

Legislative Council

Thursday, 10 May 1984

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth) took the Chair at 2.15 p.m., and read prayers.

QUESTIONS

Questions were taken at this stage.

NEW BUSINESS: TIME LIMIT

Suspension of Standing Order No. 117

HON. D. K. DANS (South Metropolitan—Leader of the House) [3.05 p.m.]: I move, without notice—

That commencing with this day's sitting Standing Order No. 117 be suspended until 1 June 1984.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): As this motion is without notice I inform members Standing Order No. 117 relates to the no-business-after-11 o'clock rule and requires an absolute majority.

Question put.

The DEPUTY PRESIDENT: I have counted the House and, there being an absolute majority with no dissenting voice, I declare the motion carried with the concurrence of an absolute majority.

Question thus passed.

STATE ENERGY COMMISSION AMENDMENT BILL (No. 2) 1984

Introduction and First Reading

Bill introduced, on motion by the Hon. G. E. Masters, and read a first time.

Second Reading

HON. G. E. MASTERS (West) [3.06 p.m.]: I move—

That the Bill be now read a second time.

I apologise to the Leader of the House for not having distributed my second reading speech. As soon as I have finished I will circulate it to all members.

Over recent months local authorities, particularly in the hills area, have been concerned at an apparent change in attitude by the State Energy Commission in relation to the responsibility for maintaining the commission's powerlines free from vegetation interference where those lines are located within road reserves.

During February 1984 a number of local authorities received correspondence from the State Energy Commission in which they were advised that the commission had received advice

from senior counsel that it was the responsibility of the occupier of any land on or over which the vegetation was growing to clear vegetation so that it did not interfere with powerlines. A period of 14 days was given to remove the vegetation from nominated road reserves, failing which the commission would look to either utilising its own work force or engaging contractors to undertake the work with costs incurred being invoiced to the local authority.

Most local authorities have not disputed their responsibility to maintain free of the commission's lines, vegetation that has been planted or cultivated. They do however strongly refute the claim that they have a responsibility over native vegetation, and further that the commission is able to recover from local authorities the cost of either its work force or contractors lopping native vegetation.

Local authorities will be faced with costs amounting to millions of dollars if the State Electricity Commission is permitted to continue with this new-found policy. As an example, Mundaring Shire Council estimates the new policy will cost local ratepayers \$250 0000 annually, resulting in an automatic rate increase.

The eastern metropolitan zone of the Local Government Association on 8 March 1984 supported the Shires of Mundaring, Kalamunda, and Armadale in their strong opposition to the actions and requirements of the State Electricity Commission. Councils in most country areas are now writing to their local members demanding amendments to the State Electricity Commission Act 1979.

I understand the commission's predicament and fears as a result of the most dreadful Ash Wednesday bushfires in Victoria and South Australia, but local authorities simply cannot afford to be saddled with massive additional costs that rightly are the responsibility of the commission.

The commission's attitude since the introduction of the Act in 1979 was that it clearly accepted the responsibility for the control of native vegetation on local government reserves, as intended by Parliament. The legal advice recently obtained has tempted the commission now to pass on the responsibility and costs to the local authorities.

The amendments I now put forward to the State Energy Commission Act 1979 will ensure that the commission accepts its proper responsibilities. I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Fred McKenzie.

CASINO CONTROL BILL 1984*In Committee*

The Deputy Chairman of Committees (the Hon. P. H. Lockyer) in the Chair; the Hon. D. K. Dans (Minister for Administrative Services) in charge of the Bill.

Clause 1: Short title—

Hon. JOHN WILLIAMS: A number of amendments to the Bill and its schedule are on the Notice Paper in my name. Amendments from the Minister have been circulated also. I indicate to members that I shall move my amendments at the appropriate time and I shall comment on them. The Minister has additional amendments which I shall support.

Clause put and passed.

Clause 2 put and passed.

Clause 3: Interpretation—

Hon. D. K. DANS: I move an amendment—

Page 2, lines 5 and 6—Delete the definition of “appointed member”.

Hon. JOHN WILLIAMS: The amendment is a consequential necessity and I support it.

Hon. I. G. MEDCALF: I should like an explanation as to why the definition is to be deleted. I understood there were to be appointed members.

Hon. D. K. DANS: The definition is being removed on the advice of Parliamentary Counsel. I have taken that advice and I shall deal with the matter when we come to clause 4. I did not intend to delete the definition, but I was told that, to make the other clauses operative, it had to be deleted. The definition of “appointed member” now is different from what existed previously.

Hon. I. G. Medcalf: You will still have members appointed by the Governor?

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

Hon. G. E. MASTERS: I am still not very clear on this matter. I read the definition of “appointed member” as meaning a “member of the Committee referred to in section 4(3)(b)”. Surely to goodness even with the amendment, three persons will be appointed under that provision. Whether they are the appointees the Opposition is looking for, those set out already in the Bill, or those which exist under the new proposal the Minister will put forward, I cannot see any reason that definition should be deleted. If members of the committee are appointed, surely the definition has to remain in the Bill.

Hon. I. G. MEDCALF: It seems to me that all that needs to be deleted is the paragraph designation (b), because we will still have “section 4(3)” and appointed members. The balance of the Bill refers to appointed members, so if we do not

define them, how do we know what we are talking about? Clause 4(4), which it is not proposed to amend, refers to “an appointed member”. Therefore, we have to define an appointed member unless another definition exists in the Bill somewhere, and I do not see one. So we must leave the definition of “appointed member” in the Bill. I cannot follow the reasoning behind Parliamentary Counsel’s recommending that it be taken out. I can understand him recommending that the reference to paragraph (b) be taken out, because these appointments are made under clause 4(3) and, under the Minister’s amendment, the member shall be appointed by the Governor.

Hon. D. K. DANS: Do members agree that clause 4(3)(b) must come out? The provision which will replace it indicates that the committee shall consist of four persons of repute, experience and integrity, appointed by the Governor, of whom one shall be appointed to be the chairman of the committee.

I am advised that is sufficient, but I do not want to hold up the Committee. I am quite prepared to leave that other provision in, even though it is surplus to our requirements, because subclause (3) clearly sets out that the members are to be appointed.

Hon. G. E. MASTERS: I do not agree with the deletion. The Opposition has an amendment and, if it is successful—I do not know whether any discussion has taken place on it—problems could arise. It is my understanding that the Minister has an amendment in respect of the membership of the committee and the Opposition has an amendment also. If we delete this definition and try to proceed with the Opposition’s amendment and it is successful, we will have a jumble. Therefore, I do not believe the definition of “appointed member” should be deleted.

Hon. D. K. DANS: This morning before I completed the amendments I telephoned Mr Williams, set out the amendments, gave him the reasons for them, and asked if he agreed with them. He said he did. The amendments were on the basis of advice from Parliamentary Counsel. I do not know the contents of the Opposition’s amendment. Had I known about it I could perhaps have worded this amendment a little differently. However, last night I spoke to Mr Williams about the amendment and we discussed it also today.

If members want part of that provision to remain in the Bill, I do not mind. However, subclause (3) is the operative one and the word “appointed” is used on two occasions. I do not believe anything could be plainer than that. The word “appointed” means what it says. The members have to be appointed by the Governor. It is a

watertight situation. If changes are to be made, perhaps we should be told about them now so that problems do not arise later. I want this legislation to be as tight as possible. If there is to be a casino, do not let us get off on the wrong foot from the word "go" with faulty legislation.

The DEPUTY CHAIRMAN (Hon. P. H. Lockyer): Order! I suggest to members that it is possible to defer debate on this clause, because it is an interpretation clause, and we can return to it later.

Hon. JOHN WILLIAMS: I would prefer that course of action, but what the Minister has said is perfectly correct. He has consulted with me and I have agreed to a course of action. I did not explain it to my leader or to my colleagues, because the opportunity did not present itself due to my being tied up with other matters. Perhaps for clarity's sake we should postpone this clause. The Minister made it clear to me this morning that certain administrative difficulties will arise if my amendment is proceeded with, and that the method of getting out of those difficulties is quite easy, and I agree with him. Indeed, the postponement of the clause would be quite necessary to allow the Bill to operate. I move—

That further consideration of the clause be postponed.

Hon. I. G. MEDCALF: I do not object to that course at all. I think it is a good idea. Mr Williams was under no obligation to confer with me or anyone else on this matter, because it has been made clear that we have a free vote on it.

Hon. D. K. DAns: I am not arguing with that.

Hon. I. G. MEDCALF: So there is no reason anyone should have known what anyone else intended to do. As this is causing some worry, it is a good idea to defer it until we see what happens.

Hon. D. K. DAns: I am aware of the free vote, but Mr Williams was the member who was referred to me as handling the Bill on behalf of the Opposition and in good faith I rang him. It would be impossible to ring every member of the Opposition, or the Government, for that matter. I had to have a point of contact. I said previously that I do not hold anyone to anything at all. All we want to do is to get it right.

Hon. G. E. MASTERS: That is the difference between your party and ours, you see.

Hon. D. K. DAns: Not always. We have our arguments in Caucus.

Motion put and passed.

Clause 4: Establishment and composition of Casino Control Committee—

Hon. JOHN WILLIAMS: I move an amendment—

Page 5, line 7—Delete the words "of the Totalisator Agency Board".

This amendment is the same as the amendment the Minister intends to move.

Hon. D. K. DAns: I have no objection to that course. The member is moving my first amendment.

Amendment put and passed.

Hon. JOHN WILLIAMS: I wish to inform the Committee that after detailed discussion with the Minister I will not move my further amendments to clause 4, in deference to the Minister's amendments on the addendum to the Notice Paper.

Hon. D. K. DAns: I move an amendment—

Page 5—Delete subclause (3) and substitute the following—

(3) The Committee shall consist of 4 persons of repute, experience and integrity appointed by the Governor, of whom one shall be appointed to be the chairman of the Committee.

Hon. G. E. MASTERS: On my reading of the proposed amendment it appears the end result will be exactly the same as the printed Bill. In the words of the Bill, the committee shall consist of a chairman who is also the Chairman of the TAB, and three other persons selected from among members of the TAB. Really and truly, as I understand it, the Bill—

Hon. D. K. DAns: No. Mr Masters is leaving me cold when he says things like that.

Hon. G. E. MASTERS: I will continue my remarks because as far as I can see, my argument is a valid one. The Bill proposes that four members of the TAB will form the committee. I am talking about what the Bill says.

Hon. D. K. DAns: The Bill, yes.

Hon. G. E. MASTERS: Mr DAns' proposal is that the committee shall consist of four persons of repute, experience, and integrity, appointed by the Government, one of whom shall be appointed to be chairman of the committee. That will revert back to exactly what is in the Bill. In other words, if the Minister cares to do so, he may appoint four persons of repute, experience, and integrity, who are members of the TAB. It is up to him. I have absolutely no objection to the person controlling that committee being the present Chairman of the TAB, because he is a superb operator who, as the Minister said, is respected throughout Australia. But I do not want to see four members of the TAB comprising any committee. I am quite happy with the chairman being appointed in this way, but I would rather see other people forming the control committee.

