

Legislative Council

Tuesday, 31 July 1984

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

PARLIAMENTARY PRIVILEGE: ROYAL COMMISSION INTO PARLIAMENTARY DEADLOCKS

Statement by President

THE PRESIDENT (Hon. Clive Griffiths): Honourable members, you will have read in the newspaper in the last week of a Royal Commission to inquire into the question of resolving deadlocks between the two Houses of this Parliament. Although I do it with some hesitation, nevertheless it is my duty, as the Presiding Officer of this House, to draw your attention to the status and privileges of the Parliament so far as they relate to this appointment and inquiry.

Whether or not the Bill of Rights 1688 is part of the Statute law of Western Australia, there can be no doubt that the Bill's provisions that apply to the Parliament are incorporated in State law by virtue of section 61 of the Parliamentary Privileges Act 1891. That section confers on the Legislative Council and the Legislative Assembly the powers, privileges, rights, and immunities of the Commons as they were when the 1891 Act came into force and as they are from time to time thereafter. Using the words of the Bill of Rights, it is a fundamental privilege of the Commons, and therefore of this House, that "proceedings in Parliament ought not to be impeached or questioned in any court or place out of the Parliament".

The expression "proceedings in Parliament" has never been defined exhaustively, but there can be no doubt that the exercise of an internal procedure of this House, whether defined by Standing Order or in conformity with custom, is such a proceeding. Parliamentary and judicial authorities agree on that.

As you know, the resolution of deadlocks through a conference of managers is provided for in chapter 27 of the Council's Standing Orders; and in my view the procedure and its exercise is a proceeding in Parliament within the meaning of article 9, which I have quoted. Accordingly, an inquiry into that matter without positive authorisation from the Parliament is improper and an infringement of its privileges.

To emphasise this point, I quote from the Speaker of the Commonwealth House of Representatives who said, in relation to another Royal

Commission which was intended, amongst other things, to inquire into matters of a parliamentary nature—

As this Royal Commission had no authority from this Parliament to interfere in any way with the various services of the Parliament, it was his duty to call the attention of honourable members to this proposed serious encroachment on the rights and privileges of Parliament by the appointment of a tribunal unauthorised by Parliament to inquire into matters over which the Legislature had absolute and sole control. He had consulted with the President of the Senate, who also held the view that Parliament was absolute master of its own expenditure, its own procedure, and its own action.

I wish to make the point that the commission's terms of reference are irrelevant to what I am saying. The simple fact of appointing a Royal Commission to inquire into this matter, without prior parliamentary sanction, is an infringement of article 9 of the Bill of Rights. Moreover, the authority of Parliament, and its sole and unquestionable right to determine its own procedures, would be undermined and compromised were it to concede such a review to an outside authority.

It may well be that full consideration should be given to the resolution of deadlocks, and I have no objection to a properly authorised inquiry of that nature. However, I would have thought that a proper forum for such an inquiry involving the rights and privileges of the Parliament would be the Parliament itself. Accordingly, unless this House directs me to the contrary, I do not propose to recognise the existence of the Royal Commission or participate in its inquiry.

Opposition members: Hear, hear!

QUESTIONS

Questions were taken at this stage.

LEGISLATIVE COUNCIL

Staff: Mr Malcolm Peacock

THE PRESIDENT (Hon. Clive Griffiths): Honourable members will be aware that last week one of our attendants, Mr Bill Jones, reached the age of retirement and, therefore, resigned from the service of this House.

Since we commenced this afternoon I have been endeavouring to get a break in the proceedings to coincide with the time his replacement was in the House. He is a little like the Scarlet Pimpernel. I am pleased to advise that we now have Mr Malcolm Peacock as one of the attendant staff of

the Legislative Council and as he is now at the back of the Chamber I introduce him to members.

LAPSED BILLS

Restoration to Notice Paper: Council's Request

HON. D. K. DANS (South Metropolitan—Leader of the House) [5.14 p.m.]: I move—

That a message be sent from the Legislative Council requesting the Legislative Assembly to restore the following Bills to the Legislative Assembly Notice Paper and further request that the Legislative Assembly deal with those Bills at and from the stage they had reached immediately prior to the recent Prorogation of the Parliament.

- (1) Justices Amendment Bill.
- (2) Parole Orders Transfer Bill.
- (3) Fatal Accidents Amendment Bill.
- (4) Public Trustee Amendment Bill.
- (5) Legal Practitioners Amendment Bill.
- (6) Legal Aid Commission Amendment Bill.

Question put and passed.

COMMITTEES FOR THE SESSION

Assembly's Personnel

Message from the Assembly received and read notifying the personnel of Sessional Committees appointed by that House.

ADDRESS-IN-REPLY: SECOND DAY

Motion

Debate resumed from 25 July.

HON. G. E. MASTERS (West—Leader of the Opposition) [5.16 p.m.]: I wish to endorse the motion moved by Hon. Mark Nevill at the opening of Parliament, that: "We, the members of the Legislative Council of the Parliament of Western Australia in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign and to thank Your Excellency for the Speech you have been pleased to deliver to Parliament". I think it is important that the Opposition endorses that motion.

Several members interjected.

The PRESIDENT: Order!

Hon. G. E. MASTERS: As the new Leader of the Opposition I thought I was probably entitled in my maiden speech in that position to be heard in silence.

Several members interjected.

The PRESIDENT: Order!

Hon. G. E. MASTERS: I warmly congratulate Professor Gordon Reid on his appointment as Governor of Western Australia. As Governor he represents Her Majesty Queen Elizabeth II—Queen of Australia. I am sure he will occupy that office with honour and dignity. We know it is a demanding job for Professor Reid and his wife. No-one knows better than the previous Governors of Western Australia the duties entailed in representing the Queen in this State. The position is honoured and highly regarded by the citizens of Western Australia.

It is unfortunate that Hon. Mark Nevill made the speech he did. It was a prepared diatribe along the lines we have heard so often in this House. It indicated that it was neither more nor less than an attack on this House. I do not know who wrote it, but we probably should have been prepared for its contents.

