Legislative Council

Tuesday, 20 November 1984

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

PRISON: CANNING VALE

Ministerial Statement

HON. J. M. BERINSON (North Central Metropolitan—Minister for Prisons) [4.33 p.m.]: I seek leave to make a ministerial statement.

Leave granted.

Hon. J. M. BERINSON: I advise the House that, following the escape of six men from Canning Vale Prison last weekend, I have ordered urgent changes to the prison's procedures.

A preliminary departmental report has revealed a number of deficiences in the internal management system of the prison. Immediate steps have been taken to tighten procedures, and a committee has been established to conduct a full-scale investigation of all related matters. The committee is headed by the deputy director, custodial services, and will include representatives of the Prison Officers Union.

I have also ordered a review of the assessment and security rating system relating to the management of prisoners.

Action has already been taken to discontinue the system of "roving patrols", a system which enabled the escapees to be free from observation for more than an hour before the break-out. Continuous observation has now replaced the roving patrols.

Other measures include limitations on the use of certain sections of the prison and a review of the deployment of prison officers. Instructions have been given also to clear the prison yard of any material capable of improper use in any way.

The weekend escapes were made possible by the use of a shade house as a ladder. The superintendent's report acknowledges that all staff in the prison were aware of the existence of the shade house, but that there was an apparent assumption that it could not be moved because of its size and weight of almost half-a-tonne. This error of judgment arose from a failure to consider the possibility of an attempted mass escape.

Public comment in the last few days has focused on the fact that the escape from the prison came within a few weeks of the removal of armed guards from that institution. There have been calls from the Opposition and others to immediately reinstate the guards. The removal of armed guards had also been criticised as a misplaced cost-cutting measure. It is important to understand that questions of economy were incidental to the decision to remove the armed guards and that the present emphasis on their position, while understandable, ignores the complexities of the prison system.

There were two main issues involved in the changes at Canning Vale Prison. The first was a conscious effort to move to non-lethal perimeter security to the maximum extent possible consistent with public safety. The second was the need to maintain a proper balance in the prison system between the provision of maximum, medium, and minimum security facilities. Different standards of security are appropriate in each category and this is not simply for reasons of cost. There is a need also to reflect the response of prisoners to their position and to prepare them for an orderly return to the community at the end of their sentences.

There is no denying that the escape from Canning Vale Prison involved a very serious breach of prison security and demands urgent and stringent remedial measures. These are already being implemented.

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

Assembly's Amendments

Amendments made by the Assembly now considered.

In Committee

The Chairman of Committees (Hon. D. J. Wordsworth) in the Chair; Hon. D. K. Dans (Minister for Industrial Relations) in charge of the Bill.

The amendments made by the Assembly were as follows—

No. 1.

Clause 6, page 5, lines 14 to 25—Delete the definition of "contract for service".

No. 2.

Clause 6, page 9, after line 21—Insert the following paragraph to stand as paragraph (g)—

(g) the restoration of a practice of collecting subscriptions to an organization of employees where that practice has been ceased by an employer or the implementation of an agreement between an

organization of employees and an employer under which the employer agrees to collect subscriptions to the organization;

No. 3.

Clause 6, page 10, after line 29—Insert the following paragraph—

(g) any matter relating to the restoration of a practice of collecting subscriptions to an organization of employees where that practice has been ceased by an employer, or the implementation of an agreement between an organization of employees and an employer under which the employer agrees to collect subscriptions to the organization,

No. 4.

Clause 15, page 18, line 23 to page 21, line 15—Delete the proposed subsection (1) and substitute the following subsection—

(1) Subject to this Act, the Commission has cognizance of an authority to enquire into and deal with any industrial matter.

No. 5.

Clause 15, page 23, line 9—Insert after "organization" the following—

, except where, at the point of engagement for employment, all other things are equal

No. 6.

Clause 47, page 68, line 7—Delete the semi-colon and substitute a full stop.

No. 7.

Clause 47, page 68, lines 8 to 23—Delete the proposed paragraphs (g) and (h).

No. 8.

Clause 47, page 85, lines 14 to 27—Delete the proposed paragraphs (f) and (g) and "or" at the end of line 27.

No. 9.

Clause 58, page 103, lines 15 and 16—Delete "Part VI and sections 97 and 97A of the principal Act are repealed." and substitute the following—

Parts VI and VIA and sections 97 and 97A of the principal Act are repealed and the following section is substituted—

97. (1) A person who—

(a) objects to being a member of an organization;

(b) applies in writing to the Registrar for a certificate of exemption from membership of that organization; and

(c) pays to the Registrar an amount equivalent to the amount which, under or pursuant to the rules of the organization would be payable or, in the event of a question arising, would, in the opinion of the Registrar be payable, by a person in order to become a member of that organization for a period of one year,

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

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

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

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

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

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

Hon. D. K. DANS: I move—

That amendment No. 1 made by the Assembly be agreed to.

Hon. G. E. MASTERS: The Opposition is saddened by the return of this industrial relations Bill and by the refusal of the Government to accept in another place the very few amendments to what is, after all, a major piece of legislation containing 92 clauses. We moved four amendments and included one new proposal. Nine amendments are involved here, but some of them are consequential and could be dealt with together.

The most important part of the Bill has been agreed to; namely, those clauses setting up a number of divisions under the Industrial Commission. Those clauses were supported strongly by the Teachers' Union, the CSA, and the railways and other unions. The Opposition made no changes to those clauses. The idea for closer working relationships between the Federal and State Governments and the Federal and State industrial commissions was also supported, as was the greater emphasis on conciliation, although we did have some reservations about some aspects of this.

The Government's flat refusal to compromise on any of the amendments on any aspect of the legislation leads us to the conclusion that it is hell-bent on having a head-on confrontation with the Opposition, no matter what. We will not be browbeaten in any way. We intend to debate the amendments and put forward our reasons for pursuing them and for asking the Government to consider, in all sincerity, that as the amendments have no great affect on the Bill and as they are in the best interests of the community, they should be adopted. The amendments deal with the concept of voluntary work contracts, the collection of union dues, Parliament House staff, union preference, and Part VIA of the Act.

The voluntary work contracts proposal put forward by the Opposition as, I suppose, an addition to the Bill, received overwhelming support from many sections of the community and, for that reason, we were surprised that the Government did not consider it worthy of support. The Government and the unions have condemned the amendment for the way it has been written, but I guess they have condemned the concept really. We witnessed some hysterical outbursts from certain people, as was to be expected.

The voluntary work contracts concept does not attack the sacred cow of the industrial arbitration system, although many people see it as an attack on that system. We put forward the system as an alternative in an endeavour to meet the problems in the workplace. The Government saw this proposal as a criticism of our existing arbitration system, and it seems that any criticism is seen to be unfair and unwarranted and is likely to provoke a great deal of reaction. The industrial arbitration system is not a sacred cow. It needs to be looked at regularly over time as things change—and things do change whether or not the Government or the unions like it. Any proposed change to the system brings about a horrified reaction from some people.

I believe the industrial arbitration system has been misused in the past. Our proposal would help to redress some of the problems. In some areas of the industrial arbitration system, it is most definitely corrupt. It is a cold and heartless piece of legislation when used in the bad ways it has been used on many occasions. It spares no-one, least of all the young people in our community. It is a system which, if left alone and not changed or altered, will break down the very fabric of our society. The industrial arbitration system has now been harnessed as a vehicle to socialise Australia. It is not a democratic piece of legislation, as some people might suggest. It creates a type of dictatorship in the workplace, where it seems many workers lose their basic rights. It is not surprising that the Government—union controlled in the industrial relations area—kicked up a fuss about this voluntary work contracts proposal.

In proposing what we consider to be an historic change to give people the freedom of choice, obviously some dangers and problems are involved. The Opposition recognises that some of the criticism levelled by the Government has some foundation. We are prepared to discuss these matters to see whether a better form of words can be used, if that is what is worrying the Government.

We have put forward the scheme sincerely for the Government to consider and accept it. If the Government and the Opposition were to get together and put the proposal into a set of words that were satisfactory to most people in the community—it would never satisfy everyone—perhaps we could make progress. If the worry is only about the words used, we have no real problem; if the problem relates to the principle of the voluntary

work contracts, then obviously we are going in different directions.

When we consider voluntary contracts, we must remember the thousands of people who are unemployed; we must also remember the 10 000 part-time and full-time jobs that could be created if we had a more flexible system, an alternative that allowed flexibility in the workplace providing flexibility, of working hours and flexibility in the imposition of penalty rates.

One in four of our young people—perhaps it is more—are unemployed. There must be a better way to deal with our industrial relations system to overcome these major problems. Everything we read suggests there must be another way. Our alternative is a genuine attempt at a solution because of our desire to address all these problems.

Last week the Minister made great play of the importance of the tripartite council and the decisions he has made as a result of its advice. Has our voluntary work contracts proposal been referred to the tripartite council? After all, the idea has been before Parliament for some weeks now, and the Press and employer groups have picked it up. It would have been a good idea—if it has not already been done—had the tripartite council considered our proposal, and advised the Minister on its benefits.

Some members of the tripartite council publicly supported the new proposal, and other members condemned it out of hand. What we have to do is to understand the real problems in the community.

Over recent weeks, and certainly in recent days, some of my colleagues and I have been to some country towns and talked to owners of small and medium-sized businesses, families, and people in communities in the south-west. Almost without exception those people said it was a good idea and thought it was worth a try. They came forward with many examples of how they thought it would benefit them.

Only last night in Bridgetown people said it would benefit them by making an impact on the unemployment levels of young people. Just to remind the Government of the sort of support this idea has received from the community and employer groups, I want to quote from newspaper articles which appeared from day one, when we put forward this proposal. On the second day this Bill was introduced *The West Australian* ran an article under the heading, "Cash cut plan for juniors". On page 2 the article said—

> The Confederation of WA Industry sees the proposed amendment as a way of easing youth unemployment.
>
> The confederation's labour relations director, Mr Bill Brown, said that the proposal looked towards a collective-bargaining system which would give a result more consistent with market forces.

The article continued—

> The executive director of the WA Chamber of Commerce and Industry, Mr Brian Kusel, said that the chamber would welcome the move.
>
> The chamber's only objection to the amended Bill had been on union preference.

I wish to quote also from a telex dated 18 October 1984, signed by Mr Bill Brown of the Confederation of Western Australian Industry. It stated—

> The high wages which employers must pay young employees cannot be overlooked as a major cause of unemployment in this age.
>
> Politicians of all parties should address this issue and stop haggling among each other.
>
> It is a matter of fact that teenage unemployment in Australia is at an all-time record level of at least 25 per cent.
>
> This serious situation has been detailed in a report commissioned by the Federal Government from the Bureau of Labour Market Research. So far, the Government has chosen to ignore this report.
>
> The same disturbing picture has emerged from studies carried out by the National Institute of Labour Studies at Flinders University and the Authoritative Organisation for Economic Co-operation and Development.
>
> Both of these studies pinpointed the fact that Australia's youth unemployment problem stemmed from the high wages paid to young workers.
>
> The evidence is overwhelming and the need is growing daily to correct this appalling situation.
>
> It is intolerable that the system makes it illegal to attempt to solve the nation's unemployment problem.

I quote also from a telex sent to me, and I guess to the Minister, by the Primary Industry Association, on 26 October 1984. It stated—

> Press release sent at 10.15 a.m. on 26 October 1984 the Primary Industry Association, which represents the majority of Western Australian primary producers, has strongly supported State Opposition moves to allow employers and employees to enter into private work contracts.

> PIA general president, Mr Winston Crane, said an amendment to Industrial Relations Bill moved by Mr Gordon Masters MLA . . .

He got that a little bit wrong there. To continue—

> . . . would enable employers and employees to voluntarily enter into agreements which would be legally binding and outside the industrial arbitration system.
>
> 'This move could not have come at a more opportune time as one in five young people in the State are unemployed and may never again work under the present system,' Mr Crane sayd.
>
> Under the existing situation many primary producers could not afford to employ young workers when then wanted. This was the result of young workers being priced off the market by the existing system.
>
> The PIA was not supporting the move to make cheap labour available on WA farms.
>
> 'However, we believe there are many young people who want to work and would be prepared to do so under a contract system which was both fair and equitable to all parties.
>
> 'It will also enable unskilled workers to gain much needed experience to move on to more highly paid jobs within industry,' Mr Crane said.

There is support from the PIA. I quote again from an article published on 26 September 1984 under the headline, "Traders back work contracts". The article said—

> Nevertheless, virtually all studies confirm that increases in youth wages relative to those of other groups decrease employment of youth (and vice versa).

Another important document I have often mentioned is the one published by the Bureau of Labour Market Research. That organisation made some pertinent comments with regard to the problem of unemployment, on page 102, as follows—

> Labour cost policies.
>
> The major findings of the study suggest that youth employment would tend to rise if youth labour costs were reduced relative to those of adults (either by increasing them at a slower rate than those of adults, or by an absolute cut in youth labour costs).
>
> Youth labour costs would fall relative to those of adults from either of two courses of action: government subsidisation of youth wages and/or other labour costs; and decisions by the industrial tribunals on youth wage levels.

I received a letter dated 30 October from Nichol and Co. Pty. Ltd., signed by the Managing Director (Mr Nichol), who concluded his letter by saying—

> Good luck in your continued efforts to work for "sanity" in the industrial relations—wages arena.

He attached to his letter a copy of a significant article from the *Daily Telegraph* of the United Kingdom, dated 12 November 1984. I wish to quote from some parts of that document. Under the heading "Apprentices' pay cut increased chance of work", it said—

> But despite its success, the scheme is not being adopted elsewhere in British industry, and apprenticeship places are growing rarer.
>
> Last June the employers and the unions agreed that the pay for apprentices was too high. They cut it by a third. The result is that the number of apprenticeships has trebled.

The Opposition has received a host of letters and comments in support of this amendment. I have just quoted all the evidence of that. Unemployment is the most serious single problem in Australia today, particularly with young people. I am sure Mr Dans and his colleagues are concerned that one in five young people is unemployed.

In our discussions throughout the community, and from correspondence, we have received a clear indication that young people want work experience. They want job opportunities; they want to get into the work force—not at any cost, but at reasonable cost. We want reasonable arrangements with young people and their parents, so that these young people can obtain jobs where otherwise they could not because the businesses could not afford to take them on.

We ask the Government to consider this proposition. If the words are not suitable, perhaps we can sit down and discuss them. If there are serious problems and reservations we could put them to the tripartite council. I ask the Government not to throw this proposition into the waste bin.

We think this is an idea with a lot of merit. It has been supported strongly by young people. There is nothing worse in the community than these young people with the prospect of no jobs in the future. They are in this eternal straitjacket where they will be condemned for many years, perhaps for the rest of their life, to unemployment.

[Questions taken.]

Hon. G. E. MASTERS: I was completing my remarks by appealing to the Government and to

the Minister to consider the Opposition's proposition. That is an alternative which would offer hope and opportunity for many people in the community—certainly the young people. It is not an endeavour to reduce living standards or to re-dı e salaries across the board; it simply means that in a free country people ought to be permitted, in certain circumstances and with certain safeguards, to be allowed to enter into private arrangements which are suitable to both employer and employee. It would certainly allow young people the opportunity to gain a foothold in the workplace. I ask the Minister and the Government to accept this proposition, and if necessary to work out the details at a later stage.

Hon. D. K. DANS: That brings us to the present state of affairs.

On 22 August 1984 I introduced an identical Bill into this House. That was amended by the Opposition, using its numbers in this Chamber. Those amendments were not in accordance with the recommendations of the Western Australian Tripartite Labour Consultative Council, therefore the Government could not support those amendments.

The Bill transmitted from the Legislative Assembly has therefore been returned to its original provisions as presented to this Chamber on 22 August 1984. The Bill again reflects the unanimous recommendations of the tripartite council, including the majority recommendations of the employer organisation on the tripartite council.

The amendment of this Bill would therefore be inconsistent with the recommendations of the tripartite council. It would especially be an attack on the employer organisation on the tripartite council.

When the Bill was introduced in the Legislative Council on 22 August 1984 all employer organisations issued Press statements supporting it.

The amendments in summary, aim to—

(1) Bring greater uniformity between State and Commonwealth legislation;

(2) place greater emphasis on conciliation, and therefore put a greater emphasis on parties directly concerned with arriving at a consensus;

(3) bring existing industrial tribunals within the industrial commission;

(4) achieve uniformity and reap the benefits of rationalisation.

They provide the industrial commission with greater flexibility so that, where necessary, it can respond more quickly with the settlement processes.

Generally, the provisions of this amending Bill seek to improve the efficient operation of the Act. Unworkable conditions have been removed, and where appropriate, replaced by arrangements which people involved in day-to-day industrial relations believe will work.

As the Western Australian Chamber of Commerce and Industry (Inc.) has stated, this is not a Bill for big business and big unions. Small business interests have been represented through the Confederation of WA Industry and the chamber was added to the tripartite council for that specific purpose.

This legislation is not being imposed by the Government, it is legislation which is recommended and supported by both employer and employee organisations.

The community's clear expectation is that the Parliament will accept the Bill. The Bill reflects the central belief of this Government, and that is that each party directly involved in industrial relations has a contribution to make in this area. Through consultation, a greater understanding will develop, with mutual interests of employers and employees sharing in our private enterprise dominated economy, that being, with time, an improvement in living standards for all.

I know that the Leader of the Opposition has referred to some past statements made by the Confederation of WA Industry and the Western Australian Chamber of Commerce and Industry (Inc.). I do not deny his right to do that, but the facts are that we did have a tripartite council which discussed matters for a long period and it arrived at a consensus on this Bill. That was the Bill which was brought to this Parliament.

While I do not deny the Opposition the right to change its mind, if one accepts that in changing its mind we have another tripartite council, then we may as well throw the tripartite council out the window right now.

Let us look at the clause Mr Masters is talking about—voluntary work contracts. I might say to this committee right now, and every member of the committee knows it, that in no circumstances will the Government accept that amendment. It has very sound reasons for not accepting the amendment. That amendment on voluntary work contracts simply would not do what Mr Masters thinks it would do. I firmly believe Mr Masters believes what he is saying.

Mr Masters has placed a great deal of emphasis on young people, but the cold, hard facts are these: It is a voluntary work contract system. It does not

matter what kind of tribunal or system one has, it does not add one more job.

The effect of this amendment would be catastrophic. Let us forget about all the play on young people. This is what we firmly believe it would do.

It would provide for a cut in living standards for all workers in this State. Adults with families will be thrown out of work in preference for cheap youth labour. Young people will prefer to stay on the dole in view of the low wages they would be required to work for. There would be a fall in economic growth as people would stop buying and credit commitments fall into default. State unions will attempt to obtain federal coverage. The State Government would therefore be, *de facto*, handing over its constitutional power in industrial relations to the Commonwealth Government.

That is the reality of life. On the one hand we talk about voluntary work contracts. There is nothing wrong with talking about that, but no-one in this Chamber can convince me, either with a blackboard or debate, that it will create one extra job. All the studies which have been done prove the opposite.

Let us consider the fact that we shall have twice as many apprentices as we do now if we cut the wages paid to apprentices. That will occur at a time when we cannot place in employment the apprentices who are now finishing their time. The basic requirement of this country is the provision of jobs, not a cut in wages.

Let us look at what the OECD is reported to have said in *The Australian Financial Review* of 11 November 1984. The article reads, in part, as follows—

> An OECD team reviewing Australian youth policies is expected to recommend against cutting youth wages in response to high teenage unemployment, and to instead call for an "entitlement" year and allowance to provide a safety net for school leavers.
>
> A draft of the OECD report says that the extent to which a cut in youth wages would increase youth employment is not clear from Australian or international research. But it warned that a reduction in youth/adult wage relativities would risk displacing lowly paid adults.

The OECD is not a fly-by-night organisation. To continue—

> "The best response then is to raise skill levels with more education and training," it says.

It continues—

> The OECD draft recommendation against cutting youth wages coincides with the policy stance taken by the Federal Government and the Minister for Employment and Industrial Relations, Mr Willis.

