Legislative Council

Thursday, 10 November 1983

The PRESIDENT (Hon. Clive Griffiths) took the Chair at 2.15 p.m., and read prayers.

HEALTH: TOBACCO

Advertising: Petition

On motions by the Hon. Neil Oliver, the following petition bearing the signatures of 16 persons was received, read, and ordered to lie upon the Table of the House—

TO:

The Honourable the President and the Honourable Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We, the undersigned are school teachers and we believe that education programmes alone are ineffective in discouraging children from smoking and only by combining education with legislation to ban tobacco advertising can we expect that the uptake of smoking by children will be significantly reduced.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

(See paper No. 460.)

ELECTORAL

Referendum: Petition

On motions by the Hon. Kay Hallahan, the following petition bearing the signatures of 340 persons was received, read, and ordered to lie upon the Table of the House—

TO:

The Honourable the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled:

We the undersigned electors of Western Australia desire that the State Electoral System be reformed so as to incorporate the principle of 'one person-one vote-one value'.

We specifically request the reform of the Legislative Council of Western Australia to achieve:

1. A reduction in the number of Legislative Councillors from 34 to 22
2. The retirement of half of the Members of the Legislative Council at each general election (ie. simultaneous elections)
3. The election of Legislative Councillors according to a system of proportional representation such as currently operates in Senate elections.

And that the above reforms be decided by the people voting at a referendum.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your Petitioners, as in duty bound, will ever pray.

(See paper No. 461.)

INDUSTRIAL RELATIONS: DISPUTE

Electrical Trades Union: Urgency Motion

THE PRESIDENT (Hon. Clive Griffiths): Honourable members, I have received the following letter—

Dear Mr. President,

In accordance with the provisions of Standing Order 63, I wish to advise of my desire to move for the adjournment of the House until Monday, 21 November 1983, at 4.30 p.m.

Because this House

(1) Condemns the W.A. State Government for its failure to take positive action in the ETU dispute or to accept its responsibilities to the public.

(2) Censures the Minister for Industrial Relations for his lack of leadership, initiative and resolution in his handling of the ETU dispute as it affects the public, and his failure to publicly support the Industrial Commission in its endeavour to secure a return to work, which has led directly to—

(a) Massive costs to:—

Industry;
Government Projects; and
the public purse.

(b) A direct threat to health and safety in the community.

(c) The strong likelihood of businesses closing down or projects being deferred resulting in increased unemployment.

Yours faithfully,
G. E. Masters
MEMBER FOR WEST PROVINCE

In order that this motion can be entertained it will be necessary for four members to indicate their support for it to be debated by rising in their seats.

Four members having risen in their places,

HON. G. E. MASTERS (West) [2.29 p.m.]: I move, without notice—

> That the House adjourn until Monday, 21 November 1983, at 4.30 p.m.

I thank the members who have supported the proposition to put this motion to the House. Unfortunately it is a fact that we must once again as an Opposition bring forward such a matter.

Hon. D. K. Dans: Don't be ashamed; it is your role.

Hon. G. E. MASTERS: It is unfortunate for the reasons I will give. It is unfortunate that my duty and the duty of the Opposition is to bring to the attention of the public and the Parliament a matter of serious concern in the industrial relations area. Once again it is necessary for the Opposition to condemn the activities of this Government in the industrial field. Once again it is our job to point out what I call the weakness and incompetence of the Minister handling the Industrial Relations portfolio.

Hon. Peter Dowding: That's a bit nasty.

Hon. G. E. MASTERS: I refer to the Hon. Des Dans, and I will explain why.

Mr Dans, as the Minister, has a responsibility in this matter and I will explain why. This is not a laughing matter for the people in the community. The Minister has played a large part in the terrible position we are in today in the industrial area. Recent statistics, on industrial disputes and the loss of time as a result of those disputes, indicate that the Minister for Industrial Relations, whose Government said it would solve and resolve many of the industrial disputes, has a worse record for the seven months his Government has been in office than we had for the previous seven months when we were in Government. The situation is getting worse with the loss of time as a result of the disputes in the north and other parts of the State.

The reported words of the Minister for Industrial Relations appeared in *The West Australian* on 5 November 1983 as follows—

> The State Government views the strike as the most serious dispute in Western Australia this year.

A simple straightforward statement, and we agree with it; but that is about as far as Mr Dans has gone. He has been prepared to make a statement and that is all. What a pitiful, weak approach to an issue which, in the Minister's own words is "The most serious dispute this year".

We know that the Minister will stand up, as he has done on many occasions, and say he will not interfere in industrial areas, and that he will not politicise industrial strikes. That is his usual excuse and statement. I suggest that is a weak stand and it is the fence-sitting he has always done. For the 9½ years I have been in this place, he has sat on the fence and hoped that the trouble would go away.

Hon. D. K. Dans: You are still here.

Hon. G. E. MASTERS: We know the Minister does as he is told. We know he is not able to make some of the decisions he should be able to make, and would like to make. He represents the Government in the public interests and he should make some moves in certain circumstances, and this is just one of them. The Minister said in his own words that this is a serious dispute, but all he does is hope that it will go away or disappear in a cloud of dust.

I suggest he is not able to interfere because it would hurt his friends who are undoubtedly directing his actions and the actions of the Government. No doubt he will resolve a problem when some of his friends get hurt, but he runs away or backs off when it comes to a dispute like this. He is unable to handle it, he is only able to make a statement.

Hon. D. K. Dans: I might have been doing a little work behind the scenes.

Hon. G. E. MASTERS: The facts of the case are that people and businesses are suffering because Mr Dans is doing nothing about the problem. I suggest he is not prepared to take on some of the radical leadership which is undoubtedly in control of the ETU. He is prepared to let the public bleed and suffer. Some small businesses as well as large businesses are thinking of closing down for a period. Many jobs are being lost and the health and safety of the community are being threatened. The emergency services in the community are being threatened—fire safeguards and the like. I would say there could be a grave risk to hospitals and the like. When the health and safety factors in the community are in danger, it is the duty of any Government or Minister to be responsible in the public interest. The Minister and his Government should take positive action to make the position clear.

I would say the Minister is powerless to do anything. All he can do is make a few statements to the Press, and that is as far as he is prepared to go. He is not prepared to move in the public interest.

The disputes which have been occurring in the north in recent weeks are a good example of how strikes drag on, and the Minister is quite happy to let them drag on until Christmas. That is what some of the private sector has said.

Hon. Peter Dowding: Is that what you think?

Hon. G. E. MASTERS: I think there is a strong likelihood of it.

Hon. D. K. Dans: Tell us what you would have done. You would have done nothing.

Hon. G. E. MASTERS: The proof of the pudding is in the eating. The facts and figures of the losses due to the strikes indicate exactly what has happened. Mr Dans has a disgraceful record in this regard. All he has done is run. He has done nothing to discourage these people, and in many cases they know very well they may get what they want. He is not game to say, "No", and Mr Dowding and Ministers like him have the same attitude.

Hon. Peter Dowding: If you checked your facts you would not be able to make a speech.

Hon. G. E. MASTERS: The facts are that the lost hours, days, wages, and jobs are causing people to suffer and all the Minister has done is hope that the problem will go away.

Hon. D. K. Dans: You were here for nine years and it did not go away.

Hon. G. E. MASTERS: Mr Dans has a much worse record than I had when I was Minister.

Hon. D. K. Dans: You had no record in every area of industrial relations.

Several members interjected.

Hon. G. E. MASTERS: The record is there for everyone to see. The facts and figures are in the library.

Several members interjected.

Hon. G. E. MASTERS: Members can shout as much as they want, the figures and facts are there.

Several members interjected.

Hon. G. E. MASTERS: Of course they shout and squeal; their record is disgraceful, and it is getting worse. One cannot run away from problems; one must face them, and the Government and the Minister should face their responsibility to the public and the public purse. The fact remains that the figures demonstrate the problem.

When we talk about leadership from the Government, we note there is no leadership in industrial matters because the Minister has no leadership. He cannot make his own decisions, the faceless people behind the scenes are making his decisions.

The Minister for Industrial Relations in this House has always said that he supports the industrial arbitration system, and he has criticised me by saying that I am trying to destroy that system. Yet, by his failure to publicly support the Industrial Commission and its decision, he has done more damage and is contributing to the downfall of the commission. As I understand the situation, no-one has ever made a public statement saying the Industrial Commission is right and that the people should go back to work. That is what the system is all about.

I challenge the Minister for Industrial Relations that when the Industrial Commission makes a direction that people should go back to work, he should say, "Yes, I support that and they should go back to work".

Hon. D. K. Dans: You have not been reading the papers properly.

Hon. G. E. MASTERS: I am inviting the Minister to say "Yes" or "No".

Hon. D. K. Dans: I have made public statements; yes, I have said that.

Hon. G. E. MASTERS: The Minister has, has he?

Hon. D. K. Dans: On 2 November.

Hon. G. E. MASTERS: We do not know what claims will come next if the ETU is successful. I am sure the Minister, with all the problems he has and the difficulties he faces in making decisions, would know a grave threat exists if the ETU is successful in the increases it is seeking. The metal trades and many others will follow that lead, including the union represented so well for many years by Mr Piantadosi. There will be many other claims. We know a grave threat exists that these claims will build up.

Hon. S. M. Piantadosi: Rubbish!

Hon. G. E. MASTERS: We know that Mr Gandini and Mr Palmer laugh at Mr Dans and what he says. They say "Mind your own business; it is none of your business—keep out". Public statements to that effect have been made. Mr Dans has given encouragement by his example, and the Government has given encouragement by its example. Mr Dans has given way and has refused to table the facts and figures about the increases he has given.

Hon. D. K. Dans: That is not correct.

The PRESIDENT: Order! I ask honourable members to cease their audible conversations as I have requested on other occasions, and to allow the member speaking to be heard in silence. Our Standing Orders contain nothing to suggest that members have to say something with which every-

body agrees. Our Standing Orders do provide for everybody to have the opportunity of putting his point of view. I suggest everybody should extend that courtesy of being heard to all members.

Hon. G. E. MASTERS: Thank you, Mr President.

I refer to the ETU and point out that 2 500 workers are on strike as a result of the activities of the union's leadership. We know Mr Gandini and Mr Palmer have taken over the union; they are quite radical. Men like Barry Gilbert, for whom I have the greatest respect, have been thrown out. They are too moderate and have been pushed aside, and the people to whom I referred have come in. They are callous and ruthless in handling their own members, and have no regard to the pleas of their members, the majority of whom want to go back to work. The union leadership is not prepared to allow them to do so, and Mr Dans is sitting on the fence.

Hon. S. M. Piantadosi: Rubbish!

Hon. G. E. MASTERS: The newspapers give an indication of what is happening in the ETU. I will quote from *The West Australian*; the member who interjected can make his own speech. Intimidation is taking place and standover tactics are being used. The two men I have mentioned are standover men; they have got rid of more reasonable and moderate men who did the union movement a great deal of good for many years. I refer now to *The West Australian* of 8 November which stated—

> ETU organiser Wally Palmer spoke for nearly two hours to yesterday's mass meeting at Subiaco.
>
> He said that there would be severe repercussions for people who had worked during the strike.

I put it that this is a direct threat; "severe repercussions" can mean only one thing. Those people who dare to go to work and go against the ETU leadership will suffer accordingly, whether by losing their jobs, by being threatened physically, or through threats to their families—I do not know.

Hon. S. M. Piantadosi: You are being ridiculous.

Hon. G. E. MASTERS: It means only one thing and I hope the honourable member never uses that sort of activity. He should not be upset when I quote a statement from a newspaper.

Hon. S. M. Piantadosi: You should state facts.

Hon. G. C. MacKinnon: Have you heard the latest story going around about the union bloke who talks to the boss and says "If you don't do what I want I will set Mr Dans on you"?

Hon. G. E. MASTERS: No I have not, but I doubt that, Mr MacKinnon. I think they laugh at Mr Dans; they think he is a joke and a paper tiger who will do nothing.

Hon. Tom Stephens: You are jealous; he is doing a very good job.

Hon. G. E. MASTERS: The Hon. Tom Stephens says I am jealous—jealous of a paper tiger?

Several members interjected.

Hon. Tom Stephens interjected.

The PRESIDENT: Order! The Hon. Tom Stephens will come to order. If he continues to disregard the directions of the Chair he will be on the receiving end of the Chair's authority. I ask him to conform to the request I have made.

Hon. G. E. MASTERS: I regard the Minister for Industrial Relations as a paper tiger who is not prepared to take a stand and do his job or accept his responsibility. If the member who interjected was talking about paper tigers, there is no better example than that member himself.

Several members interjected.

Hon. G. E. MASTERS: We do not want to talk about weak people, and he is a golden example to all of us.

Let us look at the results of the dispute. I have details of some, but there are many more areas in which people are suffering. I quote from *The West Australian* of 8 November as follows—

> A spokesman for the Electrical Contractors' Association, Mr Gus Ferguson, said yesterday contractors were prepared to accept that the strike would last till Christmas.

It states—

> Electrical contractors in the metropolitan area and the south-west are closing down their operations in the face of a prolonged strike.

Businesses are accepting that it may be an extended strike, and are closing their doors; some must risk closing altogether. Certainly, jobs and time will be lost and delays will occur at Christmas when everyone is looking for something extra to see them through that period. Those people will suffer quite dramatically. The biggest resource developments are being threatened, and there can be no argument about Worsley. I do not have the full information, but some came to me this morning and it indicates delays are occurring in that project and that the programme has been shot to pieces. It indicates that 650 people have

been put off the job, and I am sure the Hon. Norman Moore will have more information about that.

The delay to Woodside is very serious indeed. The public interest is involved here and the Minister should be looking at it. Surely he is concerned about those people losing their jobs and those who may suffer towards Christmas. Woodside's Burrup Peninsula project also is affected.

Hon. D. K. Dans: I thought they were back at work.

Hon. G. E. MASTERS: They may be; is the Minister suggesting it was not affected?

Hon. D. K. Dans: It was affected.

Hon. G. E. MASTERS: Let me go on, and Mr Dans will then be able to make his usual diatribe and then forget all about it.

Let us talk about CBH; it is a vital organisation.

Hon. Kay Hallahan interjected.

Hon. G. E. MASTERS: The member should listen to what I am about to say.

The PRESIDENT: Order! I suggest the honourable member talk about the matters contained in the letter he wrote to me.

Hon. G. E. MASTERS: The letter refers to "massive costs to industry, Government projects, and the public purse". I am pointing out the cost to industry—the financial cost—and there is a financial cost to Worsley and to workers at that project. There is a cost to the farmers because of the Co-operative Bulk Handling Ltd. dispute, and there is a cost to the people who work at CBH. As I understand it, the Albany project has suffered many problems as a result of the Builders' Labourers Federation. Some of the matters may be resolved; but if they are not, it will be of grave concern to the farmers. I suggest that the farmers simply cannot afford to stand aside and let these things happen.

The port of Albany and the Albany loading facility must start operating soon. The ships must be loaded and cleared away so that the new grain can be stored. The farmers are already preparing the harvest. The farmers are fed up with being pushed around, and I suggest to the Minister that he talk to the farmers. He should consider their problems.

Hon. D. K. Dans: Are you suggesting we have not spoken to the farmers?

Hon. G. E. MASTERS: I do not think Mr Dans has given any thought to anyone's problems. He has just hoped that they will go away.

The PRESIDENT: Order! I am becoming seriously concerned about what is happening in this place. I have always extended to the front bench on both sides of the House certain additional courtesies due to the fact that the front bench members have additional responsibilities in regard to their sides of the House. I intend to continue to extend those courtesies; but if the affairs of the House are to be disrupted by those members, perhaps I will have to reconsider the situation.

My reason for rising now is to point out to the Hon. Gordon Masters that I suggested to him earlier that he must limit his remaks to the content of the letter that he wrote in accordance with Standing Order No. 63, and it is essential that he do so. He is not doing that, because his letter relates specifically to the effect on certain things, including costs, of action by the Electrical Trades Union, and nothing else.

Hon. G. E. MASTERS: Thank you, Mr President.

In discussing the costs as a result of the ETU dispute, I pointed out that certain major developments and smaller developments have suffered financially as a result of that activity. I pointed out further that the CBH was also suffering considerably as a result, and the farmers were suffering or are likely to suffer considerable financial hurt as a result of the delays in opening the facility. I was simply saying that the farmers would have difficulty in containing their feelings if this were to continue. I am pointing out also that as far as the public purse is concerned, and the cost to the public, there is a considerable problem. As I understand it, Government projects are continuing. The PWD is continuing the construction of some facilities, and it is going ahead without carrying out the electrical works. When concrete is poured and buildings are constructed without the electrical works being undertaken at the same time, you, Sir, would know better than anyone else that it takes a considerable cost and a great deal of work to cut into the walls to install the electrical works later. That is a cost to the public; but the Government is still going ahead with those projects. The ETU dispute could cost tens of thousands of dollars on some of the construction works.

I would like the Minister to advise the House if this is happening at a cost to the public. We assume it is and that it will cost X number of dollars on certain projects. The Minister should have done his homework on that aspect.

When I talk about costs, I include safety and health aspects. The dispute is serious in those

areas because we have safety protection equipment in schools, hospitals, and the like. Health protection equipment needs to be maintained. I simply ask the Minister what steps are being taken to ensure the safety and the health of the public in hospitals, schools, and the like. Is it hoped that the ETU dispute will be resolved before any trouble occurs? I ask that question in the public interest.

The public buildings that are being constructed are suffering because of the strike. I wonder whether safety and health factors are being protected. If something is not done and the Minister is not taking precautions and health or safety factors break down, it must be on the Minister's and the Government's head. Someone may suffer as a result of an accident, or for whatever reason. The Minister has the responsibility in this House to ensure that these problems are resolved.

I mentioned cool stores, supermarkets and the like, where food is stored. One other matter relates to the State Energy Commission. The Minister for Fuel and Energy will be able to correct me if I am wrong, and I will do so without any hesitation. I understand that at Muja a coal-burning unit is not operating properly, and oil power has been used. It is costing $60 000 per week, because the coal-burning unit cannot work, and the oil is being used. Perhaps by way of interjection the Minister can tell me whether that is right.

Hon. Peter Dowding: You know I will not tell you at this stage about anything. I do not want to be disorderly!

Hon. G. E. MASTERS: The Minister will not tell us anything, so obviously I am correct. He is just hiding his head; that puts him in the same category as the Minister for Industrial Relations.

I put to the House that the additional cost as a result of the negligence of the Minister for Industrial Relations, and the lack of responsibility demonstrated by the Minister for Fuel and Energy, is costing the public $60 000 per week.

Hon. G. C. MacKinnon: I would have thought that would be a conservative estimate.

Hon. G. E. MASTERS: Yes. The mere fact that the Minister did not reply suggests I am about right.

Hon. G. C. MacKinnon: We say that it costs Raymond Engineers Aust. Pty. Ltd. but it actually costs Western Australia.

Hon. G. E. MASTERS: I am disturbed at some of the things happening in the private sector. I have been told of one company which paid $5 000 to the strike fund. That money was extracted from the company so that a supermarket could be completed. The Minister is nodding—

Hon. D. K. Dans: I have heard the same story.

Hon. G. E. MASTERS: I will not mention the name. I have been told that in parts of the north a levy of $50 per man or woman per week is going to the strike fund, and that at least one and perhaps more companies are picking up the tab for that. If that is the case, those companies are demonstrating irresponsibility. That attitude will cause more trouble than enough in the future. That sort of activity engaged in by employers and employees will do no good.

The Minister has asked what he can do and what he should do. He could at least announce the intention of trying to support the public in these matters. He knows as well as I do that section 30 of the Industrial Arbitration Act provides the following—

> (1) The Attorney General for the State may, on behalf of the State, by giving the Registrar notice in writing of his intention to do so, intervene in the public interest in any proceedings before the Commission.

I put to the House that it is the responsibility of the Government to ensure that the public purse does not suffer. If public sites and construction works are suffering and if the public are likely to suffer anything because of this, a responsible Government should take action to put its point of view to the Industrial Commission, so the Industrial Commission can take action on the matter.

The Minister and the Government have shown a total lack of responsibility for the public interest. They have no alternative but to go in the direction they are sent by those people behind the scenes. The public understand that any suffering and any risk is due largely to the lack of intestinal fortitude on the part of the Minister for Industrial Relations.

HON. D. K. DANS (South Metropolitan—Minister for Industrial Relations) [3.01 p.m.]: It is not very often when one has to reply to an urgency or a censure motion that one thanks the mover of that motion, but this is the case today. I have been looking for a public forum for some time to put squarely before the people of Western Australia the true position of industrial relations.

It is a sad fact that the public of this State, after nine years of Liberal-Country Party posturing, need re-educating in the field of public relations. Mr Masters is still on the same old tack of confront, confront, confront. On no occasion has he phoned me and asked what was happening

with this dispute. Had he asked he would have been told.

Hon. G. E. Masters: I did not need to keep a record of the times you phoned me.

Hon. D. K. DANS: I phoned Mr Masters on a number of occasions.

What Mr Masters has been flapping his wings about is nothing at all, because the facts are that over the previous nine years the conservative Governments made all kinds of outrageous and outlandish statements without achieving anything.

Governments and Ministers are not capable of doing anything in the private arena except by using the processes of conciliation, consultation and, in our case in Western Australia, the services of the Industrial Commission. Everyone knows, including the commission, and certainly the companies I have dealt with, that this is the case, and it is about time the public knew. The only weapon a Government has is the Industrial Commission. When I say "weapon", this is the weapon it can use effectively to solve disputes.

If we look at the record of Mr Masters we find it is undoubtedly the worst of any Minister for Industrial Relations in Western Australia in living memory, and they are not my words but the words of employer groups. If we look at the record of the previous Ministers for Industrial Relations—whether it be Mr Grayden, Mr O'Connor or Mr O'Neil—we find the same pattern emerging. Informed observers of industrial relations proceedings know that what Mr Masters has said is just a lot of flapdoodle. The conservative Governments did nothing at all.

We will not move away from the stance we have taken. I agree with Mr Masters—I have said this not on one occasion but on a number of occasions in the Press and on radio—that this is a disastrous dispute. Undoubtedly it is. It is one causing the Government a great deal of worry, just as it is causing the people of WA and those people in business a great deal of worry. Above all it is causing hardship and suffering to the people on strike.

Before a person starts to pontificate about industrial disputation it is essential that he knows all the ingredients of the dispute as a first step. He should not just listen to hearsay or allow his own prejudice to shine though. Mr Masters has been guilty of making decisions based on his own prejudices time and time again; he just cannot avoid it.