It was interesting to note that Hon. Mark Nevill made the following statement—

If we are to accept the challenge of making this Chamber a genuine House of Review, without the taint it presently carries in many minds, we can look forward to a fertile and productive future. Providing the proposed reforms become fact we will have the right to determine our own Parliamentary appropriation, thus giving the House more flexibility to fulfil our aspiration as a State House of Review without peer.

It is fair to say that only the members of this side of the House, the coalition parties, have ever genuinely treated this House as a House of Review.

Several members interjected.

Hon. G. E. MASTERS: I ask members interjecting: On what occasion have they, including Hon. Peter Dowding, ever demonstrated their independence? Hon. Peter Dowding, Hon. Kay Hallahan, or any other member has never dared to show his or her independence and treat this House as a House of Review.

Several members interjected.

Hon. G. E. MASTERS: That sort of statement is ridiculous and members know it is. I suggest that Hon. Mark Nevill could have made his speech very much shorter. He could have simply stood up and moved the motion which I applaud, that is why I took the trouble of reading it again. The member could then have moved the following motion—

That the decision of the 35th National ALP Conference in 1982, subsection 26, page 21, now contained in the ALP Platform, Constitution and Rules and binding on every

single ALP member of this Parliament, which states, "The reform of State upper Houses and ultimately their abolition", be agreed to.

Then he should have sat down. We would then have had a fair indication of what Mr Nevill was about. That is the motion he should have moved.

I am sure members would expect us to examine the Government's performance since Parliament rose towards the end of May. The Government has a record of performance without equal. It is a bad record.

Hon. D. K. Dans: I have read the performance.

Hon. G. E. MASTERS: All of a sudden the public are waking up and asking questions. The public are asking, "Who is running this State? Who is the Government?" They are asking this day in and day out.

Hon. D. K. Dans: That is not reflected in the polls.

Hon. G. E. MASTERS: We have all sorts of problems in the Labor Party. Not only are the public asking who is running the State, but also we have the centre left led by Senator Cook, and now we have the extreme left organised by Mr Jim McGinty, who wrote the industrial relations Bill. We have another group led by Hon. Bob Hetherington. I think he calls it the democratic socialists. He is probably the leader.

The public are simply asking, "Who on earth is running this State?" Who on earth is in control? The Government advisers, the unions, or who? Things are going very wrong.

Several members interjected.

Hon. G. E. MASTERS: It is interesting to look at the papers. The situation has been chaotic as far as the proposed casino is concerned. I am sure someone will mention that sooner or later in the debate.

Hon. Mark Nevill: Have you seen the latest opinion polls?

Several members interjected.

Hon. G. E. MASTERS: We will demonstrate that the Government is not in control of the situation.

Hon. Fred McKenzie: Say something sensible.

Hon. G. E. MASTERS: It may be difficult for the member to understand. We have matters like video pornography, about which Mr Dans, to his credit, has expressed concern. Nevertheless, nothing has been done. We have Government involvement in business ventures.

Several members interjected.

Hon. D. K. Dans: What do you mean, nothing has been done?

Hon. G. E. MASTERS: Perhaps the Minister can tell me just what he has done when he replies to this debate, because all the material he has expressed concern about is still available to anyone in the community.

Hon. D. K. Dans: It will go across the borders.

Hon. G. E. MASTERS: I suggest something should be done. We have business ventures entered into by the Government, and tax-free schemes offered to the public. We can recall all the tax schemes which the Government members threw at us some months or years ago.

We have the land rights issue which my colleague will talk about shortly. There is also industrial anarchy in the workplace.

Several members interjected.

Hon. G. E. MASTERS: It would not be any surprise to Hon. Des Dans that I am talking about some facts and figures in the industrial scene in order to bring this to the attention of this House and the public.

Hon. D. K. Dans: The public are not interested.

Hon. G. E. MASTERS: When we last talked about this Mr Dans said everything seemed okay.

Several members interjected.

Hon. G. E. MASTERS: Let us go back to the industrial relations Bill. We all recall that the Legislative Council defeated that Bill by popular demand.

Several members interjected.

Hon. G. E. MASTERS: The Leader of the left wing group in Western Australia drafted it, and it was a great embarrassment to this House and to his own members. The Government knew it was doomed, and it all went nicely and quietly. The Bill was well and truly defeated by public opinion before it came to this House.

We talk about a House of Review; we looked at this Bill in the way members of this House review legislation.

Several members interjected.

Hon. G. E. MASTERS: It is no good the Minister's laughing about this sort of thing, it is very serious.

Hon. D. K. Dans: No-one takes you seriously.

Hon. G. E. MASTERS: When we look at page 3 of the Speech, we find it must have been prepared by Mr Dans; no-one else could have prepared this sort of statement. I will read it, as follows—

The government's commitment to improved industrial relations through conciliation and consensus will be reflected in the Acts Amendment and Repeal (Industrial Relations) Bill No. 2. The Bill, which has the support of the Western Australian Tripartite Labour Consultative Council, contains 85 per cent of the clauses in that Bill which was rejected by the Legislative Council in the Autumn Session. In putting forward what it now believes is a 'consensus Bill', the government is hoping that its passage through Parliament will not be frustrated on this occasion.

Let me say that, on inquiry of members of the tripartite council, I learnt they had not even seen the Bill, so how on earth can the Government or the Minister say that it is a Bill which has the support of the Western Australian Tripartite Labour Consultative Council?

Hon. D. K. Dans: If industry does not want tripartite consultation, I will take it away.

Hon. G. E. MASTERS: I do not care what the Minister does, all I am saying is this: When a public statement like that is made at the opening of Parliament—

Several members interjected.

Hon. G. E. MASTERS: I do not want to have a row about it.

Several members interjected.

Hon. G. E. MASTERS: I am sure it was a mistake. Let us go on to the next line. Listen to this classic—

In putting forward what it now believes is a 'consensus Bill', . . .

Obviously the Minister is saying that the previous Bill was not a consensus Bill because the Government now believes this one is a consensus Bill. When the Bill came forward previously the argument was that it was a consensus Bill. Now the Government is saying it was not.

Several members interjected.

