# Legislative Council

Tuesday, the 20th November, 1979

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

## POLICE DEPARTMENT

*Annual Report*

**THE PRESIDENT** (the Hon. Clive Griffiths): I wish to announce that I have authorised the correction of a typographical error in the Police Department Annual Report, 1979, tabled on Tuesday the 18th September, 1979.

The correction which was drawn to my attention by the Minister for Police and Traffic is as follows—

> Page 6, line 4 of the third paragraph of the section, "Cost of Police Protection", the figures "1: 439.66" should read "1: 493.66".

## QUESTIONS

*Questions were taken at this stage.*

## ADJOURNMENT OF THE HOUSE: SPECIAL

**THE HON. G. C. MacKINNON** (South-West —Leader of the House) [4.43 p.m.]: I move—

> That the House at its rising adjourn until 2.30 p.m. tomorrow (Wednesday).

I forecast that I will be moving a special adjournment tomorrow suggesting that the House sit at 11.00 a.m. on Thursday.

Question put and passed.

## METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT BILL (No. 4)

*Second Reading*

Debate resumed from the 14th November.

**THE HON. D. W. COOLEY** (North-East Metropolitan) [4.45 p.m.]: Towards the end of his second reading speech the Minister outlined very clearly the intention of the Bill. Apparently the contribution to the cost of headworks by developers and subdividers after development work has commenced was determined in 1976, and certain action taken after that amendment has not been completely legal. The Bill corrects that matter. The Opposition supports the proposal in relation to the contribution to headworks. We think it is fair and reasonable for all concerned, particularly in cases where land zoned for residential purposes has later had flats erected on it.

The Bill also deals with the minimum and maximum rates which may be charged under the legislation. Because the Bill does not spell out what the charges will be, but leaves them to regulations, the Opposition has decided to oppose the Bill in toto. We think too much scope has been allowed to impose fees by regulation, when they are not subject to approval by Parliament. The reason given for this course of action is that inflation is taking the value out of the various charges imposed under legislation and that somebody must have the power to determine increases when necessary.

It is not a difficult matter to increase charges by amending the legislation so that everybody knows what is going on. When charges are fixed under regulations increases seem to be hidden. It is nothing new for inflation to necessitate adjustments to charges. This has been occurring continually almost since the end of the last war.

The Hon. G. C. MacKinnon: I think I ought to correct you immediately. Only the minimum and maximum rates are being altered, so what you are saying is not quite correct.

The Hon. D. W. COOLEY: Whereas previously the charges were prescribed for certain land, clause 12 of the Bill provides that charges be now prescribed for all land. On that basis alone we oppose the Bill. We think the rates should be set by way of legislation instead of by way of regulations.

**THE HON. G. C. MacKINNON** (South-West —Leader of the House) [4.49 p.m.]: I thank members of the Opposition for their interest in the Bill, but I regret that they have taken that attitude towards a particular aspect of it. I am afraid they have misunderstood the purport of those provisions. Perhaps in the Committee stage I shall be able to explain it in more detail.

Question put and passed.

Bill read a second time.

*In Committee*

The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. G. C. MacKinnon (Leader of the House) in charge of the Bill.

Clauses 1 to 11 put and passed.

Clause 12: Section 146 amended—

The Hon. D. W. COOLEY: I rise to give the Minister an opportunity to explain the import of this clause a little more clearly than he did by

way of interjection. The Act at present uses the words, "and fixing a minimum rate to be paid in respect of land under a prescribed value"; and those words are to be replaced by the passage, "and supplemented rates, and fixing the minimum rates and maximum rates to be payable in respect of any land". At the moment the Act says "prescribed land". I am not as expert as the Minister, and I am not sure what "prescribed land" means.

The Bill means a maximum rate will be payable in respect of any land. What we object to is that this will be done by way of regulation in respect of any land, whereas that wide scope does not exist at present.

The Hon. G. C. MacKINNON: The method prescribed for the fixing of rates has been laid down with great care, and is described in section 90 of the Act, which says the board shall from time to time make and levy water rates in respect of ratable land within the area, whether actually occupied or not. It lays down the method, and goes into great detail. It states the rate must be submitted to the Minister by a specified date. The Act provides also for a minimum rate of $2. That has long since gone by the board, and has not been used for many years. Those are the matters which are to be determined by regulation.

Members will be interested to learn this method is safeguarded by the fact that it will be specified that the rate must be the subject of an Executive Council minute, determined by the Governor. In short, that means a recommendation must be submitted to the responsible Minister who must sign one copy and initial another, and endorse the necessary pages. The minute must then proceed to the Premier for his endorsement and, subsequently, to an Executive Council meeting. Such a meeting consists of the Governor and at least two Ministers. The minute must receive the endorsement of the Governor.

In most cases—there may be exceptions although I do not know of one—where an increase in charges is involved, the matter goes to Cabinet. It is a rather involved procedure, with which Mr Stubbs and Mr Thompson would be familiar. It is hedged by restrictions.

However, this Bill really has nothing to do with the fixing of an ordinary rate; it has to do with maximum rates, minimum rates, and emergency situations.

The Hon. H. W. GAYFER: Is the procedure outlined by the Leader of the House laid down in any Statute or Standing Orders?

The Hon. G. C. MacKINNON: I thought I read it somewhere, but I cannot recall where. I did not refer to Mr Baxter, who also would be aware of it. It is the system which is hedged by the words "agreed by the Governor" and "by the Governor-in-Executive-Council". The procedure is laid down explicitly, but to be quite honest I do not know where. It is the procedure that I learnt. Perhaps Mr Thompson might be able to tell us, although probably he never asked either. Perhaps it is laid down in the Interpretation Act.

The Hon. R. Thompson: I think it all hinges on the responsible Minister and the Treasurer. Any increases must be taken to Cabinet; I think that is where it starts and finishes.

The Hon. G. C. MacKINNON: That is right; it is a practice which has grown up under Cabinet Government. As one would expect, the expenditure and the collection of money must be carefully handled and guarded.

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. G. C. MacKinnon (Leader of the House), and transmitted to the Assembly.

## HEALTH ACT AMENDMENT BILL

*Second Reading*

Debate resumed from the 15th November.

**THE HON. LYLA ELLIOTT** (North-East Metropolitan) [5.01 p.m.]: The Opposition has no objection to this Bill. In essence, it is a validating Bill, like many others which go through the Parliament.

This Bill is designed to make legal actions that have been indulged in by the Government over a number of years and which it formerly thought were legal. In this case, the Bill concerns the imposition of meat inspection fees, and is designed to clarify the existing law.

As I said, the Bill validates the previous collections of meat inspection fees. Apparently it has no effect on the case presently before the High Court which concerns the constitutional position regarding the imposition of these fees. I would have thought such a Bill would have a bearing on that legal action; but the Minister assures us that it would have no effect at all, and we accept his assurance.

I am pleased the Bill will not be used to establish another taxing authority like the SEC and the Metropolitan Water Board. If we look at clause 4, dealing with the new section 240B, we see the following—

> (2) The rates of fees prescribed in respect of any class, description or kind of inspections carried out for the purposes of the meat inspection regulations shall be fixed so that as nearly as may be the proceeds thereof do not exceed the costs of carrying out such inspections.

It will seem that that will not place a further burden on household budgets. I might say that is a pleasant change for this Government.

We support the Bill.

**THE HON. N. E. BAXTER** (Central) [5.03 p.m.]: The story attached to this legislation goes back a few years. It commenced in the time when I was the Minister for Health. When I took over the portfolio problems existed in regard to the costs of inspection of animals slaughtered at abattoirs.

The situation is that within the metropolitan area the Public Health Department appoints its own inspectors to carry out meat inspections; but in country areas the inspections are carried out by health surveyors appointed by the local authorities except in the export abattoirs where Commonwealth Department of Primary Industry inspectors operate, and some local authorities use the DPI inspectors to do the meat inspections. Shortly after I took over, a committee was appointed to consider the problems associated with fees collected for meat inspections. Some shires were losing money because of the conditions laid down or the amounts laid down to be paid by the abattoirs to the local authorities for meat inspections.

The committee suggested that the abattoirs in the State be divided into three zones—A, B, and C—and that there be various charges ranging from $1 to $1.20 in respect of large cattle, with lower charges for sheep, pigs, goats, and other small stock. This suggestion was submitted to the Local Government Association and the Country Shire Councils' Association. The Meat and Allied Trades Federation was asked to meet with the committee to discuss the suggestion.

The Local Government Association met with the committee, considered the proposal, and agreed to it. The Meat and Allied Trades Federation took a long time to come to the party, to meet the committee, and to discuss the issues of meat inspection with the committee. That went on for a number of months.

Eventually the A, B, and C zone system came into being, and things went along well, except for a few odd cases where the Minister had to use his discretion and transfer an abattoir from one zone to another because the shire was losing a considerable amount of money and the fees had to be increased. That was to enable the shire to achieve the break-even figure laid down in the Act. That could be done by moving any abattoir in the shire to a zone in which the charges for meat inspection were slightly higher.

As the Minister mentioned in his second reading speech, the problem arose and is now the reason for the amendment to sections 240 and 240A. Some of the shires which had opted to use the DPI inspectors had received money for meat inspected at the export abattoirs which was not accepted ultimately for export and was sold on the local market. The charges did apply to that meat. They did not affect the meat that was exported.

There has been a long-standing argument—and I think it is still going on—that there is a duplication in charges for meat inspected by the Commonwealth DPI and the State.

There is a misconception about the Commonwealth's killing charge, which was $1 a head for large cattle until this year, when it was increased to $3. That killing charge is not a fee for meat inspection. That amount goes to the brucellosis and tuberculosis funds, to which both the State and the Commonwealth contribute. The Commonwealth places the money derived from the killing charge into the brucellosis and tuberculosis funds so that, when slaughtered cattle are found to have tuberculosis or brucellosis, the owner is compensated when the carcases are disposed of.

This is how the problem of the case before the High Court arose. The case relates to a writ lodged by the Meat and Allied Trades Federation. The legislation is designed to clear any doubts about whether the local authorities or the State have the power to inspect meat and make the charges when the meat comes back onto the local market.

The Hon. G. W. Berry: What are the charges for?

The Hon. N. E. BAXTER: The meat inspection fees are charged on the beast as the carcase goes through on the chain system. One abattoir has a very difficult chain system, which requires a larger number of inspectors than the number required in another abattoir killing a similar number of beasts. It is the way the chain is set up. Each inspector on the chain has a certain number of carcases to inspect, to ensure

that the meat is fit for human consumption. That is the basis of the inspection fees.

The Hon. G. W. Berry: It meets the costs of the inspectors?

The Hon. N. E. BAXTER: Yes. As I said before, the local authorities try to balance the books on the matter of meat inspections and the fees they receive.

Under the Act, power was given to the Commissioner of Public Health to appoint health surveyors. That procedure went through the Executive Council, as was discussed in relation to other legislation. The appointments were submitted by the Minister to the Governor for his approval.

Section 27 of the Act reads as follows—

> 27. (1) Every local authority may, and when required by the Commissioner shall, appoint a medical practitioner as medical officer of health, and also such inspectors and analysts as may be deemed necessary by the Commissioner.

That is where the power was given to local authorities to have health surveyors to carry out these duties. Those health surveyors are bound by another part of the Act to carry out the meat inspection services, more or less under the supervision of the Commissioner of Public Health.

In the early stages when some of the local authorities appointed the DPI to carry out their work, somebody fell down on the job and an error was made in regard to the appointments. That has since been rectified.

The Hon. G. W. Berry: Are all health surveyors meat inspectors too?

The Hon. N. E. BAXTER: Yes. As part of the health surveyors' course the students must learn about the inspection of meat.

I think that deals with the main thrust of this Bill. The other matters are rather minor. They involve machinery amendments in relation to meat inspection, branding regulations, and other things. They deal with the amount of money received by the local authorities, which has to be placed in a meat inspection fund. Unless something like that were done, the local authority could put the money into its general funds and not keep a meat inspection account or fund. That could create difficulties.

I know one shire has a surplus which it put aside. That was a wise provision. The money was put aside for use if it experienced a loss, because that shire had been losing on meat inspections for a period. The shire decided the best thing to do was to put the money into a trust fund, and if the costs of meat inspection were greater than the amount received, the following year it would have a little fat to tide it over.

I think that covers the points in the Bill, and the reasons for the amendments to the Act. I support the Bill wholeheartedly.

**THE HON. D. J. WORDSWORTH** (South—Minister for Lands) [5.14 p.m.]: I thank the Opposition for its support of this legislation, and I thank the previous Minister for Health for his explanation of the need for it. As members will recall, he was the Minister responsible for this legislation and we are able to benefit by his direct experience of it.

As has been pointed out by the Hon. Lyla Elliott, this matter is before the High Court at the present time. Therefore, generally speaking, the matter remains *sub judice*, but I can assure the member that the proposed amendments will not in any way affect the constitutional issues which have been raised by the plaintiffs in the case as regards past inspection charges.

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.

## ESPERANCE PORT AUTHORITY LANDS BILL

*Second Reading*

Debate resumed from the 15th November.

**THE HON. D. K. DANS** (South Metropolitan—Leader of the Opposition) [5.17 p.m.]: The Opposition agrees with this Bill in principle and in detail. It simply validates action taken by the Esperance Port Authority in respect of some land it sold. Legal opinion suggests that the authority acted unwisely; therefore, the legislation seeks to validate the sale of land the authority does not require for port development.

One matter arises as a result of this Bill; that is, a tract of land lying to the north of the road just outside the Esperance Harbour which was divided by Harbour Road, was filled with the spoil from dredging. That area of land is to be sold also. As a result, one can only deduce that there is little prospect of the Port of Esperance being enlarged further.

It seems strange that a port authority situated in such a lucrative and good farming area should in fact be reducing the area of land it holds for

future port development. Perhaps we may bear that in mind at some future stage.

**THE HON. T. KNIGHT** (South) [5.18 p.m.]: I support the Bill also. As Esperance forms part of my electorate, I should like to say I believe the work carried out by the Esperance Port Authority has to be recognised and appreciated. It is obvious that, in the early stages, the authority acquired land for future development. It has now been found that such land is unsuitable because of its distance from the port and its position.

The Hon. D. K. Dans: And lack of shipping.

The Hon. T. KNIGHT: I should like to point out in regard to the land mentioned by the Leader of the Opposition that, in fact, such action shows the integrity of the port authority in that it has utilised the fill which resulted from dredging by creating land for housing.

The Hon. D. K. Dans: Where else could they put it?

The Hon. T. KNIGHT: The authority has made unsuitable land available for residential purposes.

I support the Bill. I believe the Esperance Port Authority needs support and needs to be able to dispose of land which cannot be used by it at this stage, but will be beneficial for the greater development of the Esperance area.

**THE HON. D. J. WORDSWORTH** (South—Minister for Lands) [5.20 p.m.]: I thank members for their support of this legislation. As has been stated already, the Bill seeks to validate land dealings carried out by the Esperance Port Authority since its inception.

One of the difficulties in this regard is that the various port authorities have their own Acts which do not always conform with one another. I hope this situation will be rectified in the future, because the Act governing the activities of the Esperance Port Authority did not contain the power we are now conferring on it.

The Hon. D. K. Dans: It would not be a bad idea if they took notice of the Minister for Transport occasionally, either.

The Hon. D. J. WORDSWORTH: I should like to refer to the particular portion of land mentioned by the Leader of the Opposition. It is possible that I am the most appropriate member to be handling this legislation, because the land concerned is situated behind my house. Most members who are familiar with the Port of Esperance know that my house is some distance from the port. However, at a time when it was thought the port might expand rapidly and enough land might not be available to store the bulk commodities required, the suggestion was put forward that a conveyor belt could operate from the land involved, over the top of my house, to the port which lies a considerable distance away.

The Hon. D. K. Dans: That explains why they had to sell the land.

The Hon. D. J. WORDSWORTH: Had that suggestion been carried out, it would have made my life rather difficult.

The Hon. D. K. Dans: It would have made it rather hazardous.

The Hon. D. J. WORDSWORTH: It has now been realised that the authority can utilise other land and a large area has been filled closer to the port. It must be mentioned also that CBH carries out a great deal of its storage operations away from the port site. The same situation would apply to future expansion. Therefore, the present port site has proved to be adequate and it has been found that the filled land near my house has too great a slope to be used for stockpile purposes. It can be used for residential purposes and the authority will be able to purchase more suitable land closer to the port.

Originally the area of filled land was a gully. However, it was not situated in an area to which sand could be delivered by pipeline as in a normal dredging process. The sand had to be carted up there by trucks.

The Esperance Port Authority constructed a small dredge to remove the accumulation of sand behind the breakwater. Port authorities normally lease a dredge from an overseas company. This is very expensive; therefore, the Esperance Port Authority decided to build a small dredge which is performing the work adequately. At the time the decision was made concern was expressed in regard to an independent port authority owning its own dredge; but it has proved to be a good investment. The sand is being used for various purposes around the town. It has been used in an area where the sand was being washed away by the sea thus causing problems with the Esplanade.

The Hon. D. K. Dans: The sand never gets washed away. It comes back again.

The Hon. D. J. WORDSWORTH: In the meantime the road may be washed away. I hope that with this dredge we will see a small boat harbour developed in the near future.

I thank members for their support of this legislation.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

## INDUSTRIAL ARBITRATION BILL

*Second Reading*

Debate resumed from the 15th November.

**THE HON. D. W. COOLEY** (North-East Metropolitan) [5.25 p.m.]: I suppose it goes without saying the Opposition supports this Bill—I mean we oppose it.

Several members interjected.

The Hon. G. E. Masters: We thought you had seen the light.

The Hon. D. W. COOLEY: Members will have frequent opportunities to interject later on.

The Hon. G. C. MacKinnon: Did you amend that stand, or do you intend to support the Bill?

The Hon. D. W. COOLEY: I corrected my statement. We oppose the Bill.

The legislation is in two parts. One part has been prepared by Commissioner Kelly who is an expert in his field. He is a senior commissioner of the Industrial Commission and a large proportion of the legislation resulted from a proposed Act he submitted to the Government in 1978.

The second part of the legislation was drawn up by rank amateurs and by that I mean members of the Liberal Party. After a conference was held in Bunbury this year Liberal Party members decided something had to be done about the industrial relations situation in Western Australia.

I should like to refer to Commissioner Kelly and the proposed Act he submitted to the Government before dealing with the ramifications of the Bill before us. In my view Commissioner Kelly is the most eminent person in the field of industrial relations in Western Australia. Perhaps he may have no peer in Australia. I say that with the greatest respect to a number of my colleagues in the trade union movement, people in the Confederation of Industry, and other people in Government departments some of whom are sitting in the gallery at the present time.

Some time in 1978 Commissioner Kelly prepared and presented a proposed Act to the Government. The extent of his investigations in that regard would have to be seen to be believed. I doubt whether very many of the members who sit opposite me, or many of those who supported the Bill in the Legislative Assembly, would be aware of the extent of the consultations conducted by Commissioner Kelly in order to prepare legislation of this nature.

I should like to refer to this matter as it appears in Commissioner Kelly's report. The part dealing with consultations conducted takes up approximately four pages of the report. Commissioner Kelly consulted with the TLC and the Confederation of Western Australian Industry. He submitted a public notice in *The West Australian* indicating that he intended to conduct this review.

He wrote to each registered industrial union and association of workers and unions and asked them to make written submissions to him in respect of the Bill. He did that in order that he might gain some consensus amongst these people in respect of their deliberations.

He wrote to 65 officers of unions of employees; 15 representatives of employers or unions of employers; eight members of the academic staffs of the universities and WAIT; four members of the legal profession who, from time to time appear in the Industrial Commission; the ALP; the Liberal Party; the Public Service Board; and senior officers of the Department of Labour and Industry. He consulted with his colleagues on the commission and the assistant registrar; and with the Public Service arbitrator. He travelled to New Zealand and to every State of the Commonwealth except Tasmania; and he consulted with the President of the Commonwealth Conciliation and Arbitration Commission. He obtained letters from groups of people and from individuals. He expressed the view that he hoped to obtain a greater response from these people.

After he had received and studied all the submissions and had made all the investigations he compiled a first draft of the legislation copies of which he sent to a number of organisations. He requested that the Labour Advisory Committee be called together to discuss the provisions of the draft and strong objections were received from some members of that committee. For the information of members the Labour Advisory Committee comprises representatives of the Confederation of Western Australian Industry, the Department of Labour and Industry, and the TLC, with the Minister for Labour and Industry as chairman.

After those objections were lodged, he redrafted the document in order to arrive at some form of consensus in respect of the provisions he would present to the Government.

Finally he had discussions with the TLC and he said to them that although he had a relatively unrestricted brief, one could not reasonably

expect the Government to bring forth legislation in terms contrary to the policies on which the Government was elected to office. He further said that, with that in mind, he had studied the 1977 Liberal policy document on industrial relations and to the best of his understanding no provisions in the legislation conflicted with that policy.

What he included in that proposed legislation, in truth, did not conflict with the 1977 policy of the Liberal Party, despite what we have been told in another place and what we have been told through the Press. It is a big lie to say that the Bill now before us is in conformity with the Liberal Party 1977 policy. Nothing in the Liberal Party policy indicated that the party would take away from the Industrial Commission the power to award preference to unionists; and nothing in the Liberal Party policy indicated that there would be any interference with the organisation of unions to such an extent that the unions would have taken away from them their traditional rights in respect of the manner in which they recruit their membership. Nothing in the Liberal Party policy indicated that it would be possible to deregister unions within a day or an hour of an industrial dispute.

Continually during the debate in another place and through the Press we have been told that the Bill before us in in complete conformity with the 1977 policy of the Liberal Party. I repeat that it is a big lie to say that, because it does not conform with that policy. Other provisions have been included and, as I indicated, the Young Liberal Movement of the Liberal Party assembled in Bunbury this year, and that is where the policy was formulated to take away the—

Several members interjected.

The Hon. D. W. COOLEY: I will name them. Several members opposite—the ones to whom I am pointing—are the types who would weaken the position of the trade union movement.

The Hon. I. G. Pratt: I was not there.

Several members interjected.

The PRESIDENT: Order!

The Hon. D. W. COOLEY: Since I have been here they are the types of people who have completely denigrated the trade union movement. They have been anti-union in the extreme.

The Hon. I. G. Pratt: That is rubbish!

Several members interjected.

The Hon. D. W. COOLEY: They are the people who will support those who work when unionists go on strike.

The Hon. G. E. Masters: What do you call them?

Several members interjected.

The Hon. D. W. COOLEY: I call them scabs, and that is the only interpretation.

Several members interjected.

The PRESIDENT: Order! Will members cease their interjections?

The Hon. D. W. COOLEY: I have heard it said in another place—quite wrongly—that people believe a person is a scab because he does not join a union. That is not a description of a scab. A scab is a person who goes on to a job when others are out on strike. That has been the interpretation of the word "scab" since time immemorial and it will continue to be the interpretation.

The Hon. W. R. Withers: A "scab" is a healing skin over a festering sore.

Several members interjected.

The Hon. D. W. COOLEY: Industrial renegades—or whatever one likes to call them—are the people who are supported by members opposite and certain members in another place.

Several members interjected.

The Hon. D. W. COOLEY: I am very surprised that people with the maturity of the present Minister for Labour and Industry, the Leader of this House, the Premier, and others, support this type of behaviour. It worries me because I do not think they have their hearts in it. It is something new which has been instilled into members of the Liberal Party. They are being encouraged to support that type of person. The Bill is designed to weaken the situation of the unionists to a point where they will have no negotiating power.

The Hon. T. Knight: In other words you support compulsory unionism—yet you campaign for democracy—so you say.

The Hon. R. Hetherington: Why not make a speech on your feet? You are very good at making them by interjection.

The Hon. G. E. Masters: Give us time.

The Hon. D. W. COOLEY: I will give members time. They ought to have had plenty of time to work out their reasons to justify the legislation.

The Hon. G. E. Masters: I am proud of the legislation.

The Hon. D. W. COOLEY: Mr Masters should take as long as I am taking to justify this type of legislation which takes away the ordinary rights from the ordinary people on the street. When members opposite hit at unions, they do not hit at

Mr Cook, Mr Latter, or me. They are not affecting us financially. When they do this kind of thing they are affecting those on low and moderate incomes and those who are underprivileged. These are the people who are affected when members opposite introduce legislation such as this.

I will tell Mr Knight and Mr Pratt—

Several members interjected.

The Hon. D. W. COOLEY: —that while they might attempt this sort of thing—

Several members interjected.

The Hon. D. W. COOLEY: —they will not destroy the trade union movement.

Several members interjected.

The PRESIDENT: Order! I draw the attention of members to the fact that the Chair will not permit these unruly interjections. I would ask the honourable member who is speaking to be less aggressive in his comments and I will ensure his right to speak will be protected all the time. However, I want him to be more tolerant in the attitude he is adopting. I suggest to other members that they cease their interjections which are completely out of order. The Hon. D. W. Cooley.

The Hon. D. W. COOLEY: I would be less aggressive if the people sitting opposite who assisted in the framing of this very small portion of the Bill were also less aggressive in their attitude to the people I have been accustomed to represent over a long period of time. There would not be so much aggression in this Chamber if it were not for the continual attacks on the workers in this country—continual attacks which have taken place since I have been a member in this Chamber.

The Hon. I. G. Pratt: What a lot of rubbish!

The Hon. D. W. COOLEY: "What a lot of rubbish!" he says. There has not been one session in this Chamber without some anti-union legislation being introduced—

The Hon. D. K. Dans: And always at the end of the session.

The Hon. D. W. COOLEY: —by people who claim this is a House of Review.

Several members interjected.

The Hon. D. W. COOLEY: We waited here until 3.30 one morning in order to put a rubber stamp on legislation which went through the other place. That legislation was designed to damage the interests of working people, and the member opposite says, "What a lot of rubbish!"

The Hon. I. G. Pratt: I still say it.

The Hon. D. W. COOLEY: Such legislation has been introduced every year since 1974. I could give chapter and verse. For instance we had the fuel and energy legislation, the workers' compensation amendments, and God knows how many times the Industrial Arbitration Act has been amended in an endeavour to break down the bargaining power and strength of the trade union movement. Other similar legislation includes the Flour Bill, and the essential foodstuffs Bill. All that legislation was designed for one purpose, yet the member opposite says, "What a lot of rubbish!" in an endeavour to imply that what I am saying is untrue.

Since 1974 little by little and systematically the Liberal-Country Party Government in this State has been digging a grave in which to bury industrial relations. This Bill is the final nail in the coffin for industrial relations in this State. When it comes into operation this will put an end to any industrial relations.

Goodness me! In this day and age people should be thinking of ways to improve industrial relations instead of ways to worsen them. Surely that ought to be the theme of any responsible Government; that is, to endeavour to improve industrial relations. Although the Government is digging this grave and making the coffin for industrial relations it will never bury the trade union movement. When members opposite are long gone the trade union movement will still exist. It will always be with us as long as we have a democracy; and we hope to God no Government will become so bad that it will destroy democracy as was done in Germany in 1933. In Germany the first step taken to destroy democracy was the destruction of the trade union movement. That is the only way the trade union movement could be buried; that is, by military action and dictatorship.

The Hon. T. Knight: What is compulsory unionism? That is nothing but dictatorship!

The Hon. D. W. COOLEY: This will be discussed at great length during the debate. Members opposite talk about compulsion, but they belong to the party which sent 450 boys to their death in Vietnam.

The Hon. T. Knight: That has nothing to do with this legislation; get back to the Bill before the House.

Several members interjected.

The Hon. D. W. COOLEY: They sent men—

The PRESIDENT: Order!

The Hon. D. W. COOLEY: —over there to a war—

The PRESIDENT: Order!

The Hon. D. W. COOLEY: —to their death—

The PRESIDENT: Order! I ask the honourable member to refrain from using that type of approach to this Bill. If he confines his comments to the Bill I will protect his interests as a member of the House. If it is his intention to embark on this very immoderate language then unfortunately the Chair will have to take some action. The Hon. D. W. Cooley.

The Hon. D. W. COOLEY: Sir, if you like to gag me, you can.

The PRESIDENT: Order! The honourable member is not being gagged and I will take exception to any suggestion that he believes I am doing that. I am endeavouring to pass on to the honourable member the information that it is my intention to protect his right to speak on this Bill, on the understanding that he speaks to the Bill.

The Hon. D. W. COOLEY: I believe I have the right to speak in any way I see fit, as long as I do not breach the Standing Orders of this Parliament; and when these people—

The PRESIDENT: Order! The honourable member has the right to speak on this Bill provided he complies with the rules which are dispensed by me as President.

The Hon. D. W. COOLEY: As we are all well aware, and as I indicated previously, the purpose of the Bill has been to weaken the position of unions.

I suppose 90 per cent of this Bill was drafted on the basis of Commissioner Kelly's recommendations, but the remaining 10 per cent, or thereabouts, is a hotchpotch of legislation dreamed up by people who have a resentment against the trade union movement. These young Liberals and the extreme right-wing elements within the Liberal Party, aided and abetted by people such as Crichton-Browne and New, have resented the trade union movement for a long time, and in the last weeks of this Parliament they see a means to put their devious designs into effect.

Such people have talked about their plans long enough, and at last they intend to take away the right of the Industrial Commission to grant preference to unionists. There is nothing to say that preference must be granted to every union. By and large the commission was given the right to make such a decision.