Further on it says—

> The draft report warns that, unless a shorter working day or perhaps a shorter working lifetime is introduced in Australia in response to increased use of high technology, "Australian society will find itself divided into a shrinking population supporting a growing non-working leisure class."
>
> It argues that the focus of the Australian debate on youth allowances has been fundamentally misdirected because it has subordinated education, training and employment policy questions to income support policy issues.

It goes on to say—

> It says the highest priority for Australian youth policies should be to raise educational attainment, increase occupational skills and widen education and training opportunities.

I put it to you, Sir, that the policy which has been adopted in the amendment moved by the Opposition went out in the late 1800s and the early 1900s. It did not work in the last depression and it will not work at the moment.

I understand the proposition put forward by the Leader of the Opposition and the attitudes of the people who support him; but they are not looking at creating jobs. They are looking at obtaining cheap labour and, in a shrinking market, maintaining their profit levels. I do not knock them for that, but I am not here to support that kind of stance.

I agree with Hon. Gordon Masters on the need for change in the Australian arbitration system, but not to the extent he indicated. Change to the arbitration system is a matter which has been addressed by the Hancock inquiry, the most comprehensive inquiry ever undertaken in Australia. I will not enter the debate as to who did and did not give evidence at that inquiry.

At a Constitutional Convention I moved that a committee be set up to address the thorny question of where we are going with the arbitration system in Australia. That committee is still sitting and it is looking at ways and means to effect some change, because change there must be, but not change to the extent of voluntary work contracts.

Mr Masters said that some people in the United Kingdom had voluntarily reduced the wages of apprentices. There is nothing wrong with people

doing that in this country. Indeed, an article relating to this issue appeared in *The West Australian* in November last under the heading, "Bakers' decision for jobs". Neither the Arbitration Commission nor the union movement jumped up and down about this situation. The article goes on to say—

> MORE than 70 workers at a Morley bakery have agreed to work shorter hours during the summer rather than have any of them made redundant.
>
> The WA Bakers, Pastrycooks and Confectioners' Union has accepted the majority decision, though union secretary John Watterston...

I suppose I could see some merit in the proposition if it could be proved that we could manufacture some jobs, but that will not be the case. The countries which are suffering the greatest deprivation, the greatest amount of unemployment, the greatest amount of starvation, and the lowest growth rates, are those which have the lowest wage rates. Low wages go hand in hand with under-developed countries—the countries to which we now refer as third world countries. There is no way that a Labor Party or a Labor Government will support such a proposition.

I emphasise that, while Mr Masters referred to youth employment, voluntary work contracts are not confined to youth; and Mr Masters made that point. Any employer who finds it necessary to reduce wages can go to the commission now, individually or in a group, and if he proves his case, some relief will be given to him. However, no-one has done that.

If we reduce the earning capacity of the masses, we shall get all the other spin-offs which go with that. The contribution of the trade union movement in this country to maintaining wage levels and the contribution of various Governments of all political colours in support of the arbitration system have made Australia the greatest egalitarian country in the world, and members can throw in the United States if they like. I do not know anyone in any political party in this country who would want deliberately to destroy the egalitarianism we have in this country. However, that is what the Opposition will do, and with that will come all the other social problems and evils.

People talk at great lengths about what happens in the USA and how people work there. I have great admiration for the USA, having visited it on a number of occasions; but would any person sitting here tonight like to see the situation which exists in most of the major American cities appear in the City of Perth or any other Australian city?

Would members like to see their grandmothers or grandfathers carrying their belongings in boxes and becoming known as the "box people"? Would they like to see food stamps issued after 26 weeks of unemployment? Would they like to see hordes of people begging for food in the streets or scraping the scraps from the plates at McDonald's Family Restaurants? If Opposition members want that kind of country, they will support the amendment moved by Mr Masters.

I have demonstrated by reading from the OECD report that the introduction of voluntary work contracts will not produce one more valid job. In many cases, it will allow an employer to obtain the services of an unskilled worker, a youth worker, or a migrant to replace a worker who is working for the correct award wage. Indeed, it might do better; it might enable an employer to employ two workers for the price of one.

Once we start on that first little step, we will create the situations and conditions to which I referred a moment ago. That is what the Opposition is seeking to do, no more, or no less. The machinery exists already in an organised manner to be used by people who cannot pay the wages provided for in awards.

I have not noticed a stampede to the court, and there is no need for that. It will not get anywhere; but no-one has been there. I can well imagine the divisiveness it would cause in our society if on one hand one had hordes of unionists and on the other hand people getting into voluntary wage contracts. I would shudder.

Mr Masters constantly attacks the Australian arbitration system, but he advances no reasons. I admit that it needs overhauling, but people are moving towards that overhaul. Time and time again the Australian people have opted for the arbitration system. It does not matter what I think or what Mr Masters thinks; the Australian people understand the arbitration system and support it because in about 99 per cent of cases it serves this country well.

While we are on the flapdoodle about collective bargaining, I have done a fair amount of that myself under the auspices of the Australian conciliation and arbitration system. Do members want a system of voluntary wage contracts that gives no protection whatever? If they do, eventually we will be on the road to long strikes, something like the miners' strike in Britain or the last rubber workers' strike in America which lasted for some two and a half years. We have been singularly free of that kind of activity in Australia since the inception of the commission. Our last great strike was in Mt. Isa; that was a strike which

lasted for some nine months. Previous to that there was a strike in Broken Hill.

Let us look at some of the positive aspects of the system. I agree that it badly needs overhauling but it provides the Australian community with a living standard. I do not know who works out living standards, but in my opinion ours is second to none. Our stability also is second to none. If members opposite wish to tamper with that they do so at their own peril, because the end result will be chaos.

Hon. G. E. MASTERS: I have been in this Chamber for some 10½ years, and when I first came here I sat where Hon. Phil Pendal sits now. I heard Mr Dans make the same speech week after week, month after month. When I first came I thought, "He is a doomsday man", and I think I once called him that because that is his response whenever anyone puts up a new idea. Hon. Graham MacKinnon knows that well because I watched him shudder as Mr Dans tolled the bells of doom and said terrible things would happen. We heard him say that time and time again. One could almost see him at a funeral pyre. That is the sort of tactic we have now, and tears are coming to Mr Dans' eyes because he knows it is true.

It is all very well for Mr Dans to refer to those people having jobs and the living standards that go with those jobs.

Hon. D. K. Dans: Tell me how you are going to get another job.

Hon. G. E. MASTERS: I will in a minute.

I am talking about the tens of thousands of people—one in four among young people—who do not have jobs. It is all very well referring to living standards. They have no living standards and no prospects under the system. Mr Dans' doomsday talk is just not true, and it is no good hiding behind a tripartite council and saying that whatever it says must go. Mr Dans is the Minister responsible; it is his Bill and no-one else's. He is responsible for it. He said that on 22 August when the Opposition suggested this amendment in the Legislative Council. We heard Mr Dans say it was introduced. Two minutes before, he said that the tripartite council was very important. If this amendment were dinkum—surely he understood from the Opposition side that it was—what is the first thing any sane person would do? He would go to the tripartite council and say, "What do you think of this proposition?" I suspect that after all these weeks Mr Dans has not gone once to the council and said, "Give me an opinion".

This is not changing the Bill; this is bringing in a new concept. We are not changing any words in this respect. Mr Dans has not bothered to go to the tripartite council because he knows that under no cicumstances would he or his Government be allowed to accept this proposal. He knows the reac tion of Trades Hall and some of the union leaders who are probably listening intently in the other rooms and sending out coded messages saying, "Don't you dare; if you do that Mr Dans you are out of a job".

We understand his problem, it has been obvious over a period of time. This was a new concept and at least the tripartite council ought to have been consulted and it could have come out and said, "It will not work". He has not consulted the council because I suspect he fears that some of its members might think it is a good idea.

We are not just talking about young people; we are talking about the opportunity of working flexible hours in certain industries and dealing with penalty rates in a different way. That is a big problem. It is no good Mr Dans saying he has not had one word of support or comment.

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

Hon. G. E. MASTERS: If Mr Dans or his members had any doubts at all about this proposition they should simply go around their electorates and talk to people who are unemployed, young people who are trying to get jobs, and small businesses as I did all day yesterday, and he will get a different result. We recognise that there are some problems with the amendment we have put forward. We are saying to the Minister, "Do you support it in principle or not?"

Hon. Garry Kelly: No.

Hon. G. E. MASTERS: Hon. Garry Kelly, on behalf of the Minister, has said, "Under no circumstances".

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

Hon. G. E. MASTERS: I know, but I like him to have his say because he is so outspoken on these matters. The Minister said that what we are proposing is outdated. That is just not so. We are prepared to update; we are prepared to listen to anyone who wants to talk to us, union leaders or anyone else. We are saying, "Let us sit down and work out these propositions". We are not talking about cheap labour; we are talking about people having jobs. Mr Dans said, "How can you get more jobs?" All I can say is if he and his colleagues talked to people in small business in the community, they would say, "We would have extra jobs, we need extra labour, but we cannot afford any."

Last night I spoke to a fellow in a business in Bridgetown who came to me and said that voluntary work contracts were very good and did I think

there was a chance of having this amendment passed. I had to say that there was some doubt about it. He said a young fellow had come to him two days ago; he knew him well and had known him all his life. He wanted to start work at $110 or $120 a week to learn the business. He thought he might gradually fit the young fellow into the business but he had to tell him that he could not; that he was not allowed to. So that young fellow is now on the dole. What sort of prospect is that, when the boss is saying he will take him on? Hon. Graham MacKinnon knows the fellow I am talking about, and Hon. Bill Stretch was there. This man was saying he would take him on, and others if he could, but that was not allowed under the system. Other countries seem to have achieved some success in this area, and we could learn from them.

Hon. Garry Kelly: Do you mean the United States?

Hon. G. E. MASTERS: Yes, the United States has a type of system. I am not saying we should apply the same system; but there is a degree of success and if Mr Kelly had gone there he would know there is great enthusiasm in the workplace and a great wish to succeed. There people have pride in their country. When one talks to people one finds they do not say, "What is the Government going to do for us?" They say, "We have to do it ourselves". That is the difference. That is where our system breaks down. The US system is competitive and aggressive; it encourages people and rewards them for hard work. We have to get back to an interest in our job, pride in our work, and a wish to succeed and be competitive. We know that if the boss is profitable, our jobs are secure.

It is perfectly obvious from what the Minister said that under no circumstances would the Government accept what the Oppostion has put forward. Obviously, people behind the scenes have had a great bearing on the Minister's decision.

However, the Opposition cannot simply give up the idea, back off, and say, "All right, we have made our point, we will walk away". We are not prepared to do that. We are committed to this proposition in one form or another because we are committed to helping people such as the unemployed who need help. We are not committed to those people who have high living standards, good jobs, and are secure in life.

The Liberal Party produced a discussion paper only a few days ago. I assure members of this Chamber that we are committed in our policies to pursuing the proposal of voluntary work contracts in one shape or form in our next election policy. Under no circumstances will we back away from this proposition.

The discussion paper is headed "Western Australian Liberals: future directions: the economy and employment". I wish to quote from parts of that paper. It states—

> 1. Voluntary employment contracts in small business, giving employers and employees the freedom to negotiate their own agreements, with minimum standards.

In other words, we are not saying we should throw everyone to the wolves. We are saying that there can be built-in protective devices. There can be a more flexible working week. The electoral system will be reformed. Mr Dans said that is needed. We are saying that we have a direction. Page 28 of that paper states—

> The next Liberal State Government will introduce a system of small business voluntary employment contracts, which will allow employers and employees to negotiate wages and conditions directly (within minimum standards).

Page 32 of that paper is headed "Industrial Relations". It states—

> Flexibility and freedom are essential components of the Liberal approach to industrial relations.

Hon. Graham Edwards: All this within 18 months!

Hon. G. E. MASTERS: I cannot repeat that enough because obviously Hon. Graham Edwards has very little care for those without jobs. the paper states further—

> This will provide an alternative within an industrial relations framework which is currently not working.
>
> The Liberal Party will not tolerate that situation being perpetuated and, as a result, believes the time is overdue to reform the wage-fixing system within the industrial framework:

And so it goes on. Those are some of the relevant parts of the policy paper. Although it is a discussion paper I assure the Committee and the Press reporting the debate that under no circumstances will we back away from the voluntary work contracts because we think they have greater merit and offer all sorts of opportunities for the future. It is the only way to go for success.

The Opposition has prepared a draft Bill which is not in its absolute, final form. However, it is in its draft form and it is our intention, if the Government is not prepared to accept this pro-

posal, to introduce a Bill as soon as possible which deals with voluntary work contracts. That Bill will take into account many of the criticisms that the Government has made about this proposal. It will give a great deal of protection in areas where the Government quite rightly sees there are risks. It will make sure that the Government cannot simply tear up the idea and throw it into the bin as it undoubtedly would if it had the opportunity.

As the Government has been so bloody-minded about this matter and appears not to be taking the great needs of the community into account, we do not propose to push the amendment in this debate. If the Government is not prepared to accept our proposition we will succeed another way. If the Government is not prepared to take up new ideas, we are.

Hon. G. C. MacKINNON: I was disappointed with the attitude of the Minister a few moments ago. I suppose it only stands to reason that the moment we start suggesting change, anyone as conservative as this Government would jump to the defence of the existing organisations to try to avoid change.

My mind went back a few years and I was a little surprised that, knowing some of the history of union activities, vis-a-vis the arbitration commission, the Minister did not immediately jump on any suggestion of change. I think Clyde Cameron, only a few short years ago, put out a heart-rending appeal to the union movement to stop bucking the arbitration system and to accept a few of its judgments. He suggested that the union movement stop making itself look so utterly stupid and accept that it is part and parcel of the industrial scene of Australia.

I would like to hear the Minister relate that to his impassioned plea about the sanctity of the arbitration commission. There was certainly no attitude in the minds of the Australian Council of Trade Unions or the State organisation of the Trades and Labor Council and its brother organisations in other States at that time, otherwise Mr Cameron, who was a doyen in industrial affairs, certainly would not have made the impassioned plea to the union organisers to take notice of the arbitration commission and to stop bucking every second decision that it made. I think the system that we have now can certainly be made to work if it is given a little more goodwill. I see no reason that we cannot do something, certainly with regard to junior wages and contracts.

I happen to believe implicitly that it is terribly important for skilled operators to learn their skills when they are young. I learnt my trade after the War. I know that I could never hope to be as good as a lad who started his trade at the age of 15 or 16. I do not know why that is. One would think that, given a reasonable aptitude, one would be able to learn. Certainly, some people can. Nevertheless, in the main, it is highly desirable that apprentice tradesmen learn their skills properly when they are young. If members do not believe me they should go and talk with tradesmen who have been through the mill, who have finished up as employers, and who are now training apprentices.

More than 12 years ago I suggested to Bernie O'Sullivan, a wartime friend of mine and a fellow POW, that he was making life extremely difficult for children hoping to enter the trades as apprentices. He was making it difficult by being a party to increasing the wages of youth entering the various trades. He was making those wages too high and the cost of employing those youths too expensive. The only way to work out the value of an apprentice—and Hon. Tom Knight would be well aware of this situation—is to work out his effective hours. To do that one must deduct the two weeks during which he attends technical school and also forget the first year of employment, which is a dead loss.

Hon. Tom Knight: The apprentices now go to school one day every week.

Hon. G. C. MacKINNON: That means they work an eight-day fortnight. We can all remember, if we are honest and make the assessment 30 minutes before we go to sleep at night, how useless we were at that age. We were thinking of all sorts of things other than work. One can wipe out the first year of employment, and during their second year apprentices must be paid more than $100 a week. If we deduct the time an apprentice is away from the job and compare that with the time worked by a full-time employee of perhaps 22 years of age, and calculate the cost in cents an hour for each employee, I think most people would be amazed. I remember doing this myself some years ago and at that time the difference was something like 9c an hour, which is nothing. That can be made up by a little goodwill and the man at 22 or 23 being stronger and capable of heavier work.

If one happens to need a man about the place to do some physically exacting work and employs an under-age worker, that person must be paid the full rate for an adult male. That is an absurdity. An employer cannot negotiate with an employee who may be a little slow, or weak, or does not know how to use the implements involved. It is absurd for the Government to talk about contracts for service as though they would be absolutely unfettered.

When I was in America I saw people working for a group equivalent to the Keep Australia Beautiful Council. They were mostly students from schools and I saw them outside Seattle picking up litter from the roadside. They were paid a minimum wage at that time of $US2.30 an hour and that applied in the State of Washington. They were issued with bright orange jackets and headgear and given bags in which to collect the litter. They were paid a negotiated wage within very strict parameters and all sorts of conditions applied to their employment. If the students did not want the job or there were not sufficient young people, the wages could be adjusted and the whole situation was under control.

I suggest a more reasonable attitude should be adopted. It is no use the Minister saying that the arbitration commission is sacrosanct and that the Government will not allow any changes whatsoever to be made.

Hon. Robert Hetherington: He did not say that.

Hon. G. C. MacKINNON: The Minister said that the only change he would accept would be on the basis of recommendations from the Hancock committee or the other committee of which he is a member. He said that the system needed changing, but that he would not accept change in this case because it affected an integral part of the Bill. It is an integral part of the Bill because Clyde Cameron made an impassioned plea to the unions to get off the back of the arbitration commission, to take notice of the commission, and to allow it to remain as part of the system. It is no thanks to the union movement that it remains. It is no good Mr Dans saying that the unions can claim credit. I suggest that the unions which the Minister represented went to the arbitration commission long after the agreements were settled and had them rubber stamped. They used negotiation and contracts and got them signed and sealed.

Hon. D. K. Dans: The system allows you to do that.

Hon. G. C. MacKINNON: Of course it does. Then why does the Government go on with its nonsense about not allowing contracts? Mr Masters is suggesting the absurdly high wage rates which have been set over a number of years should be removed and it should be possible to move the rates downwards rather than always upwards. It is a false base when we have a Minister who is prepared to accept that contracts can be rubber stamped by the commission provided the rates move upwards and are above what has been set, but that they cannot contract downwards even though it will mean more jobs. It will certainly provide more jobs and there should be no mistakes about that. I know people in the country who are restricting their operations because it is too expensive to employ the junior labour they need. Of course if we lowered the cost of employing juniors it would create more work. Merely by keeping premises and offices clean, one can create work. However, employers cannot afford to employ young people at today's wages to carry out basic labouring jobs.

A contract arrangement such as suggested and with all the necessary safeguards could work. I point out that a better argument must be put forward than the one related to the sanctity of the arbitration commission, bearing in mind that within the living memory of too many people, Clyde Cameron had to beg the unions on his knees to leave the arbitration commission alone and to give it a go. It is not true to say that the unions have safeguarded the system; anyone who has studied the system knows it is not true and knows very well that all sorts of arrangements have been entered into from one end of the country to the other. The standards have been set and they have been picked up by other people. It is no good giving the credit wholly and solely to the trade union movement.

Royal Commissions have been established to look into the background of the unions and there has been good reason for their doing so. We all read articles, get around, are men of the world, and know the score. This sort of whitewash approach is an indication that the system is not working. It is demonstrated by the need for Clyde Cameron to make the appeal to the unions and to get the results he did. The unions heeded his warnings and did so just in time. I am glad that he had the sense to take the action he did and it is proof that there are some sensible people around.

I implore the Government not to usurp our role entirely. I beg the Minister not to get Western Australia into a situation where he will not allow any changes, even though men of great integrity and intelligence have put forward suggestions for change. It is no good saying that the system cannot be changed other than in the way recommended by the committees of the Minister.

They have not been sanctified by some Holy Writ and all the intelligence does not lie in one corner.

I suggest that the proposition put forward by Mr Masters is worth looking at; not just because it works in other countries, but also because it has application to our situation. It is necessary to get the young people working in skilled trades, because before they reach the age of 20 or 21 they must learn to use the instruments of their trade,

whether that is a computer, a calculator, or a trowel, or to mix a proper batch of mortar, or work out a proper programme for a modern electronic technical operation. They must learn these things while they are young because the older one gets the harder it is to learn. They must be paid a wage that the employer can afford and that wage should not be based on an amount that allows the young person to buy his first motor car the day he reaches 17 years of age. The community cannot afford that.