Hon. G. E. MASTERS: Let us look at the industrial scene, because the position has been very serious and of great concern to the public right across this State. Mr Dans laughs. The Opposition moved two motions prior to the last session concluding. One on 16 May was moved by myself and the other on 9 May was moved by Bill Hassell, the Leader of the Opposition in another place. Those motions were moved specifically to tell the Government and the public what was going on in the workplace. I see that the Leader of the Opposition said there was nothing seriously wrong.

Hon. D. K. Dans: I am still waiting for an answer to my offer to see Mr Leishman.

Hon. G. E. MASTERS: It is a matter of public concern. The Opposition warned what would happen if the Government did not take some action. The industrial relations Bill was directed specifically to control the subcontracting area. We warned that there would be trouble in the workplace. Mr Dans said there was nothing wrong.

Several members interjected.

Hon. D. K. Dans: Do you want me to repudiate an agreement I have with the builders?

Several members interjected.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order! I will allow a certain amount of interjection, because I feel that the Leader of the Opposition is calling for it, but I will not have people carrying on a debate.

Hon. G. E. MASTERS: The last thing I want to do is upset the Leader of the House. I simply want to talk quietly about the matter. The Leader of the House, in all honesty, said, "Give us some examples. You produce the evidence and I will do something about it". Mr Kevin Reynolds, one of the Minister's colleagues, said, "Put up or shut up!" Mr Reynolds made that statement publicly. All the things which we said would occur have in fact come about. We appeal to the Leader of the House to do something about the matter. He said he would protect the workers, he would protect small business—

Hon. D. K. Dans: If that is the case, in the morning I shall call those involved and say, "The agreement we had is null and void, because we have been in contact with Mr Masters and he has another point of view".

Hon. G. E. MASTERS: The sort of statement made by Mr Dans is typical of what is going on in the workplace. People say, "You do that and we will fix you up. We will make you go broke". Mr Dans said, "If those people have talked to you, I will sort them out. Those agreements will be null and void". That sort of attitude on the part of the Leader of the House encourages the kinds of standover tactics which are occurring in the workplace.

Let us examine what has happened. The Minister blames everyone. He always does. However, the buck stops with the Minister for Industrial Relations. He cannot blame his department, his advisers, or his colleagues.

Hon. D. K. Dans: I do not know where all the confrontation is. We have reported it to the police and they have told us it is a fabrication.

Hon. G. E. MASTERS: The Minister cannot deny that this State Government has the worst industrial record in Australia. This State has the worst standover tactics in Australia. The blame for that lies fairly and squarely on the Leader of the Government in this House. It is no good the Leader of the House shouting that it is the fault of the filthy legislation that he has to put up with.

Hon. D. K. Dans: I have not said that.

Hon. G. E. MASTERS: Indeed, Mr Dans has said that. I quote from the record of debate which occurred in this place on 18 April 1984 when, in relation to the Acts Amendment and Repeal (Industrial Relations) Bill 1984, the Minister for Industrial Relations said—

There is no equivocation on my part. Let the Opposition know that we are still the Government and I am still the Minister for Industrial Relations. I have operated under that filthy legislation brought in by that man over there.

He was referring to me. To continue—

I have worked around it and I will continue to do so in the future.

Those are the words of the Minister for Industrial Relations. On page 7365 of the debate, Mr Dans said—

... we will never find out because I will have to operate in the industrial relations arena by administrative action.

The Minister said he would not use the Act. Time and time again Mr Dans has said publicly, "It is not my fault. It is the fault of the filthy legislation the Opposition introduced when in Government".

Hon. D. K. Dans: So did the Chamber of Mines, the Confederation of Western Australian Industry (Inc.), and the builders. Everyone said that.

Hon. G. E. MASTERS: The blame lies directly with the Minister. I accuse the Minister for Industrial Relations and his colleagues of complicity in these disputes.

Hon. D. K. Dans: What disputes?

Hon. G. E. MASTERS: They condoned and encouraged them. We know that the Building Workers Industrial Union has had an internal dispute. The Carpenters and Bricklayers Union was formed as a result of the factional dispute which occurred within the Building Workers Industrial Union, when the apparent winners were Mr Henderson and Mr Ethell. They were supported by the Government and the Minister, and now they have formed the CBU.

It is interesting to note that Mr Parker, a very senior Minister in another place, was involved ac-

tively in the Building Workers Industrial Union right up until the time of the last election. He was involved in ensuring some of the funds of that union went into the Labor Party election campaign. Everyone knows that he voted for the sum of \$8 000 from that union's funds—a union of which he was vice-president—going into the Labor Party's election campaign.

Hon. D. K. Dans: That is something I didn't know.

Hon. G. E. MASTERS: I have the minutes of the committee of management meeting which was held on Wednesday, 26 January 1983, at 7.30 p.m. Those who attended included "Brother D. C. Parker—Vice-President". It is there in writing and if anyone argues about the fact that Mr Parker was involved in making sure that \$8 000 of the union's funds went into the Labor Party's election campaign when Mr Parker was vice-president of the union, he can check the position. That is the same group which is involved in the CBU. The proof can be found in the minutes of the meeting.

Hon. Mark Nevill: You are talking about the last election, are you?

Hon. G. E. MASTERS: I am referring to January 1983. The money was raised by investments in building societies and from other funds.

Hon. D. K. Dans: Don't you get money from certain people?

Hon. G. E. MASTERS: Yes, but I am mentioning the involvement of a Minister with people who have caused a great deal of trauma in that union.

Hon. D. K. Dans: He is still a member of the union, isn't he?

Hon. G. E. MASTERS: The CBU or the Building Workers Industrial Union—I think he is a member of both.

Hon. D. K. Dans: I am still a member of the Seamen's Union. I have been for years.

Hon. G. E. MASTERS: The Minister has deliberately ignored the pleas for help from the community. He has deliberately ignored some of the telephone requests that have been made. That is disgraceful, because surely people are entitled to some consideration from those who are in positions like that of Mr Dans.

The Minister for Transport interfered in a dispute at the Fremantle wharf recently. Live sheep were being loaded and meatworkers moved onto the gangways and stopped the loading process. The police were there and the Fremantle Port Authority could have asked the police to clear the gangways, but it was directed not to do so. That is interference—

Hon. D. K. Dans: Who stopped the dispute at the Fremantle wharf?

