Legislative Assembly

Thursday, 27 November 1980

The SPEAKER (Mr Thompson) took the Chair at 11.00 a.m., and read prayers.

INDUSTRIAL ARBITRATION AMENDMENT BILL

Second Reading

Debate resumed from 26 November.

MR SKIDMORE (Swan) [11.05 a.m.]: One could perhaps feel that after listening to the member for Fremantle last night there is little that needs to be said to substantiate the claim that the Opposition fails to recognise the need for the changes to the Industrial Arbitration Act that are proposed in this amending Bill.

If members had listened carefully to the member for Fremantle they would not only have received information that would clearly indicate we should not accept the amending Bill but they would also have had a clear and concise lesson in the interpretation of what industrial relations are all about.

Those who have been associated with industrial relations in this State just do not seem to be able to understand the fundamental basics of communication with the trade union movement. One might say that it is not possible to convince people that they ought to do certain things by hitting them over the head with a house brick. That is exactly what this Government intends to do and has done for many years with regard to industrial relations.

When the Act was amended last, the Opposition indicated to the Government that there were certain features in the amending legislation which would create chaos and would certainly create suspicion in the minds of the workers in this State.

That has been patently clear, especially when the Senior Conciliation Commissioner had to take the Government to task because the Attorney General and the Chief Secretary had the effrontery to call on him after midnight one evening to look at something which the commissioner declared was nonsense. The commissioner did not wish to have anything to do with it.

The commissioner was placed in the invidious position of having to tell the Government of the day that it was acting irresponsibly. If I were an industrial advocate and went to an industrial magistrate or Industrial Commission and said, "Look, you must read the newspapers, you must know what is happening so therefore we don't have to explain the position to you", that would not be accepted, but that is exactly what occurred and it is no wonder the commissioner was upset.

The very idea of the legislation was to make it—in the words of the Minister—"a conciliatory Act"; one which we could talk about with regard to our problems and one which would enable us to overcome our problems, therefore obviating the necessity for strikes, lockouts and failure to work overtime.

However, because the Government believes the Act, in its present form, does not suit it, it will make changes which will be foisted on the workers. The members of the Opposition and the people of Western Australia are well aware of the propensity of this Government to change the law when it does not suit its ideals and its ideology. We are going to change the rules again with this legislation.

During the Committee stage I wish to deal with some of the amendments in more detail, because there are some features of industrial relations in this State which disturb me greatly. It is time the Government of the day, employers, and Government instrumentalities were made aware of the sorts of restrictions which are imposed upon workers and the punitive regulations which the statutory authorities seem to feel must prevail when the workers do something wrong.

One example of a misdemeanour is the case of a nurse who fails to make a bed properly or fails to remove a bed pan or does not look after a patient's needs. Under the regulations that nurse is subject to disciplinary action. When a person accepts the responsibility of a contract of service with an employer it should be inherent in that contract that the terms of employment be set out. However, that is not so when we have a statutory authority. It is not a case of whether the nurse did not do as she should have done, it is merely a case of what she did based on a standard which has been established by the commission over the years.

The real truth of the matter is that control is by regulations. In most instances, those regulations are outdated and archaic, and they are not needed in today's society. They are a legend from the early days of the Industrial Commission, under the old serfdom system when workers received minimum consideration. It was said then that the workers would be looked after, and there would be arbitration and conciliation to ensure the workers received a just return for their labour.

I suggest members cast their minds back to a previous debate during which I mentioned the sheer stupidity of the regulations under the Government Railways Act. Under those regulations a worker cannot borrow money from his workmate to buy his lunch without committing an offence. Also, a worker is not able to have a pecuniary interest with anybody else in the workshop. If a worker wanted to buy a motorcar from his workmate, he could not do so because that would involve a pecuniary interest. That is what those regulations set out. That is also the very essence of this Bill.

The people need to be protected from regulations. The Government should not introduce regulations in order to protect itself. That is the problem facing us. I find many facets of the regulations to be abhorrent. A worker who breaches the regulations under the Government Railways Act is subject to three penalties. He is subject to a penalty of a fine of $250; he can be dismissed; and also he can be charged in a civil court, all for that same offence. He has no redress to the employer because that is what the law sets out. That type of situation indicates that the Government is somewhat remiss in introducing this legislation.

I wonder what happened to the great promises from the Minister who introduced the previous legislation. He said that if only the workers would talk to the bosses and to the Government, there would be a rosy path to industrial peace. Where has that promise gone? Where is all the hope of utopia? What efforts have there been to make the system work?

What has taken place, of course—as was so admirably put by the new Federal member for Wills (Mr Hawke)—is that the trade unions have been split. Mr Hawke made it clear that the intention of the Government, federally and State, was to pit worker against worker. The blame for the present economic climate is forced onto the people of Australia, and onto the people of Western Australia, as a result of the measures which were supposed to provide for a great utopia.

How will it be possible for us to overcome the unemployment situation? How can we be complacent when all the economists in the world have said it is not possible under the westernised capitalist system to overcome unemployment, nor is it possible to overcome the inflationary trend under the present system. I suggest members read some of the reports on what world economists have said, which have been published in many national newspapers.

The puny Government of Western Australia is lining up the workers and telling them that they will not receive any increases to counteract increased costs forced on them by the Government. Recently I referred to some statistics which showed that the costs for the average worker had increased from 40 to 70 per cent. The increase was up to 70 per cent in some cases for those with basic requirements such as a home, a car, a washing machine, cigarettes, the opportunity to have a drink at the weekend, and the opportunity for a worker to be able to take his family to the beach. All those basic requirements of the average worker have been placed in jeopardy by this Government.

The worker rightly said, "Fair go, we want some of the profit." The State and Federal Governments said, "No, you cannot have any of it. That is a piece of the cake you will not get." The Government said it would institute a code of conduct, and provide expertise so that if the worker went to the Government with a logical argument with regard to increased skill, or his ability to do a job better because of mechanisation, the Government would adopt an indexation policy—both federally and State. That policy has stood the test of time, albeit very shakily, up to date. However, the only side which has attempted to destroy that system has been the Government which instituted it. Those who wanted the new system have tried to destroy it. They are destroying it quite simply.

The Government has said that workers in Western Australia will not receive any increases in wages over and above that increase which relates to the cost of living index. That is against the Government promise that industrial relations would be placed on a proper basis. The Government said the unions and the bosses should talk to one another, and that the Government would abide by the umpire's ruling. The Government said it would not go outside that concept. However, the Government was the first to repudiate it.

The nurses, through their trade union, received an increase in wages. That increase was what I refer to as a "catch-up" increase. It was wage justice for the nurses in this State. The commissioner accepted the application as being within industrial guidelines laid down by the Government. Having accepted that guideline, when the nurses received an increase in wages the Government said that they will not get their just rights. The Government has said it will change the rules.