Sitting suspended from 6.00 to 7.30 p.m.

Hon. D. K. DANS: I do not want this debate to continue for any great time, because all the things that have been said today were said when the Bill was before us previously. However, one question remains to be answered.

Never once has Mr Masters mentioned anything about economic growth, and it is economic growth—nothing else—that creates jobs. The Federal and State Labor Governments have created the fastest growing economy of any OECD country, and the Federal Treasurer has been named "Treasurer of the Year" by a well-respected international business journal.

The result of this is the type of report, which appeared in *The Western Mail*, predicting brighter job opportunities. I do not want to be facetious, but all the arguments trotted out by the Opposition are arguments that have been trotted out time out of number, not only by the Opposition, but also by other irresponsible groups.

I have had an opportunity to speak to small and large responsible business people, and I can assure members opposite that those people want nothing of voluntary work contracts. Those people have expansive minds and they know where such a proposal leads. Members opposite can talk about jobs, wages, and the economy, but we must talk about the total package, and not just about something that someone said in Bridgetown. I am sure that, if I were in business in Bridgetown, I would like to get two workers for the price of one. This would be the same for any businessman in any town. I have had the same sort of argument put forward by some Labor people, but it does not stand up to critical analysis. While Mr Masters spoke in very general terms tonight, not once did he mention anything about economic growth being the provider of jobs.

In the first debate I demonstrated beyond all reasonable doubt that young people's wages as a percentage of the adult wage was less than it was in the 1970s. I have already demonstrated that any employer has the ability now to go to the Industrial Commission, and that the ability exists for employers and workers to enter into contracts to reduce wages and hours, if they want to.

While things are looking brighter, it can still be tough. While job prospects look better for next year, the competition in the big, cold world is tough. Because the economy is beginning to expand, jobs are being created. I do not believe there is any relationship between the provision of jobs and the amount of money paid to a worker. Members opposite might say that is a very broad canvass, but I think that can be demonstrated.

If it is only that members opposite want to get people into employment, that is another story. We can put them into youth work, a peace corps, or even the Army, Navy, or Air Force, and pay them a minimum amount of wages. We would have employment, but we would not create growth in our economy.

I do not deny the Opposition the right to quote from its platform. I do not deny any of its members the right to introduce a private member's Bill. I do not deny it the right, when it becomes the Government, to introduce any kind of legislation it wants to. What I do object to is its trying to graft onto our Bill a prescription that is abhorrent to my party and my Government. For those reasons I just cannot accept the Opposition's proposal.

Hon. G. E. Masters: Would you be prepared to put the Bill we introduced to the tripartite council?

Hon. D. K. DANS: Before I committed myself, I would call the tripartite council together to ask whether it would be prepared to consider the Bill. I could see nothing wrong with its considering it. We would get about an even-steven result; we would not get very far with it.

I have made the Government's position perfectly clear. This is probably the most significant clause in the Bill. I do not think it has been demonstrated that the infliction of voluntary work contracts on people who are unfortunate enough to work in Western Australia, would do the things the Opposition says it would. I have no doubt that, in their minds, members opposite believe that this must be the answer to our problems. We disagree. For all those reasons, we cannot accept the Opposition's view.

Question put and passed; the Assembly's amendment agreed to.

Hon. D. K. DANS: I move—

> That amendment No. 2 made by the Assembly be agreed to.

Hon. G. E. MASTERS: Once again, the Opposition is disappointed that the Government has not been prepared to accept our deletion of this pro-

posal. The words in this amendment were originally included in the Government's Bill.

The Opposition objected to the inclusion of those words, so we are now discussing the Government's proposal to reintroduce the words into the Bill. It seems to me that a decision to collect dues, fees, or whatever for any organisation, whether it be a union or any other organisation, is a decision for the management to make. If I as an employer agree with an association, an organisation or, as in this case, a union, to collect dues from my employees—of course with their agreement—it would be my decision, because it would cost time in administration, even it if did not cost a great deal of money. Of course, the responsibility lies on the employer to collect the dues.

An employer, for one reason or another, could decide that it does not suit him to do this, or it may be that he is in some sort of conflict with the union and possibly someone has come in and upset the employer or tried to use heavy tactics on him. That employer has every right to say, "I am sorry, but if that is the case I am not going to do that favour for you. It is my decision and I will not collect the union dues. You collect them yourself." In other words, it is something that the employer does. It is a job that he carries out for the union, as a matter of general practice or perhaps goodwill.

Hon. Garry Kelly: Can then the unions pay—

Hon. G. E. MASTERS: In that case of course the employer would gratefully accept the arrangement. Quite frankly, I did not know that; but if that is the case it is all right. It seems to me that if I as an employer were not prepared to collect the union dues, it should be my decision. If any other organisation were to come along and ask for the same arrangement, I guess again it would be my decision. I know certain things have to be deducted from an employee's pay, but I would have thought that the Government would have accepted the argument we put forward.

I again ask the Minister whether he would consider this matter, and if he would recognise that certain matters are management decisions and management prerogatives, and this is one of them.

Hon. D. K. DANS: I have said in this Chamber before that I have mixed feelings about this matter based on my union background, but it has had the majority support of the tripartite council, the Western Australian Chamber of Commerce and Industry, the Australian Mines and Metals Association, and the Trades and Labor Council. The Confederation of Western Australian Industry opposed the provision. We have before us a majority decision of the tripartite council which gives only a limited scope to the Industrial Commission. It gives the Industrial Commission a strictly limited jurisdiction in regard to the collection of union dues. It will be able to hear applications only where the practice existed in the past; in other words, it used to happen that both the employer and the employer organisation agreed. Where the employer is opposed to the collection of union dues and it has not been past practice, the commission will not have any jurisdiction whatsoever.

We are not talking about some kind of mammoth change. I understand Mr Masters is saying that the Government wanted to say to all the unions covering Government employees, "As of tomorrow you start collecting union dues", and that he would not disagree with that. He would not disagree with some private employer doing the same thing. I hope I understand him correctly. That seems reasonable enough to me, but the fact remains that this was a majority decision of the tripartite council; and while the legislation gives only a limited jurisdiction to the commission, the view was taken that in many instances it is of value to both the employer and the employees to have union fees taken out of wages at the source. Strange though it may seem, union members who have fees deducted from their pay packets very rarely seem to be unduly militant, and I merely make that observation. I can recall when I was very young we used to frown upon the practice and refer to them as Czech unions, but feelings change.

A member: Mr Dans, they take between 2.5 and five per cent.

Hon. G. E. Masters: Do they charge that or is it an accepted fee?

Hon. D. K. DANS: There is a fee. Members must understand the bookwork and other things that are involved. I do not think unions would expect them to do that service for nothing, and indeed they should not do it for no charge. I am informed the charge is 2.5 per cent to five per cent, and that would only cover the costs incurred.

I must support the tripartite council's recommendation and put the Government's position quite clearly: We naturally favour the retention of the right as the Bill sets it out. The commission will have limited jurisdiction in respect of the collection of union dues where the practice existed in the past and where both the employer and employer organisation agreed. Where the employer is opposed to the collection and it has not been past practice the Industrial Commission will not have any jurisdiction. That is a very simple clause. It is a conciliatory type of

clause. It is one that I do not think most people would go to the wall about. That is our position.

Hon. G. E. MASTERS: I am a little concerned at the continual reference by the Minister to the fact that the tripartite council agrees with certain things and that the Parliament should necessarily also agree.

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

Hon. G. E. MASTERS: It seems that the Minister is saying on a number of occasions, "Look, this is what the tripartite council says and this is what I am going to do". We say again that the responsibility is for the Minister and members of this Chamber to talk to the community, and, sure, take into account the tripartite council. On the other hand, many other people have a view—and I think in this Parliament we are expressing that view—so I do not accept the argument, every time we raise an industrial matter, that the Minister has taken the issue to the tripartite council. In this case it was a majority decision, not a unanimous decision, so I do not accept that because the tripartite council agrees this Parliament should necessarily also agree. We take notice of it but we do not necessarily agree with it.

I recognise from what Mr Dans has said that indeed it is a pretty low key sort of amendment which simply says that if the Industrial Commission so wishes, on application, it can direct an employer—

Hon D. K. Dans: If certain conditions are fulfilled.

Hon. G. E. MASTERS: Yes. If the employer has in the past collected union dues, but for one reason or another has decided not to continue the practice, the Industrial Commission can direct that employer to again deduct union dues and, I guess, to receive the commission.

Again, the Opposition does not necessarily want to go to the wall on this issue. We are trying to be reasonable about the whole matter. There are some issues that we take a very strong stand on, but we are not going to force the Government to make any sort of decision on an issue which is low key and which I think the Confederation of Western Australian Industry does not necessarily agree with. We do not intend to give the Government the option of throwing the Bill in the bin over an issue such as this, so I shall not proceed to press the issue.

We have made our point. We do not like it, but it has happened in the past. I will therefore inform our members that, having registered our disapproval, we will not force a division on this issue.

Question put and passed; the Assembly's amendment agreed to.

Hon. D. K. DANS: I move—

> That amendment No. 3 made by the Assembly be agreed to.

Hon. G. E. MASTERS: Strictly speaking we should have taken this amendment with the previous amendment. Of course, there is a difference. In this amendment we are referring to the collection of union dues for teachers. I have some strong reservations. If we were in Government we would be taking a different stand from that of this Government.

We know it is a fact that Government Ministers have directed their departments to collect union dues. Whatever the Opposition has to say about this amendment the Minister for Education will simply say to the Education Department, "You will collect union dues for the Teachers' Union".

Hon. Garry Kelly: The Teachers' Union collects about $30 million in union dues.

Hon. G. E. MASTERS: If the Opposition opposes the amendment the union dues will still be collected because the Government will direct its department to do so. There is no point in the Opposition opposing this proposition. I admit that if the Government changes hands, the Industrial Commission could be involved if the newly elected Government decides it will not collect union dues. However, they are being collected by the department responsible and this amendment will make no difference at all, whether it is passed or defeated. For this reason I do not propose to divide the Chamber on this amendment.

Question put and passed; the Assembly's amendment agreed to.

Hon. D. K. DANS: I move—

> That amendment No. 4 made by the Assembly be agreed to.

Hon. G. E. MASTERS: There really are two issues involved in this amendment and I wonder whether we could perhaps deal with them separately. One deals with the contract of service, which has already been debated, and the other deals with employees of Parliament House.

The CHAIRMAN: I am not sure how the member wants to handle this.

Hon. G. E. MASTERS: The Government is proposing to delete a large number of words. It is intending to delete words on page 18, line 23 to page 21, line 15 and two major issues are involved.

If members turn to the Bill returned from the Legislative Assembly they will see that proposed new section 23(1)(a) deals with the staff of Parlia-

ment House and proposed new section 23(1)(b) deals with the contract of service.

The CHAIRMAN: I am examining the situation and at this stage I am afraid I cannot see how it can be split in half as such. I might have to leave the Chair if Hon. Gordon Masters so desires.

Hon. G. E. MASTERS: What I am proposing to do could be done in the form of an amendment. If it is necessary the Government's amendment would have to be defeated and I would then move that clause 15, page 19, line 28 to page 21, line 15 be deleted and that the remainder stand as is.

In other words, I would have to ask the Chamber to defeat the Government's amendment in order that I can move an amendment of my own.

Hon. D. J. WORDSWORTH: If the member speaks to that, I will do some research.

Hon. G. E. MASTERS: New section 23(1)(a)(i)—

Hon. D. K. Dans: That has already been dealt with.

Hon. G. E. MASTERS: —deals with an officer or an employee in either House of Parliament and reads as follows—

> (I) under the separate control of the President or Speaker or under their joint control;
>
> (II) employed by a Committee appointed pursuant to the Joint Standing Rules and Orders of the Legislative Council and the Legislative Assembly; or
>
> (III) employed by the Crown; or
>
> (ii) an officer or employee on the Governor's Establishment;

The Opposition maintains that that provision should remain in the Bill, but the Government proposes to delete it. We are convinced that the Parliament and its staff, at all levels, should be free from any outside interference—it is absolutely paramount. Experience demonstrates that there are elements in our community which would love to be in a position to bring parliamentary proceedings to a stop. I do not necessarily say that this would be the case in regard to the Government's amendment, but nevertheless there is a possibility, and we have seen it happen in different areas.

We have seen the Transport Workers Union move into the Government drivers' area, and we have seen those people go on strike. What I am saying is that there is no doubt members of the House staff are able to join a trade union, and that is their right and privilege. Nevertheless, we cannot agree that the Industrial Commission should be involved. Once the Industrial Commission is involved, the Minister and I know that some of the trade union leaders would organise the members of the staff of Parliament House and make representations on their behalf, whether they liked it or not, to the Industrial Commission. They could put the requests in such a way as to provoke industrial disputes and cause stoppages.

Hon. Garry Kelly: Appeal to Caesar!

Hon. G. E. MASTERS: They can appeal as they do now.

Hon. Garry Kelly: To whom?

Hon. G. E. MASTERS: When the member says, "Appeal to Caesar", I do not know of any time when there have been difficulties, bearing in mind if one is talking about appealing to the Joint House Committees, this committee represents the major parties. It cannot represent all the parties because things are changing rather rapidly now. It certainly represents the member's side and my side—I think Hon. Mick Gayfer may be on the committee.

I understand appeals have been properly considered. There is a queue a mile long for jobs in Parliament House, because they are very good jobs. Thousands would apply if the positions were available.

Hon. Kay Hallahan: Do you think there should be a system?

Hon. G. E. MASTERS: We have already been talking about our position on parliamentary arrangements. It is something we agree with. In a way, that is what is happening here. There has been no real problem, as far as I know.

Hon. Garry Kelly interjected.

Hon. G. E. MASTERS: If the member wants to stand up and speak he should stand up and speak. Let me have my say.

If there is any risk at all of some sort of industrial conflict or industrial pressure on Parliament House or its staff, it should be resisted.

I point out to members there have been occasions recently where certain elements of the trade union movement have considered themselves to be above the law. They have demonstrated outside the courts of this land in an endeavour to apply pressure. If this sort of thing occurs outside the courts of law, one can imagine in certain circumstances perhaps the Parliament itself could be subjected to pressures.

I recall during the debate on fuel and energy the lights went out; power was cut off. If any industrial pressure were applied on the Parliament, the

staff, whether they liked it or not, may well be forced to take action in an endeavour to apply pressure to this Parliament. It would be a very dangerous area.

I ask the Minister at least to agree to the inclusion of this provision in the Bill, bearing in mind the second part of paragraph (b) of proposed section 23(1) which is an area that we will not agree to delete. We have already said that the issue of voluntary work contracts is an issue to be taken up by the Opposition very vigorously in the form of a separate Bill. It will be made a major policy objective for the Opposition, or the Liberal Party.

I would appreciate the Minister's response. In this case the Opposition is adamant that it cannot give way in this manner. I ask the Minister, in the light of the debate up to now, to consider our proposition reasonably.

Hon. D. K. DANS: I really cannot understand the Opposition in relation to this clause. It does nothing to encourage or discourage people to join a union. The Leader of the Opposition has quite rightly stated they can join a union now. All we are asking for here is to give senior members of Government House and of Parliament House the right to go to the commission if they feel they have been aggrieved.

That was another unanimous recommendation of the tripartite council. I agree that none of us has to accept that, but it was a unanimous decision. All those people are skilled in industrial relations, and they saw the reasons for the provision.

Putting it into industrial relations doubletalk, there is no industrial reason that these persons should be treated any differently from any other Government employee. First of all, there is no merit to the member's argument. Secondly, there is not the slightest industrial reason.

Let me give an example. If an employee of the Speaker or of the President felt he had been passed over for promotion, wrongly dismissed, or something else had happened to him, where would he go? Or a senior member of the Governor's staff? He has nowhere to go. He simply goes out the front door or the back door as the case may be.

I think that is grossly unfair. This gives him the right to go along with his grievance and say, "Look, I want you to listen to me".

There have been cases in this Parliament. Is the member going to suggest that if the President dismisses one of his senior staff, that man can go to the other end of the Parliament and appeal to the Speaker? Or if the Speaker does the same thing, that person can come up this end and appeal to the President?

What the Leader of the Opposition is doing is denying natural justice and ordinary fairness to people who occupy responsible positions. Let us consider the situation of a senior member of the Premier's department. He is a member of the Civil Service Association and he may be on a much higher salary than anyone in this Parliament House or in the Governor's residence, but he has appeal rights, and he has a right to appear, up to a certain grade, before the Public Service Arbitrator or the Chairman of the Public Service Board. He is not arbitrarily stood aside with nowhere to go.

We are not talking of getting people into unions, or using union pressure or anything of that kind; we are simply having a look at ordinary fairness in relation to people who occupy those positions. There is no merit in the Opposition's stance, and there is certainly no industrial reason for it. We are not talking about industrial reasons.

If the President felt that he did not like the shape of the Clerk of the Parliament's nose, and he said, "I do not know how I go about dispensing with your services, whether you get a minute's notice or a month's notice, but I no longer want you working in this place", where does the Clerk of the Parliament go? If he says, "For what reason are you dispensing with my services?" and the President says, "I do not have to tell you, I just do not want you here any more"—even if he were brave enough to say, "The reason I am dispensing with your services is that I do not like the shape of your nose"—what could the Clerk do?

Hon. Neil Oliver: When did this happen?

Hon. D. K. DANS: It has not happened; I am just using it as an example.

Several members interjected.

Hon. D. K. DANS: Members should not make me use some of the embarrassing examples which have occurred in Parliament House and of which members are aware. We nearly ended up with a common law case in respect of a member of the library staff and that matter has not really gone away yet. Surely it is fair and reasonable that these people should have someone to go to. Surely it would be fair to say that we should set up some sort of independent tribunal within the office of the Chairman of the Public Service Board. If the Opposition does not want someone to go along to the commission, I would be prepared to talk about letting an aggrieved person go along to a board comprising the Chairman of the Public Service Board and some of his officers.

The impact of what the Opposition proposes takes us back to the days of the old Masters and

Servants Act. If the proposition had some merit, or if there was an industrial reason for it, I could understand the Opposition's stance, but I simply cannot understand why it seeks to deny those people, on all of whom it relies, some natural justice and ordinary fairness. For the life of me I cannot believe that the Opposition has given enough thought to its amendment, unless it is taking this attitude for some personal reason and, knowing the Leader of the Opposition—and I do not say this with a smile on my face—I could not accept that he would do a thing like that.

The Opposition is taking a very small group of people out of the whole work force of this State and saying that they shall have no rights of appeal whatsoever and that on any given day they can lose their jobs for no good reason.

I know very well that people who work for the Joint House Committee can go to that office. Indeed, Mr Masters was a member of that committee at one stage. People get a very fair hearing and the committee reverses some decisions and upholds others. However, we are not talking about those officers; we are talking about the officers of Parliament and officers of the Governor's establishment.

If the Opposition does not agree with the proposition, either today or at some future time, let it think about using the Chairman of the Public Service Board or the Public Service Arbitrator in such a position to at least give some redress to these people. They do not have that redress now and I believe they are entitled to it.

Hon. G. E. MASTERS: I urge members to vote against the Government's amendment. Obviously it will then be up to the Leader of the House to further amend the amendment to include part of clause 15.

Hon. D. K. Dans: It is up to you to amend it.

The CHAIRMAN: Order! If the Chamber disagrees with amendment No. 4, you cannot then move an amendment to it, because there will be nothing to amend. If you desire to do so, you must amend what is in front of you; that is, the message from the Legislative Assembly.

Hon. G. E. MASTERS: With all due respect to the Minister who said it was up to me to amend the amendment, I urge my members to oppose the amendment. Page 18, clause 15 of the Bill uses certain words and the Government seeks to delete those words. Those words commence on page 18 as follows—

> . . . but, notwithstanding any provisions of this section . . .

They go through to line 27 on page 19. The Government seeks to delete those words and I am saying they should be retained.

The CHAIRMAN: The amendment relates to pages 18 to 21.

Hon. G. E. MASTERS: We do not oppose the deletion of the words on page 19, line 28, commencing at paragraph (b) and going over onto pages 20 and 21, ending at line 15. We do not object to the deletion of those words. However, we shall insist on the retention of the words on pages 18 and 19 dealing with the staff of Parliament House, those employed by the Crown, and the staff at the Governor's establishment.