Let us consider how this unfortunate, tragic, and very damaging dispute got under way. In January 1982 the Industrial Commission ratified a two-year wage package and this was agreed to by employers. It said the prospective wage increases of $18 and $20 would come into effect from 1 January 1982 and 1 July 1983 respectively.

In March 1983, following an application from the employers, the commission deferred this payment unless authorised by a further order of the commission. The Electrical Trades Union had taken the view that following the end of the wages freeze, these payments would automatically be paid by the employer. This has now become firmly entrenched as accepted among the rank and file of the union. The ETU is now claiming from the employers that the $18 be made retrospective from 1 January 1983 and that the $20 be made retrospective from 1 July 1983.

On 4 October 1983 the employers made application for the commission to determine whether the $18 and $20 were in accord with the State wage case principles. The ETU in its answer to the application agreed that the matter should be determined through an anomalies conference. There we have the stage for this dispute.

This highlights the danger of commissions or groups of workers post-dating cheques in the industrial arena. This has always been a grave danger. The commission did give a post-dated cheque to the union. I am not being critical of the commission, because at the time it probably thought it was acting in everyone's best interest, and the union agreed. However, the commission was not aware of the accord coming down the track and then later the State wage decision. Without preaching for or against, the people involved in this dispute—the workers on the job—had had it firmly entrenched in their minds that they were to receive an increase of $38.

We now have Mr Masters saying that the Government has not been involved in this dispute. What he is really saying is that the State Government has not been involved in the manner of the previous conservative State Governments, which was to beat their breasts, chip their teeth, spit tomato sauce from their mouths and pretend it was blood, and then run back into the bunker saying they had done a geat job when they had done nothing.

A pre-conference hearing was held on 27 October before the Chief Industrial Commissioner to exchange views on whether the employers' application should proceed while the strike continued. The Government was involved in that hearing. I do not think Mr Masters bothered to do that when he was the Minister. At this pre-conference hearing the Attorney General—and Mr Masters told the House the Attorney had not

been involved—put the view that the application should be referred to an anomalies conference for determination despite the industrial action.

It was also stated that the Attorney General would expect the industrial action to cease if this were done. So much for Mr Masters' saying that the Government had not used the services of the Attorney General. One would expect that when someone comes along with this sort of phoney document, his only intention is to worsen the dispute rather than to check on the facts. Mr Masters has no facts in his possession. If anyone were to read his speech it would be found he said exactly nothing.

Hon. G. E. Masters: What about the SEC costs?

Hon. D. K. DANS: I have just said this is a very costly dispute to the State.

Hon. G. E. Masters: At least $60 000 a week.

Hon. D. K. DANS: All estimates of costs are only estimates because the strike continues.

Hon. G. E. Masters: It could be worse.

Hon. D. K. DANS: Of course.

At the anomalies conference subsequently held on the matter on 31 October 1983, the Attorney General—and this is the third time he has been in there—put the submission that an arguable case for an anomaly existed. In the view of the Confederation of WA Industry, that never existed. The determination as to whether an anomaly existed should be referred to the Commissioner in Court Session.

How can members opposite move this urgency motion, that undoubtedly deals with the most serious stoppage that this Government has experienced, when the facts of the matter are not even checked? I can well understand members of the Opposition putting up an urgency motion. It is their right to do so. No-one will argue with that, but surely they should do it in some constructive way and not in a destructive manner. They should at least marshal their facts and be a bit honest about it.

At this conference the Attorney General—by gee, the Attorney General has been terribly busy for someone who has been hiding under the woodpile—said that the continuation of the industrial action may jeopardise the newly installed centralised wage system and therefore could damage the prices and incomes accord. I pause there; that is one thing that the mover of this motion has not mentioned. So much for his knowledge of industrial relations. This is central to the whole conduct and settlement of this dispute.

Hon. G. E. Masters: I will do my talking afterwards.

Hon. Peter Dowding: You have never even asked me about it.

Hon. G. E. Masters: I did.

Hon. Peter Dowding: You have never rung my office; don't tell fibs in this House. You have never even bothered to find out. You are just prancing around; that is the truth.

Hon. G. E. Masters: I did. This involves $60 000 of the public's money—disgraceful!

The PRESIDENT: Order!

Hon. D. K. DANS: The Hon. Gordon Masters with his inadequate, twisted, or, perhaps, absence of knowledge on industrial matters would surely have dwelt on the key area of this dispute, which is the wages accord. I have said that in three or four Press statements which Mr Masters has neglected to read.

Hon. G. E. Masters: Yes, I have four in front of me.

Hon. D. K. DANS: He can read, at any rate. He can read but he cannot write.

Hon. G. E. Masters: There is no need to be insulting. That does not become you. What a silly thing to do.

Hon. Peter Dowding: You can throw it but you can't take it.

Hon. G. E. Masters: What a silly thing to say.

Hon. D. K. DANS: The Hon. Gordon Masters is like the shaggy dog; he can give it but he cannot take it.

Hon. G. E. Masters: I can take it all right. I am not sure you can.

Hon. D. K. DANS: I do not seem to be doing too badly. I do not seem to have lost much weight.

Hon. Kay Hallahan: You are doing well.

Hon. D. K. DANS: Meetings were held with the TLC on 8 November 1983 and a further meeting was held with the Premier on 9 November to discuss the issue. I do not know who to please in this place, because members may know that the ETU had a sideswipe at me. I also saw its original Press statement and, even a person with as thick a hide as I have, would be glad it was not printed. If the member so desires, I will show it to him.

Hon. G. E. Masters: No, I have enough in this one.

Hon. D. K. DANS: We met with the Confederation of Western Australian Industry and the ETA on at least three occasions over the last two weeks. A Press statement was issued by myself

and the Premier advising the continuation of the industrial action. Mr Masters knows what those Press statements are.

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

Hon. D. K. DANS: The lack of conciliation about proposed legislation is demonstrated in the present Act. The previous Government has more than played its part in inhibiting the process to act speedily to determine such matters. Do not try to pin that one on the present Government; it is all the Hon. Gordon Masters' own work.

Hon. S. M. Piantadosi: He can't remember.

Hon. G. E. Masters: I can remember, Sam.

Hon. D. K. DANS: The story that I am getting from the employers over and over again—and I agree with them—is that the commission cannot act speedily enough. I have to agree with that. I have to admit they said, "Yes, we know that, but what are you going to do about it?"

Hon. G. C. MacKinnon: I thought you told the ETU people to go to hell. Is that not the truth of the matter?

Hon. D. K. DANS: Let me finish. Just a minute.

Hon. G. C. MacKinnon: Yes, "just a minute"!

Hon. D. K. DANS: The member is well aware of our intentions to legislate to put an emphasis on conciliation and, therefore, to attempt to prevent such disputes escalating.

[Resolved: That motions be continued.]

Hon. D. K. DANS: The Government has taken every action available to it in accordance with the provisions of the Act. It has also tried a number of other actions which unfortunately have not worked. The fact that our actions have not worked should not really disturb people at this stage because none of the Hon. Gordon Masters' actions has worked, either. At least some of ours have worked.

Hon. S. M. Piantadosi: Right again.

Hon. G. E. Masters: The figures or otherwise, Mr Piantadosi?

Hon. D. K. DANS: I know estimates are important to anyone in the business.

Hon. G. E. Masters: Facts and figures.

Hon. S. M. Piantadosi: They were there.

Hon. D. K. DANS: The problem now confronting us is that a clear anomaly arose out of the anomalies conference in relation to the hearing set down for tomorrow. I am not sure whether it will take place tomorrow. Why is it not likely to take place?

Hon. G. E. Masters: Don't ask me. You tell me.

Hon. D. K. DANS: Mr Masters remembers, does he not?

Hon. G. E. Masters: No, you tell me.

Hon. D. K. DANS: Because the Industrial Commission itself has issued a summons to deregister the ETU, which summons is returnable on 24 November. Some disagreement between myself and those people who give me advice exists in regard to whether the hearing will take place tomorrow; my view is that once a deregistration order is taken out it tends to freeze the whole process. Some people say I have spent too long in the Federal sphere and that it does not happen like that in Western Australia. If the conference takes place tomorrow the Government will be ready. If Mr Gordon Masters would like to tell me what else the Government can do, I would be pleased to hear his suggestions.

One of the things the Hon. Gordon Masters has never quite got into his head is that we do not have a coolie labour force and we are not likely to get one. We do not have a totalitarian Government that runs around inflicting its will on the people or on the coolie labour force, if we had one, threatening to shoot or gaol them. It is unfortunate that Mr Masters uses the extreme language that he has always been apt to use when discussing industrial relations problems.

It is the duty of the Opposition to raise these matters, but members of the Opposition should do it in a competent and honest manner. When they put a motion such as this one before the House they should make sure they have done their homework and that they do not continue on the same tack they used when they were in Government. I repeat that the stance Mr Masters took was mainly responsible for putting members opposite out of Government. He has not learnt a thing. He is still on his feet, huffing and puffing and saying, "Well, you haven't done anything positive". The strange part about it is that when I talked to the Confederation of Western Australian Industry and other bodies, as I did yesterday, the people involved in the dispute did not seem to have the same opinion of the Government as the Hon. Gordon Masters.

Hon. G. E. Masters: I suspect you are not talking to the same people as I do.

Hon. D. K. DANS: I know whom the Hon. Gordon Masters speaks to.

Hon. G. E. Masters: I am surprised.

Hon. D. K. DANS: He sees them at the John Birch Society meetings every week or every second day.

Hon. G. E. Masters: Who do you talk to, for goodness' sake? That sort of statement is a strange one to make, even for you, Mr Dans.

Hon. D. K. DANS: Before I walked into the Chamber this afternoon, I received a report via the Press that two officers of the ETU were assaulted on the job today. I do not believe that damage to property or assaults on people are matters for industrial relations or industrial law. Adequate protection is available under the Police Act and the Criminal Code, and if people get themselves into those kinds of situations, there is adequate remedy. There is now and always has been. I do not condone physical violence or damage to property by anybody at all. Was Mr Masters suggesting that I do?

Hon. G. E. Masters: I was thinking of something else.

Hon. D. J. Wordsworth: Will you support the police when they endeavour to look after the people concerned?

Hon. D. K. DANS: When the Hon. D. J. Wordsworth talks about supporting the police, is he suggesting that I be sworn in as a special constable and line up with them? The answer is "No", because I might get hit and I do not like violence of any form.

On the other hand I have made statements in this Chamber and outside it during this dispute clearly defining the matter raised in the question that has been asked. The statements were not made within the confines of this Chamber, they were made publicly. No good purpose can come from violence or intimidation in any shape or form.

Mr Masters dealt with people paying levies. If a union decides, at a properly constituted meeting, to impose a levy, there is nothing wrong with that. On the other hand, Mr Masters has suggested that companies are picking up the tab for that levy and he seems to suggest, by the things he does not say, that the union is putting pressure on those companies to pay that levy. I would be horrified if that were the case, but I certainly have not heard that it is.

To reiterate what I have said, I will agree, because I would be foolish not to agree, that this is an extremely damaging dispute. It requires a lot of solving and, for the information of Mr Masters, this dispute will be solved in the same way as other disputes have been solved; that is, by the commission. If the Hon. Gordon Masters wants to deny that fact, he should read the record book.

This is an unfortunate experience and I ask members to bear in mind the facts that led to the dispute. The Hon. Gordon Masters said that a few people were standing over other people.

Hon. G. E. Masters: Do you agree with that?

Hon. D. K. DANS: I have just said what happened—I have declared myself.

The other day while I was in Esperance a meeting was held and I waited with bated breath for news of the outcome. I rang a responsible person who attended the meeting. Approximately 600 people were in attendance and they were not all left-wing, militant, Communists or trade unionists. After a two-hour report by the organiser—I was led to believe he left no stone unturned in trying to explain all the problems—only 38 people voted for a return to work. That is a substantial majority for continuing the stoppage.

My advice to the organisation was to return to work on Friday when ordered to, and to go along to the commission in court session tomorrow and see what happens. That advice was disregarded and I was told why. My answer, as always, is that one cannot speculate on the outcome of any hearing by a judge, arbitrator, magistrate, or JP.

I would hope that this kind of exercise is never repeated. I am not critical of the commission or the union; whether or not it "post dates a cheque" in terms of wages and conditions, it will be legal. All the conditions of the arbitrary system have been met, but one cannot see around corners and that should be understood.

Mr Masters will recall that when he was in Government—without being critical—the chairman of the school teachers' tribunal also "post dated the cheque" and gave a rise to teachers. The Government refutes the suggestion by Mr Masters that it has been remiss in dealing with all the facets of this dispute. As the individual whom the member named, I refute the suggestion—no way have I been incompetent, lazy or not doing my job. The Government's election policy was to support all the elements in the industrial field.

Unfortunately, just like Mr Masters, the Government has no wand, but unlike Mr Masters it is quite truthful in that regard.

Hon. J. M. Berinson: And does not pretend it is.

Hon. D. K. DANS: That is correct, it does not pretend it is. We have a part to play when dealing with union employees, as Mr Masters would be well aware. However, this is a dispute between a section of the Electrical Trades Union members and the private operators.

The Hon. Gordon Masters carried on in respect of schools, and it seems to me that he did not understand the dispute at all. Within the Electri-

cal Contractors Association there are three different groups. Mr Masters knows the schools are serviced by electricians who are employed by the Public Works Department and others, and large areas in the State are still unaffected by this dispute.

Hon. G. E. Masters: There are some areas that are affected.

Hon. D. K. DANS: I could talk about Muja, Worsley, the grain terminals and all the people in Western Australia who have rung me and who are unhappy about the dispute; but talking about it and wailing about it like Mr Masters is not bringing us to a solution.

This Government, through me, will continue to pursue the policies on which it was elected in an endeavour to bring this very damaging and expensive dispute to solution.

HON. G. C. MacKINNON (South-West) [3.29 p.m.]: This discussion must be very close to your heart, Mr President, because I would guess that at some stage of your career you were a member of the ETU or at least its predecessor.

Through you, Mr President, I would like to give perhaps a word of advice. I do not like to say that it sounds pretentious of the Minister, but I must say it is extremely easy for a person who has been in office for six months to talk about the performance of Ministers who were in office for three or six years.

Hon. D. K. Dans: What has that to do with the motion?

Hon. G. C. MacKINNON: It has a lot to do with the motion because it occupied at least three-quarters of the Minister's remarks.

Hon. D. K. Dans: Bulldust!

Hon. G. C. MacKINNON: The Minister talked about how ineffective previous Ministers had been. He was quite wrong, but that is beside the point. Mr Dans is not yet in a position, as no Government Minister is yet—with the possible exception of Mr Evans and Mr Davies—of having a great deal to say about that. The Minister does not have the figures on the board for performance.

Hon. D. K. Dans: You should have told Mr Masters that before his speech.

Hon. G. C. MacKINNON: Mr Masters was there for some time before Mr Dans. We are dealing with a dispute which is of greater danger than most, because one pair of sidecutters can cause a tremendous amount of damage and an ounce of badwill in the electrical operations of any enterprise can be extremely costly to the State.

Hon. D. K. Dans: You are talking about industrial sabotage, and I would not make assertions in that field.

Hon. G. E. Masters: It is happening now.

Hon. D. K. Dans: If you can give me details of a case I will investigate it.

The PRESIDENT: Order!

Hon. G. C. MacKINNON: I was in this Chamber when the Labor Government of the time introduced conciliation elements into the Act which Mr Dans was making great play about. To my knowledge they have not worked well. Mr Dans is talking about reputation; he already has one, he is a nice puppy dog and he lies down when he is tickled. He is so on the side of the unions that if there is a problem the union representative goes to the boss and says, "If you don't do what I want I will tell Mr Dans".

Hon. Peter Dowding: Have you ever asked the unions about that?

Hon. D. K. Dans interjected.

The PRESIDENT: Order!

Hon. G. C. MacKINNON: I do not live in Perth and spend time in the weekends going to fetes and party meetings. I go to the south-west and walk down the street where even the children know me and I speak to all sorts of people.

Several members interjected.

Hon. G. C. MacKINNON: Mr Dans said that the people of this State must be educated. Let me tell Mr Dans about the people of this State; they understand the limitations on a Government's action. They understand that Ministers come and go, and I know I am agreeing with Mr Dans on this point. Ministers for Industrial Relations are becoming more and more irrelevant as every week goes by. The commission makes its decision and the union, with the appropriate very rude gesture, tells it to go further down the bus and does nothing about it. On his own admission, the Minister has called countless meetings and, while he might be able to persuade us of his obvious eloquence, he is an abysmal failure so far as those meetings are concerned because his ability in respect of conciliation and consensus has got us nowhere.

Hon. D. K. Dans: You had better get your act right; this bloke says I call no meetings and you say I call countless meetings.

Hon. G. C. MacKINNON: The Minister said he had called plenty of meetings. He said no decision had been made. That is nonsense. The Industrial Commission made its decision, which was that the workers should go back to work.

Hon. D. K. Dans: I told you that.

Hon. G. C. MacKINNON: I know the Minister did and in the next breath he said nothing could be done and we must rely on the commission. What is the good of relying on the commission when the union tells it where to go?

Hon. D. K. Dans: What would you like me to do? Pour petrol over myself and set light to it?

Hon. G. C. MacKINNON: I think the Minister must introduce some penalties.

Hon. D. K. Dans: They have never worked.

Several members interjected.

The PRESIDENT: Order!

Hon. G. C. MacKINNON: We have Mr Dowding who has never belonged to a union—

Hon. Peter Dowding: I am presently a member and have been for a number of years.

Hon. G. C. MacKINNON: What, the Legal Aid Society or something?

The PRESIDENT: Order!

Hon. Peter Dowding: I am a miscellaneous worker.

Hon. G. C. MacKINNON: "Miscellaneous" is the operative word.

The PRESIDENT: Order!

Hon. G. C. MacKINNON: He probably spells worker "walker".

Hon. S. M. Piantadosi: He is one of my members.

Hon. G. C. MacKINNON: Mr Piantadosi was associated with a union when I was the Minister and I will not go into that. I have already made passing reference to some of his behaviour.

Several members interjected.

The PRESIDENT: Order!

Hon. S. M. Piantadosi: You could not handle ants and cockroaches.

Hon. G. C. MacKINNON: Make a rude comment and then get out of the Chamber.

The PRESIDENT: Order! Order! Members are all in breach of Standing Orders which require that members do not interject and also require the member addressing the Chair to address his comments to the motion, which is about the ETU.

Hon. G. C. MacKINNON: The question I was asked concerned conventions. I think I should mention that I had an absolutely implicit belief in conventions until Mr Dowding made them a laughing stock. His behaviour in this Chamber when in Opposition made a number of conventions absolutely absurd.

The PRESIDENT: Order! Those comments are out of order. The fact that the Hon. Peter Dowding contravened the Standing Order by posing a question does not become rectified by the member answering it.

Hon. G. C. MacKINNON: I am glad you pointed that out, Mr President.

I will be extremely interested in a few years' time to come back and see whether Mr Dans has earned the right to be as rude to his predecessor as he has been during this debate; I will also be interested to see whether he has earned the right to be called a good Minister for Industrial Relations through his ability to act as a conciliator when that need arises. I repeat: I think the laws with regard to industrial matters have reached the stage where the Minister is becoming almost an anachronism. We could discuss the reasons for that over a long time. One of the reasons is that the unions do not realise which side their bread is buttered on. The union movement has a system which is a first-class arbitration and conciliation system and it treats it with utter contempt. The commission is bound by meeting times and I think it does not meet again until 24 November. So far as it is concerned, the decision has been made.

Hon. D. K. Dans: It will deregister the union on 24 November. The summons has been issued.

Hon. G. C. MacKINNON: I agree with the Minister that there is nothing much he can do. He has called meetings and the union has told him to go further up the bus. As far as unions are concerned there is nothing he can, or will, bring himself to do about it. The possible cost to this State is absolutely beyond comprehension.

At the present time my American friends tell me they can build any plant in America for at least 25 per cent cheaper than in Australia.

Hon. D. K. Dans: My American friends do not tell me that.

Hon. G. C. MacKINNON: Mine do and they are on the job. The reason for it is purely and simply because of industrial disputes.

Hon. Mark Nevill: What sort of things are they building?

Hon. G. C. MacKINNON: The same as we build in Western Australia; refineries, smelters and the like.

Mr Dans flinched noticeably when I mentioned the possibility of sabotage.

Hon. D. K. Dans: How do you flinch noticeably? I would like to know so that I can avoid doing it.

The PRESIDENT: Order!

Hon. G. C. MacKINNON: I said initially this is a debate in which I wish you, Mr President, were on the floor of the House. You must at one stage have been a member of this union and in your later years in private industry all of your employees—

The PRESIDENT: Order! The honourable member knows that it is out of order to make references to the President and to make suggestions which the President is unable to refute during the course of the debate. I hope the honourable member will not pursue that line of action because it is not my role to comment in this debate. I am sure the House would allow me to put the record straight: I have never made any suggestion that I was ever a member of the ETU.

Hon. G. C. MacKINNON: Thank you, Mr President. I was carried away by the desire to speak directly to you and not be sidetracked by the interjections.

However, I conclude by saying that I do hope that when next Mr Masters raises a matter dealing with industrial affairs, the Minister in answering it will talk not about the supposed ineptitude of his predecessor, but about the facts of the matter. I hope he will tell us how he proposes to strengthen the Act and make it workable in order that the public should know full well the powers of the Government. We look forward to finding some way in which recalcitrant unions can be brought into line in order that the welfare of the community can be better looked after.

HON. G. E. MASTERS (West) [3.42 p.m.]: I will be brief because I think the Hon. Graham MacKinnon covered the matter adequately. There is no need for the Ministers to think that because I am brief I will not hurt them a little. The Minister talked about maintaining his proper record. So that we understand the Minister for Industrial Relations (the Hon. Des Dans), let me put some figures on the record. The lost working days for August 1982 were 15 100 days lost; September 1982, 5 200; October 20 700; November 4 300; December 4 300; January 1983, 7 500; and February 8 300. Now we come to Mr Dans' record. In March, 25 900 days were lost; April 12 400; in May, he did quite well, 6 200; in June it went up to 10 200; and in July, 21 000.

Hon. Peter Dowding: Was that during the Hamersley strike?

Hon. G. E. MASTERS: I was not a Minister then.

Several members interjected.

Hon. G. E. MASTERS: I am saying that in the months before Mr Dans became the Minister there was a reduction in the time lost through industrial disputes. If the Minister does what he intends and continues with the policy he has been applying over the last seven or eight months, heaven help us in the next seven or eight months. I support the Minister when he talks about violence in the workplace or anywhere else. I am extremely sorry that violence has again occurred. The reports I have are the same as those Mr Dans has. In fact one or two of the senior officials should have had a very good hiding today.