The essence of this legislation is a change of rules. The workers who have a right to receive a

just reward will be affected. They will not receive increases in wages caused by factors outside their control.

Mr Grewar: Where will the money come from?

Mr SKIDMORE: I will come back to the ability of the worker to contribute a little later, at which time I will answer that interjection.

The workers are to be subjected to this penalty. Of course, somebody has to foot the bill. Because of the system under which we operate, the Government of the day has backed the wrong horse. The Government always has been fairly favourably disposed towards multi-national companies and considered them to be the great saviour of the nations of the world. We all know that the "grumbling workers" are asked to keep up production. The case of the nurses is one example.

Over the years many unions have endeavoured to make out a case showing that work values had changed. People have had to learn new skills in order to take on new jobs. The member for Roe raised the question, by interjection, as to where the money will come from.

I suggest that the Government stop milking the workers' cow, because it is running dry. No longer can the Government expect to pull the teats of the workers' milking cow and get milk, because the workers are fed up with being made the scapegoat for the economic ills of this country—not only Western Australia, but Australia as a whole. One just cannot get that message through to the Government.

When dealing with a Bill like this which concerns industrial relations, we have to realise that the worker is not prepared to accept the legislation. I have said this before, and I will say it again: the workers will not abide by it; they will break the rule because it is an oppressive rule. I wonder whether farmers would be prepared to accept an edict from the Australian Wheat Board that the price of wheat will be lowered because the board cannot sell it on the overseas market at a given rate? We all know that farm production in this State has increased; but would farmers accept such an edict? In no way would they accept it.

Mr Grewar: It happens frequently.

Mr SKIDMORE: The member for Roe misunderstands what I am saying. I am aware of the changes in the price of wheat on the overseas market, which is subject to fluctuation. I will leave it at that, because the member knows what I am talking about.

The workers accept features such as that, but they cannot accept the removal of something to which they are entitled. Let us assume that the costs of production on the farm of the member for Roe increase to the extent that he cannot put wheat into the bins at the price offered. He would go straight to the Wheat Board and demand an increase; and he would get it because he does not suffer the restraints of the Industrial Arbitration Act as the worker must.

Let us consider wage indexation and the matter of working within the confines of the Industrial Arbitration Act. We can consider workers in an engineering shop, nurses, or some professional people; in fact we could probably take the work force of Western Australia in its totality and ask whether it is getting a fair shake. If a worker in an engineering shop is removed from a piece of machinery which he has operated for five or six years and told to operate a more sophisticated piece of machinery which requires a greater degree of skill but performs the work previously performed by three lathes, the new machine will do away with two jobs. The worker is obliged to acquire the extra skill according to the edict of this Government and according to this legislation. One man must have the capacity to provide the output of three men in that situation as a result of the introduction of a new piece of machinery; but his increased output will not be recognised and he will not be paid for it. If he has the temerity to say that his productive capacity has increased by at least 80 man hours a week, no-one will pay him for it.

That is a fair sort of distribution of wealth in accordance with the Government's edict; but it is certainly not a fair distribution in my mind nor in the minds of the workers.

When disputation occurred when nurses took umbrage at the fact that one of their fellow workers was dismissed wrongfully—as they felt—and they wished to appeal, the Government became upset because the nurses went outside the confines of their nursing regulations. Heaven forbid! They went to the very tribunal which the Government says is set up to look after their interests; but it was the wrong thing to do. Fancy the nurses taking a grievance to the Government's commission! That is not a fair crack of the whip! They should have stayed with the Department of Health and Medical Services and got their just reward. The fellow involved certainly got just that; he was dismissed!

Subsequently the dismissal was found to be incorrect and the nurse was reinstated. That sort of thing upsets the Government to the extent that it introduces legislation such as this Bill.

I do not wish to say much more because most of the other comments I would like to make may be made in the Committee stage. However, I suggest to the Minister that trying to win over the worker in the manner in which he has gone about it will not bear fruit. I am aware of the problem faced by workers, and I am aware also of the problem faced by the Government in its economic crisis; but do not let the Government blame us for that because it created the problem. Let us not ask the worker to foot the entire bill.

Mr H. D. Evans: It created the problem with the help of new federalism.

Mr SKIDMORE: Yes, with whatever help. But do not ask the worker to pay as the Government is doing. In this legislation the Government is saying that it wants to belt the workers over the head and to remove them from the confines of the Industrial Commission to ensure they do not receive their just deserts.

I would like to see this provision taken before a commissioner in the Industrial Commission, or before an industrial appeal court on the grounds that dismissal is outside the matter of the regulation of wages and salaries of workers. The first prerequisite for a worker to be employed is a contract of service or a contract for service; and having accepted either of those two contracts the worker is subject to the conditions of his employment. It is readily agreed that wages and salaries are a part of that contract. If it is not possible for dismissal to be a part of that contract, many awards in Western Australia are null and void as a matter of absolute logic; because if a person is employed and is covered by an award and dismissal is outside the matter of the regulation of salaries and wages and conditions of employment, then I fail to see how the Government can logically say his employer has the right to dismiss him.

If one accepts the advice of the legal eagles—and I do not know who gave the information—that is exactly what it means. If that is so, the Government is justified in saying dismissal should be part of an award. I suggest to the Minister that if he looks at an award he will find there is always a dismissal clause which covers misconduct; and the worker can be dismissed without pay. I can quote a ready example of that which occurred only a few days ago in Kambalda. I could recount that situation to the House, but I will not. I would be happy to inform the Minister of it later.

If what I have said is accepted as a matter of fact, then it must be accepted that dismissals are not outside the terms of the regulation of salaries, wages, and conditions of employment. In fact, if the Government wishes to carry out its intentions I think it will find itself in a lot of bother. I suggest the Minister tread very warily with this.

I offer him my humble and sincere advice; and I do not know all the answers to industrial relations. If I did I would not be here today arguing this matter. However I say to the Minister it is about time that he, the Government, its officers, and all the Government back-benchers realised that if they are not prepared to talk to the worker they can expect within the next 10 years to be forced to the battlefield. I do not make that statement lightly.

Workers are becoming absolutely fed up with what this Government is doing to them. The Government is able to recognise the inherent danger. Look at section 54B of the Police Act and the legislation which says a person may be prosecuted if he trespasses on private property. These restrictive laws have been introduced by the Government purely on the assumption that in the near future working people of this country will say, "Enough is enough." It would not matter two hoots what Government was in power at the time.

Mr Sibson: Why do you not include the workers in that?

Mr SKIDMORE: You have challenged me many times, Mr car salesman, on the ground that I do not include everybody. I am including everybody. I have made no distinction between any sections of workers. I have said this clearly enough. The workers are basically all workers. Under the restrictions of this legislation, nobody will be sacrosanct.

