Legislative Council

Tuesday, the 30th October, 1979

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 4.30 p.m., and read prayers.

BILLS (8): ASSENT

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

1. Government Railways Act Amendment Bill.
2. Electoral Act Amendment Bill (No. 2).
3. Pay-roll Tax Assessment Act Amendment Bill.
4. Pensioners (Rates Rebates and Deferments) Act Amendment Bill.
5. Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Bill (No. 3).
6. Country Areas Water Supply Act Amendment Bill (No. 2).
7. Water Boards Act Amendment Bill.
8. Security Agents Act Amendment Bill.

QUESTIONS

Questions were taken at this stage.

WATER SUPPLIES: SALINITY

Whittington Interceptor System: Report of Professor J. W. Holmes

THE HON. G. C. MacKINNON (South-West—Leader of the House) [5.03 p.m.]: I move, without notice—

> That the Whittington Interceptor Drain Trial report to the Public Works Department from Professor J. W. Holmes of Flinders University of South Australia, tabled in the Legislative Council on Tuesday, 30th October, 1979, be printed in accordance with Standing Order No. 152.

In support of this motion, members are reminded that, in response to continuing doubts as to the effectiveness of the Whittington interceptor drain trials being conducted at Batalling Creek in the south-west of Western Australia, the Government agreed earlier this year to appoint an acknowledged soil salinity expert to review the experimental trials.

Professor John W. Holmes, Professor of Earth Sciences, Flinders University of South Australia, a soil physicist, is a recognised authority on soil salinity problems. Part of his brief was to advise on the effectiveness of the existing trial at Batalling Creek.

Professor Holmes visited Western Australia between the 20th and the 23rd August and had discussions with a large number of people, including Mr Whittington and members of WISALTS, as well as visiting the trial site.

The report on his investigations and discussions is a significant document in the continuing argument over the use and suitability of interceptor drains.

The Hon. G. E. MASTERS: I second the motion.

Question put and passed.

STAR SWAMP

Reservation: Motion

Order of the day read for the resumption of the debate, from the 25th October, on the following motion by the Hon. R. F. Claughton—

> That the Members of the Legislative Council support the efforts of citizens of the Trigg, Marmion and Waterman localities to have set aside a reserve of 100 hectares in the area bounded by Beach Road-Marmion Avenue-North Beach Road and Hope Street, as a permanent natural bush and passive recreation/nature study area to ensure that Star Swamp and its surrounding bushland will be protected from degradation and recognising—
>
> (a) that the Star Swamp bush area is one of the few remaining locations of natural vegetation typical of the Swan coastal plain left in the Perth metropolitan area;
> (b) its value for recreational and educational purposes;
> (c) the classification of Star Swamp by the National Trust of W.A. for environmental and historical reasons;
> (d) that Star Swamp is one of the few metropolitan wetlands free of salmonella infection;
> (e) the area is being increasingly used as a refuge for plants, birds and animals which are being displaced from the surrounding housing developments;
> (f) the area contains an array of plant communities;
> (g) that none of the land in question is privately owned;
>
> urges the Government to reserve the area as requested and facilitate any land transfers

and/or exchanges necessary to achieve these purposes.

Debate adjourned, on motion by the Hon. R. J. L. Williams.

BILLS (2): REPORT

1. Armorial Bearings Protection Bill.
2. Perth and Tattersall's Bowling and Recreation Club (Inc.) Bill.

Reports of Committees adopted.

FISHERIES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th October.

THE HON. J. C. TOZER (North) [5.07 p.m.]: When the Minister introduced the Bill to this House he summarised the amendments contained therein. To refresh the minds of members and without going into details, I indicate that the Minister referred to the recommendations of the parliamentary committee on the South Coast Fisheries Study and the fact that certain of those recommendations were incorporated in the Bill; he indicated that the Bill updated penalties existing in the Act; he spoke of the application of the Act as it affected Aborigines; and he mentioned that the Bill provided for confidentiality of information. A further item he referred to was related to the cancellation of boat licences under certain circumstances and finally he mentioned that there were other minor procedural matters being changed.

Mr Vic Ferry, who was a member of the committee referred to, has already spoken on the Bill from the point of view of the fisheries committee. My interest is in the third item, which relates to the extent to which the Fisheries Act applies to Aborigines.

I turn now to page 10 of the notes the Minister used when introducing the Bill and quote a short passage as follows—

> The Fisheries Act at present lays down that the provisions of the Act do not apply to Aboriginal inhabitants of the State obtaining fish for food in their accustomed manner.

He went on to talk about the fact that the current interpretation of words like "accustomed manner" nowadays included modern fishing equipment such as nets. In addition, he drew attention to the fact that the word "Aboriginal" covers any person who lives as an Aboriginal or claims to be such.

The Minister went on to draw attention to the position of urbanised Aborigines who, being aware of what the Act states, certainly take advantage of the fact that they are able to fish in closed waters and that they are able to avoid the gear restrictions imposed by the Act. Certainly they do not concern themselves unduly with the taking of undersized fish. In other words, they exploit the situation created by this particular part of the Act.

The officers of the Department of Fisheries and Wildlife have certainly not been able to take what seems to be appropriate action where Aborigines are concerned.

Clause 15 of the Bill, taken by and large, would wish to impose the normal fishing rules on Aborigines. In his speech, the Minister said—

> The changes proposed to the Act should accomplish this without encroaching on their traditional fishing customs.

What the Minister is saying is that subsistence fishing by Aborigines who need fish for food for themselves and their families certainly should not be disrupted; but over and above that, the same restrictions which apply to every other fisherman should apply to the Aboriginal as well. I do not think there are many people who would argue with what the Bill seeks to do. Even my colleague, Mr Withers, in his drive to get Aborigines to be seen in the eyes of the law as being 100 per cent as all other citizens, would not complain about permitting Aborigines to continue their fishing for sustenance purposes.

The Hon. W. R. Withers: I will not be debating that.

The Hon. J. C. TOZER: The difficulty is in the application of the law. Certain laws are terribly hard to apply Statewide because of the diverse activities that go on throughout the length and breadth of the State. The many and varied geographical features are facts of life. The demographic features of this State are consistent with a diverse people and there is no part of the State more diverse than the West Kimberley part of the North Province.

In North Province we have a population which consists of blacks, whites, and all shades in between. We have Asiatics who have come from Japan, Malaysia, and Timor, the latter being formerly known as Koepangers. So in the West Kimberley and, in fact, throughout the entire Kimberley region in the old coastal towns, we find this complete admixture of people.

The South Coast Fisheries Study recommended against, and the Bill before us makes illegal, the selling of surplus catches caught by amateur fishermen. This has been achieved by making it an offence for commercial outlets to purchase fish

from amateurs who find they have more than they want.

How does this affect the old blackfellow one might find in places such as Broome? He fishes from the beach or the rocks. Occasionally he might have a little aluminium dinghy to travel up the tidal creeks. Sometimes he catches more than he requires and he may want to sell his surplus to his mates on the reserve or to the townspeople themselves. The townspeople would like to see him continue with what he is doing.

This leads me to relate a specific circumstance in Broome. It has been occurring during the last six months. In the middle of the year Senator Fred Chaney, Minister for Aboriginal Affairs, travelled through the Kimberley region and I accompanied him. We met a large gathering of Aboriginal people at Broome and one of the matters brought forward to Senator Chaney was the fact that an elderly Aboriginal called Tommy Edgar could not obtain a fishing licence. I was amazed that he had to have a fishing licence. Senator Chaney was looking after Commonwealth matters, but naturally he looked to me—and I agreed that it was my obligation—to look after matters related to the State. Therefore, I became involved with the matter of a fishing licence for Tommy Edgar.

I will quote from correspondence relating to this matter. On the 10th July I wrote to the Director of Fisheries and Wildlife to seek an explanation as to why Mr Edgar should be deprived of a licence to fish. Actually I framed my query to ask whether it was necessary for him to have a licence. I will quote the reply of the 2nd August from the director. It reads as follows—

> I reply to your letter of July 10 about an application for a Fisherman's Licence submitted by Mr. Tommy Edgar.
>
> Before this Department can issue Fishermen's Licences it has to be assured that the fisherman holds the necessary licences to operate a fishing boat at sea. Mr. Edgar holds no sea-going qualifications whatever and therefore that bars him from being issued with a Professional Fisherman's Licence.

I thought I had not made the matter very clear so I wrote again on the 10th August, and part of this letter reads as follows—

> . . . . is a licence required for a person to fish from a beach or the rocks in the ocean or in the tidal creeks, or in a small dinghy adjacent to these areas and sell any fish which is over and above his sustenance requirements.

That was the clear question aimed to clarify my first letter, if there were any need to explain it.

Tommy Edgar is well on in years and clearly he had no desire or intention to go deep-sea fishing, and in this letter I urged that the matter should be reconsidered and a licence issued. I received a reply on the 20th August and the answer really made me scratch my head. The answer read, in part, as follows—

> Mr. Edgar would need a professional fisherman's licence . . .

For Mr Edgar to do as I requested—that is, to fish from the beach, the rocks, or in the tidal creeks and perhaps dispose of some of the surplus catch to his mates—he would require a licence. The reply continued by saying that in the 1960's there had been a great deal of criticism from the public at large about the low economic returns of professional fishermen and how the State at that time decided that it was time to do something about this. Mr Bowen went on to say—

> Following that criticism the then Minister for Fisheries and Wildlife engaged W. D. Scott and Company to carry out an investigation into the wholesale and retail marketing of fin fish in Western Australia.

W. D. Scott, business consultants, carried out an investigation into the wholesale and retail market of fin fish in Western Australia. To continue—

> One of the main recommendations of the report provided to the Government stated that the Government should do what it can to reduce the number of fishermen in the industry and only issue new professional fishing licences where there is a strong economic case for doing so.

The letter continued by saying that since 1969 the number of fishermen engaged in estuarine fishing had been reduced greatly. This meant that the fishermen tended to earn a reasonable livelihood. The letter continued—

> . . . . the criteria that the successful applicant should be a person fully qualified to engage in all forms of fishing on a full time professional bases. I think it is fair to say that those policies are proving effective in upgrading the standards of fishermen.
>
> To approve a licence for Mr. Edgar would be turning back the clock and of course result in this Department again being criticised for the low standard of economic return available to persons wishing to engage in the fishing industry.

> I trust the foregoing assists you in appreciating the reasons behind refusing a licence to Mr. Edgar.

I really wonder. Here we have rules laid down by business consultants who clearly associate their findings with places like Mandurah and Bunbury; areas where estuarine or close inshore fishing takes place. However, the department could not be sufficiently flexible to deal with the matter in a different way when it related to tidal creeks for Aboriginal fishermen in the vicinity of Broome.