Hon. D. K. DANS: When we struck out the reference to the TAB, we struck out any formal structure from which we could draw those support services. It is not our intention to do that and, in any case, even under previous provisions of the Bill I could have drawn from the TAB at least two of these people.

Hon. G. E. Masters: Yes, I know that.

Hon. D. K. DANS: Because of the weaknesses in the provision I readily agreed to the Opposition's amendments. I now have to institute the formation of an administrative service to administer this legislation.

I suggest that perhaps I will have to have a Government officer on that committee, and the only difference from the original proposition would be that I would supplant someone versed in security or law enforcement with the head of the department where we will have to have inspectors and all the other matters that make up a casino operation. There will be plenty of people who are versed in law enforcement and security. Those will be some of the qualifications we will require for people who will scrutinise the operation of the casino. I do not think it is necessary to have them on the board.

I would be pretty brazen now were I to say that having dispensed with any reference to the TAB I will go away and probably appoint people from that organisation. I go one step further and say that when we are about to appoint someone I will be prepared to talk to the Opposition about people whom it considers might be prepared to serve on the committee. I have agreed that the TAB should not be represented and I have no intention of appointing someone. The Opposition objected to the TAB's involvement and we have met that objection. We agreed with it and we have said we will go outside that organisation.

We would have drawn a lot of support facilities from the TAB in the initial stages which will not now be available to us, so I have to use some other mechanism. Whatever the Opposition thinks of this clause Mr Masters should not imply that it is some kind of underhand method of putting people from the TAB on the committee. They are out. Even the people I could have appointed under the Opposition's amendment, such as the Crown Solicitor, are out of the picture.

We need to find people willing to serve on the committee and that will not be easy these days. However, there will be no-one from the TAB.

Hon. G. E. Masters: Except the chairman.

Hon. D. K. DANS: Yes, we are not arguing about that.

Hon. G. E. MASTERS: It may be that I am over-cautious, and I have good reason, having had one or two knocks on the chin in recent months. Despite what the Minister has said I would have preferred to see spelt out in the Bill, within reason, the qualifications of the members of the committee. I am still not happily accepting the proposition. I appreciate very much the offer Mr Dans made to consult the Opposition about appointments to the committee. That is a good idea.

I understand that it will be difficult to get the right type of person to serve on this committee. Such membership will not be an easy task. It will be a demanding job and certain accusations may be levelled at the members of the committee. With casinos, as with other gambling enterprises, some people like to cast doubts about the integrity of people in charge of the facilities.

I take on board all the comments made by the Leader of the House and I repeat that I have no quarrel with the Government's proposal to appoint the chairman of the TAB as chairman of the committee. I cannot think of a better person. I would still prefer to define at least two of the members of the committee. I accept what the Leader of the House said in relation to our proposition that one should be experienced in law enforcement and the security industry. That leaves the way open to appoint someone with that sort of background, but the other two propositions are precise and give guidance as to the type of people I believe should be on the committee.

I will not divide the Chamber on the matter but I want to record my preference for the proposition in the amendment on the Notice Paper, which has changed through negotiation. I stand by the propositions put by Mr Williams. If it came to a vote I would vote that way.

Hon. JOHN WILLIAMS: It is obvious from the debate so far that goodwill exists on both sides in this matter. Now that the Leader of the House has deleted all reference to the TAB earlier in the Bill, what I wanted places him in an administrative dilemma. To answer the objections about no-one being brought in from the TAB, it might be possible and these are only rough words, to fit in another proposal. Will Mr Dans accept this addition to his amendment—

The Committee shall consist of four persons of repute, experience and integrity appointed by the Governor, of whom one shall be appointed to be the chairman of the committee, but no more than one shall have an affiliation with the TAB.

That would answer the objection about anyone else from the TAB being appointed and it would give the Minister the right to appoint whoever he

likes. We would love to have the expertise of Mr Jarman, but he is affiliated with the TAB, and once he is on the committee we cannot appoint anyone else from the TAB.

Hon. D. K. DANS: I suppose I could agree to that proposition, but let us look at its logical conclusion. I have given an assurance that no-one from the TAB will be appointed and I would be foolish to now go and do that. It is one thing to say one is not going to do that and another to specifically exclude it. Many people on the TAB board are of high standing in the community and we could be impugning their characters. Perhaps we are not doing that, but a lot of people might see it that way. Members know what sort of comment floats around the traps about the Turf Club, and a lot of other things. I would prefer to let the matter stand.

If we specify a qualified legal practitioner I have nothing against that, but a better person may be available, with all due respect to the two gentlemen who sit on my right. One's options start to shrink when one qualifies the positions. Reference is made to a qualified accountant; we might get a professor of economics or a bachelor of commerce or business administration.

Hon. P. G. PENTAL: Or a couple of members of Parliament.

Hon. D. K. DANS: Perhaps we could exclude members of the TAB and members of Parliament. We do not want to knock people's qualifications, but this proposal would shrink our options. I suppose I could wear the exclusion of the TAB, but there are people on the board of the TAB who have a high standing in the community, in both the metropolitan area and country districts. I do not think they would mind not being on the board; I know they would not. However, I think they would be taken aback if someone were to quote from the Bill a clause which said that they were not to be on this board. The inference would be that they were not squeaky clean and that they may be able to get away with tickling the peter, for want of a better expression.

Hon. I. G. MEDCALF: I am sure that Mr Williams would not want to be associated with the slightest reflection on the TAB. I wonder if there is another way of getting around this. I would like to make a suggestion that the Leader of the House may or may not find acceptable. I refer to Mr Williams' amendment. Perhaps the following suggestion may be acceptable—

The Committee shall consist of 4 persons of repute, experience and integrity appointed by the Governor of whom:

(a) one shall be appointed as chairman;

(b) one shall be a qualified legal practitioner; or person experienced in law enforcement or the security industry; and

(c) one shall be a qualified accountant or person with practical commercial experience.

That leaves a fourth person and gives the Government the opportunity of making a fourth appointment from wherever it wants. The Minister has already indicated that he will not appoint members of the TAB. The Government's appointments have been telescoped so that instead of appointing three people from special walks of life it can appoint two. It is not required to appoint a lawyer but can choose a person experienced in law enforcement and the security industry. It is not required to appoint an accountant, but it may appoint a person with practical commercial experience. That will give the Government a wide choice and it will perhaps be the kind of thing approved of by the public.

Hon. D. K. DANS: I would not want to go to the wall on this one. I do not wish to show an anti-legal practitioner bias. The amendment leaves the situation where the Government, after talks with the Opposition, could possibly appoint three legal practitioners or three accountants.

Hon. I. G. MEDCALF: I do not think that is a good idea.

Hon. D. K. DANS: I am sure it is not, but it is a possibility. We would never get the first game of baccarat off the ground.

It should be remembered that whichever Government is in office will always have access to the Crown Solicitor, the Auditor General, and Treasury officials. They will be very close to the Government. In effect, they will be overseeing the whole operation. I am not discounting anyone, but I ask that we leave the clause in the way I have proposed because it allows a great deal of flexibility. Just because a person is qualified will not necessarily mean he will be the right person for this job. We need to get the right people.

We have discussed the manager of the TAB, Mr Jarman, who is the person we want to keep on. He is *not* a qualified legal practitioner. Sometimes we tend to try to create elitist situations. If the Opposition insists that the words used by Mr Medcalf—and probably they are the best so far—are inserted, we will accept that. However, I believe the way the Crown Law Department has drafted the provision is the best in the long run, no matter which Government is overseeing the operation.

Hon. I. G. MEDCALF: I made that suggestion because I believed that it would be useful to the

Government. It is not a case of the Opposition insisting on anything because Opposition members have a free or conscience vote on this issue and are not bound by anything. There is no party line which we may adhere to or deviate from according to how we are feeling.

There is no strict rule; it is a matter for individuals. It reminds me of some years ago when this happened more frequently and one had to appeal to individuals in the Chamber if one wanted support for an amendment.

In regard to the Minister's comment about the Crown Law Department with which I was closely associated for many years, I have the greatest respect and admiration for that department. I refer also to his comment on the Auditor General for whose department I also have the greatest respect. However these people only act when they are consulted. The control committee will keep day-to-day or week-to-week control over the organisation and it is useful to have well qualified people providing they are of the right type. Just because a person is qualified it does not necessarily indicate he is the right person for the committee. The Government would not I hope appoint a man just because he was a union representative. It will be looking for people to control the operation. If the Crown Law Department is asked, it will come in when someone has made a mistake and ascertain what is wrong. However, that is too late.

I am not prepared to insist on the amendment. I am quite happy with the assurances given by the Minister.

Sitting suspended from 3.47 to 4.00 p.m.

Amendment put and passed.

Hon. D. K. DANS: I move an amendment—

Page 5, line 26—Delete the words “an appointed” and substitute the word “a”.

Amendment put and passed.

Hon. D. K. DANS: I move an amendment—

Page 6—Delete subclause (5) and substitute the following—

(5) The Minister may from time to time appoint a person of repute, experience and integrity to be the deputy of a member and, subject to this Act, that appointment shall expire on the member ceasing to be a member.

Hon. JOHN WILLIAMS: I will not move my amendment in respect of the proposed new subclause, because the Minister has circulated his amendment with the alternative subclause which repeats the language of the previous amendment and thus gives continuity to the Bill. I support the Minister's amendment.

Amendment put and passed.

Hon. D. K. DANS: I move an amendment—

Page 6, line 15—Delete the words “by him”.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 5 to 7 put and passed.

Clause 8: Disclosure of pecuniary interests—

Hon. G. E. MASTERS: I would like some clarification of this clause and I refer members to the wording of it. It would be difficult to see who would not have an indirect pecuniary interest. A person appointed to this position would, I imagine, have all sorts of business or other interests in the community and it is difficult to see how he could operate under this proposal, bearing in mind the challenges made in the local government area.

Hon. D. K. DANS: This is not defined in the Bill, so we shall have to fall back on the ordinary meaning of the words. In this kind of operation, an indirect pecuniary interest could refer to a number of areas. A member could have a wife—

Hon. G. E. Masters: Who is a gambler.

Hon. D. K. DANS: I did not intend to say that, but she could be. A member could have an indirect association with a person who makes playing cards. We are trying to keep the legislation as watertight as possible. I am sure people serving on the board would be well acquainted with this clause. In a number of areas it would not be necessary to include such a clause in legislation, but we all know this is an area at which people will be looking closely.

We know what a “direct interest” means and we are just making the legislation tighter by including an “indirect interest”. People on the board will be fairly well educated and will know what a real, direct interest is. For instance, a member could manufacture the chips. A whole range of matters could be regarded as indirect interests. This is not linked directly to the Local Government Act, but it could be in this arena.

Clause put and passed.

Clauses 9 to 18 put and passed.