A member: Your record is quite clear.

Hon. G. E. MASTERS: I do not condone that. The weak attitude of the Minister really amounts to an encouragement to that sort of person—the militant groups—to carry out their business in that way. On the other hand, it discourages those who would like to make a firm stand and carry out their responsibilities as directed by the Industrial Commission.

Hon. D. K. Dans: That is 38 out of 600.

Hon. G. E. MASTERS: That would mean those people were perhaps discouraged from returning to work when they wanted.

To finalise my argument, the Hon. Graham MacKinnon raised the matter of penalties. The whole Government erupted in uproar. Deregistration is a penalty. If the Government of the day does not agree that deregistration is the proper course of action in this sort of situation, if it does not agree that the Industrial Commission has no other option but to carry out the deregistration proceedings, then heaven help the Industrial Arbitration system.

I seek the leave of the House to withdraw the motion.

Motion, by leave, withdrawn.

Sitting suspended from 3.47 to 4.03 p.m.

PARLIAMENT HOUSE

Security: Motion

HON. G. C. MacKINNON (South-West) [4.04 p.m.]: I move—

That this House:

Conscious of the need to impose as few restraints as possible on the people's open access to Parliament House and the Chambers;

Recognizing that the growth of Parliament and Government services requires the daily attendance of many people in Parliament House;

Desirous nevertheless of ensuring that the decorum and traditions of Parliament be upheld;

Requests the President and Speaker acting with the advice of the Joint House Committee to devise and implement a system to ensure the maintenance of proper conduct and the security of members within the precincts of Parliament.

It is a pity I must bring this matter before the House, but I believe it is absolutely essential to do so. There would be no argument from anybody that the Parliament should implement a system to ensure the maintenance of proper conduct and the safety of members if the Parliament is to be at all times open to visitors. It should be an easy place to visit; it should be an hospitable place, and visitors should be made comfortable. In other words, as few constraints as possible should be placed on people who visit the Parliament. Over the years we have managed to do that. This place is not as formal as it once was, which is good.

The growth of the Parliament and Government services requires the daily attendance of many people at the Parliament. We all accept that there has been a continuing growth in the responsibilities of the Parliament, and that those responsibilities have impinged far more now on the aspects of people's lives than they did before, and that has brought a growth of staff.

Since my time in this place the staff of members has grown from two typists to virtually every member having a typist of his own. In those early days many of us typed our own letters, otherwise we would have had to wait for one of the two typists to become available. Many of us sat down and typed our own letters, or did as the late Ross McLarty did, which was to write our letters in longhand, because it was quicker than to wait for a typist.

Change is inevitable, and we all accept change. The only trouble is that these changes have meant that instead of our knowing everybody about the House quite well or intimately in the sense that we see them often, many people who come to this place are not known by us. The *Hansard* staff has grown, as have other staffs over the years, so much so that sometimes we see unattended groups wandering the corridors. Attended groups present no problems.

It has been common for Government officers to have ready access to Parliament House, and it did not previously take new members long before they knew who were the heads of departments, because those heads visited Parliament from time to time. Most members were able to learn quickly who were ministerial secretaries and liaison officers. However, a new element has intruded with the appointment of Government advisers, people who are not civil servants. I hasten to assure the House I have no personal argument against the use of Government ministerial advisers. I am favourably disposed to that move. It was one of my notable failures that I was unable to convince my leader at the time I was the Minister that I should be allowed to have a ministerial staff of my choosing, as happened in other States.

The present Premier has acceded to the request of his Ministers, although a little more enthusiastically than I expected. However, we have these new people coming into the House, a circumstance which has added a different dimension to the operations of this place.

A civil servant *per se* is a permanent officer. He knows by the nature of his job that Ministers come and Ministers go, but he may go on forever. He knows that Governments come and Governments go, but he may go on forever. It therefore follows that he adopts an attitude to take cognisance of that circumstance. He knows he must be polite or conform to the accepted standard of behaviour because in the next month, year or decade, the man he is then dealing with might be his Minister. Those constraints do not apply to a ministerial adviser. His term is tied to the term of the man who employs him—he is tied to the man he advises. However, he would know that there is little likelihood that if the Government changed, his job would go on.

I would think it would be unlikely that if there were a change of Government and Mr Masters went back to the position that Mr Dans now holds, he would automatically employ the advisers. He would of course retain the services of Mr Coates, the head of the department, but he would probably not retain the services of those advisers.

There is no such restriction on any adviser who wishes to come to this place. We had the situation last night when Graham Hawkes was upstairs behind me and made a noise and had to be forcibly removed.

Hon. Graham Edwards: That is not quite true. Before you make statements like that you should clarify them.

Hon. G. C. MacKINNON: I have checked it with five people who claim to have seen him. I am saying that it was an odd occasion and I was told what it was. That sort of thing would not happen with Mr Coates, the head of the department. I am just saying it is a fact of the matter, that we have this difference which we have to take note of. The third part of the motion states—

> Desirous nevertheless of ensuring that the decorum and traditions of Parliament be upheld;

This is important because, for example, the other day Mr Gayfer complained that one of the advisers found some comments of his humorous. I was able to see that for myself. The adviser might quite genuinely have found what Mr Gayfer said was ludicrous and amusing, and that is a matter for his decision. However a number of problems have arisen with the use of advisers in that capacity.

I offer a suggestion which could overcome the problem and make the situation infinitely more comfortable for the Ministers and their advisers. My suggestion is that they should utilise what is a perfectly normal procedure and sit at the Table of the House. There would be no problem in removing the papers in order to provide more room. Perhaps the table could even be lengthened. The Minister could sit at the table with his adviser alongside him.

When I was Leader of the House we had some problems once or twice when the Minister responsible for a Bill was sitting where Mr Berinson is now. We were dealing with a Bill from a Minister in the Assembly whom the Minister in this House was representing. That problem was overcome by my request for the permission of the House to vacate my seat, which was where Mr Dans now sits, to allow the other Minister more access to his adviser.

I am suggesting that the Minister might overcome that problem instead of this unbecoming and undignified procedure of running backwards and forwards to obtain advice. I am sure if the adviser could sit at the table it would not incommode *Hansard*. I think *Hansard* could remain there and the Minister and his adviser could sit at the table and converse in low tones with each other as the matter proceeds in the running of the House. The House will then have that expert advice. I put forward this suggestion genuinely in the belief that it will be of assistance to the House. I know people such as Mr Berinson find it extremely difficult to talk to an adviser when someone is sitting next to him.

The final part of the motion reads—

> Requests the President and Speaker acting with the advice of the Joint House Committee to devise and implement a system to ensure the maintenance of proper conduct and the security of members within the precincts of Parliament.

Already one item of some value, a small television set, has been stolen from one of the member's rooms. Most of us like to keep a few articles in our rooms, perhaps a painting or an artefact. I know one of my colleagues has a painting which cost him $100 and is worth more than that and a number of members have artefacts which are quite valuable.

It is not uncommon to see people wandering alone in the corridors of the House and it is difficult to know who they are. My suggestion would be that we have a souvenir disc with wording around it stating a person is a visitor to the Parliament of Western Australia. The doorman could be issued with a large rubber stamp to place the date of the disc. The disc could be about five centimetres and the wording on the outside of it could be in approximately one centimetre letters. That could be recognised as a souvenir for visitors to take away with them; but I guess all the children who come to visit with their schools would probably want to take one home. I see nothing demeaning about these discs. They could have a date on them and could be used only for that occassion.

I am deliberately avoiding the matter of physical security and the subject of physical or any other attack. I know when I was Minister I was served with a writ by the scientologists when I was in a corridor of Parliament House. That was an improper action on their part and occurred because of a lack of security. However that is a matter that will occur in these days when there is so much trouble.

I see a chair placed beside Mr Dowding. No doubt he will be seeking advice from an adviser and I suggest that the person who is to advise him could wear a disc to indicate he is a visitor to the Parliament. I suggest also that he could sit at the Table of the House and perhaps it would be more dignified.

We must take some action on those matters soon because if we do not there could be some acrimony in this House on this matter. It must be remembered that Parliament House was designed for the comfort and efficiency of parliamentarians. It was not designed for Government. Government has its own headquarters and is housed in other parts of the city. Parliament House does not cater for Government operating within it.

I think the provisions within Parliament House for Government are poor.

Hon. D. K. Dans: They are horrible.

Hon. G. C. MacKINNON: If I were in a position to do something I would do what Mr Bjelke-Petersen has done in Queensland, and build a proper Government building.

A lot of confusion exists about this matter; I mentioned it in another debate and referred to the role of Government and the role of Parliament. I am talking only about the Parliament. This building is designed for the Parliament and legislators, not for the Government. Government is ill-served in this building and my sympathy goes out to members on that account. One room used to be reserved for the leader alone. I introduced the practice of allowing other Ministers into that room, but as a Minister before I became leader, I had nowhere to sit in this building. There was one commonroom. Things have improved a little, but not much.

I am putting forward this proposition to stall off acrimony. The proposition that Ministers should have advisers is probably well worthwhile but it has been undertaken without sufficient careful analysis of all the implications. I am suggesting problems can be resolved through the serious consideration of the proposal I have put forward. I hope the House will support me in asking you, Mr President, the Speaker, and the Joint House Committee to have a look at my proposals with the possibility of their adoption.

HON. H. W. GAYFER (Central) [4.23 p.m.]: I formally second the motion. I second the principle of what Mr MacKinnon is doing, but I do not altogether agree with the actual implementation of his solution.

I have been concerned for some time at the number of persons who are wandering freely through this building without any identification whatever. As I am the person who lost the television set from his room some time ago I think I have good reason to look about and see what sort of security measures are in force. I notice in the doorkeeper's room downstairs there is a mass of equipment for the detection of fire; we have means of identifying members as they come in to this place at weekends by using their passkeys; yet the greatest threat to security are the people who are wandering hither and thither through the place. They could quite easily create a fire problem or a security problem by taking one of our paintings, as happened once before. That painting was found on the No. 9 green at Royal Perth Golf Club after a lot of advertising in the paper.

We have gone to all this trouble but it will take something traumatic to wake us up to the fact that more has to be done. The number of people floating in and out of this place is quite worrying, especially if they are all on the Government's staff. They are certainly not on the Opposition's staff, and if they are on the Government's staff, there are a lot more of them than has been indicated in answers to questions by members in this House.

I fear for the magnificent paintings in this building, including the one you, Mr President, helped commission and which was unveiled at the 150th anniversary celebrations. It is a magnificent painting, and there are others of great value. Surely there is some means of identifying people who walk through here; with just a flick of the wrist that painting could be made of no use or value. Sir Charles Gairdner's portrait finished up on a green at the Royal Perth Golf Club—which was appropriate, perhaps, because he was the patron of that particular club.

I do not know that I approve of Government advisers sitting at the Table of this House. I remember going to the Lok Sabha in India and I was amazed to see the advisers sitting at the feet of their masters, pulling the punkahs. Surely we are not going to get to the stage where advisers will be sitting at the feet of Mr Dowding or anyone else. Some of the people to whom I referred were advisers; they were not only pulling punkahs but also reading palms and studying whether a certain course of action a Minister was entering into was safe according to the stars. That is a fact, Mr Dowding.

Hon. Peter Dowding: I do not think it is.

Hon. H. W. GAYFER: I am not joking; astrology is a science in India. The advisers may tell the Minister whether it is safe for him to go to, say, Accra on a certain aeroplane. If the advisers say it is all right to do it, the Minister can go. That is the stage that has been reached with advisers; it becomes a ridiculous state of affairs in the Lok Sabha in Delhi. I hope it will not be a matter of advisers coming in and taking their places at the feet of their masters in this House.

The other night I was perturbed to see some of the advisers seated on the floor of the Chamber. You, Mr President, may not have known of their presence; you may not have been asked for permission. I do not know; I have not checked.

Hon. Peter Dowding: How is that relevant to the motion?

Hon. H. W. GAYFER: It is relevant. People come in here and sit down; they have no identification and we do not know who they are and what right they have to sit here.

Hon. J. M. Berinson: What say we carry this right away and allow the President and the Speaker to get on with it?

Hon. H. W. GAYFER: The Government wants to agree with this motion—that is interesting.

Hon. J. M. Berinson: We thought you were stonewalling.

Hon. H. W. GAYFER: I am not stonewalling at all. We were told the Labor Party objected to people having to wear tags around their necks and to the identification of people and strangers in this place. That is typical corridor talk, and if I had been told that, it would most likely have been by a stranger who should not have been here.

Hon. D. K. Dans: You were on the House Committee and voted with me to say we did not want people to wear tags.

Hon. H. W. GAYFER: Yes, but as Mr MacKinnon said, there is an alternative. He is not referring to the permanent fixtures around this place wearing a tag; those who are not regulars here should wear one.

Possibly we can go ahead with this. I take it all back; I thought we were in for a great barney and I could see certain things happening before the night was out that would cause a great deal of interest. As the Government agrees with the motion and I know that you, Mr President, will give it your earnest attention, I have nothing more to say other than to support the motion and wish it well in your capable hands.

Question put and passed.

STATE GOVERNMENT INSURANCE OFFICE AMENDMENT BILL

Standing Orders Suspension

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.30 p.m.]: I move—

> That Standing Orders be suspended so far as to enable the State Government Insurance Office Amendment Bill to pass through its remaining stages on Thursday, 10 November 1983.

Question put and passed.

QUESTIONS

Questions were taken at this stage.

STATE GOVERNMENT INSURANCE OFFICE AMENDMENT BILL

Report

Report of Committee adopted.

Third Reading

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

AGRICULTURAL PRODUCE (CHEMICAL RESIDUES) BILL

Second Reading

HON. D. K. DANS (South Metropolitan—Leader of the House) [4.43 p.m.]: I move—

> That the Bill be now read a second time.

The purpose of this Bill is to prevent agricultural produce contaminated with excessive residues of agricultural chemicals from entering the food chain either within Western Australia or as exported commodities. The Bill was conceived following a survey of State legislation carried out by the Commonwealth Department of Primary Industry in 1977-78. The survey was intended to discover whether the States had the legislative framework to allow the containment of a potential chemical emergency. The survey followed an incident in the State of Michigan in the United States of America, where a proportion of the population was contaminated with a persistent, and allegedly carcinogenic, chemical after eating contaminated beef.

The survey showed that Western Australia had no legislative powers to control the disposal of contaminated agricultural produce on the farm. Therefore, if stock or crops are known to be contaminated, there are no powers at present to prevent the farmer selling that stock through the usual livestock marketing channels for general consumption.

Regular monitoring of agricultural produce is carried out by the Department of Agriculture, often acting on behalf of the Commonwealth Government with respect to export products. A particular role of the department is to trace violative levels to the farm concerned. Subsequent action on-farm is hampered by the absence of legislation to control further disposal of the contaminated product. This Bill fills a gap in our legislation by providing the power to enter farms and give direction with respect to disposal of contaminated produce.

Agricultural chemicals are essential to the continued high level of agricultural production in this State. It is necessary, however, that such chemicals be used correctly to ensure that excessive levels of residues do not remain in produce. Excessive residues not only may have a direct effect on human health but also may violate tolerances set on our agricultural produce by importers. This could be harmful to our international trading relations.

The Bill does not seek to define the cause of contamination, nor does it provide penalities for causing contamination. Its main thrust is to pro-

vide the power by which an inspector gazetted under the Act can enter a farming property and prevent the movement of such produce from the property.

The Bill provides for the issue of a direction notice to the grower after the presence of chemical residues in his produce has been confirmed by the analysis of samples taken while the property was in quarantine. The notice will direct the grower to destroy or otherwise dispose of the contaminated produce, and it will specify the method of disposal, including complete destruction.

No offence will have occurred unless the grower breaks the quarantine notice or fails to carry out a direction given under the Act. The penalties for offences against these provisions are severe and allow for the impostion by the courts of the additional penalty of up to twice the market value of the produce involved. This penalty prevents the grower contravening the Bill deliberately, because the value of the affected produce on the market may be more than the monetary penalty as provided in the Act.

The powers of inspectors are covered in the Bill; it provides authority to enter farming properties and vehicles, obtain the necessary information, take samples, and obtain whatever assistance is necessary to take those samples.

While the Bill does not seek to identify and penalise the person or persons responsible for causing chemical contamination it is obvious that a person whose produce is required to be destroyed or disposed of will suffer some measure of financial loss. In almost all foreseeable situations, the aggrieved grower will be able to obtain financial redress through the civil courts. However, a situation may arise where it is not possible for the affected farmer to identify the source of the contaminator and cannot obtain redress for his financial loss.

The Bill provides for the Government to consider the payment of compensation to the grower from Consolidated Revenue, provided certain stringent criteria have been met.

The provisions of the Bill have been discussed with leaders of the farming industry, and they have their support. It is believed—and the farming community supports this view—that this Bill will significantly assist the efforts of the Government to protect the community from undesirable residues of agricultural chemicals in food products. It is proposed that the Act will come into operation on a day to be fixed by proclamation.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Tom Knight.

MINING AMENDMENT BILL

Second Reading

Debate resumed from 20 October.

HON. N. F. MOORE (Lower North) [4.49 p.m.]: This Bill seeks to do two major things. Firstly, it seeks to introduce an application fee for prospecting licences and an application fee for miscellaneous licences—these, of course, relating to tenements held by exploration companies in the mining industry. Secondly, it seeks to remove the *pro rata* reimbursement of rentals where mining tenements are forfeited for some reason or other. If a mining company relinquishes a tenement before the year concluded, it receives a *pro rata* reimbursement of its rent. Under this legislation, that will not be so.

The purpose of the Bill is to increase the revenue for the Mines Department, ostensibly to cover the cost of administration relating to prospecting licences. It is argued that the amount of work involved in processing applications for prospecting licences is much greater than was anticipated when the legislation was first proposed. Now that the work has increased, it is necessary to introduce an application fee to cover the administrative costs.

Another purpose of the Bill is to overcome the Treasury's budgetary problems caused by the reimbursement of rentals in the event that a lease is forfeited by an exploration company or a prospector.

Hon. Peter Dowding: Surrendered.

Hon. N. F. MOORE: Yes, surrendered; or if it is removed before the end of the year, for some reason or another. In other words the Treasury is required, in the event that a lease is surrendered, to pay money to the person surrendering the lease. The Treasury does not know how many leases will be surrendered over a year and therefore it cannot budget for these outlays.

When deciding what to do with this legislation we have to look at it in the context of the Government's overall attitude to the mining industry. If one recalls the dark days of 1978 when the current Act was first introduced to Parliament, one will very quickly remember the attitude held then by the Labor Party. It argued that when it came into Government it would do certain things, one of which was to phase out this Act and to go back to the 1904 Act.

What the Government did when it gained office was to establish an inquiry. That is a tactic it is using to overcome difficulties caused by promises it made in Opposition. An example is the Seaman inquiry into Aboriginal land rights. The Govern-

ment has announced two inquiries of significance to the mining industry. The first is an inquiry into royalties and other revenues and is called the "mineral revenues study group". So far that inquiry does not seem to have made much progress, and I understand that only recently has an advertisement been placed for a person to head that inquiry. The second inquiry is headed by Michael Hunt and is to investigate the Mining Act under a series of terms of reference set out by the Minister.

The mineral revenues study group presumably will look solely at the question of royalties payable by producers, rather than looking at the total gamut of moneys payable to the Mines Department by exploration and mining bodies. When we consider the revenues received by the Government from the mining industry we realise a number of administrative charges are involved relating to the pegging of tenements and things of that nature, as well as the royalties received when production occurs. I presume the inquiry is focusing its activities on the royalties side of things and not on the other administrative aspects.

The Hunt committee has been charged with, among other things, the evaluation of the cost of holding title to mining tenements. If members look at the advertisement for the Mining Act inquiry to be conducted by Mr Hunt they will see it will inquire into certain matters, and number 5 is "the cost of holding title to mining tenements".

Obviously this legislation relates to the cost of holding mining tenements, because part of the cost is the application fee to get a tenement. In effect the Minister is pre-empting possible recommendations of the Hunt committee. Mr Hunt has been given a term of reference to investigate the cost of holding tenements. Yet while this inquiry is continuing the Minister brings in legislation based upon something which affects part of the inquiry.

What will happen if Mr Hunt recommends something different from this legislation? What will happen if he recommends there should be no application fee or any other fee for a tenement? Perhaps he will recommend a whole new ball game in respect of the cost of holding or acquiring mining tenements. Presumably he could recommend anything. It is an open inquiry for him to investigate all these matters, yet before he reports, the Minister introduces legislation relating to the very things the committee has been set up to investigate. Perhaps the Minister has told him not to worry about this aspect of the inquiry; perhaps he has been directed not to consider the question of application fees. If that is the case, fair enough; the Government is running the Mines Department and is entitled to make these decisions. But we ought to know that before we decide what to do with this legislation.

Further, the advertisement for the Mining Act inquiry states that the inquiry must complete its work and prepare a report for the Government by 15 January 1984. That date is not very far away. Surely the Minister could have waited for Mr Hunt to make his recommendations before introducing this Bill. I am of the opinion the Minister is in some haste to receive the revenue he expects to derive from this legislation. Perhaps the amount of revenue will be quite substantial.

Hon. Peter Dowding: No.

Hon. N. F. MOORE: Perhaps the Minister cannot wait to get his hands on the loot, just like his colleagues. We have had a lot of legislation to increase charges.

Hon. Peter Dowding: It is not substantial.

Hon. N. F. MOORE: Perhaps I could sit down and let the Minister finish my speech.

Hon. Peter Dowding: I am just telling you.

Hon. N. F. MOORE: Perhaps I could make my own speech and then the Minister could answer my questions later. I find it rather interesting that the Minister requires an adviser on his first Bill—a Bill which has only four or five clauses.

Hon. Peter Dowding: I don't require an adviser, I just choose to have one here for your facility as much as mine.

Hon. N. F. MOORE: It is interesting that the Minister, whom we all know is a very competent fellow because he has shown us that by the way he has performed in this House since he came here, should need an adviser beside him on the very first piece of legislation he introduces under his own portfolio. It is his decision to make—I quite accept that—but it is rather unusual with a Bill of just two pages and only five or six clauses, three of which are machinery clauses, to see the Minister requiring assistance.

Hon. Tom Stephens: He might be expecting flashes of brilliance from you.

Hon. Kay Hallahan: I doubt it.