It is time the Government of the day started to have a good look at the way it is going. It cannot continually change the rules in industrial relations to suit itself. If the Government does not like a rule, it should change it, by all means; but it should not change it merely because the commission has gone against the Government and said it is a mob of noong-noongs and that it did not do what it should have done. The Government has taken umbrage at the fact that the commission—it is the Government's commission, and we abide by its rules—has ruled against the Government; so the Government now wishes to change the rules so that the Government is in the right.

The Government is saying to the workers that it is not a fair proposition. The making of that suggestion will not sustain industrial peace. It will foment industrial unrest, because the workers are becoming sick and tired of being blamed for everything that happens in this economic climate.

There are economic problems, not only in Australia but in the whole capitalist system. That is the essence of the problem we are facing.

All the restrictive laws in the land will not make any difference. The Government brought in section 54B of the Police Act; and the people charged will not pay their fines; they will go to gaol; they will front up to the magistrates; and they will defy the magistrates, as Mr Latter has done. I think he offered some mouldy old sleepers to meet his fine. Those sleepers ought to be supplied to the Ministers to sit on, instead of the soft chairs they have.

I simply say that all these issues are important. I speak with great sincerity and real feeling for the people I represent as a member of Parliament. Those people have been subjected to the ill-conceived thinking of this Government for many years. In the long run, they deserve recognition for the contribution they have made to the economy. I suggest that the Government should adopt a more conciliatory attitude and a more realistic attitude to the workers.

I do not want to be a prophet of doom; but if the Government does not do that, in 10 years it will have a fight on its hands of such a nature that it has never seen before.

MR O'CONNOR (Mt. Lawley—Minister for Labour and Industry) [11.33 a.m.]: A person listening to the debate last night and this morning would have little understanding of what the Bill was about if he had not read it. A multitude of areas have been covered in the debate; but I wish to outline for members the reason the Bill was brought before the House.

The Bill amends section 23 of the Industrial Arbitration Act, and it refers to the jurisdiction of the commission. The commission is not to have jurisdiction in certain areas. It refers to Government employees within the meaning of section 96; and it refers to people whose remuneration is determined under the Salaries and Allowances Tribunal Act 1975, to officers of Parliament House, of the Governor's residence, and of Government establishments.

One of the problems which has arisen is that there are varying views in relation to whom the Bill relates. I have had discussions with a commissioner of the Industrial Commission who believes that the people involved in the areas concerned—in the police, the fire brigades, and others—do not have an appeal to the commission in respect of dismissal. However, we obtained a ruling from the Crown Law Department, which gave a different view from that taken by the commissioner in the matter. I will mention that the commissioner who helped in drafting the legislation was Senior Commissioner Kelly.

In the circumstances in which there are two differing views and one is not certain which is the correct one, it is proper to rectify the situation. We are trying to rectify this problem in accordance with what the Parliament thought it approved in 1979. This Bill will clarify the position as far as the Government is concerned, as far as the Parliament is concerned, and as far as the commission is concerned.

Members mentioned many matters during the debate. Both the member for Fremantle and the member for Swan said they would like to see an improvement in industrial relations. We on this side of the House would like to see that, too. Industrial relations probably cause many problems in most countries of the world, and certainly to us in Western Australia at this stage. The problems caused by poor industrial relations are costly, not only to the country but also to the people concerned. While some members say that in all cases the unions are to blame, that is not so. I have never blamed the unions in all cases; and I have stated many times that for justice to occur, sometimes the companies involved should give consideration to their attitude. They should consider the needs, the wants, and the requirements of the people involved.

There are other cases in which the problems have been caused by the unions. One has only to look at the Alcoa dispute at the moment. That is a dispute between the Builders' Labourers' Federation and the Australian Workers' Union. It is a great pity that this sort of thing occurs because, in the dispute between these people, many workers are being laid off. That is not to the advantage, in the long term, of the people involved.

All parties should have a good look at their own attitudes. They should try to overcome the problems. There are some companies which frustrate the workers continually. There are some union leaders who try continually to cause confrontation. I appeal to all parties to get down to basics—to move closer to each other, and to look logically at ways in which they can overcome these problems in the interests of their members.

I repeat quite frankly that I have never, at any stage, blamed unions totally for the problems. They are responsible for some of the problems, as are the companies, and as are other people. Sometimes individuals cause problems that should never occur. Sometimes the unions and the companies have no control over the actions of those people.

This Bill is attempting to preclude double appeals. For instance, in some Government departments, including the police, if a member is dismissed an appeal tribunal is set up within the department. That applies to the railways. In last year's legislation, we endeavoured to ensure that in these cases a dual appeal was not applicable. In other words, when there was an appeal against dismissal, the person concerned could not have a second bite of the cherry. We are attempting to provide for that in this Bill.

I have spoken to many people who have been involved in tribunals. Generally speaking, the tribunals have acted satisfactorily. On each tribunal, there is normally a union representative, an employer's representative, and an independent person. I refer to the railways, and organisations such as that.

What we are trying to do is to ensure these particular issues are covered properly. The member for Fremantle mentioned the Government was not represented properly in industrial relations. I do not agree with that remark. In the Department of Labour and Industry, for instance, we have three men—Mr Colcutt, Mr Smith, and Mr Garry—who have had 40 years' experience in this field.

Mr Parker: I would be the first to agree they are very competent and dedicated public servants and in the general area of labour they perform their work very well; but the point I am making is they do not have expertise in this particular field of the portfolio.

Mr O'CONNOR: Wherever possible, these men try to encourage me to conciliate and when we can assist in these ways we certainly try to do so.

We have people in the Public Service Board, like Mr Ted Boylan, who have many years' experience in this field. The recent strike of the fire brigades' employees was mentioned and the action taken by the Government in that regard. The Government is in no way opposed to the commission and some of the comments made at the time were difficult to understand; but the Government was concerned about the safety of the public and property.

At the time one must realise the Government was doing everything it possibly could to ensure the men returned to work and it did so for good reason. If, for instance, a hospital had burnt down and lives were lost because of the lack of firemen, we would have been blamed for it and the Opposition would rightly have got to its feet and criticised us for that.

We tried to do everything we could to get the men back to work so that property and people could be looked after safely. That really has little to do with the Bill, although as has been pointed out, the commission had some doubt as to whether it should take into account the individuals involved who had been dismissed. At that particular time the commission itself said that, where men had been dismissed, they did not come under its jurisdiction.

Members commented in regard to the legislation passed last year and they maintained it did not have public support. That is not true and the fact that it is not true has been proved. We put through the legislation last year prior to the election, and the public re-elected us; therefore, it is clear they support the legislation. It illustrates we have the support of many members of the work force who are greatly concerned about some of the actions of some unions. I do not say all unions, because there are some very good unions. I say this very sincerely, because wherever possible I have tried to negotiate and conciliate with union representatives. At eight o'clock this morning I was discussing matters with union repesentatives in an endeavour to arrive at sensible conclusions which will not be disadvantageous to employers and will also help employees.

