let me come back to the point I was making when the Minister for Housing interrupted with his personal abuse.

Mr Wilson: The Minister for what?

Mr HASSELL: Housing. Is the member not the Minister for Housing?

Mr Wilson: You said "State Housing".

Mr HASSELL: No, I said "Minister for Housing".

Mr Wilson: You have got that right.

Mr HASSELL: I ask the Government again: Will it acknowledge a serious problem exists which must be dealt with and confronted, and that we will not be confronted by the Government's withdrawing into its shell or saying that all is well and the general law and the criminal law will apply and the Industrial Commission can solve it? It is not working. When attempts are made to apply the criminal law we see an attack on the integrity of the courts the like of which we have never seen, and the Attorney General has utterly failed to take any action for contempt of court against the unions involved. That is another failure on the part of this Government.

Mr PARKER: Firstly, I want to reiterate one point concerning the Tulk matter. At no stage, other than the telex which was received on 6 November in the Minister's office, has Tulk given the Minister a written or verbal request for any action to be taken by the Government under part VIA of this Act. The second point is that I am advised that shortly after—possibly within half an hour of receipt of the telex—it was referred to the enforcement agency, which is the industrial inspectorate. As I said before, part VIA can be enforced only by the Attorney General—but no approach was made to him—and by the industrial inspector and not by the Minister for Industrial Relations.

Another matter to which I refer concerns the clause relating to the certificate of exemption. The member for Nedlands made a number of references to this clause. I recall the situation which applied previously regarding union membership, and the provision for preference to unionists which was included in awards until 1978, but will not be included in clauses in this Bill.

There were two stages with regard to this matter. The first one was when the member for South Perth was the relevant Minister and took out the section of the Act which referred to conscientious objection to union membership. Protests resulted, but by and large some people claimed exemptions. A large number of those people were granted exemption certificates because of their religious belief. When the word "conscientious" was removed from the Act other people claimed exemption on political, philosophical and antagonistic grounds.

In my experience I have never been aware of a situation where exemption certificates were not completely honoured by the unions. In other words, employers, whether in the mining industry which operates a closed shop system, or in other industries, or employees or employer organisations, always accepted the exemption certificates. For example, in the union I represented there were a large number of exemption ticket holders because of conscientious objection. In Albany there were a group from a Dutch church who were granted exemptions which were recognised and they encountered no problems.

This clause does not return us to the pre-1978 stage, but it returns us to the stage introduced by the member for South Perth when he was the Minister concerned; that is, any objection would suffice. In this case where union members are happy with the employer in the way in which the Leader of the Opposition has referred—they simply wanted to deal with him and did not want to be members of the union—the matter would have been sorted out by virtue of the Act by obtaining exemption certificates. They would not have had to answer any questions but simply apply for the certificates.

Mr Court: Do you reckon they would still get work?

Mr PARKER: I have no doubt about that, because that was the case that pertained in the Industrial Arbitration Act 1912. Until the new Act was promulgated in 1979, there was no suggestion that that was not the case.

I would be prepared to bet a considerable sum of money on the fact that if people take out exemption certificates there would be no doubt that exemption holders from the Pilbara, or anywhere else, would not be respected for their views in the same way as people were during the time when the previous exemptions operated.

Mr Court: Why can't their view be accepted without having a certificate?

Mr PARKER: It would certainly be a way of ensuring that they were genuine about their views and it is something that should be demonstrated.

The other point I want to make is that this specific clause to repeal all of part VIA and to insert the proposed clauses has the blessing of the tripartite council. All bodies involved in that council have begged the Government to take this action. It is not like some of the other clauses where some of the parties have disagreed. All of the employer organisations want part VIA removed from the Act, and they do not believe that it would operate effectively if that section were retained.

The Government strongly supports the inclusion of these words in the Bill and I commend the amendment to the Committee.

Mr TRETHOWAN: I want to ask a question of the Minister because I am not sure I understand the importance of some of the things that he has said. I understand from what was said earlier that the words which are to be inserted will affect only the preference at the point of employment.

Mr Parker: That is right.

Mr TRETHOWAN: I cannot see how that would relate to the case that has been raised in relation to Tulk's firm.

Mr Parker: It does not relate to Tulk's case.

Mr TRETHOWAN: It is in fact granting all exemptions.

Mr Parker: Not in a direct legal sense. What I said is that history shows that those people who held exemption certificates were completely and fully respected.

Mr TRETHOWAN: They were under general clauses of preference.

Mr Parker: No, they were under a section of the Act.

Mr TRETHOWAN: There were general preference clauses in regard to awards.

Mr Parker: The general certificates were not related to the awards.

Mr TRETHOWAN: It appears that the discussion about exemption certificates was not relevant if the law is changed by the insertion of these words because it still would not overcome the case that has been found in relation to Tulk.

Mr Parker: What you are saying is that there is no provision for a preference clause which operated prior to 1978. It would have been possible for the ETU to have served notice on the owners prosecuting them under the Act if they failed to join a union within a specific period of time.

Mr TRETHOWAN: Because they are already employed. Therefore, this clause would institute preference only at the point of employment.

Mr Parker: An earlier clause refers to this. This clause would not. People can claim exemption certificates if they want to and it means that a person who obtains one has to be regarded in the same way as a unionist.

Mr TRETHOWAN: It appears that this clause applies generally. What may occur, and what has occurred in regard to the case concerning Tulk is that the pressure by the unions could require or force people to seek exemptions, even though the Act does not require them to have a preference in regard to their employment. That seems to be the point that is being refuted and it is something which would concern me if it is a legitimate corollary to the introduction of this clause.

That is effectively recognising the right, even though the previously inserted clause provided reference to only the minimum. If it is to be sought from now on that in order to avoid industrial confrontation, exemptions under this particular clause should be held by employees, that would concern me, because it is a *de facto* recognition of a general application of preference. I would have hoped that the general application of the clause was limited purely to the previous clause which recognised preference.

Mr Parker: It is related.

Mr TRETHOWAN: I was not sure whether I understood the Minister previously. It raised some concern, as did the previous clause, in terms of the words to be inserted in relation to the effect this will have on the industry and on the freedom of choice of individuals in the workplace.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 59 to 92 put and passed.

Title put and passed.

Bill reported with amendments.

As to Consideration of Report.

MR PARKER (Fremantle—Minister for Minerals and Energy) [10.05 p.m]: I move—

> That the consideration of the Committee's report be made an order of the day for the next sitting of the House.

Question put and a division taken with the following result—

Ayes 22

Mr Bateman	Mr Jamieson
Mrs Beggs	Mr T. H. Jones
Mr Bertram	Mr Parker
Mr Bridge	Mr Pearce
Mr Bryce	Mr D. L. Smith
Mrs Buchanan	Mr P. J. Smith
Mr Carr	Mr Tonkin
Mr Evans	Mr Troy
Mr Grill	Mrs Watkins
Mrs Henderson	Mr Wilson
Mr Hodge	Mr Taylor

(Teller)

Noes 17

Mr Blaikie	Mr McNee
Mr Bradshaw	Mr Mensaros
Mr Court	Mr Old
Mr Cowan	Mr Stephens
Mr Crane	Mr Trethowan
Mr Grayden	Mr Tubby
Mr Hassell	Mr Watt
Mr Laurance	Mr Spriggs
Mr MacKinnon	

(Teller)

Question thus passed.

CREDIT UNIONS AMENDMENT BILL

Council's Amendments

Amendments made by the Council now considered.

In Committee

The Deputy Chairman of Committees (Mrs Henderson) in the Chair; Mr Wilson (Minister for Housing) in charge of the Bill.

The amendments made by the Council were as follows—

No. 1.

Clause 6, page 4, line 20—Delete the word "or" and substitute the word "and"

No. 2.

Clause 9, page 5, line 33—Add after the figure "$1 000 000" the passage "or such greater amount as may be prescribed;"

Mr WILSON: I move—

That amendments Nos. 1 and 2 made by the Council be agreed to.

The Government agrees to both amendments.

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

Report

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

MACHINERY SAFETY AMENDMENT BILL

Second Reading

Debate resumed from 31 October.

MR SPRIGGS (Darling Range) [10.11 p.m.]: The Opposition has no quarrel with this Bill, with one proviso. The Bill seeks to increase the level of penalties prescribed by the Act and to extend the statutory limitation on the time for commencement of prosecutions for offences relating to failure to notify accidents. The Opposition is concerned about the latter aspect of the Bill, because it seeks to extend the period during which formal proceedings for prosecution may be commenced from six months to two years. It is felt that two years is a long time and an unnecessary extension. It could well be that one year is a sufficient period and I ask the Minister to look at that aspect. We will not make an issue of it, but would the Minister consider reducing the extension from two years to one year, because it seems that two years is a long time during which a person may have a possible prosecution hanging over his head?

In his second reading speech the Minister said the Bill sought to increase the fines by approximately the inflation rate. However, in some instances, the increases are much more severe. On the whole, we do not oppose the Bill, although we question the clause which seeks to extend the period during which a prosecution may commence from six months to two years.

MR PARKER (Fremantle—Minister for Minerals and Energy) [10.13 p.m.]: I thank the Opposition for its general support of the Bill. With respect to the two matters raised by the member for Darling Range, firstly, in relation to the level of increases in fines, I do not think I said in my second reading speech that those increases were related to the inflation rate. What I said was that we had surveyed the other States and decided on the basis of that survey what the appropriate rates should be. The member is right to say that the increases are more hefty than the inflation rate; but that was the basis for them.

The reason for the two-year extension is that, by the very nature of the injuries which occur under this Act and the Act with which we shall be dealing subsequently, it is frequently difficult for the chief inspector to have cognisance of the matters at all. What is frequently found by the chief inspector is that a person making a workers' compensation or common law claim for negligence against his employer will approach a lawyer, and the lawyer in turn approaches the chief inspector who, for the first time, will become cognisant of the fact that the infringement may have taken place. In many cases that will occur a considerable time outside the six-month period.

I suppose it would be possible for a stock prosecution to be lodged within six months or a year,

but that would be silly and worse for potential employers than the period proposed in the Bill.

The period of two years is arbitrary, but it relates to the time during which it is felt most legitimate complaints and the sorts of things which are brought to attention by solicitors come up; it is felt that two years is an appropriate time. Six months is the period under the Justices Act, but there are very many Acts, mostly in the criminal jurisdiction, where seven years is the period within which the Statute of limitations applies for a prosecution.

We believe that, given that this is not a criminal situation, nevertheless it is a serious one, six months is not a suitable period. Two years is an appropriate period both from the point of view of bringing the matter to attention and in relation to other matters in respect of the Statute of limitations.

With those comments, I commend the Bill to the house.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mrs Henderson) in the Chair; Mr Parker (Minister for Minerals and Energy) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 29 amended—

Mr COWAN: I do not really have a complaint against the intent of the legislation, but could the Minister take this opportunity to explain to me precisely where, in either this amendment or the principal Act, a person is required to report an accident which causes injury or death, because of faulty machinery?

Mr PARKER: I am afraid I cannot give the member that information. It is not the subject of the Bill, but I shall obtain the information and have it sent to the member.

Mr COWAN: I would have thought that it was, because, in the Minister's second reading speech he deals precisely with the fact that accidents in the past have not been reported and that the only time, on occasions, that somebody ascertains an injury has been caused by an accident as a result of machinery at work has been through a claim for compensation. The Minister just repeated that and I would have thought if that were the case, he would have known precisely where there is a requirement in the Act for an employer to report such accidents.