Clause 19: Minister may enter into agreement to construct and establish casino premises—

Hon. G. E. MASTERS: This is a very important clause which obviously is of interest to all members both in this Chamber and in another place because, as I understand it, it says that the Minister will go about the business of negotiating and entering into some sort of agreement, or draw up the terms of an agreement for a public company to construct and establish a casino premises—not to work those premises or to use them at

all, but simply to construct them. Therefore the terms of that agreement will contain some obvious matters such as, of course, the company, and the location, which under the agreed arrangement cannot be decided upon finally until the matter comes back to Parliament when all taxing features and the like will be discussed. This is a very important clause indeed and, of course, the Opposition will be looking at it with great interest when it is brought back to the Parliament. This is the real core of the legislation.

I said earlier during the second reading debate that, in fact, by passing this Bill we are accepting that a casino will be established in some shape or form somewhere in Western Australia. That will be an accepted fact of life, but the conditions of the deal, of course, will come back to the Parliament and we should take good note of them. We advise the Government that when the agreement comes forward we will look at it with great interest.

Clause put and passed.

Clause 20: Licence fees and taxes—

Hon. G. E. MASTERS: Once again, of course, there is considerable interest in the return that will be gained by Government and the cost of running the casino through the management committee. Does the Minister know if investigations have been carried out and has some conclusion been reached on what the back-up facilities through departments or whatever will be? What will be the cost of administration through the casino control committee? What is the estimated return based on calculations from casinos in other States? What will be the estimated reasonable return that the Government will be looking to as a result of the policy?

I have asked two questions. One is about the rough cost of the control committee and the other concerns the net return after all costs to the Treasury.

Hon. D. K. DANS: I cannot give the Hon. Gordon Masters that figure, but I will be able to give it to him as soon as possible after the Chamber rises. I have a meeting set up with the Minister in Brisbane. Queensland has pretty watertight legislation and has been through everything. We are only guessing at our legislation now and the Hon. G. E. Masters would understand that. I intend to see that Minister and discuss those matters with him. I will also discuss the operations of the Middle Beach Casino in Darwin on the way home. The questions that the Hon. G.

E. Masters addressed to me concern the basis of most of our discussions. The reason I chose Brisbane is because the Gold Coast casino when completed will be the most modern one in Australia. I think the Queensland legislation is more up to date than Tasmania's and I think Queensland has a similar situation to Western Australia. I intend to compare the Queensland situation with the operation of the Middle Beach Casino in Darwin. I would be only too pleased to supply the member with the information on my return. I will instruct my officers to collate the information as quickly as possible and I will let the member know as soon as the information is at hand.

Hon. G. E. MASTERS: The reason that I have a strong interest in this matter—I appreciate the Minister's comments that he will supply me with those details—is that it may well be that the Government will have a substantial stake in the casino by way of providing the land on which the facilities will be constructed. It is public land and therefore it is of great value; it would certainly be of immense value if a casino and some \$200 million worth of facilities were to be put on that land, so the Government will have an interest or an equity. That is what the Government intends and, therefore, it will have a share of the action or a share in the value and the operation of the facilities. I would have thought that if the casino failed through one reason or another—more than likely it will not do so, but if it did—the Government may have some commitment to put some funds into the casino to make up any losses that may be incurred. I agree that that situation is not likely to occur, but it is a possibility.

The Government will be put out on a limb if it makes some commitment and, in fact, the project goes down the chute.

Hon. D. K. DANS: I do not think we have said that the Government will have any equity in it at all.

Hon. G. E. Masters: No; I said the Government would have an equity in the project as it owns the land.

Hon. D. K. DANS: We will either lease or sell the land. It has been suggested that we run the golf course. As I see the legislation at present, the Government's only interest at this stage is in the land and how it disposes of it.

Our equity would be at that level. We will either lease or sell the land. We are waiting for the propositions to be put forward. I do not even envisage the Government running the golf course.

I believe we should stand back and let the private entrepreneurs handle it and see what we can get from them by way of taxes, but we still have not received their proposals.

Hon. G. E. MASTERS: The Minister is saying that the Government will lease, sell, or come to some arrangement, but it will not operate the casino and the rest of the facilities.

Hon. D. K. DAns: It would be wrong for us to do so. The Government should not have an interest in the casino because if it has an interest in it it will also have an interest in the losses.

Hon. G. E. MASTERS: That is the point I am making. It has been reported in the Press that the Government intends to have an equity in the casino, but I am now informed that it will not have an equity in it.

Hon. D. K. DAns: I cannot see that anywhere in the Bill.

Hon. G. E. MASTERS: I take this opportunity to pursue the question further. I want to have it clear in my mind. On a number of occasions the Press has reported that the Government will have some equity in the casino and the other facilities through the value of the land or whatever. Are those newspaper reports correct, or is the Minister saying that the Government will make some arrangements, such as to lease or sell the land, and it will not have an equity which will result in a commitment or obligation if something went wrong with the whole operation, whether it be the casino, a hotel in the casino, or something else? I simply ask whether the media is wrong, and whether the Minister is saying, "No, the Government will not have an equity in the facilities including the casino".

Hon. D. K. DAns: Let me hedge my bet on it. On my reading of the legislation and my knowledge of it—

Hon. G. E. Masters: I know it is not in the Bill, Mr DAns.

Hon. D. K. DAns: —it is not contemplated that the Government will have any equity as such in the casino.

Hon. G. E. Masters: I have no doubt it would have to be in the agreement.

Hon. D. K. DAns: In any event, that agreement would have to come back here.

Hon. NEIL OLIVER: I refer to clause 20(2). Surely eventually a time will come when the agreement will be up for total review. Ultimately it would not be expected that a successful person

who obtained the casino agreement would continue *ad infinitum* to have it. The Government would not regard him as having total use of Burswood Island on a never-never basis. Surely it would come before the Minister who would review the matter.

Hon. D. K. DAns: I do not think Mr Oliver listened very well. I said propositions must be put to us—that is the reason for this Bill—from those people who wish to build at Burswood Island. We have to accept a proposal from an entrepreneur or a group of entrepreneurs. When we get that, we will determine the terms under which Burswood Island will be used; that is, the terms under which we will cede the land or lease it.

When that agreement is drawn up it will be brought to the Parliament, and that is the appropriate time to ask the questions Mr Oliver is now posing, which are speculative in nature. I cannot answer speculative questions.

Hon. NEIL OLIVER: I appreciate that the Minister cannot answer matters of a speculative nature and foresee the future. He said the agreement must be spelt out and brought to the Parliament. Why waste the time of Parliament with these matters in a Bill when they will be spelt out in an agreement?

Hon. D. K. DAns: Sometimes Mr Oliver astounds me, sometimes he fascinates me, and at other times I love him. The latter is not the case at present.

We must have an enabling document that sets out the Government's position—Mr Oliver is a businessman—so applicants can have a look at which way they must travel when they make their bids to the Government. We will then enter an agreement based on the fabric of this piece of legislation. When the agreement is ready it will be brought back to the Parliament for ratification and the speculative questions Mr Oliver has asked, which are quite valid, will be answered. Parliament will agree or disagree with those parts of the Bill. It is not a question of wasting the time of the Parliament, it is an essential part of the democratic process.

Clause put and passed.

Clause 21: Procedure for dealing with application for casino gaming licence—

Hon. G. E. MASTERS: The casino licence will be issued only after the construction of the casino and some other facilities. I refer to that part of the clause which says, "A public company which is a party to a casino agreement". It does not say, "A public company which is a party to the casino agreement".

There could be a number of agreements. Does it mean that once the facility on Burswood Island is completed under the terms of the agreement only a party to that casino agreement can apply for a gaming licence, and no other person? The clause does not say that other persons cannot apply. I would assume the Government intends that only a public company which is a party to the casino agreement can apply. It does not prohibit anyone else from doing so, but I could be wrong.

Hon. D. K. DANS: We have to be realistic about this. The public company that puts in its money and builds the resort hotel and the other facilities the Government wants would expect to be the only company to apply for the licence. That is what the clause means. We would never get a casino off the ground if we said, "You are going to buy the land or lease it and deal with the other engineering problems, build a modern resort hotel and tennis courts and other ancillary facilities, and then take a chance on getting the licence".

We all have a little commercial sense. Unless I had that agreement in my pocket I would not enter into any arrangement with the Government.

Hon. G. E. MASTERS: I take up the comments made last night by Mr MacKinnon and Mr Gayfer. The definition of a casino is simply a room, or nothing much more than that, if that is how one wants to set it up. It could be an enormous building or a small one. If that got through the construction phase and a Government of the day wished to permit further casinos, it could put one at Exmouth, or somewhere north of Perth, and it could be part of a hotel. The Government could say, "We will enter a casino agreement", and then bring the matter to the Parliament.

Let us say it decides on Exmouth Gulf and the North Cape Lodge makes an application. The Government could say, "Yes, we think it is a fairly good idea; you do not have to spend \$1 million, part of the hotel can be designated a casino". The Government would then enter an agreement with the management for it to do certain things in return for a certain licence fee. The matter would then come to Parliament to be ratified and the applicant would be issued with a licence, on conditions being met—and they would have to be strict.

This legislation opens the door for all those things. They would be possible if the Government of the day so desired and if the Parliament so agreed.

Hon. D. K. DANS: As I understand it, this Bill relates to one casino only and it is called a casino or gaming licence. "Casino" is a more flamboyant word than "gaming". If another casino is to be

constructed in Western Australia we will need to go through this process again.

Hon. G. E. Masters: Only in terms of the agreement.

Hon. D. K. DANS: This is to be a control Act. If we wanted to construct another casino we would need to come back to this place. If the Government of the day, based on its experience with the first casino, wanted to modify the Act, as a result of the location of the casino and changes in public demand or acceptance, it would have to refer the question to Parliament. Neither the casino gaming licence nor the Act will provide an open sesame for casinos to pop up all around the countryside. We must be most careful with this situation.

Hon. G. E. MASTERS: I appreciate the Minister's comments. I do not believe that it is the Government's intention, or any Government's intention, to simply allow willy-nilly the establishment of casinos all over the State, whether in the back room of a pub or on a \$10 million or \$100 million development. Commensense will prevail because casinos are difficult to manage and conditions must be applied to make sure the public are well protected and that gangsterism is not present.

My reading indicates that the Government of the day could receive an application for a casino licence and if it or the Minister decided there was some justification for the application, this legislation, when it becomes an Act, will enable the Government to negotiate with that person or persons. Admittedly the agreement must come to Parliament for ratification but the Bill will allow those negotiations to take place. For example, it will allow the North West Cape Lodge at Exmouth to make application and if the Government of the day decides there is good reason for establishing a casino it can enter into an agreement which will be brought to Parliament for ratification. The provisions do not prevent people in Mr Lockyer's electorate, for example, from making application.

Hon. JOHN WILLIAMS: I look for guidance on this matter. I have listened to the argument very carefully.