I spoke to a colleague of the member for Fremantle from Melbourne yesterday in regard to efforts being made to help those concerned with the situation at Alcoa.

I can assure all members we are concerned in this area and we are endeavouring to do what we can to assist in all fields. We are concerned when strikes occur to the disadvantage of all concerned and we will do all we can to assist in this area. This legislation is designed to ratify the legislation passed last year.

Question put and a division taken with the following result—

Ayes 24

Mr Blaikie	Mr Nanovich
Mr Clarko	Mr O'Connor
Mr Cowan	Mr Old
Mr Coyne	Mr Rushton
Mrs Craig	Mr Sibson
Mr Grayden	Mr Spriggs
Mr Grewar	Mr Stephens
Mr Hassell	Mr Trethowan
Mr Herzfeld	Mr Watt
Mr MacKinnon	Mr Williams
Mr McPharlian	Mr Young
Mr Mensaros	Mr Shalders

(Teller)

Noes 16

Mr Barnett	Mr Jamieson
Mr Bertram	Mr McIver
Mr Bridge	Mr Parker
Mr B. T. Burke	Mr Pearce
Mr T. J. Burke	Mr Skidmore
Mr E. T. Evans	Mr Tonkin
Mr H. D. Evans	Mr Wilson
Mr Hodge	Mr Bateman *(Teller)*

Pairs

Ayes	Noes
Mr Tubby	Mr Bryce
Mr Laurance	Mr Carr
Sir Charles Court	Mr T. H. Jones
Mr P. V. Jones	Mr Davies
Mr Sodeman	Mr Grill
Dr Dadour	Mr Taylor
Mr Crane	Mr Harman

Question thus passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mr O'Connor (Minister for Labour and Industry) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 23 amended—

Mr O'CONNOR: I move an amendment—

Page 2, lines 20 and 21—Delete everything contained in those lines with a view to substituting the following—

"(iv) termination of that employment, and there is provision, however expressed, by or under that other Act for an appeal in any one or more of the matters referred to in subparagraphs (i) to (iv) inclusive of this paragraph; or".

This amendment will remove some of the people who would normally be covered by this legislation. The Bill was drafted mainly to cover people who had a tribunal to which to appeal apart from the Industrial Commission. Two exceptions are people employed at Parliament House and at the Governor's residence.

The Bill as put forward covered a larger field than was anticipated and this particular amendment is to bring it back into line so that people not anticipated to be covered originally in the legislation passed last year, and not anticipated by me to be covered by it when I introduced these provisions into the Parliament, will not in fact be covered by the measure.

Mr PARKER: Perhaps I could seek your guidance, Sir. Now that this amendment has been moved, we are speaking to it and once the amendment is either carried or defeated, we then revert to speaking to the clause; is that correct?

The DEPUTY CHAIRMAN (Mr Blaikie): That is correct. I also emphasise further that the subject before the Chair at this stage is to delete the words contained in lines 20 and 21.

Mr PARKER: With the proposed deletion of lines, 20 and 21, it is obvious the Government took a second or maybe third or fourth look at the proposed amendment to the Act and realised that if the amending Bill were carried it would virtually preclude all employees who are covered by any Act from taking a case to the commission. For example, there are vast numbers of employees who are covered by various Acts and the Government did not intend to have them covered by this particular provision. Such people could be those employed by the Fremantle Port Authority and the SEC.

I believe when the Government looks at this part of the Bill it will realise that a great many people who currently can go to the commission would not be able to do so with this new legislation.

If the Government wishes to prevent people from taking their cases to the Industrial Commission it could introduce disciplinary provisions into the appropriate Act providing for a minor misdemeanour such as arriving at work late and therefore some pay is docked.

Mr O'Connor: That is not the intention of the Government.

Mr PARKER: It may not be the Government's intention but people who are employed by the Fremantle Port Authority and the SEC could be prevented from going to the commission.

I ask whether the Government proposes that nurses be covered under the provisions of this legislation because nurses are already covered under the provisions of an Act. For some time it has always been the case that nurses and enrolled nurses and other hospital employees can take cases relating to dismissal, etc., to the industrial courts. So far as I am aware no-one has complained about that.

The nurses have not had the situation such as the one which occurred with the Mental Health Services when the commission had to do something. We have not had that situation with respect to enrolled nurses and public hospitals. I do not know whether the Government really understands the importance of this Bill and what will remain if the amendment is carried.

I made several comments last night about the Government's position with regard to industrial relations and I said the Government lacked the expertise required. I was very careful to point out that there are a large number of public servants,

both in the Department of Labour and Industry and the Public Service Board, who do not understand the arbitration processes which are, after all, extremely complex. These officers advise the Government and I do not believe the Government is receiving an appropriate level of advice from those departments.

On some occasions it is not entirely the fault of the Government that it does not have people with the required expertise. Many choose to leave the department because they have shown promise and have been offered positions by the Confederation of Western Australian Industry or unions—in the case of the former with a great deal more pay.

There are some people in those departments who have a great deal of expertise but I would be surprised if they were consulted in respect of the Government's industrial relations policy. There is one gentleman in the Public Service with whom I have had many dealings; he is a pleasant person but I doubt whether he knows very much about the industrial or arbitration processes. This has been illustrated from time to time when he has appeared before a Federal commission and he has been virtually laughed out of court. This is understandable because he has often put forward the policy and views of the Government, and then a Press statement which is released later has stated something entirely different. I would not say that is entirely his fault but I do not believe that the level of advice obtained by the Government is forthcoming from the proper echelons of the department.

There is no comparison between the Department of Labour and Industry and the Commonwealth Department of Industrial Relations. Over the last couple of years the Commonwealth department has been built up and presumably the pay scales have been adjusted to attract some very competent people. I do not necessarily agree with the way the Commonwealth Government carries on in the industrial relations field but at least it has received advice from the appropriate levels.

The DEPUTY CHAIRMAN (Mr Blaikie): I draw the member's attention to the question he raised before he spoke to the amendment. I remind him that the question before the Chair relates to deleting lines 20 and 21 and the proposed insertion of other words. The member will appreciate that the Chair has been extremely tolerant in allowing him to expand his argument and I hope he does not anticipate speaking nine times on this general question. I hope he can convey to the Committee his sentiments, bearing in mind the tolerance we have shown him.

Mr PARKER: The Government's position in regard to this matter is one which deserves outright condemnation. In his reply to the second reading debate the Minister said that the Alcoa dispute was unfortunate. I would agree with the Minister that that dispute is unfortunate but it is one of those disputes which are difficult to resolve, especeially when people are throwing brickbats at one another. That dispute demonstrates to members the treacherous ground one walks upon when dealing with industrial relations.