In the measure before us the Government proposes to take away that right. If workers want to enforce a closed shop situation in a particular area—as they have done traditionally for as long as I can remember; ever since industrial relations were established and certainly since 1912—they will no longer be able to do so. Closed shop situations have operated throughout Western Australia, and indeed throughout the length and breadth of Australia, brought about by a particular policy of a union, and assisted by the employers.

The Hon. D. K. Dans: And in some cases assisted by Governments.

The Hon. D. W. COOLEY: Yes, in some cases Governments have assisted to enforce that situation. Reasonable employers have welcomed such a system and it has even been welcomed by the Confederation of Western Australian Industry. How strange it is that we have not heard a single word from the confederation in support of this legislation. That organisation does not believe in talking willy-nilly to the rag-tag elements of industry. It wants to talk with organised unions and to obtain a uniform approach in its relations and negotiations in industry. The Confederation of Western Australian Industry does not want to be approached every day by individual people with their complaints. It wants responsible unions to present the complaints of the workers.

Mr Knight and other Government members here threw up their hands in horror at the thought that it may be a condition of employment that a person must join a union. What is wrong with that?

The Hon. T. Knight: Anything worth while is not compulsory.

The Hon. D. W. COOLEY: If someone wishes to join an industry where a union has operated for years and years, what right has he to work in it without contributing towards the union?

The Hon. T. Knight: Every right in a free country.

The Hon. R. Hetherington: It will not be if you have your way.

The Hon. D. W. COOLEY: Of course there is no compulsion, and no compulsion to join a particular company if one knows that a closed shop situation applies.

Several members interjected.

The Hon. F. E. McKenzie: If people are not prepared to contribute financially towards the benefits and conditions obtained by the unions, then they should not hold their hands out for them when they come along.

The Hon. G. E. Masters: You are leaving yourself open there.

The Hon. D. W. COOLEY: We have never suggested that.

The Hon. I. G. Pratt: Yes, Mr McKenzie just did.

The Hon. F. E. McKenzie: Not if they are not prepared to join a union.

The Hon. D. W. COOLEY: We have never suggested that.

The Hon. G. E. Masters: They go hungry, is that it?

The Hon. D. W. COOLEY: What would happen if people such as Mr New could operate a company with a set of conditions for one group of workers and another set of conditions for others? The trade union movement is designed to uplift the standard of workers everywhere—it is not just for a few.

The Hon. O. N. B. Oliver: I should hope so.

The Hon. D. W. COOLEY: My experience in the Trades and Labor Council was that over a period of one month we would receive dozens of complaints from employees about their employers. The first question we would ask was: "What union do you belong to?" Almost invariably the reply was, "I do not belong to a union." People who do not belong to unions are exploited by their employers. Yet members opposite say that there should not be any preference given to unionists.

The Hon. G. E. Masters: There should not be any compulsion.

The Hon. D. W. COOLEY: There is nothing in the legislation about compulsory unionism.

The Hon. T. Knight: No, it just works that way.

The Hon. O. N. B. Oliver: An employee has a right now.

The Hon. D. W. COOLEY: We are not arguing about that.

This Government would have done well to adopt Mr Kelly's recommendations in toto. I am not saying that the Opposition would have agreed with every provision in Mr Kelly's proposed Act, but at least its provisions showed the way to conciliation. Mr Kelly is a realist. He has been in the industrial field for 16 years, and he knows that there must be conflict. We cannot have employers and unions negotiating without some prospect of conflict.

Mr Kelly recognised the need for people to be properly informed before harsh provisions were imposed. Under this particular legislation, in some circumstances a union could be deregistered in an hour if it proposed to take industrial action. The executive of the union could be still sitting around the table talking with the employers and the Industrial Commission could, on the advice of the Attorney General, deregister the union. That will not make for good industrial relations!

In his proposals Mr Kelly said that the legislation should contain a provision to inform the committee of management of a union of the intention to deregister in sufficient time for the union to defend its position. However, no such provision appears in this Bill. A union can be deregistered within an hour, and the Minister for Labour and Industry has admitted that this could be the situation. We are told that this is in the interests of good industrial relations. How on earth will good industrial relations result from such provisions? If members care to read the Bill they will see everything I have said contained in it.

Government members have said, "For goodness sake, do not let unions have compulsory membership in particular establishments", and yet those same members are prepared to agree to the inclusion of such a pernicious condition in this legislation. It is a matter of shame that such provisions are even proposed by a so-called responsible Government. It is not as though the Government did not know what was happening in other parts of the land. Last week, through the Leader of the House, I asked the Minister for Labour and Industry in another place whether he was aware of the legislation introduced into the Victorian Parliament on the 9th October of this year. He said he was aware of that legislation, and also that he was aware of some comments made by Mr Justice Ludeke in respect of industrial relations. However, the Government still proceeded with this legislation.

Since 1974 the Government has conducted a campaign of introducing anti-union legislation in this State. Governments of this day and age should be trying to solve the industrial problems in our country; they should not introduce legislation that will make them worse.

The Victorian legislation is entitled the "Industrial Relations Bill", and that is the title that Mr Kelly proposed for the legislation in this State. However, the title of the measure we are discussing is the "Industrial Arbitration Bill" and yet, according to the Minister, and according to the Bill itself, arbitration is the last resort; everything should be achieved by conciliation.

In 1979 we ought to be discussing an industrial relations Bill; we should not be reverting to a pre-1912 situation where we were forced to bring in

the Industrial Arbitration Act. We ought to move ahead and look at ways and means to get to the basis of industrial conflict and to help to resolve it. Always there will be conflict in the industrial field. We will never reach the Utopian situation of no conflict in the industrial relations field.

The Victorian legislation was introduced by the Victorian Minister for Labour and Industry (Mr Ramsay)—a member of the Liberal Party.

The Hon. R. Hetherington: The Liberal Party is a bit more liberal over there, isn't it?

The Hon. D. W. COOLEY: Mr Ramsay had this to say about the Bill—

> Its purpose is to introduce significant reforms to the system of industrial relations in Victoria. Indeed, it is the Government's hope that it will enable the State's industrial tribunals to foster an atmosphere of harmony and mutual benefit second to none in Australia.

At a later stage he said—

> It is with particular pleasure that I can say that the measures in this Bill have met with the approval of—indeed they were partly prepared by—senior representatives of the trade union movement, including the now Secretary of the Australian Council of Trade Unions, Mr Peter Nolan.

So Mr Peter Nolan helped to draft the Bill. When has the Western Australian Government ever approached the trade union movement for assistance to draft legislation? Surely it is right and proper that the principal adversaries in the industrial field—namely, the TLC, the Government as employers, and the Confederation of Western Australian Industry—should be involved in drafting legislation of this nature. Certainly the Government did not approach the TLC. Every suggestion made by the TLC is rejected, and we believe one reason for this is the belief that the trade union movement has a close affinity with the Labor Party in this State.

The Hon. W. R. Withers: I thought submissions were asked for.

The Hon. D. W. COOLEY: Commissioner Kelly asked for submissions; he brought the parties together and redrafted his proposals as a consequence of that discussion. However, the Trades and Labor Council was not involved when the Government introduced proposals to abolish the preference clauses, to permit the commission to deregister unions, and to impose secret ballots in strike situations.

The Hon. W. R. Withers: Not one Liberal was invited to give his opinion on, or put anything into any of the Labor Party's private members' Bills. I think that is disgusting.

The Hon. D. W. COOLEY: Mr President, when we hear the attitude of members opposite, we can understand the reason for legislation such as this coming before this place.

The Hon. W. R. Withers: What a crazy world it would be if that were the normal way of doing things!

The Hon. D. W. COOLEY: I can understand the motivation behind legislation of this nature: It is to promote bad industrial relations—nothing else.

The Hon. G. E. Masters: You must be joking! It is designed to do exactly the opposite.

The Hon. D. W. COOLEY: I repeat: This Bill, and others like it, are introduced to this place solely for the purpose of promoting industrial unrest.

*Sitting suspended from 6.01 to 7.30 p.m.*

The Hon. D. W. COOLEY: The Government had every opportunity to bring in a Bill which would improve industrial relations in this State rather than worsen them. According to the Minister the Government had the benefit of information with respect to the Industrial Relations Bill introduced in Victoria which was designed to improve industrial relations. Further, the Government had the benefit of Mr Kelly's report and the principal aim contained therein was conciliation rather than the imposition of penalties and other such things which are contained in this Bill.

A reading of the Victorian Minister's speech indicates that his Bill was designed to set up an industrial relations commission presided over by a president and two commissioners. It has the power to appoint wages boards which can arbitrate in a particular dispute in a certain industry. The membership of these boards can range from three, including the president, to 11. The boards comprise equal representation of employers and unionists. Nowhere in our Bill do we find similar means of conciliation for the resolution of disputes.

According to the Victorian Minister, the most important parts of his Bill are outlined as follows—

> The Bill implements the major recommendations of the First Report of the Committee for Review of the Labour and Industry Act 1958 which was submitted in April 1976. In presenting the Bill, I should like to reiterate those expressions of thanks

made to the committee by members from both sides of the House.

So that Minister had input from the trade union movement, the Government, employers, and members of both sides of the House who were invited to make contributions with respect to Victoria's Industrial Relations Bill.

This is how things should be. Industrial relations should be based on the idea of trying to obtain some sort of consensus in respect of disputes; but the Western Australian Government's Bill has no provision to bring that about. Perhaps I should say there are means to bring it about, but the Bill before us contains penalties which go beyond the question of conciliation and arbitration. Nothing similar can be found in the Victorian legislation.

The Victorian legislation does provide for the deregistration of unions which consistently breach the Bill's provisions. There is a practice to be adopted in order to bring such unions into line. However, under the Western Australian Government's legislation we have the situation where the Attorney General can direct the commission to enter a dispute or even enter into discussions surrounding a particular negotiation. If the commission deems a dispute to be contrary to the public interest, it can bring about the deregistration of that union, the cancellation of its award, and a number of other things including the imposition of a $2 000 fine—all in a matter of hours.

If the Government considers that to be good industrial relations or a reasonable means of bringing about good industrial relations it is far wide of the target.

I do not believe the Government wants good industrial relations in this State. Over the years it has proved that that is contrary to its interests. Government members believe if they have industrial confrontation it will bring about political advantage to them inasmuch as the unions are seen to be associated with the Labor Party. In my view that is a very sad state of affairs. Political advantage should not be gained at the expense of people who depend on unions.

Many people in this community have no organisation other than a trade union to which to turn. Many people are active in their unions in order to bring about some redress in respect of their grievances.

Some people talk about the compulsion to join unions, which they consider to be a terrible thing. They consider no other organisations in Australia compel people to join them. Perhaps that is true, but where else in Australia or in our social system is there an organisation upon which people depend so much for their bread and butter? Trade unions are their lifeblood. Through the trade union movement they get reasonable conditions. They know if they can strengthen the unions by solidarity and unity they may achieve better conditions. However, according to the Government, that cannot be done. The Government wants to divide the people in a particular industry so they will not have the ability to defend their interests.

The Hon. G. E. Masters: That is not true.

The Hon. D. W. COOLEY: It is true; if it is not, Mr Masters' Government would not be introducing legislation of this nature which denies unions the right to obtain membership in the traditional manner; in the manner in which they have obtained members ever since people began organising themselves into trade unions; ever since there were heavy penalties and the possibility of deportation—from England—if they even talked about joining a trade union.

The Hon. H. W. Gayfer: Are you sure about that?

The Hon. D. W. COOLEY: Yes I am; there is a great deal of writing in connection with this matter. People were deported for organising themselves into unions. People have defied bad laws in order to bring about some sort of freedom in respect of their activities.

I say again: Legislation of this nature is designed to weaken the very fabric and structure of the trade union movement which has been traditionally free to organise itself in a proper manner. Unions have a charter under the ILO conventions which enables them to organise themselves in a proper manner. When the Leader of the House says this Bill is in conformity with ILO principles he leaves himself open to challenge to indicate just where this conformity can be found.

The Hon. R. J. L. Williams: No man shall be part of an organisation unless he wants to be.

The Hon. D. W. COOLEY: If Mr Williams can show me where that is stated in any of these documents here I would be prepared to sit down.

The Hon. R. J. L. Williams: You give me five minutes.

The Hon. D. W. COOLEY: If Mr Williams could show me I would be prepared to sit down; but it is not there. That is not in the ILO convention.

The Hon. G. C. MacKinnon: You are pretty selective in your choice of conventions.

The Hon. D. W. COOLEY: There are only two selections and they deal with the right to organise and bargain collectively and also freedom of association and protection of the right to organise. I was present in Geneva when these two documents were presented to the Secretary General of the ILO. The then Minister for Labour confirmed they would be adopted by the Australian Government. That was done after consultation with every State Government. ILO conventions cannot be ratified unless the six States of the Commonwealth agree to them. The Government of Western Australia at the time agreed to those ILO conventions and nowhere in those conventions is it stated that a union should not have the right to organise in its own way. The conventions go on to state that there shall be a minimum of Government interference in respect of union affairs.

There is nothing but interference in those parts of the Bill drafted by the Liberal Party, not Mr Kelly.

The Hon. G. E. Masters: Rubbish!

The Hon. D. W. COOLEY: Mr Kelly recognises the ILO conventions. If Mr Masters thinks that is rubbish—

The Hon. G. E. Masters: I think your comments are rubbish, not what Mr Kelly said.

The Hon. D. W. COOLEY: That seems to be the only defence Government members have; they say "rubbish" to everything other people say. This Government has managed to provoke even Sir Paul Hasluck, a former Liberal Party leader and Governor General, to say that the Western Australian Government has reached the stage where it considers everything it does is right and anything anyone else says about the Government is either subversive or silly, or the person making the statement does not know what he is talking about.

Has Mr Williams found the ILO convention which states that unions do not have the right to organise?

The Hon. R. J. L. Williams: I will allow my colleagues to take you to pieces bit by bit.

The Hon. D. W. COOLEY: If the member's colleagues had been interested in good industrial relations they would have taken note of the Victorian legislation.

The Hon. G. C. MacKinnon: What about getting back to the Bill introduced in this State?

The Hon. D. W. COOLEY: Are we not talking about industrial relations? Is not the Victorian legislation titled an "Industrial Relations Bill"? But when a Government brings down an Industrial Arbitration Bill it ought to be talking about improving industrial relations. Such a concept is contained in the Victorian Minister's second reading speech—a speech of which our Minister for Labour and Industry was aware. In a reply to a question directed to the Minister for Labour and Industry through the Leader of the House, the Minister said he was aware of the Victorian legislation. I shall quote from the Victorian Minister's second reading speech as follows—

> It was a tripartite committee consisting of two representatives of employers,—
>
> —two representatives of employees, in the first instance, Mr Nolan, when he was Assistant Secretary of the Victorian Trades Hall Council, and Harry Mitchell, an officer of the Miscellaneous Workers Union and later, Peter Marsh and Ron Jordan, industrial officers of the Victorian Trades Hall Council.
>
> The report was the culmination of more than twelve months' review and is a consensus of the views of the members of the committee. As such it has been adopted by both the trade union movement and employer organizations as a blueprint for the reform of the Victorian wage fixing system.

I will not quote any further as it is probably making Government members feel a little guilty. They should have looked at this speech. I doubt whether any Government member in this rubber-stamp place has had a look at it. Government members sit here prepared to rubber stamp the Bill when it goes through the third reading stage some time this week. It is a shame we are not a House of Review, reviewing legislation, because the Leader of the House would then not criticise my reading from legislation introduced in other States. He is critical because he may get some ideas which will place him in a position of being able to amend this Bill. He may find amendments which would change this Bill so that it is more in line with the Victorian legislation.

Let us refer to the proposed Act given to the Government by Commissioner Kelly. The sad part about this Bill is that it starts with the premise that everything unions do is wrong; that whenever there is a strike the unions are at fault. It is the Government's premise that all strikes are brought about by unions. This Bill is designed to stop unions going on strike.

The Hon. G. E. Masters: No, it is not. Where is that in the Bill?

The Hon. D. W. COOLEY: I will explain that to Mr Masters when the time comes. We are

dealing only with the first two parts of the Bill. Before Mr Masters speaks during the Committee stage he should look at clause 74 and then at clause 7. He will then see how much power unions have after they go on strike.

After a union had taken a secret ballot on a decision to strike, how would that particular provision be implemented? I just do not know how it would be done. For example, how would the AMWSU have a secret ballot and all members of the Australian Workers' Union have a secret ballot in respect of strike action?

The Hon. G. E. Masters: It does not say that.

The Hon. D. W. COOLEY: If members care to look at Commissioner Kelly's report they will appreciate that the commissioner has been in the industrial field for 16 years and he knows what industrial life is all about.

The Hon. G. C. MacKinnon: Who is this?

The Hon. D. W. COOLEY: Commissioner Kelly.

The Hon. G. C. MacKinnon: Before the tea suspension you said it was 18 years.

The Hon. D. W. COOLEY: I made a mistake then, and I apologise.

The Government will never introduce legislation which will bring about some reasonable peace in industry in Western Australia.

The Hon. R. Hetherington: When we come to this type of argument about the number of years—

The Hon. G. C. MacKinnon: He told us 18 years and now he says 16 years.

The Hon. D. W. COOLEY: Let us talk about strikes.

Several members interjected.

The PRESIDENT: Order! Will the honourable member direct his comments to the Chair?

The Hon. D. W. COOLEY: The Leader of the House ought to know how long Commissioner Kelly was in the field because his Government appointed him in 1963—63 from 79 is 16. We are talking about only a couple of years. Let us talk about strikes, and the attitude of the Government in this Bill.

If a union goes on strike, it can be fined $2 000. The commission can move in at the will of the Attorney General—

The Hon. G. E. Masters: That is not true, either.

The Hon. D. W. COOLEY: The commission can give directions to the union and if those directions are not obeyed, the union can be fined $2 000, it can be deregistered, and its award can be cancelled. The members become non-citizens as far as industrial relations are concerned.

Some members opposite ought to look at that television programme on Monday evenings which is all about 1990 and the "Big Brother" attitude. That is the attitude of this very Bill. We have the Big Brother—the Attorney General—being able to move in on a dispute and being able to deregister the union almost at the snap of his fingers, after ordering the commissioner to do so. Commissioner Kelly states on page 11 of his report as follows—

> The right of workers to strike—i.e. to withdraw their labour collectively as a means of resisting the imposition of unacceptable working conditions or of improving their condition of employment is widely recognised throughout Western democracies as a fundamental right.

And that is what I have been attempting to say in this Chamber for a very long time; that is, that everywhere in the free world the right to strike is recognised and in civilized countries there is no penalty for people who go on strike. To continue—

> Although the present Industrial Arbitration Act and the attached proposals contain provisions for dealing with strikes a balanced assessment of the importance of those provisions should include the fact that, much more time is lost in industry generally through industrial accidents than through industrial disputes; that the vast majority of registered unions, though asserting that they have the right to strike, seldom do so—

The preference clause will be taken away from them. To continue—

> —and that strikes are often caused by foolish or provocative action by employers, and sometimes deliberately for ulterior purposes.

The Hon. H. W. Gayfer: From what page are you quoting?

The Hon. D. W. COOLEY: Page 11.

Members of the Government in this Chamber and in the other place support the assumption that in any industrial dispute the unions are wrong. This is evident in this Bill. Commissioner Kelly is a person well versed in industrial relations and by no means can be said to be a supporter of the Labor Party. He is an unbiased expert in industrial relations. I doubt whether very many people on the other side of this House have read his report. They should be looking at some

amendments to this Bill to bring about a fair and equitable situation as far as unions are concerned.

While I was preparing for this Bill a very interesting letter was brought to my notice. It is a communication from the Australian Institute of Industrial Advocates in Victoria, and states—

> The Foundation meeting of the Victorian Chapter of the Institute was held in Melbourne on August 16th.
>
> Attended by 40 practitioners with 18 apologies from others interested, the meeting decided unanimously to adopt a constitution and rules that provides for the establishment of a national body with constituent state and territory Chapters . . . . comprises advocates from employer organizations, trade unions and state instrumentalities.

They were then listed. This letter was sent to the Confederation of Western Australian Industry along with an invitation to all those eligible for membership. It continues—

> 'We invite all those who are eligible for membership to join us in this long overdue endeavour'.
>
> OBJECTS OF THE INSTITUTE:
> To develop professional skills and high standards of performance in Industrial Advocacy amongst members and to support high standards of ethical conduct and behaviour in the performance of the functions of persons engaged in the profession.

This is quite a laudable organisation. The Confederation of Western Australian Industry replied on the 30th August; 1979, over the signature of W. J. Brown, as follows—

> The proposal is ill-conceived, illogical, and certainly damaging to the reputation of industrial relations practitioners committed to the maintenance of free enterprise and the interests of their members and clients.
>
> The day that an employer association advocate or consultant seeks to rely on an association (or union) which includes representatives from the A.C.T.U. and unions affiliated to that Council, to protect their interests, is the day he ceases to work for any employer organisation in which I have any influence.

If any person employed by the confederation dared join that organisation he would then be subject to instant dismissal.

The Hon. R. J. L. Williams: Where does it say that?

The Hon. D. W. COOLEY: It does not say that. It is implied that if an employer found this out, this would be so.

The Hon. R. J. L. Williams: That is what Brown says.

The Hon. D. W. COOLEY: He was replying on behalf of the Confederation of Western Australian Industry. So that is the situation—the unions are always wrong when there is a dispute.

We have here tonight a Bill which is framed in such a way that unions are wrong when there is a dispute and they will be subject to heavy penalties.

With regard to the statement by the Minister for Labour and Industry and the Hon. R. J. L. Williams referring to the ILO convention, I have in my possession two documents. One concerns the freedom of organisation and the protection of rights of organisations under ILO Convention No. 87, and the other concerns the application of the members and the right of an organisation to bargain collectively. These came into force in Australia in February, 1974.

The first document regarding the freedom of an organisation and the protection of the right of the organisation under Article 3 states—

> 1. Workers' and employers' organisations shall have the right to draw their constitutions and rules, to elect their representatives in full freedom organise their administration and activities and to formulate their programming.
>
> 2. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

And that is what Commissioner Kelly was referring to.

The Hon. R. J. L. Williams: Where does the Bill cross that?

The Hon. D. W. COOLEY: It is interfering with the unions' right to organise.

The Hon. R. J. L. Williams: No, it is not.

The Hon. D. W. COOLEY: I do not care what the honourable member says.

The Hon. R. J. L. Williams: You are saying there is no more compulsion to join a union. The Bill does not cross that convention.

The Hon. D. W. COOLEY: That is a matter of the honourable members' interpretation.

The Hon. R. J. L. Williams: It is just common sense.

The Hon. D. W. COOLEY: I am entitled to my own opinion and the honourable member is

entitled to his. Can he show me the particular part of the convention?

The Hon. R. J. L. Williams: The Hon. Gordon Masters has promised to do that for me.

The Hon. D. W. COOLEY: I have most sections of it.

Under clause 7 of the Bill there is a new concept altogether in respect of the question of industrial action and it gives the commissioner certain power to intervene in disputes, there is no doubt about it. It also does not allow compulsion to join a union or to obtain or hold employment; the preference of employment at the time of or during employment by reason of being or not being a member of a union; or any matter relating thereto.

The Government has taken out of the legislation the preference to unionists clause. It has taken away the preference which from time to time the commission may have awarded if an application had been made.

There is nothing in the present Act which gives to unions an undisputed right to have a preference to unions clause. There is opportunity to give the commission power to grant that type of clause.

I cannot see what purpose the Government has in taking out that clause. It is not directed at the so-called militant unions; it is directed mainly at those unions which have had very little industrial disputation during the time I can recall. The unions which will suffer the most as a consequence of this measure will be the Shop Assistants and Warehouse Employees' Industrial Union of Workers, the Clerks' Union of Australia Industrial Union of Workers, and the Miscellaneous Workers' Union. The Australian Workers' Union will be affected also. However, in the main those unions have been very moderate in their approach to industrial matters. I do not think there is any need for those conditions to be removed.

The unions to which I have referred depend very much on the finance they receive from their various members. Under the provisions of this clause, there will be an exodus of members from the unions. The unions have very little control over a large number of their members. Perhaps it will satisfy members opposite to know that unions will not have a very large membership.

Unions should have a large membership because they are expected to organise the affairs of their members and they must have finance. If the unions are not financial, their members do not receive the services which the unions are supposed to provide. No explanation has been given by the Government. What is the purpose of taking away the present conditions, and the present method of obtaining money from membership?

I know, personally, that agreement has been reached between the shop assistants' union and the employers. Agreement has been reached whereby the employers deduct money from the pay-rolls. That is a condition of employment; people who work for those companies become members of the relevant union. I fail to see what is wrong with that. I do not know why the Government should want to take away that privilege. What is wrong with an agreement between the employees and the management of places such as Boans and Aherns? What is wrong with an agreement under which it is a condition of employment that an employee belongs to a union?

In my 25 years' experience with unions I cannot recall a case of the shop assistants having violated that provision. I have never known the shop assistants to go on strike in Western Australia. It has been a good union and it has served its members well.

The Hon. G. W. Berry: I think if you go back 30 years there might have been a case.

The Hon. R. G. Pike: In the dark ages!

The Hon. D. W. COOLEY: I said, "In my 25 years' experience with unions". Certainly, since preference to unionists has been part of employment conditions the shop assistants have not gone on strike. There may have been isolated pockets in some warehouses, but, in the main, I cannot recall our shops closing for a single day.

Under the provisions of this Bill employees will have a right to either belong to a union or not belong to a union. An employee will be able to walk away without paying any fees. At least under the provisions of the present Act an employee has to give three months' notice if he wants to resign from a union, but under the provisions now before us that person will be able to just walk away. If anyone induces another person to join a union, or if a person's employment is affected as a result of his walking away, penalties are provided under this Bill.

The Act was amended in 1974 to allow people to pay their union dues either into Consolidated Revenue or to a charitable organisation of their own choice instead of paying union dues.

The Hon. G. E. Masters: Why should they have to pay at all?

The Hon. D. W. COOLEY: I am saying there is no reason they should not belong to a union. They should pay because the unions have been striving to exist, and they have fought for the workers with the employers, with the Industrial

Commission, and with the Workers' Compensation Board. The unions have gained benefits for their members, and they have corrected many matters. They cannot do that work for nothing. They are the same as the people they work for; they have to depend on revenue. The only source of revenue is from members.

If Mr Masters has such strong views I would like to hear them later. I cannot see anything wrong with an agreement to the effect that a condition of employment is that a person belong to a union. Neither could Commissioner Kelly see anything wrong with that provision. He said the status quo should remain and that if a person did not want to belong to a union he should be compelled to pay the equivalent of his union dues into some sort of fund.

He classified those people into three groups; that is, people who do not want to belong to unions because of religious or political beliefs, or because they do not want to part with their money. They want everything on the cheap; they are free loaders, or, as is sometimes said, they are bludgers. That is what they are if they are prepared to accept union conditions and wages without being prepared to pay for them.

The Hon. N. E. Baxter: You are now making out a good case for the money to be paid into the Consolidated Revenue Fund.

The Hon. D. W. COOLEY: I do not care, but why not put it in the Bill.

The Government has upset the trade union movement, and it has upset many good unionists.

The Hon. G. E. Masters: I thought you said they were all good.

The Hon. D. W. COOLEY: Of course they are. I am classifying them as members opposite see them. Members opposite believe that because a union is militant it is bad. Members opposite should look round at some of their own people and see where the militancy really is in respect of unions' affairs.

When the Minister introduced the Bill he left out the remark, "shape up or ship out". That is what a Minister said in another place. That reminded me of the Tresillian incident where the people had to shape up or ship out. People who are unable, as a result of various circumstances, to pay their water bills are having their services cut off. They are having to shape up or ship out. Is this not a wonderful Government? If one cannot shape up one has to ship out.

The present Government passed an Act which made it almost compulsory for unions to join the system in order to get any benefit at all. If unions were not registered, they lost their right to survive.

The Hon. F. E. McKenzie: One has to pay water rates if the water goes past one's property, even though one may not want to use the water.

The Hon. D. W. COOLEY: How will the unions survive if they do not have finance to carry on? That is my point. The Government believes it has a compelling argument. All it did was to go to Bunbury where Mr Fraser and Sir Charles Court said the Government would bring down legislation which would pull the unions into line. That is how it came about; the Government said it would crack down on the unions and bring them into line. It said the preference to unionists provisions would be taken out of the legislation. However, the Government will cause irreparable damage to industrial relations in Western Australia. This measure will be the death knell of any chance of industrial peace.

What Commissioner Kelly suggested would have brought about good industrial relations. However, the Government has emasculated that provision to the point where it is stepping on the unions.

The Hon. G. C. MacKinnon: I am amazed how you have changed your views about Mr Kelly since 1963.

The Hon. D. W. COOLEY: He is the most eminent person in his field within this State, and the Government should listen to him.

The Hon. G. C. MacKinnon: I can remember the first Bill which Mr Kelly wrote.

The Hon. D. W. COOLEY: No member opposite when compared with Mr Kelly has any semblance of knowledge with respect to industrial relations. Nowhere is it recorded that I have said anything adverse about Mr Kelly.

The Hon. G. C. MacKinnon: But you were not in Parliament then.

The Hon. D. W. COOLEY: I have not said anything different during that time.

The Hon. G. C. MacKinnon: You were against him in those days when he had a great deal to do with the then Arbitration Court.

The Hon. D. W. COOLEY: We were inexperienced then.