Hon. N. F. MOORE: A substantial amount of money may be involved, and my suggestion is based on the haste with which this legislation has been brought before us, bearing in mind the whole matter is being covered by an inquiry. The Minister will tell me, I hope, what the fee will be under this legislation, because it is not mentioned in his second reading speech or in the Bill. I presume the amount will be placed in a regulation and we will find out about it in due course; but it would help us to make our decision on this Bill if we

knew what the fee is to be. There is no point in passing legislation which enables an application fee to be charged if that fee is to be to the great disadvantage of the people in the mining industry.

The Minister wants us to give him the power to set the fee without telling us what it will be. We know that up to now we could hardly accuse the Government of being soft when it has sought to impose charges on the public. Every increase this year has been a vicious one, and the tobacco licence increase is a good example. If the Government is to carry on with its normal vicious increase in charges, one could assume—bearing in mind what I have already said about this Bill—that a lot of money is attached to this. Perhaps there is not, and it is a pity the Minister did not tell us in his second reading speech how much money would be involved. It would not be difficult to work out. He knows what he will charge and how many applications are likely to be received. By multiplying the two he would get the revenue involved.

If the fee is exhorbitant it will have a detrimental effect on exploration. People are required to pay out a lot of money to get into the business of exploration and to peg mining lease tenements.

I notice also in the legislation that provision has been made to exempt certain classes of applications from this fee. The Minister's second reading speech, which was somewhat deficient in the amount of information provided, gives no indication of the need or the reason for this exemption.

Perhaps there is a good reason; perhaps there is an absolute need. However, we are not told about it; it is not even mentioned. We are not even told what are the certain classes of fees. If the Bill is read very carefully one sees the exemptions will relate to certain classes of applications. So every other application fee which is contained in the Mining Act is subject to this amendment. The Minister wants us to give him the power to exempt people from the payment of every application fee across the Mining Act, not just the ones we are talking about in this Bill. He seeks that power, without even mentioning that fact in his second reading speech. It did not crack a mention!

I hope that he can respond to me to say that what he really means is simply that he will give exemptions to certain people when they make application for a prospecting licence. Perhaps he will look after the prospectors of whom the Labor Party claims to be a great supporter, and exempt them from the payment of an application fee for a prospecting licence if the area is less than 10 hectares. This causes me concern. If that is his only intention he should have written the clause to relate simply to prospecting licences, and not give himself this broad power across all application fees.

As I mentioned, we are not told how much money is involved in this legislation; we are not told what the application fee will be; we are given no idea of the additional revenue the Government will obtain by removing the *pro-rata* repayment of rent. To get some idea of what sort of moneys are involved, we should turn to the CRF Budget. We can try to work out what sort of additional revenue the Government expects to accrue from moneys payable under the Mining Act.

On page 17 of the CRF Estimates of Revenue we see under the heading "Mines" an estimated income of $1.649 million for 1983-84. The actual amount received in 1982-83 was $1.009 million; therefore, the Government is pushing for an increase of over $600 000 in this financial year, or an increase of about 60 per cent on last year. That is a fairly significant increase in revenue.

A piece of legislation like this one, which gives no indication of the sorts of moneys involved in this new fee causes me some concern, because it may have a detrimental effect on the whole prospecting industry. Rumours are going around, of course, that the fees under the Mining Act will be substantially increased, anyway. The figure that is bandied around by mining companies is about 30 to 40 per cent. Maybe this rumoured 30 to 40 per cent increase in charges right across the board will result in that $600 000 or 60 per cent increase in revenue for the Mines Department. Maybe that is the explanation, and maybe the Minister could give me some idea as to whether these rumours are just rumours or whether he has got that in mind in regard to the mining industry. If those rumours are not correct and there is not to be any increase right across the board, one can only presume that the $600 000 increase will come from the fees obtained from this piece of legislation, and if that is the case, it is a good reason for knocking it out.

Hon. Peter Dowding: You would knock out a budgetary Bill, would you, if that is the case?

Hon. N. F. MOORE: If the Minister expects to get $600 000 out of an application fee for prospecting licences he will be charging too much. Of course, I do not suggest we should throw out a budgetary measure. It will be interesting if the substantial increase in the fee is to be charged on prospecting licences; the people perhaps ought to know what this Government has in store for them and that they will be hit to leg by a party that claims to be their great supporter.

I do not propose that we should reject this legislation. However, it is imcumbent upon the Minister to provide some facts in respect of the matters I have raised. I suggest that he tell us how much he proposes to charge for an application fee for a prospecting licence. I suggest he tell us why he has introduced this legislation while an inquiry is being conducted into the matters to which this legislation relates. I suggest that he tell us why he needs to give himself the power to exempt the payment of all application fees applicable under the Mining Act. I suggest he tell us from where he will get the additional $600 000, 60 per cent increase in revenue that is included in the CRF Budget for the present year.

If we get satisfactory answers to those questions, I can see no reason that the Bill should not proceed.

HON. D. J. WORDSWORTH (South) [5.07 p.m.]: Members would be aware that I have asked the Minister for Mines questions regarding miner's homestead and garden leases and that I pointed out previously the changes between the old Mining Act and the new one which has brought some problems to the rural community, mainly to those farmers who hold land in known mineral areas.

Under the old Act the Mines Department could grant leases for miners to live on land and to grow and graze their food needs on it. Many of these mining areas were very isolated and required this sort of provision. There has always been conflict between the Lands and Surveys Department and the Mines Department titles as we really had a dual system operating over the years. The new Mining Act allowed for the phasing out of these leases. It remained for the Lands and Surveys Department to, shall we say, pick up the leases where the old Mining Act left off and to get them into some sort of conformity with titles under the Land Act.

When we changed from the old Mining Act to the new one I do not think that we realised the significance of the number of leases that have been granted over such a long period. What happened, of course, was that many of those leases had changed hands numerous times. I do not even know whether the Mines Department has any way in which it can record who owns them after a certain period. The Lands and Surveys Department has offered to change over these garden and homestead leases, but went about it in the same manner as for a CP block; in other words, the department asked for confirmation of boundaries for all the land which had to be cleared and fenced.

Ridiculous as it may sound, there was just no way in which some people who had these one or two-acre lots in the middle of their farms could identify the land. Some farmers had quite a few of these leases. In fact, at the current rate that the Lands and Surveys Department charges for virgin land, some farmers had to pay up to $30 000 to buy back a farm which they thought they had owned, sometimes for 50 years.

I want to read to the House a letter I received from the Reverend A. W. Archer of Ravensthorpe, who describes the situation fairly well. He is the local historian in the area and is a very respected gentleman. The letter reads as follows—

> Mr A. J. Chambers (my father-in-law) (deceased) took up his first block of land here in 1902 and later with his brother Alfred moved further out from town and took up further 500 acre blocks. Miners' homestead leases were the only way land could be taken up for farming in a goldfields area and around the town a number of five acre blocks were taken up by miners and known as garden areas. The Chambers brothers always kept up the payments on their blocks knowing that after the 20 years were up they would belong to them. They were paying twelve pounds and ten shillings a year for each 500 acre M.H. lease block so after the 20 years they had paid two hundred and fifty pound or $500.
>
> They then received the documents with all the particulars which were looked upon then as title deeds. (All land taken up like this in those days.)
>
> It was in the early 1920s that conditional purchase blocks were first surveyed and taken up by farmers (quite a number of them were returned servicemen). These blocks, mainly 1 000 acres were free for the first five years then paid for at the same rate as the rentals above, that is ten shillings or $1 per acre for the next 20 years. Many blocks were abandoned before this time owing to the "Great Depression" but those men who continued to farm received at the end of the period stated their Crown Grant or freehold title. They had paid exactly the same as the miners' homestead leases but these were classed as rentals and the others were purchase price or freehold titles.
>
> I feel that this will have been the proper time to have had both types of land transferred under the same heading. We first bought this farm around 1942 and of the

1 500 acres, 500 acres was a homestead lease. We have added to it since that time and of the 6 000 acres now held just over 2 000 acres are M.H. Leases in different areas of the farm, 100 acres M.H. Leases to 500 acres and all together with Conditional Purchase land is freehold.

The DEPUTY PRESIDENT (Hon. John Williams): Order! Would the honourable member please inform me how this is relevant to the Bill. I have checked the introduction of the Bill in *Hansard* and I am afraid I cannot distinguish from either the Minister's introduction or from a perusal of the Bill that his comments are relevant. Therefore, would the member assist by telling me how this is relevant to the Bill.

Hon. D. J. WORDSWORTH: Mr Deputy President, I wondered if you would ask this question and I did peruse the Bill. I refer to clause 6, which reads as follows—

> 6. Section 162 of the principal Act is amended in subsection (2) by inserting after paragraph (b) the following paragraph—
>
> " (ba) prescribe exemptions from the payment of fees for certain classes of applications under this Act; "

Mr Archer is referring to certain exemptions of payments under the Mining Act.

The DEPUTY PRESIDENT (Hon. John Williams): Order! On that basis I cannot rule against you, but I shall be following it very closely because I think you have drawn one of the longest bows I have ever known.

Hon. Peter Dowding: There are no miner's homestead leases under this Act so we cannot exempt them.

Hon. D. J. WORDSWORTH: Mr Deputy President, I am sure you will allow me to finish reading the letter.

The DEPUTY PRESIDENT: I will allow the honourable member to finish reading the letter.

Hon. D. J. WORDSWORTH: Thank you, Mr Deputy President. This man is nearly 80 years of age and has gone to great lengths to write the letter. It continues—

> One 560 acre block of virgin land taken up around 1948 had two small areas of abandoned M.H. Leases included in it but of course had gone back to the Crown many years before. So I feel that if so many blocks abandoned in the past have gone back to the Crown why can't they go back now without any reference to farmers.

Hon. Peter Dowding: Would you let me have a copy of this letter?

Hon. D. J. WORDSWORTH: I will give the Minister a copy. The letter continues—

> Where it does make a difference is with the Shire Council rates for if a farmer takes up a large block of virgin land, say 3 000 or 4 000 acres, he has one block—.

I think I will summarise the letter. If one pays rates on each of these mining leases it results in an enormous amount compared with rates on a single CP block.

Hon Peter Dowding: Miner's homestead leases?

Hon. D. J. WORDSWORTH: Of course. This has caused considerable difficulty and while it may be considered I am drawing a long bow in order to bring up this matter, it is the situation now. Whether or not the leases are included under the Mining Act now, it shows what can happen.

It is vital that the Lands and Surveys Department and the Mines Department get together in order to solve this problem. The Mines Department would be able to locate the leases. People should pay only a nominal fee to freehold the land. I ask the Minister to meet with his counterpart, the Minister for Lands, in order to overcome this problem.

HON. PETER DOWDING (North—Minister for Mines) [5.16 p.m.]: I appreciate the relevance of the honourable member's comments, or at least, I will endeavour to seek out their relevance. In any event I say to him that if he gives me the letter or a copy of it I will have it checked and I will advise him and his constituent of the position. At the risk of diverting from the Bill, there are problems about the position the member has raised and it is under consideration.

I refer to the comments of the Hon. Norman Moore and say at the outset that I have a departmental officer in this Chamber for my own purpose; that is, to assist me to ensure that the comments I make to the House are accurate and, equally important, that when a member raises a matter of which I have no knowledge I can obtain the information from the adviser. If the Hon. Norman Moore thinks that it is an admission of my own inability—

Hon. N. F. Moore: That is the same conclusion you would have drawn.

Hon. PETER DOWDING: The criticisms that I have made of Ministers who are now on the opposite benches were made because they were unable to answer questions at all.

Several members interjected.

Hon. PETER DOWDING: I hope that members opposite will consider this as a facility that will give—

Hon. G. E. Masters: I think it was because you were rude in the past. It is not the case of an excuse to be the same.

Hon. PETER DOWDING: I am just a changed person.

The Hon. Norman Moore has outlined correctly the thrust of this very short Bill, but with respect, he has slightly ignored or not understood some of the implications. Firstly, it is not a revenue raising Bill in the sense that the Government is searching for a mechanism to raise revenue. Everyone knew when the Act was implemented and proclaimed that there would be teething problems and it is simply a fact that the teething problems have shown up. It is inappropriate that, in one class of lease generally available and widely used there is one fee attached when there is a rush of applications for these PL's and the people involved are not bearing a reasonable share of administrative expenses relating to those applications.

It is important to note that the revenue will depend on what the application fee is. It has not been fixed and as the honourable member well knows, the application fee has been suggested to industry and industry's comments have been sought on it. Industry has also been consulted about the introduction of a fee and, without exception, has regarded it appropriate that there should be a fee.

The difference in the attitudes of the various sections of industry has not been whether there should be a fee, but whether there should be an exemption of that fee for any particular class.

If I can therefore deal with the fee, I think I am right in saying that in my time with the industry it has been universally accepted that there ought to be a fee, and a fee of $50 has been discussed, although no decision has been made. The Hon. Norman Moore is aware of that, and we have gone out to industry to talk about it.

Hon. N. F. Moore: I do not know about that.

Hon. PETER DOWDING: That is not correct. In any event, some sections of the industry were not consulted about it beforehand, and I freely admit that. But they have been consulted now, and they were consulted before the fee was agreed upon. There has been a considerable delay between the introduction and the debate, and there has been plenty of opportunity for people to digest the information in what is an extremely small Bill, and to make comments both to the Government and to the Opposition. I do not think anyone could say that there has not been a reasonable opportunity for that to occur.

If it is the case that the fee is fixed at $50—I do not see it being fixed any higher—the revenue in a full year would be just over $120 000. So it is not a significant amount.

Hon. N. F. Moore: It would be total revenue—a percentage of the revenue.

Hon. PETER DOWDING: That is rubbish. An amount of $120 000 is a relatively small section of revenue, but that is the projection being made.

May I also say that the Hon. Norman Moore, having criticised the Government for holding inquiries, then criticised the Government for not referring this specifically to an inquiry. With respect to the Hon. Norman Moore, it is not the case that the inquiry has had referred to it the cost of applying for a tenement, it has had referred to it the cost of holding it. I would have thought that in any reasonable interpretation the cost of "holding" referred to the cost of the rental.

Hon. N. F. Moore: It is the cost of the inquiry.

Hon. PETER DOWDING: It is not, it is the cost of the tenement.

Hon. N. F. Moore: You made a decision prior to Hunt's report.

Hon. PETER DOWDING: I made a decision prior to Hunt's report. The decision was that it is not a factor of holding a tenement, it is simply a factor of applying for a tenement. The costs of holding are the costs of rental, the cost of shire rates, and the cost of associated Government charges related to the tenement once it is granted. That is the decision I have taken.

Hon. N. F. Moore: Assuming that is correct, why do you not refer this to the inquiry?

Hon. PETER DOWDING: The honourable member has just pre-empted what I wanted to say. Once the decision is made, the PLs will be the subject of an application fee. If then it is relevant that Mr Hunt should consider that, he will be notified of that fact. That is a consideration which he may wish to make mention of in his report. He may seek to extend the terms of reference. He may seek to raise an addendum or whatever; but I give the member a firm undertaking that Mr Hunt will be informed of the decision of this Parliament.

Hon. N. F. Moore: It will help his inquiry.

Hon. PETER DOWDING: Mr President, I must say this: I have not been in Government prior to February of this year, but I have been associated with inquiries previously, and I have never known an inquiry to proceed with such efficiency and keep exactly to the time-frame predicted for it. If there is any reflection by the Hon. Norman Moore on the progress of that committee

and the performance of the members of the committee—

Hon. N. F. Moore: Turn it up, I did not say that.

Hon. PETER DOWDING: —it is utterly rejected, because the fact is that we will have a report by 15 January, and there is plenty of margin in that time to have any other matters referred to Mr Hunt and his inquiry.

This Bill is not pre-empting Mr Hunt's inquiry, nor is it pre-empting the mineral revenue study. The mineral revenue study has as its prime focus of attention the issue of royalties. Undoubtedly the Government's intention has been expressed in these terms. In looking at the royalties from mining operations, the Government should look at the other areas and the cost of the operation. To that extent the $50 application fee, if it is $50, will meet the cost. That is a matter which the mineral revenue study, when it proceeds, can take into account. It is not the undertaking of Government that it will hold up every application for an increase of any fee until the end of the study, which may take 12 months or so. If the Hon. Norman Moore were in Government and a backbencher, he would not want his Minister to hold it up, either. The Government certainly does not intend to do that.

Hon. N. F. Moore: I just asked if this was part of it. You have told me it is not.

Hon. PETER DOWDING: It is not. It simply is not. I do not see how the member can pursue it.

Hon. N. F. Moore: I am not.

Hon. PETER DOWDING: The next matter raised by the Hon. Norman Moore was the question of exemptions. The view taken is that there ought to be a general power to exempt in the regulations. If the honourable member reads the regulations he will see that they are very complex, and that they deal with practical matters which apply in relation to precedures for tenement applications and so on. It is in fact appropriate that there ought to be this general exemption power. It is not intended at this stage to create an exemption for any other area except in relation to PLs. It is the current intention of the Government to bring in a regulation which exempts PLs of less than 10 hectares, and only those.

I am still consulting with the industry about that intention. I have had expressed to me in very strong terms by one section of the industry that there ought not to be that exemption. The other sections of the industry have been quite neutral about it. I believe it appropriate, therefore, to provide the broad power. When consultations are complete I will make a decision as Minister, and I take the point that ultimately the decisions are to be taken. On the subject of regulations, the Hon. Norman Moore knows what to do if he disagrees with them. It is not as though it is a decision taken in isolation of the Parliament.

The Hon. Norman Moore also made reference to the rumours of massive increases in charges. Rumours are circulating about such matters, but there are also specifics. I would have thought that the Hon. Norman Moore would have made it his business to seek some detail from me if he wanted it. A wide range of fee increases has been discussed with the mining industry because of the current situation in the industry and because of the various inquiries which are afoot. Those matters are still under consideration and are the subject of discussion between various arms of industry. It is not a fact that there is any impact on legislation before this House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. Lyla Elliott) in the Chair; the Hon. Peter Dowding (Minister for Mines) in charge of the Bill.

Clause 1: Short title and citation—

Hon. N. F. MOORE: I thank the Minister for telling me he thinks the amount will be $50. I also thank the Minister for the general way in which he has responded to the questions I have asked, although I still do not necessarily accept this matter could not have been sent to the inquiry which could have made a decision on it. If the Minister does not think this matter falls under the fifth paragraph in the terms of reference, it would certainly come under the seventh paragraph, which includes any other matters. Therefore, the issue could have been dealt with by the Hunt inquiry without any trouble at all.

Clause put and passed.

Clauses 2 to 5 put and passed.

Clause 6: Section 162 amended—

Hon. N. F. MOORE: This clause relates to the exemption from payment of fees for certain classes of applications. When I first read the clause I presumed, as did many other people, that the exemption referred to related only to application fees for prospecting licences.

Hon. Peter Dowding: No, it does not.

Hon. N. F. MOORE: That was a mistake quite a number of people made when they first read it, because the industry has been advised the Minis-

ter is considering exemptions for prospectors taking out prospecting licences of 10 hectares or less. With that knowledge, even though it is not contained in the second reading speech, anyone reading it would have assumed the Minister was endeavouring to gain the power to exempt prospectors from paying the application fee for a prospecting licence of 10 hectares or less.

However, a detailed reading of the clause indicates it does not relate to that application fee only; it relates to every application fee.

Hon. Peter Dowding: Any application fee.

Hon. N. F. MOORE: It relates to any application fee in the whole Act.

Hon. Peter Dowding: That is right.

Hon. N. F. MOORE: I am pleased the Minister confirmed that during the second reading debate.

This clause worries me, because it seeks to give the Minister the power to exempt any person from the payment of any application fee under the Mining Act.

Hon. Peter Dowding: No, it does not.

Hon. N. F. MOORE: The Minister may be able to explain the matter when he replies.

I am concerned that if that is the case and if exemptions can be granted without anybody knowing about them, the potential exists for friendly arrangements, for want of a better way of putting it, to be entered into between the Minister and any mining company or prospector which is supposed to pay any application fee under the Mining Act.

Hon. Peter Dowding: Would you like me to deal with this? You are on the wrong track.

Hon. N. F. MOORE: I am sure the Minister will tell me the position. If the Minister's explanation is not adequate, I propose to move that we amend this clause by adding that any exemptions must be advertised in the *Government Gazette* so that everybody knows who is getting exemptions and who is not.

Hon. PETER DOWDING: I thank the member for raising that point. I do not believe that is the effect of the amendment. I am very concerned about the extent of discretionary power under the Mining Act and I have made it quite clear that I feel uncomfortable with the extent of discretion which exists.

The capacity for a Minister to make a friendly arrangement with someone exists under the Mining Act; it is unbridled in some areas, and that is quite wrong.

Hon. N. F. Moore: Your party argued against that.

Hon. PETER DOWDING: Against ministerial discretion?

Hon. N. F. Moore: Yes.

Hon. PETER DOWDING: Does the member agree with me?

Hon. N. F. Moore: Yes, I do.

Hon. PETER DOWDING: Section 162 does not relate to the power of ministerial discretion. As the Hon. Norman Moore knows, it is a provision which appears at the end of almost all major pieces of legislation which, in broad terms, sets out the regulatory power. It does not provide specifics. It is not intended to provide the specific matter upon which a regulation will issue, but is intended to provide broad areas in which the regulatory power is to exist.

I seek to persuade the member that it is inappropraiate to limit the regulatory power by reference to a specific item. Rather, we should provide the broad regulatory power and the restraint which exists upon the Government—it does not exist on the Minister, but on the Government—is that the regulatory power is to operate in accordance with section 36 of the Interpretation Act.

We must go through the process of the regulation going to the Governor-in-Council, being printed in the *Government Gazette*, then being dealt with in the House, before it can be set aside. The Hon. Sandy Lewis has a precedent for that if the Hon. Norman Moore wants to pursue it.

I urge the member not to amend the clause. I heard what he has said about it and I give him an assurance that no exemption will be granted unless it is by regulation, nor will an exemption be granted without the regulation being processed through the *Government Gazette* in the normal way. I urge him not to move the amendment, because the end result would be that the Act would look as if it were poorly drafted. It would have the standard, broad regulatory power in the final section and, in the middle, it would contain a specific item referring to the regulatory power.

The view that has been taken is that the power to make the fees payable should be a regulatory power and the power to exempt people from the payment of fees should be regulatory also. That does not apply only to the Mining Act.

The Hon. Gordon Masters would probably agree as a result of his ministerial experience that it is much better that those matters be dealt with by way of regulation, and that is the point of the provision in the Act.