There are two people in this country who are more skilled in industrial matters. They have been successful because they have been prepared to deviate from their philosophical positions in order to achieve a resolution. The people I am referring to are Mr Hawke of the ACTU and Sir John Moore of the Commonwealth Conciliation and Arbitration Commission. The reason for their success is that they have strong philosophical positions and strong views about the role they must play with respect to industry and in their consultations on industrial matters.

I am aware of the views of Bob Hawke, but I am not aware of the views of Sir John Moore. I do know that he has a son who is a Liberal member of Parliament.

Both those people are prepared to move away from the sorts of things one might expect them to say and do if they were simply issuing forth the rhetoric which we often hear in respect of industrial relations and politics, generally. However, they have moved away from that in a negotiating situation because they know it will not solve disputes. They want to solve disputes because nobody likes to be out on strike for long periods and nobody likes to have a factory or workshop closed down for a long period.

I can assure the Minister as someone who has been involved in literally hundreds of disputes that in most cases the desire of everybody involved is to find some way of resolving the dispute. That is the problem with this Bill and the Government's attitude to industrial relations generally.

The Alcoa dispute is a perfect example. Fortunately it is outside the ambit of this Act, otherwise it would probably take far longer to resolve. It is within the ambit of the Federal commission, which does not have the limitations imposed upon it which are imposed by this Act upon the State commission. The Federal commission has constitutional limitations, of course, but in terms of its ability to hear and make determinations on industrial matters it does

not suffer the limitations in section 23 of our Act and in this amending Bill.

To take one good example: I mentioned last night the question of Parliament House staff in Canberra. I am referring to attendants, stewards, etc. They are all members of the appropriate union—I think most belong to the Liquor and Allied Industries Union. They are governed and regulated by the terms of industrial awards, and they have the right to seek a review of their conditions with the Federal commission. They have the right to strike and they have done so from time to time and deprived Federal members of their food and other benefits when they have felt it necessary to do so. That is something I would defend, and it is something which is appropriate for this Parliament.

Mr O'Connor: Are you going to support the amendment?

Mr PARKER: No, because we believe the whole of the clause is antipathetic to everything we stand for. We believe that whilst the amendment does marginally improve the situation it will not encourage good industrial relations or in any way ameliorate the end result. For example, there could be a provision that if a worker is two minutes late he will have two minutes docked from his pay, which is reasonable and happens frequently. If such a provision were included in an Act or in a regulation under an Act then the Government could interpret that as meaning the people concerned do not have the right to go to the Industrial Commission with respect to the termination of their employment, reinstatement, and so on.

What will happen if this amendment is passed and applied to the State Energy Commission or the Fremantle Port Authority? Sooner or later a situation will arise and we will not have power or any stevedoring operations, and the Government will be directly to blame for introducing this absurd and reactionary amendment.

The Government should allow the Industrial Commission to make determinations on the merits of a case. If the Government's advisers advance a sufficient case, it could be considered on its merits. Unfortunately, in many cases the Government's approach to the tribunal has not been of a sufficient standard to enable the tribunal—

The DEPUTY CHAIRMAN (Mr Blaikie): The honourable member's time has expired.

Mr O'CONNOR: I make it very clear that the Government is endeavouring to retain the status quo. I thought this amendment would be supported by the Opposition because it restricts the area in which the legislation operates. I had a meeting with the TLC last week in respect of this amendment, and while the officers of the TLC would have preferred that the legislation was not introduced at all, they said they preferred that this amendment be included if the Bill was introduced. If members opposite oppose this amendment and the Bill remains as it stands, the people concerned will be in a much worse position than they will be if the amendment is carried.

Mr Parker: It is a choice between the devil and the deep blue sea.

Mr O'CONNOR: We are trying to include in the legislation the situation which the Parliament and the commission thought was included in it in 1979. We are going no further than that, and this amendment ensures that we can go no further than that.

The member for Fremantle said he doubted that the Government liaised with departmental officers in connection with this legislation.

Mr Parker: I said at a lower level.

Mr O'CONNOR: I am referring to my level. I spent hours, days, and weeks discussing this matter with departmental officers and Senior Commissioner Kelly. I treat all such matters which come to my attention in the same way. Obviously the Minister must make the decision; therefore, I am not saying the department or the commissioner is responsible for the legislation. However, I can say that I have negotiated with the officers and the commission, just as I do with almost everything that comes forward in respect of industrial matters.

With regard to nurses, generally, they will be covered by this measure if the amendment is not passed, but if the amendment is passed they will not be covered, although psychiatric nurses will be.

Mr Parker: Surely under the Health Act there is a provision which says nurses can be dismissed for gross misconduct and negligence. The Minister for Health and the member for Melville debated that matter the other week.

Mr O'CONNOR: That is where they have another tribunal.

Mr Parker: No, they can be dismissed for misconduct and if they want to they can appeal against it.

Mr O'CONNOR: My understanding from Crown Law officers and my departmental officers is that this legislation will apply to psychiatric nurses but will not apply to nurses, generally.

Mr Parker: It would not be the first time Crown Law has been wrong.

Mr O'CONNOR: The member for Fremantle may have greater knowledge than I, but that is the information I have been given in this regard.

Amendment (to delete words) put and a division taken with the following result—

Ayes 24

Mr Clarko	Mr Nanovich
Mr Cowan	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr Rushton
Mr Crane	Mr Sibson
Mr Grayden	Mr Spriggs
Mr Grewar	Mr Stephens
Mr Hassell	Mr Trethowan
Mr Herzfeld	Mr Watt
Mr MacKinnon	Mr Williams
Mr McPharlin	Mr Young
Mr Mensaros	Mr Shalders *(Teller)*

Noes 17

Mr Barnett	Mr Jamieson
Mr Bertram	Mr McIver
Mr Bridge	Mr Parker
Mr B. T. Burke	Mr Pearce
Mr T. J. Burke	Mr Skidmore
Mr E. T. Evans	Mr Tonkin
Mr H. D. Evans	Mr Wilson
Mr Harman	Mr Bateman
Mr Hodge	*(Teller)*

Pairs

Ayes	Noes
Mr Tubby	Mr Bryce
Mr Laurance	Mr Carr
Sir Charles Court	Mr T. H. Jones
Mr P. V. Jones	Mr Davies
Mr Sodeman	Mr Grill
Dr Dadour	Mr Taylor

Amendment (to delete words) thus passed.

Mr O'CONNOR: I move an amendment—

Page 2, line 20—Substitute the following for the words deleted—

"(iv) termination of that employment, and there is provision, however expressed, by or under that other Act for an appeal in any one or more of the matters referred to in subparagraphs (i) to (iv) inclusive of this paragraph; or".

Mr PARKER: If the amendment is accepted, it will provide as follows—

... a class of employees if there is provision, however expressed, by or under any other Act—

In other words, not necessarily in the Act; it could be in the regulations. To continue—

—for or in relation to any one or more of the following—

We cannot get it much broader than that. I continue—

(iii) dismissal from that employment;

I would have thought that every Act, either in terms of the Act itself or in terms of the regulations made therein would contain provision for termination of employment.