The DEPUTY CHAIRMAN (Hon. P. H. Lockyer): Order! I ask members to stop the audible conversation particularly behind the Chair and to give some co-operation. It has been a good debate so far and I would like it to continue.

Hon. JOHN WILLIAMS: I refer to the long title which states that the Bill will provide for the establishment of a casino in Western Australia, for licensing the operator of the casino, etc. That phrase is in the singular and, therefore, I understand the Bill can apply to only one casino.

Hon. D. K. DANS: The intention of this Bill was to provide for a casino. Some of the provisions were taken from the Northern Territory legislation. I refer to the interpretation which states that "casino agreement" means an agreement entered into by the Minister with a public company under section 19(1). To some extent the comments of Mr Masters could be the case, but I am not saying they would be the case. There seems to be some conflict between the long title and the interpretation.

The Government intends to provide for one casino and perhaps when the Bill is returned that should be clarified.

Hon. NEIL OLIVER: The public company referred to in this clause is presumably party to the construction of the casino, and I understand the Minister has explained that the company will apply to the committee for a casino licence. The committee will go through the formalities and then make its recommendations to the Minister. I refer to the decision and the manner in which the committee will obtain information and negotiate with various applicants to ascertain which of them should be given the licence. I imagine that several parties could make application for the licence.

I believe the Government is leaving itself open to public criticism in this area. I liken the situation to the granting of licences to operate radio and television stations. Those people have almost a monopoly and their licences come up for review on a regular basis. When they apply for a licence in the first instance a public hearing is conducted which places the procedure above political criticism.

If I was a member of the Government I would not wish the committee to meet *in camera* to decide who shall be granted the single casino licence in this State which, of course, represents a monopoly interest. I do not wish the Leader of the House to think I am drawing red herrings across the trail but those people who do not succeed in their applications may shout from the highest rooftop and want to know the reason that they have not been successful. It places an unfair burden on the Minister and the Government. The public of Western Australia deserve to know the manner in which the licence is applied for and granted, just as they have that information with regard to television and radio stations. There are only two commercial television stations in Western Australia and people are fighting tooth and nail to get a third station. In this case one licence only will be granted by a committee which sits *in camera* and by the Minister.

I would like to know why the Government decided that the meetings should be held *in camera*.

It may well have decided, although it does not say so in the Bill, to hold them publicly. I may be unnecessarily cautious in what I am putting to the Government.

Hon. D. K. DANS: The member is being very stupid.

The DEPUTY CHAIRMAN (Hon. P. H. Lockyer): Order!

Hon. D. K. DANS: I refer to the first part of the clause. Of course it must be a public inquiry. None of the problems raised by the Hon. Neil Oliver has been encountered in the States where the same procedures have been followed. No problems were experienced in the Northern Territory, Tasmania, or Queensland; and we are taking our advice from them.

If the member is suggesting that, when an objection is made, we go into a long, drawn-out hearing such as those held by the Australian Broadcasting Tribunal, we will never have a casino in Western Australia, and we should put the Bill through the paper shredder and go home.

Let us face it. Casinos are controversial matters, and we have a group of people who object to them. Experience here and in other parts of the world shows that their objections never become any smaller. The application of the same yardstick as applies to applications for television licences, when a broad public interest is involved, would prove to be absolutely impossible in this case.

No problems have been encountered in other States by Governments of three political persuasions, and they have used the vehicle of clause 21 in relation to casino licences.

Hon. NEIL OLIVER: I thank the Minister for that; but in Tasmania it is an independent casino authority, and the Minister has no say in it.

Clause put and passed.

Clause 22: Authorized games—

Hon. TOM McNEIL: The Hon. Mick Gayfer has an amendment on the Notice Paper. Provided the Minister gives an assurance that his amendment will proceed, I will seek leave of the Committee to withdraw the amendment.

The DEPUTY CHAIRMAN: It is not necessary to seek leave. You just do not move the amendment.

Hon. TOM McNEIL: I seek an assurance from the Minister that the amendment standing in his name will be put into effect.

Hon. D. K. DANS: I do not know who printed that on the Notice Paper. I will not move the amendment, because it is Mr Gayfer's amendment.

Hon. TOM McNEIL: In that case, on behalf of the Hon. Mick Gayfer, I move an amendment—

Page 17—Add after subclause (6) the following new subclause to stand as subclause (7)—

(7) Notwithstanding anything in this section, if—

(a) rules approved under subsection (2); or

(b) directions given under subsection (3),

apply or relate to the use or operation of machines commonly known as poker machines, those rules or directions shall be laid before each House of Parliament within the 6 sitting days of that House next following the day on which they were approved or given, as the case requires, and subsections (2), (2A), (3) and (4) of section 36 of the Interpretation Act 1918 apply with necessary modifications to those rules or directions as if they were regulations within the meaning of that section.

Amendment put and a division taken with the following result—

Ayes 11

Hon. W. G. Atkinson	Hon. Neil Oliver
Hon. V. J. Ferry	Hon. P. G. Pandal
Hon. H. W. Gayfer	Hon. P. H. Wells
Hon. G. E. Masters	Hon. John Williams
Hon. Tom McNeil	Hon. Margaret McAleer
Hon. I. G. Medcalf	(Teller)

Noes 15

Hon. C. J. Bell	Hon. Garry Kelly
Hon. J. M. Berinson	Hon. Tom Knight
Hon. D. K. Dans	Hon. Mark Nevill
Hon. Peter Dowding	Hon. S. M. Piantadosi
Hon. Graham Edwards	Hon. I. G. Pratt
Hon. Lyla Elliott	Hon. Tom Stephens
Hon. Kay Hallahan	Hon. Fred McKenzie
Hon. Robert Hetherington	(Teller)

Amendment thus negatived.

Clause put and passed.

Clauses 23 to 26 put and passed.

Clause 27: Persons under the age of 18 years gaming—

Hon. G. E. MASTERS: During the second reading stage I mentioned the question of young people being on the premises of a casino. Subclause (1) provides that a casino licensee shall ensure that no person under the age of 18 years is permitted to play any game in the licensed casino. It does not mention that an under-aged person will not be permitted to enter the casino. I do not think it is a good thing that any person under the age of 18 years should be allowed in the casino for half a day or a day with his parents. At present young

people are allowed in hotels and racecourses, but a casino is something a little different because big sums of money change hands. It is definitely not an environment suitable for young people, because they could be encouraged to take up gambling when they are of age. I do not propose an amendment, but perhaps the Minister could discuss this matter with his Cabinet colleagues with a view to inserting a suitable provision in another place.

Hon. D. K. DANS: I agree with what Mr Masters has said. Only this morning I checked on this matter to ascertain the situation in casinos in other States. It seems to be the practice that casino managements do not allow people under the age of 18 years to enter the casino area. When we get down the track a bit, I will look at this proposition; perhaps we can tighten it up by way of regulation, although that might make a few people squawk.

I do not believe a casino is a suitable place for people under 18 years of age.

Casino managements also have prohibitions on a number of other people entering the casino area; this too is a matter of policy. If we are unable to provide a suitable amendment, the matter can be handled by way of regulation.

Hon. JOHN WILLIAMS: I share the fears expressed by the Hon. Gordon Masters and the Minister, although perhaps not to the same extent, because I have seen how things operate in casinos overseas. The Minister is right in saying that the licensee usually has rules to cover this situation. Those casinos I have visited all exclude minors from the gaming rooms. The Genting Casino just outside Kuala Lumpur has a creche two floors below the gaming rooms, and minors are supervised there by attendants. The casino provides the same sort of child minding service as is found at the Ascot and Belmont Racecourses. At the entrance of the gaming rooms, people supervise those who wish to enter. Never have I seen an under-aged person in an overseas or an Australian casino playing the machines or even in the gaming rooms.

Clause put and passed.

Clauses 28 to 37 put and passed.

Postponed clause 3: Interpretation—

Further consideration of the clause was postponed after the following amendment, moved by the Hon. D. K. Dans, had been partly considered—

Page 2—Delete the interpretation of "appointed member".

Amendment put and passed.

Hon. D. K. DANS: I move an amendment—

Page 5—Delete the interpretation “the Totalisator Agency Board”.

Amendment put and passed.

Postponed clause, as amended, put and passed.

Schedule—

Hon. D. K. DANS: I move an amendment—

Page 26, line 1—Delete the words “An appointed” and substitute the word “A”.

Amendment put and passed.

The schedule was further amended, on motions by the Hon. D. K. Dans (Minister for Administrative Services), as follows—

Page 26, lines 1 and 2—Delete the passage “An appointed member may be removed from office at any time by the Minister—” and substitute the passage “A member may be removed from office at any time by the Governor—”.

Page 26, line 9—Delete the word “Minister” and substitute the word “Governor”.

Page 26, line 1—Delete the words “an appointed” and substitute the word “a”.

Page 26, line 2—Delete the passage “appointed under section 4(5)(a)”.

Schedule, as amended, put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

HON. D. K. DANS (South Metropolitan—Minister for Administrative Services) [5.03 p.m.]: I move—

That the Bill be now read a third time.

As to Recommittal

HON. H. W. GAYFER (Central) [5.05 p.m.]: I move—

That the Bill be recommitted for the further consideration of clause 22.

I am convinced that there was a misunderstanding in the Chamber at the time of the passage of clause 22. The Opposition withdrew its amendment in the spirit of facilitating the progress of the Bill. The Minister had an amendment to the same clause which had the same aim. In fact, they both did the same thing.

It is fair to assume that if my amendment had been carried, there would have been no need for

the Minister to move his amendment. However, to keep the matter in the hands of the Government, my colleague withdrew my amendment, after seeking an assurance from the Minister that if he did so the Minister would move his amendment.

My amendment was withdrawn in the best of spirit by my colleague, the Hon. Tom McNeil, believing the Minister would carry on with his amendment which he had circulated throughout the Chamber. I think everyone would have rightly believed that the Minister intended to proceed with his amendment. I do think anyone would have thought otherwise, because that amendment had been circulated within this Chamber.

Last night I endeavoured to gain an assurance from the Minister that poker machines would not be placed in a casino without reference to Parliament. I was told that this was so, even though it was not mentioned in the Minister's second reading speech or the Bill. I was told that that did not matter; that I had the assurance of the Minister that it was not the Government's intention.

I wish to clarify that point and make it definite because my worries are now endorsed completely. It is the Government's intention to introduce poker machines into casinos as soon as possible, without reference to Parliament and without any chance for any of us to have a say about the matter. We will not be able to say whether poker machines should be used in this State. The intention of my amendment was to clarify that point: Parliament and the people of this State should have a say about whether or not poker machines should be introduced. This is an important issue.

All the Opposition tried to do, legitimately, was to move an amendment which would clarify the position. My amendment appeared on the Notice Paper as follows—

Page 17, line 11: To insert after the word “played”, the following:

and where rules so approved apply or relate to the use or operation of machines commonly known as “poker machines”, those rules shall be laid before both Houses of Parliament in accordance with and are subject to section 36 of the Interpretation Act 1918, and the provisions of this section shall be construed accordingly.