Mr PARKER: The Bill which I am handling relates to the updating of certain penalties. As the member for Merredin said, the following comment was made in the second reading speech—

> Owners of machinery are required to notify the chief inspector of the occurrence of accidents causing injury or death to persons or damage to machinery.

It goes on to say that the chief inspector often becomes aware of such a matter on receipt of correspondence.

The member for Darling Range has given me a copy of the Act which indicates that section 69 requires such reporting.

Clause put and passed.

Clauses 3 to 7 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Parker (Minister for Minerals and Energy), and passed.

CONSTRUCTION SAFETY AMENDMENT BILL

Second Reading

Debate resumed from 31 October.

MR SPRIGGS (Darling Range) [10.22 p.m.]: The Opposition has no objection to this Bill which seeks to update the penalties in the Act and increase them in some instances in excess of the inflation rate or other such measurements and which also extends to two years the period in which prosecutions can commence.

MR PARKER (Fremantle—Minister for Minerals and Energy) [10.23 p.m.]: I thank the Opposition for its support of the Bill and commend the Bill to the House.

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

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Parker (Minister for Minerals and Energy), and passed.

STOCK (BRANDS AND MOVEMENT) AMENDMENT BILL (No. 2)

Second Reading

Debate *resumed from* 1 November.

MR OLD (Katanning-Roe) [10.27 p.m.]: The Opposition supports this Bill in principle. It is a measure which has caused some concern in the industry over a considerable time and members will recall that, in an endeavour to minimise the stealing of livestock, waybills were introduced and it became incumbent upon people consigning livestock from one destination to another to fill out a waybill and hand it to the driver of the transporting vehicle or to the drover, as the case may be, so that the police could check on the bona fides of the person transporting the stock and be able to identify the owner.

There have been some problems and I know that the Livestock Transporters Association of WA has been concerned about the fact that, quite often, the people who were to transport the livestock would go to a property to pick them up for transport to an abattoir or a saleyard and find the stock in the yard, but the owner not present, therefore making it impossible to pick up a waybill. They would then be faced with the decision to cart the load illegally, to make out a waybill themselves in the hope that it would do the job, or to go away with an empty truck. They could not afford to leave in an empty truck so inevitably they would take the initiative of making out a waybill and arming themselves with that.

Instances have occurred of their being pulled up by the police and certainly being warned that they were breaking the law.

This amendment to the Stock (Brands and Movement) Act will legitimise that practice which has been carried on by livestock transporters; it will now be lawful for them to make out a waybill themselves in the circumstances I have outlined. This in no way excuses the owner of the livestock in absentia from fulfilling his obligation and making out a waybill and forwarding it to the appropriate authority. So, this measure is a safeguard and I understand that it has been discussed with the livestock stealing division of the Police Force. I know that the officers of that division have had some anxiety over this problem and I am sure this measure has their approbation. This measure will be given wide acceptance by the industry, and it is supported by the Opposition.

MR STEPHENS (Stirling) [10.30 p.m.]: The National Party supports this legislation.

Mr Carr: That means you agree with the Leader of the National Country Party.

Mr STEPHENS: It may be that he agrees with us. I know that was only a facetious interjection, and I responded with a facetious answer.

In his second reading speech the Minister said this legislation had the support of the industry. We will not oppose the legislation. I am aware, as a livestock producer of the need to have some policing mechanism, and such a system was introduced years ago to overcome the problem.

Perhaps when the Minister replies to the second reading debate he may be able to point out to me just how this particular measure will assist in the policing of the problem of stolen stock. I am aware that in certain circumstances it is difficult to produce a waybill, usually because of an oversight.

This legislation legalises the situation for a transport operator when he arrives at a property to load stock and no waybill has been left for him by the owner, and the owner may not be on the property at the time. The transport operator will now be able to legally write out a waybill. I am suggesting that if the carrier has loaded the sheep and is stopped by a law enforcer he could tell him from where he got the sheep and the police could check that out. It would be just as efficient as writing out a waybill and handing it over to the policeman.

I cannot see how this mechanism will improve or assist in preventing the stealing of stock; therefore, I ask how this mechanism will aid in the policing of stock stealing. We do not oppose the Bill.

MR COWAN (Merredin) [10.32 p.m.]: I too support the legislation, but have some question about whether it will have any great effect on the prevention of the stealing of livestock. That reminds me of a story running around the traps at Narembeen about a certain gentleman who is a creature of habit. He invariably went to town on a Friday to pick up the week's stores and did not return home until well into the night, generally after the hotel closed.

On one day he arrived home early, because his wife demanded that, and found a stock carrier at his stockyard. He found that half the sheep from the yard had been loaded onto the truck. The carrier said he was pleased to see the farmer because he wanted to know the exact location of a property he thought he was on. He was told that he was three miles away from that. The carrier said that in that case perhaps the farmer could help him load the stock and the farmer did. Unfortunately he did not have the right number and a few stock were left so the farmer obliged

and said he would take them down the next day for him. However, he found the sheep in the yards were his own and that in fact he had helped load his own stock. The signing of waybills would not have helped prevent the stealing of stock in that instance.

Mr Laurance: The moral of the story is that he should have stayed at the hotel.

Mr COWAN: That is right.

MR EVANS (Warren—Minister for Agriculture) [10.34 p.m.]: I thank members opposite for their support. I think the member for Katanning-Roe was more acutely attuned to the purpose of this Bill than were other speakers. This Bill is not intended to be a panacea or a method by which stock stealing can be stopped. If members could come up with a suggestion in that regard I would listen most carefully, as would about 19 stock producers in this State.

I suppose all one can say when looking at the function of this amendment is that it certainly does protect stock producers in the legal sense. At present they are in an indefensible position, because of the nature of legislation.

Mr Stephens: We are aware of that.

Mr EVANS: To ensure that the farmer does not remain in that indefensible position, if the carrier fills out the waybill he has complied with the law. It does not, as the member for Katanning-Roe suggests, obviate the responsibility of the owner; he still has his obligation; but at least it does establish that a load of sheep has been identified with a particular property. If the carrier has written out the details and the description of the stock, the owner, and the location, the bona fides of the stock transport operator are more readily identifiable.

To that extent I think this legislation does clarify the position. Most stock carriers these days are responsible people and in some cases have outlaid a considerable amount of money to operate their business.

I will pause again to ask whether any members have a solution to the problem of stock stealing.

Mr Stephens: I think this mechanism will be just as efficient as a person who writes out a dud cheque and signs his name and address on the back of it. If the stock transporter is doing something illegally he can just as easily tell the police the same illegal thing. We recognise the problem.

Mr EVANS: I accept the member's interjection. At least this Bill does clarify the situation for the stock stealing branch of the Police Force if they have to stop someone. It will improve the situation, perhaps not to a great degree, but it is a modicum.

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

Leave granted to proceed forthwith to the third reading.

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

RIGHTS IN WATER AND IRRIGATION AMENDMENT BILL

Second Reading

Debate resumed from 30 October.

MR TONKIN (Morley-Swan—Minister for Water Resources) [10.40 p.m.]: I take this opportunity to reply to the comments made by the members for Floreat and Vasse on this Bill. It is good to see that the Opposition is supporting this legislation

The query raised by the member for Floreat referred to the definition of the department as being the Public Works Department rather than, "the department or instrumentality which, from time to time, is charged with the administration of the Act."

The definition referred to was enacted in 1978 and is not changed by this Bill. It is intended, in the near future, to introduce an Acts amendment Bill amending the Metropolitan Water Authority, Country Areas Water Supply, Country Towns Sewerage, Rights in Water and Irrigation, and Land Drainage Acts, where necessary, to provide for the operation of the Water Authority of Western Australia and the administration of these Acts by that authority.

Because of this imminent legislative Act there has been no need to amend any of the provisions in this Act.

The member for Floreat also queried the removing of the requirement for the Minister, in certain matters, to act only on the advice of irrigation commissioners. As I stated in my introduction to the Bill, the abolition of this requirement was recommended by the Irrigation Commission. Most of the matters to which the requirement applies are considered in depth by the advisory committees and the irrigation commissioners con-

sidered that further consideration by them served no useful purpose.

I might point out that the Irrigation Commission could consist solely of civil servants. Therefore, if this provision is left in, we would have the absurd situation where the Minister would not be permitted to act unless told to do so by a civil servant. Can members imagine such a ludicrous situation. It strikes at the whole basis of our system of Government where Ministers are sworn in by the Sovereign's representative and are responsible for the government of the State.

In the sections dealing with the issue of licences for underground water and for the discharge of effluent and in most sections dealing with the operation of irrigation districts, no constraint is placed on the Minister's discretion. Advisory committees have also been appointed to advise the Minister on matters in these areas. As the member for Floreat would know, this system has operated effectively for many years.

However, more importantly, the concept of compulsory advice in the existing Act is foreign to the whole concept of ministerial responsibility as we understand it today in our Westminster system. Therefore, the concept that a Minister is not permitted to act unless he is advised by someone cannot be supported in any form.

In the future these advisory committees will be advisory to the board of the Water Authority and only some of their recommendations will be needed to be submitted by the board for ministerial approval.

The board will thus be able to perform the function of ensuring that the various advisory committees are not diverging further from general policy than justified by local conditions.

Another point raised by the member for Floreat was the limitation of special licences to a 10-year period. Special licences are issued to owners who are regularly diverting water from any watercourse before it was brought within the powers of division 1 of part III. The basic philosophic position taken by the Rights in Water and Irrigation Act, in common with similar legislation in all other States, is that water is a resource vested in the Crown to be shared equitably between owners by the Minister concerned. Of course, we have seen debate relating to that in respect of land rights. It was agreed that minerals should be vested in the Crown. It is now proposed the same provisions apply to water.

The demand for water from any watercourse can vary markedly over 10 years. Community attitudes on priorities of water use can also vary over such a period. The period of 10 years is therefore still regarded as giving the owner involved a reasonable degree of protection when controls are introduced.

If the licence is reduced in that time-frame, there is, of course, provision for compensation which was the matter raised by the member for Floreat.

The member suggested also that clause 13(3) provides for the Minister to withdraw an ordinary licence at any time. The basic purpose of clause 13(3) is to allow the Minister to vary a licence should circumstances change after its issue. It does not specifically refer to withdrawal, although, by shortening the period, this could be achieved. However, any notice given under this clause, in common with almost all licensing decisions, is subject to appeal as provided in clause 14.

Clause 15(1) queried by the member for Floreat is similar to section 5 of the Act and common sections are found in the Acts of all other States. These sections vesting the bed—and banks by definition—in the Crown were inserted to reinforce clauses such as clause 8 of this Bill vesting in the Crown the right to the use and control of the water.

By also vesting in the Crown the bed and banks of watercourses forming the boundaries of properties, riparian rights of those watercourses were automatically vested in the Crown. Most States excluded major watercourses from titles issued after the passing of their water legislation in the early 1900s, but, in Western Australia, this change in policy did not take place until 1940. Titles issued prior to this date are therefore affected by this provision.

I make it clear this applies only in irrigation districts and in watercourses proclaimed under the Rights in Water and Irrigation Act. This is not new. It has been in the Act since 1914. I emphasise that.