The CHAIRMAN: If you wish to do that you must move an amendment.

Hon. D. K. Dans: Perhaps you could suspend the sitting while we work it out, so that we do not make a mistake.

The CHAIRMAN: Very well.

Sitting suspended from 8.17 to 9.08 p.m.

Hon. G. E. MASTERS: I thank the Committee for agreeing to wait while we sorted out this matter. It involved a very important change, and obviously we had to get the words correct. I move—

> That the amendment made by the Assembly be agreed to, subject to the following further amendment—
>
> > Clause 15, page 18 line 23—Delete subsection (1) down to "matter" in line 26, and substitute the following—
> >
> > > (1) Subject to this Act, the Commission has cognizance of and authority to inquire into and deal with any industrial matter except any matter provided for in paragraph (a).

The effect of this amendment to the Government's amendment will be to make sure that the Industrial Commission does not have power over the people under the control of the President or the Speaker, or those employed by a committee pursuant to the Joint Standing Rules and Orders of the Legislative Council and the Legislative Assembly, or those employed by the Crown, or an officer or employee on the Governor's Establishment.

It will retain those provisions as written in the Bill. It will not permit the Industrial Commission to have jurisdiction over these people I have mentioned, but at the same time the amendment will permit the deletion from the Bill of paragraph (b) which commences on page 19 and goes to page 21, line 15. What we are doing is deleting those references to voluntary work contracts. We have

already made it quite clear as an Opposition that we intend to bring in our own Bill, and that is part of our policy statement. The voluntary works contract arrangement will be with us, as far as the Opposition is concerned. There is no way that we are prepared to back away from that issue. We recognise the Government would not accept the proposition, it would rather see the Bill defeated.

We are not prepared to see the new proposal destroyed in that way so we will bring it forward in our own way and make it an important measure as far as the Opposition is concerned.

Hon. D. K. DANS: The Government opposes the amendment for the reasons I have stated previously, and I do not need to worry the Chamber with them now. The Opposition has not given enough thought to its amendment. The matter it is pursuing has no merit or industrial significance whatever. It takes away from a small group of people any natural justice or ordinary fairness. I personally would not like to be associated with that.

Question put and a division taken with the following result—

Ayes 15

Hon. C. J. Bell	Hon. N. F. Moore
Hon. V. J. Ferry	Hon. Neil Oliver
Hon. Tom Knight	Hon. P. G. Pendal
Hon. A. A. Lewis	Hon. I. G. Pratt
Hon. P. H. Lockyer	Hon. W. N. Stretch
Hon. G. C. MacKinnon	Hon. P. H. Wells
Hon. G. E. Masters	Hon. Margaret McAleer
Hon. I. G. Medcalf	*(Teller)*

Noes 12

Hon. J. M. Berinson	Hon. Garry Kelly
Hon. J. M. Brown	Hon. Tom McNeil
Hon. D. K. Dans	Hon. Mark Nevill
Hon. Graham Edwards	Hon. S. M. Piantadosi
Hon. Lyla Elliott	Hon. Tom Stephens
Hon. Kay Hallahan	Hon. Fred McKenzie
	(Teller)

Pairs

Ayes	Noes
Hon. John Williams	Hon. Robert Hetherington
Hon. H. W. Gayfer	Hon. Peter Dowding

Question thus passed; the Assembly's amendment agreed to subject to the Council's further amendment.

Hon. D. K. DANS: I move—

> That amendment No. 5 made by the Assembly be agreed to.

Hon. G. E. MASTERS: The Government's proposal will introduce a preference clause into the Bill, a clause which will provide that the Industrial Commission may direct that preference be given to a member of a trade union at the point of employment. What we say and what we have said on many occasions is that this Opposition opposes compulsory membership of unions; it opposes any proposition which will force people to take a step against their will in joining or not joining an association. If a job seeker's only chance of getting a job is to join a certain organisation, that is wrong. It is blatant discrimination. We have been talking a lot about discrimination and "a fair go". Quite recently many members on the Government side of the Chamber have made speeches on discrimination and fairness in the workplace for males and females, yet we have before this Chamber a proposition that under certain conditions persons shall be required to join a union or they will not get a job. We made the statement on many occasions that we obviously cannot change our stand in any circumstances.

On numerous occasions in debate the Government has referred to ILO conventions and also to the United Nations Universal Declaration of Human Rights. Both go in direct opposition to what the Government is proposing. The United Nations Universal Declaration of Human Rights says, "no-one may be compelled to belong to an association". The Government's proposal will do just that. It reads—

> Convention 87 of the International Labour Organisation also upholds this principle of freedom of association as part of the protection of the right to organise.

Article 2 of Convention 87 states, and again I quote—

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

I repeat that it states; "to join organisations of their own choosing", not to be compelled but to make that decision freely. The Labor Party obviously will argue the other way, but where preference is given to an applicant for a job, he or she—it does not matter who it is—will have no option, but to take the step of seeking to join an association or a union in order to get the job. We cannot accept this situation under any circumstances at all, and have never done so.

We will vote against the proposition. People should have the right to choose. That is a basic right that exists in Australia; it always has existed, and, we hope, it always will exist. In a challenge to those basic rights, this Opposition will fight strenuously to resist the proposal. I urge members on my side of the Chamber to oppose the proposition.

Hon. D. K. DANS: This is rather bizarre. This clause had the majority support of the majority of

employers on the tripartite council, the representations of the Confederation of Western Australian Industry (Inc.) and of the Australian Mines and Metals Association. The Western Australian Chamber of Commerce and Industry opposed any preference and the TLC wanted the Industrial Commission to have unfettered jurisdiction of preference. What does this preference clause do?

Hon. G. E. Masters: You tell us, Mr Dans!

Hon. D. K. DANS: It is probably the weakest preference clause I have seen in my life because it ends with the words "all other things being equal". I point out that the question of preference in WA awards was inserted by the court way back—goodness only knows when. There are preference clauses in Federal jurisdiction and clauses that grant compulsory unionism. They have never caused any great problems; in fact, some of our major industries on the waterfront have compulsory unionism with the full backing of the Federal Government, no matter what colour that Government may be, because it provides for the orderly employment of members under an orderly system.

I will not speak all night. The opposition of the Leader of the Opposition to this clause seems to suggest to me that the Opposition is against any *mitigation in regard to industrial disputation—not* that I think this clause would do anything in that direction. It is the least sternly worded clause I have ever seen. Bearing in mind it was supported by two of the major employer groups, I rest my case there.

Hon. G. E. MASTERS: This is discrimination in one form or another and that is perfectly obvious. If a person is discriminated against for being or not being a member of an organisation, surely Government members must be concerned about this Government proposal. The Western Australian Chamber of Commerce and Industry opposed this provision, as one employer group representing many people and, while we have breath in our bodies, we will fight for those people who wish and who seek to retain their independence and freedom of choice.

Hon. Garry Kelly: What about the staff of Parliament House?

Question put and a division taken with the following result—

Ayes 11

Hon. J. M. Berinson	Hon. Garry Kelly
Hon. J. M. Brown	Hon. Mark Nevill
Hon. D. K. Dans	Hon. S. M. Piantadosi
Hon. Graham Edwards	Hon. Tom Stephens
Hon. Lyla Elliott	Hon. Fred McKenzie
Hon. Kay Hallahan	*(Teller)*

Noes 15

Hon. C. J. Bell	Hon. N. F. Moore
Hon. V. J. Ferry	Hon. Neil Oliver
Hon. Tom Knight	Hon. P. G. Pendal
Hon. A. A. Lewis	Hon. I. G. Pratt
Hon. P. H. Lockyer	Hon. W. N. Stretch
Hon. G. E. Masters	Hon. P. H. Wells
Hon. Tom McNeil	Hon. Margaret McAleer
Hon. I. G. Medcalf	*(Teller)*

Pairs

Ayes	Noes
Hon. Robert Hetherington	Hon. John Williams
Hon. Peter Dowding	Hon. H. W. Gayfer

Question thus negatived; the Assembly's amendment not agreed to.

Hon. D. K. DANS: I move—

That amendments Nos. 6 and 7 made by the Assembly be agreed to.

Hon. G. E. MASTERS: These amendments should, as you, Mr Chairman, rightly said, be joined together. In fact, they are consequential amendments to the previous amendment and they deal with Parliament House staff.

I ask members to carefully consider these amendments and shout loudly "No", at the appropriate time.

Hon. D. K. DANS: Let me go on record as saying that this was a unanimous recommendation from the tripartite council. There is no industrial reason why the Parliament House employees should be considered differently from other Government employees.

Question put and a division taken with the following results—

Ayes 12

Hon. J. M. Berinson	Hon. Garry Kelly
Hon. J. M. Brown	Hon. Tom McNeil
Hon. D. K. Dans	Hon. Mark Nevill
Hon. Graham Edwards	Hon. S. M. Piantadosi
Hon. Lyla Elliott	Hon. Tom Stephens
Hon. Kay Hallahan	Hon. Fred McKenzie *(Teller)*

Noes 15

Hon. C. J. Bell	Hon. N. F. Moore
Hon. V. J. Ferry	Hon. Neil Oliver
Hon. Tom Knight	Hon. P. G. Pendal
Hon. A. A. Lewis	Hon. I. G. Pratt
Hon. P. H. Lockyer	Hon. W. N. Stretch
Hon. G. C. MacKinnon	Hon. P. H. Wells
Hon. G. E. Masters	Hon. Margaret McAleer
Hon. I. G. Medcalf	*(Teller)*

Pairs

Ayes	Noes
Hon. Robert Hetherington	Hon. John Williams
Hon. Peter Dowding	Hon. H. W. Gayfer

Question thus negatived; the Assembly's amendments not agreed to.

Hon. D. K. DANS: I move—

That amendment No. 8 made by the Assembly be agreed to.

Hon. G. E. MASTERS: This amendment is similar to the previous proposal and once again the Opposition maintains that the independence of Parliament House, its staff, and members, is critical and regardless of the fact that Mr Dans continually refers to the argument of the tripartite council, members in this Chamber have a role to play; that is, to assist the situation especially in regard to Parliament House and the way it operates. It is an important decision. I urge members on the Opposition side of the Chamber to again call "No" at the appropriate time.

Hon. D. K. DANS: I find it hard to follow. Just a moment ago the Leader of the Opposition was talking about preference and discrimination. What he is doing, and what he has done through previous amendments, is to discriminate against a small group of highly placed Government officers. He cannot have it both ways. There is no reason whatsoever that these people should be treated any differently from other Government employees. I would bet pennies to peanuts that if we were dealing with senior civil servants or mid-range civil servants, the Opposition would not enter the debate.

The Opposition is discriminating against people who are in a weak position toi defend themselves against unjust attacks on their integrity and who, on many occasions, are wrongfully dismissed. If the Opposition wants to go along with it, it is all right, but the Government will not go along with it.

Hon. G. E. MASTERS: I resent the Leader of the House's comments. I consider statements of that sort a slur on those people who make the decisions for the staff and the employees of Parliament House—the Speaker, the President, and the members of the Joint House Committee who have always performed very well and very considerately.

There is a special arrangement in Parliament House. No one will interfere with the independence and integrity of Parliament House, and nobody will be in a position to do it. The Speaker, the President, and members of the Joint House Committee do a very good job and always have done.

Hon. D. K. DANS: No matter how the Leader of the Opposition rants and raves and blusters, he cannot get away from the fundamental truth—I am not talking about people who can go to the Joint House Committee; they would be included.

I used the example a while ago, the Clerk of the Parliament. Where does he go? If that is not discrimination, I do not know what is. The Opposition is denying to this type of person the fundamental rights of a fair hearing and the very fundamental right of every Australian to ordinary fairness. If the Opposition can live with that, then the Government cannot.

Members can put it any way they like. It is an undeniable fact that is what is involved. Not one of these clerks can come to work on any given day and be guaranteed that a week or a month later he will be employed here. He could be sacked for no reason.

To save embarrassment, I will not quote chapter and verse, but since I have been in this place there have been incidents. Anyone sitting in this Chamber who has been here long enough knows what I am saying is correct. It is a case of guilty without trial.

Hon. G. E. Masters: Rubbish!

Hon. D. K. DANS: Guilty without trial. There was dismissal on two occasions that I can recall, with no reasons given and nowhere to go; careers brought to a halt like that.

We are not asking them to join a union. What happens if the President or the Speaker changes? For some little misdemeanour—a staff member might have got up a person's nose—a person could be sacked and there is nowhere to go.

I put to the Leader of the Opposition that at some stage would he consider an appeal to the Chairman of the Public Service Board? Would he go down to any Government department and say to its staff—from the Chairman of the Public Service Board down—"You can be sacked arbitrarily with no reasons given, and you are out on the footpath?" The Leader of the Opposition would not be game to do that.

The Leader of the Opposition talks about preference and discrimination. This is the worst example I have come across. If those members on the Opposition benches were given unfettered rights, there is no telling where it would end.

People are entitled to a fair hearing and a fair trial. Our system simply says, "You are innocent until you are proved guilty". Men could leave here and never know till the day they die why they had been sacked. They would never know what to tell a prospective employer in the future as to the reason they had lost their jobs. It is not on. I repeat, if the Opposition wants to live with that kind of thing, so be it, but the Government will not.

Question put and a division taken with the following result—

Ayes 12

Hon. J. M. Berinson	Hon. Garry Kelly
Hon. J. M. Brown	Hon. Tom McNeil
Hon. D. K. Dans	Hon. Mark Nevill
Hon. Graham Edwards	Hon. S. M. Piantadosi
Hon. Lyla Elliott	Hon. Tom Stephens
Hon. Kay Hallahan	Hon. Fred McKenzie
	(Teller)

Noes 15

Hon. C. J. Bell	Hon. N. F. Moore
Hon. V. J. Ferry	Hon. Neil Oliver
Hon. Tom Knight	Hon. P. G. Pendal
Hon. A. A. Lewis	Hon. I. G. Pratt
Hon. P. H. Lockyer	Hon. W. N. Stretch
Hon. G. C. MacKinnon	Hon. P. H. Wells
Hon. G. E. Masters	Hon. Margaret McAleer
Hon. I. G. Medcalf	*(Teller)*

Pairs

Ayes	Noes
Hon. Robert Hetherington	Hon. John Williams
Hon. Peter Dowding	Hon. H. W. Gayfer

Question thus negatived; the Assembly's amendment not agreed to.

Hon. D. K. DANS: I move—

That amendment No. 9 made by the Assembly be agreed to.

Hon. G. E. MASTERS: The amendment proposed by the Government is in two parts, but as I shall oppose both parts, it will not complicate the issue. Initially I refer to part VIA. The Government seeks to repeal part VIA of the Industrial Arbitration Act. That part contains the protective clauses relating to standover tactics in the workplace. It protects the workplace from pressure by employers and employees, and is directed towards protecting the rights and freedoms of subcontractors. It is directed towards protecting people from standover tactics and pressure in the workplace.

It is understandable that the Government would wish to repeal that provision. The performance of the Minister since he has been Minister for Industrial Relations in this State, whether or not he likes my saying it, has been appalling, and standover tactics in the workplace get worse by the day.

Hon. Garry Kelly: That is nonsense.

Hon. G. E. MASTERS: It is no good the member saying, "That is nonsense". The reports coming to the Opposition day in and day out demonstrate that pressure is being applied in the workplace, particularly in the building and transport industries. Over the last six months or more, on the challenge of the Government of the day, when the Opposition has complained about standover tactics in the workplace, it has been told, "Bring us the examples. Put your money where your mouth is." We have done just that.

Week in and week out in this Chamber, until the Government is sick of it, we have given examples. Those examples have now started to contain the names of the companies and individuals concerned, such is the success we have had in gaining results. Some of the complaints we have brought forward have resulted in the prosecution of those involved.

I will not talk about a particular prosecution, but it occurred as a result of the naming in this Chamber of certain people, and a description of their actions. At least three or maybe four successful prosecutions have been launched in regard to standover tactics in the workplace, because the Opposition has brought those matters to the attention of the Parliament and the Police Force.

I do not know what the Government is trying to do. The Minister of the day has said that, if there was sufficient evidence, he would recommend to the Government the establishment of a judicial inquiry or Royal Commission. It does not matter that we go blue in the face giving the Minister examples and telling him what is happening; it makes no difference. He says it does not occur or that the police will deal with it. The Minister either means he will protect the workplace or, alternatively, that he will turn his back on those affected. I suggest he is turning his back and does not give a damn.

Over recent weeks we have named companies and people involved, and yet the Government has not moved. Hon. Sam Piantadosi stands up and abuses those people—

Hon. D. K. Dans: We have solved those disputes.

Hon. G. E. MASTERS: That may be the case, but the Minister of the day did not even read a telex which was sent to his office. It may be true that the telex was not referred to him, but it was an important matter and some of the other Ministers, including the Premier, did read it. Of course, the Minister for Industrial Relations jumped to attention when the telex was brought to his notice in this Chamber. We were criticising him about this matter. The Tulk case did not affect one or two people, but rather, over 100 employees were affected. The Opposition brought that matter to the attention of the Government.

These examples demonstrate very clearly that standover tactics are occurring in the workplace. Day in and day out we see such incidents reported in the Press.

Reference is made to Bill Ethell, the ETU, and the Transport Workers Union. All the people we have mentioned, and some of the leaders of those unions referred to, have been found guilty of

standover tactics and condemned in this Chamber, and the companies and those affected have been named, and yet the Minister has done nothing.

During debate on this Bill the Minister has said, "I will not use that filthy legislation". I guess he means part VIA of the Act. He has said he will not use it, and yet as soon as there is any trouble he blames that legislation for it. The Minister does not use the legislation, but if he tried to do so, it would certainly be effective in many cases. The Government's position is very difficult to understand. Week in and week out the Minister has been condemned by his own words.

First of all, the Minister said that he would not use that filthy legislation. Then he said, "Let the police deal with it". Then he produced a discussion paper—a green paper—in which he recommended before the election that the police should not be involved. Certainly the Minister has changed his mind, because he has said that the police should be able to act where standover tactics occur. However, his colleagues do not agree. Hon. Fred McKenzie says that the police should be kept out of the matter.

Hon Fred McKenzie: Of course they should.

Hon. G. E. MASTERS: By way of interjection, Hon. Fred McKenzie said he would stand by that, because he believes the police should not be involved in industrial disputation which leads to standover tactics in the workplace. However, his leader believes that the police should be involved. Mr Piantadosi believes the police should be kept right out of it.

Hon. Graham Edwards: But we all believe there is no place for it in politics, Mr Masters, and when will you wake up to that?

Hon. G. E. MASTERS: The member says that there is no place for it in politics. When people come to us and say they have been stood over, Government members do not give a damn.

The jobs of these people are being affected, but Government members think they can go to hell. It does not matter whether these people lose their jobs, or that their families or anyone else suffers. Government members do not give a damn. They say, "Good stuff. Let them suffer".

Some Government members say that the police should not be involved in these situations, but I imagine the Minister will stand up and say, "Yes, the police should be involved". There seems to be some sort of conflict and difference of opinion in the ranks of the Labor Party.

I would like the Minister to stand up and say he believes that, in certain circumstances, where standover tactics are used, such as in the examples we have given him in the last few weeks, the police should be able to protect those involved. I then want to hear what his members say. They disagree with him. There have been other examples of a criminal nature and, in those cases, the ALP conference and the TLC have said that the Criminal Code should not apply in respect of industrial action.

In other words, what all these people are saying is that there is one law for one group of people and another law for others. They are saying that those union leaders who abuse the system should be immune from the law; it should not apply to them.

Hon. Fred McKenzie: That is incorrect. Don't mislead the Chamber. One is criminal law and the other is industrial law; that is the difference.

Hon. G. E. MASTERS: Hon. Fred McKenzie and, I imagine, Hon. Sam Piantadosi have said to me by way of interjection, that they do not believe the police should be involved where industrial activity and standover tactics occur in the workplace.

Hon. Fred McKenzie: It is a matter for industrial law.