It was a straightforward amendment to enable the Parliament to decide whether poker machines would be introduced in the State of Western Australia.

Since the time of the Clerk preparing this amendment last night and my notifying the Leader of the House and, in the absence of the

Leader of the Opposition, the Hon. Gordon Masters, that I intended to move this amendment, I was given an assurance that it would appear on the Notice Paper, which it did.

This afternoon I had to attend an important meeting. I spoke with the Leader of the House before I went to the meeting and asked if I could have the Bill held at the point when clause 22 was to be considered, until I returned. His reply was that he could not hold the Bill at that clause because the Bill was to proceed through this House and go to the Assembly today.

Hon. D. K. Dans: You forgot one thing. I suggested that you get the Hon. Tom McNeil to handle it for you.

Hon. H. W. GAYFER: That is what I did. However, when I arrived in the Chamber at approximately 4.40 p.m. the Hon. Tom McNeil had just finished putting the amendment. In light of the circulated amendment of the Leader of the House which conveyed the same meaning as my amendment, he agreed to withdraw my amendment.

Hon. D. K. Dans: But he did not.

Hon. H. W. GAYFER: He did.

Hon. D. K. Dans: He did not. We divided on it. You should have been here and explained to the Committee that I had no amendment on the Notice Paper.

Hon. H. W. GAYFER: I have a paper in front of me on which there is an amendment to clause 22 to be moved by Mr Dans and it does not have a line through it. It says that the Minister for Administrative Services would move—

Hon. D. K. Dans: I didn't circulate that.

Hon. H. W. GAYFER: No-one seems to know from where the paper came. However, the amendment that should have been considered is the one that is listed on the Notice Paper, but because another one had been circulated and it sought to do the same as my amendment the Hon. Tom McNeil agreed to withdraw it.

Several members interjected.

Hon. H. W. GAYFER: I believe that members in this Chambers voted on a complete misunderstanding. I am of the opinion that two bits of paper containing amendments were distributed in an acceptable manner and in the normal course of the way things happen in this place.

The amendment I have in front of me, which was to be moved by the Minister, sought to amend line 38 on page 17 of the Bill. My amendment dealt with line 11. It was fair enough for my amendment to be withdrawn to allow the Govern-

ment to move its amendment. In my opinion the Hon. Tom McNeil adopted the right attitude.

I implore the House that in order to clear this up, it recommit the Bill in order that clause 22 might be discussed again.

HON. D. K. DANS (South Metropolitan—Minister for Administrative Services) [5.15 p.m.]: Often I feign indignation in this place. I am taken aback by what Mr Gayfer has said. I discussed the amendment with him last night and again today. He told me that he could not get back to this Chamber in time for the debate on clause 22. I make the point that when a member has an amendment on the Notice Paper he is required to be in the Chamber when it is debated. I normally try to hold up Bills for members when requested to do so.

When I came into this House today I noticed the amendment that had been circulated and I advised the Committee that I did not have an amendment on the Notice Paper. If I recall correctly, the Hon. Phil Lockyer was in the Chair at the time the amendment was circulated and he told the Chamber that it was a misprint. We can listen to the tapes at a later stage to see if that is correct.

I suggested that I did not mind the Hon. Tom McNeil moving the amendment which appeared on the Notice Paper in Mr Gayfer's name and I pointed out to the Chamber that I did not have an amendment on the Notice Paper. I admit that the situation was confusing at the time.

Notwithstanding that, the question was put and the Chamber divided on it and members crossed to different sides of the Chamber. They knew what they were voting for.

Hon. P. G. Pental: Haven't you ever made mistakes before?

Hon. D. K. DANS: I said that I rose to my feet and told the Chamber that a mistake had been made and that I did not have an amendment before the Chamber. Not only did I say that, but the Deputy Chairman (the Hon. P. H. Lockyer) also pointed it out.

The crux of the matter is that the amendment was put and members knew what they were voting for. On that basis, I do not believe the Bill should be recommitted.

Let me say at the outset that I resent very strongly the imputation that this amendment presupposes that the Government will approve poker machines. I thought the clause meant that under a given set of circumstances the Government could come into this House and do certain things and have the right to approve poker machines.

I understand from what Mr Gayfer said last night, that he would not mind country clubs having poker machines. I said to him today in a spirit of fun that I could turn the tables on him.

Hon. H. W. Gayfer: I did not expect it to happen this way.

Hon. D. K. DAns: I told him that I could support the amendment and could get the same members to cross the floor who crossed the floor in a division last night.

I did not seek to mislead this House because I rose to my feet and explained the situation. I told the Chamber that it was not my amendment.

I think the advice from the Clerk to the Deputy Chairman—the Deputy Chairman made the same observation—was that this amendment was a misprint.

The facts of the matter are that the Chamber divided on the issue and the vote was taken. It would be a rather peculiar set of circumstances and it could embarrass some members if the Bill were recommitted and they voted in a different fashion.

Hon. P. G. Pendal: Not if they made a mistake in the first place.

Hon. D. K. DAns: What mistake did they make?

Several members interjected.

Hon. D. K. DAns: The Government has no intention of putting poker machines into casinos with, or without, this amendment. I ask the House to observe some decorum and commonsense and not agree that the Bill be recommitted.

HON. TOM McNEIL (Upper West) [5.19 p.m.]: It would appear from the words of the Minister for Administrative Services that there has been some confusion in the handling of this amendment and I, being party to it, would like to put forward my point of view.

Hon. D. K. DAns: I am in the Chamber now and I should be at Wanneroo.

Hon. TOM McNEIL: I am going to say a few words on this. When the Hon. Mick Gayfer asked me to put forward this motion of his he pleaded that I give him the "rah rah".

Hon. D. K. DAns: He said the same thing to me.

Hon. TOM McNEIL: The Minister has had his chance. I have had enough involvement in this.

Hon. D. K. DAns: So have I.

Hon. TOM McNEIL: If we are all going to lose our tempers we will get nowhere. The amendment was handed to me by the Clerk and I read it to the Minister for Administrative Services. This was in

discussion with the Clerk standing at the back of me. I asked his advice because the Hon. Mick Gayfer had an amendment on the Notice Paper, and I asked if this particular amendment followed that one. He said it was a better amendment, in his view. I asked the indulgence of the Hon. Graham MacKinnon, in the absence of the member who proposed the amendment, and this is the advice I was given. The Hon. Graham MacKinnon said his interpretation was that this particular amendment was better than Mr Gayfer's.

In the absence of the member, and trying to make sure that his motion was safeguarded, I did not give any "rah rah". As I pointed out to the Minister for Administrative Services at the three-quarter time break, it was my intention to remove it from the Notice Paper, or ask for the indulgence of the Committee to withdraw that amendment and put in its place what I thought to be a better amendment, because I had the assurance that it was a better motion. Twice I asked for the Minister's assurance that that one amendment was to be moved in place of Mick Gayfer's. We did not get that assurance.

Obviously the Minister was better prepared for what was about to happen than I was when the decision was made. From the Government benches there was a distinct "No". It was only as an afterthought, being rather nonplussed, that I called, "Divide".

It was never my intention to support the honourable member in this move. I thought it was rather shrewd of him to ask me to introduce it.

Hon. D. K. DAns: Now I am stuck here.

Hon. TOM McNEIL: I believe that the safeguards intended in this amendment are something we would all accept. It is a perfectly straightforward amendment. Mr Gayfer was making sure that if gambling was to be introduced in this State, it would be available to everyone under the guidelines that gambling was acceptable everywhere, not only in the metropolitan area. If the amendment was passed we would have the right to say it was an acceptable form of gambling in the metropolitan area, therefore it could be extended to the country. This was just a safeguard.

In supporting this motion I do not believe the Opposition was opposing the right for the Government to go down to Burswood Island and install one-armed bandits without redress to Parliament. In my view, there was a difference of opinion between the two amendments. I sought an assurance that in withdrawing Mr Gayfer's amendment the other one would be put forward. I did it thinking it was the Minister's amendment. I was then told it was Mr Gayfer's amendment.

HON. G. C. MacKINNON (South-West) [5.24 p.m.]: There has certainly been a misunderstanding in this matter. It is a pity we get cross about it, because I did everything strictly in accordance with what the Hon. Tom McNeil has mentioned.

Might I suggest members look at Standing Order No. 187. This is a Standing Order which shall not be suspended. It says that no question or amendment shall be proposed which is the same in substance as any question or amendment which has been put and agreed to or disagreed to in the same session. Standing Order No. 245 does not apply, in my opinion.

Points of Order

I am suggesting that you have no option, Mr Deputy President (Hon. D. J. Wordsworth). I regret this very much, but I am suggesting that under Standing Orders you have no option but to rule the motion out of order.

The **DEPUTY PRESIDENT** (Hon. D. J. Wordsworth): The honourable member has raised a point of order. I would like to read Standing Order No. 261, as follows—

No new clause or amendment shall be proposed which is substantially the same as one already negatived by the Committee or which is inconsistent with one that has been already agreed to by the Committee unless a recommittal of the Bill shall have intervened.

This is a recommittal motion. If that is passed, then an amendment can be proposed.

Hon. G. C. MacKinnon: Would you repeat that?

The **DEPUTY PRESIDENT**: I have read out Standing Order No. 261.

Hon. JOHN WILLIAMS: In that case should not standing Order No. 188 apply? It says—

An order, resolution, or other vote of the Council may be rescinded but not during the same session, unless seven days' notice be given and an absolute majority of the whole number of Members vote in favour of its rescission.

A vote has been taken. Now we are suggesting, by recommitting the Bill we will have a rescission of the vote.

The **DEPUTY PRESIDENT**: I believe Standing Order No. 261 is part of a group on page 70 headed, "Committal and Consideration in Committee". It describes how a Bill will go into a recommittal.

Hon. G. C. MacKINNON: Mr Deputy President, might I suggest it would be wise to give some serious consideration to this matter? I must admit that my memory is getting hazy on some remote

points, particularly those which happened recently, but it is not hazy on what happened a long time ago. Let us look at the situation in which we are placed if we agree to this.

Hon. D. K. Dans: We should go to a vote.

Hon. G. C. MacKINNON: I am trying to put a proposition to the House. I am trying to be as unbiased and objective as I have learnt to be in my lifetime. A committal is for a re-examination of something to make it slightly different because of what has happened in the course of the Bill. The Standing Order says one cannot do the same thing twice. This Standing Order shall not be suspended. In other words, although the House is its own master, this suggestion cannot be suspended and it must stand.

What is being suggested, if this recommittal is allowed, is that exactly the same motion will be put again, and if someone were pig-headed enough, the same thing could be done again and again. I am suggesting to the House, and to you, Mr Deputy President, that the concept of recommittal is to enable the Chamber to look at something different.

My sympathy lies with Mr Gayfer in that there was a misunderstanding. I am suggesting you are making a rod for your own back in future years if you are going to put exactly the same motion for exactly the same reasons under exactly the same circumstances when it has previously been negatived or agreed to.