I wrote to the director again on the 6th September, and I possibly reflected my frustration in my letter. I remind members that I was seeking an answer to a particular question. I will read the letter, in part, as follows—

> The information will be passed on to Mr Edgar and thus to the Aboriginal and coloured community in Broome. I doubt whether they will be greatly impressed by the decision of a Government Department, which employs consultants like W. D. Scott and Co. to find out that an old blackfellow like Tommy Edgar should be deprived of the opportunity to sell a few surplus fish he may catch.
>
> Personally, I wonder if we should try to apply the same set of rules, recommended by the business consultants, for Bunbury or Mandurah, to a centre like Broome.
>
> Perhaps the professional fisherman in the southern estuaries may need some protection, but no one needs any protection from any fish sales that our Mr Edgar may wish to or be able to make.

I made other caustic remarks and, of course, the letter received the reply it deserved. However, the director, in replying, drew my attention to section 17(4) of the Fisheries Act, which provides for the right of appeal and so I have arranged for Mr Tommy Edgar to appeal against the decision, to the Minister.

The director explained to me in detail that decisions made needed to be consistent and meaningful. He then referred to section 17(1), which I believe is relevant; it certainly serves to qualify what we are putting into the Act by this amending Bill. When referring to the licence, the letter said—

> . . . shall not be deemed to be as of right, but shall be in the discretion of the officer appointed to issue licenses.

The issuing officer does have some discretion in this matter and I suggest he should exercise it. The director then wrote about the ability to identify exceptions and, in fairness to the director, I will read this part as follows—

> Many applications are received, spanning from Esperance to Wyndham, from people who desire to enter the fishing industry with a small dinghy to potter about in sheltered waters and use a small piece of net or hand lines. More than one half of the applications which are refused fall into this category.
>
> I appreciate that you hold the view that the few fish caught and sold by Mr Edgar will not compete with professional fishermen, and you are no doubt correct. However, it seems to me that this is not the basis on which a licensing officer could make a favourable decision in relation to an application for a professional fisherman's license.

That is fair comment, but I suggest with cases like Tommy Edgar's the officer should exercise his discretion. Discretion should be used in this type of area—the Kimberley—and this is the area I am proud to represent. The appeal has been sent and I am waiting for the outcome of it.

I do not argue with the contents of clause 15 of the Bill. They rather normalise the conditions under which Aborigines will carry out their sporting fishing activities and they permit the continuance of sustenance fishing. Of course, it tidies up other rules as well, but there are certain areas where the main thrust of the departmental policy will not be materially affected by some discretion being allowed. There should be tolerance and flexibility in certain circumstances. It is my firm, considered opinion that such discretion and flexibility should be available. I see absolutely no reason why my mate Tommy Edgar should not receive a fishing licence to enable him to fish at Broome.

While I persist with that thought, I find no reason that I should oppose the second reading of this Bill.

THE HON. M. McALEER (Upper West) [5.29 p.m.]: While a number of the amendments included in this Bill have arisen from recommendations made by the South Coast Fisheries Study report, some of the amendments do have application to the rock lobster industry which is most important to my province since the industry is based between Fremantle and Kalbarri. The rock lobster industry will certainly welcome the reinforcement of the prohibition of commercial sales of fish by amateurs.

I am not aware of the extent to which the sales by amateurs affect the rock lobster industry. I would be glad if the Minister could give us some

indication of this when replying to the debate. However, certainly in the rock lobster industry itself it has caused concern among fishermen, and it is believed to have caused considerable inroads into the catch. In my opinion the amendment will be welcome, and I hope it will be effective.

Undoubtedly, the rock lobster industry is a very lucrative one. This past season the catch was estimated to be about 12 000 tonnes and when one considers that the opening price of rock lobsters was $4.65 a kilogram, and then rose to $6 a kilogram, one can estimate just how much the industry is worth to Western Australia, and of course, to my own province in particular.

The professional fishermen are doing very well, but their expenses are heavy. Obviously they must observe the regulations to retain their licences, and it would be most unfair if amateur fishermen—who obviously have to be breaking the regulations to be able to sell large quantities of rock lobsters—should get away with this to the detriment of the professional fishermen. More important than this is the fact that the rock lobster resource must be protected. Last year some 10 000 tonnes of rock lobsters were taken, and this season the catch was 12 000 tonnes. This is in spite of the efforts of the Department of Fisheries and Wildlife to restrict the catch by shortening the season. It is well known that this resource is very limited and there is no possible hope of expansion in the foreseeable future. The resource could be overfished very easily.

I might add, in parenthesis, that the shortening of the season caused considerable controversy when it was first introduced. Although it has now been accepted generally, I believe it has had some widespread effects on business and on the small coastal towns. These effects could not really have been anticipated.

For instance, because of the shortness of the season the men who fish the Abrolhos Islands do not visit Geraldton as frequently as they did before. This has been noticed in small ways, such as the decreased use of planes and taxis.

Further down the coast, where the towns are smaller—Dongara, Leeman, and Jurien Bay—the businesses such as the general stores have noticed the difference. The effect has been quite severe, and in fact, in some cases it has meant the difference between the profitability and the non-profitability of certain establishments.

Another effect is that fishermen who operate further down the coast, for instance, at Cervantes, no longer reside permanently in the area. The tendency has been for these fishermen to buy houses in Fremantle or Perth. The families remain in the city and the fishermen simply visit the area for the season. So in this way the short season has depleted the population of these small towns.

I make this point because I express the hope shared by many along the coast that when the Department of Fisheries and Wildlife is looking to restrict the catch further it will investigate other means before shortening the season any more.

I would say that probably no other industry is more hedged about with restrictions than is the rock lobster industry.

The Hon. R. Thompson: For a very good purpose.

The Hon. M. McALEER: Yes, for a very good purpose, and that purpose is supported by the fishermen. However, allowing for that, I could not help feeling a certain regret at the need to delete the right of appeal in regard to the establishment of factories.

I understand and I take the point that in the case of an appeal to a Court of Petty Sessions quite often a magistrate is not concerned generally with points of law but in fact with Government policy. Sometimes he would thwart Government policy. However, a case occurred some years ago where an application was made to the Department of Fisheries and Wildlife to establish a processing plant at Kalbarri. As I remember it, the application was refused on the grounds that it was not policy to have further processing plants because the industry simply could not support them. An appeal was then made to the Minister, and it was refused on the same grounds. Perhaps it is relevant to say that at the time the Minister was just on the point of departing from the State and, as the rock lobster season was approaching, the applicant was in a hurry and he was determined to exercise his right of appeal in a court. In other circumstances he may have waited more patiently and discussed the matter with the Minister.

In the event he instituted an appeal to the court and the decision was in his favour. I know very well that this circumvented the decision of the department in a matter of policy. However, the appellant had made out a good case. He submitted that Kalbarri was 100 road miles north of the nearest processing plant at Geraldton and that as the transport of crayfish was not satisfactory it resulted in appreciable losses to the fishermen. The case was never really answered by the department as far as I am aware and so one cannot help but feel that justice was done on this occasion. But I realise that this was not really a legal matter, and so I accept the amendment.

Finally, I would like to comment on the provision relating to the confidentiality of information given by fishermen. These men are operating in a very competitive field and they guard their information very carefully. When investigations are being undertaken to decide whether new fisheries may be exploited economically, the provision of information by fishermen—either voluntarily or as required under the legislation—is extremely important, and I am glad to see this provision. I support the Bill.

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [5.38 p.m.]: I thank members for their comments on this Bill. Last week we heard from the Hon. R. F. Claughton and the Hon. V. J. Ferry, and today we have had comments from the Hon. J. C. Tozer and the Hon. Margaret McAleer. I can assure these members that their comments have been noted carefully and I shall endeavour to answer as well as I can some of the points they have made, although I fully appreciate that some of them, in their private lives, have had considerably more to do with individual aspects of the fishing industry than I have personally. However, I shall do the best I can.

I was rather amused at the Hon. Margaret McAleer's reference to confidentiality. Certainly fishermen do guard their secrets very carefully. I can remember one occasion very distinctly although it happened many years ago. I was fishing with an old man on the Albany Jetty and he actually guarded each fish he caught very carefully. In fact, when there were a lot of people around on the jetty, just to ensure than no-one knew he was catching fish, he would pull a fish up behind the pylon of the jetty, and then pull it up his trouser leg. He preserved the confidentiality of his catch very effectively!

Certainly we cannot blame the fishermen for guarding their secrets because otherwise everyone would be "onto" their particular fishing spots, including the amateur fishermen against whom we have found it necessary to take some action. It is not that we want to discourage amateurs, but we have found it necessary to act on the report of the all-party committee which investigated the fishing industry, particularly on the south coast. It recommended that we should take action to ensure that amateurs are in fact amateurs and not professionals. That is what we are really doing, and I am glad that the Bill has received the general support of members.

When one thinks of it, it is a little hard that some of the genuine amateurs cannot sell their catches. Unfortunately, as in many other walks of life, the genuine cases must suffer because of those few who make a racket of it. In many areas we must bring in stringent rules where we would prefer there to be none when some people make a racket out of an otherwise innocent pastime. Unfortunately, once we make a rule it must be applied generally.

This is what has happened in the case of old Tommy Edgar whom Mr Tozer mentioned. Everybody would agree with the point of view put forward by Mr Tozer. Apparently Mr Edgar has appealed in this case, and I suppose one could take the view that the matter is *sub judice* and we should not be discussing it. I do not intend to take that view, but it is indeed a matter for concern that an old Aboriginal has to be restricted in the same way as the "shamateurs" to whom the Hon. V. J. Ferry referred.

The real problem of course is that once we have a rule it must be a rule for all—we cannot make exceptions. No doubt there are old white people who are in a similar position to the old Aboriginal to whom Mr Tozer referred. Perhaps some old men who live on their own also make a habit of using their small boats to catch a few fish to sell to the local shops. Certainly some schoolboys do this and no doubt others do as well. So we can have sympathy for these people but also we must take the responsible view that the Department of Fisheries and Wildlife is trying to bring in a rule to manage estuarine fishing throughout the State.

I concede the point that was well made by Mr Tozer: it is a pity we are trying to apply laws made in the south to the north. Obviously Tommy Edgar's catch would not affect the livelihood of anyone else. It is a question then of principle, and the Department of Fisheries and Wildlife deserves credit for looking a fair way ahead to try to protect the north from overfishing.