Hon. G. E. MASTERS: Not the Minister for Industrial Relations: the Premier stopped it, because he received a telex from the Leader of the Opposition indicating that, if something was not done urgently—

Hon. D. K. Dans: Ha, ha! You don't think anyone would take any notice of him, do you?

Hon. G. E. MASTERS: I have a copy of the telex. Members opposite may well laugh, but that is what happened. The Minister said, "Don't use the police to enable those people to load the sheep". He did a deal with those involved. I am just telling members what happened. A Minister of the Crown interfered in that dispute.

Hon. D. K. Dans: What was Mr Hassell going to do?

Hon. G. E. MASTERS: He warned the Premier. He said there would be difficulties—

Several members interjected.

Hon. D. K. Dans: What were the difficulties?

Hon. G. E. MASTERS: Let us examine this Minister's record in respect of industrial relations. It is the worst industrial record in Australia.

Several members interjected.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order!

Hon. G. E. MASTERS: Mr Dans and his Government have the worst industrial record in Australia.

Hon. Garry Kelly: Rubbish!

Hon. G. E. MASTERS: It is the worst record in Australia, and it has occurred during the term of the Government and the Minister who said, "There will be industrial peace now that we are in charge". That is what the Minister for Industrial Relations said.

Hon. Garry Kelly: Have a look at your record.

Hon. G. E. MASTERS: The member suggested that we should have a look at our record. I shall do so. For the year ending April 1983—the year we went out of Government—a total of 133 100 days were lost as a result of industrial disputes. When Mr Dans and his Government came into power with a promise of industrial peace, the comparable figure was 267 500. Mr Dans said, "It is the fault of your legislation". That legislation worked for us despite the fact that Mr Dans said, "It is filthy legislation. I will not use it. I will go around it". However, once Mr Dans' Government was in power the number of days lost as a result of industrial disputes doubled. This Government has the worst industrial record in Australia. Mr Dans says

he has fixed the situation, but because he is not using the legislation we have had all this trouble.

Hon. D. K. Dans: What trouble?

Hon. G. E. MASTERS: I refer again to the Minister's comments which I have read already. The Minister said, "I will not use that filthy legislation. I will work around it by taking administrative action". Now the Minister is saying, "It is your legislation. It is dreadful legislation". However, the Minister refuses to use that legislation.

How can he blame us if he refuses to use it? His idea of administrative action is to go into his office, lock the door and not answer the telephone. That is the way he deals with industrial disputes.

Hon. D. K. Dans: That is not right. I am the most accessible Minister in the Government.

Hon. G. E. MASTERS: When we have disputes in the workplace—and we have all seen the reports in the media—surely to goodness the Minister of the day must move against what we would call renegade unions. Some unions are renegade unions; the Carpenters and Bricklayers Union obviously is one.

Hon. D. K. Dans: I have asked Mr McLeod to come here tonight.

Hon. G. E. MASTERS: The Act which is the law of the land at this moment gives authority for the Attorney General to go to the Industrial Commission and to say, "That is a renegade union. It is not obeying the rules. It is causing havoc in the workplace. Would you please consider deregistration?" That is all he had to do.

Hon. Fred McKenzie: That is your legislation.

Hon. D. K. Dans: On what grounds?

Hon. G. E. MASTERS: I am informing the House of what could happen. I will work through the grounds.

Hon. P. G. Pandal: You know what they are.

Hon. D. K. Dans: There is only one ground. Let us see if you know what it is. I know what it is.

Hon. G. E. MASTERS: The Minister says "On what grounds?" In all of these cases he has come along and has said, "Give us some examples and we will take some action". Anyone and everyone in this State has been given examples day-in-day-out, week-in-week-out, in the Press and on radio and television. Every day we see examples of what is going on in the workplace and Mr Dans says, "What reason have I got to move?"

In *The West Australian* of 16 June 1984—I could go back much further than that, but let us look at the headlines in this area—appears the following headline—

Ministers try to head off WA building dispute.

Two WA Ministers, namely Mr Wilson, Minister for Housing, and Mr Parker, Minister for Minerals and Energy, met with the CBU to try to head off the strike. I do not know where Mr Dans was.

Hon. D. K. Dans: I was over at the casino in Queensland.

Hon. G. E. MASTERS: He was on Government business. An ultimatum was imposed on the builders that if they did not comply and sign a document they would be declared black and put out of business. In *The West Australian* of 21 June 1984 appeared the headline "Unionists raid building site". One does not need to go any further to see that there was some activity in the workplace. Mr Dans says, "What activity?" The Government says, "What activity?" It is all down in black and white every day. On 19 June, one day before this ultimatum in respect of building sites occurred, I attended a meeting at the Raffles Hotel. I was the only member of Parliament from either side in attendance. Many unionists and subcontractors attended the meeting. I heard Mr Ethell telling the people there, "We will go down to Pearce and Anderson Roads, Rockingham. You blokes be there and we will fix anyone who is on those sites and we will fix up any work that has been done".

Hon. Fred McKenzie: What did you do?

Hon. G. E. MASTERS: I notified the police.

Hon. D. K. Dans: That was a very good move, too.

Hon. G. E. MASTERS: The Minister of the day surely can read and, even if he is absent, the Minister acting in his capacity, could read and say, "Righto, these things will happen. Let us hurry it up. Let us get our industrial inspectors and use the power under the Act to take action. Let us take some notice of what is going on".

Hon. Fred McKenzie: You were there and you heard it. What did you do about it?

Hon. G. E. MASTERS: I told the police, of course. What else could I do?

Several members interjected.

Hon. G. E. MASTERS: Still no action was taken. In the *Daily News* of 21 June the headline, "Brickies forced off site" appeared. That is standoff tactics towards builders and bricklayers. I will not go through those media reports unless someone wants me to. The Government said, "Give us the facts and we will do something about it". Every day for weeks every person in Western Australia and half of Australia read what was going on and Mr Dans says, "Give us an example

and we will do something". The Government has done nothing at all.

Hon. D. K. Dans: The builders say they have not lost one day in building a house.

Hon. G. E. MASTERS: That is wrong.

Hon. D. K. Dans: That is what they tell me. That is why I have asked Mr McLeod to come here tonight.

The PRESIDENT: Order!