I suggest that, under the circumstances, your reading of the Standing Orders, Sir, may not be strictly accurate. However, if that is the path you want to follow, so be it. Members should bear in mind I am saying this when my sympathies lie in the direction of Mr Gayfer and Mr McNeil, because I gave Mr McNeil the advice.

However, I warn that the use of Standing Orders just for personal wishes, to get one's way, is always a very bad course to take. I would think that, even though we all want to get away, you, Sir, might consider giving a little more thought to this matter before setting it on the record as a decision from which it is difficult to retract.

Sitting suspended from 5.31 to 5.38 p.m.

Deputy President's Ruling

The **DEPUTY PRESIDENT** (Hon. D. J. Wordsworth): I have further considered the point raised by the Hon. G. C. MacKinnon and I rule that the apposite Standing Order is the one I quoted earlier: that is, Standing Order No. 261 which reads as follows—

No new clause or amendment shall be proposed which is substantially the same as one already negatived by the Committee or

which is inconsistent with one that has been already agreed to by the Committee unless a recommitment of the Bill shall have intervened.

I refer members to page 318 of *Australian Senate Practice* which relates to a similar matter and contains a ruling along the same lines, to the effect that if a Bill is recommitted, a different Committee from the Committee which negatived a clause or amendment in the first place will consider it, so that the same Committee does not negative something twice.

Point of Order

Hon. G. C. MacKINNON: What then would be the necessity for the Standing Order for the rescission of a decision when one wishes to put the same thing again? It seems to me there would be no need for the rescission.

The DEPUTY PRESIDENT: I shall read the relevant paragraph and it will answer the member's question.

Deputy President's Ruling Resumed

The DEPUTY PRESIDENT: The relevant paragraph reads as follows—

No new clause or amendment shall be at any time proposed which is substantially the same as one already negatived by the Committee, or which is inconsistent with one that has been already agreed to by the Committee, unless a recommitment of the Bill shall have intervened.⁴⁹ The meaning and operation of this rule are best illustrated by an example. On 23 February 1944, upon the motion to adopt the report from the Committee, the Unemployment and Sickness Benefits Bill was recommitted for the purpose of reconsidering clause 42, which had been negatived in Committee. Upon recommitment, motion was made to re-insert the clause. A point of order was thereupon taken that under S.O. 265 a motion contradictory of a previous decision of the Committee could not be entertained in the same Committee, and that the re-insertion of clause 42 was therefore not in order. The Chairman quoted S.O. 202, which states that 'no new clause or amendment shall be at any time proposed which is substantially the same as one already negatived by the Committee . . . unless a recommitment of the Bill shall have intervened'. He ruled that as a recommitment had intervened this was not the same Committee, and the motion to re-insert clause 42 was in order. Objection was taken to this ruling, but President Brown upheld the Chairman's ruling

for the same reason as that stated by the Chairman.⁵⁰

With that rather lengthy explanation, I rule that the relevant Standing Order is Standing Order No. 261 and, if the recommitment is successful, it will go before a different Committee from the first Committee.

Hon. G. C. MacKinnon: I bow to your ruling, Sir.

Motion put and negatived.

Question (third reading) put and passed.

Bill read a third time and transmitted to the Assembly.

LEGAL AID COMMISSION AMENDMENT BILL 1984

Second Reading

Debate resumed from 8 May.

HON. I. G. MEDCALF (Metropolitan—Leader of the Opposition) [5.43 p.m.]: This is a very simple Bill which has the effect of providing in this State a means of enforcing maintenance which has to be collected pursuant to an international treaty or agreement. This treaty or agreement is quite in order and the way in which maintenance is to be enforced is perfectly sound. We already have a Legal Aid Commission which is quite capable of carrying out the obligations imposed by this treaty, and it is quite proper that maintenance agreements, where they relate to people living in different countries, should be enforced. For that reason, the Opposition has no objection to this Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

SUPREME COURT AMENDMENT BILL 1984

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Council.

SHIPPING AND PILOTAGE AMENDMENT BILL 1984

Receipt and First Reading

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

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [5.47 p.m.]: I move—

That the Bill be now read a second time.

The Shipping and Pilotage Act 1967-1983 provides the powers to make regulations for the safe navigation of vessels in designated port areas under the control of the harbourmaster and the establishment of control areas for the mooring of vessels. The Act provides also for the collection of conservancy dues and the ascertainment of the gross registered tonnage of any vessel calling at a Western Australian Port.

The Port of Dampier was originally established in 1967 primarily to cater for the export of iron ore, by Hamersley Iron Pty. Ltd., and salt, by Dampier Salt Ltd.

The object of this Bill is to provide powers to make new regulations for the safety and control of shipping in the Port of Dampier under the changed situation and circumstances which will prevail in that port after the export of North-West Shelf products starts later in 1984.

This will include the power to regulate more effectively the issue of pilotage exemption certificates, and this is necessary both at Dampier and other regional ports regulated under the Act.

Additional and amended powers are required in the Act to allow completely new regulations to be made for the Port of Dampier. To date the port has been used almost exclusively for the export of iron ore and salt, with other shipping being either vessels bringing imports to service the iron ore company or small ships engaged in construction on the North-West Shelf.

In September 1984 exports of natural gas condensate will commence from Withnell Bay and regular shipments of hazardous cargo will therefore be leaving the port. Within a few years shipments of liquified natural gas will com-

mence—both these events will introduce an entirely new element of risk into port operations requiring strict safety regulations to control the movement of ships, the loading of cargo, and all related activities. The Shipping and Pilotage Act as it stands does not give authority for the making of all the essential safeguards.

Control of shipping movements in a port is achieved largely by the provision of compulsory pilotage. Exemption from compulsory pilotage can be allowed for certain ships if the ship's master has sufficient familiarity with a port and has passed an examination to prove his competence to pilot his ship in that port.

Amendment of the Act is necessary to tighten the control over the issue of pilotage exemption certificates, both in Dampier and other regional ports, as a consequence of the great increase in the size of ships which has taken place in recent years and the subsequent increased risk to life, property, and the environment.

Included in this control is the ability to raise various charges, for example, for the examination of the candidate for a pilotage exemption certificate, the detention of a pilot on board a vessel, etc.

It is important for the Act to be amended now so that new regulations for the Port of Dampier can be made by 1 July 1984. That will allow all port users to become familiar with the safety requirements in the port two months prior to the first exports of hazardous cargo.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Margaret McAleer.

BILLS OF SALE AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

ADJOURNMENT OF THE HOUSE: SPECIAL

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [5.50 p.m.]: I move—

That the House at its rising adjourn until 2.15 p.m., on Tuesday, 15 May.

Question put and passed.

House adjourned at 5.51 p.m.

QUESTIONS ON NOTICE

LAND: ABORIGINES

Rights: Inquiry

1018. Hon. N. F. MOORE, to the Minister for Planning representing the Minister with special responsibility for Aboriginal Affairs:

I refer the Minister to—

- (a) his answer to my question 930 of Wednesday, 11 April 1984, in which he has provided details of expenditure incurred by the Kimberley Land Council in making a submission to the Seaman Inquiry; and
- (b) his answer to my question 962 of Wednesday, 18 April 1984, in which he advises that details of all other grants are not available;

and ask why it was possible to provide details of the Kimberley Land Council grant while it was not possible to provide details of the other grants?

Hon. PETER DOWDING replied:

It was possible to provide details of the expenditure incurred by the Kimberley Land Council as that organisation has provided a reconciliation of its expenditure. However, as I indicated in my earlier responses, similar details are not yet available for all other organisations which receive grants and I am not prepared to continue to release information in a piecemeal fashion. When all grant allocations have been finalised the information will be made available.

EDUCATION

Primary School: Mt. Hawthorn

1019. Hon. JOHN WILLIAMS, to the Leader of the House representing the Minister for Works:

- (1) Are any building improvements scheduled for this financial year or next financial year for the Mt. Hawthorn Primary School?
- (2) If so, would the Minister give details of the improvements to be carried out?
- (3) If not, why not?

Hon. D. K. DANS replied:

- (1) to (3) I understand the member is referring to the Mt. Hawthorn Junior Primary School. No building

improvements are scheduled for this financial year. However, an upgrade at an estimated cost of \$100 000 is proposed for next financial year. This, of course, is subject to the availability of funds within the context of overall priorities.

PASTORAL INDUSTRY

Lease: Bow River Station

1020. Hon. N. F. MOORE, to the Minister for Planning representing the Minister with special responsibility for Aboriginal Affairs:

I refer the Minister to a report in *The West Australian* of 1 May 1984 in which it was stated that the purchase of Bow River Station has been finalised, and ask how the Minister can reconcile this statement with his answer to my question 1002 of Tuesday, 8 May 1984, in which he states that details of the State Government's loan of \$250 000 to the Warmun Community have not yet been set?

Hon. PETER DOWDING replied:

The report in *The West Australian* of 1 May was not accurate. Following discussions at Bow River Station between representatives of the Government and the lessees a written offer was made to purchase Bow River Station. A written acceptance is awaited in confirmation of the agreement reached.

Details of the terms and conditions to apply to the loan are the subject of separate consultations with the group concerned.

QUESTIONS WITHOUT NOTICE

INDUSTRIAL RELATIONS

Dispute: Skywest Airlines Pty. Ltd.

253. Hon. P. H. LOCKYER, to the Minister for Industrial Relations:

- (1) Is he aware that the pilots employed by Skywest Airlines Pty. Ltd., the so-called Western Australian-owned airline, are threatening to go on strike because of the industrial problem concerning the purchase of East-West Airlines in the Eastern States and the problem of the seniority of pilots?

- (2) Will he give an undertaking, if he is not aware of it, that he will take steps to have talks with the companies and the pilots at his earliest possible convenience?

Hon. D. K. DANS replied:

- (1) and (2) I am not officially aware of a threatened strike, because the airline pilots employed by Skywest are members of the Australian Air Pilots Federation, and matters of that nature would be reported to the Commonwealth registrar if the dispute extended beyond State boundaries. If it is a dispute within the terms of the pilots' agreement in this State, it would be reported to the registrar for the Commonwealth in this State. However, I am prepared to make any necessary inquiries.

I have heard through the grapevine that the Australian Air Pilots Federation has a great deal of dissatisfaction with Skywest. I am not aware on what ground the dissatisfaction is expressed, but I will do my best to find out. If necessary, I will talk to the pilots in this State about it.

Hon. P. H. Lockyer: Thank you.

EMPLOYMENT AND UNEMPLOYMENT

Number Unemployed

254. Hon. GRAHAM EDWARDS, to the Minister for Employment and Training:

- (1) Is he aware of the latest figures for unemployment which were released today?
- (2) If so, can he advise the House of those figures?
- (3) In particular, can he advise how this State has fared in comparison with the Eastern States?