The Hon. G. C. MacKinnon: You are wrong about that, too.

The Hon. D. K. Dans: Give him time.

The Hon. G. C. MacKinnon: Not one of your accusations came to be.

The Hon. D. W. COOLEY: The Act was not amended until 1969.

The Hon. G. C. MacKinnon: You made no effort to change it when you were in Government.

The Hon. D. W. COOLEY: Yes, we did.

The Hon. G. C. MacKinnon: Very little.

The Hon. D. W. COOLEY: It was lost in this House of Review.

The Hon. G. C. MacKinnon: You have a very bad memory. You should go back and read the debates.

The Hon. D. K. Dans: Let us talk about this Bill.

The Hon. D. W. COOLEY: I will be interested to hear from Mr Masters what people in the country think about this measure. He is saying we should destroy something he believed in in 1963.

The Hon. G. C. MacKinnon: I always believed your party was racist, non-immigration, and all the rest.

The Hon. R. G. Pike: Get back to the argument, and not on to personalities. You never get away from personalities.

The Hon. R. Hetherington: I would have thought Mr Pike would be the last person to say that.

The Hon. D. W. COOLEY: The 1963 Act was not so crash hot, until 1969. The trade unions were not happy with the penalty provisions, and they were still unhappy until a single event occurred in 1969 when, under a Liberal Government, a trade unionist was gaoled in Victoria. His name was Clarrie O'Shea.

At the next ACTU Congress a decision was made that if any other trade unionist suffered any penalty under the provisions of the Act, the ACTU would stand by the trade union concerned. Since that time not one penalty has been imposed against a trade union; or should I say penalties have been imposed, but not enforced. That is what changed the 1969 Act.

The Hon. Neil McNeill: Who did that?

The Hon. D. W. COOLEY: Sir John Kerr. He was the man in charge.

The Hon. G. C. MacKinnon: Is that not the man whom Mr Whitlam appointed as Governor General?

The Hon. D. W. COOLEY: I think it was; it was one of the mistakes he made.

The Hon. I. G. Pratt: One of them!

The Hon. D. W. COOLEY: One of the very few.

The Hon. Neil McNeill: Is it also true you consider he gaoled Clarry O'Shea?

The Hon. D. W. COOLEY: No, I could not say that.

A president will be appointed to the commission. We have no objection to that. It is strange to me that the Liberal Party, in 1979, should appoint a president to the commission whereas in 1963 the president was removed against the wishes of the trade union movement.

Prior to 1963 we had a president of the commission. The position disappeared under the 1963 legislation, but now it is being reintroduced. It is a good thing that the Industrial Commission should have as its head a person with the standing of a judge. Clause 23(3) says that the commission in the exercise of the jurisdiction conferred on it by this Act shall not limit the working hours of employees engaged in the agricultural and pastoral industry. Fancy that in this year of grace, 1979! Fancy that in this year of great celebration of the advancements we have made in the past 150 years, and with all the hoo-ha about what has been done in that time! Those poor devils can work from dawn until dusk, and the commission can do nothing about it. The commission can bring down awards in respect of wages and leave entitlements due to employees in the pastoral and agricultural industry, but under no circumstances may it limit the hours of work of those people.

The Hon. G. E. Masters: Do you think they might want that themselves?

The Hon. D. W. COOLEY: "Shape up or ship out"; is that the attitude of Liberal members? Commissioner Kelly certainly did not include such a provision in his proposed Act; had he done so I am sure he would be holding his head in shame. Yet members in this Chamber will support a provision which says the hours of work in a certain industry shall not be limited in this year of 1979, after the State has been in existence for 150 years.

Then we come to another point which was such a bone of contention in this Chamber recently; that is, that the commission shall have no jurisdiction over people who work in this place or in Government House. The Bill also removes the right of the commission to have jurisdiction over academic staff associations of tertiary education institutions. Where do those people go to obtain their conditions of employment, if not to the Industrial Commission? We will have a great deal more to say on that in the Committee stage.

I turn now to clause 29 which says that an industrial matter may be referred to the commission by an employer, union, or association, or the Attorney General. Why should the Attorney General have that right? How does he

have a God-given right to be the one person in this community who can act alone and refer a matter to the Industrial Commission? Why should he have the right to do that, knowing the penalties provided for in the Bill in respect of unions or organisations which may be engaged in industrial action? The reference to the Attorney General should be omitted from the Bill. ILO Conventions and Commissioner Kelly's proposed Act both emphasise that industrial relations should be carried out with the minimum of Government interference. While the Government is an employer in this State, it should accept its role of employer just as private organisations accept it. When it comes to the affairs of unions, the less the Government and employers have to do with them, the better it will be.

Such a provision seems strange indeed coming from people who do not believe in too much Government control, and who believe in the free enterprise system. It is strange that such people should produce a provision which allows one man to interfere in the affairs of a union or an employer.

The clause makes provision that a person who has been unfairly dismissed from his employment may be resinstated by order of the commission. However, the Bill contains no provision for compensation to be paid to an employee who has suffered wrongful dismissal. Let an employee be dismissed for not joining the union, and he is entitled to compensation under another provision; but if he is wrongfully dismissed he is not entitled to compensation.

Clause 45 will cause a great deal of dissension and controversy. I must say that Commissioner Kelly's proposed Act provides that where industrial action has occurred or in the opinion of the commission is likely to occur in relation to a matter, the commission may, where the matter is related to an industrial matter, inquire into its merits and do other things, and declare that the matter is one which should not be further dealt with under this Bill.

The Hon. G. E. Masters: Is that good or bad?

The Hon. D. W. COOLEY: I think it is bad. This is one area in which we would oppose the recommendation of Commissioner Kelly. It is bad that the Industrial Commission should be empowered to enter, not into a dispute, but into discussions which are taking place about an industrial matter; and then be empowered to make certain directions and to give certain orders. As a consequence of those orders, the cancellation of awards and contracts of employment or even the deregistration of a union could be brought about.

It has been said previously the Bill provides for legal strikes; however, when one reads the appropriate clause one finds it talks about strikes being legal as a consequence of a secret ballot. Then when one looks at clause 45 one sees how ineffective the first provision is. Despite the fact that a union may decide by secret ballot to hold a strike, under clause 45 the commission can order the employees back to work, and if they ignore the order they will be subject to penalties which could amount to a fine of $2 000, deregistration of the union, or cancellation of an award.

The Hon. G. C. MacKinnon: After a careful examination of clause 45, I find it difficult to understand what you have against it. I think you have it mixed up with another clause.

The Hon D. W. COOLEY: The clause refers to industrial action where it has occurred or, in the opinion of the commission, is likely to occur. I am saying peaceful discussion could be in progress, and if somebody mentions the word "strike" the commission could interpret that as meaning a strike is likely to occur.

The Hon. G. C. MacKinnon: I will have to check on it, but it is my understanding such a provision has been in industrial legislation since the year dot.

The Hon. D. W. COOLEY: Never has there been a provision such as this.

I have already referred to clause 73, so I will not go over that ground. It concerns the cancellation or suspension of registration of unions, and many of us will have plenty to say about that in the Committee stage.

Clause 88 makes provision for the seizure of the property of a union if the union has insufficient funds to pay a fine imposed against it. The furniture and other assets of a union may be removed and if their value does not satisfy the amount of the fine, each worker in the union may be levied an amount up to $20. God knows what will happen if the union has insufficient members to meet the fine.

Clause 96 concerns the exclusion of persons employed at Parliament House.

I would like to comment now on the Minister's second reading speech. It is strange that much of the indiscreet language used by the Minister for Labour and Industry in another place when introducing the Bill was deleted from the second reading speech notes of the Attorney General in this place. The Minister in another place referred

to the, "devastatingly high levels of industrial disputation . . . ."

*Point of Order*

The Hon. R. J. L. WILLIAMS: Mr President, it seems you have given the honourable member great latitude, but I think his continual references to events in another place infringe Standing Order No. 84.

The Hon. D. K. Dans: You are on shaky ground when you have to get down to taking points of order on a Bill such as this.

The Hon. R. J. L. Williams: I am not on shaky ground.

The PRESIDENT: Order!

The Hon. D. K. Dans: Of course you are. You are not sure of your case.

The PRESIDENT: Order! Mr Cooley is aware of the requirement of Standing Order No. 84. I am not prepared at this stage to rule him out of order. However, I would remind him of the provisions of Standing Order No. 84, which indicate that he should not allude to a debate in the Legislative Assembly.

*Debate Resumed*

The Hon. D. W. COOLEY: If members are so sensitive about that, I will not refer to it.

The Hon. D. K. Dans: We have the girls' debating society on the other side.

Several members interjected.

The Hon. D. W. COOLEY: It is easy to know when members opposite are wrong, because they take action such as this. They can say what they like about unions and the Australian Labor Party; but let members on this side say one word about what has happened in another place and they cannot bear to listen.

The Hon. D. K. Dans: They are hiding behind the door.

The Hon. D. W. COOLEY: They say, "Either shape up or ship out."

The PRESIDENT: Order! I have asked the honourable member to refrain from referring to a debate in another place. I indicated to him that I was not prepared to rule him out of order. I am of the belief he is being critical of the Chair in his comments. I would remind him that if a member disapproves of a rule, the proper course for him to take is to attempt to have the rule altered; he should not flout it or even bend it. I call upon the Hon. D. W. Cooley to proceed.

The Hon. D. W. COOLEY: I was not casting a reflection upon you, Sir. I was talking about members opposite being sensitive about this matter. It is strange that they should say such things, especially as the Attorney General made the following comments when introducing the Bill—

> The historical background of industrial relations in Australia is, no doubt, well known to members in this Chamber and was covered in some detail by the Minister for Labour and Industry when presenting this Bill in another place.

Perhaps the Attorney General was out of order when he made that comment.

The Hon. R. J. L. Williams: He was.

The Hon. D. W. COOLEY: Why did not Mr Williams correct him?

The Hon. R. J. L. Williams: I was not here.

The Hon. D. W. COOLEY: Had Mr Williams been here, I do not think he would have raised a point of order. I suggest the reason that the indiscreet language was deleted is that the Attorney General would not read some of the stuff contained in the second reading speech of the Minister for Labour and Industry, and particularly his reference to, "Shape up or ship out". That is the most horrible thing I have heard for a long time.

The Hon. G. C. MacKinnon: Standing Order No. 84 says he must not refer to debate in the Assembly. The Attorney General referred to a debate "in another place".

The Hon. D. W. COOLEY: I was referring to it in another place. Anyhow, we have the story almost word for word on page 3 of the Attorney General's second reading speech where he said—

> This Bill is the culmination of the undertaking made at that time and an acceptance of the Government's responsibility to the public.
>
> In fulfilling its undertaking, the Government initiated a number of steps to facilitate the introduction of effective legislation.
>
> The House would be aware that Senior Industrial Commissioner E. R. Kelly was commissioned to conduct a detailed review of the Industrial Arbitration Act in 1978.

If I am not allowed to refer to the debate in another place, I will say this: reference was made in the latter stages to a dispute in the Pilbara. That referred to the unions involved, how much money was lost to the State by way of bounties or royalties, how much was lost to the companies,

and how much was lost in wages. It is strange indeed that reference can be made to that dispute, which dragged on for 10 weeks. The unions were held culpable in the Attorney General's second reading speech in this place. However, the employees engaged in the strike went back to work on the conditions that they asked for 10 weeks before the strike was concluded. Who was wrong in that respect? Was it the employers or the employees who were holding out for 10 weeks?

The Hon. D. K. Dans: Eleven weeks, actually.

The Hon. D. W. COOLEY: If the employers were prepared to meet the claim that had been made 10 weeks earlier the dispute would have been settled immediately. That was the basis or vitually the basis on which the dispute was settled, anyway.

The Hon. G. C. MacKinnon: I think you had better go and ask the blokes up there.

The Hon. D. K. Dans: I did, the other day.

The Hon. T. Knight: It was settled on the basis of the claim laid down by the employers originally.

The Hon. D. W. COOLEY: It was not.

The Hon. T. Knight: I think you had better read the papers.

The Hon. D. K. Dans: You had better take a trip with me up there, Mr Knight. You can speak to management, not the members.

The Hon. T. Knight: That would be a good idea.

The Hon. D. K. Dans: I have spoken to all the managers in the last few days.

The Hon. D. W. COOLEY: I have some strong doubts about what is stated in the second reading speech relating to community involvement and the question of demands by the community for a better industrial relations Act. It is always stated by the Government that there have been these demands. The Government says, "We have had these letters; we have had these phone calls about what is happening in the industrial relations field. We have to do something about it. We have to take away the unions' traditional right to preference. We have to take out the preference clause." I have never seen a letter, or any documentary evidence, presented in this place which would indicate there is a genuine public call for this sort of thing. One sees a couple of isolated letters to the editor regarding this sort of thing; but never does one see any documentation that the public is calling out for changes in respect of the means by which industrial relations are effected. We do not see documentation of the claims that there should be clamps put on the unions in the way proposed in this Bill.

The Hon. T. Knight: They approached only the Liberal members because they know they will get something done.

The Hon. D. W. COOLEY: I have never seen a Liberal member in this place presenting documentary evidence of such claims. I have not seen that done by a Minister, a back-bencher, or anybody elese who has made those allegations.

I am not saying that the Industrial Arbitration Act was not due for review. It was; but not in the way it is being amended in these few clauses which will bring about the pernicious provisions in respect of unions.

The Hon. T. Knight: People have been pushing for it.

The Hon. D. W. COOLEY: The Government talks about public opinion polls—

The Hon. T. Knight: Where is all the upsurge and outcry that you were saying—

The PRESIDENT: Order!

The Hon. D. W. COOLEY: Mr Knight can show me where the outcry and the upsurge are. The Government takes notice of a few polls conducted by the Morgan group. Anybody could obtain answers with such polls if he put the questions in the right way. Was it not the Premier who said that the only poll he took any notice of was the one held on election day? If that is the case, why is he presenting such legislation?

The Hon. T. Knight: I take notice of that the day after.

The Hon. D. K. Dans: It is the only valid one.

The Hon. D. W. COOLEY: There was a poll which purportedly showed that 73 per cent of the people did not believe in compulsory unionism. I would like to know where compulsory unionism is written into any Act in Western Australia.

The Hon. T. Knight: It is not written in, but it is a fact.

The Hon. D. W. COOLEY: Nobody has seen it. It is not compulsory unionism; it is a traditional method of recruiting members into unions.

The Hon. T. Knight: You keep referring back to compulsory unionism, but you say it does not exist. Because we are removing it, why are you going on so harshly about it?

The Hon. D. K. Dans: All the waterside workers in Albany won't leave the Waterside Workers' Federation.

The PRESIDENT: Order! I ask Mr Knight to refrain from interjecting constantly. The Hon. D. W. Cooley.

The Hon. D. W. COOLEY: In the second reading speech, the Attorney General said—

> This Bill is the culmination of the undertaking made at that time and an acceptance of the Government's responsibility to the public.

Perhaps there should be a Bill to amend the Industrial Arbitration Act, but why have these provisions been included? These are provisions which are damaging to the union movement. Would it not have been better for the Government to go to the union movement and consult with it in a proper way, as Mr Kelly did? If the Goverment had to make an amendment, why did it not consult with the union movement? Why did it not consult with the Industrial Commission and with Mr Kelly?

The Government did not consult with the employers; and the employers have been strangely silent about it. The Australian Hotels Association does not want these provisions. The association represents major employers in this State. The association does not want provisions that will take away the right from the unions to organise in the manner they know will give the best results.

The Hon. D. K. Dans: What does the Swan Brewery think about it?

The Hon. D. W. COOLEY: The Swan Brewery certainly would not want to alter the present situation. There is 100 per cent membership there.

The Hon. I. G. Pratt: What about BHP?

The Hon. D. W. COOLEY: There is 100 per cent membership at the Swan Brewery. What will happen if the Bill goes through and half the members walk away from the union? What will happen to the union out there if this takes place? That will be the end of the Breweries and Bottle-Yards Employees' Union. It will not have sufficient funds to carry on.

The Hon. G. E. Masters: Why would they walk out?

The Hon. D. W. COOLEY: Half the members would walk out because some people just do not want to pay out money. Does not Mr Masters know that? Has he not learnt that since he has been here? People have a reluctance to pay out money. If their union fees are $1.50 a week, some people will do anything to avoid paying that money.

The Hon. I. G. Pratt: Why don't they stand by themselves? They have got to be propped up.

The Hon. D. W. COOLEY: We have always worked on the basis that unity is strength. If one has 100 per cent union membership in an establishment, there is plenty of strength. One can talk to the employers with strength. However, that is something the people on the other side of this Chamber do not like; so they bring in a Bill which says it is illegal to have a closed-shop system.

If one has 500 members and 250 of them walk out, where is the power? There has never been any problem in the brewery with the Breweries and Bottle-Yard Employees' Union. That is a union that has never done anything against this Government in its life. It has not engaged in a strike for the best part of 68 years. It has been a model union; and it was under good leadership for quite a long time. It has been a model of industrial relations in this State.

Why does the Government want to destroy a union like that? It does not seem reasonable or fair to do that sort of thing.

The Attorney General, in the second reading speech, said also—

> Subsequently, comments and objections were received from The Confederation of Western Australian Industry, the Trades and Labor Council, and various organisations and individuals. Also, discussions were held with the Minister for Labour and Industry's Advisory Committee on those provisions to which strong objections had been made. It should be clear to anyone, therefore, that the proposals embodied in the Bill have been the subject of the most exhaustive and thoughtful decision-making process.

I would concede that, so far as they relate to Mr Kelly's proposals. However, I will not concede that in relation to the amendments being introduced in this Bill and about which there was no consultation with any party. There should have been consultation, as there was in the Victorian matter.

The Attorney General continued—

> To keep matters in their perspective, members should understand that most unions in Western Australia have had a long and honourable history of service to their members, and certainly of responsibility to their community.

If that is so, why are we doing this to them? If most unions have had a long and commendable history, why are we doing this to them, taking away from them the conditions that they have enjoyed for a long time? I refer mainly to the provisions regarding preference for unionists and

the traditional rights of unions to organise on what is commonly known as a "closed-shop" basis.

The Attorney General spoke about the small group of unions which has not been prepared to work within the system. Because of a small group, we tear down the whole system of decent industrial relations. Again, no unions are named, as with the complaints we have heard from time to time. Never are any names mentioned; never is any documentation shown. All that is said is that there is a small group of unions acting against the interests of the community in Western Australia, but there are no names given—

The Hon. G. E. Masters: I will give you names.

The Hon. D. W. COOLEY: Mr Masters can tell us who they are.

The Hon. G. E. Masters: I will not be so rude as to interject while you are making a speech.

The Hon. R. Hetherington: Perhaps you will tell us later while you are on your feet. I will interject and ask you.

The Hon. D. W. COOLEY: No doubt there are some unions which have not done the right thing. The Government has admitted that most of the unions have a commendable record in respect of their service to the State. There is a small group that has not done the right thing. That small group should be picked off. If those unions were working consistently against the provisions of the Act, they should have deregistration proceedings invoked against them, not the sudden death approach that will apply to other unions under the system if they take industrial action.

The second reading speech also contained the following—

> The Bill recognises in principle that unions and employers are expected to refrain from using strikes, lock-outs, and other industrial "weapons" to resolve disputes.

There is a large number of unions that have the right to strike, but very few of them use it. If a union does not have the right to strike, it has no strength and no power when it is in a situation of industrial negotiation.

People should be entitled to withdraw their labour if they are not receiving the right price for it. If in an industry conditions prevail which are objectionable to the majority, the workers should have the right to strike. Every democracy in the world recognises union's right to strike. It is contained in the provisions of the ILO conventions and it has been established by a number of committees which have reported to the ILO. People in all democracies have a right to defend their occupational interests.

Unions and employers are expected to refrain from strike action. We all try to refrain from taking strike action. Nobody likes to be involved in a strike. None of my trade union colleagues enjoyed being involved in a strike situation; but it was necessary on occasions. As Mr Kelly said, sometimes strikes are provoked by the actions of employers. Evidence of this is available in the reports of the Australian Bureau of Statistics which indicate that a large number of strikes result from employers' actions.

The Hon. G. E. Masters: Are you trying to beat Mr Claughton's record?

The Hon. R. Hetherington: It is a bit early to say that.

The Hon. D. K. Dans: Mr Cooley is only on the preamble.

The Hon. R. G. Pike: He is on the prologue.

The Hon. G. E. Masters: Mr Claughton took many hours. I just wondered whether you were trying to break that record.

The Hon. D. K. Dans: You have all the time in the world, Mr Cooley.

The Hon. G. C. MacKinnon: You take your time, Mr Cooley. We are not in the least bit bored.

The Hon. D. W. COOLEY: The following statement appears in the Attorney General's introductory speech on the Bill—

> For instance, at present if a strike occurs that affects the health and well-being of the community, it is impossible to have deregistration proceedings effected quickly. This Bill provides that, in the event of the community's welfare being threatened, the commission can, if necessary, have deregistration effected within a matter of hours.

In fact it goes deeper than that. It refers to the question of public interest and a very wide interpretation is given. The Attorney General may intervene in the public interest in a particular matter. On his own admission, the Attorney General can deregister a union within hours. How will that improve industrial relations or resolve a dispute? That provision simply removes the union from the system and it is not subject to any of the penalties provided in the Bill. The union can either work as an independent organisation and defy the provisions of the legislation or it can take another alternative—and a number of unions are doing this at the present time—which involves opting out of the system altogether and coming

under Federal jurisdiction. I do not know whether that is what the Government wants; but that is the result of this provision.

Under Commissioner Kelly's proposal, before a union can be deregistered certain provisions have to be met. The most important provision contained in Commissioner Kelly's proposed Act, which is not contained in this Bill, is that the committee of management will be involved in consultation with the commission before action is taken in respect of deregistration. If it is felt the dispute has resulted from the action of one man or 200 men, the committee of management is invited to go to the commission to put its viewpoint.

Deregistration proceedings can be taken only if consistent breaches against the legislation occur. Under these provisions a union may have had a clean record for a long period of time, but it can be deregistered within a matter of hours if it acts contrary to the public interest. I am not saying the provisions will be applied in that manner, but they may be.

None of us like industrial disputes, but sometimes disputes arise and people are compelled on principle to strike to defend what they are fighting for.

The Bill contains the provision to enable joint sittings of the Federal and State commissions. That is a good provision, but I do not believe it will solve completely the problems which were highlighted in the Moore *v.* Doyle case. However, it will certainly assist and will resolve a number of disputes in which conflict exists between the State and Federal interests.

The Bill provides also for the establishment of industrial associations. That is not a bad provision. It does not go quite as far as the situation envisaged by Mr Tozer where we would have complete industry unions in the Pilbara; but it does at least allow unions in a particular industry to apply to one association or council to further their own interests.

The following statement was made in the Attorney General's introductory speech on the Bill—

> For instance, recently cases have been brought to notice where, although a majority of union workers have voted not to strike, the executive has directed otherwise. This is most undesirable, particularly as it is the union members and not necessarily the executive who suffer the loss of pay.

In the greatest majority of cases the people on the job vote for continuance of the strike. In many cases the executive recommends the workers should return to work; but the people on the job are so resolved in their efforts to gain better conditions that they will not abide by the decision of the executive. It is not true to say this has occurred in recent cases, and it should be noted that the cases to which the Attorney General refers have not been quoted.

The Hon. N. E. Baxter: Do you say the executive's decision is to go back to work in the majority of cases or in the minority of cases?

The Hon. D. W. COOLEY: In the minority of cases the executive's decision would be to continue the strike. If the people on the job are asked to return to work, in the majority of cases they would reject the executive's decision.

The Hon. N. E. Baxter: In the majority of cases the decision of the executive is to continue to stay on strike.

The Hon. R. Hetherington: That is not true.

The Hon. D. W. COOLEY: In the Pilbara the workers are acting contrary to the decisions of the executive and this is occurring in many other areas.

In the last 10 years most of the disputes in industry have been created by activity on the job. Disputes have not been brought about by a direction from the executive or other people in union authority. Disputes arise from spontaneous action by the people on the job. In many cases it is very difficult to persuade the workers to return to work even though a recommendation may be made to them that they should do so. In very few cases would the executive override the decision of the majority of people.

Another very bad feature of the Bill is that the right to award workers' compensation payments is being removed from the Industrial Commission's jurisdiction. By that I mean under this Bill above award conditions are not covered by the Industrial Commission as far as workers' compensation payments are concerned.

In some cases people will suffer a loss of approximately $20 per week in workers' compensation payments when this Bill is proclaimed. A great deal more will be said about that in the Committee stage.

I have touched on a number of matters referred to in the Attorney General's introductory speech on the Bill. I do not wish to be repetitious and I do not believe I have been so far. My colleagues will take up any points I may have missed.

The main thrust of our argument is that this Bill is not designed to improve industrial relations. When it is proclaimed it will have a deleterious effect on industrial relations in this State particularly in regard to interference with a

union's right of membership. Unions are very passive at the present time in relation to the Bill; but underneath that exterior display of passiveness, lies a great deal of resentment against the Government for the actions it has taken in this Bill.

I am certain that, regardless of the comments made by members on this side of the House, we will be unable to sway members opposite. They are committed; they are party people; and they will vote according to party lines. At the present time this is a party House and I am doubtful whether any member opposite would recognise the justice of the arguments put forward by those on this side of the House. Members opposite have made the decision in the party room and they will vote accordingly in this so-called House of Review regardless of any propositions put forward by Opposition members.

Many injustices can be found in the Bill. We will bring to light those injustices. I would like to see the recommendations proposed by Commissioner Kelly introduced in this Parliament. His proposed Act was a good one. I am not saying we would have agreed with all the provisions; but it would have improved industrial relations instead of making them worse.

The Government made a grievous error when it altered parts of Commissioner Kelly's proposed Act and inserted different provisions, particularly in relation to the interference with the rights of unions.

With those remarks, I oppose the Bill.

**THE HON. G. E. MASTERS** (West) [8.58 p.m.]: We have listened to a somewhat irrational and bigoted speech from the chief spokesman for the Opposition on this matter.

The Hon. R. Hetherington: What a nonsensical statement to start with.

The Hon. G. E. MASTERS: It is sad—

The Hon. D. K. Dans: It is sad you say that.

The Hon. G. E. MASTERS: —that almost the last speech made by a member of this House—

The Hon. D. K. Dans: There are a couple more to come.

The Hon. G. E. MASTERS: —should ramble on in the manner in which Mr Cooley has done today. It is unfortunate he should treat this very serious and carefully thought out piece of legislation in the way he has.

The Hon. D. K. Dans: This "very carefully thought out"— God help the people of Western Australia!

The Hon. G. E. MASTERS: There is no doubt it was carefully thought out. This Bill is viewed by members of this party with a great deal of pride and it is welcomed into this House with a great deal of enthusiasm.

The Hon. D. K. Dans: I gather that.

The Hon. R. Hetherington: Not from this side.

The Hon. G. E. MASTERS: It is welcomed by the public generally. It is fair to say this Bill has been brought into the House by public demand.

The Hon. D. K. Dans: Do you think it will minimise industrial disputes?

The Hon. G. E. MASTERS: If I have to raise my voice I shall. We are trying to have a sensible discussion—

The Hon. D. K. Dans: Do you think this Bill will minimise industrial disputes?

The Hon. G. E. MASTERS: It is sad a Bill which has been brought forward as a result of strong support at an election has been treated in this manner by the Opposition. The election ballot boxes strongly favoured the sort of legislation we have brought forward. It has been indicated clearly that the public support the proposals brought forward. There is no shadow of doubt about that.

The Hon. F. E. McKenzie: Why did it take you so long? It took you three years.

The Hon. G. E. MASTERS: Let me explain why it took so long. I suppose it took at least two years but that was because of consultations with interested groups. No-one can argue against such reasons.

The Hon. F. E. McKenzie: You have had the draft from Commissioner Kelly for a long time.

The Hon. G. E. MASTERS: The legislation has been considered and public opinion has been considered very carefully for two or three years.

The Hon. D. K. Dans: Do you think this Bill will minimise industrial disputation?

The Hon. G. E. MASTERS: Commissioner Kelly suggested discussions should take place and reports should be put forward. In effect, he submitted a very carefully considered document. Commissioner Kelly would agree it was the result of long and detailed consultations.

Commissioner Kelly advertised in the Press and gave the public two months during which to make contributions. I think the advertisement appeared in *The West Australian* on Saturday, the 4th February, 1978. Commissioner Kelly then invited comments and submissions. As a result of these submissions, he prepared his first report.

The Hon. D. W. Cooley: Did you make a submission?

The Hon. G. E. MASTERS: Not personally; did Mr Cooley?

The Hon. D. W. Cooley: Yes I did.

The Hon. G. E. MASTERS: Good on you; I am proud of you.

The Hon. F. E. McKenzie: Commissioner Kelly accepted all Mr Cooley's suggestions.

The Hon. G. E. MASTERS: He listened to them and obviously he has a great deal of respect for Mr Cooley. However, members opposite have to realise that in putting forward his final report, which was an excellent document, he put together all the documentation and all the reports which he had considered. He put the result of those considerations to the Government, and one very carefully considered statement appears as a report supporting the draft Bill. Mr Cooley has a copy of the report.

The Hon. F. E. McKenzie: Mr Cooley mentioned 20 or more recommendations.