Certainly the southern estuaries are suffering from overfishing, and that dreadful fate may be awaiting the north one of these days. So while we can say that we have sympathy for the case referred to by Mr Tozer, we have to have one rule for all—whether they be white, black, old, or young—in relation to an economic industry. Of course that is the reason for the view taken by the Government. In any event, Tommy Edgar has appealed. We will wait to hear the result of his appeal.

Mr Claughton raised a couple of points to which I wish to draw attention. He referred to the difficulty of actually tracking down the sale of fish by amateurs. He inquired what would be done about it, and how the Government would go about enforcing the new provisions. It is proposed

that every person who is a vendor of fish, apart from those who hold licences, will have to keep a written record of the names and addresses of the persons from whom they purchase fish. This book will record any purchases they make. The fisheries inspector will visit the premises periodically and check the records which the proprietor keeps against the departmental records, such as they are. The departmental records will show the persons who have licences of various kinds. The licence book will be checked against the names of vendors of fish who are shown in the purchase book held by the retailer.

The Hon. R. F. Claughton: Checked with the sales to purchasers?

The Hon. I. G. MEDCALF: That is to ensure that the people who sell their fish to a fish shop are recorded with the department as having a licence. If it is discovered that a fish shop proprietor has purchased fish from someone who does not have a licence, action will be taken. The person who sold the fish will be asked about it, and if he cannot produce his licence he will be charged.

This is thought to be a big improvement on the present system under which people have to be caught red-handed selling fish to a fish shop. As far as the fish shop proprietor is concerned, he will have to keep an honest record. If he falsifies his documents he will be subject to prosecution.

I am assured that experience has shown that people who are in this business know pretty well who are amateurs and who have professional licences in their own districts. I do not doubt that would apply in most, if not all, cases.

In relation to the other point raised by Mr Claughton concerning right of appeal, the matter hinges on the fact that most of the requirements for appeal arise out of matters of Government policy. Perhaps it was wrong in the first place for some of those appeals to go to a court. There are certain things which are of an administrative nature rather than of a legal nature. If they are legal, they require judicial resolution; but if they are administrative and arise out of a matter of administration or Government policy, then depending on the type of activity, the type of industry, or the state of the industry or the economy, it is necessary that they should have an administrative solution.

In regard to processing plants it is a matter of acute Government policy to ensure that there is a proper distribution so that they are conducted on an economic basis in relation to the fishing requirements and the fishing productivity in an area. It could be that if there were more than the right number of processing plants, more than the economic number, there could be unemployment, and companies could go to the wall. There would be many undesirable economic consequences. That is the reason the Government has found it necessary to issue licences.

The question of licences is acutely one of Government policy, whereas other things are questions of law. If there were an argument about the jurisdiction of the director or the Minister, or the meaning of words in an Act, questions of law could arise. The all-party committee which considered this question recommended that appeals should go to the Minister, except on questions of law. That is what the Bill proposes. If appeals are of an administrative nature, involving questions of policy, it is far more appropriate that they be decided by the Minister than by a court.

If members think of the situation of a court, how will the magistrate decide some of these questions? The Hon. Margaret McAleer referred to this question of an appeal in relation to a processing plant. The criteria the magistrate will use when he is deciding this question will be the same criteria that the Government has used in deciding whether a licence would be granted in the first place. That is not a question of law.

There would be questions about how far away was the nearest processing plant, and so on. There is really no question of law involved in that. It is not a question that the magistrate is better equipped to answer than the director in the first place and the Minister in the second place. It is for that reason that the appeal arrangements have been changed.

I think I have dealt with most of the points raised by members. I thank them for the support they have given, in principle at any rate, to the Bill, even though they may disagree in detail.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. I. G. Medcalf (Attorney General) in charge of the Bill.

Clauses 1 to 13 put and passed.

Clause 14: Section 55A repealed and substituted—

The Hon. M. McALEER: Would the Minister explain to me the reasoning behind the proposed new section 55A in which the offence is attached to the boat? Certainly it will be for only 10 years.

However, it will remain attached to the boat regardless of the owner; that is to say, if it changes hands. I do not know why the new owner should incur the penalty of convictions by a previous owner.

The Hon. I. G. MEDCALF: Presently it attaches forever to the boat. This provision is a reduction in the number of years during which the penalty will stay with the boat. At the moment it stays with the boat for all time, but under the Bill it will cut out after 10 years. Therefore it is a concession.

The question asked is: why should it attach to the new owner who purchases the boat? This is a method that has always been used in the fishing industry. I suppose it is designed to catch a fictitious owner; in other words, a relative or someone else who takes over the boat. There are all sorts of little lurks in the fishing industry. That is probably the reason. Certainly it has applied for all time.

Under the Bill, the term will be reduced somewhat. This is to prevent people from transferring the boat to somebody else, so as to say, "You are a clean skin. Everything that I have done is overlooked." There would be no way of knowing who is the real owner of the boat. The boat might be registered with somebody else, and the department may not know the real owner of it. That is the reason.

The Hon. D. W. COOLEY: I wonder whether any protection is given to prospective purchasers of boats. I recently had the experience of my youngest son's purchasing a fishing boat and it was not until after he had purchased it I realised this condition would have applied. It may be that the previous owner had two offences against his name. If my son committed an offence, quite unwittingly, those two offences of the previous owner would be set against him and he would have lost his licence after having paid $15 000 for the boat. Is there any protection envisaged to be given to people in that category? There could be an injustice if a person bought a boat without knowing it was under some sort of penalty.

The Hon. W. M. PIESSE: I am now completely confused. In the beginning, on reading the second reading speech, it appeared that if a boat were convicted, when the boat was sold the conviction transferred with it. Under proposed section 55A(2) it appears that if a boat were convicted and then sold and replaced by another boat, the conviction would go to the new boat. I refer to the wording of the clause at the bottom of page 6.

The Hon. R. F. Claughton: It probably does not have the licence.

The Hon. I. G. MEDCALF: In answer to Mr Cooley's question, this information would be obtainable from the department. It would be very wise, when purchasing a fishing boat or applying for a licence, to make full inquiries about the boat.

In fact, when one applies for a licence to enter the fishing industry, one must state the boat one will use, and also full details about the boat and about practically everything else, including what type of fish will be caught, where one will go, and all about oneself. I am quite sure that in the course of making inquiries, one would become aware of the fact that a particular boat had convictions recorded against it.

The Hon. D. W. Cooley: The information would be given voluntarily by the department?

The Hon. I. G. MEDCALF: In the particular case Mr Cooley mentioned, I do not know what happened.

The Hon. D. W. Cooley: There is no problem, but I wondered.

The Hon. I. G. MEDCALF: I feel quite sure that information could be easily ascertained from the department because of the comprehensive data which is required.

In answer to the Hon. Win Piesse, I would say that the old boat loses its convictions when the new boat takes them over.

The Hon. W. M. Piesse: Even if it is sold to someone else?

The Hon. I. G. MEDCALF: It is replaced. This is when another boat takes over the licence.

The Hon. W. M. Piesse: When the boat is actually scrapped?

The Hon. I. G. MEDCALF: Yes, and the licence is adopted by another boat. It goes with the licence.

The Hon. W. M. Piesse: Thank you.

Clause put and passed.

Clauses 15 and 16 put and passed.

Schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Sitting suspended from 6.03 to 7.30 p.m.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

In Committee

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. G. C. MacKinnon (Leader of the House) in charge of the Bill.

Clause 1: Short title and citation—

The Hon. D. W. COOLEY: During the second reading debate I pointed out that the contents of this Bill are found also in a Bill which is being discussed in another place. The Bill contains provisions which remove academic staff associations from the jurisdiction of the Industrial Commission. People employed at Government House and Parliament House are excluded also. These matters are contained in this Bill and in the Bill which is being dealt with in the other Chamber.

I would like the Leader of the House to explain why we are discussing this matter at the moment when it will be dealt with once again in a short time when we debate the Bill which is currently in the other place.

The Hon. G. C. MacKINNON: The fundamental reason for introducing the Bill was to overcome a jurisdictional problem of the Industrial Commission as a result of a decision of the Western Australian Industrial Appeal Court of the 5th June, 1979. That decision was to the effect that the Industrial Commission did not have jurisdiction over tertiary academic staff. It also raised considerable doubt as to the ability of the Industrial Commission to deal with other workers, such as prison officers, police officers, and fire brigade employees. The Industrial Commission has been reluctant to deal with matters affecting these workers since the 5th June.

The Bill, therefore, clarifies the commission's jurisdiction and will enable it to deal with matters affecting prison officers, police officers, fire brigade employees, and others who, for many years, have had access to the Industrial Commission.

The major emphasis of speeches made by members opposite—this does not necessarily apply to the speech made by the Hon. Don Cooley—has been that the academic staff have been left out. The major purport and thrust of the Bill is that these other people have been included and, in view of the delays occasioned by the jurisdictional problem of the commission in dealing with some of these matters, it is imperative that this Bill progress through Parliament independent of the major legislation which proposes to introduce a new Industrial Arbitration Act.

Clause put and passed.

Clause 2: Section 5 amended—

The Hon. D. W. COOLEY: This is the clause which cancels the registration of a number of academic staff associations. I refer members to the wording of proposed new subsection (3). This clause also validates action taken prior to the legislation coming into operation.

The reason we oppose the Bill is that these people have been excluded. When the Minister replied to the second reading debate, he said that, if this was not done, we would have two courts for one group of people. All we want is one court for a group of people.

As I understand the matter, the Commonwealth Remuneration Tribunal sets the salaries for these people and has done so for a long time. However, that tribunal does not set conditions of employment. As a result of this clause, these people will not be able to take grievances in relation to conditions to a tribunal, because one is not provided for them. When I refer to "conditions" I mean matters relating to hours of work, sick leave, annual leave, and other issues covered by awards.

I would have thought that, before cancelling the registration of these associations, the Government would provide a body to which they could take industrial matters so that disputes could be rectified.

The Leader of the House said that on some occasions we feel the courts are good, but on other occasions we feel they are bad. That is true. There is no situation in society where we think every decision taken by a court is good.

To my knowledge unions do not breach the law frequently. In the main, unions, particularly the unions we are dealing with here, would take matters to the commission for their own protection. It is true that some unions like to have the matter both ways if they can get away with it, but, in the main, they do not get away with it.

The Industrial Commission has worked very well, although there have been some complaints. It would not be natural if complaints were not received in relation to some aspects of the commission, particularly in such a controversial field as industrial relations.

We are letting down these people if we take away their right to go to the commission to get an award. Application was made initially for these associations to be registered under the Industrial Commission. That occurred without challenge.

The associations then asked the commission to issue an award. The university successfully challenged that application before the Industrial Appeal Court.