Clause 16, of course, provides for the owners of land affected by clause 15 to retain almost all rights to use the land including the right to sue other people for trespass on the bed and banks. Although the bed and banks are vested in the Crown, the right to sue for trespass still remains with the owner.

The member for Floreat also queried clause 21(1). This clause is a restatement of the current law contained in section 6 of the existing Act. This provision exists in the laws of the other States but has been given little prominence in administration over the years. It is based on the concept that water as a basic necessity must be available to all persons as far as possible. That is a very ancient

right going back many, many centuries in common law.

Non-riparians—that is, those whose land is not contiguous to the river—can use only water to which they can gain legal access, such as by a road or through a reserve. Clause 21(1) thus allows those without riparian rights to use water vested in the Crown to which there is access by a public road or reserve.

Legal access to water on a reserve could be prevented if necessary by a regulation made by the authority for whom the reserve is vested.

The right to take water is an important provision in an arid State such as ours where the water in some lakes in the agricultural areas can be used by carting to sustain stock during drought periods.

The member for Floreat suggested an interesting possibility which could eventuate under this doctrine; I think the comment made was that people might line up and pump quantities of water out of the watercourse. I suggest we will await such an occurrence before attempting to change such longstanding law.

The term "subterranean water" was changed to "underground water" in this redrafting of the Act because it is no longer in common usage. The possibility of using the term "ground water", which the member for Floreat has stated is now coming into common usage, was canvassed with the parliamentary draftsman but from a legal point of view he preferred the term "underground water".

Both the member for Floreat and the member for Vasse raised the question of pollution of water by saline seepage as a result of clearing. The Rights in Water and Irrigation Act deals only with pollution caused by discharges or deposits. The Country Areas Water Supply Act, as both members are aware, provides for quite stringent controls over clearing on specified catchments.

Finally, the member for Vasse in commending the section preventing interference with water courses on Crown land, asked for information on the outcome of a dispute on the Moore River to which I referred. In this case the department found itself powerless to act and could suggest only that the adversely affected owner take civil action against his neighbour seeking compensation for the lowering of the value of his property as a result of his no longer having access to the water in the river, the course of which had been diverted. The owner did not take action. The Public Works Department could have taken action within six months of the occurrence: not for the interference with the course of the river on Crown Land but only for the action of diverting the course of the water. By the time this case became known no action could be taken and we had the absurd situation where the action could be taken by the Crown in respect of a watercourse which was on private property but not in respect of a watercourse which was on Crown Land. This amendment will remedy that situation.

Question put and passed.

Bill read a second time.

House adjourned at 10.54 p.m.

QUESTIONS ON NOTICE

ENERGY: ELECTRICITY

Powerlines: Narrogin-Pingelly

1558. Mr PETER JONES, to the Minister for Minerals and Energy:

(1) Is the Government proposing to construct a new transmission line from Narrogin to Pingelly?

(2) What improvement or upgrading is proposed for the various transmission and feeder lines both east and west of Pingelly?

(3) When is it proposed that any works will be undertaken?

Mr PARKER replied:

(1) Yes.

(2) No upgrading is proposed. Normal maintenance including tree clearing will be carried out. An additional pole base reinforcement crew will be in the area from December.

(3) The first section of Narrogin-Wandering line to be completed during 1985. Balance of line to Pingelly to be constructed during 1986.

1561. *Postponed.*

PORTS AND HARBOURS: FREMANTLE PORT AUTHORITY

Operations

1567. Mr PETER JONES, to the Minister for Transport:

(1) With regard to the activities and operations of the Fremantle Port Authority, what efforts are being made to improve the financial results of the authority?

(2) What plans does the authority have to attract more tonnage to the port?

(3) What efforts are being made to reduce the high labour unit costs, hourly levies, and other imposts, which are severely crippling the financial attractiveness of the port?

Mr GRILL replied:

(1) The Government has been successfully negotiating with companies which have enjoyed statutory exemptions from harbour dues, to pay normal port charges.

The port police station has been replaced with a small in-house security force.

The authority has been negotiating to transfer the port beach area to the Fremantle City Council.

The staff has been reduced from 823 to 795 in the year ended 30 June 1984.

The authority has also been asked to prepare a port strategy plan evaluating trade and financial prospects up to the year 2000 and to conduct a review of its port charging system.

(2) The port has encouraged trade by granting concessional wharfage charges on a comprehensive range of commodities and provides specialised facilities and equipment for the efficient handling of cargo.

(3) The Association of Employers of Waterside Labour, of which the Port Authority is a member, controls the employment levels of waterside labour and determines the payment of levies in all Australian ports. Since 1 June 1984 the number of waterside workers employed in Fremantle has reduced through early retirement and redundancy from 632 to 522 men and this should help to reduce the cost of port labour levies.

The hourly levies charged by the Port Authority are identical to those charged by private stevedoring companies.

TRANSPORT: DEPARTMENT

Establishment

1568. Mr PETER JONES, to the Minister for Transport:

(1) Further to the announcement of a new Department of Transport, when is the new department to be established?

(2) Who will head the proposed department, with what title and status?

(3) What legislative amendments are proposed to enact the new arrangements?

(4) Where will the new department be located?

(5) Is it proposed to transfer some of the responsibilities for issuing permits and licences from the Transport Commission to the Police Department?

Mr GRILL replied:

(1) to (4) These and other matters concerning the new department are under consideration, and an announcement will be made at the appropriate time.

(5) No.

HEALTH: NURSES

Quotas

1571. Mr WATT, to the Minister for Health:

In respect of Government hospitals at—

(a) Albany;

(b) Bunbury;

(c) Geraldton; and

(d) Kalgoorlie,

what is the full quota of nurses for each, and how many nurses below strength is each hospital?

Mr HODGE replied:

(a) to (d)

Full Time Equivalent (FTE) Nursing Staff

Hospital	Staff Establishment	Number Below Strength	
	(FTE)	(FTE)	(FTE)
Albany	148.32	-10.49	28 October 1984
Bunbury	148.55	-12.95	28 October 1984
Geraldton	113.67	nil	28 October 1984
Kalgoorlie	223.06	-10.93	28 October 1984

The number below strength of FTE nursing staff at Albany, Bunbury and Kalgoorlie Hospitals has not caused any restrictions on the services provided. Every effort is being made to improve the situation through advertising for registered nurses, increasing the number of enrolled nurses and through the provision of refresher courses to encourage retired nurses back into the hospitals.

In some areas this shortfall is sessional and has usually improved in February as many nurses reapply at the beginning of the school year.

EDUCATION: STUDENTS

Accident Insurance

1583. Mr BLAIKIE, to the Minister for Education:

(1) How many insurance companies currently operate students accident insurance cover?

(2) What is the cost per student per year?

(3) Does his department "vet" any policies on offer?

(4) (a) Is the State Government Insurance Office involved in student insurance; and

(b) if not, why not?

Mr PEARCE replied:

(1) In Government schools student accident insurance cover is provided by Zurich Australian Life Insurance Ltd.

(2) $15 per student per annum, basic cover. Extra $5 per annum for disabled cover. Discount for additional children in family.

(3) All information distributed through schools is vetted by the Education Department.

(4) (a) and (b) Yes. SGIO covers students involved in work experience activities as part of the Education Department workers' compensation cover. It also provides a block cover for groups of students from Government schools on excursions, camps, etc., cost usually being met by schools.

TRANSPORT: LIGHTHOUSES

Unmanning

1584. Mr BLAIKIE, to the Minister for Transport:

(1) Following release of the report from the House of Representatives Standing Committee on Expenditure entitled "Lighthouses, do we keep the keepers", why did the State Government submit "The Western Australian Government considers that the unmanning of remaining lighthouses in this State could be achieved without major disadvantages"?

(2) What lighthouses did the Government specifically refer to?

(3) On what date were the comments made?

(4) Did the Government seek any response from local government or any local community group before it made its decision and would he give details?

(5) Is he aware that the Federal Minister for Transport has recently announced that there will be a reduction of manning at certain lighthouses?

(6) (a) Did the Federal Government have any discussion with the State Government prior to the decision to reduce staff; and

(b) if so, when and what was the State's response?

(7) Does the State Government intend to ensure that manning levels will be maintained with the inclusion of State funded officers and would he give details of the lighthouses concerned and the future role of the State and its officers?

Mr GRILL replied:

(1) Because the unmanning of the remaining manned Commonwealth lighthouses could be achieved without any adverse effect on the State's responsibilities for ensuring the safety of navigation.

(2) The State Government referred by inference to the unmanning of Cape Leveque and Point Moore and the reduced manning of Cape Leeuwin.

(3) 12 October 1983.

(4) No.

(5) Yes.

(6) (a) Correspondence, not discussion;

(b) the Premier wrote to the Chairman of the House of Representatives Standing Committee on Expenditure on 26 January 1984 and advised that the State considered that unmanning of the remaining manned lighthouses in WA could be undertaken.

(7) No, the State Government does not intend to ensure that the manning levels will be maintained with the inclusion of State funded officer. The responsibility is clearly a Federal one.

TRANSPORT: RAILWAYS

Crossings: Katanning-Boyup Brook Line

1585. Mr OLD, to the Minister for Transport:

(1) Have any sets of flashing warning lights on road crossings on the Katanning-Boyup Brook railway line been relocated?

(2) If "Yes"—

(a) how many have been relocated;

(b) how many are left on the line?

Mr GRILL replied:

(1) Yes.

(2) (a) Of the two sets of flashing warning lights removed, one has been relocated at East Arthur on the Albany Highway;

(b) four.

ROAD: RESERVE

Torrens Court, Cottesloe

1586. Mr HASSELL, to the Minister representing the Minister for Planning:

When is the Minister going to make a decision on the application that has been put forward for the reduction of the road reserve in Torrens Court, Cottesloe?

Mr PEARCE replied:

I gave my consent to Torrens Court being reduced in width to 15 metres on 13 September 1984.

HEALTH: MEDICAL PRACTITIONERS

Geraldton: Late Payment of Fees

1587. Mr TUBBY, to the Minister for Health:

(1) Is he aware of a delay of three months in payment to doctors of modified fee for service at the Geraldton Regional Hospital?

(2) Is he aware that legal proceedings are about to be commenced?

(3) Is he also aware that doctors, and particularly surgeons, will consider withdrawing services from all public patients at the regional hospital unless a more prompt system of payments can be guaranteed?

Mr HODGE replied:

(1) No. Inquiries with the Geraldton Hospital reveal that all accounts are currently settled within 30 days. Delays were previously experienced in July and August with the installation of a new general ledger system in the department.

(2) No.

(3) No, I have been advised by the hospital that Dr Dring has written to the administrator threatening to withdraw his services should excessive delays be experienced in the future. Presently, there are no accounts outstanding for Dr Dring.

The administrator has forwarded Dr Dring's letter to my department for comment; however, it is still to be received.

TRANSPORT: RAILWAYS

Pinjarra-Dwellingup: Closure

1588. Mr RUSHTON, to the Minister for Transport:

(1) When will the Westrail service between Pinjarra and Dwellingup be closed?

(2) (a) Will the rail track and reserve between Pinjarra and Dwellingup be leased or sold to the Hotham Valley Tourist Railway society to enable a continuance of the society's steam train tourist services to Dwellingup;

(b) if not, what is to become of the society's assets at Dwellingup?