The Hon. G. E. MASTERS: I will read one, to start with. If members opposite want them item by item I will oblige. Commissioner Kelly said the preparation of the report had given the people a unique opportunity of a close and detailed involvement in the preparation of the proposals contained in the legislation.

We all agree with those observations. Certainly it was an opportunity for the public to be involved and to make submissions. It was a unique opportunity, and the Government was responsible for making that opportunity available. I do not think the Opposition would argue about that at all.

As a result of his inquiries, Commissioner Kelly brought forward this substantial document, which is the recommended Act. He considered it would suit the purpose as an industrial Act and satisfy the needs of the industrial situation in this State.

Mr Cooley has suggested because he is experienced in industrial matters, and has a great deal of expertise, we should accept the whole of the report. Is the member opposite claiming that Commissioner Kelly's report should be accepted completely?

The Hon. D. W. Cooley: No, I am not saying that.

The Hon. G. E. MASTERS: The member opposite said we should accept it without any changes.

The Hon. D. W. Cooley: You have no knowledge of industrial matters at all.

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The Hon. G. E. MASTERS: I have enough knowledge to suit my purpose. The Opposition is suggesting the Government should accept this document, and I am saying that members of the Opposition are hypocrites because when a report came forward concerning an inquiry into the Electoral Act, conducted by Judge Kay, the Opposition said that report should not be accepted.

The Hon. D. K. Dans: What is that supposed to prove?

The Hon. G. E. MASTERS: The Opposition is claiming, on the one hand, when an expert report is produced we should accept it but, on the other hand, we should not accept another report with which it disagrees.

The Hon. D. K. Dans: You are not suggesting that Judge Kay was an expert in electoral matters? What rubbish!

The Hon. G. E. MASTERS: The Opposition has a double standard. I suppose members opposite consider that the same should apply to the Dunn report.

The Hon. D. K. Dans: I know what should happen to that report!

The Hon. G. E. MASTERS: Mr Cooley quoted Commissioner Kelly as saying that a great number of people made submissions, and that Mr Cooley was one of them. If we look at the other report to which I have referred, the report by Judge Kay—

The Hon. R. Hetherington: Who is not an expert on electoral matters.

The Hon. G. E. MASTERS: —he accepted a considerable amount of evidence, covering pages and pages, but the Opposition claims this report is not good.

The Hon. R. Hetherington: That is right, and I will say it again.

The Hon. G. E. MASTERS: In the case of the Workers' Compensation Act inquiry, a great number of submissions were put forward. Some of them came from friends of those on the Opposition side of the fence—not many, because they do not have many.

The point I am making is that because of the unprecedented support we received at the last election—which we did receive and which Mr Cooley is acknowledging—we have brought forward this legislation. The question of industrial legislation was a major issue, and we made many statements with regard to it, but Mr Cooley has said we misled the public. He is quite wrong. It was a major issue, and we were quite happy to go to the public on it.

The Hon. D. W. Cooley: Not on the policy of abolishing preference to unionists.

The Hon. G. E. MASTERS: Let me make my point. I will start by quoting from page 12 of the Liberal policy, 1977-80, as follows—

> We are now ready to put new policies to the test as an election issue. A vote for us will be taken as a vote for these policies.
>
> We want a mandate from the electors.

I am prepared to read the policy, page by page.

Mr Cooley said we did not mention secret ballots.

The Hon. D. W. Cooley: I did not say that at all. You are misrepresenting me. I said you did not mention abolishing preference to unionists.

The Hon. G. E. MASTERS: At page 15 of our policy it was stated—

> We will do all we can to encourage the main body of the workforce to participate at union meetings and in ballots.

The Hon. R. Hetherington: There is no mention of secret ballots. Participation does not necessarily mean a secret ballot.

The Hon. G. E. MASTERS: We are talking about ballots; we are making no secret of it at all.

The Hon. Lyla Elliott: You were not concerned about secret ballots for blind and illiterate people.

The Hon. G. E. MASTERS: I will discuss that also, at any time. Perhaps if the member opposite listens to my speech and studies the Kay report she might come up with something a little more informative.

When we talked about deregistration there were a number of matters in our minds. We had to take some account of the misuse and abuse of the union system. At page 16 of our policy we stated—

> Among other things we will endeavour to achieve a situation where de-registration of an offending union automatically has equal force at State and Federal levels.

We made no secret that deregistration was necessary.

The Hon. R. Hetherington: We did not mention that. We were talking about preference to unionists.

The Hon. G. E. MASTERS: We had a clear mandate as a result of that document, and as a result of the polling at the booths and in the ballot boxes. It is an important issue so far as we are concerned and so far as the public are concerned.

The Hon. D. K. Dans: The Gallup polls are beginning to swing the other way with regard to this hoo-ha legislation.

The Hon. G. E. MASTERS: We had a mandate from the people; we have a responsibility as a result of the poll to bring out industrial legislation along the lines we promised.

The Hon. R. Hetherington: It will be interesting to see whether you still have it next year.

The Hon. G. E. MASTERS: We will, and when we go to the polls I challenge Mr Hetherington to say that he opposes what we have introduced.

The Hon. R. Hetherington: I will do that.

The Hon. G. E. MASTERS: We would be guilty of contempt and guilty of misleading the public if we did not introduce this legislation. I think it is fair to say that the ALP is in a quandary.

The Hon. D. K. Dans: There is no quandary at all.

The Hon. G. E. MASTERS: The Opposition is aware that we have this increasing support. A favourite trick of the Opposition is to quote continually the ILO conventions, as Mr Cooley has done.

The Hon. D. K. Dans: Do they not count?

The Hon. G. E. MASTERS: Of course they do; they are very important. But, Mr Cooley is very careful in the way he uses them. He makes a point there is nothing in the ILO conventions about non-compulsory unionism.

The Hon. D. W. Cooley: You do not know the conventions.

The Hon. G. E. MASTERS: I have them. The member opposite was good enough, at one time, to send them to me. I read them because I believed Mr Cooley was a man who might use them, as he has done occasionally.

Mr Cooley mentioned Convention No. 87, and he quoted Article 1 and Article 3. He missed Article 2 because it did not suit his purpose. Article 2 reads as follows—

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

For a person to be able to join an organisation of his own choosing without previous authorisation seems to me to suggest that a person should have a choice.

The Hon. D. W. Cooley: It does not say he should not.

The Hon. G. E. MASTERS: It states that a person should join an organisation of his own choosing. It says a person has a right to join if he so wishes. So, very carefully, Mr Cooley omitted Article 2. We have had this type of debate previously, and it is recorded in *Hansard*. I am pointing out that the member opposite read part of the article, but he did not read the part which really matters.

The Hon. D. W. Cooley: You have read only the part which suits you.

The Hon. G. E. MASTERS: I am saying the honourable member did not prove to this House that there should not be a choice. In fact, there should be a choice. Members of the public should have the right to choose to which organisation they want to belong or to choose if they do not want membership.

If we were to look carefully at the stated platform of the ALP we would see again it is guilty of a falsehood. At page 36 of the ALP State platform it is stated—

> . . . in the field of freedom of association, the ILO's Conventions and recommendations are of particular importance.
>
> Accordingly a Labor Government will
>
> 1. where necessary amend or repeal all legislation to ensure conformity with the ILO Conventions and recommendations;

The Opposition is claiming, in fact, that there was no compulsory unionism in this State. That was repeated over and over again, and no-one is fooled by what was said. The situation where a person going to a workshop is told that he would not be employed and would not receive pay unless he paid union fees is compulsory unionism. Members opposite, as does everyone else, know that. It is stated in the ALP platform. The Opposition claims to comply with the ILO conventions, but it disobeys them when it suits. One ILO convention says there shall be no compulsion.

I want to make the point quite clear; the whole situation is being misrepresented totally by the ALP.

We should look at the events and the activities which have led to the introduction of this legislation. We have to recognise the public wanted this Bill for a long time. The fact is the public have been utterly fed up with the situation which has existed.

The Hon. D. K. Dans: How will this cure the situation?

The Hon. G. E. MASTERS: Of course, it will not solve the whole problem, but at least it will go some way and it will help. It is of no use the Opposition saying it will chuck this legislation out. This is a genuine effort on the part of the Government to resolve some of the problems which have existed.

When we examine the events which led up to the introduction of this legislation we realise the public are sick and tired of being held to ransom. The public are sick and tired of being pushed around by militant groups. Not all groups are militant; some are good and some are bad. I am saying the public are becoming fed up with being involved in disputes and stoppages; they want no part of them. They are not really interested in some of the things which go on. Members of the Opposition have misjudged the public, who are thinking more carefully. They recognise disputes and stoppages are wrecking the economy and creating more unemployment. Whatever members opposite say, the stoppages are creating more unemployment.

The Hon. D. W. Cooley: It is all the fault of the unions!

The Hon. G. E. MASTERS: I make it absolutely clear I did not say that. I said the disputes and stoppages certainly do not help; in fact, they worsen the position. Unemployment becomes worse as a result of some of these stoppages. Surely Mr Cooley agrees with the point I make.

Let us consider the cost to the public of some of these stoppages. In the Hamersley dispute the workers lost something like $7 million. Certainly they gained some advantages and it took 10 weeks to succeed, and the $7 million will never be regained by the people involved. Those stoppages, which members of the Opposition probably condoned, resulted in men, women, and children losing a great deal of income.

The Hon. D. K. Dans: By your provocative action in Karratha you prolonged the dispute because you endeavoured to make the Police Force of this State lackeys of the present Government.

The Hon. G. E. MASTERS: I think it is fair to say the public have recognised more and more over a period of time that these stoppages and problems are caused deliberately. They are set up to satisfy the insatiable hunger for political power of the fat cats at Trades Hall. Perhaps I should say the fat cats or the elites of Trades Hall.

The Hon. D. W. Cooley: You are wrong again. There is nobody in Trades Hall now. It is being pulled down.

The Hon. G. E. MASTERS: Not before time.

The Hon. D. K. Dans: They are going to build a bigger and better one.

The Hon. G. E. MASTERS: The stoppages are set up to satisfy the lust for power of those people. Again the public have reacted. When people are given the opportunity to get out of a union, Mr Cooley says they do so because they do not like paying their fees. I suggest there is much more to it than that. I suggest if an association aligned with the Liberal Party charged a subscription of $50 a year, and members opposite knew that association paid X dollars to a political campaign, they would refuse to join it. Some unions have become very politically motivated.

The Hon. Lyla Elliott: I used to belong to the Federated Clerks' Union and I refused to pay fees to the DLP, but I did not withdraw from the union.

The Hon. G. E. MASTERS: I am saying people in the work force resent contributing to a cause with which they do not agree. Surely members of the Opposition would agree that is a good reason for not subscribing to a union.

The Hon. Lyla Elliott: The courts have ruled it is quite constitutional for an organisation like a union, with a majority vote, to determine a fee. It is quite legal and constitutional.

The Hon. G. E. MASTERS: It is perfectly all right provided no-one is compelled to join that association, and I would oppose it even if one were compelled to join it.

The Hon. Lyla Elliott: Under the present law you can pay your fee into the court.

The Hon. G. E. MASTERS: Do not play that silly trick. We all know the situation very well. I supported it, but it is not working.

The Hon. D. K. Dans: Who put the preference clause into the awards?

The Hon. G. E. MASTERS: I am not interested in that.

The Hon. D. K. Dans: You should be.

The Hon. G. E. MASTERS: I will make my own speech. In the situation I described, it is no wonder the people resent and oppose the idea. We have witnessed in this House tonight the wild performance—although the honourable member cooled off a little—of the ex-President of the TLC and ex-Secretary of the Breweries and Bottle-Yards Employees' Union, and a very successful one. We know of some of the things for which he has been responsible in the past; it was a very effective union. But we have also heard him making threats and using strong-arm tactics in this House, which he has obviously been accustomed to using in his union.

The Hon. D. K. Dans: What strong-arm tactics?

The Hon. G. E. MASTERS: Every member of this House has been threatened by Mr Cooley at one time or another. I have quoted previously the letter dated the 9th May, 1975, which Mr Cooley sent to every Government member of this Chamber. It is addressed "Dear Comrade".

The Hon. D. K. Dans: That is a lovely term.

The Hon. G. E. MASTERS: It dealt with the Fuel, Energy and Power Resources Bill. We laugh about the letter, but it contained a threat, because it said—

> Any doubt that the Liberal/Country Party Government policy discriminates in favour of employers has been dispelled by its action in this matter. It highlights the need for unionists to conduct a more active campaign to ensure that sufficient Labor candidates are returned to the Legislative Council in order that the Party's policy in respect to this Chamber is put into effect.
>
> The Members who voted against my amendments are listed in the documents attached. I have drawn attention to these Members' names hoping that your organisation will register the strongest protest possible to them whenever practicable.

The Hon. D. K. Dans: What is wrong with a letter like that? That is not a strong-arm tactic.

The Hon. G. E. MASTERS: He comes out in the newspapers with similar statements. He uses such language as "scabs and strike breakers", which is disgraceful language to be used in this House.

The Hon. D. K. Dans: It is not strong-arm tactics.

The Hon. G. E. MASTERS: We all know the way Mr Cooley spits out this sort of thing. He becomes very bitter and upset.

The Hon. D. K. Dans: He does not spit. He speaks loudly.

The Hon. G. E. MASTERS: He thinks a loud speech is a good one.

The Hon. D. K. Dans: You think a fast speech is a good one.

The Hon. G. E. MASTERS: Probably. I will slow down.

The Hon. G. C. MacKinnon: I have given up telling him about that.

The Hon. G. E. MASTERS: I will speak slowly from now on and take another 10 minutes as a result.

We have never heard members of the Opposition in this House at any time criticise those who are responsible for many of the problems and much of the disputation which takes place in our community. We all know those who are responsible. We could name Marks and Carmichael and the likes. Mr Hawke was recently prepared to name them. It is a great shame that members of the Opposition in this House are not prepared to come out and say, "This is wrong", and strongly oppose the actions of these people, instead of sitting mutely in their seats and supporting the activities of these groups.

The Hon. R. Hetherington: What should we have said was wrong?

The Hon. G. E. MASTERS: Members opposite should have said, "We condemn you for such action".

The Hon. R. Hetherington: What action?

The Hon. G. E. MASTERS: I will cite a few examples. When the sheep-loading dispute was on in Fremantle, there was undoubtedly a great deal of unrest and some very dubious activities were undertaken. Mr Hetherington and Mr Dans were outside the court where signs were carried saying, "You cannot swim in concrete boots." I am suggesting that was intimidatory. Do members opposite condone that sort of sign and support that sort of activity?

The Hon. R. Hetherington: That is not my sort of language.

The Hon. G. E. MASTERS: We had Marks saying, "Farmers had better guard their fences or their crops will catch fire." That is the sort of person we are dealing with in this legislation. The legislation will not do any harm to people who are reasonable unionists. We heard Mr Cook saying Western Australia would be cut off from the rest of Australia if the Government did not take certain action. It was a shocking statement which upset the majority of the people in this State; yet again, not one word of criticism. I am making the point that whatever appears in the newspapers and whatever action these militants take, members of the Opposition fail to criticise them. We on this side of the House are prepared to criticise anyone who takes such action as I have described.

The Hon. D. K. Dans: You have introduced a new word, "militants". Are you against militants? You are against Communists. Now you are against militants. You have one to go. I know what you are against: you are against unionists.

The Hon. G. E. MASTERS: That is absolutely ridiculous. I am not opposed to unionists. No member on this side of the House is opposed to responsible unionists.

The Hon. D. W. Cooley: It is recorded in *Hansard*, "We will smash the unions." You were not here six months before you were talking about smashing the unions.

The Hon. G. E. MASTERS: Not one person on this side of the House is opposed to responsible unionism.

Several members interjected.

The ACTING PRESIDENT (the Hon. R. J. L. Williams): I suggest the honourable member address his remarks to the Chair and do not invite disorderly interjections.

The Hon. G. E. MASTERS: Certainly. I am saying it is unfortunate that members of the Opposition do not at times take a firm stand on these issues. We would have a far better understanding in the community if that were the case. Certain elements in the community are intent on disruption, but I am saying for the record that there is no opposition to responsible unionism from this side of the House.

The Hon. D. K. Dans: What do you call responsible unionism?

The Hon. G. E. MASTERS: Activities other than those I have described. Irresponsible unionism is cutting off essential supplies to the public, denying men, women, children, and old people supplies of butter, bread, and eggs. I call that irresponsible unionism. I call those unjustified actions on the part of people who are trying to hold the public to ransom. It is irresponsible unionism when perhaps a ridiculous pay claim is made. Some pay claims are quite ridiculous.

The Hon. D. K. Dans: Do you know why they are made?

The Hon. G. E. MASTERS: Members of the Opposition never criticise that sort of activity which is designed to damage and upset the industrial system and the Industrial Arbitration Act.

The Hon. D. K. Dans: Read that little book by an ex-member of the Australian Labor Party, Judge Joske.

The Hon. G. E. MASTERS: In the industrial arbitration system there needs to be a degree of understanding and a common-sense approach.

The Hon. D. K. Dans: I am agreeing with you.

The Hon. G. E. MASTERS: A log of claims came forward to the Manager of Magna Motors

in Port Hedland from the Australasian Society of Engineers. It sought weekly wage rates of $800 a week for the base tradesmen, extra payments of $100 a week, a site allowance of $100 a week, and a district and division allowance of $100 a week. That sort of claim is ridiculous and unacceptable and is designed to cause trouble, upset the system, and provide an excuse for disruption when certain people do not get their way.

The Hon. D. K. Dans: Is it a Federal or State award claim?

The Hon. D. W. Cooley: You are demonstrating how little you know.

The Hon. G. E. MASTERS: It was signed by J. W. Forster of the Australasian Society of Engineers, Tasmanian branch. I am not saying it is a State claim, but it is a typical ridiculous claim. I understand that if the union does not get what it wants it will use it as an excuse to go on strike. We are talking about responsible attitudes.

The Hon. D. K. Dans: I am sympathetic towards you. You are doing so badly.

The Hon. G. E. MASTERS: I have a document titled—

Several members interjected.

The ACTING PRESIDENT (the Hon. R. J. L. Williams): Order! There are far too many interjections. I have been tolerant for as long as I can be. Mr Gordon Masters will resume his speech and cease provoking interjections.

The Hon. D. K. Dans: Do not make outlandish claims.

The Hon. G. E. MASTERS: I wish quietly and sensibly to quote from a document titled "A Guide to Shop Stewards". It demonstrates the attitudes of some people—not the majority—in the community. The document is put out by the Australian Metal Workers and Shipwrights Union, and states as follows—

> A SHOP STEWARD CANNOT BE NEUTRAL
>
> It is sometimes quite a convincing argument when the employer points out that the future employment and prosperity of employees is dependent on the future prosperity of the company. Shop Stewards under the influence of these concepts sometimes feel impelled to "see both sides" to "see the employers point of view" and "to be fair and unbiased".
>
> A Shop Steward who is pushed into this position has lost his sense of direction.
>
> Our Shop Steward must remember that he represents one side—the members side—the side that elected him and he must be biased, prejudiced and one-eyed. He represents the A.M.W.U. members and no one else.

Can we be surprised industrial disputes and unrest are commonplace when we read a direction of that nature, put out by people the Opposition supports? The Opposition should rethink its attitude towards these people, and try to stop some of this sort of activity.

We have before us the *Industrial Arbitration* Bill. I emphasise the word "Arbitration."

The Hon. R. Hetherington: It is supposed to be "Conciliation".

The Hon. G. E. MASTERS: Conciliation is perhaps the most important part of the process. However, after conciliation fails, arbitration takes over.

The Hon. D. K. Dans: Why don't you call it the "Conciliation and Arbitration Bill"?

The Hon. G. E. MASTERS: Why should we put in extra words? Does Mr Dans not understand what it means? If Mr Dans takes the trouble to read the Bill—as Mr Cooley did not—he would see that provision is made for conciliation.

The Hon. D. K. Dans: I have read the Bill every way possible. I even read it upside down; it made more sense that way.

The Hon. G. C. MacKinnon: Mr Dans is so biased it would not matter whether he read it six times; he would not be convinced.

The Hon. G. E. MASTERS: We must recognise the arbitration system for what it is. It is a process under which associations of workers or employers elect—volunteer, if we like—to join a system which encourages conciliation and arbitration as a means of resolving problems. If the individuals involved cannot come to terms by conciliation, the matter goes to an unbiased arbitrator.

The Hon. F. E. McKenzie: This Bill will remove much of that.

The Hon. G. E. MASTERS: I am talking about the system which allows disputes to be resolved.

The Hon. D. W. Cooley: That is nothing new.

The Hon. G. E. MASTERS: Let me explain to members opposite why this legislation is necessary. If agreement cannot be reached by conciliation, an independent arbitrator makes the decision. Those people who choose to join this system and accept the undoubted benefits it brings, also must accept the very necessary obligations it imposes.

However, when some of the more militant unions bring forward ridiculous claims of the type to which I have already referred, and are prepared to accept neither conciliation nor arbitration simply because it does not suit them, they should get out of the system.

The Hon. R. Hetherington: Have you ever worked out what makes a union militant?

The Hon. G. E. MASTERS: Let us bear in mind there is no compulsion to join this system. Members opposite criticise the system, and say it is ridiculous; yet employer and employee groups volunteer to get into the system. This is the important point members opposite seem to have forgotten.

The Hon. F. E. McKenzie: There is nothing wrong with arbitration. You are simply hog-tying the legislation.

The Hon. G. E. MASTERS: We are saying that if people accept the privileges of the system, they should also accept the umpire's decision. What is the point of having an arbitrator make a decision if certain people do not obey the rules? As Mr Cooley said, they should shape up or ship out. Some groups consistently break the rules. They accept the system until the conciliation and arbitration process goes against them. Then they do not accept the umpire's decision because it suits them not to accept it.

The Hon. R. Hetherington: You said you would name the unions. Tell us which ones they are.

The Hon. G. E. MASTERS: I will not list the unions involved. I have a high regard for a large number of unions. However, there are people in the community who consistently break the rules.

The Hon. D. W. Cooley: Name them.

The Hon. G. E. MASTERS: Does Mr Cooley want me to go through it again?

The Hon. F. E. McKenzie: It is not a one-way street; it applies to both sides.

The Hon. G. E. MASTERS: The point I am making is that if these unions do not obey the rules, they should not be in the system. The Government must be able to take measures to ensure that the people who do not conform get out and go their own way. That is a necessary step. They can then bargain collectively, make their own deals and be subject to and have access to the civil courts. However, the unions do not do that; they break their necks to get into the arbitration system.

The Hon. D. K. Dans: Are airline pilots and doctors part of the arbitration system?

The Hon. G. E. MASTERS: I am talking about those people who ignore the arbitration system; if they do not accept the final decision of the arbitrator, they should get out of the system.

The Hon. D. K. Dans: Mr Fraser wanted to sack Justice Staples because he did not like what he said.

The Hon. G. E. MASTERS: Clause 73 of the Bill provides for deregistration; Mr Cooley mentioned this a number of times. He claimed a union could be deregistered in one hour.

The Hon. D. W. Cooley: I did not say that; the Minister said it.

The Hon. G. E. MASTERS: I do not care who said it; I do not believe it is possible; it cannot be done. Clause 73 reads—

> . . . . the Commission may . . . issue to a union a summons to appear before the Full Bench on a date specified in the summons and show cause why the registration of the union . . . should not be cancelled . . .

The Hon. D. W. Cooley: You are wrong.

The Hon. G. E. MASTERS: I am reading from clause 73.

The Hon. F. E. McKenzie: Have you read what the Law Society said in respect of clause 73?

The Hon. G. E. MASTERS: I am reading from the Bill. I am quite happy with clause 73; it is very proper.

The Hon. D. W. Cooley: Read subclause (2).

The Hon. G. E. MASTERS: I will. It states—

> (2) The Registrar shall ascertain from the President the date to be specified in the summons referred to in subsection (1) and that date shall not, without good cause, be less than fourteen days from the date on which the summons is issued by the Registrar.

The Hon. D. W. Cooley: Yes, and it could be one day or one hour.

The Hon. G. E. MASTERS: Is Mr Cooley suggesting the commission is irresponsible, and would not take account of all these things?

The Hon. D. W. Cooley: You people are irresponsible for including such a provision.

The Hon. G. E. MASTERS: Mr Cooley no doubt would be worried about the next subclause.

The Hon. D. W. Cooley: Yes, this is where "Big Brother" is involved.

The Hon. G. E. MASTERS: Subclause (3) states as follows—

> (3) In respect of a request made under subsection (1)—

(a) where the request is made by the Attorney General and is accompanied by a declaration by him that the safety, health, or welfare of the community or a part of it is at risk, the Commission shall give a direction under that subsection;

Is that not a reasonable duty of the Government and the Attorney General in such cases?

The Hon. R. Hetherington: No! I will say more about that later.

The Hon. G. E. MASTERS: I will be very pleased if Mr Hetherington does enlighten us as to his views on this matter. Subclause (3) continues—

(b) in any other case, the Commission may give a direction under that subsection if, by reason of the conduct of the union or its officers or members or any of them, either generally or in a particular case, it appears to the Commission that the continuance of the registration is not consistent with or will not serve the objects of this Act,—

The Hon. D. W. Cooley: That has always been in the Act.

The Hon. R. Hetherington: Are you going to tell us what are the "objects of this Act"?

The Hon. G. E. MASTERS: We are talking about consistency with the intent of the legislation. Members opposite suggest Ministers would be irresponsible enough to use this subclause in an improper way. They are being quite unfair to the commission and the Attorney General, whether he be Liberal, Labor, or National Country Party.

The Hon. F. E. McKenzie: You said the same thing in respect of section 54B of the Police Act.

The Hon. G. E. MASTERS: I would be quite happy to leave this clause in the hands of a Labor Minister because ultimately, Ministers of any political colour are answerable to the public and act responsibly. It is ridiculous of the Opposition to stir up trouble and use scare tactics in an endeavour to twist the intent of the Bill.

The Hon. D. W. Cooley: The Minister said it; he said a union could be deregistered in one hour.

The Hon. G. E. MASTERS: Is Mr Cooley happy that deregistration, in proper circumstances, could apply in less than 14 days?

The Hon. D. W. Cooley: I am very unhappy about that provision.

The Hon. G. E. MASTERS: I suppose Mr Cooley opposes deregistration altogether, does he? He is very silent on that issue! There would be no purpose to industrial arbitration legislation if people did not obey the rules, and thumbed their noses at authority by not paying fines levied on them. They would destroy the whole concept of the legislation.

The Hon. D. W. Cooley: What is the point in making laws you cannot enforce? You have not been able to enforce penal provisions since 1969, and you will not be able to enforce them until 1989.

The Hon. G. E. MASTERS: Is Mr Cooley making a threat? The Opposition is saying, "No matter what the law says, we will not obey it if we do not want to."

The Hon. R. Hetherington: Do not twist it.

The Hon. G. E. MASTERS: I am not twisting anything. Mr Cooley is recorded in *Hansard* as saying that when the law does not suit him he will break it. I suggest that many of his colleagues agree with him.

The Hon. D. W. Cooley: You and your colleagues in this Chamber broke the electoral laws after the last election.

The Hon. I. G. Pratt: That is complete and utter irresponsible rubbish.

The Hon. G. E. MASTERS: The deregistration clause is very important.

Several members interjected.

The ACTING PRESIDENT (the Hon. R. J. L. Williams): Order! I am not going to have this continual barrage of interjections and sniping. I have warned members twice. The third time I will do something about it.

The Hon. G. E. MASTERS: People talk about compulsion. Mr Cooley read out the ILO conventions. I believe they are a matter of interpretation. I read them differently from Mr Cooley, and I believe my interpretation is correct. Article 20 of the United Nations Bill of Rights states—

No-one may be compelled to belong to an association.

There is no double meaning there; the words are clear and concise. That is the principle in which the Government believes.

The Hon. R. F. Claughton: Mr Cooley was talking about the ILO conventions.

The Hon. G. E. MASTERS: It says exactly the same thing, but in different language. So, it is nonsense to suggest that people must belong to associations; the Government believes they should

not be so compelled, whether they be employees or employers.

Clause 100 makes it quite clear that an employer shall not discriminate against a person for being a unionist or a non-unionist. That proves the point I have just made. If an employee who is properly employed, doing his job, decides he does not wish to belong to a trade union any longer, surely it is unfair to suggest he should be sacked.

Similarly it is unfair for him to lose his livelihood and perhaps risk losing his house and belongings. Surely it is grossly unfair to suggest he lose his job. That is what preference is all about. By the same degree, it is totally unfair if non-unionists join a union and are penalised for doing so. Members opposite must agree we are being consistent.

The Hon. F. E. McKenzie: Why should he get the benefit of what others are paying for?

The Hon. G. E. MASTERS: Is Mr McKenzie suggesting if a person is not a union member he should not have the awards the unions gained?

The Hon. F. E. McKenzie: The very least he should do is pay his money into a charity.

The Hon. G. E. MASTERS: What absolute rubbish! He is paying it partly towards Mr McKenzie's party. There is no point at all in saying a person should pay an amount to a charity. Members opposite would be holding him over a barrel.

The Hon. D. W. Cooley: One minute you are talking about a Bill of Rights and now you are talking about paying money to charities.

The Hon. G. E. MASTERS: No-one should be compelled to pay money to any organisation. We know the sort of situation which has occurred. We have all heard of trade unions going round undercutting their prices to get workers to join. They say, "You should be paying $50 or $60, but you can join our union for $40." That is what they have been doing.