Hon. G. E. MASTERS: Every single person and certainly Government members and their advisers who want to know what is going on in the workplace at this time can see it set out page by page. Other people have made submissions but there is no response from Mr Dans. The headline, "Government supports unionist" appeared.

That was my call for action from the Government, but there was no response from Mr Dans.

Hon. G. C. MacKinnon: I got the impression that Mr Dans almost condoned it.

Hon. G. E. MASTERS: He condoned it by his silence, and that is the very point I make.

Hon. D. K. Dans: I made it abundantly clear that police protection would be provided, and it was provided.

Hon. G. E. MASTERS: Mr Dans comes in weeks later—

Hon. D. K. Dans: How many weeks later?

Hon. G. E. MASTERS: I think the trouble started around 2 or 3 June. I am only reporting from 16 June. According to my Press releases he came into the picture on 23 June 1984. The Minister was called on to send his inspectors out to the site. He was dealing with Doncaster Homes on this matter.

Mr Dans said—

The call—supported by an industry group representing 20 home-builders in WA—has drawn an angry response from the Minister for Industrial Relations, Mr Dans.

He said that he would not allow his departmental staff to be used for political purposes.

All we were asking the inspectors to do was to go and look at the sites to see what was happening and to report back to the Minister and to take action. Mr Dans said, "not for political purposes".

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

Hon. G. E. MASTERS: The article continues—

An angry Mr Dans said the Opposition had frustrated in Parliament government plans to introduce appropriate mechanisms to deal with industrial situations like the present one.

Mr Dans said industrial inspectors visited sites in the course of their work but he would not use them "in the political sense" urged by Mr Masters.

Hon. D. K. Dans: That is correct. I made that statement.

Hon. G. E. MASTERS: Day after day, week after week, standover tactics were used and Mr Dans did absolutely nothing about it. He then said, "I will not use those inspectors for political purposes". In the *Sunday Independent* of 24 June appeared the following headlines—

Vandalism is not negotiation.

Subbies spurn unions.

A study group was formed. Mr. Dans did not call them to this office, either. He called the builders and the CBU, but he did not talk to the subcontractors and when we as the Opposition set up a taskforce, Mr Dans said, "It is ridiculous. Fancy dealing with a subcontractor". At least we went to the subcontractors. We met the groups of subcontractors and we said, "Righto, what can we do for them?" Mr Dans had one meeting with the CBU and not the subcontractors and he thinks he resolved some of their problems.

Hon. D. K. Dans: I had five meetings with the builders.

Hon. G. E. MASTERS: These Press statements appear page after page after page. It is unfortunate, and if Mr Dans is really working for peaceful settlement he will only deal with the matter successfully if he talks to subcontractors. I ask whether he is prepared to receive a deputation if I can organise one with builders and subcontractors as representative groups of the building industry. If he will do that I will be quite happy to assist in organising it.

Hon. D. K. Dans: That is quite in order, but I go a bit further because I do not like being doublecrossed. I have asked Mr McLeod to come here tonight.

Hon. G. C. MacKinnon: Are you saying Mr Harvey McLeod doublecrossed you?

Hon. D. K. Dans: Evidently, from what Mr Masters is saying.

The PRESIDENT: Would the Leader of the House come to order!

Hon. D. K. Dans: I want to find out the facts.

The PRESIDENT: It seems Mr Masters is trying to wind up his speech.

Hon. G. E. MASTERS: Could I ask the Leader of the House if he does not intend to respond to my request to him to meet those people who are directly involved, the subcontractor and building

groups—the CBU has no right to be there at all—whether he agrees with the statement that his fellow Minister (Mr Wilson) publicly has criticised the CBU for slowing down Government welfare home projects. At an industry group meeting which was televised someone said to Mr Wilson, "Do you agree that the dispute is not about increased rights for subcontractors and all subcontractors in the building industry?" He said, "I agree. It is about control of the subcontractors in the building industry".

Hon. D. K. Dans: He was at the meeting with me.

Hon. G. E. MASTERS: I am asking whether the Leader of the House agrees.

Hon. D. K. Dans: I agree with what he said. I am also mindful of the role I play.

Hon. G. E. MASTERS: All I asked was whether the Minister agreed with Mr Wilson, and he said he did. He agrees that the dispute had nothing to do with the subcontracting rates system, but with control of the workplace by the CBU. I appreciate his frank comment.

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

Hon. G. E. MASTERS: I hope it is on record because it is important.

Hon. D. K. Dans: The CBU cannot cover subcontractors.

Hon. G. E. MASTERS: The CBU does not represent subcontractors and never has, and if the subcontractors have anything to do with it, it never will. If the Government brings forward another industrial relations Bill similar to the previous one, the Government will ensure that subcontractors become members of the CBU. This matter is about membership of the union and control of the workplace, because an interim industrial agreement was circulated to builders by the CBU with a demand to sign it. It stated—

All Bricklayers, Carpenters, Ceiling Fixers and Roof Tilers engaged to work on the company's projects shall be required to produce proof that they are financial unionists before being allowed to commence work and shall be required to produce such proof from time to time, as required.

The company shall supply the unions with a list of the names, trade and address of all sub-contractors and employees as requested from time to time. All carpenters, bricklayers, ceiling fixers and roof tilers shall be financial members of the BWIU.

On the first page it states—

Rates paid to subcontractors shall be those prescribed by the BWIU (W.A. Branch).

It is obviously a move to control the subcontract system. No-one would deny that, and to the Minister's credit, he does not.

Many other problems exist in the workplace. I have drawn attention to the building industry and recent events in particular, and alerted members to what is happening and to what this dispute is about. The ETU also is very active in the workplace, and Mr Richards of the ETU has been leaning on employers in no uncertain way. Mr Dans would have received a telex, as I have, in relation to the ETU. I have referred to the need for Mr Dans to take action, but his office staff have been told that any phone complaints must be put in writing. People ringing Mr Dans' office get no response at all from telephone calls. Mr Dans told his staff that if anyone complained they were to be told to put it in writing.