Mr GRILL replied:

(1) Due to a lack of timber traffic regular train services between Pinjarra and Dwellingup ceased on 15 October 1984, pending the outcome of a study by the Commissioner of Transport into the socioeconomic apsects of the line's future.

(2) (a) and (b) A decision is yet to be made but it is expected that Hotham Valley Tourist Railway society would be granted a lease of the rail track and reserve between Alumina Junction and Dwellingup.

1589. *Postponed.*

TRANSPORT: BUSES

Drivers: 38 hour Week

1590. Mr RUSHTON, to the Minister for Transport:

(1) What is the estimated cost per annum of the bus drivers gaining a 38 hour week?

(2) Will he list the trade-offs negotiated and agreed and the value of each item on a yearly basis?

Mr GRILL replied:

This question is similar to question 1283, and as negotiations are still under way my answer remains much the same—

(1) This depends on the package negotiated.

(2) When the negotiations are completed, the entire package, including the value of trade-offs will be tabled.

PASTORAL INDUSTRY: LEASES

Mt Anderson: Compensation

1591. Mr RUSHTON, to the Minister for Lands and Surveys:

(1) (a) Has the settlement with Mr and Mrs Blair over Mt. Anderson Station been completed;

(b) if "Yes", have both parties agreed to the settlement?

(2) If "No", what is the present position in bringing this negotiation to an agreed final payment?

Mr McIVER replied:

(1) and (2) I am informed that an accord has been reached between lawyers representing both parties which should now enable arbitration to proceed.

PLANNING: PERTH CITY

Building Height

1592. Mr RUSHTON, to the Minister representing the Minister for Planning:

(1) What is the building height approved for the Palace Hotel development?

(2) Is this now the maximum building height for building in the central city area?

(3) Has the City of Perth town plan received the Minister's approval and been gazetted?

Mr PEARCE replied:

(1) The Perth City Council advise that the height of the building is in the order of 204 metres.

(2) No.

(3) No.

RACING

Western Australian Turf Club

1593. Mr RUSHTON, to the Minister representing the Minister for Administrative Services:

(1) (a) Has the proposed meeting between the Chairman of the Western Australian Turf Club and the representatives of the Byford trotting and training complex been held;

(b) if "Yes", what progress has been made towards one or more trotting meetings being held on the Byford trotting track each year?

(2) If "No", when is the meeting expected to be held?

Mr PEARCE replied:

(1) and (2) A meeting with the Chairman of the Western Australian Turf Club would have no bearing on a meeting with representatives of the Byford training complex.

The Western Australian Trotting Association considers that the two existing metropolitan venues are adequate to service the population in the metropolitan area. The association has no proposal for a meeting with representatives of the Byford trotting and training complex on this issue.

SPORT AND RECREATION: YACHTING

America's Cup: Committee

1594. Mr RUSHTON, to the Minister representing the Minister for Administrative Services:

(1) (a) Has the management and organisation of the America's Cup Co-ordination Committee been restructured;

(b) if "Yes", what are the new arrangements?

(2) If "No", when are the proposed management changes due to be introduced?

(3) What are the duties and responsibilities of—

(a) Mr Semmens;

(b) Captain Noble?

Mr PEARCE replied:

(1) to (3) The Government is reorganizing the office of the America's Cup Defence and it is the intention of the responsible Minister to make a statement on the changes in due course.

1595 and 1596. *Postponed.*

HEALTH: HOSPITALS

Admissions: Increase

1597. Mr BRADSHAW, to the Minister for Health:

(1) (a) Since the introduction of Medicare has there been an increase in admissions to public hospitals relative to the same time for 1983;

(b) if so, what have been the percentage increases for each month since Medicare was introduced relative to the same time in 1983?

(2) (a) Are the number of admissions since the introduction of Medicare on target;

(b) if not, what is or are the variations?

Mr HODGE replied:

(1) and (2) I refer the member to my answer to question 1406 of 24 October 1984 by the member for Clontarf concerning the amount of research required to provide responses to this type of question.

As well, the number of admissions is not generally considered an indicator of patient utilisation, which is normally expressed in terms of bed days. However, the member may be interested in my response to question 1027 of 9 October 1984 to the member for East Melville, which gave certain information on teaching hospitals.

GOVERNMENT EMPLOYEES

Work for Political Parties

1598. Mr BRADSHAW, to the Premier:

(1) Are State Government public servants allowed to work for political parties outside of their workplace and working hours?

(2) If not, has any directive been given to State public servants?

Mr BRIAN BURKE replied:

(1) There is no legal impediment provided work is unremunerated.

(2) Answered by (1).

1599. *Postponed.*

STATE FINANCE: CRF

Country Dental Health Subsidy Scheme

1600. Mr BRADSHAW, to the Minister for Health:

(1) What increase in the budget has been allocated for the country dental health subsidy scheme?

(2) How much money is provided in the budget for drug education, not including the $2 million for the antismoking campaign?

Mr HODGE replied:

(1) The total amount allocated to the country dental health subsidy is $850 000. This includes an increase of $196 600 over last years allocation which represents 30 per cent increase.

(2) I refer the member to question 1060 of 30 May 1984 in the Legislative Council. A copy of the reply referred to in the answer will be forwarded to the member, updated to include this year's Budget allocations.

1601. *Postponed.*

TRANSPORT: ROAD

Road Trains

1602. Mr PETER JONES, to the Minister for Transport:

(1) With regard to the operation of road trains in the south-west, what roads have been approved, for use by road trains?

(2) What permits or other approvals are required?

(3) What loads can be carried by road trains on approved roads?

Mr GRILL replied:

(1) The information is being collated and I will arrange for the member to be advised in writing shortly.

(2) Road train permits are required and are issued by the vehicle loads section of the Main Roads Department. For operation on local authority roads, written agreement is sought from the relevant shire council before a permit is issued.

(3) Loads presently transported by road train in the south-west include hardwood logs, livestock, quarry products and coal.

EDUCATION: TERTIARY

Residential Colleges

1603. Mr PETER JONES, to the Minister for Education:

(1) Is the State Government aware of the intention of the Federal Government to remove financial support for residential colleges and halls by the end of 1986?

(2) Is the Government concerned at the effect this will have on students from rural and remote areas?

(3) Is the State Government intending to provide replacement funding?

(4) What other avenues of support are available?

Mr PEARCE replied:

(1) and (2) The nature of the changes recently made by the Commonwealth Government in its provision of financial assistance towards the cost of residential accommodation for higher education students, was the subject of my reply on 8 August to a question from the member for Albany. At present, the support takes the form of a general *per capita* grant that goes direct to the residential college, regardless of the financial, geographic and other circumstances of individual students.

Under the new scheme, the existing subsidy arrangement will be phased out by the end of 1986 and funds will be provided instead to the universities and colleges of advanced education to enable them to provide loans or grants to needy students to assist them in meeting the costs of their accommodation, wherever that may be. The precise details are yet to be finalised, but the problems of students from isolated areas have been emphasised in communications with the Commonwealth.

(3) No.

(4) I am unaware of other avenues of support apart from those available to members of the community at large.

ENERGY: ELECTRICITY

Moodiarup-Duranillin

1604. Mr PETER JONES, to the Minister for Minerals and Energy:

(1) Is he aware of difficulties being experienced with maintaining electricity supplies to the Moodiarup-Duranillin district during periods of high demand?

(2) For what reasons are difficulties experienced?

(3) What efforts are being made by the State Energy Commission to improve the supply arrangements?

(4) When is it planned to undertake the necessary improvements?

Mr PARKER replied:

(1) Difficulties are being experienced but not necessarily due to high demand.

(2) The district is supplied by a long—100 km—radial overhead 22 000 volt circuit from Yornup substation. Due to the long length of line there is a higher than normal exposure to faults encountered on overhead lines.

(3) The following arrangements have been made—

(a) regional line crews are carrying out line clearing and line maintenance;

(b) it is planned to develop the overhead system to supply the district from the Kojonup substation.

(4) The clearing and maintenance work is currently in progress and work will be undertaken as soon as regional resources permit.

TAXES AND CHARGES: PAYROLL TAX

Exemptions: Criteria

1605. Mr HASSELL, to the Treasurer:

(1) What are the criteria used by him to determine elegibility for exemption under section 10(1)(k) of the Pay-Roll Tax Assessment Act?

(2) How many exemptions have been granted and to whom?

(3) What is the estimated tax foregone in 1984-85 through these exemptions?

Mr BRIAN BURKE replied:

(1) As the Pay-Roll Tax Assessment Act comes under the jurisdiction of the Minister for Budget Management, that Minister deals with applications for this exemption.

I am advised by the Minister that the present exemptions have been granted on the recommendation of the Commissioner of State Taxation after he has satisfied himself that the purposes of the organisations concerned are in fact charitable.

(2) Thirteen exemptions have been granted as follows—

Parnamaru Community Incorporated;
Irrunytju Community Incorporated;
Warakurna Community Incorporated;
Papulankutja Community Incorporated;
Warburton Community Incorporated;
Beagle Bay Community Incorporated;
Upurl-Upurlila Ngurratja Incorporated;
Lombadina Community Incorporated;
Bidyadanga Aboriginal Community La Grange Incorporated;
Ngangganawili Community Incorporated;
Balgo Hills Aboriginal Community Incorporated;
Royal Society for the Prevention of Cruelty to Animals Western Australia (Incorporated); and,
Jaycees Community Foundation (Whaleworld Project Albany).

(3) $200 000.

STATE FINANCE: CENTRAL INVESTMENT

Borrowing Unit

1606. Mr MacKINNON, to the Premier:

(1) Has the Government yet established the central investment and borrowing unit?

(2) If so, when and what are the general details of the unit's operations?

(3) If not, when will it be established?

Mr BRIAN BURKE replied:

(1) No.

(2) Not applicable.

(3) Details are still under consideration.

POLICE: FIREARMS

Legislation

1607. Mr MacKINNON, to the Minister for Police and Emergency Services:

(1) Will the legislation relating to fire arms control be introduced into the Parliament during this session?

(2) Can he outline for me briefly the details of what will be included in the legislation?

Mr CARR replied:

(1) It is not believed the legislation will be ready for presentation to this session.

(2) A copy of the news release relating to the proposed legislation is tabled.

The paper was tabled (see paper No. 289).

1608. *Postponed.*

GAMBLING: BEER TICKET MACHINES

Legislation

1609. Mr MacKINNON, to the Minister representing the Minister for Administrative Services:

(1) Will the Government be introducing a Bill during this current session to regulate the sale of beer tickets in hotels and taverns?

(2) If so, will this legislation include a clause that will ensure that such tickets are printed in Western Australia?

Mr PEARCE replied:

(1) A draft Bill is in preparation and it is anticipated it may be introduced in this session.

(2) No.

FIRES: FIRE PREVENTION AND PUBLIC SAFETY

Review Committee

1610. Mr MacKINNON, to the Minister for Police and Emergency Services:

(1) Has the Government taken any action as a consequence of the interim report of the fire prevention and public safety review committee?

(2) If so, what is that action?

(3) When is it expected that the final report of this committee will be available?

Mr CARR replied:

(1) Yes.

(2) The public has been invited to comment on the recommendations of the interim report.

(3) Not known at this stage.