The Hon. D. W. Cooley: I do not know about that.

The Hon. G. E. MASTERS: The whole thing is a complete farce.

The Hon. D. W. Cooley: You do not know, because union rules cover contributions. I do not think you are stating the truth.

The Hon. G. E. MASTERS: Mr Cooley knows it is happening; he knows it will continue. We should not persist with a system which forces people to pay money to charities when they do not want to.

The Hon. D. W. Cooley: Your Government introduced it, not ours.

The Hon. G. E. MASTERS: I supported the idea at the time; but it does not work. It is typical of Liberal-Country Party Governments, that when they find something does not work, they look at it and try to change it. That is why we have this Bill before us.

Mr Cooley mentioned some of the issues contained in the Bill. I hope other members will speak about some of the others it contains. The Bill covers the national wage decisions. The commission will be required to implement these decisions. Mr Cooley mentioned the workers' compensation aspects; but he did not dwell on them. This aspect is taken out of the hands of the commission and put into the hands of the Government and the Workers' Compensation Board which is where it belongs. Members opposite cannot expect a person to be paid more than 100 per cent pay.

The Hon. D. K. Dans: What if the boss wants to pay more voluntarily?

The Hon. G. E. MASTERS: An employer is entitled to do that. However, an employee cannot expect to be paid an amount which works out to be 120 per cent of his entitlement.

The Hon. D. W. Cooley: It reduces amounts to the building trade.

The Hon. G. E. MASTERS: The commission can initiate action which it has not been able to do in the past. Mr Cooley said that in the past it took action after a request from either an employer or an employee. Bearing in mind the commission is an impartial body, it can take action now in the public interest. Really, what argument can the Opposition have with that proposition? It is a very fair and proper way to do things.

The Bill makes reference to dual sittings; it allows the Federal and State sittings to be held jointly when necessary.

The Hon. D. K. Dans: The Federal Government has not moved in that direction yet.

The Hon. G. E. MASTERS: This move can be only of advantage to employers, employees, and the community as a whole. Again, it is something in the Bill which is of benefit to everyone concerned.

This Bill is here by popular demand. It has undoubtedly received the acclaim of the public generally. If that were not the case we would have marchers out in the terrace and here at Parliament House. We have not seen them because the public believe this is a desirable Bill and they embrace it.

The Hon. F. E. McKenzie: I bet you are disappointed.

The Hon. G. E. MASTERS: I am saying the public are not concerned and that is why we have not seen your thugs marching to Parliament House.

The Hon. D. K. Dans: Do you say all people who march are thugs?

The Hon. G. E. MASTERS: Some of them are.

*Point of Order*

The Hon. LYLA ELLIOTT: Mr Acting President, I ask that Mr Masters withdraw those words, "your thugs". I take strong exception to the implication that members on this side of the House are involved with thugs.

The ACTING PRESIDENT (the Hon. R. J. L. Williams): I ask that Mr Masters comply with that request and withdraw the words "your thugs".

The Hon. G. E. MASTERS: Certainly, Mr Acting President.

*Debate Resumed*

The Hon. G. E. MASTERS: Those people the Opposition use to organise demonstrations—

The Hon. Lyla Elliott: We do not use anyone.

The Hon. G. E. MASTERS: Does Miss Elliott want me to withdraw that word?

The Hon. Lyla Elliott: I think the honourable member is withdrawing with qualifications.

The Hon. R. G. Pike: There is nothing in Standing Orders which states that a member—

The ACTING PRESIDENT (the Hon. R. J. L. Williams): Order! If there is any ruling to be made I will make it from the Chair. As I understood it, the Hon. Gordon Masters made a complete withdrawal. The fact that he added other words means that Miss Elliott would have to raise further objections. He withdrew the words completely in the first instance.

The Hon. G. E. MASTERS: In reply to Mr McKenzie's comments, I am saying there have been no demonstrations. We are not disappointed; we are delighted. We are pleased as it means without a shadow of doubt the public generally are strongly supporting the legislation. The community accepts and embraces the legislation wholeheartedly. The reason we have not had the usual demonstrations is that certain members of the trade union movement and the Labor Party are petrified. When it suits their purpose, they organise demonstrations and marches outside Parliament House in an effort to convince the public that the vast majority of the public oppose a particular Bill. If they get 1 000 people outside this House and get the TV cameras here they think they get the message over.

They are not game to do it this time. Quite frankly, the ALP is petrified to be seen to strongly oppose this legislation, because it knows the public are supporting it.

The Hon. D. K. Dans: Do you think Mr Cooley was going at only half pace?

The Hon. G. E. MASTERS: He was struggling.

The Hon. D. K. Dans: When he goes full pace you say he is threatening you.

The Hon. G. E. MASTERS: The ALP is concerned that the public are not opposing the legislation so it is playing it very quietly. I will be interested to hear what Mr Dans has to say—whether he thinks there will be any confrontation and whether he thinks the unions involved will accept the legislation with all the good intentions with which this party submitted it.

It is unfair that Mr Cooley, the lead speaker for the Opposition, should say we should have adopted the Kelly report. It is only reasonable, after accepting all the input from various quarters, the Government should study that input and then submit a document which conforms with its own election promises which the public accept as reasonable.

The Hon. D. W. Cooley: Not the 1977 promise.

The Hon. G. E. MASTERS: It is ridiculous for the Opposition to say we should support something not in line with our Liberal and Country Party objectives. It is a shame the Opposition opposes this Bill. It is a tragedy it should be trying to stir up more trouble. The Government intends this legislation to give a truly democratic opportunity to members of the unions to cast votes and to not join an organisation they do not wish to join. That is true democracy. Mr Hetherington has used the expression "democratic socialists". I suggest if members opposite are opposing this Bill, any sort of democracy in their beliefs is purely accidental. I support the Bill.

**THE HON. D. K. DANS** (South Metropolitan—Leader of the Opposition) [9.55 p.m.]: Let me assure the Hon. Gordon Masters that I do not intend to support this Bill. I have just listened to a contribution from Mr Masters which would indicate he has been fed a diet of anti-union tripe which he regurgitated over members of this House.

In the first instance, this legislation is wrongly labelled. It is labelled the "Industrial Arbitration Act, 1979". I firmly believe its appropriate title should be the "Industrial Confrontation Act". Before we go any further with the dotting of every "i" and the crossing of every "t" in respect of this Bill—and I consider Mr Cooley has done this most adequately—we must consider some of the reasons for the Bill being submitted at this stage of the session and we must consider the 7 per cent or 8 per cent of the Bill which under certain circumstances is likely to lead to very bad situations down on the job.

Let me remind the House that just recently a person from the United Kingdom was in Australia. He has some standing in the field of industrial relations, and he said one cannot legislate for industrial peace. What members of the Government forget is that unless they have the goodwill of all the parties concerned, neither the best of legislation nor the worst of legislation can succeed, because the point of contact is down on the job. It is not in the union offices in Trades Hall; it is not here in this Legislative Council Chamber; and it certainly is not in the offices of the Liberal Party.

The Hon. O. N. B. Oliver: I should hope it is not in the Industrial Commission. It should be settled at the micro level.

The Hon. D. K. DANS: I have spent a great part of my life preventing disputes. If one looks at the Commonwealth Conciliation and Arbitration Act and, indeed, the present Act in this State, one sees they are involved with the prevention and settlement of disputes, not their promotion.

One would have expected the Government to implement Commissioner Kelly's very excellent report. It is true that perhaps I would not have agreed with all the things he said in the report. I believe this legislation—or the sanctioning part of it—is the result of the extreme right-wing element within the Liberal-Country Party coalition which is urged on by the Premier who, in my opinion, is nothing more than a right-wing extremist or to give him his correct title, a right-wing agitator.

The Hon. W. R. Withers: Boloney!

The Hon. D. K. DANS: I defy any member in this House—indeed any member could come with me and speak to people on the sites in the industrial scene whether in the City of Perth, the Pilbara, or any other area—to indicate to me anyone who is not extremely concerned with this legislation. I refer particularly to the North-West Shelf gas project and the people who are involved there.

A great number of unionists in key positions in this State do not fall within the ambit of this legislation. That is well to remember. Under some circumstances this legislation is a blueprint for disaster and industrial chaos. It certainly promotes the same kind of situation in the State scene as existed federally some 15 or 20 years ago by making the State arbitral scene a happy hunting ground for qualified legal practitioners or for paid unqualified advocates.

Experience tells people who have some knowledge in this field that, rather than shorten disputation in the legal sense before the Industrial Commission or the court, it will extend it.

It has been said that no marches or demonstrations have taken place to reflect the opposition to the Bill. I can assure this Chamber that that has not been the work of the ALP; but the unions themselves are fully aware—more aware than most people in the community—of the gathering economic crisis and the inability of the Government of this State, or indeed of the Federal Government, to address itself to the real problems confronting the Australian people. Those problems are: growing unemployment, inflation, higher interest rates, and all the other matters which go with them.

In order to lead the people away from those real issues and to endeavour to promote an issue on which to go to the people, having received the report from Commissioner Kelly, those very extreme, right-wing elements to which I have referred hit upon the idea of hooking onto this legislation some very obnoxious clauses.

I must give those extreme right-wing elements full credit, because they have dressed up the matter extremely well. They were hoping beyond hope—and this was when all the rumour-mongering was going on as to when there would be an election—that the unions would act accordingly and there would be widespread disputes. I agree that undoubtedly the public get disturbed over industrial disputation; therefore, the climate would have been created for the Government to go to the people on that single issue.

Earlier this year the Government failed when it tried to promote a confrontation in the Pilbara, at Karratha, and it failed because all over Australia people of the right, the left, and the centre saw through the very shabby attempts of our right-wing agitator Premier to try to stir up this State.

The Hon. N. E. Baxter: Is that why Mr Carmichael came to Western Australia?

The Hon. D. K. DANS: The member knows full well, and it is fully documented, that Mr

Carmichael had booked to go to a seminar at Port Hedland three months before the incident occurred. I read that in the Press and when I lunched with the Manager of Mt. Newman Mining Company (Mr Irwin Newman) he said, "That is one thing you can discount. Everybody in this company knew Mr Carmichael was coming to Port Heldand three months earlier."

The Hon. W. R. Withers: You could not deny the fact that his sole purpose was to create disruption.

The Hon. D. K. DANS: Doing so 1 000 miles away from Perth in a paddock.

The PRESIDENT: Order! Will the member direct his remarks to the Chair?

The Hon. D. K. DANS: I will have to weary the House tonight by quoting from some newspaper articles, because when Labor members speak in this Chamber members opposite do not seem to want to believe what they say.

At the close of almost every session of Parliament some form of repressive legislation has been introduced, designed to obtain political advantage as a result of disputation and disruption.

We had the Tresillian affair, the fuel and energy legislation, the essential services legislation, the Perth-Fremantle railway issue, and the list continues to the extent that it has even forced a very responsible member of our community, Sir Paul Hasluck, to make some comments recently that our democratic newspaper had tucked away something in the back of the paper. One dares not disagree with the Premier.

I do not want to go all the way down the line, but you would have to agree, Sir, that one cannot even doubt the Premier, because he will not even countenance a doubting Thomas. However, on this occasion he has not obtained the mileage out of the Bill he thought he would get.

By way of interjection I asked the last speaker (the Hon. Gordon Masters) on a number of occasions whether he thought this legislation would minimise industrial disputation. He is always very quick off the mark to answer interjections, but he did not answer my question.

The Hon. W. R. Withers: He said it would improve the situation.

The Hon. D. K. DANS: Unions have been in Australia for a long time. Bills such as this have been introduced and have lapsed. The union to which I very proudly belong celebrated 100 years as a union in 1972; so, give or take a few months, it is now approximately 107 years old. It has had every kind of penalty inflicted on it over the course of those 107 years. However, it still remains as a union and there is no political party in this country that is 107 years old.

The last two residents held as prisoners of Pinchgut—that horrible little island located under the Sydney Harbour Bridge and once used as a prison—were the Deputy President and the General Secretary of the Seamen's Union of Australia—the late Jacob Johnson and Tom Walsh. This involved the famous deportation case. However, the union carried on.

We have seen legislation relating to the Masters and Servants Act; we have had the dog collar Act; we have had first and second-class preferences or licences; and we had the disastrous strike of 1935. Incidentally, the Seamen's Union has never engaged in another general strike since that time. If it were relevant to the Bill, I would entertain this Chamber with the gory details of what happens when one introduces approximately 1 500 scabs into the industry and all the horrible consequences that result. That is the first time I have used the word "scabs" in the Chamber and it is the last time I will use it.

One of the reasons we do not use the word "scabs" is that horrible things have flowed from that episode.

The point I am making is, no matter what kind of sanction one imposes, one cannot break the resolve of the people on the job, whether a Labor Government, a Liberal Government, or any other sort of Government is involved.

Even the late Ben Chifley at the time a Labor Government was in office was made aware of what I have just said when he sent the troops into the mines in the northern coalfields. It did not solve anything and the troops did millions of pounds worth of damage as a result of the misuse of machinery, according to the owners of the mines.

I have spoken about the dim dark past; but what have we had in latter years? We had the court of pains and penalties and the famous boilermakers' case when it was found that the arbitration commission could not fine unions. Again, in a show of strength, the then Menzies Government set up the Industrial Court. This was an action which was unique in the world. The Attorney General, the late Senator Spicer, not being content with setting up the Industrial Court with power to fine unions out of existence, appointed himself its judge. He did an excellent job in some circumstances. I recall the ships I was associated with having penalties of £1 500 a day applied to them continually.

Then we had the famous Hursey case which cost the Waterside Workers' Union approximately £40 000 or £50 000. An interesting situation arose out of that case. Despite all the comings and goings and the long legal challenges, the High Court finally found that the waterside workers—it was worth spending £40 000 or £50 000 to find this out—had the sole and only right to organise the waterfront; and that has not been rescinded to this day.

What I am saying is, despite all the legislation, whether brought down by this Government, a Labor Government, or any type of Government, the final determination of its success is the contract between the employee and the employer. Once one intrudes a third person between the employer and employee, with or without sanctions, one will have trouble.

The Hon. H. W. Gayfer: What is the definition of a "waterfront worker"?

The Hon. D. K. DANS: I do not intend to become involved in that matter. I am not going to get amongst the chaff, because we could be here all night. However, I am quite happy to discuss that matter with the member in a more convivial environment.

The point is, despite all these efforts, no effective way of trying to apply sanctions has been arrived at. However, the news is not all bad. If one looks at the Australian industrial scene and the efforts made in regard to industrial relations about which I have reminded this Chamber, industrial relations is another name for human relations. Within the framework of the industrial relations field today we have a number of smart young people from both sides of the ring. They recognise that we must have mutual understanding of problems. Recently I have had the opportunity to speak to people here, in the Eastern States, and particularly in the Pilbara, and they all recognise one matter—Sir Charles Court recognises it also—that, as the economic crisis grows, and the value of wages drops, as the failure to grant full indexation bites deeper and the living standards of the Australian people start to get worse, then, with or without sanctions, we will have more industrial confrontation. It will occur in areas in which it has never occurred before. We have seen evidence of this already.

We have seen industrial confrontation in the areas of air traffic controllers, air hostesses, bank officers, insurance officers, and the list goes on and on. Realising this, the Premier has tried to provide a vehicle to take the minds of the public off the real issues confronting the people not only in this State, but also in the rest of Australia.

Before I go any further I would like to refer to what this Bill will really mean in terms of trying to introduce non-unionists into a job down at the work place. I should like to point out here and now that unions have existed in this country a great deal longer than we have had preference to unionists in industrial awards. There are a number of different types of closed shops; but let us refer to the closed shop that operates on the waterfront. Is someone going to say that some closed shops do not operate as a result of Government legislation? Commonwealth Government legislation makes it imperative that a closed shop operates on the waterfront and in respect of the sea-going or maritime industry, as distinct from the stevedoring industry, the closed shop operates under even stricter control, because not only do the men have to be registered, but also every mark on every member's body has to be categorised so it is known who they are.

The numbers in the industry are controlled strictly and by Acts of the Commonwealth Parliament of this country. Why does that situation prevail? It prevails because it is the best possible situation for the industry and for the sound management of that area of business.

I have never recommended or advocated a departure from the arbitration system; but let us not be confused about the matter.

Certainly unions can operate outside the arbitration system, but the arbitration system protects the weak union, and—I want Mr Masters to know this—it protects the weak employer. Shortly I will give some examples to demonstrate this point. It is not a matter of all one-way traffic. I see this particular Bill as a "come on" to some of the unions to leave the arbitration system.

I never thought I would stand on my feet in this Chamber and quote from a paper entitled "A Point of View", written by a person called Bartholomew Santamaria. I would be a hypocrite to stand here and say that Mr Santamaria is a personal friend of mine—as a matter of fact I might even worry a little if he brushed against me in a bus. However, I will quote part of his article because he touches on a very important area. It is important because I still take some interest in industrial relations and I can tell members that some of those concerned in the offshore industry are nearly paralysed with fear about what this Bill can do in certain circumstances.

The Hon. G. C. MacKinnon: Different circumstances make strange bedfellows, don't

they? I have read that article, and I am not surprised you are quoting it.

The Hon. D. K. DANS: I will say quite frankly that I never thought I would quote Mr Santamaria.

The Hon. W. R. Withers: I think all members received a copy of it.

The Hon. D. K. DANS: Hearing some of the contributions here tonight, it is quite obvious that Mr Withers did not read it.

The Hon. W. R. Withers: I have not contributed to the debate.

The Hon. D. K. DANS: The article commences—

> Why do the Liberals build up the pro-Communist Left?
>
> Scarcely a week passes without some new announcement that this or that Liberal Government intends to tighten up the law in relation to trade unions. It is visible evidence of the high level of public concern over abuses of power by sections of that movement. All the more reason to keep a critical eye on what is proposed.
>
> If the mere promulgation of new industrial laws was the solution to the problems associated with unionism, those problems should have been solved long since, by the spate of industrial legislation passed by the Fraser Government. There is little evidence that the new laws have had any effect at all.

I have just related approximately 100 years of the history of industrial laws, and many of the provisions were much more widespread than those proposed in this Bill. However, each and every one of them has bitten the dust and the unions are still here—bigger and better than ever.

The Hon. G. C. MacKinnon: I do not know where you ever got the idea the laws were designed to get rid of the unions. They were designed to streamline the system, and that is what they have done. The system has improved over the years.

The Hon. D. K. DANS: The system has improved?

The Hon. G. C. MacKinnon: Sure, that is what the laws are about.

The Hon. D. K. DANS: I take the point of Mr MacKinnon's having to suffer a fine of $1 500 a day, and then having to pay $1 500 a day to sympathetic barristers to defend us, and three-quarters of that amount to junior counsel and then when we lost, having to pay $1 500 a day to the other side.

The Hon. G. C. MacKinnon: You are talking about unions that held shipping companies up—they might just as well have done it at gun point. They are the ones you are talking about.

The Hon. D. K. DANS: The shipping companies were ripping us off for about $6 000 a day which was not a bad effort in those times, and they did not have guns! The article continues—

> No mystery
>
> Nor is there any mystery as to the cause. The problem lies not in the capacity to pass new laws, but in that of enforcing any laws, new or old. Enforcement has always been the issue, especially since the horse bolted at the time of the O'Shea affair in 1969.

I did not mention the O'Shea affair, but certainly Mr Cooley did. To continue—

> The weakening of law is to be regretted. The community, however, has tolerated it in every field and, by so doing, made a rod for its own back. It cannot reasonably expect of law what law cannot deliver.

That was the point I was making to members. It is a far better proposition to try to reach agreement, to try to minimise the areas of conflict, than to expand them.

Believe it or not, industrial relations are improving almost every day of the week. I am sure that Mr Tozer or Mr Withers could hop up to tell us that the managers of the iron ore companies in the north-west will say that in some cases productivity in the last few years, somehow or other, has improved almost threefold. The article continues—

> As a result, far more important today than legal sanctions is the maintenance of a favourable political balance of power within the trade union movement itself, i.e., a situation in which the anti-Communists and non-Communists are in a substantial majority, and the pro-Communists reduced to relative impotence. That is far from the situation at the present moment.

I intended to read the whole article, but I will read just parts of it.

The Hon. R. Hetherington: I am enjoying it.

The Hon. D. K. DANS: Would the honourable member like me to read it all?

The Hon. R. Hetherington: Yes.

The Hon. D. K. DANS: I thank the honourable member for coaxing me a little. It continues—

> Such an improvement depends primarily upon organisation within the unions themselves. Yet the best organisation in the world can be brought to nothing if Governments, whether Labor or Liberal, create conditions in which what are mistakenly called the Right and the Centre are forced into the arms of the extreme Left. That is precisely the situation which is developing as a result of the new industrial legislation of the Queensland and Western Australian State Governments.
>
> Queensland's reputedly "tough" essential services legislation will prove as unenforceable as Victoria's equally "tough" Essential Services Act. Its immediate result has already been to drive the AWU and other anti-Communist unions to make common cause with the extreme Left in resisting provisions which will prove both pointless and unworkable.
>
> In Western Australia, the Liberal Government has introduced its own new "tough" industrial legislation, one of the provisions of which is to abolish the principle of union preference.

I would just remind the Chamber that that provision was written into the Bill by the last President of the Industrial Commission of Western Australia—a legal man. Mr Santamaria then says—

> It is possible for Sir Charles Court's Government to appeal to a number of high-sounding principles: for example, it will be claimed that no one will be compelled to join a union to hold a job; that the closed shop will be made illegal. And so on.
>
> The result will be quite different. It will remain—as it is today—quite impossible for any worker to hold a job without a union ticket in work areas covered by the metal, mining, waterfront, transport, and similar unions. That will be ensured by ultimate threats of physical coercion. That situation will also prevail in the mining areas of the North-West, and it will afflict the North-West Shelf when it is brought into production.

They were some of the points I have just been making. To continue—

> The unions concerned, controlled mainly by Communists—

I do not particularly believe that. It continues—

> —and the extreme Left, will consequently remain as numerically and financially strong as they are at the present moment, and will send delegations of the same size to the Trades and Labor Council, and the ACTU.
>
> The unions which will be affected adversely by the legislation are those like the Clerks, the Shop Distributive Association and similar unions in light industry in which physical coercion is, as it should be, unthinkable. As a result of the combination of Sir Charles Court's new law, and their own non-violent ethos, they will lose members, finance, and representational strength in the Trades and Labor Council and the ACTU. In these assemblies, the comparative strength of the extreme Left will be increased.

The author is using a term which I believe was the name of the northern miners' journal—*Common Cause*. It continues—

> Furthermore, in order to protect their position, the anti-Communist unions thrown to the wolves by the Liberal Government—

That is interesting—he must have supported the Liberal Party at one stage. Mr Santamaria says it. To continue—

> —will be driven to make common cause with the Communists and extreme Left, who will quite cynically "welcome" their unwilling allies.
>
> Those who have fought Communist influence in the union movement over the last 30-odd years have little reason to be grateful to the Liberal Party.
>
> The Communist Party Dissolution Act (1951), by first "trapping" and then isolating the anti-Communists in the ALP, established the cleavage which ultimately led to the defeat and dissolution of the Industrial Groups.

It is quite correct that we can do nothing by sanctions, and I am pretty sure that the majority of people in this Chamber know that as well as I do. However, what the Government says sounds good—action will be taken; court cases will be launched; orders will be served. There is nothing new about that.

The Hon. W. R. Withers: It must be rough when you have to quote Santamaria.

The Hon. D. K. DANS: I tell members it is probably the roughest and hardest thing I have had to do here. I make no secret of that.

I assume that all members received a copy of this other pamphlet titled "WA Mining Companies Oppose Premier Over Industrial Laws". It was attached to the other paper, so no

doubt everyone knows what I am talking about. I will not read that article, although it refers to a very good principle.

When we come to the Committee stage debate we will be able to consider each particular clause in turn. However, at this stage I am interested in the Attorney General's second reading speech notes. I was quite astounded to see the great difference between the speech delivered by the Attorney General and that contained in the earlier speech notes. There seems to have been some rethinking about some of the extreme language used in the first place.

Tonight we heard tossed around the Chamber the term "shape up or ship out". I was rather tickled to hear that because it is a seaman's term and it means that if one does not get going one will get the hammer—another word for the sack. I do not really know in what context that term was used.

On the second page of his speech notes the Attorney General had this to say—

> . . . legislation has been incapable of dealing effectively with the major industrial issues of our time and, unfortunately, today the decisions of the industrial courts are all too frequently rejected.

That is a sweeping statement, and one that is simply not true. The vast majority of disputes before courts are settled before the courts. Also, the statement is unqualified. One would have expected a Minister of the calibre of the Attorney General to make such a statement and then say, "Let me give members an example of this." However, he did not do that. A little further on the Attorney General said—

> This Bill is the culmination of the undertaking made at that time and an acceptance of the Government's responsibility to the public.

I have not heard any great clamour from the public for a Bill of this nature. On the contrary, the result of public opinion polls conducted in the last few days has shown that people are extremely apprehensive about legislation of this type, not only in this State, but also in other States of the Commonwealth.

Despite wage indexation, wage restraint, mounting unemployment, and higher interest rates, dole queues are getting long and inflation is raging rampant. So the old story of blaming the unions is not regarded as such a good argument.

Again the statement made by the Attorney General is not qualified. Certainly I have not been approached by members of the public saying, "We want stronger and better arbitration legislation. We want more sanctions against the unions."

I will not refer to every point made by the Attorney General because the same kind of dreary story is repeated again and again. However, I would like to refer to one statement which reads as follows—

> This has altered the emphasis to place more responsibility on the parties to approach their tasks with maturity and accountability.

Goodness me—what does that really mean? I listened to some of the replies of the Leader of the House, and I am coming to the conclusion that he wrote the speech himself. I simply cannot understand that sentence.

The Hon. G. C. MacKinnon: Thank you very much. I will give you the dictionary meaning of the words.

The Hon. D. K. DANS: I am sure the Leader of the House will elaborate on that sentence.

The Hon. R. Hetherington: What are we going to get the dictionary meaning of?

The Hon. G. C. MacKinnon: Every word which has more than two syllables.

The Hon. D. K. DANS: I certainly know the meaning of "accountability"; and I certainly know the meaning of "maturity"; however, I do not know the meaning of those words as they are used in the second reading speech of the Attorney General. The Attorney General went on to say—

> It is worth pointing out that no-one is compelled to join the conciliation and arbitration process; and by that I mean that registration of a union of employees or a union of employers is entirely voluntary.

I will return to that in a minute, because it is contradicted later. It seems to me that is saying, "If you don't want to be registered, go away and get to work yourselves." In this country a whole host of unions do quite well without registration. Airline pilots have done extremely well, but the Commonwealth has got round that situation in another way by the appointment of Mr Isaacs to look after them, and by the establishment of a tribunal.

The Hon. O. N. B. Oliver: The Caltex Oil Refinery people in Sydney do very well, too.

The Hon. D. K. DANS: Doctors are not subject to arbitration; in fact, they do better. They thumb their noses at the Prime Minister and at anyone else, and no-one says, "We will dragoon you before a court." The Attorney General went on to say—

> If unions are not prepared to work within the system, and to accept the responsibilities that come with the benefits, they should leave the system altogether. However, as the unions constitute an important sector of the Western Australian community, it is hoped they will remain within the system by recognising its value and benefits and by accepting the responsibilities and obligations they have towards it.

On the one hand, the Government is saying, "If you don't want it, get out"; and, on the other hand, it is saying it hopes unions will remain within the system. What is hope? It is nothing more than subjective thinking.

The Hon. G. C. MacKinnon: Is that right?

The Hon. D. K. DANS: Of course it is. "Hope springs eternal in the human breast"—that must have been written by the Leader of the House. It is tripe, and not good tripe at that. The Attorney General went on to say—

> To keep matters in their perspective, members should understand that most unions in Western Australia have had a long and honourable history of service to their members, and certainly of responsibility to their community. This does not imply that they have followed a "tame cat" approach. Rather it suggests a large number of unions have bargained and negotiated with vigour on behalf of their members, while accepting the restraints and responsibilities imposed by any civilised community.

The Hon. G. C. MacKinnon: Have you not done any work on this Bill?

The Hon. D. K. DANS: I have done plenty of work on the Bill, and I have done plenty of work outside it, too.

The Hon. N. E. Baxter: You are doing a good job of criticising the second reading speech, but you are saying nothing about the Bill.

The Hon. D. K. DANS: I am pointing out that there is conflict between the Attorney General's second reading speech and the Bill. I have a great regard for Mr Baxter when he is discussing Bills, and I am sure if he put his nose into the Bill and into the second reading speech he would find what I am saying is correct. In the Committee stage we will take this Bill apart piece by piece. If I started to discuss the Bill clause by clause, the President would rightly tell me that is a matter for Committee debate. I am referring to the document which the Attorney General read out, giving reasons for the introduction of the Bill. I am entitled to do that. I have tried not to go through all the speech, because it is dismal and not very enlightening.

The Hon. N. E. Baxter: I thought you were enjoying it.

The Hon. D. K. DANS: No, that could not be said. The Attorney General then said—

> Sadly, the activities of these unions have, to some extent, been discredited by the activities of a small group of unions which have not been prepared to work within the system.