Hon. PETER DOWDING replied:

- (1) Yes, the figures were released today, and they give rise for some grounds for cautious optimism.
- (2) The unemployment rate in Western Australia fell over the last month from a March figure of 10.4 per cent to 9.7 per cent. Total unemployment numbers in Western Australia fell by 4 200 from the March figure. Perhaps the greatest reason for cautious optimism is the increase in employment over the last month of some 7 000 people, or an increase of 1.2 per cent.

- (3) National employment has fallen, so to that extent Western Australia has done far better than the other States.

Another useful and encouraging aspect of that figure is that full-time employment has grown at a faster rate than part-time employment.

Youth unemployment has fallen below the national rate.

The view I express is that this is ground for optimism and it indicates that what has been said in the past about Western Australia having a lag time for the pick-up in the economic conditions is probably accurate. We are now seeing an improvement which both the Government and industry can view as giving ground for cautious optimism leading to increased confidence in both sectors, one hopes.

INDUSTRIAL RELATIONS

Dispute: Skywest Airlines Pty. Ltd.

255. Hon. P. H. LOCKYER, to the Acting Minister for Transport:

- (1) Is he aware of comments by Skywest Airlines when it took over East-West Airlines in the Eastern States that it would employ an extra 80 people when in fact it has now shifted the engineering division to Tamworth in New South Wales and has given an undertaking that it will employ all its stewardesses from Sydney, and the seniority list for pilots is such that pilots stationed in New South Wales will have seniority over pilots in Western Australia?

I accept that the Minister will not have this information at his fingertips, and obviously his answer to the previous question does not take this matter into consideration.

- (2) Will he, as a matter of urgency, seek advice from the senior management of Skywest and the Western Australian section of the Australian Air Pilots Federation in an attempt to reverse the situation facing the pilots in what is supposed to be a Western Australian-based airline?

Hon. PETER DOWDING replied:

- (1) and (2) In answer to the previous question, I indicated that unemployment figures in Western Australia were good

and dropping, and that Western Australia had fared much better than the other States in the growth of employment.

An industrial group in which there are employment changes is, of course, a matter of concern if it means a net loss of jobs. The Minister for Industrial Relations indicated that he will contact Skywest to ascertain information; and rather than swamping the company with ministerial inquiries, I intend asking him to discuss with the company matters such as those that have been raised by the honourable member.

INDUSTRIAL RELATIONS

Dispute: Skywest Airlines Pty. Ltd.

256. Hon. P. H. LOCKYER, to the Acting Minister for Transport:

I have a supplementary question. As the matter is so urgent, does the Minister not think that in his acting capacity as Minister for Transport he should fully acquaint himself with everything involved in this matter?

Hon. PETER DOWDING replied:

In my capacity as Acting Minister for Transport I would be happy to liaise with the Minister for Industrial Relations to see what action was appropriate for me to take.

UNIONS

Militant: Newspaper Article

257. Hon. MARK NEVILL, to the Minister for Industrial Relations:

Is there any ingredient of truth in the headlines of this morning's *The West Australian* in its reported allegations of union blackmail?

Hon. D. K. DANS replied:

I view with some alarm this morning's Press reports, and I have made some inquiries. I sent a letter to the Deputy Leader of the Opposition under the date of 9 April in response to correspondence received from him by the Acting Minister for Industrial Relations (Mr David Parker) when I was overseas with the Premier. Mr Parker had replied as follows—

Dear Mr MacKinnon

Reference is made to your letter dated 8 March, concerning bans placed on Mr Leishman of Geraldton by the Transport Workers Union. The Office of Industrial Relations has taken up this matter with the Union and has now been advised that the bans against Mr Leishman have been lifted.

Thank you for bringing this matter to the Government's attention.

I think I should give a complete answer to this matter. I also have a letter from a file supplied by the Industrial Relations Service, and this will show that the department has been doing its job. The department has referred me to a letter dated 8 March 1984, which letter was referred to it by Mr Parker when he was the Acting Minister for Industrial Relations.

The letter refers to a black ban placed on a Mr B. Leishman of Geraldton because of a dispute over a claim by a previous employee for unpaid wages and asked what action the Government would take to allow Mr Leishman to lawfully go about earning a living. The circumstances of the dispute are set out in a letter to the Deputy Leader of the Opposition. I have discussed this matter with the Secretary of the Transport Workers' Union, who alleges that the claim against Mr Leishman was valid. That was for back pay. It failed before the Industrial Commission on a technicality. I was also advised that the union and Mr Leishman were negotiating on the claim and that a settlement was anticipated. It has since been confirmed that agreement has been reached and that the bans against Mr Leishman have been lifted.

That is as much as my office knows about that. If there is anything else, it should be made public. This morning I looked through Press cuttings which revealed that the same kind of stuff is coming out now as came out during the time when the Hon. Gordon Masters moved amendments to the industrial legislation in 1982.

To support his draconian 1982 amendments, the Hon. Gordon Masters made the same unsubstantiated allegations as the Leader of the Opposition made in the other place last night.

This is an important issue, because it appears on the front page of this morning's Press, and what I said in 1982 is still correct.

In 1982, no specific legal action resulted from the "so-called intimidation, extortion, and stand-over tactics" employed by the unions. As I did in 1982, I call on the Opposition to substantiate the claims. Provide me with the names and addresses of the persons complaining and I shall personally refer them to my colleague, the Minister for Police and Emergency Services.

Persons who are subjected to intimidation, threats, violence, or interference in contracts have available to them legal action either through their common law rights or under their rights granted under the laws of this Parliament; that is, the Criminal Code and the Police Act.

I will now tell members what the common law and civil law remedies are. If a person or group injured by union conduct wished to obtain a remedy that would either compensate the person or group for damage suffered, or restrain the union from continuing to cause damage, common law actions would be the traditional avenue. The common law actions available in cases of union-inflicted damage are: Inducing breach of contract; conspiracy; intimidation.

Members all know what I have said publicly about this matter in previous times. I will refer now to section 54 of the Police Act, the section covering disorderly conduct. A penalty is provided of not more than \$500 for every such offence, or imprisonment with or without hard labour for any term not exceeding six calendar months, or both fine and imprisonment. The Criminal Code provides penalties for assaults. It provides that any person who unlawfully assaults another is guilty of a misdemeanour and is liable, if no greater punishment is provided, to imprisonment for two years.

Indecent assaults and assaults occasioning bodily harm are also covered. I will not go through all the Criminal Code, but it does deal with serious assaults and assaults which interfere in the freedom of trade and work. It also provides penalties for threats. What rem-

edies are there? The Criminal Code provides penalties for injuries to property and for conspiracy. I will tell members what I had to say in 1982, because this matter keeps surfacing every now and again when the Opposition has nothing better to talk about. Eventually it must be brought to a head and the evidence should be placed where it should be so that the relevant action can be taken. As I said in 1982, where threats, coercion, and blackmail occur, people are protected by the law. During the debate on the industrial relations legislation, Mr Masters wanted to know why I had removed the question of contempt. I did so because that is something that should go before the civil courts. It is not an industrial relations matter. A person in contempt of the Industrial Commission should go to the place where the people know all about it and the appropriate penalties can be inflicted. Persons the subject of threats or blackmail should take immediate legal action. I reiterate what I said in 1982, that I support such action being taken, no matter who is the perpetrator of such illegal behaviour. If the existing provisions are inadequate, the previous Government would have taken action to amend the relevant laws. It did not.

My colleague the Attorney General made this point very clearly in the 1982 debate. He said—

We already have legislation outside the industrial areas which is directed at punishing that sort of conduct. We have that in the criminal law. If the existing provisions are inadequate to deter the conduct complained of, we should amend the legislation.

It was not done.

On Thursday, 16 December 1982, Mr Masters said—

The Government has been appalled at the examples of intimidation, extortion, and standover tactics perpetrated by power hungry unions such as the Builders Labourers' Federation and the Transport Workers' Union.

Nothing was done. The law was not changed and no names were produced. No action was taken.

On 12 October, I replied as follows—

When the Minister replies I hope he gives examples of threats, coercion or industrial blackmail by unions or management.

On 16 September I said—

I would imagine that if people resorted to violence in the workplace, the law as it stands outside industrial law would prevail to protect people from it.

I am saying it again today. What action did Mr Masters take?

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): The Minister is reading extensively.

Hon. D. K. DANS: It is all part of the answer to the question asked of me by Mr Mark Nevill. I ask that I be allowed to answer it in full, because I have only a little more to go.

The DEPUTY PRESIDENT: I hope you will wind up quickly.

Hon. D. K. DANS: On 13 October I said—

The Minister has belly ached about the Builders Labourers' Federation on many occasions. People associated with that union could have been apprehended and charged under the Criminal Code in this State.

Mr Pandal said, "Would you have supported that?" I replied—

I am giving the truth. I have said publicly, not in this House, but outside, that I would support that action.

I am saying it again. I have spoken to construction contractors, and most builders, and no-one has told me of acts of violence and of unwarranted destruction of property which have taken place, and which cannot be resolved by civil law.

Point of Order

Hon. G. E. MASTERS: The Minister is making a statement, he is not answering a question.

Hon. D. K. DAns: You don't like it.

Hon. G. E. MASTERS: If the Minister wants to make a statement there is provision under Standing Orders for that.

The DEPUTY PRESIDENT: I have already drawn the attention of the Minister to that.

Several members interjected.

Questions (without notice) Resumed

Hon D. K. DANS: I said we could use our law enforcement agencies, the Criminal Code, and the Police Act to handle the situation.

On 30 October, the now Attorney General made the statement—

We already have legislation outside the industrial arena which is directed at punishing that sort of conduct. We have that in the Criminal Law. If the existing provisions are inadequate to deter the conduct complained of, we should amend the legislation.

The now Opposition did not do a thing about it in Government. A lot of noise was made for political reasons, as now. If the people complaining want to make the necessary complaints—

Several members interjected.

Hon. D. K. DANS: If they are too frightened—

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon. D. K. DANS: If they are too frightened to do so there must be something wrong with our law enforcement agency.

Several members interjected.

Hon. D. K. DANS: I do not think that they are. I say: Produce the evidence, bring the people to my office and I will provide police protection for them.

Several members interjected.

Hon. D. K. DANS: Let them make the complaints, and they can lay the charges, or forget about it.

Several members interjected.

The DEPUTY PRESIDENT: Order!

UNIONS

Transport Workers' Union: Black Ban

258. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

(1) Does the Minister know that Mr Leishman was forced to pay out a sum of money before the bans were lifted on

him under threat and that if he did not pay those large sums of money, even after the industrial magistrate had made a decision, he would be put out of business? He is in the farming and trucking business, and he was threatened by the secretary of the union that if he did not pay that large sum of money he would be put out of business.

(2) Does the Minister know that to be a fact?

(3) If not, why not?

Hon. D. K. DANS, replied:

(1) to (3) The shadow Minister for Industrial Relations evidently cannot hear. I refer him to the answers I received from the Industrial Relations Service. I did not know that; but if that is the case, it is rather strange—evidently this happened while I was away a few months ago—that it has taken all this time to surface.