In this situation we must either amend the Act and accommodate these associations or do what we are doing now and cancel the registration of the associations. However, before we cancel their registration we should make provision for them to have access to a body which will deal with their industrial grievances.

This situation is not without precedent. I believe Civil Service employees are outside the jurisdiction of the commission in some respects. A special Act was introduced to govern the conditions of Collie coalminers. The Commonwealth tribunal sets the wages and salaries of academic staff throughout the country. That is all it does.

It is also not without precedent for people to go before the Western Australian Industrial Commission and quote conditions of employment or salaries which obtain in the Commonwealth field. If sufficient evidence is produced and the case has been well argued the commission will follow the lead taken by the Commonwealth tribunal.

We wish to draw the attention of the Government to the fact that the associations are left without a tribunal to which they can take their industrial problems.

The Hon. G. C. MacKINNON: Federal jurisdiction sets the salaries of these people, but reference has been made to the settling of industrial disputes with regard to academic staff. I am advised that the Statute covering both the universities provides that the senates shall have the entire control and management of the affairs and concerns of the universities and these provisions give the senates autonomy and responsibility for managing their own affairs.

Quite apart from that, it is my understanding the Minister has indicated the academic staff will be able to refer industrial matters to a tribunal. We cannot add these people to the local industrial court scene, whilst omitting everyone else.

The court has ruled that all these people are ineligible to go before the local commission. Therefore, those who have nowhere else to go are covered by this legislation. The academic staff have a body to which they can go. Their salaries are set by a Federal authority. The other matter will be resolved in the immediate future.

The Hon. R. HETHERINGTON: What I find odd about this matter is that since 1974 the academic staff in the colleges have in fact had so-called access to two courts; they have been going to the Industrial Commission here and the union was advised by the Minister to do so. In other words, we have had a situation in which the staff of the colleges had the right to have salaries decided at one level and they were still eligible to go to the local Industrial Commission. That situation has applied satisfactorily in the past.

We must divide this problem into two areas and I think we can argue it on different levels. There are the university staff associations which, although registered with the commission, had not appeared before the commission and therefore had no award under the commission; and there are the colleges which did have awards under the commission. In the middle was the WA Institute of Technology which had an agreement registered with the commission. So what the Minister tells us we cannot do happened some time ago.

When the Minister was giving his second reading speech I am sure he did not intend to mislead the Chamber, but in fact he did, by implication. He suggested the university staff associations had a tribunal, but wanted more, in clear contradistinction to the actual facts which I set out and which he dismissed as not being accurate. The universities have access to a salaries tribunal which makes recommendations to the Federal Government on funding for salaries, and it had been registered with the Industrial Commission in order to prevent a takeover. The universities elected to serve a log of claims when their conditions were threatened—not their salaries, but their conditions—and they found they had nowhere to go; so they tried this.

I am not arguing and have not argued that under this legislation the university staff associations should be given access to the commission. That matter could be debated separately. All I am suggesting is that the colleges' staff association, which had been before the commission since 1974 under a system which had worked satisfactorily and which satisfied the tertiary education staff association, was quite happy with the commission and wanted the situation to continue. So the argument is that people who are satisfied with the commission want to be left there and we think the Government should agree to that.

With regard to the other tribunal which has been promised, we are having a series of accusations and counter-accusations during which I am told the Minister for Education—and I will be interested to know whether this is accurate—refuses to set up any arbitral system before which he has to appear and which is binding on him. He will not have any arbitration

machinery to which he is subject. He has accused the tertiary education staff association of not being ready to negotiate with him when in fact it has put up proposals which the Chairman of WAPSEC has told the association have not been considered by the college councils and directors. Members of the Education Department have told the association they are not yet ready for discussion. So the Minister is huffing and puffing and making accusations, and there does not seem to be much evidence of a genuine desire on his part to have any real discussions with anybody to set up a different kind of authority.

I do not expect the Government to agree to this, but I think it would have been a good idea to retain the status quo until a new tribunal was set up. We could then have brought down a Bill in this Parliament which would establish a new tribunal and at the same time take away the powers of the Industrial Commission here. But the moment this Bill is enacted there will be no other tribunal to which the colleges can go; so their awards will have no legality, and they are a bit worried about the whole situation. Then they are being accused by the Minister for Education of not being prepared to negotiate, when in fact they are. It is not surprising they are a little worried.

What I said the other night in my second reading speech, which the Minister also misunderstood, was that we had a body which since 1974 had been appearing before the Industrial Commission and which did not seem to be a very militant body, and if it does become a militant body the Government will have only itself to blame. I was not talking about the left-wing activities around the campuses which we had in the 1960s. I remember them well in many ways.

I am still not satisfied with the Minister's explanation; and certainly the fact that the universities are autonomous does not mean salaries are not decided somewhere else. After all, a more or less autonomous firm can go to an arbitration commission. There is nothing to say that the universities, being autonomous, should not go to arbitration.

I think we should keep the arguments about the colleges and the universities separate. There is an important distinction, but the Government does not seem to be prepared to make any kind of distinction. It is determined to wipe the academics before they have a tribunal before which they can appear. I still find the clause unsatisfactory.

The Hon. G. C. MacKINNON: I did not say the Government would not have this group before the commission. I thought I explained it very carefully to Mr Cooley. I will say it again. The fundamental reason for the introduction of this Bill was to overcome the jurisdictional problem of the State Industrial Commission as a result of the decision of the Western Australian Industrial Appeal Court of the 5th June, 1979, irrespective of whether they had been happily going along to the court for 20 years before that, instead of just since 1974. On that date the decision of the Industrial Commission was that it did not have jurisdiction over the group. I hope at least every other member of the Committee is appreciative of that situation.

The Government has decided it will put back under the jurisdictional influence of the commission the police, the fire brigade employees, and so on, but it will not put back the academic staff, and the reason is that of course there is quite serious and genuine opposition to its going back. One of the reasons for that is that the councils of the colleges and the universities will have the powers of their senates for managing their affairs and determining the terms and conditions of academic staff, subject to the final approval of the Minister. We on this side are not so rapt as are members on the other side with the proposition that everybody should go to an arbitration court or commission and have the stamp of approval put on their terms and conditions. We might as well accept that and stop arguing about it because it is a fact of life.

The Hon. O. N. B. Oliver: Are there any academics on the councils?

The Hon. G. C. MacKINNON: Of course there are and some of them are perfectly happy with the status quo. They do not think they ought to be going along to the Industrial Commission—not because they are snobs or have any rooted objection to going along with the mechanics or whatever, but because they think they ought to keep their affairs within their own group where a better understanding exists of their peculiar problems. There is a genuine belief in that. Others disagree, so the Minister has indicated he will do something about it. I think it is perfectly reasonable and proper.

I also think it is perfectly reasonable and proper that we should rush through the legislation for those who definitely do need the imprimatur of the commission. I have listed them. They are people who, again by judicial decision, have been excluded and we believe they should be included. They are the prison officers, the police officers, the fire brigade officers, and the like. That is what we propose to do.

The Hon. D. W. COOLEY: In most of our dealings in a democracy and particularly in industrial relations there is an umpire. I do not know of many industrial situations relating to the setting of conditions where there is not an independent person sitting on a tribunal to determine those matters. The Government is saying that the respective councils of the institutions accept the responsibility of setting conditions—not salaries, which are set in other places.

By way of interjection Mr Oliver asked whether there were any academic people on these councils. It is true that there are. I was on the council of the WA Institute of Technology for two years, and from memory it comprised nearly 20 people. Among those 20 were two academic staff representatives. How could they, by any stretch of the imagination, have had any say in determining the manner in which salaries were set?

If the council in its wisdom sets conditions which are not acceptable to the staff as a whole, where do they go? Do they appeal to the council? That situation might be in accordance with the philosophy and belief of the Government, but it is not in accordance with the run-of-the-mill dealings in industrial relations or, in fact, with anything at all in a democracy, where groups of people are involved, and particularly employers and employees.

We on this side would have been happy had the horse been put before the cart, as is normal, and a tribunal had been set up for these people, with the Government saying, "We do not think they ought to be under the Industrial Commission; they ought to be under a tribunal set up by the council, comprising a member of the academic staff, a council representative, and one independent person."

The Hon. O. N. B. Oliver: A non-academic person?

The Hon. D. W. COOLEY: Yes, or a member of the Industrial Commission acting in a voluntary capacity, as has happened on many occasions; or perhaps a well-established person in the community who could make these determinations. The Government might believe in the employer setting the conditions, but I am not happy to go along with that and I do not think that situation will find much favour anywhere.

The Hon. G. C. MacKINNON: I had determined not to say any more, but I simply cannot let those comments pass without a reply. Mr Cooley is very experienced in industrial relations, and he knows nothing he said has any relationship to the actual situation. Workers in Australia happen to use an arbitration commission system. They are in the minority in respect of workers in the rest of the world. Indeed, even in this building people are employed who do not have, and up to date have indicated no desire to have, access to such a method of wage fixation. No-one in his wildest stretch of imagination could point to the groups to which I am referring and say they have been unfairly treated. So more than one method is available to carry out the fixation of wages.

The Hon. D. W. Cooley: Wages and conditions.

The Hon. G. C. MacKINNON: Yes, wages and conditions. Mr Cooley was a member of the WAIT council, and he would be well aware that university senates have authority to pass statutes. I agree the statutes are signed by the Minister, but in my three years as Minister I cannot recall any statutes not being accepted. The senates pass or enforce laws, and they enter into agreements which are enforceable.

I am sure Mr Cooley must be fully aware that these agreements in the past have not been sanctioned, condoned, or authorised by the Industrial Commission. Nevertheless, they have been honoured. They have included such things as sabbatical leave, methods of remuneration, etc. Staff have been able to earn money by consulting as a result of this arrangement, and no argument has occurred over it.

Therefore, salaries and conditions may be determined to the satisfaction of both parties in many ways. In this case it cannot be argued that employees have been victimised or exploited.

The Hon. D. W. COOLEY: I am not suggesting that at all.

The Hon. G. C. MacKinnon: It sounded like it.

The Hon. D. W. COOLEY: All I am saying is that the people who are employed in academic institutions desire a different arrangement. If they did not, they would not have gone to the commission in the first place to obtain registration, and in the second place to obtain an award. They must have had some ground for dissatisfaction.

I am not saying academic staffs do not enjoy good conditions. However, they wished to have their conditions determined in a different manner. The court ruled that the Industrial Commission had no jurisdiction over them, and cancelled their registration without providing them with an alternative.

The Hon. R. HETHERINGTON: I thank the Minister for reading the heavy lesson about what happened. I do know what he was talking about.