Hon. P. G. Pendal: They are not sure what they believe.

Hon. Fred McKenzie: We are sure.

Several members interjected.

Hon. G. E. MASTERS: Hon. Sam Piantadosi is an embarrassment. He caused Government members so much embarrassment that they said, "Let us put him where he can be forgotten". He is an embarrassment. Recently he stood up in this Chamber and criticised the people who were his superiors. He treated them in a most shameful manner.

Several members interjected.

Hon. Tom Stephens: He is doing a better job than you will ever do in this place.

The CHAIRMAN: Order! You should confine your remarks to the amendment and I ask members to listen to the Leader of the Opposition in silence.

Hon. G. E. MASTERS: Two members opposite have said by interjection tonight that the police should not be involved when there are standover tactics in the workplace. The ALP State Conference and the TLC have both said that the Criminal Code should not apply where there is industrial disputation. That is what I understand them to have said, and I have not heard anyone opposite interjecting to correct me. But if the police cannot be involved, if the Criminal Code cannot be applied—as these members opposite have suggested—and if part VIA is repealed, where on

earth is there protection for those people who for one reason or another suffer from standover tactics? What would be the situation if I were in the workplace, after the Labor Party had had its way, and Mr Bill Ethell threatened me in the company of some of his colleagues? That has happened and he and one of his colleagues have been penalised for their actions. If the Government has its way and part VIA is repealed, if the police cannot be involved—as has been suggested by members opposite tonight—if the ALP State Conference and the TLC say that the Criminal Code cannot apply, if Mr Hawke and his Federal Government repeal sections 45D and 45E of the Trade Practices Act, and should I be threatened or take a hiding on a building site, or should my family be threatened, where could I go and what could I do?

Hon. Fred McKenzie: Go home.

Hon. G. E. MASTERS: That is their attitude. A man who consistently has said that it is better for a person to be unemployed than to work for wages that are below the award tells me that I should go home. He is prepared to allow union men to go onto a building site and tell the workers, "If you don't do what you are told, you won't have a job". To hell with their jobs.

This is a very important issue. People in the workplace need some protection; they have a right to protection; and they should be given protection. Many people are in real trouble. Farmers going to the waterfront to deliver their produce are threatened and told that they cannot unload their trucks. Although the farmers have faced a great deal of pressure over the last few years, members opposite just do not give a damn. All Government members stand condemned because they do not give a damn. Members opposite are upset by what I am saying, but as it is the truth, they should just swallow hard.

If Hon. Kay Hallahan believes the police should not be involved in industrial disputation and standover in the workplace, will she say so? A deafening pause.

No doubt Mr Dans will say that part VIA, this protective provision, should be repealed because the tripartite council unanimously agreed to its removal. So it goes on. But there are literally dozens of people coming to us week in and week out saying that there is standover in the workplace and saying that people are being threatened with violence and being told that they will not get jobs anywhere else in the building industry. If part VIA is repealed, where on earth do these people go for protection?

If the Government says that it will repeal part VIA and then introduce some other protective provision which will somehow protect people, perhaps we could listen to that. But we would want to know just what protection would be provided against standover tactics in the workplace.

The Minister has said that if we can provide sufficient evidence of standover tactics in the workplace, there should be a judicial inquiry. If he recognises that there is a serious problem in the workplace, if Mr Piantadosi says it is not caused by the union leaders but by the employers, we would still like to have a judicial inquiry. We are happy to have such an inquiry to ascertain who is causing this problem. We live in a free country where people have the right to decide, the right to work, and the right to go about their business, where farmers have the right to deliver their goods to the ports, and where all sorts of small business people should be free to go about their business without interference.

We are not saying that it is only the union leaders causing the trouble. If Government members believe that there is standover by employers as well, let us have a judicial inquiry. Surely to goodness Mr Piantadosi can agree to a judicial inquiry if the pressure is being applied by the employers. We are not saying that it is being applied only by the union leaders. What we are saying is that there are standover tactics and other pressures being applied in the workplace, that people have a right to be protected, and that if part VIA is to be repealed, there should be a judicial inquiry. I am sorry if members opposite cannot agree to that.

If the Government is not prepared to countenance any measures which protect people in the workplace, we in the Opposition will have to stand firm and say, "Until the Government gives some undertaking and a clear assurance to us and those people outside in the workplace who are suffering from the standover tactics and threats, until it can give a clear assurance that these people will receive some relief, then we will stand firm and say that Part VIA of the Act should be retained until the Government conducts a judicial inquiry, perhaps a Royal Commission, into this problem". Whatever the result of such an inquiry, it would be accepted by the Opposition. We would try to ascertain what we could do to protect people if the inquiry reported that people in the workplace were receiving rough and tough treatment from whatever source, and not just from union leaders.

Surely the Government cannot deny that there is a need for a judicial inquiry. After such an inquiry we might find it necessary to change part VIA of the Act or perhaps to repeal it. Perhaps the inquiry would find there was no pressure being applied to people in the workplace, although I

doubt that. Mr Piantadosi says that there is a lot of pressure.

From Hon. Garry Kelly's interjections it is apparent that he should go out to some of these work sites and talk to the people there. Obviously he has not bothered to do that. He should speak to people in the farming communities who have experienced these problems. If he has any doubts about this sort of thing happening, I am prepared to take him along and show him. Hon. Kay Hallahan is now showing that she does not pay much attention to what is happening. I am prepared to take her to some of these places tomorrow to let her learn what has been taking place.

I urge members on my side to very strongly oppose the repeal of part VIA until the Government agrees to hold a judicial inquiry or puts forward some other proposal that will protect people in the workplace.

This amendment deals with two issues and the second is the Government's proposition that where people choose not to join a union, they can pay the equivalent union subscription to Treasury and receive a certificate from the registrar showing that they paid the money and are therefore exempted and can go about the workplace without a union ticket.

The amendment is related directly to the preference clause and with the preference clause just defeated, there is no point in having this provision unless the Government is deciding on another course of action. That course of action is that everyone in the workplace who is not a union member must pay a sum of money to the Treasury.

In another place the Minister suggested that people who are not members of a particular union should pay an equivalent sum of money to the Treasury, and he did not mean just those people in the preference area. I suggest members should read the Minister's comments. I say to members on my side of the House, "Say no" when appropriate, so that Part VIA is retained and there is protection in the workplace. People who do not wish to join a union should not suffer a penalty because of that provision.

Hon. D. K. DANS: I have heard the same speech from Mr Masters on so many occasions that I could recite it quite easily. The repeal of Part VIA has the unanimous support of the tripartite council. Its provisions have never been used, and have never had any support from employer or employee organisations since it was forced on the community by the previous Government in 1982. The provision was rammed through Parliament, without any consultation with employer or employee organisations.

This is one of Mr Masters' hobby-horses—union bashing. He uses extreme examples all the time. What is the reality of the situation? Since Part VIA has been in existence since 1982, half-a-dozen written complaints have been made to the industrial inspectorate. However, all complaints were withdrawn by the complainants, and therefore, no action on Part VIA has ever been taken. It has never been taken, because Mr Masters and his mates framed Part VIA as a means of stirring up union strife so that the Liberal Party could make a recovery before the last election. That is the sum total of Part VIA. This part has not had one shred of support from employer or employee organisations; it has never been used, and it is not likely to be used. There are strong feelings that if it were used successfully it would be challenged in the High Court.

In 1982 Mr Masters consulted no-one. No-one wanted Part VIA and no-one has used it. Mr Masters changes the phantoms of his imagination most of the time, when talking about standover tactics in the workplace.

Hon. G. E. Masters: Are you saying it is not happening?

Hon. D. K. DANS: He spoke about a judicial inquiry. Those people are immoral.

Several members interjected.

Hon. P. G. Pendal: Are you saying it is not happening?

Several members interjected.

Hon. D. K. DANS: Go home, you lunatic!

Let me give members the facts. "No union thugs, said police". There is the headline. I said in this Chamber that we would always have complaints investigated by the police; the same complaints the Leader of the Opposition has trotted out here tonight. They were all investigated by senior police officers. Let me read them—

> Building industries, accused of blackmail and coercion by the State Opposition have been cleared by the police after two months of CIB investigation.

Hon. G. E. Masters: What date is that?

Hon. D. K. DANS: It is 7 and 8 September 1984, and it appeared in *The Western Mail*. To continue—

> Police Commissioner John Porter said allegations by Opposition Leader Bill Hassell and Liberal front bencher Richard Court had failed to uncover any criminal activity.

Hon. G. E. Masters: I thought there was one.

Several members interjected.

Hon. D. K. DANS: What I have been saying all along is this: Let us look at how the building industry is working under this Government. I have figures on industrial disputation. Mr Masters talked about telexes coming into my office—we are so efficient that an investigation was launched half-an-hour after a telex was received. To continue—

> In the period since 1984 every day working conditions of the Western Australian building industry continued to improve. The housing sector continued to experience buoyant levels of activity towards the end of September. However, there were signs of stabilisation in house building activities by the private sector.

Several members interjected.

The CHAIRMAN: Order! I will not continue to put up with the interjections and conversations from the backbenchers, particularly when they are not taking part in the debate but having their own private arguments. I warn the members concerned.

Hon. D. K. DANS: Let me continue—

> Helping to maintain the momentum which may be lost in the private sector with the expanding building programme of the State Government which appears to be committed to economic goals of a healthy building activity and social goals increasing accommodation to disadvantaged community groups.

That is not a Liberal Party publication. That is not a phantom of Mr Masters' imagination; that is from the Master Builders' Association. To continue—

> Rather than simply provide funds for less productive public building as a means of stimulating this sector, both the Federal and State Government are intent on creating an environment where the public sector has the confidence to increase its own investments in commercial projects.

That is why this Government is doing so well and why the Opposition reverts to its old tub-thumping exercise of union standovers. Senior officers of the CIB could not find it.

Let us consider what Mr Masters refers to as some kind of dispute between Fred McKenzie and me because we do not believe in the police interfering in legitimate industrial activity in respect of claims. During the 1982 debate I said that where there were threats, blackmail, and coercion, these were not legitimate actions and people are protected by the law. I said any persons affected should take immediate legal action. I reiterate what I said in 1982: I support such legal action no matter who has taken it. If the existing provisions were not adequate, the previous Government could have taken action to amend the relevant law, and it did not. My colleague, the Attorney General, made this point very clearly, in the 1982 debate. We already have legislation outside the industrial areas which is directed towards punishing that sort of thing. We have that and the criminal law. If the existing provisions are inadequate we should amend the legislation.

What Mr Masters is tub-thumping about is that in 1982 he introduced legislation without any consultation whatsoever with employers or employees. It was the most widely criticised legislation of all time. It is now 1984; written complaints have been made and have been withdrawn. Our policy is for the prevention and settlement of all industrial disputes. We are doing very well in that direction.

I quoted tonight the increase in economic activity and job opportunities. If anyone wishes to read the Master Builders' Association document, it is there to be read, so members can understand how much coercion and standover tactics exist in the workplace.

What Mr Masters cannot get into his head is that there are employers who want to break awards and agreements, and when workers have the temerity to defend their living standards and working conditions, he calls that standover tactics in the workplace. That is not unrelated to voluntary contracts because that is the mentality of the present Opposition in this State. One of these days the message will be received by the Opposition that Queen Victoria is dead and the heliograph has been replaced by the telegraph.

The Opposition has the numbers to do things in this place, but we have the vast majority of the people outside behind us because of the job we are doing. The Labor Party is doing that job correctly, not only in this State, but over the length and breadth of this country.

I have had a look at some of the things Mr Masters said previously; they are a reiteration of what he has said tonight to support his claims for the introduction of the draconian part VIA. He made the same types of unsubstantiated allegations as the Leader of the Opposition made in May 1984.

In 1982, no legal action resulted from the so-called intimidation, extortion, and standover tactics that the Liberal Party claimed were occurring. It was a sickening fabrication to justify draconian legislation that no-one supported. In May 1984 the complaints made by Mr Hassell were referred to the police. On 8 July 1984, the Commissioner of

Police said that investigations of allegations by Opposition Leader Hassell and frontbencher Richard Court had failed to uncover any illegal activity. Why does the Opposition not call the Commissioner of Police a liar.

Hon. P. G. Pendal: A whitewash!

Hon. D. K. DANS: Is Mr Pendal saying that the Commissioner of Police whitewashed?

Hon. P. G. Pendal: That is not what I said.

Hon. D. K. DANS: Mr Pendal did say that. He said the Commissioner of Police had whitewashed.

Hon. P. G. Pendal: You are demented.

Hon. D. K. DANS: I know who is demented. Mr Pendal runs away when he is cornered all the time. I think that is a slur on the Western Australia Police Force and on the senior officers of the CIB who conducted the investigation.

Hon. P. G. Pendal: I said you whitewashed.

Hon. D. K. DANS: I know what Mr Pendal said. He does not like it. Why does Mr Pendal not say that the MBA has whitewashed? Why does he not say that Harvey McLeod has whitewashed for the Government? I think we have a good Police Force and evidently Mr Pendal does not.

Hon. G. E. Masters: I think they have different ideas about you at the moment.

Hon. D. K. DANS: I am not so sure about that.

Subsequent charges brought against a member had nothing to do with part VIA and Mr Masters knows that. It gave persons who are subjected to intimidation, threats, violence, or interference in contracts, the availability of legal action, either through their common law rights or through the rights granted under the laws of this Parliament.

In relation to the Geraldton case, I made an offer to the Opposition in this Parliament to go to see the man concerned. I journeyed to Geraldton to see him. That offer was not taken up by the Opposition. However, the Government pursued it through the good offices of the Western Australian Police Force. It is a borderline case. I do not want to pre-empt anything that is before the courts, but all those things were done. Part VIA has never been used.

I well remember a very well-known mining man in this country saying that it is the most stupid legislation that has ever been introduced into any Parliament in the Commonwealth. He said that if for any reason he had one member in his company who was not a union man, and he had 2 000 people working at the site he was referring to, 1 999 of that workforce would go down the shaft and the other fellow would stay on top.

When we spoke to the mining companies, the confederation, and other organisations involved, they could not believe that any Government in its right mind would institute such a draconian law. That is why it has not been removed and that is why this Government seeks to remove it. It is an irritant.

If I could find someone who supported part VIA, I would listen. But I have never been able to produce one employer of any significance who does. This is a figment of the imagination of the Leader of the Opposition. This matter has been stirred up to raise disputes in support of the Opposition's electoral prospects. It has failed miserably.

Part VIA has never been used because no-one wants to use it. It can remain in the legislation, but it will not be used in the future as it has not been used in the past.

Mr Masters does not seem to be able to get it into his colleagues' heads that the whole tenor of industrial legislation is for the prevention and settlement of disputes, not for the promotion of disputes.

Hon. Garry Kelly: That is what he wants.

Hon. D. K. DANS: That is right. When people legally complain about their working conditions, that is considered to be some kind of unpatriotic action which should be heavily punished at law. We do not go along with that. I said a little while ago, when pointing out the duplicity of the Opposition, that that might be the Opposition's stand. It has the numbers to carry that stand, but it is not the Government's stand. Our stand against part VIA is supported by every major employer organisation in this State. They know it is a bad law and never likely to succeed. If a Government stirs up the great mass of the people against it, no law of the land will stop them taking action. If the Opposition is stupid enough--I am sure it is—to want to retain Part VIA, so be it. The Government has warned it as we warned the previous Government when we were in Opposition. We have introduced legislation to make the settlement of industrial disputes easier.

The Opposition should trot forward its evidence from the employer organisations which have told it to retain part VIA. I will be pleased to go along to those organisations and say that we tried very hard to alter the legislation to give them some relief from the fear of that section, but the Opposition was not capable of grasping the nettle and coming to the party.

We are implacably opposed to the retention of part VIA and we will not change our stance.

Hon. MARGARET McALEER: I wish to refer to the Geraldton matter raised by Mr Dans. On a

number of occasions in past months Mr Dans has raised the Geraldton matter and said that the Opposition had failed to take up his offer to journey to Geraldton. In fact, when Parliament rose, after Mr Dans had made the offer, I rang Hon. Des Dans and he was kind enough to speak to me from his home. I mentioned his offer to go to Geraldton and he said that that would be okay, but he certainly did not mean the next day. I understood we would wait for some time.

In the meantime, as Mr Dans quite properly says, he had asked the police to investigate, and they began their investigation very promptly. My opinion was that while the police were investigating—and this took some months—it was not appropriate to ask Mr Dans to meet the man in question, and that is why the offer was not taken up. I feel that Mr Dans knows this.

Question put and a division taken, with the following result—

Ayes 11

Hon. J. M. Berinson	Hon. Garry Kelly
Hon. J. M. Brown	Hon. Mark Nevill
Hon. D. K. Dans	Hon. S. M. Piantadosi
Hon. Graham Edwards	Hon. Tom Stephens
Hon. Lyla Elliott	Hon. Fred McKenzie
Hon. Kay Hallahan	*(Teller)*

Noes 16

Hon. C. J. Bell	Hon. I. G. Medcalf
Hon. V. J. Ferry	Hon. N. F. Moore
Hon. Tom Knight	Hon. Neil Oliver
Hon. A. A. Lewis	Hon. P. G. Pendal
Hon. P. H. Lockyer	Hon. I. G. Pratt
Hon. G. C. MacKinnon	Hon. W. N. Stretch
Hon. G. E. Masters	Hon. P. H. Wells
Hon. Tom McNeil	Hon. Margaret McAleer
	(Teller)

Pairs

Ayes	Noes
Hon. Robert Hetherington	Hon. John Williams
Hon. Peter Dowding	Hon. H. W. Gayfer

Question thus negatived; the Assembly's amendment not agreed to.

Report, etc.

Resolutions reported and the report adopted.

A committee consisting of Hon. V. J. Ferry, Hon. I. G. Medcalf, and Hon. G. E. Masters (Leader of the Opposition) was appointed to draw up reasons for not agreeing with certain amendments made by the Assembly.

INDUSTRIAL ARBITRATION AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from 31 October.

HON. G. E. MASTERS (West—Leader of the Opposition) [10.36 p.m.]: The Opposition will not oppose this Bill. It appears to maintain present relativity and levels of salaries for commission members; all members of the commission will have the same conditions of service. Under the legislation it is proposed that salaries will be set by Statute. The Minister's second reading speech did not give sufficient explanation for that provision, and I ask why the Government made that decision. It is suggested that certain other matters be considered; for example, that entitlements, allowances, and reimbursements to the senior commissioner and ordinary commissioners be approved by the Governor. I ask the Minister the reason for that. If the salaries are to be set by Statute, surely the other allowances, entitlements, and reimbursements should be set by Statute? I think that is the case as far as the Chief Industrial Commissioner and District Court judges are concerned. If that is not the case, perhaps the Minister could explain the situation.

The various levels of salaries and allowances for commissioners have been set relative to that of District Court judges. Has this been done in a manner consistent with the level of duties of each commission member, or has the only consideration been to maintain current relativities and to ensure independence of commission members from salary manipulation by a Government? I query whether the reason for setting the salaries by Statute is to avoid any suggestion of manipulation. Mr Dans appears to be suggesting that the commissioners should be free from that pressure or the threat of a reduction in salary. I ask him to indicate in his response if that is the case. We have no opposition to the proposal and, if the Minister can satisfy those questions, I will not be speaking at length during the Committee stage.

HON. D. K. DANS (South Metropolitan—Minister for Industrial Relations) [10.40 p.m.]: The questions asked by the Leader of the Opposition are probably better answered at the Committee stage, but I will deal with his general questions now. I am advised as follows—

> The salaries, allowances and reimbursements are now to be set down in the Act, rather than be determined by the salaries and allowances tribunal. The chief commissioners salaries and allowances are currently set at the special 3 level scale for senior public servants.
>
> The commission is a court record having both judicial and arbitral functions. It is as important in this jurisdiction as in others that the appearance as well as the reality of the tribunal's independence be secured. It has been decided that this can appropriately be done by linking the salaries allowances and

reimbursements of members of the commission with those applicable to members of the judiciary. This is already the case with the president of the commission whose emoluments are related to those of a judge of the supreme court. The chief commissioner's present salary and allowances are almost the same as those of a district court judge and it is convenient to link his emoluments with those of a judge at that level.