Mr O'Connor: You must read (iv) in the correct context.

Mr PARKER: Yes, with the subjunctive "and". With the amendment, it will now read—

(iv) termination of that employment, and there is provision, however expressed, by or under that other Act for an appeal—

I stand by the point I made in relation to the FPA and the SEC. During the last division I had the opportunity to turn up the Nurses Amendment Bill, which we have just passed. As I understand it, a nurse charged with misconduct is charged either by or before the Nurses Board; it makes the decision. Clause 14 of the Bill amended section 33 of the parent Act. Section 33 will now read—

Any person aggrieved by an order to remove her name from the register or to suspend her registration—

I think there has been a small amendment inserted after that. To continue—

... may, within three months after the date on which notice is given to her by the Registrar that her name has been so removed or her registration suspended, or within three months after the date on which she applied to be registered or to have her name restored to the register or applied for renewal of her certificate of registration ... appeal in accordance with the regulations against the order or decision ... to the Local Court at Perth and the magistrate thereof shall hear the appeal sitting in chambers.

We just passed that provision. I imagine the Government did not want that to apply only to nurses employed by the Government; it also wished the same principle to follow through to all Government authorities, such as the Department of Corrections, the Police Department, and so on.

Nurses are employed pursuant to the Act; they do not have to be employed under an Act. There is no requirement for them to be employed by an authority to which the Act refers. However, if their employment is in any way affected by an Act—as the Nurses Act affects the employment of nurses—they have the right of appeal.

I raise the particular case of nurses because it is pertinent to this discussion, and because only recently we debated a Bill to amend the Nurses Act. However, I dare say if we cared to go through legislation establishing other authorities, we would find the same provision. We might not

find it in relation to occupational therapists, dental therapists and so on, but it is certainly the case with nurses. They have the right of appeal.

We are not talking about only those nurses who are employed at Government teaching hospitals or other Government hospitals, but also about nurses employed pursuant to the Act by private hospitals, as many of them are. However, because the Act contains provision for appeal, those nurses cannot go to the Industrial Commission. Certainly, that is the way I see it.

I do not believe from the Minister's comments that he did not intend that to be the case. That being so, I suggest the appropriate course of action is for us to report progress in order that the Minister can seek advice and have the matter clarified before we enact bad legislation.

Mr Deputy Chairman, I wish to move that we do now report progress and seek leave to sit again.

The DEPUTY CHAIRMAN (Mr Blaikie): Order! A ruling last night when a member moved a similar motion in similar circumstances was to the effect that the motion could not be moved by the member who had already spoken; it would need to be moved by another member, or by the member for Fremantle when speaking on another occasion.

Progress

Mr SKIDMORE: Mr Deputy Chairman, I move—

> That the Deputy Chairman do now report progress and ask leave to sit again.

Mr O'Connor: If you had given me a chance I would have explained it to you.

Motion put and a division taken with the following result—

Ayes 17

Mr Bertram	Mr Jamieson
Mr Bridge	Mr McIver
Mr B. T. Burke	Mr Parker
Mr T. J. Burke	Mr Pearce
Mr Davies	Mr Skidmore
Mr E. T. Evans	Mr Tonkin
Mr H. D. Evans	Mr Wilson
Mr Harman	Mr Bateman
Mr Hodge	*(Teller)*

Noes 24

Mr Clarko	Mr Nanovich
Mr Cowan	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr Rushton
Mr Crane	Mr Sibson
Mr Grayden	Mr Spriggs
Mr Grewar	Mr Stephens
Mr Hassell	Mr Trethowan
Mr Herzfeld	Mr Watt
Mr MacKinnon	Mr Williams
Mr McPharlin	Mr Young
Mr Mensaros	Mr Shalders
	(Teller)

Pairs

Ayes	Noes
Mr Bryce	Mr Tubby
Mr Carr	Mr Laurance
Mr T. H. Jones	Sir Charles Court
Mr Grill	Mr P. V. Jones
Mr Taylor	Mr Sodeman
Mr Barnett	Dr Dadour

Motion thus negatived.

Committee Resumed

Mr O'CONNOR: My understanding is that the point brought forward by the member for Fremantle is not relevant because it refers to the registration of nurses and not to their employment; it is a different proposition. He mentioned that nurses have an appeal to a magistrate, but my understanding is that it does not apply in this regard. I am not trying to put the wool over anyone's eyes; all we are trying to do is to have the status quo remain. What previously was the case will be the case with this legislation.

Mr SKIDMORE: I am far from satisfied with the Minister's explanation. What he is trying to achieve will not be achieved; it is impossible for this amending Bill to do what he wants it to do. The Minister is wanting to add certain words to section 23(1). It is hoped that the words to be added will correct an anomaly with regard to certain classes of employees, but it will fail dismally because the Government is considering the wrong section to make good the omission.

If members read the present provision they will see it is clearly established that there did not need to be an appeal condition for the conditions outlined to apply. The Government has fixed the appeal side of the problem but has left the rest of it.

I point out to the Minister that there are workers in this Parliament who are not covered by the Industrial Arbitration Act and who do not even have an appeal system; yet the Government says they cannot go to the Industrial Commission for an award.

Mr O'Connor: Their appeal is virtually to members of both our parties.

Mr SKIDMORE: I am on a Standing Committee of this Parliament and when we had a matter before us recently we found we had no appeal avenue and this view was substantiated by the Crown Law Department. The matter involved an employee of this place. The Minister cannot tell me that under those circumstances this is fair legislation.

Assuming there are other people covered by Acts of Parliament who are subject to the four conditions which now apply, they can be subject to this amendment. They need not be working for the Government. If there is a termination of employment inherent in their conditons, the workers will be covered. Any employee employed under any Act of Parliament who has a provision for termination of employment in his contract of service—whether he be employed by a Government authority or a private company—will be subject to this amending legislation and could be refused the right of appeal to the Industrial Commission.

I wonder whether in any other Act of Parliament there is such a wide and sweeping power bestowed upon an employer giving him the right to discipline a worker in his employment. Of course he would have the right. Any worker employed under any other Act is subject to this amending legislation; no exclusion has been made. People the Minister thought would be excluded will not be excluded except those who have an appeal system established. The very workers I mentioned who are employed in this place—the attendants—will have no right of appeal to the Industrial Commission on matters affecting their employment.

There is no mechanism for such an appeal. I could inform the Deputy Premier of details of the case I have already mentioned where we found we could not discipline the person involved because, among other things, there was no right of appeal in the system. We even asked the Crown Law Department to have one of its officers act as an appeal officer, but it would not permit it because it said it could not do that; yet the Government is coming forward with this sort of garbage. The Government seems to have a callous attitude with regard to the working people who will not be covered by this legislation. It seems to indicate it does not care about the workers. It seems to indicate that if this legislation does not work it will change it again and again until it finishes up with legislation which will not allow the workers to do anything.