The Hon. G. C. MacKinnon: Then why did you twist my words?

The Hon. R. HETHERINGTON: I am not twisting the Minister's words.

The Hon. G. C. MacKinnon: You did then, but you might not be now.

The Hon. R. HETHERINGTON: I want to make two basic points. Firstly, the Minister has talked about universities and their conditions of employment. One of the conditions that applied in respect of the University of Western Australia was that all staff were employed under a contract. The contract said they would have study leave after six years, and that was regarded as a duty; in other words, they were bound by their contract to take study leave. That condition has now been eroded by direction from an outside body—the Federal Government. That is the reason they went to the Industrial Commission in the first place.

So things are not as happy as they might seem to be in the universities. However, that was not the point I was trying to make. I realise it was decided that the commission had no jurisdiction over university staff or CAE staff. In addition, doubts were thrown over its jurisdiction of policemen, firemen, I think nurses, and others, which meant they could have no area of jurisdiction applicable to them. This Bill is not to replace their jurisdiction; it establishes it.

The present Government and the present Minister have been quite happy to have the CAEs go before the Industrial Commission since 1974. Councils did not object, and the staff were happy about the situation, as was the Government. The Government suggested in correspondence that this was the proper thing for the commission to do. We on this side were keen about the situation because arbitration is a principle we support; and the Government was quite happy with the situation as it was.

I am suggesting the jurisdiction of the Industrial Commission should be maintained in respect of CAEs until another tribunal is established. When by negotiation a satisfactory tribunal has been established, it would be necessary to introduce a Bill to give it legislative force. That is the proper way to do it, and it is a fairly simple proposition. I am not putting up anything complex.

I do understand what is happening, and I do understand that many people feel threatened and uneasy. Those are the people I am concerned about. In this instance, although I am quite prepared to argue for the academics of universities on general grounds and general principles, I am not arguing for them, because they have managed so far and perhaps by negotiation they can find a satisfactory solution to their problem. However, the people who have been satisfactorily served by the Industrial Commission have now lost that jurisdiction, and until negotiations take place there will be no tribunal to replace the commission.

I am still not convinced by the Minister's explanation. I want him to understand that I do know what it is all about, and that my argument is simple and straightforward. I still think the Government is doing the wrong thing, both in principle and in practice.

Clause put and passed.

Clauses 3 to 5 put and passed.

Clause 6: Section 61 amended—

The Hon. D. W. COOLEY: This clause is to prevent the commission from having jurisdiction over certain employees. It refers to Government officers within the meaning of section 11A, persons whose remuneration is determined by the Salaries and Allowances Tribunal, persons who are officers or employees in either House of Parliament, and persons who are officers or employees in the Governor's Establishment.

In respect of those people whose remuneration is determined by the Salaries and Allowance Tribunal, I said in my second reading speech that I did not think such people should be covered by industrial awards. They are highly paid public servants who do not work under normal conditions—something like the members of Parliament and union secretaries.

My argument refers to workers at Parliament House or the Governor's Establishment. All the arguments the Minister presented previously justified the provision of jurisdiction by the Industrial Commission over the conditions of employment of such people. They are workers within the meaning of the Act in every sense, and they are entitled to certain conditions laid down in the Factories and Shops Act. However, if this clause is passed under no circumstances will they be able to establish an award or a consent agreement with their employers and have it registered by the commission.

The salaries and conditions of workers employed in Parliament House are determined by the Joint House Committee. Are members of Parliament so infallible that they can set conditions and wages which will make these employees happy? I suggest we have not that ability, and these people should have rights similar to those enjoyed by persons employed in other places.

A person working as, say, a steward at Parliament House is not in a different category from a person employed as a steward in a hotel or other establishments where food is served.

The Hon. O. N. B. Oliver: Have you read the Minister's second reading speech?

The Hon. D. W. COOLEY: Yes. I would not be handling the Bill had I not done that.

I think this system is unfair. Perhaps everything is okay at the moment, and the persons concerned enjoy good conditions. However, they should be entitled to be under some jurisdiction.

No suggestion was made in the decision of the Court of Industrial Appeal that these people should not be within the jurisdiction of the Industrial Commission. This clause is an adjunct to what the Government is doing in respect of the academic staffs. Somewhere, out of the blue, it has been suggested Parliament House employees and persons employed at Government House should be included in this Bill.

In respect of the academic staffs, the Government may have some justification for what it is doing, because the court upheld an appeal. However, no appeal was made in respect of the employees to whom I am referring, and they are to be denied the benefits of the Industrial Commission forever and a day.

If the Labor Party becomes the Government it is most unlikely that a measure to rectify the situation would receive the consent of the Liberal and Country Parties in this place. Therefore, the employees to whom I am referring will have this condition imposed upon them forever and a day, and nothing can be done about it. No reason for it was given in the Minister's second reading speech. Probably I would be satisfied if someone could give me a reason that these people are different from people employed elsewhere in Western Australia. However, no reasonable ground can be advanced for this clause. It is contrary to our industrial relations system to remove this right from the workers.

The Hon. G. C. MacKINNON: Mr Cooley referred to employees of Parliament House and Government House who are, in fact, award free. Their conditions of employment have been determined outside the Industrial Commission. This has been the practice in the past.

The Government's view is that Parliament House and Government House should have the right to manage their own affairs and not be subject to direction from outside authorities. Mr Cooley referred to provisions in the Bill allowing policemen, firemen, and prison officers to be covered by the jurisdiction of the Commonwealth Remuneration Tribunal and suggested the staff of these two bodies should be also covered in this manner. This Bill will ensure that the State Industrial Commission will have jurisdiction over the firemen, prison officers, and policemen.

When Mr Cooley referred to the Clerks of the House having their salaries fixed by the Salaries and Allowances Tribunal he was incorrect. Their salaries and allowances are determined by the appropriate committee on the recommendation of the Public Service Board.

The Hon. D. W. Cooley: I accept I made a mistake.

The Hon. G. C. MacKINNON: Mr Cooley kept referring to parliamentarians not having access to the Industrial Commission and this matter was raised in parliamentary question 1695. The answer given was as follows—

> The Government's view is that Parliament as the supreme legislative authority has the right to manage its own affairs and not be subject to directions from any other outside authority.

In answer, the Minister also said that disputes over conditions of employment for the staff at Parliament House would be dealt with through internal procedures in Parliament.

I fail to see anything wrong with that. There are many methods of determining wages and conditions. I do not know whether Mr Cooley was inferring that conditions here are not as good as they are outside. I would be surprised if that were true and it would be the only thing that would influence me in my consideration of the matter. I am referring, as Mr Cooley did, to the dining room and kitchen staff.

One could argue that if they felt they wanted those sorts of award conditions they could go to a place of employment where such conditions prevailed. Perhaps they could find a friend who would prefer the conditions in Parliament House and so a swap could be arranged with no loss of employment. Surely they understand the arrangements when they come here. The fact that the method of wage fixation is different from another method in other establishments does not mean it is bad.

Mr Cooley seems to have a tremendous fixation about the Industrial Commission. I take it he would not be very happy about over-award payments or extra award benefits. Had he been able to arrange for brewery workers to get extra privileges he would have done so in collaboration with Mr Cohen.

If the staff members were being victimised or exploited I could see the point in it; but .their conditions of employment are clearly good. I take it the committee referred to is the House Committee on which there are representatives of all parties. I am quite certain that over the years, had there been any exploitation, we would have heard of it. I admit it would have been the Liberal Party which would have brought the situation into line.

The Hon. R. F. CLAUGHTON: I confess I am somewhat surprised to see this provision in the Bill, because the committee of which I am a member has not discussed this matter; there have been no suggestions that the Government was to take a unilateral decision to introduce legislation to determine what the future course would be in this regard. This legislation might have appeared if there had been a request from the committees concerned; but I have not heard that stated at all. I would have expected there would be a prior requirement for consultation before this was actually written into the legislation as is now being done, if in fact we are the arbiters of our own destiny in the manner the Leader of the House suggested.

As far as the salaries and other conditions of members of Parliament are concerned, some years ago we felt it sensible to set up a tribunal to determine such things for us. It is not such a strange and foreign idea as far as Parliament itself is concerned, yet here we have the Leader of the House making this sort of claim.

The Hon. G. C. MacKinnon: You are making my arguments for me; not Mr Cooley's.

The Hon. R. F. CLAUGHTON: I am arguing against the Leader of the House who stated that Parliament is the arbiter of its own affairs. He finds it very difficult to understand what is being said and what is contained in the legislation, because he has already made several misstatements as far as this legislation is concerned.

The Hon. G. C. MacKinnon: Never.

The Hon. R. F. CLAUGHTON: We on this side of the Chamber have no difficulty in understanding what the Leader of the House is saying; but he has a very serious failure to understand the legislation.

The Hon. W. R. Withers: He speaks with clarity and he is very lucid.

The Hon. R. F. CLAUGHTON: That is a matter of opinion. He certainly has not been able to interpret the legislation with any sort of clarity. Quite clearly, the Government has unilaterally decided that the decision on whether the staff of Parliament House will have access to a tribunal or arbitration court will be taken out of the hands of the committees set up for that purpose in Parliament; that is, the Joint House Committee and the others involved. That is completely wrong.

There is no question that there is any way in which this decision can be changed. We know the history of legislation in this particular Chamber where the claim is made that it is a House of Review. We know very well that on all decisions and divisions, this Chamber divides on party lines. This particular provision will go through as has happened in the past with many other matters.

I rose to my feet to put the facts right as far as the committees are concerned. With respect to the particular committee of which I am a member, the question has not been raised as to whether we wanted this provision to appear in legislation to change the present situation. It may well be that had this matter been discussed as a specific issue we might have come down on the side the Government is proposing.

The Hon. G. C. MacKinnon: I am quite sure you would have. You must have done so at some time in the past.

The Hon. R. F. CLAUGHTON: In other organisations on which I have served, members have felt that industrial relations is a very special area. While we may feel ourselves capable of making decisions concerning the general principles on which the organisation operates, when it comes to salaries and conditions of the people employed we find ourselves in a much wider field and it is much better to go to the people who have continual contact with those questions.

Quite obviously, if a public servant were involved, the body which he would approach would be the Public Service Board. In relation to teachers it would be the Teachers' Tribunal which would decide the issue.

I support my colleagues, Mr Hetherington and Mr Cooley, who suggested that if it were the academic staff of an institution involved, the body to be approached would be some independent arbiter. It would be an expert body in the field of industrial relations. I protest at the Government's unilateral decision made without reference to the parliamentary committees.