Hon. N. F. MOORE: I accept the Minister's comments in this respect and I will not pursue an amendment. I must confess I am still slightly concerned about the potentialities which exist under legislation like this which enables exemptions to be made, especially when each individual exemption may not be known.

Hon. Peter Dowding: There cannot be individual exemptions.

Hon. N. F. MOORE: The Minister is suggesting we have a blanket exemption with respect to a certain type of tenement?

Hon. Peter Dowding: There has to be.

Hon. N. F. MOORE: Presuming that is the case, and bearing in mind that we will see the regulations when they come here—presumably fairly soon—I support the clause.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. Peter Dowding (Minister for Mines), and transmitted to the Assembly.

OFF-SHORE (APPLICATION OF LAWS) AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. Peter Dowding (Minister for Mines), read a first time.

Second Reading

HON. PETER DOWDING (North—Minister for Mines) [5.42 p.m.]: I move—

That the Bill be now read a second time.

The Off-shore (Application of Laws) Act 1982 gives the State power to apply the provisions of its laws to the coastal waters of the State. These waters are defined as the waters of the territorial sea. That Act does not provide for the application of State laws outside of the territorial sea and in the "adjacent area" as described in schedule 2 to the Petroleum (Submerged Lands) Act 1967.

Provision is made in this Bill to extend the application of State laws in matters relating to the waters adjacent to our coast. The Commonwealth gave the State powers, under the Coastal Waters (State Powers) Act 1980, with specific reference to marine matters and subterranean mining in the waters of the "adjacent area".

With the coming into law of the Shipping and Pilotage Amendment Act 1983, powers will be applicable to the waters of all Western Australian ports within both the territorial sea and the "adjacent area".

This Bill seeks to apply the provisions of every law of the State, being a law with respect to shipping matters and subterranean mining, to be taken to have effect in the "adjacent area".

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. G. E. Masters.

SHIPPING AND PILOTAGE AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. Peter Dowding (Minister for Mines), read a first time.

Second Reading

HON. PETER DOWDING (North—Minister for Mines) [5.44 p.m.]: I move—

That the Bill be now read a second time.

This is one of two measures referred to in relation to the Bill to amend the Off-shore (Application of Laws) Act.

The Shipping and Pilotage Act 1967-78 gives powers to the Governor, under section 10 of that Act, to declare by proclamation the boundaries of the ports within this State. The boundaries for some 23 ports have been proclaimed under this Act and give various powers to the State to control the movement of ships in the waters enclosed by those boundaries.

A number of ports within Western Australia have boundaries that extend outside the territorial sea—that is, the three-mile limit—and it is possible that any action taken in these waters by the State could be challenged on the grounds that the State has no jurisdiction outside the territorial sea.

Legislative power was conferred on the State by the Commonwealth through the Coastal Waters (State Powers) Act 1980 to make laws applying to, or in relation to, the seabed and subsoil of waters beyond the territorial sea, but within the adjacent area in respect of the State as described in schedule 2 to the Petroleum (Submerged Lands) Act 1967, being laws with respect to ports, harbours and other shipping facilities, in-

cluding installations and dredging and other works relative thereto.

The Act is to confirm that the State may, by legislation, proclaim as a port, an area of the sea which is partly within the territorial sea and which extends beyond into the adjacent area in respect of the State.

New inner limits, or baselines, from which the breadth of the territorial sea is to be measured were proclaimed under section 7 of the Seas and Submerged Lands Act in February of this year. These baselines are in line with the territorial sea and the contiguous zone convention.

Now that the actual area of configuration of the territorial sea is confirmed and the powers of the State clarified, it is necessary to have all the port boundaries defined under legislation that is subsequent to the Commonwealth's Coastal Waters (State Powers) Act. To achieve this, provision is made in this Bill by amending section 10 of the Shipping and Pilotage Act 1967-78, revoking all previous proclamations made under this section, and continuing and declaring a new schedule of port limits and new names.

The schedule, which will form part of the amended Act, lists all the ports of Western Australia. The boundaries of Port Walcott have, in this schedule, been substantially extended to include all the waters and the seabed that may be required for the new extended deep water channel currently being constructed at that port. This channel will extend approximately 20 nautical miles out to the 20-metre contour and will enable vessels of 220 000 deadweight tonnes to be fully loaded on departure.

Approval has been given for the dredging of that portion of the proposed channel, inside of the current port limit line. Dredging commenced on 15 October 1983, and it is intended that approval for the remainder of the new channel will be given when this legislation and the Off-shore (Application of Laws) Amendment Act 1983 are proclaimed.

The new schedule includes minor changes to the port boundaries at Bunbury and Geraldton and a commonality of terms used in describing all ports.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. G. E. Masters.

TOBACCO (PROMOTION AND SALE) BILL

Recommittal

Bill recommitted, on motion by the Hon. John Williams, for the further consideration of clauses 3, 4, 7 and 11.

In Committee

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

Hon. JOHN WILLIAMS: I seek leave of the Committee to move that the proposed amendments appearing on the Notice Paper to this Bill be included in the Bill, without further debate, on the grounds that they will tidy up the clauses and agreement has been reached on this procedure between the movers of the proposed amendments, the Attorney General, who is handling the Bill, and the officers of the House. They have agreed that the proposed amendments follow strictly the tenor of the debate previously conducted and that they are accurate.

Leave granted.

Hon. JOHN WILLIAMS: I move the following amendments—

Clause 3: Interpretation—

Page 3, lines 13-15—Delete the interpretation.

Clause 4: Exemption—

Page 7—Insert the following subclause to stand as subclause (5)—

(5) In proceedings for an offence against subsection (2) it is a defence for the person charged to prove that the benefit or thing supplied was only incidentally connected with the purchase of a tobacco product or smoking accessory and that equal opportunity to receive the benefit or thing was afforded generally to persons who purchased products whether or not they were tobacco products or smoking accessories.

Clause 7: Proof of offence—

Page 12, lines 27-32, and page 13, lines 1-13—Delete all the words after "person" in line 27 and substitute the following—

shall not obtain or attempt to obtain from a vending machine a tobacco product if—

(a) that person is under the age of 16 years; or

(b) the tobacco product is for the use of a person under the age of 16 years.

Penalty: $100.

(2) A person under the age of 16 years, who is charged for the first time with an offence under subsection (1), shall not be required to plead to the charge if he consents to undergo, and does in fact undergo, a course of counselling in accordance with, and within such time as is prescribed by, the regulations.

Clause 11: Liability of officers of bodies corporate—

Page 15—

1. Insert the following paragraph to stand as paragraph (a)—

(a) where it is charged that he is guilty under section 10 as a director or other officer concerned in the management of a body corporate, to prove that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the committing of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances;

2. Line 31—Insert after the word "he" the passage "offered, gave or distributed the free sample referred to in section 4(1) or, supplied the benefit or thing referred to in section 4(2) or".
3. Line 31—Delete the passage ", gave, or supplied".
4. Line 32—Insert after the word "accessory" the words "referred to in section 6".

Page 16, line 1—Delete the passage ", given or supplied,".

Amendments put and passed.

Further Report

Bill again reported, with further amendments, and the report adopted.

WESTERN AUSTRALIAN TRIPARTITE LABOUR CONSULTATIVE COUNCIL BILL

Second Reading

HON. D. K. DANS (South Metropolitan—Leader of the House) [5.50 p.m.]: I move—

That the Bill be now read a second time.

The Bill is cited as the Western Australian Tripartite Labour Consultative Council Bill 1983.

The purpose of the legislation is to fulfil the Government's policy commitment to establish tripartite consultation in the area of industrial relations.

That policy, contained in the Australian Labor Party's platform, states implicitly that—

> Once in power Labor will establish a permanent tripartite council which will consider and report to the Government and, if necessary, the Parliament, on legislative priorities, reforms and administrative steps necessary to improve industrial relations in Western Australia.
>
> While having its own views and electoral obligations, a Labor Government will, nonetheless, adhere to the consultative process and seek consensus.
>
> Employers and unions will be expected to do the same.
>
> When an agreement is reached immediate steps will be taken to implement it. If, despite exhaustive effort, there is disagreement in whole or in part and resort to independent inquiry is not appropriate, a report of each organisation's position and views shall be made to parliament.
>
> Labor does not in any way resile from its fundamental responsibility to the electorate. However, it recognises that business and unions are important elements in the social and industrial process. Progressive and stable Government requires that they must be treated as such.
>
> While expecting each group to be self-reliant, the tripartite council will establish a framework for information exchange and research between Government, the social partners, and tertiary institutions.
>
> Labor will, however, assist particular research projects approved by the tripartite council which are of key importance to Western Australia.

In support of that policy, an interim tripartite council has been established, and to date has worked successfully at formulating initiatives to the following important pieces of industrial relations legislation—

> the Industrial Arbitration Act;
>
> occupational health, safety and welfare legislation; and the Workers' Compensation and Assistance Act.

This Government has purposely provided this piece of legislation with the express intent of ensuring that the Parliament has the opportunity of being able to objectively assess the views of each member of the tripartite council in relation to important legislation pertaining to industrial relations.

The foundation of this tripartite council has its origin in a green paper on industrial relations developed by the Australian Labor Party, which I, as the then Leader of the Opposition in the Legislative Council, distributed for a period of some 12 months before the March 1983 election.

That document was circulated to all major employer organisations, to unions, to academics, and to all interested members of the community, and the response from those people was a show of concern for the way the then Minister for Labour and Industry was preparing his industrial legislation without consulting the more important elements in the social and industrial process.

The Bill now before the House has been formulated by and has the approval of the following bodies—

The Confederation of Western Australian Industry;

Australian Mines and Metal Association;

The Trades and Labor Council; and

The Western Australian Government Industrial Relations Service.

It gives me great pleasure to introduce this Bill, bearing in mind the manner in which it was formulated.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. G. E. Masters.

CONSUMER AFFAIRS AMENDMENT BILL

Second Reading

Debate resumed from 18 October.

HON. G. E. MASTERS (West) [5.55 p.m.]: I know the Hon. Sandy Lewis adjourned this debate but I am sure there must be another member who has a contribution to make.

HON. W. N. STRETCH (Lower Central) [5.56 p.m.]: There are some problems with this Bill, and as members know, my colleague the Hon. Sandy Lewis has somewhat of a duality of roles; he is the secretary of the Australian farm machinery dealers organisation and represents an agricultural electorate. He was intending to bring forward some points about this legislation and it is unfortunate that it cannot be adjourned until he returns.

The PRESIDENT: Order! The honourable member addressing the Chair may continue or it may be taken that both he and the Hon. Gordon Masters have addressed themselves to this Bill. All it requires is for the debate to be adjourned for whatever reason; so if the honourable member sits down the debate can be adjourned until the next sitting of the House.

Debate adjourned, on motion by the Hon. P. H. Wells.

BUILDERS' REGISTRATION AMENDMENT BILL

Second Reading

Debate resumed from 18 October.

HON. P. H. WELLS (North Metropolitan) [5.58 p.m.]: I do not intend to oppose this Bill but I wish to raise a number of points about it. One proposal in the Bill is to include a consumer representative on the board and to redefine the method by which the other five members are to be selected for the board. The Bill also has a requirement that a panel of three names be submitted.

Sitting suspended from 6.00 to 7.30 p.m.

Hon. P. H. WELLS: Prior to the tea suspension I referred to a list of the board members and had reached the stage of covering the chairman and the consumer representative who will be appointed by the Minister. The chairman will be an additional person on the board and there are four others. Those other members will be representatives from the Housing Industry Association of Western Australia; the Building Trades Association of Unions of Western Australia; the Master Builders' Association of Western Australia, which representative must be a registered builder; and the Royal Australian Institute of Architects.

The Bill has been restructured to some degree in that previously these organisations had the right to appoint a person or make a recommendation to the Minister for a person to be on the board. Under the Bill those organisations are required to provide the Minister with a panel of three names from which the Minister selects a person to be appointed to the Board. That in itself is a subtle change. It may well be a situation that exists in some other Acts. It is one which brings greater control to the Government of the day and I suspect that the Government wishes to exercise a greater degree of control with regard to the Builders' Registration Board. The Government has increased its power in regard to appointments in the sense that it has the final decision as to which person shall be selected.

I draw to the attention of the Leader of the House a further point which is not contained in the Bill and which he may consider. I refer to the situation which could occur of an appointed representative ceasing to be a member of the organisation he represents the day after the Government has appointed him to the board. This could occur because that person for some reason or other decides to cease to be a member of that organisation or, alternatively, that organisation may decide that person has contravened some regulation of the organisation to which he belongs. Therefore, the representative could either resign or be kicked out. However, in such instances it is not a requirement of the Bill that he should cease to be a member of the board. Some of the conditions under which a board member may be removed are: death; resignation from office; becoming an undischarged bankrupt; conviction of an indictable offence; being an "incapable person" within the meaning of the Mental Health Act; or, absence from six consecutive meetings of the board. Those provisions are all covered by section 5A of the Act.

However it is possible that the board member could cease to be a member of the organisation which nominated him. That person would have been nominated by his organisation because of his expertise and knowledge and his ability to make an input to the board. His input from the board to the organisation would also be of value to that organisation. From my discussions with the executive officers of the board it has been evident that the input from various associations has been a major part of the functioning, knowledge and exchange of ideas through the board over a period.

In the interests of continued input from these organisations some consideration should be given to providing for a person, upon ceasing to be a member of the association which nominated him, to cease to be a member of the board.

I refer to a situation which occurs under the provisions of the Local Government Act where various officers or councillors are appointed to different boards; upon ceasing to be members of that council or association they also cease to be members of the boards. I think the idea is worth considering because it is a possibility and there are current examples of such cases. I do not suggest that these examples have been detrimental because in those cases there was no complete break with the organisation the person was representing.

I am aware the Minister has told the Builders' Registration Board that he would be very happy to hear of additional amendments it was considering and maybe the implications of this type of amendment that should be considered. I will not persist with this matter but I think it is worthy of consideration.

I now refer to the structure of the board. From discussions held with various associations and groups, I have come to the conclusion that one of the people most concerned with the Builders' Registration Board is the building surveyor. Certainly, the local government building surveyor is the person who has given tremendous assistance to the board. He is a person with whom the builder must have contact and, indeed, the Government has recognised his professional competence by including a building surveyor on its committee currently investigating the cracks which have been appearing in the walls of buildings in the hills. I suggest to the Government that because of the professional input and ability that a building surveyor could contribute, such a person should be appointed to the board. Not only does he have professional competence, but also he is not a consumer or a builder. As such he is a person who can make an independent input.

Furthermore, I have found in my discussions with the groups involved that not one of them—and that includes the board itself—can find any reason that a building surveyor has not been appointed. On the contrary, they believe it would be in the best interests of the board if a building surveyor were to be appointed. I suggest that if there had been a fifth member in that area a member of the Australian Institute of Building Surveyors should have been appointed to the board. I believe such an appointment would have been of more value than the provision in the Bill relating to the appointment of deputies and a deputy chairman.

I point out that I am floating these ideas and if the Minister finds in his heart they have merit I am happy for them to be accommodated by the Government. However, I also realise that further investigations are taking place with regard to the Builders' Registration Board and it may well be that these suggestions will come into that category.

One of the objections which may be raised is in regard to the number of members of the board, which will be seven. I point out that on equivalent boards, Queensland has eight members, New South Wales seven members, and South Australia five members.

It is interesting to look at the structure of the board in each State. The South Australian board has a chairman who is a legal practitioner; two builders, one a member of the MBA and the other

member of the HIA; and two consumer representatives. This is interesting in terms of our requirement that the Housing Industry Association representative is not required to be a builder; in the main, of course they have been people with a fair amount of involvement in the industry. However, it is a statutory requirement of the MBA that its representative must be a builder and this difference has caused some exchange between the two organisations.

The Queensland situation is that the chairman is a Government representative, the board has a total of eight members, one union representative, three people from the building industry, one from a building society—because in that State building societies are more involved—one architect and one representative of the insurance industry. In New South Wales the board has a full-time chairman, one union representative, one architect, one consumer, one solicitor, and two building representatives—one from the MBA and one from the building industry and contractors—making a total of seven.

I do not believe that an additional member would create any great precedent. Our attitude should be that if we are to have a Builders' Registration Board, we should ensure the best possible information and expertise is available to that board.

Another aspect covered by the Bill is the extension of the board's area. I have some doubt as to the effectiveness of the Builders' Registration Board; there are many limitations on the board, not only in this State but also in other States. The question has arisen that if a builder goes bankrupt and has only $2, what can be done to protect the owner's investment in the house? We are looking at the quality of the work. It could well be that a consumer employs a builder to build a $50 000 house. It is not the normal situation that the house would have to be completely rebuilt, but I gather it is quite possible that that could be the situation because of the builder's poor workmanship. If the builder is not financially capable of paying for the repairs, the board has no power to protect the consumer.

Theoretically, the Builders' Registration Board exists for the protection of the consumer. However, investigations in other States indicate that the practice of having insurance has merit. I think the Housing Industry Association or the Master Builders' Association in one of the other States provides insurance of this type. In the event of a builder not being able to meet his commitments, the owner has the possibility of collecting from the insurer.

One could argue that one of the commercial insurance companies might well regard this sort of insurance as an option, and that would be a better way of coping with the problem. Perhaps the idea is worth floating. Maybe one of the insurance companies will give consideration to that idea so that the people who want to insure themselves against that risk can make a completely independent and free choice. The problem is to find an adequate type of insurance.

Although I have some doubt about the ability of the Builders' Registration Board to act and to achieve complete protection for a consumer, while it exists I cannot subscribe to one part of my electorate or one street in my electorate being in the board's area of jurisdiction, while another street is out of it. I cannot subscribe to one-third of Ballajura being outside of the metropolitan area. Therefore, I have no argument with the extension of the boundaries, while the board exists.

I am aware that some country shires have told the board in no uncertain terms that they do not want its jurisdiction extended into their areas. I do not have a list of the shires which object to that; but I have no objection to the extension of the coverage of the board to those areas within my electorate that are not already covered.

The board has been confronted by a High Court decision relating to seeking to have work carried out. The board thought it had the power, when a consumer made a complaint which the board investigated, to order the builder to carry out the repair work. It seems that if the builder agreed there was a fault but the builder did not repair it, the board thought it had the power to act. However, it discovered that it could not withdraw an order and have someone else do the job, charging the builder with the cost of the repairs. In the O'Dea case, the High Court made the decision that the board did not have that power to withdraw an order. The Act provided two options for the board but having adopted either of those two options, the board did not have the power to withdraw the order.

In fairness, if the builder agreed to effect the repair, that would be a cheaper way of doing it. In many cases it would be preferable for the builder to do the work, but if he did not do it the board could not withdraw the order and have someone else do it. The Bill provides for the extension of the board's power in that area.

An area that causes me concern relates to finance. The board received legal advice that it did not have power to hold property or to enter into the business of letting its premises. There was discussion about the board's power to have, as a

sideline, a business in terms of letting a building, so that it might receive some income to be offset against its charges. This board was established in 1938, and as I understand it, it has not cost the taxpayers of this State one cent. Perhaps that is not quite correct, because a Minister is responsible for the board, and the Minister must have spent some time on its operations. Theoretically, the Minister's time is a charge against the State; but in relation to the normal operations of the board, there has been no real charge.

This Bill will allow the board to move into real property and to earn an income to offset the costs it incurs. I have some doubt about whether the board should have that power. I am reminded that the board's income is derived from building fees. The board should have the ability to go into business and buy a building. As I understand it, a statutory corporation has only those powers which are expressly given to it in its deed of incorporation; and this Bill will give such powers to the board.

Proposed new section 12AA enables the board to delegate its power to the registrar. I am certain that the workload of the board has been increased, so it is reasonable for the powers to be delegated.

Under the Act, a person may lodge a complaint to the Builders' Registration Board, but the time for lodging that complaint is limited to six years. I had thought that the time was seven years, but perhaps the Leader of the House can correct me on that. I would have thought that the Statute of limitations would come in after six years.

Hon. D. K. Dans: That is correct.

Hon. P. H. WELLS: I am not conversant with the situation, but generally I have found that the period of six years is suitable for most people who wish to make complaints to the board.

A matter which has received a mixed reception is that relating to the owner-builder's ability to sell his home within 18 months. That is being extended to three years. The time limit for the issue of a new building licence is being extended from three years to six years. This has had a mixed reception, and two arguments are involved. The people in the industry say that they have been put at a disadvantage by owner-builders in the sense that, as builders, they are required to put notices on-site, with their registration numbers on the notices. If a person falls over on the site, the presence of the sign enables him to take civil action against the builder. The registered builder must pay various registration fees and he must meet a host of standards which the owner-builder does not have to meet.

Furthermore, the builder could say that the owner-builder is competing with him for business. That is where the other side of the argument comes in. An individual should have the right to build a home for himself, and if his circumstances change, why should he not be allowed to sell it? What would be the situation with a member of the Public Service or a teacher who took the initiative to build his own house? As I understand it, Mandurah will be included in the legislation. It may be that a teacher in Mandurah finishes building his house, the wheels within the Education Department turn, and he is sent to Perth. If he sells his house, he is left in the situation that he must wait five or six years before he is able to obtain another licence.

I can see a real problem in this. There are arguments for and against both sides. One could say that a horse and cart could be driven through this part of the Bill. If one had three daughters, it is possible for each of those daughters to be a builder and obtain a licence. One could assist the daughters with advice; and hence, indirectly, one could be building three houses. This is contrary to the philosophy of the party to which I belong, because it inhibits an individual in terms of the Act.

First of all there has been a lot of argument that the board is going broke. I went to the trouble of getting a copy of each of the financial returns submitted by the board. I found that in every year up to 1981 the board was making a profit. I found that in December 1981, looking at its investments, it had over $85 000 on term deposits and nearly $26 000 covering long service leave. I found that fixed assets had been transferred, and the amount involved was $9 000. I gather that the board then decided to go into computers. In terms of deciding on this with the information it had available, it would appear to me it had limited funds and those funds were moved into a capital area. It should be said that with the absence of an increase in funding this is the only reason the board would need the ability to raise its funds.

I have no objection to its deriving funds, but after the Government had introduced the wages freeze and it was accepted that every organisation should hold its price, it could hardly be accepted that a statutory board should be allowed to increase its prices. Therefore, the criticism of the previous Government is really unfounded and not in the right spirit. If the present Government were to introduce a wages freeze, I know it would not want to see an organisation passing on increased prices.

With those comments, I support the second reading of the Bill.

HON. NEIL OLIVER (West) [8.02 p.m.]: The history of this legislation is related to the passage of the original Act in New Zealand. Our Act was introduced, I believe, by a Labor Government and was previously handled by the Minister for Works although it is now handled by the Minister for Consumer Affairs. I suppose it might be considered an Act associated with the protection of consumers although it does not go anywhere near to really protecting consumers.