I am not in a position to say whether my interpretation of this matter is correct, but I believe the Minister should report progress and check on the matter. However, I believe my interpretation contains some substance in terms of industrial law. I believe the Government ought to have a darned good look at it before it allows the legislation to go forward in its present form.

Mr PARKER: I will make a couple of points. The Minister said the Bill is intended to preserve the status quo or what the Government believes to be the status quo, or should have been the status quo when the principal Act was passed. In relation to clause 2(b) I can see that point although I do not agree with its original intent. It will really preserve what the Government considered to be the status quo. I do not think that can be denied; however, clause 2(a) will do something completely different from its intention.

The Minister made the point that the issues I raised concerning the nurses were not relevant because nurses are not employed pursuant to the Nurses Act. The Nurses Act provides for their registration but they cannot be employed as nurses if they are not registered. If they are deregistered then their employment as nurses would cease. For a nurse to be deregistered by the Nurses Board is tantamount to her position being terminated; in fact, it is exactly the same as having her job terminated. For that reason alone I believe the Minister should reconsider his attitude in regard to clause 2(a) and in regard to the amendment he moved in relation to it.

I will put another point to him. I would like to think the Minister is listening because I think this point is particularly valid. I ask the Minister to recall a response he made. He said the reason the clause will not apply to people like nurses is that they are employed pursuant to an Act. I do not accept the case that they are employed pursuant to an Act, but, certainly, their termination of employment is pursuant to an Act. They are not required to be employed under an Act.

The Bill refers to any worker whose employment is affected by an Act but does not state the worker is employed under an Act. They are two different things—to be employed under an Act or have employment affected by an Act. This clause relates to people whose employment is affected by an Act.

Mr O'Connor: This is for an appeal system.

Mr PARKER: That is quite right. In my view this Bill will apply to nurses; I do not think it can be said it will not. I have two reasons for saying that. The first is that deregistration is tantamount to the termination of employment; and, secondly, the Bill does not require the people concerned to be employed because the clause states—

(a) in any matter of the suspension from duty in, discipline in, dismissal from, termination of, or reinstatement in, employment of any employee or any one of a class of employees if there is provision, however expressed, by or under any other Act for or in relation to any one or more of the following—

For example, the clause refers to dismissal from "that employment" but the words "that employment" do not refer back to the words "any other Act". In other words, "that employment" does not refer to the fact that a person is employed pursuant to "any other Act". It refers back to any matter in relation to their employment and, consequently, this clause would be more far-reaching than the Government considers it would be, even with the amendment.

I believe the Government has not fully understood the implications of this Bill and particularly clause 2(a). Clause 2(b), whilst we disagree with it on principle, will preserve what the Government believes to be the status quo. Clause 2(a) does something different even on the Government's interpretation and, certainly, on my interpretation. I have looked at it very closely. The member for Swan supports my interpretation that paragraph (a) will go much further than the Government contemplated.

Mr SKIDMORE: I neglected to refer to one matter—the Minister referred to it when he defended the amending legislation—and that is the matter of appeals. We say that to have two boards to which an employee may appeal is absolutely futile. We would have a situation where one tribunal decided that a person should be re-employed but another decided that he should be dismissed. He said we wanted to have the right of two appeals—

Mr O'Connor: I did not say you wanted that.

Mr SKIDMORE: The Minister referred to taking the right as such away from us. I am sorry for the words I used. The concept is that there should not be a right of appeal under these conditions to two tribunals. In that sense that is not exactly what we are saying. We are not opposed to one appeal. We believe an appeal should operate within a fair appeal system. An appeal should not be as some of them appear to be, as has been seen recently in courts and in the case of the dismissed nurse. Whether we like it or not it was evident the nurse would receive no justice from the tribunal. He did not break the law and his advocates who sought to put forward his case did not break the law. They went to the State Industrial Commission which—after my perusal of section 23 of the Act—had jurisdiction.

Mr O'Connor: If I may break in there, the commission felt it did not have the jurisdiction under the Act and the reason the appeal went before the commission was that the Government gave an indication it would not oppose such action. The case was put on that basis.

Mr SKIDMORE: I may be out of step in regard even to this. I will refer to section 23(2) of the Act which states—

(a) the jurisdiction that the Commission would have but for that other Act to hear and determine any matter of dispute relating to the salaries, wages, or other remuneration, or other conditions of employment—

That takes in everything—the lot. It includes appeals. To continue—

—of those officers or employees is not affected by that power conferred by or pursuant to that other Act . . .

If that does not give the commission power I do not know what does. That is my frank belief. It would be fairly hard to argue about that.

Mr O'Connor: There is a conflict between the Crown Law Department and the commission.

Mr SKIDMORE: I believe we should not come up with the sort of Bill before us which will attempt to make something better but finish up making something worse. The Government should not interfere in industrial matters; it should leave them to those people who can take care of them properly and without bias. I wonder why the Government cannot leave industrial matters alone. Why does it continually interfere with the process of conciliation and arbitration in industrial relations? Each time the Government brings forward legislation such as this we argue against it. However, the Act has worked much better than I thought it would work and has been accepted generally by the trade union movement. It almost seems that the Government's ideological concept is that it will not accept the status quo and must alter the legislation. I suggest that such a situation is just not right.

The member for Fremantle in effect said we should not consider just the "ifs" and "buts" of the situation and say that because the legislation says one thing we should follow it. If we do that we will head right up the path of no return.

I will conclude on one other point. I wish to refer to another person who has been successful in attempts to solve industrial disputations in this State.

I refer to the very person whom this Government subjected to a degree of harassment recently at 12.05 one morning—Senior Commissioner Kelly. I have been before him on a number of occasions on conciliation matters, and at conferences. He exhibits a degree of expertise in getting people together. At many conferences I found that if we had stuck to the rule book we would not have been there. However, at a private conference we worked out a solution to fit the rule successfully. That sort of procedure could be followed and similar results achieved everywhere. Out of frustration, I say to the Government it should have another look at his matter. The only damned time it has a good look at the legislation, it makes a damned mess of it.

Amendment (substitution) put and passed.

Mr PARKER: I do not think the Minister has understood, or has wanted to understand, or else he has ignored the points we have made about the far-reaching effects of this clause. It will exacerbate industrial tension in this State. It will make it more difficult to settle disputes, particularly in sensitive areas of public employment such as the fire brigades, and the police.

I thought any responsible Government would have maximised the opportunity to get these people together so that the Government, or the agencies of the Government, could discuss the point with the employees affected before the commission.