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

Hon. G. E. MASTERS: Mr Dans received this telex; he has a copy so it is not secret. It is from Mr D. G. Hooper, Director of A C Electrical Engineering Pty. Ltd. It was addressed to the Minister and the Premier, and it states—

The ETU represented by K. Richards has threatened to ban workers of A C Electrical Engineering Pty. Ltd. from its contract sites starting Tuesday, July 17 1984 unless an associated company Western Switchboards Pty. Ltd. sacks two employees who refuse to join the ETU.

Threats of this nature started over two weeks ago and I complained to Mr Dans office.

Hon. D. K. Dans: They did not complain to my office, but to the Industrial Relations Service.

Hon. G. E. MASTERS: All right. I am surprised they did not talk to the Minister. The telex goes on as follows—

Subsequently Barry Gilbert contacted the manager of A C Electrical Engineering Pty. Ltd. and advised him that this is a normal ETU tactic.

I have protested to Mr Richards pointing out that if we do sack these men it will be an illegal act. He advised me to trump up some other reason for sacking them.

I now propose to serve one weeks notice on these men using the factual reason.

This telex has also been sent to the Minister for Industrial Affairs and the Premier of Western Australia.

The telex says that it was sent to the Minister's office.

Hon. D. K. Dans: We advised them not to sack those people.

Hon. G. E. MASTERS: All right. Mr Gilbert is employed by the Government as an adviser, and he told Mr Hooper that this was standard practice in the union.

Hon. D. K. Dans: Mr Gilbert is not an adviser.

The PRESIDENT: Order!

Hon. D. K. Dans: Mr Masters—

The PRESIDENT: Order! I ask the Leader of the House not to continue his interjections when I call for order.

Hon. D. K. Dans: Mr Gilbert is not an adviser.

Hon. G. E. MASTERS: All right, he is employed by the Western Australian Government Industrial Relations Service. He may not be an adviser, but he is an employee of the Government and the Minister. Therefore he is employed to give advice to the public on industrial relations matters. When a person rang up and said standover tactics were being used in the workplace and a company had been told to sack two people, he said "That is a standard tactic, you do it". He is an employee of the Minister; Mr Dans cannot blame it on anyone else.

Hon. D. K. Dans: That statement is denied by Mr George who listened to the conversation. You know he does not tell lies.

Hon. G. E. MASTERS: Nothing happened about that telex; the Minister did nothing about it. The two people concerned were sacked and were told why, and no further action has been taken. Mr Richards told the company "You sack them or we will send you broke". I do not know all the details, but that telex came to my desk.

Press release after Press release has been issued about standover tactics in the workplace, and television programmes and media reports throughout Australia have dealt with such tactics in the building industry. Yet Mr Dans has not made a move. It is to the credit of the Police Force that its members have been absolutely superb in this situation. But the Minister has done nothing, although he has an army of inspectors.

I understand a Mr Todd, one of the worst standover men, was fined \$750 a few days ago for causing bodily harm to a bricklayer. That is another example of what is happening in the workplace.

Hon. D. K. Dans: We are using the civil law for civil offences.

Hon. G. E. MASTERS: A few days ago \$2 000 damage was done to a house in South Lakes, and I understand that more damage was done on Saturday or Sunday.

Hon. D. K. Dans: The police maintain to me that it is the work of vandals, and not a union.

Hon. P. G. Pendal: What is the difference between civil vandalism and union vandalism?

Hon. G. E. MASTERS: The Minister must be kidding! Mr Todd was fined \$750 for causing grievous bodily harm to a person who refused to leave a building site. He damn near strangled him.

Hon. D. K. Dans: What else would you like done?

Hon. G. E. MASTERS: I am saying that it is not the general union members, but the more militant members like Mr Ethell, who has a terrible record, who are to blame.

In the debate in this House on 16 May 1984, the Minister made this statement—

If the evidence that the highest police officers in this State are examining is of a sufficiently serious and widespread nature, I shall suggest to the Cabinet and the Premier that either a judicial inquiry or Royal Commission, chaired by a judge of very high standing from another State, be established. Those people who make these allegations, and even Mr Masters can then, under oath, —

And I will be pleased to do that. To continue—

—allow themselves to be cross-questioned so that the truth of the matter can be placed on record. That is a very necessary course of action.

In the short speech I have made I have drawn the Minister's attention to case after case and also

report after report of fines imposed on people engaging in standover tactics. It is continuing; there were pickets out today. If the Minister is dinkum he will take notice of the proof and evidence which is there for everyone to see and do just as he said he would do.

Hon. D. K. Dans: The police tell me there is no evidence.

Hon. G. E. MASTERS: It is no good the Minister saying "I cannot see anything", because everyone can see what is going on. It is a matter of serious concern to the industry. When I said it was going on in the electrical engineering area and that the ETU was involved, Mr Dans said "Yes" and nodded his head in agreement. All we want is for Mr Dans to set up an inquiry and for someone to say "Let us have a look at this".

The Minister promised he would do that, and if he does not, he is not dinkum and he will be responsible for the problems continuing in the workplace, certainly in the building industry and the electrical trade in this State.

Hon. D. K. Dans: You should take a good look at the words next time you take the oath of office. Be honest!

Debate adjourned, on motion by Hon. A. A. Lewis.

ADJOURNMENT OF THE HOUSE: SPECIAL

HON. D. K. DANS (South Metropolitan—Leader of the House) [6.01 p.m.]: I move—

That the House at its rising adjourn until Wednesday, 1 August at 2.15 p.m.

Question put and passed.

House adjourned at 6.02 p.m.

QUESTIONS ON NOTICE

PORNOGRAPHY: CENSORSHIP

Advisory Committee

1. Hon. H. W. GAYFER, to the Minister for Administrative Services:

- (1) Who are the persons currently on the State advisory committee to the Minister as set out in the Indecent Publications and Articles Act 1902-1983?
- (2) How does material come to the notice of the advisory committee?
- (3) What percentage of that material is examined and in what manner?
- (4) What percentage of the material has been rejected in recent times?
- (5) What was the basis for those rejections?
- (6) Who decides the criteria of acceptance and/or rejection?
- (7) How often and for what length of time does the committee meet?
- (8) What is the ministerial input as far as the committee is concerned?