GOVERNMENT INSTRUMENTALITIES: ACCOMMODATION

Leased: Kings Building

1611. Mr MacKINNON, to the Premier:

When did the Government lease begin on the sections of the Kings Building in Hay Street, Perth, that it occupies?

Mr BRIAN BURKE replied:

1 September 1983.

TAXES AND CHARGES: LAND TAX

Reform

1612. Mr MENSAROS, to the Minister representing the Minister for Budget Management:

(1) Has the Minister or the Treasurer received a request from the Perth City Ratepayers and Citizens Association (Inc) to receive its deputation in the matter of land tax reform?

(2) If so, is the Minister going to receive the deputation?

Mr BRIAN BURKE replied:

(1) Not to my knowledge.

(2) Not applicable.

TAXES AND CHARGES: LAND TAX

Revenue

1613. Mr MENSAROS, to the Minister representing the Minister for Budget Management:

What was the percentage of the revenue collected from State land tax of the total receipts in the revenue budgets in each year from 1977-78 to 1983-84?

Mr BRIAN BURKE replied:

1977-78—1.14 per cent
1978-79—1.24 per cent
1979-80—1.40 per cent
1980-81—1.38 per cent
1981-82—1.43 per cent
1982-83—1.51 per cent
1983-84—1.60 per cent

TAXES AND CHARGES: LAND TAX

Unimproved Property Values

1614. Mr MENSAROS, to the Treasurer:

What is the approximate unimproved value of all properties—

(a) subject to land tax;

(b) not subject to land tax, because they are fully or partly owner-occupied?

Mr BRIAN BURKE replied:

(a) $3 468 million;

(b) not known.

EDUCATION: TERTIARY

Members of Governing Bodies

1615. Mr MENSAROS, to the Minister for Education:

Have any of the tertiary educational institutions members on their respective governing bodies—senate, council, etc—who are members of State Parliament?

Mr PEARCE replied:

No.

MULTICULTURAL AND ETHNIC AFFAIRS

Migrant Resource Centres

1616. Mr MENSAROS, to the Minister for Multicultural and Ethnic Affairs:

To what extent, if any, is the State Government involved by way of financing, appointments, policy directions, or any other way in the migrant resource centres?

Mr DAVIES replied:

The State Government does not provide finance for the operations of the North Perth or the Fremantle migrant resource centres.

The constitutions in respect to membership of management committees for these centres provide for, among others, that one representative from the State Government be appointed to these committees.

The State Government has no direct involvement in respect to policy directions or in any other way as to the management of these centres.

ENVIRONMENT: PEEL INLET

Weed Harvesting

1617. Mr MENSAROS, to the Minister for the Environment:

(1) Has he yet received the report from the Public Works Department or one of its successors about the more efficient execution of the weed harvesting operation in the Peel Inlet?

(2) If so, would he please table the report?

Mr DAVIES replied:

(1) Yes.

(2) Since the report was prepared by the Public Works Department under the jurisdiction of my colleague the Minister for Works, the member may care to address his request for tabling to that Minister.

COMPLAINTS AGAINST POLICE BILL

Minister for Police and Emergency Services

1618. Mr MENSAROS, to the Minister for Police and Emergency Services:

(1) Was he correctly reported that he intends to propose amendments to the Complaints against Police Bill 1984?

(2) If so, how long a period of time is he going to give for members to consider the proposed amendments and discuss them with interested parties before the Committee debate of the Bill?

Mr CARR replied:

(1) Yes.

(2) Copies were provided to the Opposition yesterday. As the amendments are not complicated it is intended to proceed to debate the Committee stages of the Bill today.

1619. *Postponed.*

FORESTS: SHANNON FOREST

Management Plan

1620. Dr DADOUR, to the Minister for Forests:

With regard to the Shannon Forest and D'Entrecasteaux National Park strategy for management planning, September 1984—

(a) who is/are the author(s) of the report;

(b) what are his/her/their qualifications?

(c) who is/are the editor(s) of the report;

(d) what are his/her/their qualifications;

(e) what is/are the source(s) of the quotations on pages 10, 19, 23, 27 and 31 of the strategy;

(f) what published references were consulted by the author(s)?

Mr BRIAN BURKE replied:

(a) (i) Dr P. Christensen;

(ii) Dr J. Watson;

(iii) Mr P. Llewellyn;

(b) (i) B.Sc. Hons., Ph.D.

(ii) B.Sc., Ph.D., Agric.

(iii) B.Sc. (Biol.);

(c) Mr I. Kaye;

(d) Diploma in Journalism;

(e) the "quotations" are not actual quotations. The points were expressed in italics for emphasis;

(f) a list of references will be provided in writing as soon as possible.

LAND: CROWN

Manjimup

1621. Dr DADOUR, to the Minister for Forests:

(1) With regard to a recent report on land release, compiled by a joint working group of Forests Department and Agriculture Department staff, did the report recommend the release of 7 000 hectares of Crown land for agriculture in the Manjimup Shire?

(2) If not—

(a) how many hectares did the report recommend should be released;

(b) did the report recommend that conditions be attached to the release—please specify—;

(c) what locations were recommended for release;

(d) on what basis did the Government decide that 7 000 hectares were suitable for release;

(e) will he table the report of the working group?

Mr BRIAN BURKE replied:

(1) No.

(2) (a) Within the Manjimup Shire up to 2 860 hectares may be suitable for release to agriculture and a further 3 460 ha of poor quality State forest could be suited to pine plantation and/or agroforestry;

(b) release would be dependent on results of detailed studies of each potential site and the recommendations of the Environmental Protection Authority's working group on land release;

(c) at least 12 different locations in the Manjimup Shire warranted further investigation. These cannot be practically enumerated at this stage;

(d) the recommendations could provide for the best land use in the region with respect to meeting both agricultural and pine plantation objectives;

(e) this will be considered after the report has been studied in detail by the Government.

LAND: AGRICULTURAL

Release: Manjimup

1622. Dr DADOUR, to the Minister for Lands and Surveys:

With regard to the 7 000 hectares of Crown land to be released for agriculture in the Manjimup Shire, is it proposed that the land will go to increase the holdings of existing landowners?

Mr McIVER replied:

The release of Crown land and State forest for agriculture in the Manjimup Shire is subject to further professional evaluation by the Agriculture and Forests Departments and the procedures which will be laid down by the land release study group.

No decision has been made as to how this land will be subdivided or allocated except that the Premier has indicated that he will be seeking the advice of the Manjimup Shire.

ARTS

Busselton Arts Society

1623. Mr BLAIKIE, to the Minister for the Arts:

(1) When did he advise the Busselton Arts Society that it had been successful in obtaining a grant of $6 800?

(2) Has he received correspondence from the society accepting the grant?

(3) When will the grant be paid?

Mr DAVIES replied:

(1) On 14 December 1983, at which time the society was advised of the terms and conditions under which the grant would be paid.

(2) Yes.

(3) The cheque was forwarded to the Honorary Secretary of the Busselton Arts So-

ciety on 5 November 1984, following compliance by the society with the conditions referred to in (1) above.

1624. *Postponed.*

ENERGY: PETROLEUM

Products Freight Subsidy Scheme

1625. Mr BLAIKIE, to the Premier:

(1) What has been the cost to the State Government and its instrumentalities and trading bodies as a result of the Commonwealth Government decision to decrease the subsidy under the petroleum products freight subsidy scheme?

(2) What will be the projected cost in a 12 month period in the following towns—

(a) Port Hedland;

(b) Karratha;

(c) Broome;

(d) Derby;

(e) Wyndham;

(f) Kununurra;

(g) Carnarvon;

(h) Exmouth;

(i) Meekatharra;

(j) Leonora;

(k) Norseman?

(3) What representations were made to the Commonwealth Government, by whom, on what dates and with what replies?

(4) What Government services have been affected, and to what extent as a result of the subsidy reduction?

(5) What Government services have been increased in price as a result of the subsidy?

Mr BRIAN BURKE replied:

(1) to (5) To provide the information requested by the member will require the utilisation of considerable staff resources of a number of Commonwealth and State authorities and departments. I will discuss the matter with the Ministers for Consumer Affairs and Transport and convey the outcome to you by letter.

TRADE: EXPORTS

Meat: Inspection Charges

1626. Mr BLAIKIE, to the Minister for Agriculture:

(1) What representations were made by the State Government regarding the Commonwealth Government legislation to substantially increase meat export inspection charges and would he give details?

(2) What effect will the increased charges have on the industry in Western Australia?

(3) What is the total amount of revenue that the new charges will bring?

Mr EVANS replied:

(1) The State Government was not given an opportunity to make representations to the Commonwealth Government on this issue.

(2) The effect of the Commonwealth legislation is to reduce the per-head cost of inspection in export abattoirs for product destined for the domestic market. Product destined for the export market will attract further per-kilogram charges.

(3) According to the Commonwealth's *Budget Statements 1984-85*, revenue from meat and livestock export inspection services is estimated to be $40.7 million in Australia in 1984-85.

AGRICULTURAL: RURAL ADJUSTMENT

Funding

1627. Mr BLAIKIE, to the Minister for Agriculture:

(1) What is the level of rural adjustment funding the State will receive from the Commonwealth in the 1984-85 year?

(2) What was the level of funding in the years since 1980?

(3) Further to (1), what reason has been given for the reduction in national level funding?

Mr EVANS replied:

(1) $4.30 million.

(2) 1979-80—$2.60 million
1980-81—$2.90 million
1981-82—$2.90 million
1982-83—$2.96 million
1983-84—$9.20 million
(includes special allowance for drought)

(3) No reason given.

ABORIGINAL AFFAIRS: ABORIGINAL DEVELOPMENT CORPORATION

Pastoral Leases

1628. Mr BLAIKIE, to the Minister for Lands and Surveys:

(1) Has the Aboriginal Development Corporation or any Aboriginal group indicated any interest to the Government in whole or part of the—

(a) Kimberley Downs;

(b) Napier Downs;

(c) Bohemia Downs,

pastoral leases?

(2) When were the approaches made, to whom, when and to what extent?

Mr McIVER replied:

(1) and (2) I am advised that Department of Lands and Surveys files do not indicate approaches by any Aboriginal organisation or group for these pastoral leases.

I am not aware of any such approach to any other Government agency.

FORESTS: SANDALWOOD

Royalties

1629. Mr BLAIKIE, to the Premier:

(1) In each year since 1975, what has been the royalty paid by sandalwood pullers to the State?

(2) What importance does the Government place on the sandalwood industry?

Mr BRIAN BURKE replied:

(1) Royalty is paid by Australian Sandalwood Co. Ltd. on all sandalwood supplied to that company. Royalty received during the period is as follows—

1974-75—$18 444
1975-76—$22 948
1976-77—$23 474
1977-78—$31 358
1978-79—$31 693
1979-80—$44 134
1980-81—$62 521
1981-82—$62 256
1982-83—$65 348
1983-84—$74 355

(2) The sandalwood industry is a valuable export earner for Western Australia as well as providing some employment opportunities in remote areas of the State.

FORESTS: SANDALWOOD

Price

1630. Mr BLAIKIE, to the Premier:

In each year since 1975, what has been the price paid by sandalwood companies to pullers for their product?

Mr BRIAN BURKE replied:

There are usually several price rises during each year. The prices given below are those as at December each year.