The Hon. G. C. MacKINNON: That is not the situation as I understand it. The situation has always been that the Public Service Board makes the recommendations. Arising out of the confusion that followed from the judicial decision as to who was in and who was not, it was decided to make sure the situation which applied in the

past did in fact apply with respect to the separate control by the President or the Speaker or their joint control in the employment of people appointed pursuant to the joint standing rules. I thought that was the way it had always been in the 24 years I have been here. Members should bear in mind that the Joint House Committee has been around for a long time.

There has been no argument. This was the arrangement arrived at by the Joint House Committee and the Government of the day at the time. It was considered that we may as well enshrine in the legislation what has been the past practice. It is so obviously a thing that has been going on since the Parliament was established that it never crossed my mind to question it.

The Hon. D. W. COOLEY: Why disturb it?

The Hon. G. C. MacKinnon: We are not; we are making sure everyone knows the situation.

The Hon. D. W. COOLEY: No matter what industrial conditions people win outside, they invariably take them to the commission to have them registered so that those agreements will have the force of law. We had a classic example of this a year or two ago when a girl employed by a Liberal member signed a letter and used the letters "Ms" before her name instead of "Mrs" or "Miss". She was summarily dismissed by the member concerned. She had nowhere to go in order to appeal about her conditions of employment or to get redress in regard to that decision.

The Hon. G. C. MacKinnon: You are talking hearsay.

The Hon. D. W. COOLEY: While not wishing to refer to what is happening in another place, we have the situation where the Liberal and National Country Parties have said they must defend the rights of individuals against the encroachment on their rights by other people. The Government has placed a provision in a Bill whereby individuals can go to the commission and have their wrongs righted when they have not been able to do that before.

If one of the stewards from the dining room, for instance, were dismissed after this Bill came into effect, no matter how unjust that situation, he would still go out the door with no rights at all and have nowhere to go to have the wrong righted. If a clause such as the one proposed were included it would not be fair. It is entirely inconsistent with the rights of individuals.

Say, for argument's sake, we had working here, a person who was well established in his job, but who was being underpaid. Where could he go to have that wrong corrected?

The Hon. G. C. MacKinnon: To the industrial officer of the Public Service.

The Hon. D. W. COOLEY: He has no rights at all. If he goes to the Joint House Committee and it refuses the appeal, that is it. That is where the matter would finish. If he were given the right to be under the jurisdiction of a commission he could go to the commission and say that he had been unjustly dismissed or underpaid or that his rights had been taken away from him and he would have some redress.

The Hon. G. C. MacKinnon: We are not taking anything away from him. He has never had the right about which you are talking.

The Hon. D. W. COOLEY: Why does Government House have the right to state conditions of employment for its employees without those employees having any right to go to the commission?

The Hon. G. C. MacKinnon: Probably because it pays over-award rates.

The Hon. D. W. COOLEY: There was a tyrant in Government House not so long ago who rang up the fire brigade in order to give the firemen a practice run. On occasions in the past the staff have suffered injustices. There was an instance when a woman was brought out from England to work there and then she was dismissed.

The Hon. G. C. MacKinnon: You are an old gossip-monger.

The Hon. D. W. COOLEY: The woman had to find her own way back to England. There was nowhere she could go to complain about her situation. She had no rights at all under this particular legislation. She complained to me about this treatment when I was President of the TLC.

I think this legislation is discriminating in the extreme. The employment conditions in this House for stewards, clerks, etc., are most unusual.This legislation is completely unjust.

The Hon. R. HETHERINGTON: I have no doubt that the Leader of the House is correct when he says it has always applied so it is just written into the Bill. One of the things that happen when this situation occurs is that we have a look and realise that things which have always applied are not particularly what we like. It seems to me that if this has always applied then it should no longer apply. In other words, I do not see why these people should not have the right to go before a tribunal.

The kind of arguments the Minister used seem to go with the kind of arguments that would have been used by the people who introduced this

practice. He said if they do not like it—because they know what the conditions are—they can swap jobs with someone else who comes under the award. It is like the argument used so often when people are criticising the Government in this country or institutions or some other thing. It is said, "If you do not like it, go back to Russia" or wherever they came from. The same situation applied when unions were established. Some people did not like them.

These arguments are not worth making. The important question is: Do members think that it is a good idea that Parliament, this sector of our representative system, should behave in a paternalistic way? No doubt over-award payments are made, but it is all the more reason we should consider the situation now when there is no issue.

The Attorney General said that very thing when we were discussing the Constitution Acts Amendment Bill. He said because there was no issue at the present time it should be considered in principle to ascertain how it would be applied. We should allow the employees of this Parliament the right to go to arbitration if they so desire.

I find the conditions included in this Bill objectionable in principle. I do know that in a Vice Regal establishment in Canberra many years ago industrial action was taken because of conditions of service. I do not see why Governors' establishments should not be subject to arbitration like any other establishment. This would make sure that the employees were not overborne by the august body that employs them and they could go directly to arbitration. They can appeal from one august body to another august body; that is, an arbitral system which is modelled on the legal system of Britain and Australia. For those reasons I agree with my colleagues who have spoken, but I presume this will not change the Government's attitude.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

GOVERNMENT SCHOOL TEACHERS ARBITRATION AND APPEAL BILL

Second Reading

Debate resumed from the 17th October.

THE HON. N. F. MOORE (Lower North) [8.37 p.m.]: I commend the Government on the action it has taken to reconstitute the Teachers' Tribunal and to change certain aspects of it which were highlighted by the problem of last year with the teachers' strike, the problem being that the Teachers' Union could not initiate action within the Teachers' Tribunal. It could appeal only against decisions made by the Minister and the action taken by the Government in bringing forward this Bill is commendable and must improve the workings of the Teachers' Tribunal. The tribunal has worked very well over the years and the effect of the strike last year highlighted one of its very few shortcomings.

I have been before the tribunal on two occasions. My record has been 50-50. I lost the first round, but won the second one; so I am quite happy with my own circumstances in relation to the Teachers' Tribunal.

Mr Hetherington made several remarks about the second reading speech with which I agree. He said the second reading speech was particularly clear and straightforward and explained the purpose of the Bill very well.

The Hon. R. Hetherington: It is a nice change.

The Hon. N. F. MOORE: He also said that this Bill has been introduced as a result of the strike action taken last year. If it is as a result of the strike I guess it is the only positive thing to come out of the strike which was a blot on the copybook of the Teachers' Union which for so many decades has not held a strike. I was very disappointed that the union found it necessary to take strike action last year.

The Hon. R. Hetherington: It took a Court Government!

The Hon. N. F. MOORE: I do not think the strike was provoked by the Court Government. It was an issue about which the Teachers' Union should not have considered striking, and I stated that at the time.

I trust solutions to problems will continue to be found in the same way that this Bill was introduced after consultation between the people involved. I prefer this sort of action rather than the industrial action taken last year.

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [8.41 p.m.]: I thank members from both sides of the House for their support. I have placed two amendments on the notice paper and, as I indicated during my second reading speech, they were as a result of a deputation which met the Minister for Education. They are self-explanatory and concern the manner in which an election will be held for the representatives of the union. I thank members for their support of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. D. J. Wordsworth (Minister for Lands) in charge of the Bill.

Clause 1: Short Title—

The Hon. R. HETHERINGTON: The fact that this is an arbitration and appeal Bill which has resulted from a great deal of confrontation, makes it worth while to comment, particularly in view of some remarks made in this Chamber recently. The teachers were complaining about the fact that they were not satisfied with the breadth of their arbitration, their right to arbitrate, and their rights of appeal; and this was the basic cause of their strike. The root cause of the strike was not so much the discriminatory matters in the regulations, but dissatisfaction with the approach of the department and of the Minister, and the lack of arbitral facilities. This Bill gives everyone the right to argue that and therefore I suppose it must be regarded as one of the positive things which came out of the strike. The teachers found themselves in a position where they felt the need to withdraw their labour and if only the Minister and the department had been prepared to offer this Bill 12 months ago then the strike may not have occurred.

Clause put and passed.

Clauses 2 to 5 put and passed.

Clause 6: Government School Teachers Tribunal established—

The Hon. D. J. WORDSWORTH: I move an amendment—

> Page 5, line 15—Insert after the word "manner" the passage "by the Chief Electoral Officer appointed under the Electoral Act, 1907 or by some other officer appointed by him in writing".

The Hon. R. HETHERINGTON: I must say I was a little dubious about this amendment when I first read it because I believe unions should be able to conduct their own affairs, and I wondered why there was a need to go to the Electoral Department. However, I have been in touch with the union and I find that the amendment was included at its request.

The Hon. N. F. Moore: That shows there was good conciliation.

The Hon. R. HETHERINGTON: Yes, I said there was good conciliation on this matter. I welcome it, and I hope it will continue.

For these reasons the Opposition accepts the amendment. I will be very interested to see how it will operate and I hope it has the happy effects that the union expects.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 7 to 9 put and passed.

Clause 10: Deputies—

The Hon. D. J. WORDSWORTH: I move an amendment—

> Page 9, lines 1 and 2—Delete paragraph (b) and substitute the following—
>
> (b) appoint as deputy of a member, other than the Chairman, a person who has been nominated in the manner in which the member was nominated; .

I believe this amendment is consequential on the previous amendment.

The Hon. R. HETHERINGTON: I think the words of this amendment are justified. Again, I checked with the union, and it is quite happy with this amendment. We support it.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 11 to 20 put and passed.

Clause 21: Conciliation—

The Hon. R. HETHERINGTON: From my discussions with the Teachers' Union I gather that it did not get everything it wanted in its discussions with the Government. Clause 21 begins—

> (1) Where the Chairman is of the opinion that—
>
> (a) a matter submitted to the Tribunal for arbitration pursuant to section 18; or
>
> (b) any other matter within the jurisdiction of the Tribunal under this Part,
>
> can be resolved by conciliation, the Chairman may at the request of either the Minister or the Union, or on his own motion, order the parties, orally or in writing, into conference presided over by himself.

Then subclause (4) reads as follows—

> Where as a result of a conference held pursuant to subsection (1) an agreement is reached as to some of the matters in the claim but not as to all of them, or if no agreement has been reached, the Chairman may—

(a) refer the matter for arbitration by the Tribunal by—

(i) drawing up or causing to be drawn up a memorandum of the matters agreed upon and the matters not agreed upon; and

(ii) signing the memorandum;

or

(b) decline to refer the matter for arbitration by the Tribunal.

It seems to me that if the chairman of the tribunal thought something could be solved by conciliation, and it cannot be solved by conciliation, automatically it would be a matter for arbitration. This is the view of the Teachers' Union, and the argument sounds a good one. To test the feeling of the Committee, I move an amendment—

Page 13—Delete paragraph (b).