Hon. D. K. DANS replied:

- (1) The State advisory committee on publications consists of the following persons—

Richard William Kirkham — chairman
 Ian Grenville Malcolm—member
 Robyn Mary Quin—member
 Kim Margaret Rooney—member
 William John Savell — member/secretary.

Two positions are currently vacant.

- (2) From distributors, the Police Department and the public.
- (3) 100 per cent—individually by members of the State advisory committee on publications.
- (4) 8 per cent of videotapes—from 1-1-84 to June 1984. 10.5 per cent of publications—from 1-7-83 to 30-6-84.
- (5) Rejections were made in accordance with the guidelines.
- (6) The Commonwealth guidelines are used as a basis by the State advisory committee on publications in arriving at a recommendation.
- (7) Weekly; up to three hours.
- (8) I am authorised by legislation to consider the recommendations of the State

advisory committee on publications and determine a classification for each publication.

DEFENCE: NAVY

HMAS "Stirling"

2. Hon. V. J. FERRY, to the Leader of the House representing the Minister for Defence Liaison:

In view of the new defence strategy arising out of the recent ALP National Conference, reportedly supported by a majority of WA delegates, what further downgrading will be effected at the HMAS *Stirling* naval facility?

Hon. D. K. DANS replied:

The Government's policy is unchanged. It will continue to press for the development of HMAS *Stirling* as Australia's principal submarine base. It is the logical site due to its proximity to key strategic points in the Indian Ocean.

SUPERANNUATION

BUS Pty. Ltd.

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

- (1) Does the State Government support the introduction into Western Australia of the building unions' superannuation scheme known as BUS Pty Ltd, head office, ACTU House, Melbourne?

- (2) If "Yes"—

- (a) what consultation has the Government had with employers in relation to the financial implications of this scheme; and
- (b) will the State Government require all employers carrying out Government building contracts to be contributors to the scheme?

Hon. D. K. DANS replied:

- (1) and (2) The introduction of a superannuation scheme in the building industry is a matter negotiated between the National Industry Construction Council and building industry unions. It is a voluntary scheme which in Western Australia is being supported by the Master Builders' Association which has recommended to its members that they participate in the scheme.

The State Government has not been involved in the discussions on the scheme as it is purely an industry matter being dealt with at the national level.

GAMBLING: CASINO

Burswood Island

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

- (1) Is it correct that the Government is on the verge of abandoning plans to allow a casino on Burswood Island?
- (2) If not, why not?

Hon. D. K. DANS replied:

- (1) No.
- (2) There is no reason to do so at present.

ARTS

Perth Theatre Trust

5. Hon. TOM KNIGHT, to the Attorney General representing the Minister for the Arts:

- (1) What is the role of the Perth Theatre Trust?
- (2) Is the Minister aware that the Perth Theatre Trust has increasingly entered into entrepreneurial activities?
- (3) Is it correct that it is the duty of the Perth Theatre Trust to manage theatres, not produce the shows that go into the theatres?
- (4) Are the funds allocated to the Perth Theatre Trust for the upkeep and management of the Perth Concert Hall, His Majesty's Theatre, the Playhouse and the Entertainment Centre intended for use in entrepreneurial ventures?
- (5) What action will the Minister take if the failure of an entrepreneurial venture should involve the expenditure of public funds?
- (6) Will the Minister ensure that the members of the Perth Theatre Trust are held individually responsible for such losses, should they occur?

Hon. J. M. BERINSON replied:

- (1) The Perth Theatre Trust operates under Act of Parliament and was set up to provide for the management and operation of theatres, encouraging, fostering, and promoting their use.
- (2) I am aware that the trust has increasingly entered into entrepreneurial

activities in order to ensure that its theatres are dark as little as possible, and to present entertainment in the trust's venues. The responsibility to ensure that the public of Perth have the widest range of activity available to them, demands that the trust plays an active if non-competitive role in the arts and entertainment field.

In November 1980 the then Minister for Cultural Affairs advised the trust such action would assist in reducing the cultural isolation of Western Australia caused by geographical and economic factors.

He then authorised the trust to—

- (a) continue and extend its entrepreneurial activity;
 - (b) budget these activities separately from the management accounts;
 - (c) reallocate funds within its then current budget for this purpose, promising to support the inclusion of funds for this purpose in the next budget.
- (3) It is correct that it is the trust's duty to manage theatres and while the trust does entrepreneur or share the risk on certain well-budgeted ventures, it does not normally "produce" the shows that go into its theatres, as it is not a production body. (The opening concert for His Majesty's Theatre being an acceptable and understandable exception, particularly in view of the fact that the leading performer at that function was the then Premier and Leader of the Liberal/NCP Government—Sir Charles Court.)
- (4) Within the trust's budget since 1980, certain funds are specifically allocated for the purpose of entrepreneurial activity, this being the case under the previous Government and was the case when the City of Perth managed the Concert Hall, with subsidy assistance from the Government.
- This expenditure has been reported to Parliament each year within the annual report of the trust.
- (5) The trust is careful to see that appropriate budgeting of all entrepreneurial activity ensures that it operates within the trust's funding.
 - (6) The individual responsibility of the trustees under this Government will be

consistent with that under the previous Government.

GAMBLING

Two-up

6. Hon. P. H. LOCKYER, to the Minister for Administrative Services:

- (1) Is the Government considering legalising "two-up" in other parts of the State similar to the legalising of "two-up" games in Kalgoorlie?
- (2) If so, what other areas are being considered?
- (3) If not, why has Kalgoorlie been given preference over the rest of Western Australia?

Hon. D. K. DANS replied:

- (1) This matter will be considered by the recently formed gaming study group.
- (2) and (3) Answered by (1) above.

STATE EMERGENCY SERVICE

1983-84 Budget

7. Hon. P. H. WELLS, to the Attorney General representing the Minister for Police and Emergency Services:

In relation to the 1983-84 State emergency budget will the Minister provide a break down of the \$468 706 spent in 1982-83 on the operating services of regional centres and services, together with the estimated and any additional costs that make up the \$707 000 allowed for the 1983-84 year?