	LOGS $ (per tonne)	PIECES $ (per tonne)
1975	150.00	100.00
1976	185.00	120.00
1977	215.00	150.00
1978	230.00	170.00
1979	290.00	230.00
1980	375.00	310.00
1981	390.00	325.00
1982	435.00	363.00
1983	480.00	408.00
1984 to date	516.00	444.00

FORESTS: SANDALWOOD

Export

1631. Mr BLAIKIE, to the Premier:

(1) What countries have purchased sandalwood, in what quantities, and at what annual value in each year since 1975?

(2) Has the Government assessed the local value of Western Australian produced sandalwood at its destination point, and if not, why not?

Mr BRIAN BURKE replied:

(1) Sandalwood is exported by Australian Sandalwood Co. Ltd. generally to Hong Kong, Taiwan, Singapore, Malaya and Thailand.

The actual quantities and value of sandalwood exported to each individual country is not recorded by the Forests Department.

(2) No. The Government relies on the advice of the sandalwood export committee in this matter.

FORESTS: SANDALWOOD

WA Sandalwood Export Committee

1632. Mr BLAIKIE, to the Minister for Forests:

(1) Who are the members of the Western Australian Sandalwood Export Committee?

(2) Has the Conservator of Forests been a member of the committee and from what date?

(3) When did the Conservator of Forests cease to be a member of the committee and why?

(4) What fees are paid to the committee members and by whom?

Mr BRIAN BURKE replied:

(1) Mr B. J. Beggs, representing the Minister for Forests and Mr J. C. Burridge, representing the sandalwood companies.

(2) Yes, the Conservator of Forests chaired the first meeting of the sandalwood export committee on 19 August 1932.

(3) On 22 March 1983 when Mr Beggs became Director-General of the Department of the Premier and Cabinet. Mr Beggs has since continued as my representative on the committee.

(4) No fees are paid.

FORESTS: SANDALWOOD

Marketing

1633. Mr BLAIKIE, to the Minister for Forests:

(1) (a) Does Western Australia have any arrangements with other Australian States regarding the sale, distribution, marketing and export of sandalwood; and

(b) if so, would he detail?

(2) If "Yes", who represents—

(a) Western Australian Government interests;

(b) private interests,

at interstate meetings and what is the frequency of the meetings?

Mr BRIAN BURKE replied:

(1) (a) and (b) There is a long-standing agreement between the Governments of Western Australia and South Australia with Australian Sandalwood Co. Ltd. and Co-operative Sandalwood Company (South Australia) Ltd., on these matters.

As sandalwood is not now produced in South Australia, only the Western Australian Government and Australian Sandalwood Co. Ltd, are active participants in the agreement.

(2) (a) and (b) There are no interstate meetings. The Sandalwood Export Committee meets regularly only in Western Australia.

FORESTS: SANDALWOOD

Export

1634. Mr BLAIKIE, to the Minister for Forests:

(1) (a) Does Western Australia or any officer of Government become involved in any arrangements with other countries regarding the sale, distribution, marketing and export of sandalwood; and

(b) if so, would he detail?

(2) If "Yes", who represents—

(a) the Western Australian Government's interests;

(b) private interests,

at overseas meetings?

(3) (a) What is the frequency of meetings since 1976; and

(b) who meets the cost of any travel or expenses?

Mr BRIAN BURKE replied:

(1) (a) and (b) Yes, in the considerations of the sandalwood export committee.

(2) and (3) There have been no meetings of the sandalwood export committee held overseas.

DAIRYING

Australian Dairy Industry Conference

1635. Mr BLAIKIE, to the Minister for Agriculture:

(1) What were the proposed arrangements for the marketing of milk and milk products as outlined by the Federal Minister for Primary Industries to the Australian Dairy Industry Conference?

(2) Who were the representatives from Western Australia at—

(a) industry;

(b) manufacturing;

(c) Government,

level?

(3) What has been the Government's evaluation of the proposal and what effect will be felt in Western Australia by the—

(a) producers;

(b) processors;

(c) distributors;

(d) importers;

(e) consumers;

if all or any part of the proposals are adopted?

(4) What has been the response to the proposals from each group as in (3)?

Mr EVANS replied:

(1) The member will be aware that discussions are continuing between the Australian Dairy Industry Conference—ADIC—and the Department of Primary Industry and the proposed national dairy marketing arrangements have yet to be finalised. Guidelines proposed by the Federal Minister for Primary Industry for the marketing of milk and milk products to the ADIC in August of this year have been widely reported in the rural press but the key elements were as follows—

a levy on all milk production to provide funds to build export returns for all dairy producers up to a target level;

in the absence of an entitlement scheme, the maximum size of the milk levy would be 2c per litre;

for butter and cheese additional domestic price support would be provided by the current product levy and disbursement mechanism;

underwriting would be restricted to export sales only at a level designed to provide a similar rate of assistance to the current arrangements;

the present system of—freight, storage and interest—allowances to cease;

any entitlement scheme would need to have broad industry support, be simple and flexible, incorporate a penalty levy to discourage over entitlement milk production, and be set at an aggregate level of 5 000 million litres.

(2) (a) David Partridge, dairy farmer from Benger, Barry Oates, dairy farmer from Busselton;

(b) Don Nelson, Watsons Foods;

(c) none.

(3) (a) The average cost to each dairy farmer will depend on the size of the levy—that is—

at 2c per litre it would cost $6 700 per annum; at 1.4c per litre it would cost $5 300 per annum;

there would also be a reduction in gross recepts to dairy farmers as a result of the entitlement scheme and the consequent cut back in milk production;

(b) to the extent that the supply of manufacturing milk from dairy farms would be reduced dairy processors will be affected. It is estimated that there could be 10 per cent less manufacturing milk available if the scheme as proposed was implemented;

(c) nil at this stage;

(d) if allowances were to be dropped importers would be affected by higher costs to import dairy products into Western Australia;

(e) negligible. The package is designed to be no more supportive than current dairy marketing arrangements.

(4) I have consulted with all affected sectors of the Western Australian dairy industry and they continue to support the ADIC proposals. The Government is naturally concerned at the impact on the Western Australian dairy industry. However, the Government's concerns are tempered by recognition of the need for the Australian dairying industry to agree on a national marketing plan for dairy products with a view to reducing surplus production and stabilising the situation for all in the industry so that they are better able to plan their future, whether this be in or out of the industry. As the levy on all milk is part of the national dairy marketing plan which the Australian Dairy Industry Conference has proposed and as that conference represents the views of the industry including Western Australian dairymen,

the Government feels obliged to accept the proposal, albeit reluctantly. However, discussions with the Western Australian industry are continuing.

QUESTIONS WITHOUT NOTICE

SPORT AND RECREATION

Complex near McGillvray Oval

509. Mr MacKINNON, to the Minister for Youth and Community Services:

(1) Which sports will be catered for by the major $20 million sporting complex which, I understand, is to be built on university land in Swanbourne?

(2) Who or what authority will manage the complex?

Mr WILSON replied:

(1) It is proposed that a number of sports will be catered for—indeed, up to 20. Discussions have been held with a number of sporting associations under the auspices of the Western Australian Sports Federation. I can mention, for instance, that associations such as the gymnastics association, table tennis association, basketball association, and volleyball association have been taken into account in the preparatory stages. If the Deputy Leader of the Opposition wishes me to give a more detailed list, and if he gives me notice, I will provide that information.

(2) At this stage, a steering committee has been established, and it has a number of working groups within it. The steering committee and the working groups will consider various aspects of the project.

One of the working groups, which is being convened by the Director of the Department for Youth, Sport and Recreation (Mr John Graham), is responsible for management issues. That working group has the task of developing the management aspects of the project.

INDUSTRIAL RELATIONS: DISPUTES

F. R. Tulk & Co. Pty Ltd.

510. Mr I. F. TAYLOR, to the Minister representing the Minister for Industrial Relations:

(1) Can he advise which of the comments made by the Leader of the Opposition in regard to F. R. Tulk and Co. Pty. Ltd. are correct?

(2) If not, what is the position?

(3) What action, if any, has the Government taken in this matter?

Mr PARKER replied:

(1) to (3) I am advised by my colleague that on 19 July this year he was approached by F. R. Tulk and Co. on a similar matter but at a much earlier stage of it. That did not include the sort of detail being alleged at the moment. A meeting was requested with the Minister on that date. At the meeting, there were discussions about the method of approach, and an invitation was issued by my colleague, the Minister for Industrial Relations, to go back to him if the matter could not or had not been resolved, for further advice and assistance from the Government.

No further contact was had with my colleague by F. R. Tulk and Co. until such time as the telex was received yesterday, not the day before as suggested by the Leader of the Opposition. As I say, that was the first the Minister for Industrial Relations had heard of the matter since he had the meeting in July.

Mr Brian Burke: If I could interrupt: I am unaware of any telex being received in my office.

Mr MacKinnon: It shows how poorly your office is organised.

Mr Brian Burke: If it was received yesterday, it was not drawn to my attention. I do not know whether it has been received; if in fact it has been received, I do not know at what time.

Mr PARKER: My colleague, the Minister for Industrial Relations, received the telex yesterday, and he saw it. Knowing the way in which a volume of material goes into offices sometimes, I can imagine that these things are not seen for some period of time, especially if it is a copy of a telex which has been sent to somebody else. That is not necessarily something which would be regarded as requiring urgent attention.

The point of the matter is that following the meeting on 19 July, no further contact was had with the Minister for Industrial Relations from F. R. Tulk and Co. until he received the telex and saw it

yesterday. In a minute, I will come back to what happened after that.

I was approached by a representative of F. R. Tulk and Co.—a Mr Roy—who happened to be a member of the trade mission I was leading to Thailand. While we were inThailand, towards the end of the mission, Mr Roy asked me whether he could see me about a problem that the company was experiencing. I said, "Yes", and Mr Roy came to my rooms in the hotel. We discussed the matter, again without the sort of detail, or in fact any of the information that the Leader of the Opposition has revealed concerning alleged activities in the mining sector. Mr Roy said that he had a problem and he really did not know how to resolve it. He said that he had a work force of more than 100—I cannot remember the precise number—and that many people in the work force were not members of unions. Mr Roy said he did not care whether the people in the work force were or were not members of the unions. In fact, he indicated that he was prepared to require that they be members of unions; but the problem was that a particular organiser of the Electrical Trades Union—I have never heard of him before, and I must say I still have not met him—had been there and had alienated the work force, as Mr Roy put it.

Therefore, although Mr Roy was perfectly happy to have the people join the union—

Mr MacKinnon: If they wanted to.

Mr PARKER: No. He said he was prepared to have them join the union as a condition of their employment, but the problem was that the men had been so alienated—

Mr Hassell: You could have said all this in the debate.

Mr PARKER: I have been asked to comment on the accuracy of the Leader of the Opposition's comments. I am answering the question.

The workers had been so alienated by the union organiser that, no matter what he did, no-one would agree to it.

Several members interjected.

Mr PARKER: I expressed sympathy with his position and suggested one or two ways in which I though he might be able to resolve the matter. I told him that if he wanted me to—I was not going to interfere if he did not; and I was not aware at that time that he had spoken to my colleague, or that one of his officers had spoken to my colleague—either my colleague or I would be happy to intervene and see what could be done.

Until half an hour ago, I heard nothing further about the matter. Not a single word had been said. The Government was not in a position to take any action. It had not been asked to take any action until the telex was received yesterday.