The present relationship of salaries allowances and reimbursements between the chief commissioner, senior commissioner and other commissioners has been retained.

The implementation of the foregoing changes could bring about a reduction in the salary component of the emoluments to the commissioner and to avoid this possibility provision has been made to prevent this.

I think that has now changed. My information continues—

The linking of salaries of members of the commission with those of the judiciary is supported by the fact that—

(i) it is the basis followed in the case of members of the Australian conciliation and arbitration commission and also in the case of members of the Queensland Commission.

(ii) many of the functions of the members of the commission are judicial to nature.

The presidents salary, allowances and reimbursements remains tied to that of a supreme court judge. However all other conditions of employment will be as for all other members of the commission. Previously the presidents conditions (leave of absence and superannuation) were related to judges conditions. The interim tripartite committee recommended that conditions of employment be the same for all members of the commission. This is also in line with the proposed removal of the legalistic status and style accorded to the position of president. This is in accord with the interim tripartite committee recommendation to reduce the legalism surrounding the commission.

The interim tripartite committee in 1983 recommended that the basis for setting salaries and allowances be left for Government consideration.

I do not need go past that point. That answers the questions of the Leader of the Opposition. In other words, the amount will be set by the Government rather than by the Salaries and Allowances Tribunal. We cannot interfere with it if it is tied up and not subject to the influence of the Minister.

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 Hon. D. K. Dans (Minister for Industrial Relations), and passed.

SPORT AND RECREATION ACTIVITIES

Report of Select Committee

HON. TOM McNEIL (Upper West) [10.44 p.m.]: I seek leave of the House to present a report from the Select Committee on Sport and Recreation.

Leave granted.

Hon. TOM McNEIL: I present the report of the Select Committee into sport and recreation activities in Western Australia, and I move—

That the report, together with the evidence, be received, and that the report be printed.

Question put and passed.

The documents were tabled (see paper No. 309).

RURAL AND INDUSTRIES BANK AMENDMENT BILL

Second Reading

Debate resumed from 30 October.

HON. MARGARET McALEER (Upper West) [10.45 p.m.]: The Opposition does not oppose this Bill, which contains a number of amendments to the Act. The Opposition supports without reservation the amendment which abolishes the need for a special Treasury account for bank funds, a provision which, I understand, was inherited from the old Agricultural Bank and which has proved impractical for the R & I Bank from its establishment.

The old Agricultural Bank was not a bank in the ordinary sense, but rather a mortgage lender. I suppose it was quite possible for it to put all of the money belonging to it into Treasury and then draw the money it required for administration and to conduct its business. However, the mind rather boggles at the idea of a general banking business being obliged to do as the law required, and to follow such a procedure.

We also support the removal of the obligation to pay to Treasury half the realised capital profits, an amount which the Auditor General has ruled should be included in net profits, half of which must be paid to Treasury. The Minister drew the analogy of a capital gains tax, and he suggested that as commercial enterprises are not required, generally speaking, to pay a capital gains tax on the sale of assets, this amendment will place the bank in a similar position.

However, it is worth noting that the R & I Bank is not permitted to retain all the capital profits without special permission of the Treasurer; nor can it necessarily expect to be allowed to retain the whole of the sum of any transaction. In effect, the Treasurer wants to vet every transaction; and the bank will not have the free use of the profits on the sale of assets, whether they be land, improved properties, or other capital assets. This reservation of discretion or authority by the Government points to a very real control which the Government of the day exercises over the bank through the Rural and Industries Bank Act; and it raises the question as to how much authority the bank will have in disposing of its proposed capital stock.

The need for some device to build up the bank's capital base is not contested if it is to conform to the Commonwealth banking guidelines. In the last year alone, the bank's business operations have been very successful. It has acquired enough new depositors and lent enough additional money to increase its business by 30 per cent. Instead of an increase of capital from its own reserves, in the absence of the injection of funds from the Government, this has meant that the proportion of capital to assets has fallen. In fact, that Government has not provided the bank with any significant funds for the last 10 years; and it is not practical, and perhaps not desirable, for it to do so.

The bank's position at the end of this year was that the proportion of capital to assets was 1:23 instead of the 1:20 ratio recommended by the Commonwealth. The bank's continued success can only mean that this ratio will become more unfavourable unless some outside source of funds can be found. The device which has been chosen is the creation and issue of capital stock, a device which will allow those who take it up to participate in profits, but will not carry any dividends. The stock will carry no commitment to interest or dividends.

The PRESIDENT: Order! There is far too much audible conversation in the Chamber. I can see that the Attorney General is indicating that he is having difficulty hearing the honourable member. If honourable members ceased their audible conversation, that would facilitate everybody's enjoyment of the speech.

Hon. MARGARET McALEER: If there are no profits, there will be no dividends. The stock will not be redeemable in ordinary circumstances but it can be sold on the market.

In his second reading speech the Minister, by way of amplification, said the bank would negotiate a placement of stock with one or more of the Western Australian statutory authorities with responsibility for making investments. So it would appear that, while the Government is not making money available to the bank directly, it is encouraging or allowing it to seek money from Government sources. One must wonder what the implications are.

On the face of it, the proposed capital stock would be an attractive investment for "outside" investors. Although it will not carry the same rights as shares do, it is investment in bank, and in a State-backed bank at that, which would seem to promise a reasonable return with minimal risk. One wonders again why the Government wants statutory authorities to invest in the bank. Is it simply to cream off the stock for itself or will it make the transaction easier or simpler for the bank because it is of the in-house kind? What objection could the bank, if not the Government, have to issuing stock to corporations or indeed individuals without going further and making a public issue? Or, on the contrary is it thought that the limitations of no control, dividends only from profits, and capital stock liabilities to rank after all other liabilities will in fact deter institutional and private investors? It would be interesting to know whether it is the Government's choice or the bank's to seek first of all the statutory authorities.

What we know of this we learn from the Minister's second reading speech. The Bill itself is not precise and is lacking in detail. Under proposed section 29A(2), capital stock is to be issued, transferred, and dealt with on such terms as may be prescribed by regulations. The amount of capital to be raised, provision for different issues of stock, and the terms and conditions are all made the subject of future regulations.

While one would not wish to hamstring the bank by having everything spelt out in the Bill, and while one must agree that a certain flexibility of action is necessary, it would be more reassuring to have more detail from the Minister.

Other amendments in the Bill deal with the savings bank operations. Sections 65C to 65R and sections 65T and 65U are repealed and a general power to control savings bank operations by regulation is substituted in proposed section 65C which contains a detailed list of the matters which may be prescribed by regulation. Part of the purpose of

this amendment, as I understand it, is to free the bank from some outmoded practices such as not accepting accounts from trading companies. At the same time, it is desired to give it flexibility in the future and to allow the bank to tune its operations to more innovative and wide-ranging savings bank business. The Minister has suggested or implied that the bank is currently hampered in its savings bank business. While this may be so, it is certainly not readily apparent. Other national trading banks would be quick to point out that the R & I starts with a tremendous advantage over them in that it does not have to keep large special funds with the Commonwealth Reserve Bank at nominal interest, although I believe the R & I does have some funds in Commonwealth securities.

The bank's annual report points out with satisfaction that it has 547 conveniently located savings bank agencies in addition to 86 R & I branches in Western Australia, as well as 26 sub-branches and part-time offices. One of the highlights of the bank's deposit growth in the past year was the attainment of $500 million in savings bank deposits. New housing loan approvals which operate through the savings bank total $158.3 million, an increase of 40.3 per cent from the previous year.

I would be interested to hear from the Minister in what particular way the bank may expect to benefit from this amendment and how serious the constraints have been up to the present.

Finally, I would briefly like to refer to the first amendment which in the long title alters the Government's guarantee for "any" indebtedness of the bank to "certain" indebtedness. This has not been referred to by the Minister in his second reading speech, and one is left wondering as to its significance. Is the State bank no longer to be backed by an absolute Government guarantee?

In the light of the later amendment which specifically provides for a Government guarantee of "capital stock" in certain circumstances, one is left wondering what indebtedness in the past and in the future is not to be guaranteed by the Government.

While the amendments proposed seem designed to allow the bank to operate in a normal competitive way there is a lack of detailed explanation in the Minister's second reading speech and a vagueness in the Bill due to the heavy reliance on regulation which makes one wonder if the Government sees the bank's role as being equal or similar to that of the national trading banks, or whether it is seeking some other advantage for the bank which it has failed to specify.

It is the Opposition's wish that the R & I Bank should continue to succeed in what is becoming an increasingly competitive field, and we support the Bill.

HON. P. H. LOCKYER (Lower North) [10.56 p.m.]: I have taken a particular interest in the R & I Bank over a number of years. I believe it is important to the House that it should be aware of the history of the bank.

The R & I Bank was set up prior to the 1950s to give assistance mainly to farmers after the war years in order to set themselves up in their farming organisations. The bank was almost entirely used by the rural sector at that time. A lot has happened since the first Act was brought to Parliament in 1944. While I support the amendments, it is regrettable and I am disappointed that the Government did not go further because the Act has only been amended twice, I understand, since the early 1950s and it has got behind considerably in some of its forms.

Members will know that I placed an amendment on the notice paper which I had hoped to bring to the attention of the Chamber in the Committee stage. Regrettably my advice from people or more importance in this House than myself is such that I find I am unable to proceed due to a technicality inasmuch as the amendment in fact has nothing to do with that which the Government has before the House. Had I been a member of another place it is possible I could have proceeded. However an analysis of Odgers and Erskine May makes it clear that the decision given to me is correct. For that reason I would like to bring to the Government's attention the substance of my proposed amendment in the hope that it might reconsider the matter when it is dealing with the Rural and Industries Bank Act in the future.

The bank has always had five commissioners, four of whom come from within the bank, and one of whom is appointed as a representative of the State Government, usually the Under Treasurer or his deputy.

The Rural and Industries Bank of WA has come a long way since its inauguration and it is time it is placed on a far more important level, especially because of the volume of business it transacts throughout the State. We heard my colleague, Hon. Margaret McAleer, very eloquently referring to the number of branches or agencies available to Western Australians; and it is quite obvious that the bank has come a long way since its initial formation for the assistance of the rural sector.

Many people from all walks of life currently take advantage of the bank's facilities and very

attractive interest rates in an extremely competitive area, as my colleague has already pointed out. For that reason, I hope the Minister will give some consideration to increasing the number of commissioners, currently five, by an additional four part-time commissioners. To my knowledge, no other bank in Australia with the amount of capital involved as has the Rural and Industries Bank of WA currently, has so few board members or commissioners running it.

Western Australia should keep up with the times. No private bank would ever consider running a bank with four people from within that organisation and one appointed person from outside it. I specifically stated in my amendment, which unfortunately cannot be put to the House, that the four part-time commissioners should be experienced in commerce, agriculture, industry, or law, because it is very important that the private sector has some say in the policy decisions made by the bank.

I am not concerned with the day-to-day decisions of the bank because that is a job for its internal management. It is high time consideration was given to amendments such as mine. I am not able to put my amendment during the Committee stage, but I give notice that in the coming months of Parliament I will bring my amendment to Parliament by way of a private member's Bill. I urge the Government, when I do so, not to treat my private member's Bill as so many private member's Bills are treated when they are put up by Oppositions to Governments. I am not reflecting on this or the previous Government. I would not like to see the legislation fall off the bottom of the Notice Paper. I make that observation in all seriousness because I believe this amendment should be accepted. By way of courtesy, I gave the Minister concerned a copy of my proposed amendment and explanatory notes prior to my even putting them on the Notice Paper. He gave me great assurances. I know the Minister concerned is well aware of my sincerity in making this point.

It is very important to the private sector that some outside assistance to the commissioners is brought in for the betterment of the banking industry in this State. Hon. Margaret McAleer made it very clear that the banking industry was the most competitive section of industry currently in Australia and it is about to expand because the Federal Government has already made it quite clear that it will allow some foreign banks into the country. This is probably a very good thing.

It is important that we prop up our State bank and give it every opportunity to compete in the marketplace. I make it quite clear that I have every confidence in the present commissioners. They have done a first class job and their annual reports speak for themselves. The Rural and Industries Bank of WA is in A-grade shape. Many people who have housing, commercial, and personal loans with that bank will agree with me.

The time has arrived for change. It is important, if we are to look at the bank's future in the years ahead in this State, having regard for competition, that we should look at expanding the number of commissioners.

If the Government agrees to my amendment, in due course the Act will need a bit of tidying up because some consequential amendments need to be made. Perhaps the Minister might like to indicate that the entire Act needs a thorough review. He may have already done this, but I have been closely looking at the sections concerned with commissioners.

By and large, I support the Bill. It is a step in the right direction. I am sorry that the House will not benefit from the opportunity to discuss my amendments further.

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [11.06 p.m.]: This is another one of those happy occasions—it is not even one of those rare happy occasions—when there is little disagreement on a measure before the House. Together with the members who have spoken in this debate, I support the view that the Rural and Industries Bank of WA is a very important institution in this State. It is a financial institution of very high standing and is one which is performing an important service to the State in looking to our special interests.

Hon. Margaret McAleer raised a number of questions related to capital stock. She asked, among other things, whether there was to be some disadvantage in this form of investment so far as investors are concerned, and whether that perhaps might explain the emphasis in the second reading speech on the potential investment by State instrumentalities. Members, particularly those on the other side of the House, will be aware that by arrangement with the Premier and Treasurer, a number of Opposition members had the opportunity of a very detailed discussion on this Bill with a commissioner of the bank, Mr W. J. Phillips. Perhaps it might help if I were to quote some short passages from a memo by Mr Phillips on the nature of those discussions. Some short passages which relate directly to Hon. Margaret McAleer's queries include the following—

> I imformed him that there was no intention to impose a low interest earning investment on any investor but rather the stock should

provide a fair and adequate return on funds which would rate it a desirable investment.

I expressed the opinion that the suggestion that stock be placed with a statutory authority highlighted the bank's desire to place the stock in one amount rather than have the investment spread over several institutions or issued to the public. The latter two options could be canvassed as and when appropriate.

That represents the view of the bank. It may be taken in one way, I suppose, as looking for the easy way out so as to avoid a competitive market. It could, on the other hand, be looking to a measure of speed, ease, and economy in the raising of funds which would be achieved by avoiding the need to go to the market and to pay agents' commissions, advertising costs, and expenses of that nature. In any event, those passages summarise very clearly, firstly, that the bank's own interest has led to the emphasis on investment by State instrumentalities and, secondly, the assurance by the bank that it proposes to make capital stock a desirable form of investment and to provide competitive and fair rates of return to the institutions dealing with it.

Miss McAleer also asked for an impression of the Government's approach to the bank. As I recall, she asked whether we see this as equivalent to a commercial banking operation or as an institution in some way privileged beyond that point. I think that in its approach to all its trading and commercial enterprises, the Government has made clear that it is looking for ordinary commercial standards to apply. We have been concerned about that in this case as well, and indeed the main amendments provided by this Bill are not directed to providing the bank with any advantage over commercial banks, but to the removal of the disadvantage which it currently suffers as compared with commercial institutions. That would apply, for example, to the expansion of its borrowing capacity by way of capital stock and it applies also to its proposed ability to treat capital gains as a means of building up its capital in the way that a commercial enterprise, which is subject to company tax, would be able to do.

Having agreed with almost everything that Miss McAleer said, I move on to agree with almost everything Mr Lockyer said.

In particular, I am bound to agree with Hon. Phil Lockyer's overriding impression that the Rural and Industries Bank Act is quite ripe for revamping. I confess that not having the direct responsibility for this piece of legislation, I have not spent all that many sleepless nights perusing it and looking into its intricacies, but even a short reading of it, in the course of trying to fit in the amendments provided by this Bill, really dealt up some quaint and antiquated, not to mention some astonishing provisions.

One provision which particularly caught my eye as a perennial borrower was section 51. It is an interesting section and the side note indicates it relates to persons to whom loans may be made. It reads as follows—

(1) Subject to this Act the persons to whom the Commissioners may make loans under this division shall be persons—

Further on it reads—

(b) Who require financial assistance to enable them to engage or to continue to engage in rural industry, or in any other industry, or for any other purpose approved by the Commissioners.

In short what it is saying is that the commissioners may make loans. That could be said in four words instead of in several paragraphs.

Hon. P. H. Lockyer: What about the section that gives preference to people in the 1914-18 War?

Hon. J. M. BERINSON: As the honourable member would know since the amendment I drafted for him made that point, we were looking to take advantage of his amendment to include a further amendment to remove the preference in employment to veterans of the 1914-18 War. Our intention to remove that provision from the Bill was not with any disrespect to the old diggers, but simply an indication of how long it is since the Bill has been looked at!

Section 52 is also quaint in that it suggests that people who engage in rural industry will be referred to as settlers and people engaged in industry are to be referred to as manufacturers. I give these examples to indicate my agreement with Hon. Phil Lockyer. This Bill does need looking at.

The matters to which I have referred are only matters of form and when it is all said and done they do not matter all that much. However, there are also matters of substance that are important and obviously have not been looked at since time immemorial. The honourable member does a service by drawing attention to them.

The honourable member will know from my indications to him that the Government would not have been adverse to an amendment somewhere along the line of his own suggestion for an extension of commissioners to bring in members from outside the bank who are engaged in other areas of industry, commerce, and so on. Since he is not proceeding with that amendment there is not

much that can be done at the moment. Certainly if an opportunity does arise to give some more comprehensive attention to the Bill, I will ensure that the responsible Minister has that suggestion in mind.

I think Miss McAleer raised one other point dealing with clause 3 of the Bill. This clause will amend the long title of the Act by replacing the words "any indebtedness" with the words "certain indebtedness".

I will not go into a dissertation about the limited effect of a change to a long title of a Bill. I think in real terms, even given our recent changes to the Interpretation Act that the terminology in the long term is of limited practical significance. However, I can assure the honourable member that there is no suggestion in this amendment that the Government intends to limit the support that is now available to the bank by way of Government guarantee.

What I think the proposed terminology will do will be to more accurately reflect what is in the Bill. As I understand it the Bill does not give an open guarantee to any dealings or any transactions at all in which the bank may engage. There are specific situations in which a Government guarantee is called on. For example, I refer to section 31(2) of the Act which states as follows—

> Due repayment of all money borrowed pursuant to section 30 of this Act and the interest thereon is also hereby guaranteed by the Government of the State.

What it means is that if one lends to the bank pursuant to section 30 of the Act then one can rely on the Government guarantee. I have not had the opportunity to peruse the Act at length in order to answer the honourable member, but I suspect that elsewhere in the Act there will be other specific provisions concerning Government guarantees.

I think this amendment does nothing more than make it clear that the intention of the Act is to provide that those obligations expressly guaranteed by the Government will be guaranteed, avoiding any suggestion that the guarantee might extend to other than the authorised guaranteed areas.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Hon. D. J. Wordsworth) in the Chair; Hon. J. M. Berinson (Minister for Budget Management) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Long title amended—

Hon. MARGARET McALEER: I would like to thank the Attorney for his explanation of the words "certain indebtedness". Although I understood it in a limited way, I did not feel it quite answered the question in the sense that the State is the owner of the bank and therefore must be considered liable for all its transactions, and must in the end accept its liabilities—without the State going broke.

Hon. J. M. BERINSON: As members will understand, I am not the Minister responsible for this Bill. I do not want to pretend to be an expert in areas where I do not have the expertise, but I believe the bank is in practice supported in all respects by the Government.

Its legal position, however, and the legal position of the Government is as provided by the legislation itself, and that would be analagous to any incorporated body where the liability of shareholders, for instance, would be limited, except to the extent that their obligations were specified to go beyond the ordinary limitations of an incorporated body. I do not really think I should go beyond that point.

I conclude this part of our discussion by suggesting that I believe there is nothing in this amendment which would in any way limit the support of the Government for the bank beyond the position actually existing without this amendment. I will have that matter checked further if some correction of that position is required. I will arrange for the honourable member to be advised.

Clause put and passed.

Clauses 4 and 5 put and passed.