My point is that if Mr Leishman had been placed in that position and had approached the Industrial Relations Service, that matter should have been referred to the proper authorities to be investigated; that is, the police.

The industrial law deals with two things in the main: The prevention and settlement of industrial disputes. There is no-one in the Chamber above the law, and there is no-one in this Chamber above the law.

Hon. G. E. Masters interjected.

UNIONS

Transport Workers' Union: Black Ban

259. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

Is there any truth in the suggestion made to me recently that Mr Leishman discussed the matter with the Premier?

Hon. D. K. DANS replied:

I have no knowledge of that. The first knowledge I had was when I read this morning's paper. I cannot answer the question: I am being truthful.

Several members interjected.

Hon. D. K. DANS: When I had first knowledge of that matter, I called for the files.

Several members interjected.

Hon. D. K. DANS: I do not know whether he contacted the Premier.

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

UNIONS

Transport Workers' Union: Black Ban

260. Hon. MARGARET McALEER, to the Minister for Industrial Relations:

When it was reported to the Minister, by his office, that the TWU had lifted the ban on Mr Leishman, was he aware that within an hour or two all the people Mr Leishman dealt with—the suppliers—were notified by other unions that they should black ban him, so in fact the black ban remained just as effective as before?

Hon. D. K. DANS replied:

No. I did not know anything about this incident because the matter was referred to the acting Minister while I was away. The first I knew of it was when I signed the letter to Barry MacKinnon. When the matter appeared in the Press this morning I realised I had signed a letter and I called for all the details that the Industrial Relations Service had. That is all I knew of the matter.

I would imagine that the Industrial Relations Service would have had some details of the matter the member raised. I did not know that. I am quite prepared to see Mr Leishman at any stage to discuss the matter with him. That is my only knowledge of the matter.

I have not discussed the matter with the acting Minister (Mr Parker). Whether he was apprised of the situation at that stage I have no knowledge.

UNIONS

Transport Workers' Union: Black Ban

261. Hon. MARGARET McALEER, to the Minister for Industrial Relations:

In the early part of his explanation the Minister said that the TWU had claimed that its case failed in the Industrial Commission on a technicality. I ask whether he considers it is justified, for whatever reason the case fails, for a union to take the matter into its own hands and to extort money by imposing a black ban?

Hon. D. K. DANS replied,

I can only answer that question in the way I would face up to that issue. I have taken lots of cases before the Commonwealth Conciliation and Arbitration Commission and if one loses that is the end of it. If attempts were made to extort money from Mr Leishman the legal processes of the law are available to him. What I am gathering from the file is that the case—and I am speculating now—was that the man claimed he had been underpaid.

The amount of \$5 000 was probably the end payment. I do not know if that is true, but if it is the case and having taken the case to the industrial magistrate and having lost, I would consider that to be the end of it. If anything took place after that, the course about which I spoke today and in 1982 would have been the course for Mr Leishman to pursue.

UNIONS

Transport Workers' Union: Black Ban

262. Hon. MARGARET McALEER, to the Minister for Industrial Relations:

It is difficult to frame a question when the Minister is unaware of so many things. I ask—

- (1) Will the Minister ascertain if Mr Leishman went to Mr Parker, Mr Carr, and to the Premier, and whether the advice he received on each occasion was that there was no remedy except to pay the money demanded?
- (2) Will the Minister ascertain that while it was claimed money was owing to the dismissed driver, in fact, the terms of his employment were what one might term a "sweetheart deal"; they were not commensurate with the back wages that might have been claimed?
- (3) Will the Minister ascertain that the first demand from the unions out of court, was \$2 000 and it became progressively higher when Mr Leishman did not meet that payment?

Hon. D. K. DANS replied:

(1) to (3) I do not know what happened while I was overseas, but as I said earlier I am prepared to talk to Mr Leishman if he so desires. It will set my mind at rest. A letter was received by Mr David Parker from the Deputy Leader of the Opposition (Mr MacKinnon) and he referred the matter to the Industrial Relations Service for investigation. The reply was referred to me when I returned from overseas and I referred it to Mr MacKinnon. I have no record of Mr Leishman speaking with Mr Parker.

If Mr Leishman likes to talk with me about this matter I will be happy to do so in order to find out what took place, because after all, I am the Minister. At this stage I do not know what occurred. The Hon. Margaret McAleer may bring Mr Leishman, together with Mr Pratt, to my office to discuss this matter.

UNIONS

Transport Workers' Union: Black Ban

263. Hon. MARGARET McALEER, to the Minister for Industrial Relations:

I thank the Minister for his offer. As a result of the public exposure which this case has received, is the Minister able to offer protection to Mr Leishman?

Hon. D. K. DANS replied:

He is entitled to the same protection as anybody else. I will extend an offer to the Hon. Margaret McAleer. I presume that Mr Leishman lives in Geraldton. If that is the case I am prepared to travel to that town to speak with Mr Leishman at the earliest possible convenience.

UNIONS

Transport Workers' Union: Black Ban

264. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

Will the Minister investigate and then confirm, or deny, to this House whether the Premier did, in fact, advise Mr Leishman that he should pay the sum of money demanded of him?

Hon. D. K. DANS replied:

I cannot answer on behalf of the Premier.

Hon. G. E. Masters: I asked whether you would investigate the matter.

Hon. D. K. DANS: Yes, I certainly will and I will speak with Mr Leishman. I will see the Premier at my first convenience. He is at Worsley so I do not know whether I will have the opportunity to see him today. However, I will have the whole weekend to speak with him because this House is not sitting tomorrow. We have entered an agreement that this House does not sit tomorrow to enable members of the Opposition to allow Mr Greimer to show them how to deal with their dirty washing.

I give the undertaking that I will speak to the Premier and give the answer to this House on Tuesday.

UNIONS

Transport Workers' Union: Black Ban

265. Hon. I. G. PRATT, to the Minister for Industrial Relations:

As the Minister has commented on the long delay in this matter being raised, I ask if he is prepared to act with some haste and make a ministerial statement on this matter at the next sitting of the House and present it in such a manner that it can be debated?

Hon. D. K. DANS replied:

We are still in charge of this House and we are still the Government and I will give no such undertaking to Mr Pratt or to any other member of the Opposition.

UNIONS

Militant: Blackmail

266. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

Does the Minister agree that any person who is subject to blackmail, standover tactics and that sort of thing in the work place, would be signing his own death warrant if he were to complain to the Government or a Minister?

Several members interjected.

Hon. D. K. DANS replied:

The Hon. Gordon Masters—

Several members interjected.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order! I ask members to cease interjecting.

Hon. D. K. DANS: —was Minister for Labour and Industry for some three years.

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

Hon. D. K. DANS: Whatever time it was, he never understood the portfolio. Yes, people in this situation can complain to me and I will listen to the complaint and advise them to lay charges if necessary. If the member says that people are jeopardising their lives there is something wrong with the law enforcement agencies in this State. I have never seen police hesitant to break up picket lines and arrest people in the public view of television cameras.

I do not think that people would be in any grave danger and I would advise them to use the proper channels available to them. The charge cannot be laid through me, but I am prepared to talk with them.

Hon. G. E. Masters: Did you say that they cannot complain to you?

Hon. D. K. DANS: They can talk with me and I will advise them. If it is an industrial matter and some remedy can be found within the industrial laws of this State, I will see what can be done; but if it is a matter of coercion and blackmail I will endeavour to get some action on their behalf, and advise them accordingly. I hope I am more successful in that arena than was Mr Masters.

MINISTER FOR INDUSTRIAL RELATIONS

Overseas Trips

267. Hon. I. G. PRATT, to the Minister for Industrial Relations:

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order! I asked the member not to be repetitive.

Hon. I. G. PRATT: With due respect Mr Deputy President I had not begun to deliver my question so you do not know that it is repetitive.

Several members interjected.

Hon. I. G. PRATT: I ask the Minister—

(1) How long is it since the Minister was overseas?

(2) If he has carried out his duties correctly as Minister in charge of that department; and did he inquire on

his return, what important matters had transpired during his absence?

Hon. D. K. DANS replied:

- (1) and (2) Yes, I inquired about all matters of importance on my return. One of the things that intrigues me is why Mr Leishman, or anyone else, would be in some danger if he spoke with me, but would not be in grave danger if he spoke with the Opposition.

Hon. G. E. Masters: He trusts us.

Several members interjected.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order! I believe that the Minister is capable of answering this question without the help of other members.

Hon. D. K. DANS: It appears that Mr Leishman has the protection of the Opposition, but if he complains to the police he cannot be given the same protection. It is a silly situation.

On my return from overseas I investigated the matters which required my attention and signed a letter to the Hon. Barry MacKinnon. I have read that letter, which was on my file, to the House today—that is the normal way to travel.

I have full confidence in my department which investigated the complaints. I intend to go further into it, but to the best of my knowledge the department received no complaints from Leishman about standover tactics. If it did, the matter was not referred to me and I would want to know why.

INDUSTRIAL RELATIONS

Inspectors: Charges

268. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

Is it correct that industrial inspectors can lay charges where they believe there is a case to be heard?

Hon. D. K. DANS replied:

Under the existing draconian legislation introduced by Mr Masters' Government, that is correct.

INDUSTRIAL RELATIONS

Inspectors: Complaints

269. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

- (1) Where he has received complaints of problems in standover tactics, have they been drawn to his attention?
(2) Has he ever seen fit to send industrial inspectors out to find what is happening?

Hon. D. K. DANS replied:

- (1) and (2) My Government's record in this House is far better than Mr Masters'.

An Opposition member: That is a matter of opinion.

Hon. D. K. DANS: I have to send inspectors out on many more occasions than the member ever contemplated.

INDUSTRIAL RELATIONS

Inspectors: Complaints

270. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

Would the Minister, having made that statement, then at the next sitting of the House, table a list of the number of times he has sent out his inspectors, and I will do the same concerning the period when I was Minister?

Hon. D. K. DANS replied:

We are still in charge of this House, and if I feel inclined to do so I will. I am not saying I will not.

If there are any more questions on this matter I ask that they be placed on the Notice Paper.

ECONOMY

Deficit

271. Hon. W. G. ATKINSON, to the Minister for Budget Management:

- (1) A report in *The Australian* of May 7 stated that the Government was mortgaging the future with a national debt of some \$76 000 million which represented more than \$5 000 for each man, woman and child in Australia. I ask the Minister whether he is concerned at such high deficits which are likely to

force the interest rates up to the detriment of all Australians and affect the economic recovery?

- (2) Would the State Government urge the Federal Government when drawing up this year's Budget to reduce the Budget deficit in an endeavour to maintain interest rates at a relatively low level?

Hon. J. M. BERINSON replied:

- (1) and (2) It is clear that the honourable member is asking me to comment on

areas which are not within my responsibility. To the extent that Commonwealth economic decisions obviously impact on the State, I draw his attention to clear statements by the Commonwealth Government recognising the problems arising from excessive deficits and expressing a determination to reduce them.