The Hon. D. J. WORDSWORTH: As has been pointed out, the Teachers' Union met with the Minister in regard to three matters. Firstly, it referred to the case of student teachers. It was pointed out that as student teachers were no longer under the control of the Education Department, this reference was no longer necessary. The Government agreed to the second matter, which is the subject of the amendment just passed, and we are now discussing the third matter.

The power of a tribunal to hear a claim is limited under the provisions of clause 23. The tribunal may refrain from hearing a claim if it believes the matter is trivial or if it is of the opinion that the claim is unnecessary or undesirable.

The Minister for Education referred to this matter in another place. Discussions are presently taking place with the union. The chairman of the tribunal will be a responsible person, and he should be able to indicate whether the tribunal should hear a particular claim.

The Hon. R. HETHERINGTON: I am happy to have the Minister's assurance that the matter is still being discussed. I moved this amendment so that it would be on record that the union is not very happy with the provision.

I certainly do not intend to press this amendment to a division. I am quite happy with the Minister's assurance, and I hope that we reach a stage where both parties are satisfied and that the Opposition can support a small amending Bill in this Chamber.

Amendment put and negatived.

Clause put and passed.

Clauses 22 to 38 put and passed.

Title put and passed.

Bill reported with amendments.

FIRE BRIGADES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 24th October.

THE HON. F. E. McKENZIE (East Metropolitan) [8.59 p.m.]: The Opposition supports the Bill, but I wish to comment on some matters in the Minister's second reading speech. The Minister had this to say—

> The Bill results from a study undertaken by the Government over a period of some two years into fire brigade funding arrangements. This study revealed a number of inequities.

It is certainly true that there are a number of inequities in the funding of the fire brigades, and I am surprised that so little has come out of the two-year study undertaken by the Goverment. A number of areas should be looked into in more detail. We should be considering legislation similar to that recently introduced in Tasmania which provides for a completely new system of funding of fire brigades.

When delivering the Liberal Party policy speech prior to his being elected in 1977, the Premier said that the Government would revise completely the funding of the Western Australian Fire Brigades Board. Towards the end of the Government's present term we find before us a Bill which, in a small way only, revises the method of funding of the Western Australian Fire Brigades Board. The Government has been studying the matter for two years; but there has been no indication of any consultation with the local authorities or other people involved in the funding of the fire brigades.

In the same policy speech the Premier said that the Government made a commitment to negotiate a more equitable formula for the source of funds, after consultation with local authorities and the insurers. I do not know whether that consultation has taken place. There is certainly no indication of it in the Minister's second reading speech.

If no consultation has taken place, that is a very serious deficiency, particularly in view of the very clear commitment made by the Premier to the electorate of Western Australia.

In the Minister's second reading speech he said—

> The cost of volunteer services which operate in many parts of Western Australia

> and provide a magnificent contribution to the community, will be met entirely by the State Government.

Of course, we agree with that; but the Minister should have indicated to the House—and perhaps he might do so by way of reply—exactly how much is involved in the funding of the volunteer services. In that way, we would have some indication of the Government's commitment in that regard to those districts which will not be required in the future to contribute to the funding of the permanent fire brigades.

It might well be that the amount we talk about is equal to the 12½ per cent the Government contributes currently to the funding of the permanent fire brigades. If that is the situation, of course, one problem will be satisfied. In areas where there are no permanent fire brigades, the funding equals the amount of contribution made in other areas.

We should have been told by the Minister what it will cost the Government, or the estimated amount it will cost the Government, in respect of the funding of the volunteer fire brigade services.

I believe it is unfair on the people who are required to contribute when there are people who do not take out insurance and who therefore do not contribute. In that area, the Government should have done something in relation to the funding.

If one considers the Tasmanian situation, one realises that Government has introduced legislation recently to govern the funding of fire brigades in that State. Knowing the commitment of the Premier to the people of Western Australia, we would have expected the Government to talk about similar legislation in this State, particularly when we are aware of the fact that the chief technical fire officer from Western Australia was seconded to Tasmania. He advised the Tasmanian Government on the reorganisation of its fire services and the method of funding in that State. I am given to understand that Mr Cox, who is the chief technical fire officer here, went to Tasmania to help in the reorganisation of its fire services, and also to advise those concerned on the method of funding the reorganised fire service.

As we have a man with that expertise in this State, and knowing the commitment the Government made to the people of Western Australia when it went to the electorate in 1977, I would have thought his services in the first instance would be utilised in this State and, at a later date, in one of the other States.

In no way does this Bill overcome the inequity when people do not insure and are not required to contribute anything towards the funding of the permanent fire brigade services in Western Australia. In a small way this Bill overcomes some problems; but it certainly does not overcome the major ones. For that reason, the Government ought to be criticised for not having taken the opportunity, during the past three years, to do something similar to what has been done in Tasmania, particularly when the Minister, in his second reading speech, recognised that in the past many criticisms had been directed at the method of funding. I cannot agree with his final comment which reads—

> The proposals now presented will do much to rectify the position and I commend the Bill to the House.

I do not believe that is the situation. Certainly it does a little; but it is a very small amount compared with the inequities that exist.

Whilst we support the Bill, we feel this matter ought to be looked at by whichever Government is returned in the new Parliament.

There is one other matter on which I must comment. Tasmania has a fire services levy, and it is split into urban and rural areas. The Government contributes 25 per cent of the total costs of running the fire brigade services in that State. This Government contributes 12½ per cent only and the local authorities are required to contribute 12½ per cent, while the insurance companies contribute 75 per cent.

I have had a good look at the Tasmanian legislation. It is a step in the right direction, and could well apply in Western Australia.

I am disappointed that the Government, having made a firm commitment to the people, provided us in the dying hours of the Parliament with a Bill that does little to overcome the areas where the major difficulties arise; that is, in relation to the people who do not elect to take out fire insurance and who are not required to pay the levy.

On the other hand, we must support the roping in of those who were excluded previously; that is, the people who insured through the State Government Insurance Office. For too long those people have been able to escape the contribution at the expense of others. In the community many people who are not contributing to the fire services call on the services for assistance. That applies particularly to people with vacant land, who call on the fire brigade to provide a service for them for which other people are required to pay.

Whilst we support the Bill, we are certainly disappointed at the lengths to which it does not go.

Debate adjourned, on motion by the Hon. W. R. Withers.

House adjourned at 9.10 p.m.

QUESTIONS ON NOTICE

CULTURAL AFFAIRS

Review of Opera and Music Theatre Report

286. The Hon. R. F. CLAUGHTON, to the Minister for Lands representing the Minister for Cultural Affairs:

In reference to the Review of Opera and Music Theatre report of the Western Australian Arts Council, will the Minister advise—

(1) (a) Which recommendations of the report were accepted by the Opera Co.; and

(b) which recommendations are still the subject of discussion?

(2) Is it a fact that the Opera Co. is not able to renew the contract of the conductor, Mr Alan Abbott, as it has no funds for this purpose?

The Hon. D. J. WORDSWORTH replied:

(1) (a) The recent Review of Opera and Music Theatre in Western Australia has been accepted by the WA Arts Council as the basis on which it will recommend funding of opera and music theatre in Western Australia.

The WA Opera Company has received a copy of the report, and several conclusions and recommendations contained in the report have been discussed in meetings between the board of the company and the council, and some further meetings on the future development of the WA Opera are scheduled.

(b) Those recommendations contained in the report on opera and music theatre still under discussion by the WA Arts Council relate to the recommending of policies regarding future music development and funding arrangements.

(2) The Minister advises that this is not so, and that Mr Abbott's contract with the WA Opera Company was under discussion before the recent Arts Council report was released.

CULTURAL AFFAIRS: ART GALLERY

Acquisition Policy

289. The Hon. R. F. CLAUGHTON, to the Minister for Lands representing the Minister for Cultural Affairs:

(1) Does the Art Gallery of Western Australia have an acquisition policy?

(2) If so, will the Minister advise the terms of that policy?

The Hon. D. J. WORDSWORTH replied:

(1) and (2) A paper including the acquisitions policy and guidelines is submitted for the honourable member's information. This has been approved by the Board of the Art Gallery of Western Australia and has received the honourable member's confirmation.

CULTURAL AFFAIRS

Art Objects: Government Buildings

290. The Hon. R. F. CLAUGHTON, to the Minister for Lands representing the Minister for Cultural Affairs:

(1) Does the Government have a policy for the placement of art objects in Government buildings?

(2) If so, will the Minister advise what is the Government's policy?

The Hon. D. J. WORDSWORTH replied:

(1) and (2) The Government has encouraged its various instrumentalities and departments to adopt the most effective means for puchasing or commissioning works of art by use of Government funds; for ensuring their continued supervision and conservation; and to ensure that these art resources are used to the best advantage of the people of Western Australia.

In accordance with the amended Art Gallery Act, 1978, the Director of the Art Gallery is available to advise and assist the Minister for Cultural Affairs in matters other than the management of the Art Gallery of Western Australia, which includes the above.

CULTURAL AFFAIRS

Fremantle Arts Centre

291. The Hon. R. F. CLAUGHTON, to the Minister for Lands representing the Minister for Cultural Affairs:

(1) What is the nature and amount of support now being provided by the State Government to the Fremantle Arts Centre?

(2) (a) Does the Government have nominees on the committee of management of the centre; and
(b) if so, who are they?

The Hon. D. J. WORDSWORTH replied:

(1) Current support being provided to the Fremantle Arts Centre is at a level of $112 000 per annum. Financial support for the 1980 year is currently under consideration.

(2) (a) Yes, there are four members of the committee of management of the centre nominated by the Minister for Cultural Affairs.
(b) The members are Mr Sam Atlas, Mrs Joan Campbell, Mr Bryant McDiven, and Mrs Maria Phillips.

CULTURAL AFFAIRS

Film: "Harlequin"

292. The Hon. R. F. CLAUGHTON, to the Minister for Lands representing the Minister for Cultural Affairs:

What is the extent of the Government's financial commitment to the production of the film "Harlequin"?

The Hon. D. J. WORDSWORTH replied:

Advice has been received that the question should have been more correctly directed to the Minister for Industrial Development.

CULTURAL AFFAIRS

Film Courses

293. The Hon. R. F. CLAUGHTON, to the Minister for Lands representing the Minister for Cultural Affairs:

In a recent radio programme, the Minister stated that the "development of film making and film making courses are ..... loose and uncoordinated so we are having a look at bringing these together or at least coordinating what is being done ....." Will he now advise—

(a) who is making this examination;

(b) what recommendations, if any, have been made;

(c) if none, when is a report expected of the results of the examination;

(d) if a report is prepared, will it be made public; and

(e) which institutions and non-Government organisations are included in the examination?