Clause 6: Section 29A inserted—

Hon. MARGARET McALEER: I again thank the Minister for his explanations relating to clause 6, particularly those dealing with statutory authorities. I also had the benefit of some discussion with Mr Commissioner Phillips, so I did have a general appreciation of the situation.

When Mr Phillips was explaining it to me I understood him to say that first of all corporations and institutions would be a prime target, and possibly individuals offering large amounts. As a last resort the stock market could be used. He added the bank could sell capital stock to a statutory authority to raise capital which would be an in-house deal. I did not gather from that conversation—but it was brief, of course— that the bank had a decided preference for statutory authorities over other institutions. That is the reason that I wondered why it had been decided to have statutory authorities included.

I wonder if the Minister could tell me what statutory authorities he sees as being most likely to be involved in raising this capital stock? Would it be the SGIO or the WADC? Have investigations already begun, or have preliminary negotiations taken place on this matter?

If any statutory authorities are involved, will they have any reason to change their investment portfolios. For instance would they be then in a position where they would have less money available to put on the short-term money market?

Hon. J. M. BERINSON: I have no knowledge of any discussions between the bank and potential investors, so I cannot answer that question with any authority. I can only speak in a general way to suggest that the WADC is unlikely to be one of the bodies looking to that sort of investment because it does not have the same flow of funds as other State instrumentalities. Going on my general knowledge of the investing instrumentalities I would imagine that the more likely potential depositors would be bodies like the SGIO, the MVIT, and perhaps the Superannuation Board. I must stress, though, that those organisations are not suggested by me with any authority, but simply on the basis of general knowledge as to their large flow of funds.

Clause put and passed.

Clauses 7 to 9 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon. J. M. Berinson (Minister for Budget Management) and passed.

ADJOURNMENT OF THE HOUSE: SPECIAL

HON. D. K. DANS (South Metropolitan—Leader of the House) [11.31 p.m.]: I move—

> That the House at its rising adjourn until 2.15 p.m. on Wednesday, 21 November.

Question put and passed.

ADJOURNMENT OF THE HOUSE: ORDINARY

HON. D. K. DANS (South Metropolitan—Leader of the House) [11.32 p.m.]: I move—

> That the House do now adjourn.

HON. S. M. PIANTADOSI (North Central Metropolitan) [11.33 p.m.]: Last week, during debate on the Occupational Health, Safety and Welfare Bill, it was alleged by the Opposition that certain statements that I had made threatened the passage of the Bill through the House. Those remarks concerned me, because the four speakers who led the attack on me stated throughout that I had extreme views and was seeking to have extreme legislation passed at the expense of a number of people. That prompted me to read my speech to ascertain whether I had in fact made some extreme remark that would have alarmed the Opposition. However, nowhere in my speech did I find any remark that I made which would have frightened the Opposition.

From the start it was quite clear that the Opposition had no alternative but to support the Bill. It used the excuse of my raising a few questions and providing a bit of information for the Opposition as the means to lead an attack on me and on the Bill.

In his speech, Mr Masters sounded a warning. The relevant passage reads as follows—

> We cannot bring forward legislation, regulations, and codes of practice which break down the successful programmes that have already been developed and exist under the present framework. Those programmes must be recognised and protected.

The PRESIDENT: Order! The honourable member must understand that I was not present last week, but I am finding it difficult to ascertain what he seeks to do. He cannot refer to a debate which has occurred already. I assume he intends to make an explanation about something, so I suggest he do so.

Hon. S. M. PIANTADOSI: That was the fear held by Mr Masters and I point out that I had information and proof that certain factors had taken place on several occasions. It concerned me at the time, as secretary of the union, that that practice had taken place, and I quoted two occasions where it had occurred.

The only point I made at the time was that I did not give the names of the individuals involved. This evening I am happy to provide the names of the two people involved in both incidents. The man at the Shenton Park depot, who spent two weeks in hospital after having his hand caught in a press, was Norbert Avice Demay, and the person who injured himself at the Beenyup depot and was offered six Saturdays' overtime, was Mr Colin Sheffield.

The PRESIDENT: Order! The member is returning to the debate which occurred previously and that is out of order. Under Standing Order No. 81 the member may not refer to a debate

which has taken place in the same session. I ask the member to bear that in mind when he makes his comments. He cannot refer to debate or proceedings which have taken place in the same session.

Hon. S. M. PIANTADOSI: I seek your guidance in this, Sir, because it is important. The Opposition was of the view that these practices had not taken place and it sought—

Point of Order

Hon. G. E. MASTERS: I raise a question on Standing Order No. 81. Even if it is the member's view that it is important, he is still referring to a debate that occurred a few days ago. Every reference he makes is to that debate and he is out of order.

The PRESIDENT: The honourable member knows that I have been making that point and I have asked the member not to allude to that debate. There are avenues available to the member to make a personal explanation if he seeks leave of the House, but I certainly do not want to stop the member from explaining something of which the House ought to be aware. However, he cannot debate that matter again. That matter has been debated and he cannot refer to it again. If he wants to make a personal explanation, there is a facility for him to do that.

Debate Resumed

Hon. S. M. PIANTADOSI: I will not go back over the debate, but information is available, for future reference, and I shall be happy to give it as proof to any member of this Chamber should he so desire. Inevitably the question will arise again and members should be aware of some of the difficulties which are being experienced in certain areas with those programmes in force.

It concerns me, because people will manipulate figures for their own personal gains and benefits at the expense of others. That is not the situation which anyone in this House would tolerate.

When we are debating Bills such as the Occupational Health, Safety and Welfare Bill, we need the total co-operation of all concerned. If mistakes have been made in the past and people do not want to be reminded of them—if they are a little touchy about them—they should come clean and admit where they have erred and what has happened, because only too often there is a cry for assistance or for changes to be made, especially in respect of safety, and that cry is ignored. This happened within the water supply industry, where for several months the then Government was called upon to improve the safety standards in those areas, but the call went unheeded for a long time. It fell upon deaf ears and subsequently there were two deaths in the Metropolitan Water Authority which could have been avoided. That situation should not be repeated and it is the responsibility of all here this evening to ensure that that does not occur again.

I have correspondence here sent to me by the late Bruce Robertson, who was the assistant director of operations at the Metropolitan Water Authority. In response to a letter from my office, he admitted that the things I was concerned about could happen.

Safety officers admitted at safety meetings that the board was introducing a safety competition. To enlighten members, I will refer to this document prepared by Mr Windus, the safety officer. He introduced the new IFAP-Colonial Mutual safety competition which would be run in conjunction with the authority's internal competition.

Point of Order

Hon. G. C. MacKINNON: I do not mind this debate and I am quite prepared to have some of these things levelled at me, but the debate is obviously tied to a Bill dealt with already by this House. We have not one, but five Standing Orders on page 27 of our Standing Orders book which are specifically designed to prevent this sort of debate taking place. Perhaps the Clerks could instruct the honourable member how to go about this sort of thing, and perhaps we could all take part in such a debate. Mr President, perhaps you could rule on this and give us the benefit of your judgment and indicate whether we should listen to this now.

The PRESIDENT: The honourable member apparently has raised a point of order. I presume he is asking me whether the honourable member addressing the Chair is contravening Standing Order No. 81. I am very aware of the way in which his comments are going. I have drawn his attention to the fact that he must not contravene that Standing Order. I take it that he is making general comments about a situation that existed or may still exist in a particular area. I take it that his comments are general comments although they may well be the same as comments he or someone else made in an earlier debate. I pulled him up previously because he was specifically tying his comments to that debate. While he continues in the way he has been proceeding, commenting in a general way, he is in order, but I ask the honourable member to bear those remarks in mind when he continues.

Debate (on motion) Resumed

Hon. S. M. PIANTADOSI: As I said earlier, I have in mind future legislation and I believe this information could be of benefit to members. I will continue to refer to the letter. The sewerage maintenance depots were entered as individual groups and the target for the Beenyup depot was no time lost for accidents for six months. The second point was a reduction in the frequency rate by 70 per cent for six months. They actually used the figures of 155 to 47.

They made it clear what the figures should be for the coming six months.

That disturbs me, because in setting a pattern by quoting a figure, they are heading down the track towards that malpractice I feared could happen. I certainly hope that the legislation which was passed earlier, and any future legislation, takes that into account. Safety cannot be treated as a competition. It is important that the workplace is safe.

My interest in this area is longstanding; I was interested in it long before the deaths of two workers at the Metropolitan Water Board. I made repeated requests to the then Government to look at safety in the water supply industry. I can appreciate Mr MacKinnon's being a bit touchy, because he was the Minister at the time. It is on record that I challenged him and his Government, particularly the Premier (Sir Charles Court), to come down to the workplace and look at the safety conditions faced by the workers. No-one took up my challenge. I then put the proposition that, if they were not interested in coming down and having a look for themselves, they should allow the media to have a look and produce an unbiased report. That did not receive their approval, and sadly two deaths were to follow, deaths which could have been avoided. Subsequently, safety conditions have improved generally, but the threat of the manipulation of safety figures is always present.

Only through the participation of the workers in employer-employee joint committees will we ensure safe working environments in the workplace. That cannot be achieved if we have just the employer dictating what the conditions shall be. Many people have said in the past that the employers should have the sole right to say what constitutes a safe working environment. But the responsibility for this rests on the shoulders of both employers and employees. I do not think many employers would find this concept too offensive.

I have a document here prepared several years ago on the subject of joint working committees. It is a proposal we put to the Water Board for a particular project. We gave it a trial for some six months. It involved the Point Peron pipeline project, which is now completed. This was the first instance of this new approach being tried after all that had happened. The board, to its credit, agreed to work hand in hand with its employees to ensure a safe working environment on that project.

Based on the results of that project, several joint committees were set up at various depots and work sites. The union members concerned were not irresponsible, as many people in this place would have us believe. Being very conscious of what had happened in the past to some of their colleagues, they acted very responsibly. Their only aim was to ensure that there would be no repetition of what had happened two years before when they had lost a couple of their colleagues.

There was no malice in the statement I made in attacking people. Some of the people mentioned were far removed from the scene of action so that one could not blame them for what happened. One could not level the blame at Mr MacKinnon, although he had received a personal request. That is the only point on which he can be attacked, because he did not respond to that request. If he was not supplied with the information, one can hardly hold that against him, or the gentleman he mentioned on a previous night. But some people can be named, because what the board did constituted a bribe. The engineer present was Eugene Murphy; the seniors present were Barry Sanders, Barry Proudfoot and Ken Kelsall. On the union side there was John Rodder, Mark Wheeler, Colin Sheffield, and Vic Durgutovski. The meeting took place, we had statutory declarations drawn up and we kept minutes of the meeting.

No malice was intended in what I tried to point out to the House, and in what I will continue to point out to this House when we have evidence before us that this occurs.

A statement appeared in the paper last week that I was the centre of a row and almost caused the Bill to fail.

The PRESIDENT: Order! The member is going off the fine line I established for him. I recommend that he does not refer to that debate.

Hon. S. M. PIANTADOSI: I apologise, Mr President.

Following a report in *The West Australian* last week, a number of other unions contacted me. Mr Pendal may laugh. It indicates his interest in knowledge about the matter. The practice in the authority about which I spoke occurred in other areas and people were only too happy to provide

me with the information. I stated to those people, and in this House, that I was interested. All I want to clarify to this House is where my concern lies. I will keep bringing this matter to the attention of the House: that is, health and safety in the workplace. I will not be disturbed by the manner in which the Opposition may see fit to attack me in the future, because a lot of lives are at stake and that is all that matters. Personal attacks on me by members opposite will not upset me or ruffle my feathers. I have been in the game long enough not to get upset. I think I ruffled more feathers last week. I think I got under the skin of the few people who reacted.

The PRESIDENT: Order! The member is straying again and I should not have to keep reminding him about making general statements on the state of affairs that exist in the workplace. The member cannot refer to the debate that took place last week.

Hon. S. M. PIANTADOSI: I must apologise, Sir, but I felt somewhat threatened.

Hon. G. E. Masters: The only threats to you were from your Leader.

The PRESIDENT: Order! Will the member conclude his comments.

Hon. S. M. PIANTADOSI: I am no longer worried, because the information has been provided. If members opposite are really interested in health and safety, and have any further questions, I would be only too happy to show them my work in health and safety and share my knowledge of that area.

Hon. P. H. Lockyer: Knocked down in the rush!

Hon. S. M. PIANTADOSI: I certainly hope so. What upset me last week was not the debate. Mr President, this has nothing to do with the debate. What upset me was the threats made after the debate. It was stated that if I made any comment about one of the people who attacked me, that person—Mr MacKinnon—told our Whip that if Piantadosi poured an attack on him we could kiss goodbye to any co-operation on future legislation.

Several members interjected.

Hon. S. M. PIANTADOSI: The biggest threat and standover action took place in this House. Mr MacKinnon did not say that to me. He would not talk to me for two or three days. He made the statement to Mr McKenzie, and if that is not correct, Mr MacKinnon can get up and say so.

Several members interjected.

Hon. S. M. PIANTADOSI: This is what it is all about: Blatant use of numbers again. Opposition members want to threaten and play games with people. That is what it is all about.

Several members interjected.

Hon. S. M. PIANTADOSI: I would like to hear from Mr MacKinnon. I would like him to deny what I said, because it is indeed a sad day. A poll was carried out recently about the conduct of this House and what people thought about the Opposition's use of numbers in this House.

Several members interjected.

Hon. S. M. PIANTADOSI: People know what the Opposition's actions are all about. Last week they clearly gave a further reminder to the public that they were blatantly using their numbers to knock out legislation which does not suit them or the people they represent.

HON. G. C. MacKINNON (South-West) [11.57 p.m.]: It is obvious of course that I must reply, because first of all no legislation was knocked down and there was no use of numbers.

I really do not think there is any need to spend a great amount of time on the fact that I was supposed to have issued a threat through Mr McKenzie, because Mr McKenzie would not have passed on any such statement. He would have probably told me to bag my head into place if I had made any such suggestion.

What we have had to put up with is a diatribe of innuendo. I doubt whether any of it is provable. It is the sort of thing a Minister gets every week. Mr Piantadosi was waving around some letters.

Long ago, before Mr Piantadosi thought about coming into Parliament, I was the Minister for Health in the 1960s and I used to receive many letters which were written from mental institutions. Any letters written from mental institutions have to be passed on. I had letters from people who had been in the institutions and from people who had been outside patients.

Some of the files were inches thick and every letter had to be vetted and checked. Of course no action was taken with many of these letters, but there were many letters of fanciful imagination. Some letters may have had some substance, but they were totally unprovable at law.

What Mr Piantadosi has told us is that he was party to a fraud; he was an accessory before and after the fact of fraudulent behaviour, as a union secretary, but did nothing about it. It is a very sad commentary of the situation of unionists, bearing in mind that quite a number of the unionists of that time were of ethnic origin and had difficulty understanding the niceties of the law.

According to Mr Piantadosi, he knew what was going on and took no action through the many courses open to him to expose what was fraudulent behaviour.

Hon. S. M. Piantadosi: You, as Minister, would not have a bar of it.

Hon. G. C. MacKINNON: I heard more unsubstantiated and unprovable stories about Mr Piantadosi than I did about the unions. For instance, it was quite openly claimed that he had taken a box of cockroaches and released them, and had then called the Press. That is as real a statement as half the ones he produces. I tore that allegation up and dropped it in the rubbish bin.

There were stories that Mr Piantadosi, after he won the election, pointed out to some engineers that he was now in a position to pay back a few debts. I do not really believe that either. However, that story was unsubstantiated, but is as possible of proof as any that he has.

Hon. S. M. Piantadosi: I have them in writing.

Hon. G. C. MacKINNON: One can put anything in writing. Mr Piantadosi is aware that most court cases are fought over matters that are in writing.

This matter arose out of a debate about the competitive nature of safety campaigns and the dangers inherent in that sort of competition. I ask: Was Mr Piantadosi, on his own account, a party to the covering up of those competitions because, if he has all that proof and if he has the letters, I am sure that the Statute of Limitations has not rendered them out of date even at this late stage? Let him take them to the proper authorities and try them in a court of law. He was charged as union secretary with the responsibility of caring for those men in an industrial sense.

Hon. Kay Hallahan: What was your charge as a Minister?

Hon. G. C. MacKINNON: My charge was to respond to any proper approach made to me, and he made none.

Hon. S. M. Piantadosi: Through the media. What about the letters? I challenged him publicly and he has no guts.

Hon. G. C. MacKINNON: From my early incumbencies of ministerial positions, I have been running a love affair with the Press. But never did we get that close to each other that I took my advice in my actions from the pages of the daily newspaper.

Mr Piantadosi was a properly recognised official. He was treated as such by departmental officers and was under instruction to be so treated. He had access to the proper authorities at any time. To the best of my knowledge, he never once made an approach to see me and never once brought this matter to my attention.

I suggest that he was most culpable in the discharge of his duties. If he knew, and he claims he knew; if he had evidence, and he claims he had evidence; and if he had proof; and he says in this place that he had proof, he had the right to take action for and on behalf of his men. Make no mistake, my record over the past 29 years stands for all to see. Every man in this room who knows me, and the one or two women who do not know me very well, know that I take action because action needs to be taken. I dealt with many difficult problems such as the closure of Wooroloo Hospital, the fluoridation of the water supply, the banning of the Scientologists, just to mention a few of the knottier problems taken by any Government in the last 30 years.

Hon. S. M. Piantadosi: You took no action.

Hon. G. C. MacKINNON: Murphy had a reputation of being a first-class leader of his group and a first-class morale builder.

Hon. S. M. Piantadosi: You were so far removed from the situation.

Hon. G. C. MacKINNON: Of course I was. There are lines of communication. That is why one makes sure that all lines of communication are open to people in official positions, so that when they write letters, they are received—and no letter ever got to me.

There would not have been an officer in that department who would have dared not to have passed on an official communication.

I said last week that I know the sorts of things that happen in the name of safety in a competitive situation. That is why I voiced the worries that I had. However, I never dreamed that it went so far that a union secretary would be party to a cover-up. We all know that fellows with injured legs or something of that nature are encouraged to go back to work and to get off their tails. I know that peer pressure is put on fellow workers to go back to work so that they will get a big dinner at the end of the year. That is what I was frightened about when I voiced those remarks. I never dreamed that a union secretary would be party to that. It grieves me.

Hon. Kay Hallahan: Party to what?

Hon. G. C. MacKINNON: Party to the cover-up.

Hon. Kay Hallahan: That is nonsense.

Hon. G. C. MacKINNON: I repeat for the sake of Hon. Kay Hallahan that we were told tonight that the member knows and that he had had meetings and had letters about this matter. Surely, having all those, he should have taken some action. He should not have left it until three or six

years later. Yet, he expects me to have taken action on an article in a newspaper, and do something about it. I was Minister for Works and Water Supplies for only 18 months. Maybe I had asked somebody about the newspaper article and asked whether they had received notification of it. I would have been told that they had not. I would have asked who the fellow, Mr Piantadosi, was. I will not repeat what I was told. I said at that time, "He is secretary, let us wait until he approaches us through the proper channels". He was in dereliction of his duty.

HON. P. H. LOCKYER (Lower North) [12.13 a.m.]: I do not believe that the House should adjourn until I bring to its attention some comments that I believe need to be made about the ministerial statement made today by Hon. Joe Berinson. He brought to the attention of the Parliament the steps that the Government will take in relation to the escape from prison by six prisoners last Saturday evening.

It is simply not good enough for the Minister to come into this Chamber and place in front of us the fact that a review committee will have a brief to look at this matter. Today's issue of *The West Australian* carries an article that one of those escaped prisoners allegedly has raped two women and robbed a bank, yet that sort of prisoner is allowed to wander around in a prison that is obviously of low security. Six prisoners escaped and four have not yet been caught.

In his statement the Minister said the following—

> Instructions have also been given to clear the prison yard of any material capable of improper use in any way.

I take it that means that they will lock up the ladders. The statement continues—

> The weekend escapes were made possible by the use of a shadehouse as a ladder. The superintendent's report acknowledges that all staff in the prison were aware of the existence of the shadehouse, but that there was an apparent assumption that it could not be moved because of its size and its weight of almost a tonne.