When my colleague received the telex yesterday, he sent the matter immediately to the industrial inspectorate, where the matter is being investigated. It was referred to both the industrial inspectorate and the Office of Industrial Relations for investigation and report.

I understand that the telex is the only written complaint that has been received, certainly by the Minister. It involves the question of this alleged black ban so far as the Pilbara iron ore companies were concerned, and nothing was brought to the attention of the Minister for Industrial Relations until yesterday. As soon as the telex was received by him, he referred it to the appropriate authority, the industrial inspectorate, to report on the matter.

ROADS

Murray Shire Council

511. Mr BRADSHAW, to the Minister for Transport:

(1) Is the Minister aware of the problem faced by the Murray Shire Council in maintaining its roads, as was reported in the *Coastal Districts Times* of 1 November?

(2) Is he aware that half of the income of the Murray Shire Council is spent on maintaining its roadworks, and that at least this amount again should be spent?

(3) Is the Minister prepared to investigate the problem of the Murray Shire Council regarding the amount required for roadworks?

Mr GRILL replied:

(1) to (3) I thank the member for some notice of the question, to which I have not

received a detailed reply from the Main Roads Department yet. I would like to give the member detailed information; consequently it might be advisable if we were to delay the question until tomorrow evening so I can give him the full details.

COMPLAINTS AGAINST POLICE BILL

Police Union

512. Mr BURKETT, to the Premier:

(1) Is the Premier aware of the most recent expression of opinion by the Police Union about the Complaints against Police Bill?

(2) If "Yes", has the Government responded to the union's latest position?

Mr BRIAN BURKE replied:

(1) and (2) This afternoon I had drawn to my attention a Press release issued by the Police Union in which the union said—I am paraphrasing it—that a simple amendment to the Parliamentary Commissioner Act will be acceptable to the union and its members, and that the simple amendment should include in the schedule of the Act the words "Police Force". In other words, the Police Force would be added to the list of authorities capable of investigation by the Ombudsman.

The Government intends to react very positively to the statement of position by the Police Union.

I have asked the Minister for Police and Emergency Services to defer the third reading of the Bill so that between now and Tuesday he can speak to the union and the force, including commissioned officers, and ascertain whether there is any major objection to the proposition put by the union. In saying that we are reacting positively and taking very seriously the position of the union, I draw to the attention of members one or two interesting facts. The first is that the proposal by the union in fact gives more power to the Ombudsman to investigate complaints against police officers than is proposed to give the Ombudsman under the legislation currently being considered by the Parliament.

Some simple examples of that additional power include the ability of the Ombudsman, in any circumstance, to initiate any inquiries. Under our proposed legislation that is not possible. The additional power that will be given to the Ombudsman under the union's proposal, includes the ability of the Ombudsman to take evidence under oath at any stage of his consideration of a complaint. That is not the case under the legislation that is currently before the Parliament.

In addition to that, instead of having the commissioner, the Minister for Police and Emergency Services, and the Ombudsman meet and, in addition, two of those three having to agree to the Ombudsman initiating an inquiry, that sort of safeguard of the Police Union, if one likes, in the future will not be present in the proposal of the union as now adopted.

In addition to that, it is interesting to note that, from the very early stages some 20 months ago, one of the most vehement insistences of the Police Union was that the Ombudsman should not be given final power in respect of things like disciplinary charges and that that power should rest with the Commissioner of Police.

Under the proposal the union now puts forward, that will not be the case. I refer members' attention to debates that took place during the period of the Tonkin Government when the Ombudsman was established. I remind members that it is in fact the Labor Party's policy that the Ombudsman should be able to investigate complaints against the Police Force and initially when we introduced the legislation to establish the Ombudsman's position, we provided for legislation that would see the Ombudsman with the power to investigate complaints against police.

On the occasion of the debate on that legislation in the Legislative Council, the then Minister for Police (Hon. Jerry Dolan) who was, of course, a Labor member and Minister, crossed the floor to exempt the police from the ambit of the Ombudsman's Act. Now the wheel has turned the full circle. I cannot explain why the Police Union should have now adopted a position that is so contrary to that which it adopted earlier and I can only—

Mr Rushton: If you talked to them you might understand.

Mr BRIAN BURKE: —say on all the bases that it has objected to the present legislation, those bases are even more compelling under its own proposal now.

I would think that we may well see a very short-lived debate about the legislation for investigating complaints against the police, because it seems to me that the Police Union has made a suggestion that goes further than the Government wants to go in the legislation it has before the House.

In fact one of the reasons that the legislation was introduced in its present form was that the union would not accept the Ombudsman having the simple power, by addition to his schedule, to investigate the police, as the union now proposes. So without wanting to prophesy the situation in any way, I think we may be drawing this matter to an amicable and completely acceptable conclusion to all concerned, although those members of the Opposition in the upper House who voted previously against the proposal that the Ombudsman should be able to investigate the police and complaints against the police, will have to live with their consciences because they now seem to be supporting the union's proposition.

GAMBLING: CASINO

Applicant: Approval

513. Mr HASSELL, to the Premier:

(1) When does the Government intend to announce its decision in relation to the company or group approved for the establishment of a casino?

(2) Has a decision already been made?

(3) Is the Government delaying the announcement of the decision until after the by-elections and/or the Federal election?

Mr BRIAN BURKE replied:

(1) to (3) This matter has not been brought to Cabinet by the Minister and no decision has been made. For the Leader of the Opposition to imply that we are deliberately withholding any decision prior to the by-elections or the Federal election is to fly in his own face, because if this matter is going to be an embarrassment to anyone, it must be an embarrassment to the Leader of the Opposition who was responsible, when he was Minister, for bringing to Cabinet a minute suggesting the establishment of a casino.

Mr Hassell: That is absolutely untrue. What an untruth!

Mr BRIAN BURKE: If it is an untruth, let me simply quote for the benefit of the Leader of the Opposition—

Mr Hassell: You will not quote part. I have never done that.

Mr Tonkin: Don't you remember your Cabinet minutes?

Mr Hassell: I certainly remember that was not the case. I took to Cabinet a minute which said, "If a decision is made, this is the way it ought to be done". No decision was ever made.

Mr BRIAN BURKE: Two bob each way Bill!

Mr MacKinnon: It was a sensible proposal that the Cabinet asked the Minister to bring forward.

Mr BRIAN BURKE: The Leader of the Opposition asked the question and he unworthily tried to imply improper motives on the part of the Government. At the same time he failed to adequately escape the conviction that stands against his own name, because he himself brought to Cabinet a minute that not only spoke of the establishment of a casino, but also went into great detail about how it should be done.

Mr MacKinnon: If the Government made that decision; but it did not make that decision.

Mr BRIAN BURKE: It would never make the decision had the Minister not brought the minute to Cabinet. Not only did the Minister bring it to Cabinet presumably so that the decision should be made, but also, typed across the top—

Mr MacKinnon: What was the decision relating to that minute?

Mr BRIAN BURKE: —on a "With Compliments" card—

Mr MacKinnon: The decision was not to proceed.

Several members interjected.

The SPEAKER: Order!

Mr BRIAN BURKE: Gosh, Mr Speaker, it is hard to get a word in edgeways.

The SPEAKER: Order! When I am on my feet, I do not want any other member on his feet. The House will come to order.

Mr BRIAN BURKE: Across the top of this minute in which was laid down in great detail how the Minister thought a casino should be established, was attached a "With Compliments" card addressed to Sir Charles Court.

Mr Hassell: Will you table the minute and the decision?

Mr BRIAN BURKE: That is the situation. Sir Charles Court had retired from Parliament months since.

Mr Davies: What is going on?

Mr Tonkin: The master's voice.

Several members interjected.

Mr BRIAN BURKE: The Leader of the Opposition can wriggle as much as he likes—

Mr Hassell: I am not wriggling at all. I want you to tell the whole truth and not half the truth as you continue to do.

The SPEAKER: Order!

Point of Order

Mr RUSHTON: I request that the Premier table the report from which he is reading.

The SPEAKER: I took particular notice to see whether the Premier would be reading from a document and he did not read from any document.

Questions without Notice Resumed

Mr BRIAN BURKE: I was not expecting the question and I am trying very hard to find the minute, because I think, in its fulmination, the embarrassment of the Leader of the Opposition will be heightened, because, although I cannot quickly lay my hands on the minute, it sets out in detail how the Minister believed the casino should be established.

Mr MacKinnon: Could be established.

Mr BRIAN BURKE: Not only that, but also the minute is attached to a "With Compliments" card addressed to a former Premier who was not then a member of this Parliament, let alone a member of the Cabinet which was considering the minute. That is the situation in which the man who asked the question attempts to imply that we have deliberately held up a decision on a casino.

Mr Hassell: I asked a question and you have told an untruth again.

Several members interjected.

Mr BRIAN BURKE: He breached his oath to someone or other; certainly not to Sir Charles Court! The truth is that the Minister responsible in this area has not brought any recommendation to Cabinet. When he brings a recommendation to Cabinet, it will be considered and a decision will be made. At that time the Leader of the Opposition will be informed of the decision, as will the public.

GAMBLING: CASINO

Applicant: Approval

514. Mr HASSELL, to the Premier:

Will he table the Cabinet minute to which he has referred, and the Cabinet decision?

Mr BRIAN BURKE replied:

When I am able to find it. I am sorry; I was not expecting the question and I have not brought it with me—hang on a second, we do have it. I would not only seek to table it, I will also seek to read it all because I have read it previously. We will start by tabling the "With Compliments" card addressed "Hon. Sir Charles Court, KCMG, OBE".

Mr Hassell: What does that prove?

Mr BRIAN BURKE: That was attached to the Leader of the Opposition's confidential Cabinet minute dated 11 March 1982.

Mr MacKinnon: If the "With Compliments" slip was still there, it never got there.

Mr BRIAN BURKE: There is a lot here to read. I am not about to read it all but I am happy to table it. I will read some selected parts for the edification of members.

An Opposition member: You are always reading selected parts.

Mr BRIAN BURKE: I am happy to table the lot, but if the Leader of the Opposition does not think I should use this opportunity to remind him of some of the things he wrote—

Several members interjected.

Mr BRIAN BURKE: On the cover sheet labelled "Confidential" it states "To enable finalisation of recommendations to

be expedited, I enclose a draft Cabinet Minute".

Mr Hassell: A draft Cabinet minute!

Mr BRIAN BURKE: That is right.

Mr Hassell: Did it go to Cabinet? You referred to it as a Cabinet minute; you do not have any evidence that it went to Cabinet.

Mr BRIAN BURKE: I am perfectly happy that the Leader of the Opposition denies that it went to Cabinet.

Mr Hassell: Well, I—

Mr BRIAN BURKE: Deny that it did.

Mr Hassell: I cannot remember three years ago.

Mr BRIAN BURKE: Of course the Leader of the Opposition cannot.

Mr Hassell: I do not believe it went to Cabinet because a decision was made that we would not proceed.

Mr BRIAN BURKE: I do not know how the Leader of the Opposition can deny this. This is part of the minute which says—

Several members interjected.

Mr BRIAN BURKE: This is part of the minute and it says—

This minute is presented on the basis that,

(a) the key recommendation is the establishment of a purpose-built casino, and

(b) that the Government and its supporters decide to proceed to the establishment of at least one purpose-built casino.