The Hon. D. J. WORDSWORTH replied:

(a) The WA Arts Council undertook a policy review of its support for film in 1978. A working party was formed comprising Mr Derek Holroyde, WA Arts Council member as convenor, the council's film officer and representatives of Perth Institute of Film and Television, the WA Federation of Film Societies, the National Film Theatre of Australia, the WA Council for Children's Film and Television, together with the Course Controller of Film and TV Studies at the WA Institute of Technology and an independent film-maker.

(b) The committee recommended that film should be recognised as having a continuing place of importance in the cultural life of WA and that the WA Arts Council had a responsiblity to this art form. As a result the WA Arts Council has within the limits of funds available provided additional support for film concentrating on the provision of opportunities for film, with some funds for non-commercial film-makers and other projects.

(c) and (d) Not applicable.

(e) Perth Institute of Film and Television, WA Federation of Film Societies, WA Council for Children's Film and TV National Film Theatre of Australia, WA Institute of Technology, International Film Festival, the Children's Film Foundation, Frevideo.

The WAPSEC inquiry into education for the performing arts included film and television. The committee consulted with tertiary institutions and the Perth Institute of Film and Television. Implementation of the recommendations in this area is still under discussion.

COMMUNITY WELFARE

North-West Shelf Gas Project

295. The Hon. D. K. DANS, to the Minister for Lands representing the Minister for Community Welfare:

In the event of the North-West Shelf gas getting the go ahead—

(a) will the Department for Community Welfare have extended resources to cope with destitute job-seekers, etc.;

(b) will preventative programmes dealing with child abuse, marriage breakdown, alcohol and drug abuse, be provided;

(c) are there plans for provision of emergency accommodation and women refuges; and

(d) will the Department for Community Welfare staff still be acting for Commonwealth Employment and Social Security Department or are representations being made to these bodies to establish their own offices in Karratha?

The Hon. D. J. WORDSWORTH replied:

(a) The department will be monitoring the social implications of large-scale development, such as the North-West Shelf gas project and if additional resources are indicated they will be requested.

(b) All local officers of the Department for Community Welfare have access to the department's specialist services and as particular needs are identified in a specific locality, resources are allocated and programmes developed accordingly.

(c) The department is not involved directly in providing emergency accommodation or women's refuges, but where these needs are established, works with other groups for these facilities to be provided.

(d) No.
Close liaison is always maintained with Commonwealth Employment and the Department of Social Security to ensure that welfare benefits are readily available to those who are entitled to these benefits.

EDUCATION: HIGH SCHOOLS

Rockingham and Safety Bay

296. The Hon. I. G. PRATT, to the Minister for Lands representing the Minister for Education:

How many children at present attending—

(a) Rockingham High School; and
(b) Safety Bay High School;

have received special class tuition during their primary education?

The Hon. D. J. WORDSWORTH replied:

(a) Five.
(b) Two.

EDUCATION: TECHNICAL AND TERTIARY

Fine Arts Courses

297. The Hon. R. F. CLAUGHTON, to the Minister for Lands representing the Minister for Education:

(1) Who are the persons currently reviewing the development of fine art courses in technical and other tertiary institutions?
(2) What are their terms of reference?
(3) When is it expected a report of the results of their review will be available?
(4) Will the report, if any, be publicly available?

The Hon. D. J. WORDSWORTH replied:

(1) and (2) The WA Post-Secondary Education Commission has established a subcommittee with the following terms of reference—

(a) to assess and report on the overall need for post-secondary educaton in the fine arts and associated areas of activity and the nature and location of physical facilities required;

(b) to give particular consideration to—

the future of Claremont Technical College and the fine arts programme presently conducted by Perth Technical College; and

the possibility of the former teachers' colleges offering both adult education courses in fine arts and courses which are recognised as counting as credit towards the Technical Education Division diploma and certificate programmes in fine arts and in art studies or are an alternative to existing TAFE programmes.

The members of the subcommittee are—

Dr D. W. Zink, Chairman—Deputy Chairman of WAPSEC

Mr A. G. Batten—Director in WA of the Industrial Design Council of Australia

Mr R. L. Juniper—Artist

Dr W. D. Neal—Chairman, WAPSEC

Mr R. S. Sampson—Superintendent of Arts & Crafts Education Department of WA

Mr M. C. Williams—Member of WAPSEC.

(3) The subcommittee's report is expected to be submitted to the WA Post-Secondary Education Commission early in December. The commission hopes to report to the Minister for Education before the end of the year.

(4) Yes.

EDUCATION: HIGH SCHOOLS

English Literature Novels

298. The Hon. R. F. CLAUGHTON, to the Minister for Lands representing the Minister for Education:

What are the titles of books included on lists prepared by the joint syllabus committee as recommended reading for literature courses in schools to which the Minister objected and which were removed from the lists as a result of his objection?

The Hon. D. J. WORDSWORTH replied:

The Minister for Education has drawn attention to the fact that members of the community have expressed concern over some of the books included in the lists, but he has not made formal objection to particular titles.

CULTURAL AFFAIRS

Frevideo

299. The Hon. R. F. CLAUGHTON, to the Minister for Lands representing the Minister for Cultural Affairs:

(1) Has the Minister or the Arts Council received an application from Frevideo for financial assistance in this financial year?

(2) If so, what funds, if any, have been granted?

The Hon. D. J. WORDSWORTH replied:

(1) and (2) I am advised that the Western Australian Arts Council has not received an application from Frevideo for financial assistance in this financial year.

TOWN PLANNING: HERDSMAN LAKE

Regional Open Space Management Committee

300. The Hon. R. F. CLAUGHTON, to the Attorney General representing the Minister for Town Planning:

Further to my question 119 of the 8th August, 1979, regarding the regional open space management committee, would the Minister now provide the answer to the following questions—

(a) what is the budget for the above committee for 1979-80; and

(b) how is the budget to be allocated?

The Hon. I. G. MEDCALF replied:

(a) A separate budget is not prepared for individual committees.

(b) Within the Metropolitan Region Planning Authority's total budget for 1979-80, $400 000 has been set aside for known regional open space management commitments which relate to—

	$
Whiteman Park (Mussel Pool)	218 000
Lake Joondalup	182 000
	400 000

Only a small portion of the land reserved at Lake Herdsman has so far been acquired by the authority and accordingly any management expense incurred during the current financial year would be of only a minor nature.

TOWN PLANNING: HERDSMAN LAKE

Ecological and Planning Advice

301. The Hon. R. F. CLAUGHTON, to the Attorney General representing the Minister for Town Planning:

Further to my question 120 of the 8th August, 1979, is the Minister now able to provide a consolidated plan of zonings on Herdsman Lake?

The Hon. I. G. MEDCALF replied:

No. A copy of the plan will be provided for the honourable member when it becomes available.

CULTURAL AFFAIRS

Art Gallery: Employees

302. The Hon. R. F. CLAUGHTON, to the Minister for Lands representing the Minister for Cultural Affairs:

Further to my questions 174 of the 23rd August, 1979, and 180 of the 28th August, 1979, as two months have now elapsed and the Minister has not provided the consolidated reply as stated, will he now provide the information as requested in the above questions?

The Hon. D. J. WORDSWORTH replied:

I am advised that further additions made to the approved staffing establishment of the Art Gallery of Western Australia, other than those covered in the answers to questions 113 and 161 of 1979 are—

(i) A temporary research assistant.
(ii) A public relations consultant firm.
(iii) A temporary officer seconded—
(iv) Relieving clerical, design and attendant staff for short periods.

Other appointments are shortly to be considered.

The duties of the appointees outlined above are—

(i) To assist in research for a 150th Anniversary Exhibition.
(ii) To prepare the Great Australian Paintings Appeal.
(iii) To assist with arrangements prior to and consequent on the opening of the new Art Gallery.
(iv) Self-explanatory.

HOUSING

North Metropolitan Province

303. The Hon. R. F. CLAUGHTON, to the Attorney General representing the Minister for Housing:

For the financial year 1979-80, and for localities within the North Metropolitan Province, will the Minister advise in relation to State Housing Commission buildings—

(1) The number of—
  (a) detached purchase homes of—
    (i) one bedroom;
    (ii) two bedroom;
    (iii) three bedroom;
    (iv) others; and
  (b) rental homes in each category?

(2) The number of—
  (a) duplex houses;
  (b) row and/or town houses; and
  (c) flats;

  stating in each case the number of one, two, or three-bedroomed units?

(3) For each of the categories in (1) and (2) above, a breakdown into the locality and the number of units in which they will be built?

The Hon. I. G. MEDCALF replied:

(1) (a) Nil. Since the introduction of the 1978 Commonwealth-State Housing Agreement the Housing Commission no longer provides vendor finance. However, under that agreement, the States must allocate funds to terminating building societies for home purchase loans. During 1979-80, funds have been provided to finance 200 purchase homes throughout the State.

	(b)	Balga	Nolla-mara	Girra-wheen	Total
		Nil	19 x 3 bedroom	Nil	19
(2)	(a)	38 x 2 bedroom	Nil	Nil	38
	(b)	77 x 2 bedroom	Nil	Nil	77
	(c)	Nil	Nil	24 x 1 bedroom	24
		115	—	24	139
				Plus (1)(b) Total	19
				Grand Total	158

(3) This information is incorporated in answers (1) and (2) above.

SEWERAGE

Treatment Plant: Beenyup

304. The Hon. R. F. CLAUGHTON, to the Leader of the House:

(1) Will the Minister advise the nature of the failures being experienced in the Beenyup treatment works?

(2) What action is being taken to overcome these problems?

The Hon. G. C. MacKINNON replied:

(1) The malfunctioning of a pump delivering dewatered sludge to the incinerator.

(2) The pump has been replaced with alternative equipment which has operated satisfactorily since installation six weeks ago.

QUESTION WITHOUT NOTICE

INDUSTRIAL RELATIONS LEGISLATION

Commissioner E. R. Kelly: Comments

The Hon. D. W. COOLEY, to the Leader of the House representing the Minister for Labour and Industry:

(a) Did Senior Commissioner E. R. Kelly provide written comment when this proposed Industrial Relations Act was submitted in 1978?

(b) If so, is this information available?

The Hon. G. C. MacKINNON replied:

I thank the honourable member for giving notice of this question which enabled us to obtain the necessary papers. The answer to his question is as follows—

(a) Yes.

(b) I hereby table a copy of the comment which accompanied the report for the information of the member.

The paper was tabled (see paper No. 405).