Hon. J. M. BERINSON replied:

The following is a break down of the Western Australian State Emergency Service financial year 1982-83 expenditure and 1983-84 allocation for operating services of regional centres and emergencies—

Item	Expenditure FY 1982-83	Allocation FY 1983-84
operating costs	158 700	230 000
training	23 487	29 000
communications	91 957	124 000
regional centres—general	139 874	324 000
expenditure relating to emergencies	54 688	—
TOTAL	\$468 706	\$707 000

DEFENCE: ARMY

Training Area

8. Hon. V. J. FERRY, to the Leader of the House representing the Minister for Defence Liaison:

- (1) In view of the deal between the State and Federal Governments whereby the State is paying \$2.2 million to have the military training area comprising approximately 55 hectares on Rottnest Island made available for recreational purposes, what priority is the State Government giving to assist in the replacement of a suitable military area in the south of the State?
- (2) If new areas are being looked at for suitability as a military training area, where are they located?

Hon. D. K. DANS replied:

- (1) and (2) The member will be aware from Press coverage of about 14 and 15 July 1984, that the agreement with the Federal Government relieved the Western Australian Government of the responsibility of finding a replacement site for the Army's Rottnest facility.

The Prime Minister has recently agreed to set up consultative procedures with the State regarding the siting, extension or disposal of defence installations. Through this mechanism the State Government will assist the Department of Defence to locate a suitable alternative site in Western Australia.

ARTS

Western Australian Arts Council

9. Hon. TOM KNIGHT, to the Attorney General representing the Minister for Arts:

- (1) Is the Minister aware that last year the WA Arts Council spent \$474 222 on administration and disbursed \$1 898 988?
- (2) Is it correct that the Government's expenditure in administering the arts amounts to almost 25 per cent of the total funds allocated for that purpose?
- (3) What action will the Minister take to control this expenditure and ensure that money allocated for the encouragement and support of the arts goes directly into the arts, and not into administration?
- (4) Will the Minister order that the members of the WA Arts Council be no

longer eligible for payment, and that they revert to a voluntary organisation?

- (5) Will the Minister insist that all members of statutory or similar committees in the arts be invited to join in a voluntary capacity, and be unpaid?
- (6) Is it correct that when the Arts Council was created it was designed to operate with a staff of five?
- (7) Were the Arts Council to confine itself to allocating funds what staff level would be required?

Hon. J. M. BERINSON replied:

- (1) (a) The figure for administration for the 1982-83 financial year should read \$474 122;
- (b) This total includes administration expense related to grants provided from council's CRF allocation; grants provided from the Instant Lottery (culture) distribution; and to the council's touring and development programme.

- (2) Total funds disbursed in the form of arts grants in 1982-83 were—

CRF source	\$1 898 988
Instant Lottery	\$2 141 249
	<hr/>
	\$4 040 237

The cost of administering these grants, which does not include administration of the touring and development programme, was \$319 208. This represents 7.9 per cent of the total grants funding.

- (3) The situation is under continuous review.
- (4) No. Remuneration is payable to council members as provided in the Western Australian Arts Council Act at section 10. The Council was never a voluntary organisation.
- (5) No.
- (6) The Arts Council Act was enacted in October 1973. The annual report for 1974-75, being the first full financial year of operation, shows that the number of staff employed by council was eight. Nothing can be found in the Act or other records to support the suggestion that the council was designed to operate with a staff of five.
- (7) If the council were to confine itself to the allocation of funds, it would be in breach of the Act. In view of the council's

integrated approach to the fulfilment of its functions, no estimates have been prepared for arts grants funding only.

QUESTIONS WITHOUT NOTICE

GAMBLING: TWO-UP

Legalisation

1. Hon. P. H. LOCKYER, to the Minister for Administrative Services:

In answer to a question on notice today, the Minister gave the names of the people appointed to the recently formed gaming study group. No doubt the Minister is aware of the situation that occurred in Leonora at the weekend. I now ask: Will the Minister, as a matter of urgency, consider granting permits to racing clubs to conduct two-up after race meetings?

Hon. D. K. DANS replied:

Off the top of my head, I cannot tell the member the names of the people appointed to the gaming study group. I have reactivated the gaming study group and asked it to do something urgently because of what happened in Leonora. I will take the time and make the effort to visit places as far apart as Cue, Kalgoorlie, and Karratha on this coming Monday. I know the problem. I am anxious to do something about it.

GAMBLING: CASINO

Burswood Island

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

My question is supplementary to the answer that the Minister provided to question 4. I refer him to his answer in which he said that there is no reason at present for the Government to consider abandoning plans for the casino on Burswood Island. I ask the Minister: At what point and on what grounds can the community expect some finality on this matter?

Hon. D. K. DANS replied:

I refer Hon. P. G. Pendal to the casino control committee. Those matters are under investigation by this independent committee and I have no way of knowing when the answers will be forthcoming.

Certainly, I am not directing the committee. The member should not get himself into a twist.

Hon. P. G. PENTAL: I think you are getting in a twist.

Hon. D. K. DANS: We are not in a twist. The Opposition is in a twist with regard to the unsuccessful tenderers; some of those involved are my personal friends.

Several members interjected.

Hon. D. K. DANS: The committee will bring forward the answers in due course, and there is no way of my knowing what those answers will be.

If the experience in Queensland is any guideline—and I discussed this extensively in Queensland—it will be some time before the initial investigations are finished and a considerably longer period will be required to negotiate the agreement.

Mr President, with your permission, I make an offer to the Opposition. The casino question seems to have fanned a certain amount of fervour around the place. I extend to Mr Masters, the Leader of the Opposition, and his deputy, on a day they care to name which is

also convenient to me, an offer to produce all the material held, including plans, in respect of casinos. Officers will be available to explain those plans. I will explain the Government's concept on a confidential basis and the reason it has reached its conclusions. I should add that one group has taken its material back to South Africa and also two or three letters of a highly confidential nature will not be available.

GAMBLING: TWO-UP

Leonora

3. Hon. P. H. LOCKYER, to the Minister for Administrative Services:

I refer to the two-up game at Leonora. Is the Minister relieved that he was not at Leonora on Saturday?

Hon. D. K. DANS replied:

Not really. When I attended the Cue races, I was asked to leave because they wanted to start a two-up game and I said I would leave with alacrity. I assume that had I been at Leonora the gentlemen would have put the same proposition to me. They are not fools.