Mr Hassell: Exactly! It was a draft on the basis of a decision which had not been made and which was not made.

Mr BRIAN BURKE: I do not know how one can have a draft on the basis of a decision which had not been made and was not made.

Mr Hassell: I had the responsibility for dealing with the matter if the decision had been made.

Mr BRIAN BURKE: As far as I can see it is quite clear from the Cabinet draft minute or minute—

Mr Hassell: Now it is a draft or minute.

Mr BRIAN BURKE: If the Leader of the Opposition wants to deny that it went to Cabinet, let him go ahead. This was forwarded to me by one of his colleagues.

Mr Hassell: To the best of my recollection—

Mr BRIAN BURKE: I have not bothered to check the Cabinet minutes, but I will do so if the Leader of the Opposition wants me to.

Mr Hassell: —it did not go to Cabinet.

Mr BRIAN BURKE: It is over the name of the Leader of the Opposition, the Minister as he was then. It says—

This minute is presented on the basis that,

(a) the key recommendation is the establishment of a purpose-built casino, and

(b) that the Government and its supporters decide to proceed to the establishment of at least one purpose-built casino.

Mr Hassell: Have you searched the files to see whether it went to Cabinet?

Mr BRIAN BURKE: No, I have not. This was handed to me by one of the Leader of the Opposition's colleagues who said to me that his leader's stand in respect of the casino was one of duplicity, and he asked whether I was interested in having a copy of it.

The paper was tabled (see paper No. 290).

ECONOMY: WESTERN AUSTRALIA

Growth

515. Mr TROY, to the Premier:

In view of the economic survey to which he drew attention at question time yesterday pointing to Western Australia having better prospects than other States, is he able to provide any specific information that supports that survey?

Mr BRIAN BURKE replied:

I thank the member for some notice of the question, the answer to which is as follows—

An analysis of key economic indicators has pointed to significant improvements in Western Australia's economy and in many cases the improvements are ahead of the national average.

The analysis also shows that the improvement experienced during

1983-84 is continuing into the new financial year.

Some of the factors are—

an increase in the State's labour force of 4.6 per cent in 1983-84, compared with 3.7 per cent nationally. More than 30 000 jobs have been created in WA since the present State Government took office. Youth unemployment, though still unacceptably high, was down 39.4 per cent in September compared with a year before;

a rise of only 4.1 per cent in the Consumer Price Index for Perth in the year to June, compared with 9.9 per cent in the previous year. The low inflation rate continued in the September quarter with a change on the previous September of only 2.9 per cent.

I would hope members of the Opposition are as pleased as I am about that dramatically reduced inflation rate.

Mr Hodge: They do not look it.

Mr BRIAN BURKE: No, they are preoccupied with casinos. To continue—

a 10.3 per cent rise in retail sales during 1983-84, compared with the national figure of 8.2 per cent. Sales growth in WA continued to be ahead of the national average in July and August;

a rise in the number of new dwelling approvals in 1983-84 of 45.2 per cent—nationally 29.5 per cent—with the upsurge continuing into the new financial year. The July and August figures for 1984 were up 71 per cent on July and August last year;

a 15.2 per cent increase in new vehicle registrations in July and August compared with last year—nationally 14.5 per cent;

a rise in the State's overseas trade surplus in 1983-84 of 39.6 per cent.

The keys to continued strong performance of the economy are continued restraint from all sectors of the community in their demands on the economy and a lift in private investment.

Maintenance of the prices and incomes accord which has contained pressures for wage rises is an important element in continuing restraint.

Government policies must continue to be geared to supporting increased private sector activity.

Moderate and predictable policies that are not constantly being changed are essential to fostering private sector activity.

The Opposition's economic options paper released last week proposes policies that are untested. They amount to an economic and industrial experiment.

Economic recovery has been hard won and though it has been strong, it could easily be undermined. This is not the time for economic experiments based on political ideology.

LAND: AGRICULTURE

Release: Manjimup

516. Mr OLD, to the Minister for Agriculture:

(1) Has a detailed study been undertaken to establish whether the 7 000 hectares of Crown land to be opened up in the Manjimup region is suitable for agriculture?

(2) If "Yes" to (1), will he table the report?

(3) If "No" to (1), is such a study to be undertaken and if so, when will the results be made known to the members of this House?

Mr EVANS replied:

I thank the member for notice of the question, the response to which is as follows—

(1) A joint preliminary study by the Agriculture Department and the Forests Department into the suitability of Crown land for release to agriculture or forestry has been completed.

(2) This will be considered after the report has been studied in detail by the Government.

(3) Not applicable.

Mr Old: You say it has not been considered, yet you are releasing the land.

Mr EVANS: That is not so. The qualification given categorically and specifically to the Manjimup Shire was that no release of land for agriculture would take place without proper professional and technical advice.

Mr Old: Which will be made public?

TECHNOLOGY: COMPUTING AND INFORMATION TECHNOLOGY

Department: Benefits

517. Mrs BUCHANAN, to the Minister for Technology:

What benefits will the formation of the Department of Computing and Information Technology provide the Government in its purchasing programme for new computing equipment?

Mr BRYCE replied:

I thank the member for some notice of the question, the answer to which is as follows—

Tenders will be called during the next few days for the supply of IBM compatible mainframe computing equipment for four major Government departments.

Cabinet has approved the calling of tenders to fulfill the computing needs of the Computing and Information Technology, Education, Police and Health Departments.

The move to combine the needs of the four departments follows the formation of the Department of Computing and Information Technology earlier this year to co-ordinate the Government's computing operations. It is worth noting that this multimillion dollar tender will be the biggest single computer contract to be entered into by the Government.

One of the goals of the new department is to infuse improved co-ordination and cohesiveness into the Government's approach to its expensive and critically important computing activities.

I am confident this co-ordinated approach, and the size of the tender, will achieve significant reductions in the price of equipment to be purchased and, in addition, the companies will be invited to submit technology transfer proposals in their tender applications. These will have benefits not only for the computing industry but for the community as well.

Other innovative features of the tender are—

the extension of the initial purchase to include a period contract for a subsequent upgrading of the IBM compatible computing equipment for the four departments over the next three years;

the inclusion of the possibility of extending the resultant contract to include other major IBM compatible computing areas within the State Government. Proposals for such extensions will be assessed in association with the receipt of responses to the tender.

GAMBLING: CASINO

"Draft Cabinet Minute"

518. Mr HASSELL, to the Premier:

My question concerns the document from which the Premier quoted today and from which he quoted on a previous occasion when he caused it to be publicised in the *Daily News*. I ask the Premier—

(1) Why did he fail, in referring to the document, to state that it is clearly headed "draft Cabinet minute" and refer to it, instead, as a Cabinet minute?

(2) I refer the Premier to clause 3, before the section which he quoted, which states—

> It should be noted that the Cabinet subcommittee is not proposing the adoption of any one or more of the recommendations of that Government party committee.

Why did the Premier fail to point that out?

(3) Why did he fail to point out that the draft Cabinet minute, at its conclusion, did not make a recommendation, but simply said, "submitted for the consideration of Cabinet"?

(4) I further ask the Premier whether he does not understand that, as the head of a Cabinet subcommittee considering the matter at the time being dealt with by the then joint Government parties, it was my obligation, with others of the subcommittee, to consider the obligations of the Government in the event that a decision had been made that a casino be established.

(5) In light of these facts as revealed by his tabling of the minute when he has so shamefully misused—

Mr Davies: You asked him to.

Mr HASSELL: Yes, after he misused it.

Mr Davies: He did not misuse it; you invited it and your memory is so short that you forgot about it.

Mr HASSELL: Perhaps the Minister will tell me what he was doing on 11 March 1982. To continue—

> I further ask the Premier whether he can seriously suggest that the document, which, to the best of my recollection, did not ever go back to Cabinet because a decision was made not to have a casino, revealed in full that I was or am in favour of the establishment of a casino which I have always opposed.

Mr BRIAN BURKE replied:

(1) to (5) I am perfectly happy to try to recollect each of the questions posed by the Leader of the Opposition. In respect of the question of the draft Cabinet minute, the Leader of the Opposition's memory cannot be so short as for him to have forgotten or to have allowed him to forget that it was I who read the words "draft Cabinet minute".

Mr Hassell: You were challenged and you referred to it as a "Cabinet minute".

Mr BRIAN BURKE: Of course. I hunted feverishly for the document, found it, and read it out. All I am trying to point out is that I told the Leader of the Opposition that it was a draft Cabinet minute.

Mr Hassell: You referred to it as a Cabinet minute.

Mr BRIAN BURKE: I have told the House that it was a draft Cabinet minute. That is the first thing. The second thing is that the Leader of the Opposition is still unable to say whether a matter as important as this went to or did not go to Cabinet.

Mr Hassell: You did not offer me the file so that I could check.

Mr BRIAN BURKE: I have caused the files to be checked. I have not had any other inquiry made into the matter apart from reading through the document that I so kindly tabled for the Leader of the Opposition. It is quite clearly the case that the Leader of the Opposition was explaining, whether it was on behalf of a committee or not, how, on the basis that it was presumed that a casino would be established, that casino should be established. There is not one word in that document that says that I opposed the establishment of a casino. It is true that there is no recommendation at the end of it. However, there is no recommendation from the Minister at the end saying, nevertheless, that I do not support a casino. There are four pages or so of a draft Cabinet minute. The Leader of the Opposition really does forget from time to time. In the *Daily News* of 6 June 1984, Mr Hassell said that his presentation of the draft document and his public opposition might seem to be in conflict. He denies it now, but he said that then. He said—

> But the Minister had a responsibility to the Government of the day. He had not felt strongly enough to resign about the issue. I have said publicly on a number of occasions that I do not agree with having a casino, but it is not an issue over which I am going to lose a lot of sleep. Mr Hassell said that the draft minute in fact strongly supported many of the warnings. . . .

Opposition members interjected.

Mr BRIAN BURKE: Mr Hassell said that the presentation of the draft document and his public opposition might seem in conflict.

Mr Hassell: Read the rest of it.

Mr BRIAN BURKE: It said—

> But Minister has a responsibility to the Government of the day and he had not felt strongly enough on the issue to resign. . . .

The other bit I was going to read states—

> ... the draft minute strongly supported many of the warnings that have been issued about the Burke Government's handling of the casino.

That is what it says. Those are the Leader of the Opposition's quotes. He is not saying that there is no conflict. That is what he is saying.

Mr Hassell: Of course I am saying that, and the article says "may seem". It does not say there is a conflict. John Arthur, when he wrote that article, had the bit you had given him. I do not know whether he had the whole article. He was quoting out of context to me over the phone, as you are doing now.

Mr BRIAN BURKE: The dudgeon in which the Leader of the Opposition finds himself is certainly not supported by the presentation of the draft minute to which he refers. The draft minute, in great and exhaustive detail, says how this casino could be established based on the presumption that a one-purpose built casino would be established. That is what it says. The Minister in presenting the document, did not say that he presented it unwillingly.

Mr Hassell: A document that never went to Cabinet.

Mr BRIAN BURKE: It went to Sir Charles Court if it did not go to Cabinet. The document did not say that the Minister presenting the draft minute disagreed with the establishment of the casino. I am simply trying to highlight, for the Leader of the Opposition and for the House, how easy it is to have a failing of memory, and how easy it is to change stance for political purposes.