I personally had an opportunity to look at this legislation when we were in Government and that is why what is entailed here is not unknown to me and why it has already been considered by the now Opposition. However, I must comment on something the Hon. Peter Wells said about the New South Wales legislation. That legislation is supposed to be consumer oriented, but is regarded even in that State and the rest of Australia as legislation that absolutely batters the consumer. If anything, it destroys the consumer. The way the legislation is handled in New South Wales makes one refer to Parkinson's law, because it has been a total disaster. For that reason I would not like anyone here to attempt to draw a parallel between this legislation and the New South Wales legislation. No other State would be prepared to undertake the exercise of providing legislation similar to that in New South Wales.

I do not have the Press cutting with me from *The Australian Financial Review*, but an article in that paper dealt with the story of a person who undertook as a thesis for his doctorate a study of a statutory organisation in Australia in order to have a look at the growth of Government. Of all the Statutes and agencies, etc, he might have chosen, the one he decided on after careful research was the Builders' Registration Board in New South Wales. I certainly hope this Government has no intention of instituting similar legislation here.

This legislation is really just extending the current area of responsibility of the board. Previously it was an area which was the responsibility of the Metropolitan Water Authority, but now the area is to be extended to include Mandurah and out towards the north of Wanneroo. Members would be aware of the tremendous growth along the northern corridor, especially in Wanneroo. These areas were previously covered by the country areas water supplies authority and not the Metropolitan Water Authority. The board's area of jurisdiction is now to be extended to encompass those areas in which there has been huge suburban growth.

I would like to comment briefly on the representative of the Housing Industry Association not being a registered builder. That is reasonable. But the HIA is responsible for almost 80 per cent of all residential homes build in the Perth metropolitan area.

However, there is now to be a change of attitude towards boards and appointments to them. This is a subject that has always given rise to considerable debate in the Parliament. I can particularly remember Mr Dans as Leader of the Opposition attacking the Government about membership of boards. However, I understand we are in a new era and there is to be a change of attitude. Legislation may well come before the House with the purpose of changing the name of whatever body or board is involved simply in order to allow the Government to establish its own appointees. I have spoken to my colleague, the Hon. Graham MacKinnon, about this subject and he has said that it is just part of the game. He said that this was the way he played it so we could not expect this Government to act any other way.

However, why should the Minister require a panel of three?

Hon. D. K. Dans: You sound like the TLC.

Hon. NEIL OLIVER: Why should the Minister need a panel of three from which he will choose a member for the board? Surely the Minister would be happier to appoint a person whom the organisation thought would be the best person?

I would like to follow up a point made by the Hon. Peter Wells, and I trust the Minister will answer when he replies to the debate. If a person is nominated by an organisation and that person then ceases to be a member of that organisation at some later time, I am sure Mr Dans will not wish to see a situation develop where that organisation is without a member on the board.

The Hon. D. K. Dans: The term used is "for the term of his appointment". You know the question of people ceasing to be members of certain organisations will occur whoever is in Government. I have not known of a case where any such person has not submitted his resignation immediately.

Hon. NEIL OLIVER: The Government would want to have the best advice available to it from a person nominated by an association.

Finally I would like to support the proposition by the Hon. Peter Wells about the inclusion of a member of the Institute of Building Surveyors, which covers local authority building surveyors. Probably each local authority in the Perth metropolitan area employs two or three members of the institute.

Hon. D. K. Dans: I am taking that on board, but I would think you probably need to have a retired member because you could have a clash of interests with building surveyors who may have to drift out to a building.

Hon. NEIL OLIVER: The Hon. Peter Wells suggested a building surveyor, but I am suggesting a person who is a member of the Institute of Building Surveyors. He could well be a retired person, although I do not know why that would be necessary. We need people who are active in this field and have a good knowledge of the industry. We have had more than sufficient evidence to show that local government should have some representation.

In conclusion I point out that in most States the Builders' Registration Board is administered under the Local Government Act. The Minister for Local Government here has an advisory committee called, I think, the building trades advisory committee, and the Minister for Consumer Affairs would doubtless have another committee advising him on building matters. So here we have a conflict of interests and a duplication of committees. Nevertheless, I give the legislation my support.

HON. I. G. PRATT (Lower West) [8.14 p.m.]: I am glad to see the Hon. Des Dans handling this Bill because I know he has been tutored by a man with a strong understanding of this matter, and I refer to the Hon. Ron Thompson. There were many occasions during the early period of my life in this House when the Hon. Ron Thompson and I came to very close agreement on the powers and authority of the Builders' Registration Board. Realising that Mr Dans has shared the representation of the same province with Mr Thompson, I am sure he would be well grounded in some of the shortcomings of the board.

The difficulty with the Builders' Registration Board—I do not want to labour this point too heavily—is that in many ways it is really a builders' protection board because it does precious little for the consumer.

Hon. D. K. Dans: I cannot say that.

Hon. G. C. MacKinnon: You just did.

Hon. I. G. PRATT: I preface my remarks by saying that I realise Mr Dans would understand that it does precious little for the consumer and, in fact, it endeavours to create a closed shop situation for registered builders. I will not go very far with that problem.

In any event, the Builders' Registration Board is an ideal target for Mr Williams' Standing Committee on Government Agencies because in many ways it is an empire building body; it is one with which I have had several brushes, both on my own behalf and on behalf of friends of mine, and I have had cause to mention that on various occasions in this House.

We well remember that in 1974 or 1975 an amendment was brought into this House and subsequently withdrawn which endeavoured to give the board powers to stop owner-builders from building two-storey houses. The amendment was withdrawn after some discussion in this place. We still find that the board uses a clause to restrict owner-builders from building two-storey houses which was not intended. My legal advice on the matter is that the board, if challenged in court, would not be able to enforce that clause. In my own case when I endeavoured as an owner-builder to build a two-storey house and I challenged the board, the objection disappeared and I was not required to fill in the form or to pay the $50 the owner-builder of a two-storey home is required to pay in order to have a set of plans examined a second time. Such plans have in fact already been examined and stamped by a building inspector of the local authority. A person can fulfil all the requirements of the Local Government Act as far as the Uniform Building By-laws are concerned and still be required—albeit, without any legal authority—to pay the $50 to the board to enable it to get an engineer to look at the already stamped plans.

That outlines the background of my attitude to the board. Members may think from my comments that it is not an attitude which contains a great deal of support for the board and its activities.

Looking at the board and the specific amendments in this Bill, we find that many of them are thrown up every time a new Minister handles this matter. As ministerial responsibilities have changed over the last nine years we have seen these types of amendments come up and be either rejected in the party room or withdrawn from the floor of this House on many occasions. I do feel for the Hon. Des Dans, who had to present the Bill to the House, knowing what has happened in the past.

However, I object to some amendments on the basis of my own philosophy. Some perhaps run slightly more to the Government's philosophy, and I will not oppose those which deal with the fiddling of the board's powers and position.

I want to ask the Minister a few questions. I am sure with the grounding he received from the Hon. Ron Thompson he will be able to answer them quite well. The first is the reason for including the Shire of Mandurah in the defined area. In

his second reading speech the Minister said it was an area of considerable building activity both now and on future projections. I want to know what justification he has for extending the board's authority into that area. This is an area that I have represented ever since I have been in this House, during which time I have received complaints from constituents in regard to registered builders' work.

In that time I have not received a single complaint about an owner-builder or an unregistered builder situation. It is amazing to me that we suddenly find a need to extend the jurisdiction into this area. I do accept that an ex-colleague of mine who represented that area in another place believed there was some magical power in having builders' registration and thought it would be a good thing, perhaps for the prestige of the area, to cover it. I want to know why we are covering Mandurah when we are not covering Bunbury, which is a much bigger centre. I am not suggesting that we should cover Bunbury.

The Minister later said "We are doing this for the benefit of the public". I come back to the statement I made at the beginning of my speech: In the record of the BLF we see precious little consumer support for its activities. It does seem strange to see the words "for the benefit of the public" when the record does not substantiate that claim.

In passing, I mention that I do not really object at this stage to the expansion of the area to the north. My own basic feeling is that I do not believe it should be extended any further in any direction. I will not object to its being extended, however, if the Minister can give a good reason to extend it into Mandurah. I will not try to obstruct the Government in that at all.

We now come to the board's financial situation. I believe this organisation would be a good target for the Standing Committee on Government Agencies, which could look at whether we should give the board more powers to expand and spend more money and enter into the confirmation of its right, which I find something of a contradiction in terms. It either has a right or it does not; it is either acting legally or it is acting illegally. At any rate, this Bill is confirming the board's right to hold property. It is giving it power to borrow money and it will raise its fees. Mr Deputy President (Hon. D. J. Wordsworth), you would know it is rolling along merrily into a situation which perhaps should be looked at by a committee. If it is not performing well as a consumer body we should perhaps take the consumer role away from it and give it to the Minister for Consumer Affairs; this has been done with almost everything else.

It seems strange to me that that determination could not result in consumer affairs problems in the housing field being handled much more efficiently than the board handles them. If we did this registration could be required to be almost entirely the province of our technical education section, because technical qualifications are needed and a certificate is issued. This does not seem to be something that involves a great deal of money; money would be saved to the community in general.

So rather than expanding the board in that way we would do better to make it a twin action in respect of consumer protection and, if we want it, the registration of builders, which would become more efficient and far less costly.

We come to the matters which I said are perhaps philosophically more closely aligned to the Government than they are to me—consumer representation and the nomination of a panel of names. I do not object to that. I object most strongly—I am sure the Leader of the House will agree with me because these are some of the matters upon which the Hon. Ron Thompson and I hold very close ground and agree—to the restrictions that are intended to be placed on owner-builders. The proposal to extend the minimum period between applications for a builder's licence from 18 months to three years is unreasonable. No reason has been put forward for doing this. If a person owns a piece of land and owns the house he built on that land, I see no reason why we should say that he is not allowed to sell it for three years.

We find that the period in which an owner-builder is allowed to build a house is being extended from three years to six years. We find the ridiculous situation of perhaps a bona fide builder building a house and after three years, under this amendment, he can sell it but he may not build another one for another three years. This means he would be required to rent a house for three years before he could build another. I find that most unreasonable and I will oppose this clause just as I have opposed it every time the board has put a similar one to my party over the last nine years and on the one occasion when it did actually reach the floor of this House. Similarly, I will oppose both parts of it, the part which extends the selling right from 18 months to three years, and the part which extends from three years to six years the period between applications of an owner-builder.

If we look at the reasons the Minister has advanced—his advisers could have been a bit more generous to him when providing him with reasons—we find that the Minister has said these provisions are designed to prevent builders from "disguising" themselves as owner-builders. Perhaps people might overdo the owner-builder business a little, but I do not believe anyone could make a living out of building one house every 18 months. If he did he would not make a very good living out of it. When an owner-builder applies for a permit he has to sign a statutory declaration saying that he has not built another house within the time specified in the Act.

What the Government is endeavouring to do in the clause the board has suggested is to ensure that owner-builders are not allowed to build houses frequently, and if they do want to build another house they have to get a registered builder to build it. I do not blame registered builders for wanting to get as much business as they can; but, frankly, this is the only reason for this clause being before us. The clause which refers to the period of six years from practical completion, as described in the speech, is the normal limitation and I do not in any way object to that.

I do not support some clauses of the Bill but I will not oppose them. However, I definitely oppose—and I hope I get support from other members of the House—those clauses which have been put up time and time again in one form or another by the board and which by tradition I have opposed in this House, and which this House has defeated.

HON. H. W. GAYFER (Central) [8.29 p.m.]: Fundamentally, I feel disposed to oppose the Bill at its second reading, mainly because I have a history of being opposed to the gradual spread of the Builders' Registration Board, particularly to country areas. I do not think the philosophies of my view need to be further expounded in this Chamber.

I was rather surprised on reading clause 3 of the Bill that it appears we are making it easier for that state of affairs to occur.

The PRESIDENT: Order! I again draw members' attention to Standing Order No. 69.

Hon. H. W. GAYFER: Because of my inherent fear of the likelihood of the Builders' Registration Board coming under the umbrella of this clause, I see the Bill as only a guise for that purpose.

At present I am open-minded on this matter. If it is only to extend the jurisdiction to Wanneroo and Mandurah and it ends there, I consider it is fair enough. But if it is to become a vehicle to make it easier to get out to the areas I represent then I am in opposition to it and I will continue to watch closely in order to preserve the livelihood of a lot of my constituents, I am opposed to the Bill. I wonder if I make myself clear to Mr Dans. I ask the Minister to reply on this point and indicate it is not, as I fear a broad application of the system under which many schedules can be programmed to possibly take in the areas we represent at the stroke of a pen. I can see why there is a need to go from a singular schedule to plural schedules because other areas are being taken in. However, the wording would appear to indicate—and I will get some advice from Mr Pratt on this—that it is an easy vehicle for the inclusion of all other areas. The implication is that one can add to or delete from the area of jurisdiction; but once something is added I cannot see its being deleted. I am apprehensive of any vehicle that can be seen to promote the umbrella of the Builders' Registration Board into the area I represent.

HON. D. K. DANS (South Metropolitan—Leader of the House) [8.32 p.m.]: I thank members who have contributed to the debate. Mr Pratt put his finger on the problem. I will deal with some of the points raised but some are better left the Committee stage.

To answer Mr Gayfer first, he asked whether this Bill is being used as a vehicle to extend the activities or the area of jurisdiction of the Builders' Registration Board. The second reading speech says exactly that, although it might not spell it out. It said the Government was also giving consideration to further extending the board's jurisdiction to other country areas. It said it was only reasonable and proper that the board should extend its ambit to such areas for the benefit of the public.

I refer now to the question of membership of the board; I am a person who sometimes gets appalled at the ever increasing number of boards and the ever increasing number of people on boards. This board has six members and for my purposes that would be sufficient. However, I have made a note of the proposition that a building surveyor should be a member of the board. I would rather take up the proposition advanced by the Hon. Neil Oliver that we should have a person who is a member of a certain organisation. I can see a conflict of interests occurring in some cases.

Reference was made to the board's engaging in some kind of trading concern; I do not think I can support that, given the nature of the board and its current activities. It has enough problems now and I cannot see myself as the Minister handling the Bill in this place, agreeing to a proposition that it not only should hold property, but also sell it and invest in it. I am not being derogatory

towards Mr Wells but I cannot see that proposition being taken up by the Builders' Registration Board.

I do not want to go into the merits of the board, but people generally want a registered builder to engage in the construction of their home. I will not deal with that question; perhaps other members may wish to say something about it. That is one of the reasons the board is extending its activities to the Shire of Mandurah. The explanatory notes say that Mandurah is a rapidly developing area and a lot of housing construction is taking place. That seems to be the criteria to allow the board to extend its operations to Mandurah. I have had innumerable complaints from people in Mandurah, particularly subcontractors and people whose homes have been built by builders who went bust. No doubt Mr Pratt has had approaches from the same people, and they all say, "If only the Builders' Registration Board were operating in Mandurah our homes would be built by registered builders". It is difficult to tell them that even if they were built by registered builders nothing much would change.

Hon. I. G. Pratt: Although they are not covered by the board most builders in Mandurah are registered builders.

Hon. D. K. DANS: I know, but some are not. This is one of the reasons the Government has taken up the proposition that the area of jurisdiction should be extended to Mandurah.

I do not want to deal with the other points which are best left to the Committee stage. I have tried to be as honest as I can in answering Mr Gayfer; I have indicated what is contained in the second reading speech.

Hon. H. W. Gayfer: You do not mind if I oppose it?

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. Lyla Elliott) in the Chair; the Hon. D. K. Dans (Leader of the House) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 3 amended—

Hon. I. G. PRATT: I do not have any objection to this clause but I mention the fact that although the schedule can be added to or items deleted from it, it is in fact done by way of regulation so this Chamber will have control over it.

Hon. P. H. WELLS: In referring to this clause—

Hon. G. C. MacKinnon: Will you explain what this clause does?

Hon. P. H. WELLS: I was going to explain my understanding of the clause. I have an interpretation of it. Perhaps the Minister will explain the difference between this clause and the existing section of the Act which has similar wording. Is this particular wording needed because of the separation of the various areas? Is it to enable the Government to bring Kalgoorlie, for example, or any particular specific additional schedule into the clause? Did it find that under the wording which allowed schedules to be dealt with by regulation it was unable to achieve that purpose?

Hon. D. K. DANS: Section 3 is an administrative section. It defines the areas in which the Builders' Registration Act will operate and it makes it mandatory that if there are to be any changes, regulations must be brought back to Parliament.

Hon. P. H. WELLS: The Leader of the House has missed the point. I am trying to make certain of my understanding of the reason for this machinery clause. Is it correct that the reason it had to be changed is so that it will be possible to keep adding schedules until the whole of Western Australia is covered?

Hon. D. K. Dans: I have already said that.

Hon. P. H. WELLS: Has the necessity arisen because areas are to be separated?

Hon. D. K. DANS: I do not understand the question. The clause means what it says. I refer the member to page 14 of the Bill in which the metropolitan area is defined and reference is then made to the Shire of Mandurah. I have no information to say the member is correct but it appears to me the way this clause is put together it is for the purpose of doing exactly as the member says. It seems to be self-explanatory to me.

Hon. P. H. WELLS: It would appear to be necessary because the new Act will have more than one schedule whereas the old Act contained only one schedule. It means one can keep adding until the whole of Western Australia is covered, but the desire of the board is to take in areas where a building need exists. Mandurah has been identified.

Hon. D. K. Dans: Provided Parliament agrees.

Hon. H. W. Gayfer: Provided Parliament does not disagree.

Hon. P. H. WELLS: That is the difference. The decision is before Parliament as to whether we extend to Mandurah; we are making a deliberate decision. It was not possible under the old Act

to select any major country area and bring it within the board's jurisdiction without Parliament saying that it will become law. It is now possible to do that. It must first lie on the Table of the House for 14 days, but it may be another month before the motion is debated, and the area is within the jurisdiction of the board until the Parliament says it shall not be so.

Hon. Neil Oliver: If Parliament is in recess it could be up to eight months.

Hon. P. H. WELLS: If it was decided to bring Kalgoorlie into the board's jurisdiction the day after the Parliament rose, it could be gazetted. We would be in the position that we disagreed with that decision, but how could we reverse it? That really is not 100 per cent acceptable.

Hon. G. C. MacKINNON: This is something which dates back to the Select Committee which wrote the original Act. The Minister knows the difficulties.

Hon. D. K. Dans: It was one of the first debates I experienced in this Chamber.

Hon. G. C. MacKINNON: A fellow will turn up with a sugarbag over his shoulder, with a hammer, a saw and a nail bag. The farmer or local resident will ask him what he does, and he will say, "I am by way of being a carpenter". He will be told to come in and build a room on the house, or whatever building may be required. This is still the case.

Hon. D. K. Dans: It is more so today.

Hon. G. C. MacKINNON: That is why there has been a reluctance to extend the area. The Minister is now suggesting that it will not be extended. I am prepared to accept that Mandurah is part of the metropolitan area now. The days when one went down with a few packing cases or kerosene boxes to put on an extension are gone. Mandurah has changed its nature. I find it difficult to accept, though, that we ought to allow it to be extended wherever the board might wish because it is under a lot of pressure from the closed shop and from the builders who want it. Some do not, but there is a lot of pressure in a number of areas. Even in my own area of Bunbury I have been under pressure. I would prefer it to remain as it is; where Parliament has to act in a positive manner. That is the point Mr Wells made. I rather favour the proposal of the Hon. Ian Pratt.

Hon. D. K. DANS: I will give an undertaking here and now that there will be no attempt to extend the jurisdiction by regulation or any other method without bringing the matter back to Parliament. It would be a very brave Government indeed which would do that, because this is a very thorny question. Mr MacKinnon would know that I came to this Parliament some 12 or 13 years ago and there was this same debate. Sitting where the member is now was a builder member, Jack Thomson from Albany.

In the absence of any other instructions from the Minister handling this Bill in another place, I give this undertaking. As Mr Pratt rightly knows, I have some interest in this. Just on pure politics alone, any Government would be very stupid indeed to try to extend the area of jurisdiction without paying proper regard to the wishes of Parliament.

Clause put and passed.

Clause 4: Section 4A amended.

Hon. I. G. PRATT: This is the first of the clauses which I oppose and hope to have deleted from the Bill. This is the clause which extends from two years to six years the period in which an owner-builder may obtain a permit to build a house. Paragraph (b) gives the Minister the ability to reduce the period of six years, which I do not believe is necessary. If we delete paragraph (a), paragraph (b) becomes redundant. Likewise paragraph (c), if we reject paragraph (a), also becomes redundant.

Paragraph (d) relates to the requirement of an owner-builder to put his name and the number of his building licence in large, easily legible letters on a sign on the actual building. It was mentioned in the second reading debate that this is to enable the builder to be identified. This may have been Mr Wells' contribution. In the case of the owner-builder, the owner's name is on the title of the land, so there is really no difficulty in finding out who is the owner of an owner-builder construction; therefore I do not see what reason there is to retain paragraph (d), unless the Minister can give me some reason which is beyond my perception.

Paragraph (e)(i) deletes the word "board" and substitutes the words "the Minister" in section 4A(3). Subparagraph (ii) deals with the extension of the period from 18 months to three years for the sale of the house. I have mentioned that.

Paragraph (f) gives authority for the Minister to give dispensation in place of recourse to the courts in the matter of an owner-builder selling within the specified time. If we delete the early provisions of clause 4—

Hon. D. K. Dans: Do you mean section 4A of the principal Act?

Hon. I. G. PRATT: —the period would not go from two to six years. If we do not go from 18 months to three years there is no need really for us to give the Minister the authority to use his dispensation, so we can quite safely delete the

whole of that clause and leave the section as it is with no disadvantage at all.

Hon. D. K. DANS: I have to oppose the honourable Mr Pratt's proposition. It seems to me that what has been asked for in this Bill is that the period in which building licences are issued be increased from two to six years. It has been the objective of the HIA for years to have that period included in the Builders' Registration Act. The right of appeal to the Minister, of course, as Mr Pratt has spelt out, is contained in this clause; therefore it protects the special rights and privileges of the consumer.

I must be honest, I do not know what to think about the owner-builder displaying his status at the front of the place he is building. One might think for a start that he would be quite proud of his efforts in building his own home and would like to display that pride to the world. But the fact is that the Housing. Industry Association endorses this proposition, as it is the opinion of those people concerned that the person performing as an owner-builder is operating under the same regulations as the registered builder, and the erection of a sign displaying this status is a fair and reasonable obligation. What they are endeavouring to do, which I support, is to put the owner-builder on the same level as the registered builder, but for what reason I am not quite sure.