I would have thought those unions would be known. What is meant by "a small group of unions"? The small group of unions about which the Attorney General was speaking may be the greatest in the State in numerical strength. If reference were being made to the Amalgamated Metal Workers and Shipwrights Union, then that would represent the majority of unionists in Western Australia. It is for reasons such as that I am dwelling on the second reading speech; it is full of generalities. It is rather like a person writing part of a book and getting someone else to pad it out for him.

The Hon. G. C. MacKinnon: I thought second reading speeches are supposed to be reasonably full of generalities, and that particulars are dealt with in Committee.

The Hon. D. K. DANS: Oh, yes; I have already said we will deal with the Bill in Committee.

The Hon. G. C. MacKinnon: Then let us do that.

The Hon. D. K. DANS: I have always thought a second reading speech should have some relationship to the principles of the Bill, if not the detail. I think that is a reasonable observation. However, I just do not know to what this second reading speech refers. The Attorney General then said—

> It is relevant to point out that, throughout the long period leading up to the completion of the Kelly report, there was never the slightest suggestion that the conciliation and arbitration system, however it was to be altered, should be abandoned.

I am confused! The Government says originally, "If you don't want to be in the system, get out of it"; then it says, "We hope you will remain in it"; and then it says that there was never the slightest suggestion that the conciliation and arbitration system should be abandoned. The Leader of the House would have to agree that is a little hard to follow. That is one of the difficulties faced by the Opposition in dealing with the Bill.

The Hon. G. C. MacKinnon: You have not had much practice in dealing with Bills.

The Hon. D. K. DANS: I know what the Bill means, and perhaps I have had more practice in dealing with Bills of this nature than the Leader of the House thinks. A little further on the Attorney General made the following comment—

> A major thrust of the new legislation can best be described in one word; that is, democracy.

The Hon. G. C. MacKinnon: Yes, jolly good.

The Hon. D. K. DANS: There are many forms of democracy.

The Hon. G. C. MacKinnon: That describes the Bill in one word.

The Hon. D. K. DANS: I have no doubt we will deal with that word later. What a bold statement to make: "This Bill means democracy." Why did not the Attorney General just say that, and then sit down?

The Hon. G. C. MacKinnon: Because you would have grizzled about that.

The Hon. D. K. DANS: I might have, but it would make about as much sense as his second reading speech made.

The Hon. G. C. MacKinnon: You are just determined to find fault.

The Hon. D. K. DANS: It is the job of the Opposition to examine legislation.

The Hon. G. C. MacKinnon: You are trying to mark the second reading speech for tertiary education admittance.

The Hon. D. K. DANS: The Attorney General then said—

> The Bill sets out to achieve a greater degree of involvement on the part of all who wish to exercise their rights. In so far as industrial relations are concerned, it recognises that, up till now, the notion of democracy has been given largely only lip service by some people.

About whom was the Attorney General speaking? Was he speaking about unions, employers, industrial advocates, or about the Industrial Commission itself? Certainly the Government has given only lip service, because if anyone is heard mentioning "democracy" in its party rooms, I believe he is hanged! No one has been hanged yet. The Attorney General went on to say—

> Indeed, one of the clauses of the Bill sets out to involve fully the individual in this process at the most appropriate point of all—the beginning; that is, at the point of registration.

What does that mean? Does it mean all the potential membership must be canvassed before a union may be registered? I do not know what it means. Always it has been my understanding that certain things must be done before a union may be registered in both Commonwealth and State spheres. However, what is unfolding in this second reading speech is related to comments I made earlier about the Bill being a ramp. The Government has been forced to change the second reading speech because the first one contained extreme language; and when the extreme language did not incite the unions, the Government decided to take a different tack and to remove some of the essential parts of the Bill from the speech. However, the Government did not do its homework properly.

The Hon. D. W. Cooley: With 27 amendments.

The Hon. D. K. DANS: That is right; and the Attorney General produced a second reading speech which really meant nothing at all. I have had reason to show it to people outside, and I am glad I did not make it. The Attorney General then said—

> In addition, the Bill makes it clear that changes to the rules of a union cannot occur without the whole of the membership being consulted.

In all the years I worked in that sphere, the people with whom I worked must have been going through mental gymnastics to try to obtain a consensus in respect of stop-work meetings in Australia. The courts used to give us a little leeway in respect of ships which were away from Australia; but certainly the union could not change its rules without the permission of the majority of the membership. So what the Attorney General is trying to imply there is that sometimes unions change their rules without recourse to the membership. You would know, Mr Deputy President, that if that happened the rules could be challenged by any member who did not agree with them. I cannot speak with a great deal of authority in respect of the State sphere, but I have been involved in challenges to rules in the Commonwealth sphere.

The Hon. G. C. MacKinnon: But only in the Commonwealth; that is all you know anything about.

The Hon. D. K. DANS: It is incorrect to say that.

The Hon. G. C. MacKinnon: No, you have dealt only with Commonwealth unions, and pretty small ones.

The Hon. D. K. DANS: Rot! The Government has taken a piece of the Commonwealth

legislation and stuck it in its Bill, and I will point that out as time goes by. The Attorney General then said—

> It is believed that only by this total, personal, and democratic involvement of rank-and-file members can the community expect rational and just operation of the conciliation and arbitration processes.

The Hon. R. Hetherington: That is lovely.

The Hon. D. K. DANS: What a lot of tripe. He also said that the Bill reflects community feeling for a conciliation process. I am one of those who believes in conciliation processes, and I will refer to what "conciliation" means in a minute. Evidently the persons who wrote this Bill do not know what it means.

The Hon. G. C. MacKinnon: I know something of the history of its use. You do not really understand it.

The Hon. D. K. DANS: The Leader of the House knows nothing about it.

The Hon. G. C. MacKinnon: I know enough to realise that you do not believe in conciliation.

The Hon. D. K. DANS: Why does not the Government provide for the appointment of conciliators? They have played a most important role in the Commonwealth scene for years.

The Hon. G. G. MacKinnon: We tried mediators.

The Hon. D. K. DANS: I am aware that a member in this Chamber tonight tried desperately to become a Commonwealth conciliator because it is such a lucrative position, and one does not have to make decisions, but only recommendations.

The Hon. G. C. MacKinnon: And nobody takes any notice of them.

The Hon. D. K. DANS: That is not so. One Commonwealth conciliator was very well respected by all sides, and in most cases his suggestions were adopted. The Attorney General went on to say—

> The Bill reflects also community feeling towards the desire for more effective conciliation procedures. Indeed, as mentioned earlier, the proposed legislation will prohibit specifically the Industrial Commission from using its arbitral powers until the processes of conciliation have been exhausted.

I do not know what happened prior to this. A little later he said ". . . . the umpire in this case being the Industrial Commission." He also said "The Bill recognises a limited right to strike." One either strikes or does not strike; it is as simple as that. I used to try, and many other people have tried, to say the union had only a stoppage, but there is no such thing as a stoppage; it is a strike whether it be for four hours, a day, a week, a month, or a year.

The second reading speech continues—

> Under the new legislation, the facility of a strike will be given a form of protection where the decision to strike has been taken democratically among the members of that union. When members of the union, in a commission-controlled secret ballot, vote to strike, this will not constitute an illegal act.

The Leader of the House knows as well as I do that the majority of strikes are spontaneous and made without the knowledge of the union officials in the first instance, and certainly without their concurrence.

The Hon. G. C. MacKinnon: They are about as spontaneous as the majority of proposals.

The Hon. D. K. DANS: I will go into the history of that in a moment.

The Hon. J. C. Tozer: The best indicator of a strike in the Pilbara is when the hotels are full in Broome.

The Hon. D. K. DANS: Why does not Mr Tozer go to Karratha and Wickham and tell them that?

The Hon. J. C. Tozer: They know that.

The Hon. D. K. DANS: Mr Tozer should tell them at Tom Price, where he was at the weekend. He should tell them at Paraburdoo. I have been told that people know when there will be a strike—when the men have their fishing rods on the tops of their cars. What bunkum! Is Mr Tozer suggesting that the union officials know they are on strike?

The Hon. J. C. Tozer: No. All I am saying is that it is not spontaneous.

The Hon. D. K. DANS: Let us deal with Mr Tozer's area again. I would like to see him taking a secret ballot amongst a group of shearers in the north-west. It would be a very difficult process. When the decision to return to work was to be taken, there would have to be another secret ballot. That is the most ridiculous situation of all. It would be better if one bought a number of tote tickets and, depending what number came up on the tote, that would decide whether there was a strike.

The Hon. D. W. Cooley: You might get a winner out of it.

The Hon. D. K. DANS: The second reading speech continues—and this is where there is tub thumping and union bashing—

> It still needs to be remembered, however, that the strike that is engineered by one leader, or a group of leaders, wherein rank-and-file members are directed virtually to go on strike, or excluded from any part of the strike decision, will have no protection under the law.

I would like the Leader of the House or the Attorney General to state categorically to this Chamber at some stage the number of occasions—

The Hon. G. C. MacKinnon: I cannot do that. It would be quite disorderly.

The Hon. D. K. DANS: At the appropriate time. The Leader of the House did not hear me. I would like him to indicate when a number of people have been ordered to go on strike. I do not know of any.

The second reading speech continues—

> Another important element concerns a change in the position unions occupy under the legislation, and the relationship between the respective rights of unions and individual employees.

There is a lot more of this. It is all in the same vein—generalities. When the second reading speech was changed, not enough care was taken to have the second reading speech related to the Bill.

Despite all this bunkum—and there is plenty of it—the Government will not change a thing unless it has the confidence of the people on the job. The Bill works on the assumption that somehow or other leaders tell people to go on strike. Let me tell the Government something: the easiest thing to do to a group of people, whether they be airline pilots, seamen, or wharfies, is to have them stop work, whether one is the leader of the union or anyone else. One of the hardest things to do is to have them go back once the issue has been joined. It is almost impossible.

I want to deal now with a point made by the Hon. Gordon Masters about the large sums of money lost in the Pilbara. I will not dispute for one moment those large sums of money because some members may recall I spent 11 days in the Pilbara at the time of the strike.

I would like to relate to this Chamber the fact that Peter Cook travelled to the Pilbara at the same time as I did. I want to remind members that he travelled there as a private arbitrator; he was not sent by the Trades and Labor Council. A number of people used their good offices to settle that dispute. It could have been settled a long while before.

I hope I would not have to believe the rumours that the Prime Minister intervened and said, "Don't stop this strike. Keep it going." I hope I would not have to believe that the Premier of this State urged the continuation of the strike. I hope I would not have to believe the story from some of our people who were in Japan when the Japanese predicted almost to the day when the strike would be over. I say they are rumours. I cannot substantiate them; but that is the kind of thing that went abroad. One of the biggest contributing factors to the continuation of the strike in the Pilbara was the incident at Karratha.

I return to what Mr Masters was talking about. It is an article which was headed—

> WA Mining companies oppose Premier over industrial laws

And it read—

> On legal immunities, too, the committee has gone no further than the Government. It backs, for the time being, only a limited reform in the law of picketing, rather than a law "to redress the present imbalance of power by making all collective agreements legally enforceable," which the CBI West Midlands Regional Council is proposing.
>
> But the principle of reducing conflict leads the committee into more controversial ground on the question of strikers' social security benefits. It suggests that there should be a presumption that strike pay is being received, whether this is actually the case or not. There can be little doubt that a reduction in social security benefits would reduce the incentive to strike and would in this sense be welcome. But whether a system that does not impose undue hardship on strikers' families and lead to greater resentment between the two sides of industry can be devised remains to be seen.
>
> The calculation that carries most weight in the mind of a trade unionist going out on strike is not whether he will suffer hardships while he is out—

I want to make it perfectly clear that most of the workers in the Pilbara suffered losses of $4 000 or $5 000 in wages. Mr Tozer might know the exact figure, but I think I am fairly close to the mark.

The Hon. W. R. Withers: Not all of them wanted to go out.

The Hon. D. K. DANS: The article continues—

> The main question is whether his union is likely to "win" the strike and extract significant concessions from the employer.

> While legal reforms may contribute something to industrial peace, it is the balance of probabilities in their workers minds, rather than the legal balance of power, that employers should be trying hardest to alter. Winning strikes is the best way for employers to prevent their recurrence.

It does not really matter; when a man is out on the tiles or on the grass, he is concerned with winning. He is not concerned with how much he is losing. He is not concerned with penalties. He is not concerned about the union official telling him to go back to work. He has joined in action on the job, to protect his livelihood. In the best of British traditions, he will fight to the bitter end.

I resent the implications of this Bill. I resent the comments, disjointed as they may be, in the second reading speech which indicated that somehow or other industrial relations in Australia are becoming worse. That is not the case. In fact, industrial relations in Australia, and strike losses in Australia are not great problems when balanced against the disputes and strikes in other parts of the world.

Under this Bill, the unions are invited to leave the arbitration system. In the next breath, the Government says it hopes the unions will stay, and then it says, "Well, we don't really mean what we have said." I do not think the Government knows what it is talking about. In fact, I am sure it does not. The history is there for the Government to see. It goes beyond this country. I have just quoted a union that is 107 years of age.

Mr Masters waxed eloquently about a claim served on a motor company in the Pilbara. I asked him was it a State award or a Federal award, and I think he said something about the Tasmanian branch. That would suggest it was a Federal award.

Let us have a look at the industrial power granted to the Commonwealth. I am quoting from the book I quoted by interjection, *Australian Federal Government*, by Percy Joske. He is a judge, and a former Liberal member of Parliament.

The Hon. R. Hetherington: Liberal rather than conservative liberal, of course.

The Hon. D. K. DANS: I quote—

> The notion of a dispute not only means that there must be parties, but also has brought about the doctrine of ambit, which has resulted in the widening of claims.

I hope Mr Masters is listening, because this is important. The quote continues—

> The power to vary an award is admitted, but it can only operate within the ambit of the original dispute, that is it is limited by the demands of the disputants, and if a claim is not made in the original log of claims and so has not been a matter in dispute, it cannot be dealt with by a tribunal except by way of making a new award based on a new log of claims and a new dispute. Consequently, in order to overcome this, it is customary to make the log of claims very wide. This makes claims often appear extravagant, and this, it is alleged can lead to bad industrial relations. Where a dispute subsequently to award arises in only one State then, if it relates to something within the ambit of the original interstate dispute, a variation of the award in that State can, on application, be made, whereas when a matter is not within the ambit of the original dispute, a log seeking a variation in all States must be served.

I will not go on. The part that should have been modified some years ago is what is commonly referred to as an "ambit claim". In many cases, it leads people to believe that something dreadful is being done. One may serve a claim for $800 a week; and that leads one to use the term "wage ambit" for the manoeuvre.

The Hon. G. E. Masters: That is putting it mildly.

The Hon. D. K. DANS: That is unfortunate, but that is the way it is.

The Hon. G. E. Masters: It is complete stupidity. It should not be that wide. There must be some responsibility.

The Hon. D. K. DANS: I will now quote from page 175 of the same book, because of Mr Masters' suggestion that this Bill is an incitement for the unions to move away from arbitration. The quote is as follows—

> Compulsory arbitration necessitating the representation of employees before the arbitration tribunals by representative organizations has greatly added to the strength and growth of unionism in the industrial sphere and the emergence and growth of the Australian Labor Party in the political sphere. It came to be realized that more than industrial action was needed to secure betterment in the manner of employment and that assistance in the political arena was essential. This has resulted in industrial disputes of any substance tending also to become political

> disputes. Likewise since arbitration depends on unionism, it is with massed labour that employers have to contend.

I want members to remember that. It continues—

> It is probably correct to say that alterations in conditions and wages have come about as a result of negotiations, strikes or industrial awards.
>
> Arbitration has become accepted in Australia as the method to be applied in determining wages and conditions of employment and preventing and settling industrial disputes. Any attempt by a political party to abolish it would be likely to have the same repercussions as those suffered by the Bruce Ministry in 1929, when its proposal that the Commonwealth relinquish its authority in the sphere of industrial arbitration resulted in a devastating defeat of the Ministry at the polls and the loss by the Prime Minister of his own blue-ribbon seat. The great majority of the Australian people respect and approve of arbitration as a satisfactory method of dealing with industrial disputes and they are not prepared to abandon it.

I make that reminder, because it has to be borne in mind that this Bill invites unions to leave the arbitration system.

I will relate the cold, hard facts to this Chamber. The history of some unions in the Federal sphere shows that they were deregistered for a number of years, and in those years they made some magnificent gains. It was only at the insistence of their respondents that they became registered again.

In *The National Times* for the week ending the 17th November under the heading "Cleaning up the industrial mess" an article by Don Aitkin, Professor of Politics, Macquarie University, Sydney reads, in part, as follows—

> Many people may be aware that the oldest Australian unions are approaching their centenaries, and that the federal conciliation and arbitration system is 75 years old this year.
>
> What is often not appreciated is that very many unions owe their existences directly to that system: in the beginning the Concilation and Arbitration Act positively encouraged the formation of unions where none had existed.

We have heard of all the legislation emanating from the Federal Government, which legislation has been very vicious in its intent and in its application. It has achieved nothing. This article states the same views as Mr Santamaria's. I would like the Hon. Gordon Masters to listen to this—and also those people who are always firing away at the unions. To continue—

> But the newly established Industrial Relations Bureau, after carrying out 18 000 inspections of awards in 1978-79, discovered some 10 000 breaches of these awards by employers.

Not a bad ratio, when we consider that people in this place try to convince me and other people that all the "baddies" are on one side of the Chamber.

The Hon. R. F. Claughton: Would you repeat those figures?

The Hon. D. K. DANS: I repeat—

> But the newly established Industrial Relations Bureau, after carrying out 18 000 inspections of awards in 1978-79, discovered some 10 000 breaches of these awards by employers.

One could go on and on.

The Hon. R. Hetherington: Everyone takes notice of the umpire.

The Hon. D. K. DANS: As Mr Cooley has stated this Bill seems to place great emphasis on conciliation. That is very commendable, but one finds—particularly in this State—there is a lack of enthusiasm by some employers to come to the table to conciliate, or even to arbitrate. It has usually been left to the unions which, in desperation and as a last resort, engage in strike action. The person on the job—that is, the person who is going on strike—is the one who will lose his wages. In this day and age wage earners and even salary earners are not very keen for this to happen.

This Bill does not contain anything dealing with the appointment of a conciliator. The Bill uses the misnomer of "Industrial Arbitration Bill" and then goes to great lengths to say how one will conciliate. As I understand it both conciliation and arbitration exist for the prevention and settlement of industrial disputes, but their methods are different. The purpose of conciliation is to enable the parties to come to a voluntary agreement and to do so by the means of mediation, and with the assistance of a third person. Of course, arbitration is quite different. People go to a court to submit their case and the umpire makes a decision.

This Bill is objectionable and I oppose it. The unions have not risen to the bait and that was the reason for it; it was to cause industrial conflict to

give the Government a skateboard ride into the election. When this did not occur the Government had to modify the second reading speech.

I have related to this Chamber the fact that I have belonged to a union which has been in existence for 100 years. Actually, in 1972 it had been in existence for 100 years. I have stated all the indignities and penalties that have been inflicted on that union over 100 years. However, it is still here and there is no political party in Australia, certainly not the Liberal Party, which has been around for that long.

The message today is consensus, and I have not heard from the second reading speech or Mr Masters that the legislation is designed to minimise industrial confrontation.

The Hon. O. N. B. Oliver: We have not spoken to the clause yet. That is clause 6.

The Hon. D. K. DANS: I am talking about the tripe which has been dished up as a second reading speech. It is a disgrace and it bears very little relationship to the Bill. In fact, it changes its mind three times in two pages. Anyone in the Press, anyone legally trained, or any advocate in the industrial sphere—

The Hon. O. N. B. Oliver: The second reading speech is better than the second reading speech of a Labor Minister who introduced similar legislation years ago.

The Hon. D. K. DANS: I happen to be dealing with this Bill now. Perhaps it is a better speech than the one introduced by the Labor Minister in the Kremlin; I do not know about that. This is the Bill we are dealing with now. From my experience I would say it is a disgrace and is designed for one purpose only; that is, to promote industrial confrontation.

The Hon. G. E. Masters: Rubbish!

The Hon. D. K. DANS: That point has now passed and I will be interested to hear a speaker from the other side state categorically that this is not designed for the purpose of industrial confrontation.

Government members should imagine the situation in which jackets are waiting to be towed out onto the North-West Shelf, and many sailors have been waiting for three months for the right weather conditions. However, they are held up for some minute reason, such as someone trying to deregister the union in one hour or waiting for a court case for two days; and then the weather changes again. I know employers in the industry are not jumping for joy with this Bill!

This is a Bill designed to stir and it will be interesting to see what happens in the next 12 months to two years. It will be interesting to see, especially in the light of the dismal failures I have recited to members and quoted by British experts, Bartholomew Santamaria and Percy Joske.

I believe this legislation will meet the same fate. It would have been far better had the Government come forward with a Bill similar to the one introduced in Victoria where there has been much more industrial problems. At least under the Hamer Government people are now seeing the light of day. Only by goodwill and common sense will these disputes be minimised.

The President of the Australian Council of Trade Unions when he calls for a national conference is asking for a consensus. All Governments of today, especially social democratic Governments, are guided by consensus and the only way to contain or minimise industrial problems is by consensus. That is because we are dealing with human relations.

Within the arbitration system there are many people, especially the smaller employers, as well as many unionists in small unions, who need this protection. This legislation could have ample opportunity to do that, whether it be collective bargaining, conciliation, or, when the occasion arises, arbitration. I oppose the Bill.

**THE HON. LYLA ELLIOTT** (North-East Metropolitan) [11.10 p.m.]: This is a very voluminous Bill which makes further attacks on the trade unions in this State in an attempt to beat them into submission. During the past eight years I have been in this Chamber I have observed the attitude of the Liberal Party both in and out of Government. Its attitude appears to be strongly opposed to the working people and their organisations and this Bill is yet another piece of legislation which will add to the Statute book what I and others of the Labor Party believe is a repressive anti-union and anti-worker law.

The Minister talks about the inadequacies of the present industrial machinery in this Bill and he stated this in his second reading speech. However the Bill places further restrictions on the jurisdiction of the commission. Under the Bill the Industrial Commission is prevented from dealing with disputes related to union membership, workers' compensation, and other matters regarded as the prerogative of management. It excludes access to the commission by a number of groups, including the academic staff associations of post-secondary education institutions. The provisions relating to industrial disputes and penalties are harsh and undemocratic.

For example, while giving unionists the right to vote in court-controlled ballots, the commission is

allowed to override any decision made in such ballots and severe penalties are imposed on the workers or unionists who are complying with that decision.

Mr Dans said that this Government does not know what it is tampering with and I agree with that statement. In his second reading speech the Minister referred to democracy, and the Hon. Gordon Masters was also very fond of the word "democracy". It is a pity we could not convince them of the desirability of this when the amendments to the Electoral Act went through this House.

However, in his second reading speech, the Minister said a major thrust of the new legislation is that which can be best described in one word; that is "democracy." The Bill sets out to achieve a greater degree of involvement on the part of all who wish to exercise their rights. They are fine words. I think there should be democracy for members of all organisations. The Minister said—

> As far as industrial relations are concerned it is recognised that until now the notion of democracy has been given largely only lip service by some people.

I ask members to bear in mind those words in the context of what this Bill is all about. There is no question that it is designed to minimise strikes and the Minister is implying that we will do this by giving members of unions a greater say in the affairs of unions. In other words, they have voting in court-controlled ballots about strikes and so forth.

I will refer now to a book titled "Australian Labour Relations" by Isaac and Ford. At page 276, the following appears—

> Where legislation, executive effort and membership activism produce democratic unionism, there is, of course, no guarantee that those unions will be particularly palatable to the larger society. Generally, public criticism in Australia is most commonly directed at the unions which are highly democratic in government. The Amalgamated Engineering Union—

That is now the Amalgamated Metal Workers and Shipwrights' Union. To continue—

> —the Waterside Workers' Federation and the Australian Railways Union are organizations which frequently arouse official and perhaps popular displeasure, but, whatever the public reaction to the policies such unions might adopt, they are models of democratic observance. Much of the criticism of these unions stems from the fact that decisions of the unions are taken on rank and file votes which often involve a less than totally cautious use of the strike and a disregard of public relations.
>
> If one expects unions to act with increased efficiency or with a greater regard for government policy or public opinion, then this expectation is unlikely to be fulfilled by increasing their degree of internal democracy.

This Government is in for a shock if it thinks it will achieve its purpose by extending to all unions the principle of secret ballots in respect of decisions involving strikes. The Government will have even more strikes in this State.

While on the question of democracy, in another part of his speech the Minister referred to an opinion poll on compulsory unionism and said 73 per cent of those polled in the 1978 Morgan Gallup poll were against compulsory unionism. Mr Masters mentioned that the Government had public support for the legislation. I wish this Government was prepared to adopt the same principle in its attitude to all legislation, and that it would have regard for public opinion on other matters.

Fresh in my mind is the closure of the Fremantle-Perth railway. An opinion poll showed that 82 per cent of those polled were opposed to the closure of the railway. There were 100 000 signatures on a petition, but that did not affect this Government; it still went ahead and ignored the wishes of those people.

Previous speakers have referred to the statement by Sir Paul Hasluck in yesterday's issue of *The West Australian*. The article was headed "Hasluck: Government ignores wishes". I will not read the article, but it adds further evidence to the fact that not only Labor people or the people opposed to the Government, but also people who have had a long association with the Liberal Party—such as Sir Paul Hasluck—are becoming disturbed about the lack of consideration for public opinion. So much for the attitude of this Government to democracy.

The Hon. G. E. Masters: Talking about public opinion, that is the reason the Bill is here today.

The Hon. LYLA ELLIOTT: Mr Masters was not listening to me. I was saying it is a pity the Government was not consistent in all its legislation and had regard for the opinion of the public.

I do not know how many members in this Chamber received a copy of a submission from the Law Society. The document was sent to both the Leader of the Opposition and the Minister for Labour and Industry (Mr O'Connor). The

document contains some very severe criticism of this Bill. Referring to clause 45(2), it states—

> This clause is again objectionable in principle. The Commission is given power to make orders directing a person or group or class of persons to cease industrial action, and there is nothing wrong with that, but to say that where it appears to the Commission that any person to whom any such direction or order is directed is a member of a union it must cite that union as a party seems to be quite wrong.

Further on it states—

> Unless the union by its officers has done something, or threatens to do something, by way of industrial action then why should it be involved in this way?
>
> Union officials cannot in all circumstances control their members, and indeed they ought not be seen as having the obligation so to do. They are there to serve rather than to rule. That is not to say they cannot provide leadership in some circumstances, but they cannot possibly be blamed for the activities of maverick groups of members. It is offensive to justice that those having nothing to do with actual or threatened offensive behaviour should be subjected to orders in relation thereto.

It also states—

> Anything less protective of rights must be seen as contrary to natural justice.

With respect to clause 73(3)(b)—deregistration—the society says—

> This clause has the appearance of injustice and as we are constantly told the law must not merely be just but must appear so.

After dealing with the wording of the clause, the Law Society stated—

> The obfuscating wealth of words used may confuse and create a belief that all is reasonable, but that cannot be so in principle. What is required is that the Commission reach a conclusion without hearing the other side to the case, that is the union which may be the subject of deregistration proceedings. That is simply and plainly contrary to natural justice.

The document goes on to state—

> There is another objection to clause 73 which is of even greater moment. The effect of deregistration is to deprive a registered union of legal standing—it is equivalent to a death penalty on a natural person. It therefore seems proper that deregistration proceedings not be taken except for carefully defined statutory cause, and the proposed Act could not be more vague in this regard.

Referring to clause 74, the document reads—

> What is proposed is that quasi-criminal proceedings should be taken against a union, and it be convicted on the ground that one or more persons has breached an order made under section 45, that is an order preventing industrial action or the continuation of it. In reality all of this may have nothing to do with the union cited. As a matter of principle no legislation should enable a penalty to be imposed on a person by reason of the activities of another person, and that is just what is proposed here.

That is what the Law Society thinks about it.

The clause has very serious implications referring to deregistration. In his second reading speech, the Minister mentioned the need for ease of deregistration, and he said—

> It will create a heightened impartiality in these matters and will enable deregistration and penalty provisions to be implemented more expeditiously.

Later, the Minister said—

> . . . . the commission can, if necessary, have deregistration effected within a matter of hours.

Someone not familiar with what is involved might think "So what?" However, I wonder how many people read the article which appeared on the front page of *The West Australian* on the 12th October last, under the heading "Judge sees arbitration Bill as nazi-like". I am referring to a statement by the Deputy President of the Arbitration Commission, Mr Justice Staples, when speaking about the Commonwealth arbitration legislation. His comments deal with the deregistration of unions, and that is the reason I will refer to them. The article is very serious, and states—

> The Deputy President of the Arbitration Commission, Mr Justice Staples, has bitterly attacked changes to the Conciliation and Arbitration Act now before Federal Parliament.
>
> In an unprecedented letter to his commission colleagues, Mr Justice Staples questions the constitutionality of the proposals and denies they will do anything to prevent and settle industrial disputes by conciliation and arbitration.
>
> "Its purpose is to proceed to put an end to relevant industrial action by government

harassment, oppression and arbitration," he said.

Mr Justice Staples also likened the role of arbitration commissioners under the proposed changes to the Act to "the judges in pre-war Germany who simply acted out their office in a train of events that culminated in legal conclusions that 'Jews' and 'communists' were no longer full citizens . . ."

The controversial legislation, which has already been strongly criticised by the former President of the Arbitration Commission, Sir Richard Kirby, speeds up the process of deregistering trade unions and restricts the role of individual commissioners.