Six men soon shifted that shadehouse! I do not want to bring frivolity into this; it is a serious matter. It is not good enough for the Minister to arrange for an internal investigation. He should go to the prison and deal with some of the men in charge. Some of them should be sacked.

The armed guards should be reinstated because until they are, the Minister cannot convince me or the general public that it is safe to put these types of persons in that prison. I am not reflecting personally on the Minister, but rather stressing to the Government that it is most important that additional steps be taken as well as those proposed. Four of the escaped prisoners have not been caught and irreparable damage has been done by one of these prisoners. It is not good enough. In his ministerial statement the Minister said the armed guards were not removed for financial reasons. If they were not removed for financial reasons, they should be reinstated. Following this incident the Minister will have quite a job convincing the general public that those armed guards should not be in place. I hope that the Government will appoint a new superintendent and other staff who will safeguard the public. This is supposed to be a high security prison, not a playground.

Hon. J. M. Berinson: It is not supposed to be a high security prison, it is a medium security prison.

Hon. P. H. LOCKYER: In that case the Government should review the type of person who is in that prison.

Hon. J. M. Berinson: That is precisely what we are doing, as I mentioned in my statement.

Hon. P. H. LOCKYER: Further steps should be taken. It is simply not good enough and we could not let the ministerial statement pass without expressing the concern that is felt by the public.

HON. I. G. PRATT (Lower West) [12.14 a.m.]: I support Hon. Phil Lockyer. When the Minister made his statement today, I was inclined to move that the Council take note of the statement because I felt it should be debated. However, I decided to leave it for discussion in the adjournment debate. I comment on the reasons given for the armed guards being removed and I quote as follows—

> It is important to understand that questions of economy were incidental to the decision to remove the armed guards and that the present emphasis on their position, while understandable, ignores the complexities of the prison system.
>
> There were two main issues involved in the changes at Canning Vale Prison. The first was a conscious effort to move non-lethal perimeter security to the maximum extent possible consistent with public safety.

The prison is three miles as the crow flies from my home and, the Minister knows, as members of Parliament, we are often away from our homes at night. That means that my wife and 13-year-old daughter are often at home alone. When this facility was proposed I was a councillor at the shire of Armadale-Kelmscott, as it then was. I opposed

the construction of this facility. It happened at the time of the corridor plan when the supposed rural wedges or green belts to urban corridors were designated to preserve the quality of life. We found that they were used as dumping grounds for institutions, public conveniences, sewage farms, and prisons. I cannot understand how such things preserve the qualities of life.

Many small farmlets are dotted around this prison. When the escape took place the first thing we were warned of was that the escapees would be looking for a car; in other words, they would be stealing one. As we have been informed by Hon. Phil Lockyer, it is alleged that one of those escapees committed armed robbery and involved himself in the crime of rape. It would be a tragedy if a young wife, an older wife, a teenage daughter or such a person was unfortunate enough to be at home by herself when these prisoners attempted to steal a car from a house. What hope would that person have against this group after that mass escape? There would have been a mass rape. It is fortunate that it did not happen in this way and I was surprised to hear the interjection from Hon. Kay Hallahan. We take this matter very seriously and we regard rape as a very serious crime.

These men should not have escaped. It is too late for Mr Berinson to say that he will now review the prisoners held in this institution. He is closing the stable door after the horse has bolted. The Minister is too magnanimous in his attitude to prisoners; he should have reviewed the prisoners in this institution before he took the armed guards away.

An article in *The West Australian* today states that the guards are demanding that armed guards be placed in their previous positions. Those guards deal with these prisoners on a daily basis; they know their records and the dangers in which the public are placed if the prisoners escape. Some of the guards live on the site and some live in the local community. Therefore, they would be just as concerned for the welfare of their own wives and daughters as I am for the safety of my wife and daughter and the wives and daughters of others living in the community. I am glad the Minister intends to review the situation with regard to the type of prisoner kept at Canning Vale. It reflects badly on the Government that the review was not done before this escape occurred.

HON. J. M. BERINSON (North Central Metropolitan—Minister for Prisons) [12.18 a.m.]: I have not sought since the break-out in the weekend to minimise the seriousness of this incident and its consequences. I will not do so now. To a large extent though many of the comments that have been made by members who have spoken tend to trivialise rather than recognise the seriousness of what has happened.

Point of Order

Hon. J. G. PRATT: I ask that the words be withdrawn. I did not trivialise anything.

The PRESIDENT: There is no point of order.

Debate (on motion) Resumed

Hon. J. M. BERINSON: The way this has occurred is by perfectly familiar means. I have had the experience myself. There is nothing easier in Opposition than to find a quick and easy solution to what is in fact a very difficult and complex problem.

That is what we have in the prison system every day—a difficult and complex problem. It is the problem of dealing with 1 500 members of the population in unusual circumstances—in circumstances full of stress, tension, and antagonism to the system. The problem must be dealt with by an understanding of what is involved, and not by some easy recourse to the latest Press item.

It is no good indulging in the luxury of Opposition and coming out with phrases such as, "It's not good enough". Hon. Philip Lockyer says it is not good enough that four prisoners are still loose. Of course it is not good enough. It is not good enough that any one of them escaped, but how does it help to say, "It is not good enough"? That is no solution to the problem. It is of no help to anyone to say that it is not good enough that the management system failed on this occasion. Of course it is not good enough! Members opposite do not need to tell us that.

That is why, immediately the problem emerged, every possible action was taken. Every action that could to be taken immediately, and was sensible to be taken immediately, has been taken; and I dealt with that in my statement earlier today. The so-called roving patrols in the prison have been discontinued and replaced with regular supervision. Attention is being given to all manning requirements. Attention has been given to clearing the physical environment to ensure that the sort of advantage taken of the lapse on this occasion cannot be taken again. All of these matters were attended to immediately; but that leaves certain longer-term questions to be addressed. They will take a little time. They will not take long, but they will take a certain time to ensure that all relevant aspects of the problem which emerged with this escape are investigated properly, and that proper long-term solutions are put in place.

We have set up a committee for that purpose, and we have called on the committee to report

within three weeks on problems of perimeter security and other related measures. We have also instituted a comprehensive review of the system of assessing prisoners for placement in Canning Vale and in other prisons. That is not a simple aspect of the system, and it will not be done as quickly; but it will be done thoroughly.

Just as it is of no help to use phrases like "It's not good enough", so it is of no help to anyone to have Hon. Ian Pratt telling us that these prisoners should not have escaped. Of course they should not have escaped! The purpose of a prison system is to ensure that the prisoners do not escape. That is the purpose of every prison system, and the purpose of every prison. The purpose of every prison is to ensure that the prisoners do not escape! But name me one prison, with or without armed guards, that does not have escapes. In Fremantle Prison, with all of its armed guards, we have had two escapes in the last 12 months. In 1980 at Fremantle Prison, with all of its armed guards, there was a group escape involving four prisoners. It was not good enough. Of course it was not good enough; and of course it is true that these people should not have escaped.

The decision to remove the armed guards from Canning Vale prison was taken carefully, and not in isolation. Associated with the removal of the armed guards was the downgrading of the security status of the Canning Vale prison from low maximum security to medium security.

Hon. Ian Pratt asked if that was my decision. It was. If he is asking me if I accept responsibility for that, I do.

Hon. I. G. Pratt: Well, do the honourable thing.

Hon. J. M. BERINSON: The decision was taken on the best professional advice available to the Government. I think it was good and reliable professional advice

Everything that has emerged from the preliminary investigation of last weekend's escape—paradoxical though this may appear—confirms that the decision was correct. That emerges from the fact that the real weakness which led to escapes has been identified within the management system of the prison, and it does not relate to the perimeter security in particular. There should have been no question of these prisoners reaching the perimeter and, having reached there, of being able to scale the wall.

All attention is now being concentrated on ensuring that the security of Canning Vale prison is tightened in a way that will prevent similar occurrences of this very serious nature. A comprehensive review of the means by which prisoners are assessed is being undertaken, with a view to securing, as best we can, the placement of prisoners in that prison, and in all other prisons, appropriate to the standards of security which the prisons are designed and organised to provide.

Beyond that, very little more can be said except to urge the House to appreciate the difficult and complex problems in this area of prison management and to contribute, by all means, in some positive way to an improvement of the system if it is believed that constructive suggestions can be made. On the other hand, I urge the House equally to resist the temptation to make capital out of a very serious event which has had serious consequences and is of great concern, not only to the Government, but also the community at large.

The prison system in this State has served the community well. I am sure that, within the limits of human fallibility which apply to us all, it will continue to do so.

HON. V. J. FERRY (South-West) [12.29 a.m.]: I can understand the concern of the Minister for Prisons, and I accept his sincerity in trying to remedy a very serious and difficult situation; but the fact remains—it cannot be covered up—that the Government is extremely embarrassed at its negligence in not ensuring that prisoners are secured in detention situations.

The Attorney has just said that this review will take place and that it might be three weeks before appropriate measures are put in place to secure prisoners at Canning Vale. The Government could make an immediate move to put back the armed guards which were there since the prison came into operation. It could put the guards back to reassure the public that the Government is dinkum in its desire to secure the prisoners and to protect the public. If it wants to keep faith with the public it should put the armed guards back in place. Provision exists for them on the towers—that is what they were built for.

Prisons are designed to keep prisoners in. There will be escapes, we all know that. I guess escape is the ambition of most prisoners, certainly a lot of them. It does not excuse the Government for taking away a deterrent which protected people in

the community. They are the people who need protection. If the Government is squeamish about shooting a prisoner who is trying to escape, it is time the Government got out of the business. There are plenty in the community who have shot other people to protect themselves.

The Government is culpable, it stands condemned, and all the bluster by the Minister will not cover up that situation. The Government must take positive action to reassure the public.

Question put and passed.

House adjourned at 12.31 a.m. (Wednesday).

QUESTIONS ON NOTICE

427. *Postponed.*

GOVERNMENT INSTRUMENTALITIES

Accommodation: Purchase

430. Hon. MARGARET McALEER, to the Leader of the House representing the Minister for Works:

(1) Is it correct that the new Government offices being built by the SGIO is to cost $5 million for a three storey building when the Government could have bought a seven storey office block in the same locality for less than $3 million; a building which is already occupied by a number of government offices?

(2) Is it correct that electorate office accommodation will be available for members of Parliament in the new Government building?

(3) What will be the cost per square metre?

(4) Has there been any change in the regulations governing the size and cost of parliamentary electorate offices?

Hon. D. K. DANS replied:

(1) The SGIO building will accommodate district and regional Government offices on a long-term basis, and the building has been designed for this specific purpose.

The building referred to in the latter part of the question is not suitable for the same long-term use, and does not offer anywhere near the same utility.

(2) Yes.

(3) Final rent figure yet to be determined based on agreed criteria.

(4) No. However, depending upon the circumstances, the Deputy Premier has the discretion to approves a proposal which is outside present guidelines.

UNIONS: TLC

Officials on Building Sites

431. Hon. P. G. PENDAL, to the Attorney General representing the Minister for Police and Emergency Services:

I refer to the deputation from the CBU and the TLC which he met on 24 July and ask—

(1) Was the Minister correctly reported on the Channel 7 News that evening that he would ask the Crown Law Department for a ruling on the rights of union officials on building sites?

(2) If so, has he received that advice?

(3) When did he receive it?

(4) What is the nature of the advice?

Hon. J. M. BERINSON replied:

(1) The Minister for Police requested a general legal opinion from the Crown Solicitor.

(2) Yes.

(3) On or about 1 August 1984, and on or about 13 September 1984.

(4) The opinion was to the effect that each case turns on its own facts. A case involving the issue was heard and determined at the Central Law Courts on 25 October 1984.

436. *Postponed.*

TRAFFIC

Road Traffic Act

437. Hon. H. W. GAYFER, to the Attorney General representing the Minister for Police and Emergency Services:

Where within the Traffic Act or regulations is the provision that application for a concessional licence must be made with 14 days of a vehicle being licensed?

Hon. J. M. BERINSON replied:

There is no specific requirement in the Road Traffic Act and regulations for an applicant for a concessional licence to lodge the application within 14 days of the vehicle being licensed.

The policy relative to the granting of concessions has been that retrospectivity does not apply in relation to the issue of concessional licences, i.e. where an application for a concession is lodged during the currency of an existing licence the concession issued does not take effect until the expiry of that licence.

The only exception to the above policy is that a concession can be made retrospective to the previous expiry date where application is made within 15 days of that expiry or initial licensing date. This measure was introduced to cater for genuine extenuating circumstances

which caused a delay in the submission of the application.

ABORIGINAL AFFAIRS

Aboriginal Lands Trust

438. Hon. H. W. GAYFER, to the Attorney General representing the Minister for Local Government:

Is it obligatory on the Aboriginal Lands Trust to pay rates on Quairading Lot 94?

Hon. J. M. BERINSON replied:

I understand that the Quairading Shire Council has sought a legal opinion on this matter and I suggest that the member contact the council directly.

QUESTIONS WITHOUT NOTICE

PLANNING: BROOME SHIRE COUNCIL

Town Planning Scheme No. 2.

189. Hon. N. F. MOORE, to the Minister for Planning:

What is the present status of the Broome Shire Council's town planning scheme No. 2 which I understand is awaiting his approval?

Hon. PETER DOWDING replied:

There was a small alteration to the documents that came to my desk concerning some land which in my view, and on advice received, should have been zoned for "industrial purposes" rather than "residential purposes". I think that was the only slight amendment to the Town Planning Board's recommendation of the scheme as it came to me.

I have asked the department to expedite the paperwork to convey that to the shire. It would not surprise me if it has not already been conveyed. However, if it has not, I will check and find out what has happened.

GAMBLING: CASINO

Burswood Island: Crown Land

190. Hon. P. G. PENDAL, to the Minister for Administrative Services:

(1) Is it true that the successful joint venture for the casino is prepared to pay $30 million for 12½ hectares of Burswood Island?

(2) If the Government as reported did not think it appropriate to sell Crown land for that purpose, and I ask—

(a) Was the company prepared to pay to lease the land?

(b) Why is it more appropriate to donate Crown land than to sell it?

Hon. D. K. DANS replied:

(1) and (2) The original proposition from the company was that it was prepared to pay $30 million for 12½ hectares of land. The Cabinet decided it would prefer that the land be made available on a 99-year lease. I do not know if the joint venture is still prepared to pay $30 million because we have not reached the negotiation stage.

I ask Hon. Phil Pendal to repeat his last question.

Hon. P. G. Pendal: Is the company prepared to lease the land? And why is it more appropriate to donate Crown land than sell it?

Hon. D. K. DANS: That was a Cabinet decision and in its wisdom it thought it was better to have a 99-year lease than to sell the land. I do not believe we are donating any of the land.

LAND: CROWN

Jarman Committee

191. Hon. P. G. PENDAL, to the Minister for Administrative Services:

(1) Was it a recommendation of the Jarman committee that the land be leased?

(2) Was it a recommendation of the Jarman committee that the time-frame of 99-years be attached to it?

(3) If not, what is the situation?

Hon. D. K. Dans: I ask the member to repeat his question.

Hon. P. G. PENDAL: As a result of the answer given by the Minister in response to my last question I ask—

(1) Was it a Cabinet decision based on the recommendations of the Jarman committee to opt for a lease as distinct from the sale of Crown land?

(2) Precisely whose decision was it—was it the recommendation of Mr Jarman or a decision of the Cabinet—to opt for a 99-year lease

as distinct from a 50-year or 200-year lease?

Hon. D. K. DANS replied:

(1) and (2) In the first instance the recommendation of the Jarman committee was to sell the land for $30 million. The Cabinet decided it would be far better to sell the lease of the land for $30 million if the joint venture were prepared to pay that amount during the negotiating stages.

There is no way I can truthfully answer whether the joint venture is prepared to advance $30 million on those terms until we get to the negotiating table.

GAMBLING: CASINO

Burswood Island: MRPA

192. Hon. P. G. PENDAL, to the Minister for Planning:

(1) Has the MRPA reached a decision whether it favours a casino on Burswood Island?

(2) Why has the Minister been reluctant to ask for the MRPA's views, especially as the land is vested in it?

Hon. PETER DOWDING replied:

(1) and (2) If the member would like to put the question on notice, or I will take it as being on notice, I will supply him with the answer.

GAMBLING: CASINO

Burswood Island: Beautification

193. Hon. P. G. PENDAL, to the Minister for Administrative Services:

Why has it become necessary to introduce, as reported, a new tax to beautify and restore Burswood Island when it had earlier been claimed that such a beautification programme would be carried out at the developer's cost?

Hon. D. K. DANS replied:

The beautification of Burswood Island will be carried out at the developer's cost. The one per cent tax will be used to maintain and improve the area as time goes by. It could be a one-off thing of beautifying it. The developer is prepared to put one per cent aside to maintain Burswood Island in the same manner as it put it together for a tourist complex.

GAMBLING: CASINO

Burswood Island: Beautification

194. Hon. P. G. PENDAL, to the Minister for Administrative Services:

(1) Is it correct as reported that the beautification plan will involve the sum of $11.5 million?

(2) Is it also correct that it will be funded by the one per cent tax to which we have heard some reference?

(3) If that is correct, who will pre-fund the beautification programme given that it will presumably need to occur before the casino arrives at its first yearly profit?

Hon. D. K. DANS replied:

(1) to (3) The developers who have been selected are prepared to advance as a first requirement for the first stage, $200 million to produce not only a casino, but also a 400-room hotel, an 18-hole international golf course, the beautification of the whole of Burswood Island, a number of international standard tennis courts, a convention centre, a casino that is a free-standing casino, and an outside amphitheatre.

We would expect the casino to be constructed as is shown in the model. I think Mr Pendal has seen the model, but if he has not I will show it to him. The one per cent tax will be used to maintain that area for 99 years.

Hon. P. G. Pendal: Not to establish it?

Hon. D. K. DANS: Not to establish it.

GAMBLING: CASINO

Jarman Committee

195. Hon. JOHN WILLIAMS, to the Minister for Administrative Services:

Apart from the chairman of the Jarman committee, the Minister, and a senior police officer, did other members of the committee have a chance to view the Genting operation in Kuala Lumpur?

Hon. D. K. DANS replied:

Mr Jarman visited the Genting operation and remained there for two to three days while I visited Hong Kong and Macau. Mr Jarman went through the books of the Genting operation and I interviewed officers from the Royal Hong Kong Police Force and the judicial police of Macau. I also interviewed our Federal

police agents who are stationed in the area.

I returned to Kuala Lumpur and had meetings with the Minister for Finance, the head of the Treasury, and various officers from the Police Department. I then joined Mr Jarman for one-and-a-half days at the Genting operation.

To give a complete answer, on my second trip, despite speculation, I was accompanied by a police officer from this State and I did not go to the Genting complex.

GAMBLING: CASINO

Burswood Island: Environmental Studies

196. Hon. P. G. PENDAL, to the Minister for Administrative Services:

(1) Can he tell the House what steps have now been taken to seek the advice of the Environmental Protection Authority, the MRPA, the Waterways Commission, and other relevant bodies in order to ensure their views and expertise will be gained.

(2) When does he expect, if the venture has given any indication, that constructon of the Casino project will begin?

Hon. D. K. DANS replied:

(1) and (2) So that I may give the member a detailed answer, I would ask him to put that question on notice. I can take that as a question on notice.

PLANNING: BROOME SHIRE COUNCIL

Town Planning Scheme No. 2.

197. Hon. N. F. MOORE, to the Minister for Planning:

Does the Broome town planning scheme, to which I referred in my previous question, and which was approved by the Minister, provided for an extension of the Aboriginal reserve at Kennedy Hill?

Hon. PETER DOWDING replied:

I will have to ask the member to put that question on notice.

GAMBLING: CASINO

Burswood Island: Burswood Park Trust

198. Hon. P. G. PENDAL, to the Leader of the House:

(1) Is it correct that the Perth City Council is to be invited to be a member of the Burswood park trust?

(2) If so, why is it that the Perth City Council is to be included on this occasion when its opinion on Burswood Island as a site was not sought until after a decision was made by the Government in April of this year?

Hon. D. K. DANS replied:

(1) and (2) That question would be more appropriately answered if it were put on notice.