I think the member mentioned paragraph (e):

Hon. G. C. MacKinnon: Mr Dans, could you read out paragraph (c)—

The DEPUTY CHAIRMAN (Hon. Lyla Elliott): Order! I would remind the honourable Mr MacKinnon he is not in the right seat.

Hon. G. C. MacKinnon: I apologise.

Hon. D. K. DANS: The Housing Industry Association is in total agreement with the extension from 18 months to three years of the period for an owner-builder to retain ownership of the property. It is our opinion that if the person is indeed a genuine owner-builder it would be unlikely, except on compassionate grounds, that he would sell the house; therefore in no way does it infringe on the personal liberty of the home-owner.

Paragraph (f) deals with compassionate grounds. I have to oppose Mr Pratt's proposition, and I hope that the Committee will support this clause of the Bill.

Hon. I. G. PRATT: I fully appreciate the Minister's position but I cannot accept it. The matters of dispensation mentioned in paragraph (b) are really unnecessary if we do not extend the period of time, which I hope we will not do. I find completely unacceptable the reason given to the Minister to present to the Chamber with regard to the sign on the site. What it means is that, if the registered builder has to do it, then the owner-builder has to do it just for the sake of making him do it. I find that competely unacceptable.

I do not intend to put the Minister through a long drawn-out argument on this. I ask members to use the degreee of judgment they have exercised in the past and treat this hardy annual in the way they have treated it in the past, and give owner-builders a fair go.

Hon. P. H. WELLS: I wonder if the Leader of the House has a copy of the Act?

Hon. D. K. Dans: The member can continue to talk while I find it.

Hon. P. H. WELLS: This is the area which I mentioned during my second reading speech. I want again to bring to the attention of the leader the fact that perhaps six years is rather a long time. I can imagine in six years some people might be getting a little over the fence in terms of building. They might be giving building away altogether.

Hon. Neil Oliver: The average ownership is reduced from seven to five years.

Hon. P. H. WELLS: The situation is that a person may well be in employment and have to move around. If he can apply to the Minister for special dispensation he does not have to go to six years.

Perhaps we could arrive at some sort of compromise, because the Bill seeks to treble the period to six years. Paragraph (e) (ii) seeks to delete the period of 18 months and substitute three years. If the Government intends to allow a person to sell a house every three years, would it not be reasonable to allow a person to build a house every three years? Under this clause the Government seeks to treble the period and if the person did not keep his hand in during that time, he would lose certain of the skills necessary to ensure the building fell within the provisions contained in the Uniform Building By-laws.

Some of the comments made by Mr Pratt are correct, because the increase sought is tremendous. Had the Government sought to vary the period slightly, we could have reached agreement. However, it is unreasonable to seek to increase the period to six years. Some of these people would be going into retirement at that stage. Perhaps Mr Pratt is right, and not only is that contrary to the philosophy of the legislation, but also the increase is too steep. I wonder whether the Leader of the House would consider this provision again. This falls within another Minister's area of responsibility, therefore, per-

haps the Leader of the House should seek to report progress in order that the matter may be reconsidered.

Hon. G. C. MacKINNON: I wonder if anyone in the Chamber can help me, because the parent Act has been amended numerous times and I do not have an up-to-date copy of it.

Hon. D. K. DANS: I intend to report progress, because we have all the time in the world to deal with this matter. I am looking at page five of the Builders' Registration Act No. 39 of 1980 which was reprinted on 10 February 1981, and which has been amended 18 times.

The Bill seeks to amend that Act and results from consultation between the Government, the building industry, and the Master Builders Association of WA. It is not a party political Bill. We have time to consider and discuss the provisions and I shall report progress in order that I may consult with the Minister.

Progress

Progress reported and leave given to sit again, on motion by the Hon. D. K. Dans (Leader of the House).

GENERAL INSURANCE BROKERS AND AGENTS AMENDMENT BILL

Second Reading

Debate resumed from 18 October.

HON. G. E. MASTERS (West) [9.06 p.m.]: The Opposition does not oppose the Bill. It was agreed to in another place and the proposition contained in it is reasonable and has always been supported by the Opposition.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. Lyla Elliott) in the Chair; the Hon. D. K. Dans (Leader of the House) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Schedule amended—

Hon. P. H. WELLS: The provision in this clause is contained in a number of other Bills. It relates to the submission of a panel of names to the Government of the day from which it makes a selection. This principle is incorporated in a number of pieces of legislation. I do not question it.

However, the provision says "a panel of the names of not less than 3 individuals" shall be submitted to the Minister. Previous legislation we have dealt with has referred to three names being submitted. When the Government refers to "not less than three" names being submitted, does it mean the Government can decide to ask for 10 names, or does it mean, as I understand it, that even if the Government asks for 10 names, the legislation requires that not less than three shall be submitted and three names are all that is necessary to be provided to the Minister?

Hon. D. K. DANS: When one calls for nominees, the Act says exactly what it means; that is, not less than three names shall be submitted. This is not an unusual provision. Twenty names could be submitted, but the minimum is three.

Hon. P. H. Wells: The Government could not require 10 names?

Hon. D. K. DANS: No. The Government simply calls for names and the organisation might decide that, as a number of people are interested in the matter, it will submit 20 names. However, the Government is saying, "Please give us three names so that we can pick one".

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

ACTS AMENDMENT AND REPEAL (INDUSTRIAL RELATIONS) BILL

Second Reading

HON. D. K. DANS (South Metropolitan—Leader of the House) [9.12 p.m.]: I move—

That the Bill be now read a second time.

Western Australia's industrial laws do not provide an adequate framework for the prevention and resolution of industrial conflict.

The shortcomings in the present Industrial Arbitration Act are the cause of many industrial disputes rather than the means by which they are resolved.

The reason for this phenomenon is that the Opposition, when in Government, used industrial laws not for the purpose of seeking the development of permanently improved industrial relationships, based on goodwill, but to increase the divisions between the parties directly involved.

Amendments to industrial laws under the previous Government were used to arouse anti-union

feeling in the community which it was believed would rebound to the benefit of the Liberal Party electorally.

The best illustration of this point is the amendment to the Industrial Arbitration Act in 1982 which resulted in the insertion of part VIA.

Part VIA was roundly condemned by industry, employers, and unions. However, the Liberal Party saw electoral advantage in inflicting these provisions on an unwilling industrial community. The reasoned judgment of the Western Australian population on these antics was delivered on 19 February and saw the Liberal Party thrown out of office.

The Labor Party offered to the people of Western Australia a fresh new approach to the State's industrial laws.

We do not believe that any series of amendments to the State's Industrial Arbitration Act can properly and responsibly be presented as the universal panacea for the industrial relations problems confronting the State.

It is possible, however, to achieve an environment in which the industrial relations participants are encouraged to resolve their differences in a manner which minimises disruption and inconvenience to the community at large.

This Government sees its role in industrial relations as fostering the creation of that environment.

One practical way to achieve that end is to rewrite the Industrial Arbitration Act to accord with those views of unions and employers which are consistent with an orderly, rational, and fair industrial relations system, while at the same time ensuring that the broader interests of the community are safeguarded.

Our aim is to avoid the confrontation and imposition of ill-conceived policies on unwilling parties which were central to the industrial relations policy of the previous Government.

Instead, as soon as we became the Government, we set about establishing links with the employers, unions, and other persons involved in industrial relations so that the necessary decisions could be preceded by consultation and based, as far as was possible, on consensus.

Appreciating that when in Government we would be required to quickly undo much of the damage caused to industrial relations by the then Liberal Government, the ALP formulated a green paper on industrial relations.

That green paper was discussed with employers and trade unions and received widespread community support. It contained a number of specific commitments to reform the industrial arbitration system. In addition, the Labor Party clearly enunciated its policies on the prevention and settlement of industrial disputes and industrial relations in general.

Consistent with and central to the thrust of Labor Party policy was the proposal to establish a permanent process of tripartite consultation on significant industrial relations matters. The policy provides—

> Once in power Labor will establish a permanent tripartite council which will consider and report to the Government and, if necessary, the Parliament, on legislative priorities, reforms and administrative steps necessary to improve industrial relations in Western Australia.
>
> While having its own views and electoral obligations; a Labor Government will, nonetheless, adhere to this consultative process and seek consensus.
>
> Employers and unions will be expected to do the same.
>
> When an agreement is reached immediate steps will be taken to implement it. If, despite exhaustive effort, there is disagreement in whole or in part and resort to independent inquiry is not appropriate, a report of each organization's position and views shall be made to Parliament.
>
> Labor does not in any way resile from its fundamental responsibility to the electorate. However, it recognises that business and unions are important elements in the social and industrial process. Progress and stable Government requires that they must be treated as such.

An interim tripartite committee was formed in April 1983 for the purpose of discussing the Industrial Arbitration Act and changes which were necessary. The tripartite committee met on seven occasions between 13 May and 8 July. The committee—

> called for submissions from the public in open advertisement;
>
> wrote to interested organisations seeking general submissions;
>
> wrote to particular individuals and organisations seeking their response to a number of specific questions being considered by the committee; and
>
> gave detailed consideration to the submissions, replies and background papers presented to it.

In total 114 submissions were received from members of the public and organisations. Agreement was reached on a large number of issues before the committee.

While the tripartite committee was considering the vital questions of who should have access to the Industrial Commission and what matters ought to be capable of arbitrated settlement, the High Court delivered its landmark decision in the social welfare union case. That decision reversed 60 years of restrictive High Court decision-making limiting the class of employee who had access to the Commonwealth commission.

The effect of the decision will be to give access to the Commonwealth commission to many employees currently excluded. It may also mean that the range of matters considered to be "industrial matters" may be expanded by that decision. The High Court stated—

> It is, we think, beyond question that the popular meaning of "industrial disputes" includes disputes between employees and employers about the terms of employment and the conditions of work. Experience shows that disputes of this kind may lead to industrial action involving disruption or reduction in the supply of goods or services to the community.
>
> We reject any notion that the adjective 'industrial' imports some restriction which confines the constitutional conception of 'industrial disputes' to disputes in productive industry and organized business carried on for the purpose of making profits. The popular meaning of the expression no doubt extends more widely to embrace disputes between parties other than employer and employee, such as demarcation disputes, but just how widely it may extend is not a matter of present concern.

This expanded Federal approach should be followed at a State level in order to ensure greater consistency between tribunals.

The ALP-ACTU prices and incomes accord, the economic summit communique and the most recent national wage case have all highlighted the importance and desirability of greater co-ordination and consistency between State and Commonwealth industrial relations systems.

In addition to the High Court decision in the social welfare union case and the growing need for Commonwealth-State co-operation in industrial relations, the Government and the tripartite committee used the 1978 report of the then Senior Industrial Commissioner, E. R. Kelly, as an important recent inquiry into the Industrial Arbitration Act. Many of the recommendations of Mr Kelly are incorporated in this Bill.

The tripartite committee was aware of the express policy commitments of the Government, for which I believe we have a mandate from the people of Western Australia. In relation to industrial arbitration that policy provides—

> Consistent with its objective Labor will amend the Arbitration Act to promote consultation as the prime method of dispute settlement and wage and employment conditions determination. In doing so Labor recognises that the existence of an Arbitration System is essential to good industrial relations as long as it reflects the principle of justice and equity and that one side, employer or union, is not weaker than the other.
>
> Specifically, Labor will—
>
> 1. Broaden the definition of "industrial matter" to give jurisdiction to the Arbitration Commission to deal with any matter which gives rise to industrial disputation;
> 2. Enhance the jurisdiction of the Arbitration Commission to enable it to deal with all who stand in an employee relationship with their employer. Without limiting the generality of that definition jurisdiction will be conferred on the commission to deal with agricultural, pastoral and domestic workers, sub-contractors, teachers and academics;
> 3. Require any party purporting to represent the public interest to first establish before the commission what that public interest is and whether on the basis of it, intervention should be granted;
> 4. Ensure that awards and/or agreements cannot be varied or interferred with other than by those party to them;
> 5. Require that unions are free to conduct their affairs as long as they conduct them democratically;
> 6. Guarantee to individuals who believe they are being adversely affected by union rules, the right to seek legal remedy;
> 7. Eliminate harsh and unworkable penalties;

Hon. G. E. Masters: I suppose that means all penalties.

Hon. D. K. DANS: Wait and see. I said, "Harsh and unworkable". To continue—

8. Amend the Promotions Appeal Act to give government employment promotional justice;
9. Enable unions who, within the terms of their constitution and rules, have decided to amalgamate, to do so by unifying their constitutions; always provided that any qualification or arrangements made between any of the amalgamating union and other unions will be *mutatis mutandis* maintained;
10. Confine industrial matters to industrial law and insulate the industrial field from the intrusion of other legislation which does not have industrial purposes, such as the Trade Practices Act and actions for tort;
11. Re-introduce the power of the industrial commission to grant the inclusion of "preference to union members" clauses in awards.

The report of the tripartite committee is tabled for the information of members. That report is comprehensive and sets out the detailed deliberations of the committee and contains the submissions received from the peak organisations involved in industrial relations in this State. The report also lists other persons who were approached to provide submissions and those who did.

I would like to record my sincere appreciation of the work done by the members of the tripartite committee. I express the hope that the legislation before the House, which represents the fruits of their labour, adequately reflects the commitment, energy and dedication with which they approached their task.

Tabling of Paper

Hon. D. K. DANS: To assist members in reading the Bill I now table a detailed clause by clause explanatory memorandum.

The paper was tabled (see paper No. 462).

Debate Resumed

Hon. D. K. DANS: I turn now to refer in more detail to the changes proposed.

Title—

Consistent with the preferred use of conciliation as a means of preventing and settling disputes between employers and employees, the title of the Act has been changed to the Industrial Relations Act. The use of this title also reflects the wider range of employees who will have access to the commission. Teachers employed by the Minister for Education under the Education Act, Government officers and railway officers will come within the commission's jurisdiction from now on. Similarly, the commission will be retitled the Western Australian Industrial Relations Commission.

Commonwealth-State Industrial Relations Systems—

The ACTU-ALP prices and incomes accord and what has flowed from it have emphasised the need for a greater co-ordination and degree of co-operation between the Commonwealth and State industrial relations systems.

Section 6 of the Act is proposed to be amended to adopt as the objects of the Act, those objects which apply in the Commonwealth Act. Two significant additions to those Commonwealth objects are—

(i) Seeking to encourage communication, consultation and co-operation between Commonwealth and State industrial relations systems; and

(ii) a qualification to the object relating to encouraging union registration, which has the effect of avoiding overlapping union coverage of employees; it is hoped that this may assist in avoiding damaging interunion demarcation disputes in the future.

The second significant addition to the act relating to Commonwealth-State industrial relations systems is in Part IIC—Arrangements with Other Industrial Authorities. This part enacts the provisions of the Commonwealth Complementary Industrial Relations Systems Bill, which was introduced into the Federal Parliament by the Fraser Government but not proceeded with before the 5 March Federal election.

This legislation was developed by the Commonwealth-State Departments of Labour advisory committee working party on complementary industrial relations systems established by the Ministers for Labour advisory committee. The Federal Labor Government intends proceeding with that legislation. The States of Queensland and New South Wales have already passed amendments to their State industrial relations Acts along similar lines.

Those sections of part IIC which relate to conferences with other industrial authorities were included following a decision taken at a heads of industrial tribunals conference earlier this year. Each of these provisions will assist in obviating the significant disabilities imposed on industrial

relations by the joint and overlapping operation of the State and Commonwealth systems.

Definition of "Employee"—

The previous Government legislated to expand the definition of "employee" into the area of owner-drivers and subcontractors. This extended definition of "employee" had its origins in the report of the senior industrial commissioner, Mr Eric Kelly, who said—

> Common law tests for determining whether a relationship is one of employer and employee or one of employer and independent contractor are often less than satisfactory in the modern industrial relations context and I am satisfied that a need exists for the commission to be able to declare certain contracts or pseudo-contracts to be contracts of employment for the purposes of the Act where it is apparent that they are harsh and unconscionable or designed to avoid the conditions of awards which would otherwise be applicable.
>
> Similar powers have existed in the industrial laws of Queensland and New South Wales for many years (see definition "employee" in section 5 of the Queensland Industrial Conciliation and Arbitration Act and sections 88C, 88E and 88F of the New South Wales Industrial Arbitration Act).

It is a matter of record that the commission and the Industrial Appeals Court found that the words used in the expanded definition of "employee" had a very limited application—see TWU *v.* Readymix 61 WAIG 1705.

This Bill seeks to extend the definition of "employee" in a meaningful way to include—

(i) any person performing work under a contract for services for labour only or substantially for labour only;

(ii) any person who is the lessee of tools of production used in the performance of work by that person; and

(iii) any person who is the owner of a vehicle used in the performance of work by that person.

The Bill excludes certain corporate and employment arrangements from determination of the question whether a particular person is an employee for the purposes of the Act.

To complement the expanded definition of "employee", section 80ZF gives the commission power to declare void any contract whereby a person performs work if that contract is unfair, harsh, against the public interest or avoids award conditions. This provision is taken from section 88F of the New South Wales Industrial Arbitration Act. It will ensure that employment-related contracts which are inherently unfair can be corrected by an equity based tribunal.

The definition of "employee" is to be extended to include the following classes of person currently excluded—

academic staff of post-secondary education institutions;

some domestic employees;

employees of the Parliament and the Governor;

railway officers;

teaching staff of the Education Department; and

public servants.

Definition of "Industrial Matter—

The definition of "Industrial Matter", which is the basic source of the commission's power, is proposed to be extended by—

(i) removing those unnecessary and disruptive exclusions which were inserted by the previous Government, including—

benefits for injured workers;

union membership;

housing rentals;

collection of union dues; and

matters of management prerogative.

(ii) specific legislative additions to the definition of industrial matter such as—

in relation to union subscriptions, the ratification of an agreement or restoration of a practice of deduction become industrial matters;

membership or non-membership of an organisation becomes an industrial matter, but the commission is prevented from making any general order on the subject and all existing preference clauses are repealed from awards.

Legal Form and Technicalities—

One of the consistent views presented by all parties to the tripartite committee was the need to distance the resolution of industrial conflict from legal form and technicalities. One change which reflects that position is the altered requirements for appointment to the position of president and the status and style which go with the position. By this Bill, future appointees to the office of president will be required to be legally qualified but

the position will not attract judicial style and status.

The conditions for appointment of chief commissioner have been modified to delete the legal qualification requirement and place emphasis on experience at a high level in industrial relations. Elsewhere in the legislation this idea is further advanced.

Resolution of Conflict-Conciliation—

The Bill has as its central theme the resolution of industrial conflict at its source by discussion, conciliation and, if all else fails, by arbitration. In section 32 an obligation will be placed on the commission to attempt to resolve any conflict or disagreement by conciliation. In this respect, several amendments to this Act are modelled on provisions in the Commonwealth Act.

The commission will be empowered, in endeavouring to resolve a dispute by conciliation, to—

(a) arrange conferences;

(b) give directions and make orders to prevent a deterioration of industrial relations and to enable conciliation or arbitration to resolve the matter;

(c) by order, encourage the parties to divulge attitudes or information which would assist in the resolution of the matter; and

(d) do all things right and proper to assist the parties to reach agreement for settlement of the matter.

A section 32 "conciliation order" will be designed to deal with the cause of conflict and disputation—not as does the current legislation, with its effect. Section 45 has become a discredited and inefficient provision in the Act and is accordingly to be repealed.

It is imperative that all parties abide by conciliation orders. Failure to accept the authority of the commission reduces the credibility of the system and creates community dissatisfaction with the system of conciliation and arbitration. The continued use of some form of enforcement of commission orders is therefore necessary in the continuation of an effective industrial system.

Accordingly, those parts of section 45 relating to orders and their enforcement which are compatible with the approach outlined are retained in section 32 and are turned to the support of a conflict resolution system based on conciliation.

The Act is proposed to be amended to remove the current limitation on the commission's power to determine a fair date from which any decision it makes will apply, and to generally streamline the operation of the commission in its dispute-preventing and settling role.

Public Sector Discipline—

A new section 51A relating to public sector discipline is to be inserted. This provision enables the commission to make general orders covering employees of public authorities. The general order would be envisaged to cover matters relating to discipline, termination of employment, natural justice and procedures to be followed. Any employee covered by disciplinary provisions in other Statutes will be excluded from such general orders.

Union Registration—

The amendments proposed to the Act seek to simplify and streamline the procedures to be followed relating to union rules, registration and control of unions by the members. The amendments seek to avoid overlapping coverage by unions which has given rise to lengthy and expensive litigation and disputation.

The provisions relating to amalgamation have endeavoured to encourage unions to amalgamate subject to the wishes of their membership. Currently, 68 unions are registered under the State Act. Of these, 40 unions have less than 1 000 members and only five of those unions have more than 10 000 members.

It is important for the operation of the State's industrial relations system that both unions and employers have adequate resources and operate from a position of equality. The fragmentation of the union movement has mitigated against this development of a balance.

The reforms proposed will remove most impediments to amalgamation for those organisations desiring to amalgamate, and should result in a more effective union movement. These proposals had the full support of the industrial relations tripartite committee.

Constituent Authorities—

The Government School Teachers Tribunal, Public Service Arbitrator, Railways Classification Board and Promotions Appeal Board have each been abolished and re-enacted as divisions of the commission.

In relation to teachers, the tribunal will cover all teaching staff employed by the Minister for Education. The constitution of the tribunal is not significantly changed. There has been an addition to jurisdiction and decisions of the teachers tribunal may now be appealed to the full bench of the commisision. The chairman of the tribunal will be a commissioner appointed by the chief commissioner and the tribunal will generally fol-

low the same procedures and exercise the same powers as the commission.

In relation to the Public Service Arbitrator, essentially the same format has been followed. In addition, those salaried employees of public authorities who, for historical reasons have not been classified as Government officers, will in future be dealt with by the Public Service Arbitrator division of the commission. This will ensure greater uniformity of treatment for salaried employees of all public authorities.

The Public Service reclassification appeal system is to be replaced by a right to apply to the commission to review the salary and classification of any position within the principles of wage determination set by the commission. As a necessary consequence of having this division of the commission regulate all salaried employees of public authorities, access to this division of the commission will be open to organisations other than the Civil Service Association. For the purposes of medical practitioners in public hospitals only, the Australian Medical Association is given the same standing as any other organisation.

The Railways Classification Board is altered only by a commissioner becoming chairman rather than a magistrate, and appeal rights to the full bench.