The article also states—

"One of the key practices of totalitarian and authoritarian regimes is to dissolve trade unions and to put puppets in their place," he said.

"This legislation provides for precisely that possibility."

The important part is the aspect of the deregistration of unions. An eminent person such as the Deputy President of the Arbitration Commission can see great danger in this legislation. It might be said he referred to the Federal Act, and that has nothing to do with this Bill. However, on the 20th October, another Press item appeared in *The Australian* as follows—

PM, Court pact to beat unions

FEDERAL and State Liberal leaders have agreed to introduce complementary legislation if necessary to prevent trade unions by-passing tough deregistration laws.

The agreement—reached late on Friday at the instigation of the Prime Minister, Mr Fraser, and the Premier of Western Australia, Sir Charles Court—is aimed at maintaining the tough line of both leaders on trade unions.

It seems there is a conspiracy between the Prime Minister and the Premier of this State against the trade union movement. Obviously, the Bill is designed to weaken the unions.

The Hon. G. E. Masters: Why is it against the unions? Are you strongly opposed to deregistration?

The Hon. LYLA ELLIOTT: We are talking about unjust and rapid deregistration without giving unions the opportunity of natural justice to defend their position. We are talking about laws condemned by the Deputy President of the Arbitration Commission.

Obviously the Bill is designed to weaken the trade unions, both numerically and industrially.

It is ironical that the Attorney General introduced the Bill on behalf of the responsible Minister. The Bill will remove a large slice of the jurisdiction of the Industrial Commission.

I well remember that back in 1973 the Tonkin Government introduced a Bill in an endeavour to obtain 13 weeks' long service leave after 10 years' service for all workers in this State. Of course the Bill was destroyed in this place, which is not surprising; but the justification for that action was that Parliament was not the place in which to become involved in industrial matters; members of Parliament were not skilled in industrial relations; and we should leave such things to the Industrial Commission which was highly qualified in that field.

I would like members to bear in mind that the Bill now before us will remove a number of very important industrial matters from the jurisdiction of the commission.

The Hon. I. G. Medcalf: Not long service leave.

The Hon. LYLA ELLIOTT: I am dealing with the principle.

The Hon. I. G. Medcalf: Long service leave stays.

The Hon. LYLA ELLIOTT: I am quite aware of that; I am talking about the principle—

The Hon. I. G. Medcalf: We are completely consistent—that is what I said it should do.

The Hon. LYLA ELLIOTT: —of industrial matters being resolved before the Industrial Commission.

The Hon. I. G. Medcalf: That is what we said then.

The Hon. LYLA ELLIOTT: How can the Industrial Commission resolve disputes if the power is taken away from it?

The Hon. I. G. Medcalf: It is not; it is given the power.

The Hon. LYLA ELLIOTT: This Bill specifically takes away power.

The Hon. I. G. Medcalf: This Bill gives the commission the right to deal with long service leave.

The Hon. LYLA ELLIOTT: It takes from the commission the power to award preference clauses, and it takes away certain aspects related to workers' compensation, and other matters.

The Hon. I. G. Medcalf: Long service leave is still with the commission.

The Hon. LYLA ELLIOTT: That has nothing to do with it.

The Hon. I. G. Medcalf: I thought you were talking about long service leave.

The Hon. LYLA ELLIOTT: I am talking about the principle enunciated by the Hon. Ian Medcalf in 1973. The fact that the Bill related to long service leave is irrelevant.

The Hon. I. G. Medcalf: It is not irrelevant; you were referring to the Long Service Leave Act Amendment Bill.

The Hon. LYLA ELLIOTT: I know, and I wanted to remind the Attorney General of what he said about the commission. Let us forget that he was dealing with long service leave.

The Hon. I. G. Medcalf: No, you introduced it—don't let us forget it.

The Hon. LYLA ELLIOTT: I ask the Attorney General to wait until he hears what he had to say. It reads as follows—

> The effect of this Bill will be to take the matter of long service leave out of the hands of the Industrial Commission, which is competent and able to deal with it; because at present long service leave is governed by awards of that commission so far as award employees are concerned.

The Hon. I. G. Medcalf: It should have been dealt with by the commission, and we are now giving it to the commission.

The Hon. LYLA ELLIOTT: To continue—

> Therefore we are taking out of the hands of the Industrial Commission the power to adjudicate on long service leave, because we will be dictating to that commission what the long service leave conditions will be. I must most firmly state that I do not believe in taking industrial matters out of the hands of industrial tribunals.

The Hon. I. G. Medcalf: Quite right.

The Hon. LYLA ELLIOTT: The Hon. Ian Medcalf had this to say—

> I can only speak for my views, and I do not doubt they will differ from those of the members of the Labor Party; but I believe that industrial tribunals were created to decide industrial matters; to decide questions between employers and employees and to attempt to resolve disputes and give justice to both employers and employees in a very difficult area.

The Hon. I. G. Medcalf: And I still agree with every word of it.

The Hon. LYLA ELLIOTT: The speech continued—

> Members of industrial tribunals, at any rate in this State, are highly qualified by their training and experience, and I believe they should decide questions such as long service leave.

The Hon. I. G. Medcalf: That is right, and the Bill does the same thing.

The Hon. LYLA ELLIOTT: To continue—

> Our Industrial Commission comprises a chief commissioner and four commissioners, as I have already mentioned, all of whom are highly qualified by training and experience in the various areas of industrial law; indeed, the chief commissioner was a former magistrate and a man of high reputation.
>
> I do not believe that Parliament is the best place to decide industrial matters. One may ask—and perhaps this may be turned against me—"How qualified are members of Parliament to decide industrial matters or, indeed, how qualified are they to determine any matters?" But I do ask: How qualified are members of Parliament to determine industrial matters which really constitute a deeply technical area?
>
> When we examine industrial law, the ramifications of industrial awards, and the Industrial Arbitration Act we do find ourselves in a very technical area which requires a great deal of study to understand.
>
> I believe that few members of Parliament are skilled in industrial relations, although I do subscribe to the fact that Parliament does have jurisdiction in this matter—I hope you were not thinking, Sir, that I was suggesting Parliament is not competent or does not have this jurisdiction. We are a sovereign body in spite of what the Commonwealth Government is attempting to say to the contrary.

The PRESIDENT: Would you advise the House from what you are quoting?

The Hon. LYLA ELLIOTT: This appears on page 1884 of *Hansard* of the 17th May, 1973. It continues—

> Parliamentarians are subjected to political pressures which have no justification in an economic or social sense. We all know about political pressures. We are subjected to political pressures from constituents, from pressure groups, and very often from small minorities which are able to twist a member's tail, or cause that member a great deal of

embarrassment in public activities and in Parliament.

I would not like it thought that I am raising any objection to long service leave on economic grounds, or in any other economic sense. I do not profess to be an economist; I leave economic matters to be determined by those skilled in such determination.

But how can we justify setting up an Industrial Commission and then pass legislation telling that commission what it should do? We have had an Industrial Court in this State since 1912; since the early days of unionism in the State.

In 1912 an Act was passed and we had what was then called the Industrial Arbitration Court, which since then has been amended and modified to suit the times; and consequently we now have an Industrial Commission.

We have had industrial legislation here since the early days of Government in this State. If we pass legislation telling the Industrial Commission what it should do, this will be contrary to principle. Why should we have industrial tribunals if we are to take away their functions? Where is the sense in this?

Yet this Bill will do precisely that. It will take away certain functions of the commission.

The Hon. I. G. Medcalf: It will confer jurisdiction in regard to long service leave, sick leave, and a number of other things.

The Hon. LYLA ELLIOTT: It will take away the other areas I referred to. It is no good referring to sick leave and long service leave.

The Hon. I. G. Medcalf: Why not? They are industrial matters we are giving to the commission.

The Hon. LYLA ELLIOTT: I am talking about matters being taken away from the commission. The Attorney General has not answered the point I have made—in fact, it would be out of order for him to do so.

I referred to that speech to remind the Hon. Ian Medcalf of his attitude in 1973—a very different attitude from the one he holds now. He felt it was wrong to prevent the commission from dealing with certain matters because it was a competent body composed of competent people with the ability to determine industrial issues. However, in the Bill before us the Government is saying to these people, "You shall not deal with certain issues."

The Hon. I. G. Medcalf: No, we are not; we are giving them issues.

The Hon. LYLA ELLIOTT: Are we saying to the commission, "You can put a preference clause into an award; you can deal with workers' compensation matters"?

The Hon. I. G. Medcalf: It is exactly the same as it was before.

The Hon. LYLA ELLIOTT: Are we saying to the commission, "You can deal with workers' compensation"?

The Hon. I. G. Medcalf: It can deal with workers' compensation and it could not do this before.

The Hon. LYLA ELLIOTT: The commission could deal with certain awards which related to workers' compensation.

The Hon. I. G. Medcalf: We have a separate Workers' Compensation Act.

The Hon. LYLA ELLIOTT: I am aware of that.

The Hon. I. G. Medcalf: We have not changed the jurisdiction at all.

The Hon. LYLA ELLIOTT: I believe I have made my point quite clearly; the Government is not consistent.

The Government has justified the Bill by referring to the large number of industrial disputes. For a long period of time the Government has put forward this rationale for the legislation. During the Attorney General's second reading speech to the Bill before us he had this to say—

> —it is designed to protect the community from the disruption caused by industrial disputes.

Probably one of the worst features of the Court Government's term of office has been its record in industrial disputes. It berates and defames the trade union movement constantly, unjustifiably, and unfairly. We never hear a word against employers who offend against employees. We never hear Mr Masters say anything nasty about employers who exploit workers, and yet every day in the courts successful prosecutions are brought against such employers.

Rather than try to reduce the tension and conflict in industrial relations, this Government has provoked it. It has indulged in a policy of confrontation and abuse of the trade unions rather than conciliation and consultation.

The figures in relation to industrial disputes bear out what I have been saying. In this State during 1978 we lost 197 900 working days

through industrial disputes. In the same year in South Australia—under a Labor Government—79 100 days were lost.

Let us compare the figures for last year under the Court Government with the situation under the Tonkin Government. I ask members to remember that during last year 197 900 days were lost. During 1972, only 94 600 days were lost—about half as many as the days lost last year. There was a little jump in 1973—117 300 days were lost. That was still a long way below the 1978 figure.

The Hon. O. N. B. Oliver: Are you quoting disputes or man hours?

The Hon. LYLA ELLIOTT: I am talking about working days lost through industrial disputes. The figures quoted are from the Australian Bureau of Statistics.

The Hon. O. N. B. Oliver: How many days were lost in 1976?

The Hon. LYLA ELLIOTT: I do not have the figures for 1976. I have compared the figures for 1978 with those of South Australia and I referred also to the figures for two years of the Tonkin Government.

The Tonkin Government was concerned about industrial disputes, but rather than institute a punitive-type policy of harassing and repressing the unions, it attempted to amend the legislation to provide for conciliation and mediation in areas causing problems at the time. However, what did we find in this Chamber? I think Mr MacKinnon was the Opposition spokesman at the time, and he introduced 40 amendments to destroy that Bill. One must be a little suspicious about the motives behind this legislation.

The Attorney General had this to say about the unions—

> Sadly, the activities of these unions have, to some extent, been discredited by the activities of a small group of unions which have not been prepared to work within the system.

That is just like the tired old cliches we hear about left-wing radical trade unions. These unions are never identified. Why does not the Government name the unions? Any union worth its salt must fight for its members—otherwise it would not be worth belonging to.

If the Government wants to justify punitive legislation to use against unions, why does it not say which unions are offending, and are so terrible? Perhaps it is the unions which have the most democratic constitutions to which I referred when I quoted from the book "Australian Labour Relations". Perhaps the Government is referring to unions like the Amalgamated Metal Workers and Shipwrights Union, which has a democratic constitution. However, the Government will not tell us.

Let us consider the present industrial situation and some of the real reasons behind strikes. I remember a thesis on industrial relations in the Pilbara prepared by Helen Court, a daughter-in-law of Sir Charles Court. She found that a very large proportion of these disputes were caused not by unions and the working people, but by the companies themselves.

The Hon. W. R. Withers: How could that be? Why would any company wish to cause a dispute which stopped production?

The Hon. LYLA ELLIOTT: I am reporting the findings of the daughter-in-law of Sir Charles Court. Does the honourable member disbelieve her?

The Hon. G. C. MacKinnon: Would it not be more accurate to say you are reporting the opinion of this person?

The Hon. LYLA ELLIOTT: All right; I am reporting the opinion of this person. Obviously, she undertook a great deal of research to reach her conclusions, and I did not notice anyone refuting them at the time.

The Minister provided certain figures relating to the recent Hamersley Iron dispute purporting to show the financial loss incurred by the company. The inference was that the unions were responsible, and that we needed legislation such as this to ensure it could not happen again.

I was in the Pilbara last July, in the middle of this dispute. It was one of the largest and most prolonged strikes we have had this year. In my opinion, the strike was not caused by—to use the favourite Liberal jargon—those terrible left-wing, radical unionists. The strike had the overwhelming support of the rank and file workers in the Pilbara. In fact, I understand the vote in favour of the strike was something like 98 per cent. In addition, the workers' wives were solidly behind the strikers.

These people faced some very hard times during the dispute; it was not easy for them. However, principles were involved; it was a question of justice and fair play. Thanks to the solidarity of the workers, and the support of their wives, they won the fight.

I wish to quote to the House a message sent out by the women's committee in the Pilbara. Women usually are very conservative and anti-strike. However, on this occasion they were right behind

their menfolk. The document is titled "A Message to Women Everywhere—from Pilbara Women" and, in part, states as follows—

> Our iron men are engaged in a major struggle for a better deal from the huge and wealthy Iron-Ore Companies in the Pilbara. The Police Act used against us now threatens everyones' normal democratic rights.
>
> WE ARE FIRMLY IN SUPPORT OF UNION DEMANDS. We know our standard of living is being eroded. We know the union Log of Claims is not unreal. We know that our men have to work overtime at the sacrifice of family relations to give us a decent standard of living. We, the women of the Pilbara, are sick of living on bread, water and overtime; (bread 68c a loaf, milk 58c a litre, W.A. newspaper 21c a copy, air fares—Karratha to Perth $139.20). WE KNOW WHO MADE HAMERSLEY IRON (H.I.) WEALTHY.
>
> There are 8 unions (metal workers AMWSU, AWU, building BWIU, electrical ETU, engineers ASE, painters/decorators PDU, plumbers/gasfitters PGEU, transport TWU) in this strike and they are solidly united. The women stand solid with them. ALL WOMEN THROUGHOUT AUSTRALIA CAN HELP!
>
> The Agreement, which sets down wages & conditions for workers employed by H.I., expires on June 30th this year. A complete Log of Claims was put forward by the workers to the Company; H.I. not only refused all major claims, they arrogantly replied with their intention to increase rents by up to 150 per cent and raise electricity charges.

The Hon. W. R. Withers: The unions also said they were non-negotiable claims.

The Hon. LYLA ELLIOTT: I quoted only part of the pamphlet. As Mr Cooley said earlier, it is all very well to blame the men for holding out on this strike. However, if members opposite had been in the Pilbara during the strike and talked to the men and knew the principles involved they would know that not only the men, but also their wives, were solidly united in favour of the strike.

The Hon. W. R. Withers: They were not solidly united.

The Hon. LYLA ELLIOTT: They were; otherwise, they could not have sustained a strike for 10 weeks. As Mr Cooley said, in the long run the company agreed to the proposals put forward by the union; and, it could have done so 10 weeks earlier because with the massive profits it is making it would not even have noticed it.

The Hon. N. F. Moore: You are talking absolute rubbish now.

The Hon. W. R. Withers: How about non-negotiable demands? Don't you think that was bit rough, when they have the best conditions in Australia?

The Hon. G. E. Masters: Strong-arm tactics.

The Hon. W. R. Withers: They enjoy far better living conditions than I have ever had in the north.

The Hon. N. F. Moore: That is irrelvant to the argument, of course!

The Hon. R. Hetherington: That is not relevant.

The Hon. LYLA ELLIOTT: Quite frankly, I do not think the Government wanted the workers to win on that occasion. The Government did not do much to help; it added only provocation to the dispute by its action in involving the police.

The Hon. W. R. Withers: It was organised by the Communists. The Past President of the Communist Party could not even deny it on television.

The Hon. R. F. Claughton: You are sick!

The Hon. LYLA ELLIOTT: I believe that on that occasion, the Government wanted Hamersley Iron workers cowed into submission as the first step towards providing a cheap labour force for the multi-national developers of the North-West Shelf gas project. It must have been a blow to the Government that the workers won on that occasion.

Let us look at some of the other reasons for some unions becoming more militant. Firstly, Western Australia has the worst unemployment rate in Australia. The figures for October reveal that 6 per cent of the work force in Australia was unemployed, while in Western Australia, 7.3 per cent were unemployed.

The Hon. W. R. Withers: What is the unemployment rate in the mining areas, where they work under such bad conditions?

The Hon. LYLA ELLIOTT: I am talking about the figures for the State.

The Hon. W. R. Withers: You were talking about the north. Tell us about the unemployment rate up there.

The Hon. LYLA ELLIOTT: That is irrelevant; I am talking about the State as a whole. Western Australia has the worst unemployment rate in Australia. Actually, we fluctuate each month between the worst and the second worst. This is

the Government which was going to solve the unemployment problem within six months of gaining office in 1974.

We cannot blame the unions for becoming more militant; any union worth its salt would fight to preserve the standards of its members.

I refer members now to an article which appeared in *The Australian Financial Review* of the 2nd November where, under the heading "Aust's youth unemployment third worst in OECD nations" the following appears—

> Of 15 OECD countries Australia last year and early this year had the third worst youth unemployment rate. Only Finland and Spain showed higher rates. And of eight OECD countries surveyed on the duration of youth unemployment Australia was by far the highest.

The only countries we are in front of are Finland and Spain! As Western Australia has the highest unemployment rate in Australia, it follows we probably have the highest youth unemployment rate in the world. That is a disgraceful record.

Secondly, workers and unions see their standards being inexorably eroded by Liberal Governments. They are continually falling behind due to the treachery of the Fraser Government in such areas as wage indexation, health care costs, petrol costs, and other indirect charges. On top of this, they face the savage increases imposed by the Court Government. To name just one, electricity charges have increased by 325 per cent since this Government has been in office.

The wealthier sections of the community do not have to fight in an industrial commission to maintain living standards. Business people are not required to appear before a price-fixing authority before increasing their prices; they simply put them up at a stroke of a pen.

The Hon. W. R. Withers: Generally to cope with wage demands.

The Hon. LYLA ELLIOTT: Professional people like doctors are not required to abide by any fixation of their fees by an independent tribunal and are not gaoled if they break a fee-charging agreement. The doctors' union—the AMA— decides what doctors will charge for their labour, and that is that.

Members opposite are concerned about working people withdrawing their labour if they are not paid the wage for which they are asking, and to which they are justly entitled. How do they think I would get on at a supermarket if I wanted to pay less than the prices marked on the shelves? I would soon be shown the door.

Let me tell members of a recent case involving a doctor in Mt. Lawley who withdrew her labour. It could be said she went on strike. Despite the fact that the accident victim was bleeding profusely from the ear, the doctor refused to treat him because he was unemployed and did not belong to a private medical fund. Is that not a disgusting state of affairs? This doctor withdrew her labour by refusing to treat an accident victim simply because that person did not belong to a medical fund, and she was afraid she would not get her money.

The Hon. W. R. Withers: That is shocking. What happened to the person?

The Hon. LYLA ELLIOTT: He went to another doctor.

The Hon. W. R. Withers: What happened to the doctor?

The Hon. LYLA ELLIOTT: She should have been reported to the AMA. However, what happened to the doctor is irrelevant. I am simply pointing out it is not just people on wages and salaries who are involved in withdrawing their labour.

The Hon. I. G. Pratt: Should they picket the doctor's surgery?

The Hon. LYLA ELLIOTT: Mr Pratt has a one-track mind. He does not consider the poor, suffering person bleeding from the ear. He can think only of a narrow area of picket lines, and the like.

The Hon. I. G. Pratt: You used the example of a doctor withdrawing her labour.

The Hon. LYLA ELLIOTT: Apparently Mr Pratt thinks it does not matter what the doctor did, as long as she does not go and picket someone else.

The PRESIDENT: Order! I would like interjections to cease. I ask the honourable member to confine her remarks to the Bill.

The Hon. LYLA ELLIOTT: Mr President, I am sorry you do not think I am keeping to the Bill; I am dealing with the principle of this Bill, which is to suppress unions. This Government feels unions are becoming too militant and that working people might become more inclined to withdraw their labour when their living standards constantly are being eroded while they cannot do anything about it.

The principle I am trying to establish is that it is not only working people on wages and salaries who are involved in this, but also shopkeepers who withdraw their goods if customers will not pay what they want for them and professional people who will not undertake a service if one does not

pay what they expect to receive. It is the same principle.

Unions, individually and collectively through the ACTU and TLC, are required constantly to fight to maintain the purchasing power of their members' wages and, in addition to the level of wages all other industrial conditions have not been won easily. Such conditions have not been handed over by employers without a struggle. In many cases, unionists have endured great hardships to achieve better wages and conditions and these hardships have, at times, included loss of blood and loss of life.

I wonder how many non-unionists today realise it is due only to the struggles of the trade unions, plus Labor Governments that they enjoy such benefits as four weeks' annual leave, sick leave, long service leave, improved safety on the job, a 40-hour week, improved workers' compensation, and a whole host of other benefits.

The history of the trade union movement should be taught in all schools—

The Hon. G. C. MacKinnon: How boring!

The Hon. LYLA ELLIOTT: —so that people have an appreciation of the real contribution it has made to the quality of life in this country.

In the early part of the 19th century trade unions were illegal. It was not until the 1860s and 1870s that the craft unions started to organise and it was not until the 1880s that the unskilled workers commenced to organise. During the 19th century strikers were punished severely under the Masters and Servants Act which enabled justices of the peace to imprison servants who, without good reason, broke their contracts of employment. The period of notice required at the time was very long and it often involved a year. This meant the great majority of people who went on strike were considered to have terminated their contracts, thereby committing a breach and they were punished for their acts.

No doubt today's conservatives would like a return to that situation. It was not until the 1890s that we saw the beginning of strong unionism with the great maritime and shearers' strikes and towards the end of the 19th century industrial bodies were established to regulate wages and conditions.

Western Australia was the first State to introduce compulsory arbitration; but since that time the unions have been involved in a constant struggle for better conditions for their members. They have operated on shoestring budgets.

I was rather amused by the comment made by Mr Masters in regard to "fat cats". It is well known that trade union officials are extremely overworked and underpaid. Because the hour is late I did not intend to include the reference I have here; but in view of what Mr Masters said I believe I should refer to it. I shall quote again from Isaac and Ford's *Australian Labour Relations* in which the following statement appears on page 117—

> It is commonly known that with few exceptions union officials are overworked and underpaid. The number of full-time union officials in relation to membership is comparatively small—in Victoria the ratio is about 1 to 2 000 members—and there appears to be a great reluctance on the part of members to agree to provide the necessary finances for a larger proportion of full-time officials. This attitude stems partly from an inadequate appreciation of the work of trade union officials and partly from a tendency to under-rate the burden of administrative tasks.

The Hon. I. G. Pratt: What would be the range of salary differentials?

The Hon. LYLA ELLIOTT: Often one would find the salaries of union officials are very close to the wages of their members. I know when I was working at Trades Hall the majority of trade union officials at that time received about the same salary as or a little more than their members. I do not know the current situation, but the salaries are certainly not very high.

The Hon. G. E. Masters: They receive expenses and that sort of thing.

The Hon. D. W. Cooley: In 1971 the President of the Amalgamated Metal Workers and Shipwrights Union in Sydney was receiving $104 per week.

The Hon. G. E. Masters: He would have been overpaid then.

The Hon. D. W. Cooley: He was the top man in the union at the time.

The PRESIDENT: Order! Would the member proceed with the discussion of the Bill?

The Hon. LYLA ELLIOTT: I was replying to an allegation made by Mr Masters that the trade union movement is full of fat cats who really do not earn their pay.

The Hon. G. E. Masters: I did not say they do not earn their pay. I referred to "fat cats with political motives".

The Hon. LYLA ELLIOTT: The implication was made that they did not earn their pay.

I had intended reading the definition of a trade union secretary which refers to all the tasks in

which he has to be involved; but, in view of the lateness of the hour, I shall read only a reference which appears at the foot of page 117 of *Australian Labour Relations* as follows—

> A medical practitioner who had examined a large number of union officials, reported to the Melbourne Trades Hall Council in 1968 that 'an inordinately high percentage of these union functionaries were in a state of ill-health, as compared with men of similar age groups who presented for routine medical examination for purposes such as life insurance, employment by government departments and the like.'

I have included that reference, because it is about time we stopped knocking, defaming, and maligning trade union officials. Members opposite do this constantly. They are hard-working people, usually underpaid, because the unions are not wealthy and members are reluctant to agree to increases in fees. They are dedicated people who are trying to improve or maintain the standards of their members.

The Hon. G. C. MacKinnon: Our Liberal Party organisers are the same.

The Hon. G. E. Masters: Recent surveys seem to show they are out of touch with their membership; that is the trouble.

The Hon. G. C. MacKinnon: Tell us a bit about the Bill.

The Hon. LYLA ELLIOTT: As I said at the outset, the Bill is designed to weaken the trade union movement.

The Hon. G. C. MacKinnon: Which bit of it does that?

The Hon. LYLA ELLIOTT: For a start, one bit is the removal of preference to unionists.

The Hon. G. E. Masters: You mean compulsory unionism, don't you?

The Hon. LYLA ELLIOTT: I am referring to preference to unionists.

The Hon. G. E. Masters: Compulsory unionism is totally against the ILO convention.

The Hon. G. C. MacKinnon: She is about to tell us about the Bill. Let her have a go now.

The Hon. LYLA ELLIOTT: I never fail to be amused by the comments made by the Leader of the House. Every so often his male chauvinism comes through and he becomes patronising.

It will be a sad day for Australia when Governments such as the one we have at present are successful in weakening the trade union movement. There is no question that since this Government has been in power it has been hell-bent on introducing anti-union legislation. Members should recall the fuel and energy legislation and the amendments to section 54B of the Police Act. Another example is the legislation relating to essential foodstuffs and commodities. We will soon have the SEC Bill before us and this legislation has horrendous implications. Such Bills are not only frightening, but also totally unnecessary.

I do not know whether someone else has quoted the comments made by the former Chairman of BHP.

The Hon. G. C. MacKinnon: They did that. All the newspaper cuttings have been read.

The Hon. LYLA ELLIOTT: Sir Ian McLennan does not seem to think the industrial record of this country is all that bad, because the heading of an article in *The West Australian* which contains some of his comments reads "Industrial record called not so bad". The following statement is made—

> Australia's industrial record is not as bad as it was sometimes made out to be and it will not be improved by punitive measures according to the former Chairman of BHP, Sir Ian McLennon.
>
> Sir Ian, who is now the chairman of the ANZ Banking Group, said that though the country's industrial record was not good, it was better than that of New Zealand, the United States, Britain, Canada and Italy.

Unfortunately one of the people who love to chide Mr Cooley about BHP is not here tonight but I was hoping that he would be so that I could quote that for his benefit.

The Hon. G. C. MacKinnon: He is working on parliamentary business.

The Hon. LYLA ELLIOTT: I was referring to the value of the trade union movement and the way in which it has improved conditions for working people. Were it not for the trade union movement, working people in this country might have the conditions experienced by people in Thailand or some of the third world countries; they certainly would not have the standard of living they enjoy today.

I have heard comments made about a mass exodus from the unions.

The Hon. G. E. Masters: What makes you think there will be a mass exodus from the unions?

The Hon. LYLA ELLIOTT: People hate to pay their $50 subscription fees.

The Hon. G. E. Masters: They hate to make a contribution to the Labor Party.

The Hon. F. E. McKenzie: Commissioner Kelly said that in his report.

The PRESIDENT: Order! I ask members to refrain from interjecting and to allow the member addressing the Chair to do so and enable her to complete her speech.

The Hon. LYLA ELLIOTT: I take the hint, Sir. The hour is late; but we do not determine sitting hours. That is the prerogative of the Leader of the House. If he wants to keep people here all night, that is his business.

The Hon. G. C. MacKinnon: If you sit down I will adjourn the House immediately.

The PRESIDENT: That is all the more reason the member should address her remarks to the Bill.

The Hon. LYLA ELLIOTT: I am disappointed that you, Sir, should think I have not been addressing my remarks to the Bill. Of all the members who have spoken I have probably referred to the Bill more closely than any of them, particularly Mr Masters.

The Hon. G. C. MacKinnon: You have done so more than Mr Dans, but only just.

The Hon. LYLA ELLIOTT: I started to say, when I was so rudely interrupted, that the people must thank the unions for their industrial standards. I asked someone to carry out some research for me with regard to cases that appeared before the WA Industrial Commission. Time did not permit a thorough research, but I will quote some of the standards which have been achieved for people in different industries.

The current four weeks' annual leave in Western Australia was gained by the Building Trades Association when it was successful in amending its awards by arbitration. That case appeared in the WA *Industrial Gazette*, No. 54 dated the 26th June, 1974. The 17½ per cent annual leave loading was gained by the metal trades workers, and that is dated the 4th May, 1973.