The abolition and re-enacting of the Promotions Appeal Board as a division of the commission will bring together promotions within the various public authorities from a currently fragmented system. One central promotions appeal system for all public authorities which cuts across barriers based on the class of worker involved is proposed.

Decisions of the commission constituted by the Promotions Appeal Board will not be appealable. The provisions contained in the Bill are generally a modification of the current Promotions Appeal Board legislation and the relevant provisions from the Public Service Act.

Inquiries—

The commission will be empowered to inquire into any report to the Minister on any matter which may affect industrial relations which has been referred to it by the Minister.

A similar power exists in the Queensland Conciliation and Arbitration Act and in the New South Wales Industrial Arbitration Act and was recently used to conduct an inquiry into and report on retail trading hours in New South Wales.

Enforcement of Awards, Orders and the Act—

The industrial magistrate is to be confined to enforcement of orders and awards which relate to a contract of employment. The enforcement of provisions of the Act and orders of the commission made in conciliation proceedings or union rule observance proceedings will be dealt with by the full bench of the commission. The time within which proceedings before the magistrate, and the period in respect of which underpaid wages may be recovered will be aligned with the provisions of the Commonwealth Act.

The Local Court action for recovery of a debt, which is similar in substance to an action for breach of award, has the same time constraints as are now proposed for award breaches before the industrial magistrate.

Penalty Provisions—

In order to give effect to the requirements of the Act, a two-tier enforcement structure has been proposed. Section 84A will enable any contravention or failure to comply with the Act, conciliation order or order in relation to observance of union rules, to be dealt with by the full bench in what is primarily a conciliatory role. It is hoped that the need for penalty provisions will become unnecessary after conciliation proceedings before the full bench.

Section 84B allows for the deregistration of organisations where the full bench is satisfied that the objects of the Act would be better served by cancelling registration. This is a weapon of last resort which desirably will be used only when all other measures have failed.

Exemption from Union Membership—

Section 97 substantially accepts the recommendations of the Kelly report relating to exemption from union membership and merely requires the payment of the equivalent of union dues to consolidated revenue with no requirement to establish a "conscientious" objection to union membership. This provision is necessary as a result of the repeal of part VIA and the expansion of the definition of industrial matter to include matters related to union membership.

General—

Generally the provisions of this amending Bill seek to improve the efficient operation of the Act. Those unworkable provisions inserted by the previous Government to give expression to its peculiar ideological bent have been unceremoniously done away with and, where appropriate, replaced by arrangements which people involved in day to day industrial relations believe will work. I table the report of the interim preparatory committee and I commend the Bill to the House.

The paper was tabled (see paper No 463).

Debate adjourned, on motion by the Hon. G. E. Masters.

EXOTIC STOCK DISEASES (ERADICATION FUND) AMENDMENT BILL

Second Reading

Debate resumed from 18 October.

HON. P. H. LOCKYER (Lower North) [9.41 p.m.]: The Opposition supports this Bill and in fact welcomes it. The Bill seeks to bring Western Australia into line with the other States and makes it quite clear that foot and mouth disease should be eradicated.

I bring to the attention of the House a report this week that one of our near neighbours, the island of Sumatra in Indonesia, had a serious outbreak of foot and mouth disease. While we welcome this legislation, I would not like anyone to think that we need not place so much importance on the eradication of the disease.

Recently the Federal Government has been concerned about CSIRO experiments and research on foot and mouth disease. That work has been brought into question by the Federal Parliament. I realise the grave concern people have about this disease, but I think it is important also that these experiments, such as those carried out by the CSIRO, should continue.

We should continue to make every method available so that we can become a world leader in the eradication of this disease which has held back the livestock production of so many countries close to us.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

LIQUOR AMENDMENT BILL

Second Reading

Debate resumed from 25 October.

HON. G. E. MASTERS (West) [9.45 p.m.]: The Opposition has no opposition to this Bill. It simply seeks to correct an anomaly and is presented at the request of the Retail Traders Association of WA (Inc.) and the licensed stores.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

ACTS AMENDMENT (TRADE PROMOTION LOTTERIES) BILL

Second Reading

Debate resumed from 25 October.

HON. G. E. MASTERS (West) [9.48 p.m.]: Once again the Opposition has examined this Bill and has no opposition to its being passed through this House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

FRIENDLY SOCIETIES AMENDMENT BILL

Second Reading

Debate resumed from 27 October.

HON. JOHN WILLIAMS (Metropolitan) [9.52 p.m.]: The Opposition has no objection to the Bill and supports it.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

PUBLIC AND BANK HOLIDAYS AMENDMENT BILL

Second Reading

Debate resumed from 4 August.

HON. G. E. MASTERS (West) [9.54 p.m.]: I fully understand the Government's proposal with respect to the proposition put forward. The previous Government decided that the Queen's Birthday and the Royal Show public holiday should fall on the same day. The Queen's Birthday holiday was normally held on the second Monday in October and the Royal Show public holiday was held on the first Monday of the show week. It was decided that the holiday should still be called the Queen's Birthday holiday. I understand that the Government has proposed to incorporate this in the legislation, but it does not seem to be working the way the Government proposes.

I noted with some interest in the Minister's second reading speech that he made one or two statements that seemed to conflict and I will quote them. He said—

> As the position now stands, it is necessary to proclaim the holiday each year to coincide with the show, bearing in mind that the first Monday will fall on 3 October 1983; 1 October 1984; 30 September 1985; 29 September 1986, and 5 October 1987.

Therefore, there were difficulties. He continued—

> The variance in the date shown in the second schedule—the second Monday in October—to the actual celebration has led to confusion and misunderstandings.

The following quote refers to the question that I wish to raise. It reads—

> Manufacturers of diaries and calendars and many organisations rely on the present wording of the second schedule as a firm guide in identifying the actual day of the holiday.

I understand that it would be absolutely necessary for the holiday to be designated well and truly in advance—12 months in advance. Clause 2 of the Bill reads as follows—

> Celebration Day for the Anniversary of the Birthday of the Reigning Sovereign (day to be appointed annually by proclamation published in the *Government Gazette* at least 3 weeks before the day so appointed).

In his second reading speech the Minister said that there needs to be ample time for those people producing diaries and the like to be told of public holidays. One would have thought the legislation would have stated that the proclamation be published well in advance, but in fact it states that it should be published three weeks in advance. I would imagine it would be proclaimed in advance, but ample notification needs to be given for the reasons explained in the Minister's second reading speech. I believe that the time given is not enough. I accept that there will be ample notification, but it seems that the argument cannot be supported in the second reading speech and perhaps a mistake has been made.

I can understand what the Government is trying to do and I am glad to see that it supports the previous Government's proposal that there should be one holiday instead of two.

It is not stated in the legislation that the Queen's Birthday holiday shall be held during the Royal Show week. It says that the celebration day for the anniversary of the reigning sovereign shall be appointed annually by proclamation published in the *Government Gazette*. I would have thought the Bill would have stated that the Queen's Birthday holiday should be held during the Royal Show week.

I am not opposing the Bill, but am suggesting that the second reading speech does not fall into line with my reading of the legislation. It is only a simple piece of legislation but it does not necessarily fulfil those commitments given in the second reading speech. I have some strong reservations about the wording of the legislation and would be interested to hear the Minister's comments.

Question put and passed.

Bill read a second time.

PARKS AND RESERVES AMENDMENT BILL

Second Reading

Debate resumed from 18 October.

HON. P. G. PENDAL (South Central Metropolitan) [10.01 p.m.]: The Opposition is prepared to co-operate with the Government on this Bill and it does so with some reservation in the case of the first amendment.

The Bill has two principal amendments, both of which deal with offences. The first specifically deals with the use of radar guns in Kings Park by rangers employed by the board, and the second relates to the Justices Act. On the second point the amendment intends to bring the Act into line with the Justices Act, and we see no great difficulty with that.

There has been some discussions within the Opposition parties as to the good sense of an amendment which provides for rangers employed by the Kings Park Board to use radar guns. The previous Government held the viewpoint, not shared by the

present Government, that the use of radar and other devices was best confined to the Police Force. Although that view was held by the previous Government it was not necessarily held by me. There are many occasions in our Statute books where it can be shown that the Legislature has given police-type power to people in occupations other than the Police Force. Therefore, if one accepts that the precedent has been set on many occasions when non-Police Force personnel are exercising police-type powers, to be consistent one must agree that the Government is entitled to come to the Parliament and ask for this amendment to the Parks and Reserves Act.

One of the questions that crossed my mind relates to the safety of children in Kings Park. Members would be aware that by its very nature the park attracts numerous young people, in particular children, from all over the metropolitan area and the State. It is something the Kings Park Board has encouraged over the years. Indeed, I think the board is owed a debt of gratitude by this Parliament for the way in which it has preserved one of the most magnificent nature sites anywhere in Australia. It is a nature reserve which stretches back to the last century; it even pre-dates the conservation movement which became a force in this country in the 1970s.

The Kings Park Board has done a splendid job over a period of many years and is now asking for confirmation of powers currently exercised by its rangers. I think that should be understood by members of Parliament. Radar devices have been used by the rangers for some time, but there has been doubt as to the acceptability of the evidence gained by the rangers when using them.

I take the view that because the park attracts large numbers of children it simply does not make sense not to have some strict enforcement of the speed safety limits. There should be not only strict enforcement but also the wherewithal for the board and its rangers to take some punitive action against people who disregard the rules. Motorists put the park in jeopardy when they speed and run the risk of causing accidents, thus bringing about the greatest danger of all to the park; that is, the fear of bushfires. Leaving property aside for one moment, a danger exists for the thousands of young children and adults who visit the park in any one week, particularly during the summer.

It is on that basis that I offer my support to the Bill; but I do so in the knowledge that there are members in the Opposition ranks who are reluctant to support the Bill. Even while in Government they were reluctant to extend police-type powers to people other than those who wear the police uniform. That argument does not impress me as much as the argument that the Government rightly presents on behalf of the Kings Park Board; that is, the provision of a protective device with regard to the safety of children. I have indicated that the second part of the amendment which extends the period in which proceedings against offenders can be commenced from the current three months to six months, is supported by the Opposition without reservation.

I understand the extension of that period brings it into line with the Justices Act. We have no difficulties with that amendment and any difficulties we might have with the first part, as I have explained, are overcome largely from the point of view of safety. I indicate my intention to support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

House adjourned at 10.11 p.m.

QUESTIONS ON NOTICE

HEALTH: MENTAL

Review: Borderline Cases

649. Hon. JOHN WILLIAMS, to the Attorney General:

(1) In the review of Mental Health Services by Professor Eric Edwards, is the Attorney General's department going to make any recommendation for an in-depth examination of the borderline areas of responsibility, medical or legal, for the mentally ill in the criminal justice system?

(2) If not, would the Attorney General consider putting recommendations to that committee?

Hon. J. M. BERINSON replied:

(1) and (2) The criminal responsibility of those who are mentally affected is not a concern of the review by Professor Edwards.

However, recommendations on this question have been made in the Murray review of the Criminal Code. These are currently open for public comment and will be considered as soon as possible.

RECREATION: YACHTING

Marina: Government Funding

652. Hon. P. G. PENDAL, to the Leader of the House representing the Premier:

(1) Has the Premier seen the letter published in *The West Australian* of 2 November under the name of the past Commodore of the Fremantle Sailing Club, Corrin Caine?

(2) Is it correct that the Premier has promised to fund or part-fund a multi-million dollar marina in conjunction with the Royal Perth Yacht Club?

(3) Will the Premier initiate talks with the Royal Perth Yacht Club to discuss the idea of using Success Harbour for the defence of the America's Cup, as suggested by the Fremantle Sailing Club?

(4) Does not the offer by the Fremantle club make good economic sense, especially in light of the revelation that the Success Harbour Marina can be extended to accommodate a further 500 boats with minimal expense?

Hon. D. K. DANS replied:

(1) Yes, and also the response by past Commodore Carlisle describing Mr Caine's statement as "ill considered".

(2) No. The basis on which the proposed marina might be constructed has not been finalised.

(3) and (4) Discussions have already been held with the Royal Perth Yacht Club which has advised the need for facilities for the effective defence of the America's Cup in 1986-87. Discussions have also been held with the flag officers of the Fremantle Sailing Club.

No conclusion has been reached.

HEALTH

Home Care Schemes

653. Hon. LYLA ELLIOTT, to the Attorney General representing the Minister for Health:

(1) Can the Minister advise the total amount of funding available to the State from the Commonwealth for home care schemes under the States Grants (Home Care) Act for this financial year?

(2) How much has the State Government allocated to this area for the current year?

(3) What are the guidelines for eligibility for—

(a) local government; and

(b) other community organisations?

(4) Have local government authorities been made aware of the availability of these funds?

(5) How many local government authorities have applied for funds for home care schemes?

Hon. J. M. BERINSON replied:

(1) $1.420 million.

(2) $1.420 million.

(3) (a) and (b) The States Grants (Home Care) Act was introduced in 1969 to—

(i) provide or to encourage the States to provide services for the aged and needy;

(ii) encourage the States to provide funding or a certain level of contribution for this important programme;

(iii) develop services primarily, but not exclusively, for the aged; and

(iv) integrate as many services as possible with senior citizens' centres in order to co-ordinate services for the aged.

Therefore, before a "home care service" can be approved for Commonwealth financial assistance, the service must—

(i) provide approved in-home assistance, wholly or mainly for the aged, i.e. 75 per cent or greater, such as—

(a) homemaker or domestic assistance, such as cooking, cleaning, etc.;

(b) shopping;

(c) home handyman;

(d) visiting, etc.;

(ii) to be eligible for assistance, the service must be conducted by a community welfare organisation—non-profit—local government, State Government, or any combination of the three.

The State Government must recommend the service for approval; that is, the State Government receives applications for assistance, ensures the organisation is eligible and that it provides a useful service, and recommends approval of the service to the Commonwealth Minister for Social Security.

Subsidy is payable on a cost-sharing basis—i.e. $1 for every $1 contributed by State—on net operating cost.

An organisation should, as far as possible, be self-supporting. Accordingly, it is expected that a "fee for service" will apply, subject to a person's ability to pay.

All applications for assistance will be assessed according to their individual merit. Due regard will be given to the type(s) of service to be provided, need for the service, and the area to be serviced in order to avoid duplication of services.

(4) The Act has been in existence and grants have been available since 1969 and there have been Press releases from Federal and State Ministers on many occasions since then.

In addition, meetings have been held between the departmental officers and the Western Australian Council of Social service, the local government welfare association and many other interested community groups.

(5) There are no direct applications by local government authorities for funds under the Act. However, local government authorities do sponsor and support projects in their area.

654, 657 and 673. *These questions were further postponed.*

LOTTERIES

Sports: America's Cup Defence

675. Hon. TOM McNEIL, to the Attorney General representing the Premier:

(1) Would the Minister advise whether it is the Government's intention to run a sports lottery in order to generate funds to assist in the defence of the America's Cup?

(2) If "Yes", is it intended that the lottery be run, controlled and tickets sold only within Western Australia?

(3) If "No" to (2), is it intended to be a national sports lottery in which all States participate?

Hon. J. M. BERINSON replied:

(1) to (3) As I have indicated publicly I can see merit in the proposal that a sports lottery be run to generate funds to assist in the defence of the America's Cup.

The details are under consideration and an announcement will be made at the appropriate time.

676. *This question was postponed.*

ANIMALS

Dogs: Baiting

683. Hon. P. H. LOCKYER, to the Leader of the House representing the Minister for Agriculture:

(1) When Paggi Aviation and Perth Air Charters tendered for the aerial dog baiting contract in the Pilbara, did they specify in their original tender that they would use a Britten Norman Islander aircraft?

(2) Did the Tender Board advise Tropic Air Services Pty. Ltd. that they no longer required that type of aircraft?

Hon. D. K. DANS replied:

(1) Paggi Aviation—No.

Perth Air Charter—Yes.

(2) No.

STOCK

Sheep: Exhibition and Auction

684. Hon. D. J. WORDSWORTH, to the Leader of the House representing the Minister for Agriculture:

(1) Under which Act is it necessary for all sheep brought into the State for the purpose of exhibition or auction be shorn before delivery?

(2) Under which Act is it necessary that the fleeces off these sheep be sold separately from wools shorn off the State's flocks?

Hon. D. K. DANS replied:

(1) Agriculture and Related Resources Protection Act. Regulation 6 (2) of the agriculture and related resource (declared plants and restricted animals) regulations 1982 requires sheep carrying 20mm or more of wool to be shorn on arrival in Western Australia unless an inspector is satisfied that no prohibited material is present.

(2) Regulation 9 of the same regulations provides for the wool to be baled and marked and to remain under the control of an inspector until exported or disposed of.

WATER RESOURCES

Dam: Upper Helena River

685. Hon. N. F. MOORE, to the Leader of the House representing the Minister for Water Resources:

It was reported in the *Kalgoorlie Miner* of 8 November 1983 that the Government has plans for the building of a new dam on the upper Helena River.

Will the Minister advise whether this is a correct report, and if so—

(a) when construction of this dam will commence;

(b) the estimated capital cost of building the dam;

(c) the estimated capacity of the dam;

(d) the estimated daily volume of water that will be available to the goldfields from this dam; and

(e) whether an additional pipeline will be needed to the goldfields, and if so, what this is expected to cost?

Hon. D. K. DANS replied:

The report is not correct. Some investigations for the construction of a dam on the upper Helena were carried out in 1970-71 but the Government has no current plans to build a dam at this site.

GAMBLING

Casino: Referendum

686. Hon. P. G. PENDAL, to the Leader of the House representing the Premier:

(1) Will the Premier reconsider his previous stand and permit a referendum on the question of a casino in Western Australia?

(2) If not, why not?

Hon. D. K. DANS replied:

(1) and (2) Cabinet has formed a subcommittee under which a Government casino advisory council has been established to examine and report on the general question of the establishment of casinos in WA.

The Cabinet subcommittee is awaiting the report of the advisory council.

LOCAL GOVERNMENT

Local Authorities Assistance Fund: Phasing Out

687. Hon. H. W. GAYFER, to the Minister for Mines representing the Minister for Local Government:

(1) As local authorities were advised on 22 January 1982 that the local authorities assistance fund would be phased out over a three-year period commencing 1982-83, could the Minister inform the House whether that is still the intention of the incumbent Government?

(2) What is the delay in the dispersal of 1983-84 grants from the local authorities assistance fund?

Hon. PETER DOWDING replied:

(1) Yes.

(2) Following finalisation of the Budget, grants have been calculated and it is expected that cheques will be despatched within the week.

RECREATION

Bibbulmun Track

688. Hon. NEIL OLIVER, to the Leader of the House representing the Minister for Forests:

With regard to the Bibbulmun Track—

(1) Can the Minister advise its northern and southern-most extremities, and the local government areas in which it is located?

(2) Which Government department or departments administer the location through which the track is located?

(3) Is it open to bush walkers and horse riders throughout its entire length?

(4) If "No" to (3), in which areas is it closed, and why?

Hon. J. M. BERINSON replied:

(1) The Bibbulmun Track stretches from Kalamunda in the north to a point near Boorara Tree, 13½ kilometres south-east of Northcliffe. The track passes through the Shires of Kalamunda, Serpentine-Jarrahdale, Murray, Waroona, Harvey, Collie, Dardanup, Donnybrook-Balingup, Nannup, Bridgetown-Greenbushes and Manjimup, and the Town of Armadale.

(2) Forests Department,
Metropolitan Water Authority,
Main Roads Department,
National Parks Authority, and
Public Works Department.

(3) The track is open to bush walkers throughout its entire length but not to horse riders.

(4) The track is closed to horse riders where it passes through disease risk areas proclaimed under the Forests Act, part IVA.

COMMUNITY WELFARE

Institution: Carlisle

689. Hon. P. G. PENDAL, to the Minister for Mines representing the Minister for Youth and Community Services:

(1) Does the Department for Community Welfare own a duplex in Paltrige Avenue, Carlisle, for the purpose of housing wards of the State or other persons under the control of the department?

(2) If so, is the Minister aware that noise and other forms of misbehaviour allegedly emanate from the house to the detriment of nearby residences?

Hon. PETER DOWDING replied:

(1) No. I understand there is a property in Paltridge Avenue Carlisle owned by the anglican health and welfare service.

(2) The Minister is not aware of any alleged misbehaviour.

690. *This question was postponed.*

QUESTIONS WITHOUT NOTICE

ELECTORAL: REFORM

Federal Intervention

167. Hon. G. C. MacKINNON, to the Leader of the House:

The external affairs powers of the Federal Government have recently been highlighted in the court decision regarding the Franklin dam in Tasmania. Last night the Hon. Tom Stephens, with the apparent support of the Attorney General, quite forcibly suggested that those external affairs powers could be invoked if the plans of the Western Australian Government were in any way impeded.

I ask the Leader of the House whether it is the known intention of the Burke Government to ask the Federal Government to interfere in the affairs of this State and to use those powers to force acceptance of the Government's proposals regarding electoral reform?

Hon. D. K. DANS replied:

No.

FUEL AND ENERGY: STANFORD RESEARCH INSTITUTE STUDY

Terms of Reference: New Directives

168. Hon. N. F. MOORE, to the Minister for Fuel and Energy:

In the foreword to the Stanford Research Institute report on the long-term management of energy resources in Western Australia, the following appears—

> Many aspects of the study were discussed and although the original terms of reference were not

changed there were new directives with regard to emphasis.

What were the new directives extended to the inquiry as a consequence of the meeting between senior members of the SRI, the Premier, the Deputy Premier, the Minister for Fuel and Energy, and the Minister for Transport?

Hon. PETER DOWDING replied:

After the Government took office, a series of meetings was held in relation to this initiative. We were aware that the previous Government had embarked on a course of obtaining jobs for very high cost consultants. I think the estimated cost of this report was in excess of $300 000.

We felt that although the choice of consultants and the terms of the inquiry were not for us, we ought to ensure that at least we had some input as to the line of matters on which answers would be sought. I say that without any disrespect to the integrity of the ability of the SRI, which is an internationally renowned and highly thought of organisation.

We were concerned that the steering committee needed to have greater input by way of choice of members; we were also concerned that, apparently in line with the belligerent attitude of the previous Government to trade unions, the unions had not been consulted or included in the discussions about areas clearly affecting them. The issue of structures of government in the decision-making process was a matter that we as a new Government were able to address. In analysing that situation, various matters were raised by the SRI in order to have some attention given to it.

The discussions took place in March, I think, but I do not recall any further detail about them. If the member feels that he wants a more precise answer, I suggest he put the question on notice.