Three weeks' annual leave for day workers was established by a general inquiry initiated by the Court of Arbitration at which the TLC represented the unions. That decision was dated the 28th June, 1963. The provision for two weeks' annual leave and 10 days' public holiday was established by a joint application of the Australian Workers' Union and the WA Shop Assistants and Warehouse Employees' Union, and others. It seems that was the first test case, as the President of the Arbitration Court said—

> In this matter, by a rather unusual procedural method, most, if not all, of the Unions who have awards of this Court governing private industry in WA have come to this Court on a joint application in respect of annual leave and holidays.

That judgment was dated the 13th August, 1946.

In respect of working hours, a 44-hour week was first awarded by arbitration—previously it existed by agreement—and that seems to have been the result of Award No. 2 of 1918 on application by the Metropolitan Female Printing Employees Union. With regard to sick leave, most recently clerks and shop assistants have gained 10 days per year, with improved benefits in associated areas.

On the 8th of this month we saw in *The West Australian* that the workers at Mt. Newman obtained a new award. The article was headed "Newman unions get new award", and read as follows—

> The Mt Newman Mining Co—Australia's biggest iron-ore producer—has reached agreement with unions for a new two-year industrial award.
>
> The award is a reaction to the Hamersley Iron agreement reached after a 10-week strike at Dampier, Paraburdoo and Tom Price.

So it will be seen that improved conditions were not achieved by individuals approaching their employers and requesting four weeks' annual leave with a 17½ per cent loading or sick or long service leave. The unions have fought for those conditions over the years, and they have obtained conditions which are enjoyed by non-unionists who have not contributed to the costs involved in very expensive cases.

The Government makes out that it is very concerned about the cost of strikes to the community, but what about the cost of industrial accidents? During 1978, nearly 257 000 working days were lost as a result of industrial accidents compared with 197 900 days lost through strikes. I would like to know what the Government intends to do about that.

The Hon. G. C. MacKinnon: If you kept your eyes open you would see what the Government is doing.

The Hon. LYLA ELLIOTT: It has been a problem for a long time and I cannot see that the Government is doing anything.

The Hon. G. C. MacKinnon: You must walk around with your eyes shut.

The Hon. LYLA ELLIOTT: The cost to the community of industrial accidents, in days lost, is

in excess of the cost of days lost in industrial disputes.

Finally, I repeat the Bill will place additional anti-worker and anti-union legislation on the Statute book. All sections of the community are critical of it. There are many bad clauses in the Bill. We are saying it, the trade unions are saying it, and the Law Society is saying it. Therefore, I oppose the Bill.

Debate adjourned, on motion by the Hon. F. E. McKenzie.

## COUNTRY HIGH SCHOOL HOSTELS AUTHORITY ACT AMENDMENT BILL

*Receipt and First Reading*

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

*Second Reading*

**THE HON. D. J. WORDSWORTH** (South—Minister for Lands) [12.21 a.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to clarify two administrative functions where some uncertainty may have existed, and also to make some alterations to the actual composition of the membership of the authority.

Doubt has been expressed as to the ability of the authority to charge a fee for board and lodging and the Bill seeks to ensure that not only is the authority able to charge fees, but also that this situation has always been so.

It will be appreciated that the whole basis upon which the Country High School Hostels Authority operates involves the charging of fees in respect of students for whom the authority provides board and lodging while the resident students are attending an adjacent school.

Section 7 of the principal Act sets out the functions of the authority. This section authorises the authority, *inter alia*, to undertake and carry out, or cause to be carried out, the general management of hostels, including the power "to engage and dismiss members of the staff of hostels and to determine their powers and duties".

The authority is also empowered to appoint committees to exercise, on behalf of the authority, such of the powers and functions of the authority, as may be delegated to it.

The functions delegated to committees provided under section 9 have included the appointment and payment of supervisory and domestic staff.

The country high school hostels authority is a Crown instrumentality and the powers exercised by virtue of delegation to committees are those exercised under the authority of the Crown. The employees of committees are therefore employees of a Crown instrumentality.

The supervisory staff of hostels are, pursuant to the designation of the Country High School Hostels Authority under section 11A of the Industrial Arbitration Act, "Government officers".

Domestic workers are, for the purposes of industrial coverage, Government wages employees.

The uniform application of the provisions of conditions of service of awards and agreements relevant to employees of the Crown is achieved through the Public Service Board. The amendment under section 10(2) reflects this. While the authority may delegate to the committees established under section 9 of the Act the power to engage and to dismiss members of hostels, and to determine their powers and duties, the provision of section 10 (4) makes it clear that the terms and conditions of service of officers and servants, including their remuneration, shall be determined by the authority, with the approval of the Public Service Board in accordance with the relevant award or industrial agreement.

This approach to conditions of service and staffing is consistent with other Statutes which govern the terms and conditions of employment of staff in other Crown instrumentalities.

The opportunity is also being taken at this time to include a restructuring of members of the authority and it is proposed that the number of members shall be increased from six to seven, one of whom shall be appointed as chairman.

At the present time, the six members of the authority represent the Public Service, the Treasury, the Anglican Archdiocese of Perth and the Country Women's Association.

Only one member represents the community at large, and currently this particular appointee is serving as chairman of the authority.

The amendments propose that the number of members of the Public Service on the authority shall be reduced to one and that the other members of the authority shall represent the community, business, persons having particular experience and knowledge of the operation of residential hostels, parents of students resident within hostels, and the like.

With such a change, it will now be possible to provide an opportunity for the board of the

authority to be more closely associated with the operations of the various residential hostels in various parts of the State which fall within the responsibility of the authority.

In presenting this amendment, however, it should be acknowledged that the Government wishes to retain the existing association with the Anglican Archdiocese of Perth which, apart from being represented on the authority itself, is directly involved with the management of hostels at Northam, Merredin, Esperance, and Moora.

Similarly, the association with the Country Women's Association is one which has been of considerable benefit and advantage where country hostels are concerned and the Government looks forward to retaining the close and fruitful co-operation which has existed since the inception of the Country High School Hostels Authority.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. Hetherington.

## SUPERANNUATION AND FAMILY BENEFITS ACT AMENDMENT BILL

*Receipt and First Reading*

Bill received from the Assembly; and, on motion by the Hon. G. C. MacKinnon (Leader of the House), read a first time.

*Second Reading*

**THE HON. G. C. MacKINNON** (South-West—Leader of the House) [12.27 a.m.]: I move—

That the Bill be now read a second time.

The amendments to the Superannuation and Family Benefits Act, 1938-1976, as contained in this Bill are designed to implement the following proposals—

- to distribute a surplus of funds revealed at the 30th June, 1977, valuation of the fund;
- to provide a suitable measure to empower the Superannuation Board to withhold all or part of any superannuation increase in respect of any pensioner, if the proposed increase would disadvantage him or her in relation to social security entitlements;
- to provide for improved child allowances; and
- to permit persons in receipt of ill-health benefits from other public sector funds in Australia to become contributors under the Superannuation and Family Benefits Act, provided the maximum Government share of pension payable under the Act is reduced, in each instance, by the Government share of pension applicable under the other public sector fund.

In April of this year the Government Actuary reported on his investigation of the state and sufficiency of the Superannuation Fund as at the 30th June, 1977.

This was the eighth valuation of the fund since its inception, although the first conducted on a triennial basis. All previous valuations were based on a five-year period.

In his valuation report, the actuary has revealed the fund to be in surplus to the extent of $20.3 million.

It must be realised that the fund represents contributions made by the members of that fund and any surplus therefore belongs to them.

The Superannuation Board, as trustee of members' funds, has recommended that the surplus be distributed to members.

The Government has agreed to this, at the same time taking the opportunity to make other improvements.

Following the past three valuations, distributions of surplus have been based on the addition of 10c per fortnight to each unit held at the respective valuation date.

The Government Actuary, in his report on the actuarial valuation, has indicated that such an increase would be possible out of the surplus disclosed.

It is therefore proposed that an increase of 10c be applied to all units held at valuation date, the 30th June, 1977, with appropriate adjustments for widows' benefits and for units subject to actuarial reduction when retirement has occurred prior to the member attaining his or her elected retiring age.

It is proposed that former contributors in retirement, and widows of former contributors, will receive their increases with effect on and from the first pension day next year.

The appropriate increment will be credited to serving employees and paid upon their eventual retirement.

There are many superannuants in receipt of superannuation who also qualify for a pension payable by the Commonwealth Department of Social Security.

A large number, because their superannuation pensions are less than a specified amount, are

entitled also to a pensioner health benefits card and other fringe benefits. However, because superannuation pensions payable under the Superannuation Act are automatically increased according to movement in the Consumer Price Index, each year a number of pensioners lose entitlement to the fringe benefits where their superannuation income exceeds the specified limit. A similar situation arises when surplus distributions are made from the fund.

Investigations have revealed that special legislation exists in other States which gives the respective Superannuation Boards discretionary power to withhold any increases where pensioners would be otherwise prejudicially affected. It is proposed, therefore, that the principal Act be suitably amended to empower the board to withhold all or part of any superannuation increase in respect of any pensioner, if the proposed increase would disadvantage him or her in relation to social security entitlements.

It is proposed also that pensioners, who have forgone one or more increases and whose circumstances have subsequently changed, be permitted to have their pensions adjusted to the level which otherwise would have applied had not those increases been forgone.

For example, a married pensioner who has forgone one or more increases may become widowed. As the income limit for fringe benefits is lower for a single person, the pensioner may lose his benefits, in which case it would be to his advantage if superannuation increases, previously forgone, were restored.

The Bill provides also that the child allowance paid in relation to dependent children under the Act be increased from the current level of $12 per week to $16. This represents an increase in line with the movement in the cost of living since December, 1976, the date of the last adjustment. At that time the allowance was increased from $8 to $12 per week and the increased cost so imposed was borne by the Superannuation Fund. On this occasion, it is proposed that the additional cost—estimated at $55 000 for a full year—be met from Consolidated Revenue.

Currently, the minimum benefit payable to a double orphan is $20 per week, increasing commensurate with the unit holding of the contributing parent. It is proposed that the minimum benefit payable in such cases be increased to $26 per week.

Under section 6 of the Act, any person in receipt of an ill-health pension from any other public sector fund in Australia is precluded from joining the Western Australian fund. This provision is considered somewhat harsh, particularly where the ill-health pension is relatively small.

It is therefore proposed to amend the Act appropriately to permit such persons to become contributors but, at the same time, to ensure that any duplication of Government subsidisation of pension is avoided.

In regard to the foregoing proposals, the only additional charge of any significance against Consolidated Revenue is in relation to the improved child allowances. As mentioned, the cost has been estimated at $55 000 per year.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. F. Claughton.

## CHILD WELFARE ACT AMENDMENT BILL

*Receipt and First Reading*

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

*Second Reading*

**THE HON. D. J. WORDSWORTH** (South—Minister for Lands) [12.35 a.m.]: I move—

That the Bill be now read a second time.

This Bill contains certain amendments to the Child Welfare Act which are consequential to recent amendments to the Stipendiary Magistrates Act and the passing of the Aboriginal Communities Act.

A further amendment is introduced as a result of Government concern that the existing law relating to identification of children before the Supreme Court and District Courts on criminal charges is inappropriate.

Previously, under the provisions of the Stipendiary Magistrates Act, 1957, special magistrates were required to take the oath of allegiance as prescribed in the third schedule to the Justices Act, 1902. Amendments to that Act no longer require special magistrates to take an oath of office. Therefore, provision has to be made under the Child Welfare Act for such an oath to be taken.

Instead of taking the oath as prescribed in the third schedule to the Justices Act, this Bill makes provision for special magistrates to take the oath or make an affirmation as set out in the proposed new fifth schedule to the Child Welfare Act.

Stipendiary magistrates who are appointed also as special magistrates and who have already taken

their oath of office will not be required to take the oath as set out in this section.

The need for another amendment has arisen out of the passing of the Aboriginal Communitites Act, which enables certain Aboriginal groups to hold Children's Courts within their own communities.

At some locations there may not be a suitable building available in which to hold the court. Therefore there has to be provision within the Act for a Children's Court to be held in such place—which could be out of doors—as the court may determine.

This does not only apply to Aboriginal communities, as at times any Children's Court may have to be convened and held in places that are not prescribed, such as at the hospital bedside of an injured child.

The repeal of subsections (2), (3) and (4) of section 23 of the principal Act is consequential to the proposed amendment to section 126.

The amendment to section 34E of the principal Act is intended to provide the court with power to order a parent, who has conduced to the commission of an offence by his child, to pay the whole or part of a fine in addition to, or as an alternative to, damages, costs, or restitution.

The existing provisions of this section allow the court to make an order against a parent, and require that parent to pay part or whole of the damages, costs, or restitution, but not a fine. The court has to be satisfied that the parent has conduced to the commission of the offence by neglecting to exercise due care and control of that particular child.

The section makes it clear that the courts shall not make such an order without the parent first being given an opportunity to be heard. If the parent, after first being formally required to attend the hearing, does not attend, the court has the power, under this section, to make an order in the parent's absence.

The amendment to section 126 is concerned with the public identification of children before the higher courts on criminal charges. The present legislation requires that a judge in the Supreme or District Court has to give specific permission before a child, who is appearing before his court on a criminal matter, can be identified.

The amendment reverses that situation and public identification is permissible unless the judge specifically orders that there will be no public identification of the child because he considers that it is in the interests of the child and/or in the public interest that no publicity should be given.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. F. Claughton.

## ACTS AMENDMENT (PORT AUTHORITIES) BILL

*Receipt and First Reading*

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

*Second Reading*

**THE HON. D. J. WORDSWORTH** (South—Minister for Lands) [12.40 a.m.]: I move—

That the Bill be now read a second time.

The principal purpose of this Bill is to ensure that the port authorities possess statutory power to borrow for all new works approved by the responsible Minister and to validate all such past borrowings.

When the port authorities were first granted borrowing powers in 1963, they were limited to expending funds so raised on works that they were specificially empowered to undertake.

It was the stated intention of the Government of the day that such borrowings should augment the funds for developing port facilities and subsequently substantial borrowings have been made by or on behalf of the port authorities for the purpose of funding new works.

The current limit on private borrowings of each of the authorities is $1.2 million. There is no defined limit on appropriations from General Loan Funds. However, the Acts of the Albany, Bunbury, Esperance, and Geraldton authorities limit expenditure by the authorities on port works in the case of Albany and Bunbury to $10 000, and Esperance and Geraldton to $20 000.

All port works in excess of those limits and the construction of all new works other than port works may be undertaken only by the Minister for Works.

It now appears that, despite the Government's intentions, the borrowing powers in the respective Acts apply only to the port authorities and borrowings cannot be applied to funding works which cannot be undertaken by the authorities. Thus, legally, the funds are not available to the Minister for Works. This, in effect, limits expenditure of loan funds to $10 000 in the case

of Albany and Bunbury and $20 000 in the case of Esperance and Geraldton.

Port authority income and parliamentary appropriations are similarly affected. These borrowings have been of great benefit to the authorities and to the State in augmenting the funds available for port development.

While the Fremantle and Port Hedland Port Authorities already have the responsibility for undertaking port works, this responsibility does not extend to other works not defined as port works but which are required for the purposes of their Acts. Accordingly, the Bill contains amendments to rectify this deficiency.

These two Acts currently specify no limit on the cost of port works which may be undertaken by the authorities.

The opportunity is also being taken to transfer the responsibility for undertaking works from the Minister for Works to the authorities themselves. This will enable the authorities to play a much greater part in the development of their ports and also permit better integration between the various transport modes.

Proposed programmes will still be subject to ministerial approval and the Public Works Department may still be used to carry out the works if that is the most efficient means of doing so.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. F. Claughton.

## PERTH THEATRE TRUST BILL

*Receipt and First Reading*

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

*Second Reading*

**THE HON. D. J. WORDSWORTH** (South—Minister for Lands) [12.44 a.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to establish and constitute the Perth Theatre Trust which, subject to the Minister, will be responsible for the general administration of theatres presently owned or controlled by the Government, together with any other venues which, from time to time, may be vested in it.

The trust, in the discharge of its responsibilities, may make recommendations to the Minister involving leasing or management contracts, or recommend any other form of management which may be appropriate to a particular venue, and it will be able to co-ordinate the use of all publicly-owned theatre facilities and provide for the proper management and maintenance of those facilities.

It is proposed seven trustees will be appointed by the Governor, four of whom shall be persons nominated by the Minister and three of whom shall be nominated by the Perth City Council from amongst the members or officers of that council. The chairman of the trust will be appointed from amongst the four ministerial nominees to the body.

Provision has been made in the Bill for the alternative appointment of trustees, should the Perth City Council fail, for any reason, to notify the names of its nominees within a specified time. The terms of office of trustees and the conditions they must satisfy in order to continue to hold office also are set out.

The Bill details the powers, functions, authorities and duties of the trust, as well as the functions of encouraging, fostering and promoting the use of all theatres vested in or leased to the trust. Those functions include the trust's responsibility for the care, control, management, maintenance, and improvement of the various theatres.

The trust will be responsible also for advising the Minister on the making of contracts for the management of trust theatres and recommending policies for the letting and operation of trust theatres and of the facilities and spaces related to those theatres.

Other provisions in the Bill cover the trust's right to employ staff, to make use of the services of public servants, to establish committees for special purposes, and its financial responsibilities.

This Bill fulfills the Government's undertaking to make proper provision for the control and operation of public theatres in Perth. The creation of the trust will result in the proper co-ordination of the use and management of these facilities.

In introducing this legislation, the Government records its appreciation for the co-operation received from the Lord Mayor, councillors and officers of the City of Perth. Over many months, discussions have been held to establish a basis on which the council would agree to the Perth Concert Hall coming within the responsibility of the proposed trust.

These exchanges have been mutually rewarding and results of the discussions are reflected in the Bill.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. F. Claughton.

## LITTER BILL

*Receipt and First Reading*

Bill received from Assembly; and, on motion by the Hon. I. G. Medcalf (Attorney General), read a first time.

*Second Reading*

**THE HON. I. G. MEDCALF** (Metropolitan—Attorney General) [12.47 a.m.]: I move—

That the Bill be now read a second time.

The intention of this Bill is to make better provision for the abatement of litter in Western Australia. It is the result of a detailed investigation into litter control methods both in Australia and overseas.

The Bill establishes the Keep Australia Beautiful Council (Western Australia) Incorporated as a statutory body with certain powers which will enable it to provide a greater emphasis on the problem of controlling litter.

It is not the intention of the Bill to restrict the use of products or packaging, but to change by education and, to some degree enforcement, the attitude of people in the discarding of litter.

The Bill provides a uniform basis for the enforcement of controls complementary to existing laws relating to litter offences.

Members will be well aware of the increasing mobility of people today. More vehicles are using the roads, more people are using public recreation areas, larger shopping centres have been developed, and the popularity of fast foods is evident. One of the consequences of all this is an increased litter problem in the community and additional measures are now proposed to control the situation.

The litter problem is basically a social problem; it is a problem of public attitudes. It can be overcome by education, the provision of more litter receptacles, the deterrent effect of penalties for litter offences, and the support of the community-minded citizens.

Industry, which is often blamed for the litter problem, has supported anti-litter campaigns for many years. In 1975, an *ad hoc* committee examined a proposal that a tax be imposed on the manufactured cost of packaging material and products and that the money be used to combat the litter problem. That proposal was later dropped when industry agreed to the adoption of a voluntary levy, with the money to be used to finance anti-litter programmes.

The Bill seeks to maintain the voluntary help that is evident in the community and to stimulate and assist voluntary groups in their efforts to achieve a litter-free environment. In addition, it acknowledges the work done by the present Keep Australia Beautiful Council and its supporting organisations by adopting its aims and general structure.

The Bill provides for the proposed new statutory body to consist of 12 members: six to be appointed to represent various industries and six to be appointed to represent various Government authorities.

Provision is made for the establishment of a special fund to consist of moneys appropriated by Parliament, from voluntary contributions, from manufacturers and distributors, and from other sources.

The term "litter", which is not defined in Western Australian legislation, is clearly defined in the Bill.

The Bill prohibits litter being deposited on land or into water, except in certain circumstances.

Although the Bill makes provision for the establishment of a statutory Keep Australia Beautiful Council (WA), it is not intended that the council should assume full responsibility for litter control. This will still be a task for municipal councils and public authorities.

However, the Bill proposes that the Keep Australia Beautiful Council (WA) will have the power to act on behalf of municipal councils and public authorities in respect of litter control enforcement or provision of litter receptacles, but only on written request from such bodies.

The Bill provides for various *ex officio* and appointed authorised officers to police the provisions of the Bill. Authorised officers are given the power to order an offending person to remove a litter object, or place it in a receptacle. Courts also may require offenders to remove litter which is the subject of an offence.

Provision is made also for the use of modified penalties by way of infringement notices, to be issued by authorised officers.

The Bill provides for the making of regulations dealing with matters such as penalties for offences, specifications for litter receptacles, the distribution of handbills, leaflets, posters and the like, and the covering and securing of loads on vehicles.

The provisions of the Bill will enable the Keep Australia Beautiful Council (WA) to provide

more effective education campaigns, more teaching aids for schools, more litter bags and receptacles and more rewards for community involvement in litter control.

At present, the Keep Australia Beautiful Council (WA) has approximately 1 100 financial members, comprising individuals, business houses, organisations and municipal councils. The Bill seeks to retain their interest by creating a supporting membership category with opportunity to participate in the work of the council.

The proposed objects and functions of the Keep Australia Beautiful Council (WA) are contained in the second schedule to the Bill. These will provide the machinery for Western Australia to become a cleaner and more litter-free State.

Members will note that one of the objects and functions of the council is to study available research and development in the field regarding litter control, removal, disposal and recycling and to study methods for the implementation of such research and development.

This is generally accepted as a separate issue and, while the Bill allows the council to take an active role in developments in the field of rubbish disposal, its main concern is with litter as it is commonly understood by the public.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. F. E. McKenzie.

*House adjourned at 12.54 a.m. (Wednesday)*

## QUESTIONS ON NOTICE

### EDUCATION

*Birt Committee, and Williams Report*

346. The Hon. R. HETHERINGTON, to the Minister for Lands representing the Minister for Education:

In view of the Australian Education Minister's recent statement that the Cabinet committee's recommendations concerning the Williams report, and, in particular, the future of Murdoch University, will be placed before the Australian Parliament before the end of their current session—

(1) Will the Birt inquiry report be made public before the Commonwealth Government's determination?

(2) Will the Western Australian Government's response to the Birt inquiry recommendations be available before the end of the current session?

(3) Has the Minister or the Education Department made submissions to the Australian Cabinet sub committee or the Commonwealth Minister for Education, concerning the Williams report—

(a) if so, will the Minister table a copy of the submission; and

(b) if he is not prepared to table the submission, will the Minister give reasons for not doing so?

(4) Has the Commonwealth Minister for Education sought information concerning the progress and deliberation of the Birt inquiry and its proposed recommendations?

(5) Has the Minister advised the Commonwealth Minister of the progress of the Birt inquiry?

The Hon. D. J. WORDSWORTH replied:

(1) to (5) Murdoch University is established in accordance with legislation determined by the Western Australian Parliament, and the Birt inquiry has no relevance to any consideration being given by the Commonwealth Government to the Williams committee report on transition from school to work.

### TOWN PLANNING

*Burswood Bridge-Orrong Road Development*

349. The Hon. F. E. McKENZIE, to the Attorney General representing the Minister for Urban Development and Town Planning:

(1) How many—

(a) homes; and

(b) commercial properties;

were originally affected by the Metropolitan Region Planning Authority's plan for the Burswood Bridge-Orrong Road development between the Swan River and Leach Highway?

(2) How many—

(a) homes; and

(b) commercial properties;

are now affected?

(3) Of those now affected, how many of each have been purchased by the authority or Main Roads Department?

(4) How many—

(a) homes; and

(b) commercial properties;

have been purchased in each of the last two years?

(5) (a) Are any—

(i) homes; and

(ii) commercial properties;

currently under consideration for purchase; and

(b) if so, how many of each?

The Hon. I. G. MEDCALF replied:

(1) (a) 144;
(b) 30.

(2) (a) 149;
(b) 30.

(3) Homes 39; commercial properties 10.

(4) (a) 1978—6; 1979—7;
(b) 1978—nil; 1979—nil.

(5) (a) (i) Yes;
(ii) Yes.
(b) (i) 6;
(ii) 1.

Detailed land use statistics are not maintained by the Town Planning Department and there may be some variation from the figures quoted due to changes in use between homes and commercial purposes.

## EDUCATION

*Child Care Certificate Courses and Early Childhood Branch*

355. The Hon. R. HETHERINGTON, to the Minister for Lands representing the Minister for Education:

(1) Is it the intention of the Government to accept the recommendatons of the report of the committee of the inquiry into the community services training college and child care certificate course by—

(a) continuing the child care certificate course;

(b) placing responsibility for the child care certificate course with the Technical Education Division, including financial responsibility for the course and staff; and

(c) entrusting the administration of this course to the Perth Technical College?

(2) When will firm announcements about the future of the course be made?

(3) Does the Minister for Education intend that arrangements be made for the child care certificate course to be offered as a part-time course in Geraldton and Karratha in 1980?

(4) When will a decision be announced concerning the future of the present staff currently teaching subjects in the child care certificate course?

(5) (a) Is it intended to make the separation of the Departments of English, Language and Social Studies, and of community care studies at Perth Technical College a practical reality; and

(b) if so, when will the appointment of the Head of the Department of Community Care studies be made?

(6) Who is to have control of the building at 1186 Hay Street, West Perth?

(7) What is the position of the officers of the Early Childhood Branch at present located at 1186 Hay Street, West Perth?

(8) Who is to own, control, and use the library at 1186 Hay Street, West Perth?

(9) Can the Minister assure me that early action will be taken to solve the problems outlined in these questions?

The Hon. D. J. WORDSWORTH replied:

(1) to (9) The Minister for Education has again indicated that there has been considerable misunderstanding and, at times, quite mischievous assertions relative to the future of the child care certificate course and the employment of various categories of aides within pre-schools and pre-primary centres.
In view of the detail being sought by the member, the Minister will write to him outlining the information which he is seeking.

## RAILWAYS: PASSENGER SERVICES

*Suburban: Cost*

356. The Hon. F. E. McKENZIE, to the Minister for Lands representing the Minister for Transport:

Referring to question 344 on Wednesday, the 14th October, 1979, will the Minister advise whether the cost of operating the suburban passenger rail services for September and October of 1979 reflect one-twelfth of the cost of operations on the Perth-Midland and Perth-Armadale services which were the only ones left operating following the cessation of services on the Perth-Fremantle section?

The Hon. D. J. WORDSWORTH replied:

Yes. The figures are based on a progressive estimate of the yearly cost divided by 12.

For the months of July and August, 1979, MTT paid Westrail $1 092 300 each month, which was one-twelfth of the estimated total cost for 1979-80 if the three lines remained in operation. An adjustment for interest was made to the accounts in September, 1979, increasing the estimated cost for the three lines to $13 150 000 for the full year.

With the closure of the Perth-Fremantle line, the estimated total cost for this year with only two lines operating is $11 951 000.

These costs are only estimates at this time, but a detailed assessment will be made in February, 1980, which could change these early estimates.

## EDUCATION: PRE-PRIMARY AND PRE-SCHOOL

*Child Care Workers*

357. The Hon. R. HETHERINGTON, to the Minister for Lands representing the Minister for Education:

(1) Will the Minister advise me whether it is proposed in future—

(a) that child care workers employed in pre-school and pre-primary situations where there are groups of 36 children will be paid child care certificate rates;

(b) that where child care workers with child care certificates are presently employed in groups of 25 they will continue to receive the current child care certificate rate as they move through the salary scale, but will not receive any further adjustments; and

(c) that new child care workers will begin at the level second year teacher aide special and move through that scale with an additional 15c per hour in their fifth year of experience, thus being placed on a scale of $4.33 per hour to $5.01 per hour as against the existing scale of $4.93 to $6.47?

(2) Does the Minister agree that the Government's proposals are a radical departure from existing departmental policy, and promises made by the former Minister (the Hon. Graham MacKinnon) and senior departmental officers.

(3) Is the Minister for Education prepared to examine the view that holders of child care certificates should be paid according to qualifications, and should be preferred over untrained aides in all situations?

The Hon. D. J. WORDSWORTH replied:

(1) to (3) The Minister for Education refers Mr Hetherington to the answer to question 355 of today's date.

## QUESTIONS WITHOUT NOTICE

### EDUCATION

*Child Care Certificate Courses and Workers, and Early Childhood Branch*

1. The Hon. R. HETHERINGTON, to the Minister for Lands representing the Minister for Education:

Is the Minister in a position to give me an indication as to when I might receive the answers to my questions, which relate to matters of urgent public importance?

The Hon. D. J. WORDSWORTH replied:

I can well understand the honourabe member's concern and will inform the Minister that he wishes to have the information with the greatest of urgency.

### ROADS

*South Hedland:*

2. The Hon. D. J. WORDSWORTH (Minister for Lands):

I wish to make a ministerial statement in regard to question 273 which was asked on the 23rd October by the Hon. J. C. Tozer. I replied on behalf of the Minister for Transport that the cost of installing adequate street lighting between Port Hedland and the ring road at South Hedland would be $17 000. It has since been found that a telex error was made and the cost should have been stated as $170 000. I understand the honourable member has been informed of the correction, but that it should be recorded in *Hansard*.