Dismissal from employment is not always the subject of a dispute. It could be another situation. A dispute could result from an industrial action where no charges actually are made, but where the threat of charges results in an industrial dispute. In the situation of the Fire Brigades Board where there was no decision, and no appeal, the mere fact that charges were laid under the disciplinary provisions, gave rise to a very serious industrial dispute.

The Government is seeking to stop that type of dispute from being dealt with in the proper way. In the dispute concerning psychiatric nurses, Dr Bedbrook was not trying to have two bites at the cherry. It is the Government which appears to have two bites at the cherry because if it loses the case it changes the legislation.

The situation will be that both parties will be prevented from going to the Industrial Commission. It is true, as the Minister said, in some instances the tribunals are adequate. However, the mental health tribunal was inadequate and, because of that, the position is to be changed.

Mr O'Connor: I am not opposed to looking at any situation where there is an inadequacy. I mentioned that to the TLC, and that organisation indicated it would like to come back. I am happy to talk to them.

Mr PARKER: I hope the Minister will review this. I hope the Committee will not agree to the clause. We do not agree with the Minister that the status quo will be maintained. On principle, we disagree with the provisions of clause 2(b). But, clause 2(a) will do much more than has been indicated. As a consequence, we oppose clause 2.

Clause, as amended, put and a division taken with the following result—

Ayes 24

Mr Clarko	Mr Nanovich
Mr Cowan	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr Rushton
Mr Crane	Mr Sibson
Mr Grayden	Mr Spriggs
Mr Grewar	Mr Stephens
Mr Hassell	Mr Trethowan
Mr Herzfeld	Mr Watt
Mr MacKinnon	Mr Williams
Mr McPharlin	Mr Young
Mr Mensaros	Mr Shalders *(Teller)*

Noes 17

Mr Bertram	Mr Jamieson
Mr Bridge	Mr McIver
Mr B. T. Burke	Mr Parker
Mr T. J. Burke	Mr Pearce
Mr Davies	Mr Skidmore
Mr E. T. Evans	Mr Tonkin
Mr H. D. Evans	Mr Wilson
Mr Harman	Mr Bateman
Mr Hodge	*(Teller)*

Pairs

Ayes	Noes
Mr Tubby	Mr Bryce
Mr Laurance	Mr Carr
Sir Charles Court	Mr T. H. Jones
Mr P. V. Jones	Mr Grill
Mr Sodeman	Mr Taylor
Dr Dadour	Mr Barnett

Clause, as amended, thus passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

MR O'CONNOR (Mt. Lawley—Minister for Labour and Industry) [12.48 p.m.]: I move—

That the Bill be now read a third time.

MR PARKER (Fremantle) [12.49 p.m.]: I wish to make some final comments at the third reading stage because I believe there are some points

which need to be drawn to the attention of the House.

I believe the various statements made by the Minister in his reply to the second reading debate, and during Committee, were very interesting. They were interesting in what the Minister omitted to say, rather than interesting in what he actually said.

Last night I engaged in a major attack on the attitude of the Government towards Senior Commissioner Kelly.

During the time I was speaking, the Minister for Police and Traffic compounded the situation even further by attacking Senior Commissioner Kelly in this Chamber, just as the Premier had attacked him publicly. I found it very interesting the Minister did not see fit to defend the Government's position in that area. I also understand a Minister in another place saw fit not to defend Senior Commissioner Kelly. It may be that his ministerial colleagues do not agree with his comments; one would hope that would be the case and that the Minister responsible for this area would not seek as a last resort to attack a person who has served this and other Governments very well over a long period. The Government side sought neither to defend nor justify the attacks on Senior Commissioner Kelly by the Premier and the Minister for Police and Traffic.

The Government states that its intention with respect to this Bill is to rectify a situation; that is partly true. It is partly the intention of the Government to rectify something it did in October last year. That in itself gives rise to questions regarding the level of expertise available to the Government. The piece of legislation which came before this House last year was very significant indeed; I would say that probably it was the most significant piece of legislation to come before this Parliament for a considerable time. Yet the Government put that legislation through and rejected left right and centre amendments moved by the Opposition. It refused to listen to reason or to argument. Now, the legislation is back for Parliament to have certain matters rectified.

I believe what the Government proposes by way of rectification is wrong. In addition, as well as trying to rectify a situation, it is also inserting a new and most inappropriate provision into the Act. I refer to clause 2 (a). I believe that provision, even as amended in Committee, is very damaging and dangerous and will do the Government and the industrial relations situation in Western Australia no good at all.

As I said during the Committee stage of the Bill, I believe the legislation the Government has brought forward will not result in the speedy resolution of industrial disputes; rather, it could have the opposite effect. Of recent weeks we have seen the fire brigades dispute and, earlier this year, the dispute involving psychiatric nurses; doubtless, there are many other disputes which occur almost weekly, but which do not hit the public headlines, because they have been resolved by the good offices of the Industrial Commission. I hope this legislation does not result in industrial disputes flaring in certain areas. However, I am very much afraid that will be the precise result of this legislation.

I oppose the Bill strongly, and I urge the House to do likewise.

MR B. T. BURKE (Balcatta) [12.53 p.m.]: I wish to say one or two words about this amending Bill, simply to go on record as having acknowledged what I perceive to be the true thrust of the legislation when it is considered in conjunction with the attitudes expressed in this area by the present Government.

I would hate this Government to be unaware of the fact the Opposition realises that this piece of legislation shows quite clearly that the Government now is fighting in the heartland of the Australian Labor Party. This Bill cannot be divorced from the attitudes expressed by this Government in respect of the controversies we have recently witnessed concerning nurses and their continued employment.

After six years in office, it is patently clear that, with a sizable and healthy majority, the Government now is fighting about the fundamentals of its philosophy. I think that is amply illustrated by the Government's attitude towards this legislation, and fellow matters.

In the same way as if, after six years in Government, a socialist party might be attempting to explain to the people it governs the truth of the principles of socialism, this Government now is attempting in this Bill and in other areas to demonstrate to the people and to educate people in the belief that a $1 increase in someone's wages can be equated to somebody else's job.

The Opposition does not deny the Government the right to do that, or to seek to re-educate the population towards the principles and the philosophies it espouses. At the same time, however, the Opposition makes it quite clear it is completely aware of what the Government is about. This hardening of attitude is not so much a reflection of the economic situation in which this

Government finds itself, as a realisation on the Government's part that after six years, its continued persistence will depend very greatly on the perceived attitudes of people towards the philosophy which provokes situations such as this.

So, the Opposition is very firm in its denial of the attempt of the Government on this occasion to amend the legislation it previously sponsored in this place. The Opposition states also it is fully aware of what the Government is attempting to do.

I oppose the third reading of this Bill.

Question put and a division taken with the following result—

Ayes 22

Mr Blaikie	Mr Nanovich
Mr Clarko	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr Rushton
Mr Crane	Mr Sibson
Mr Grayden	Mr Spriggs
Mr Grewar	Mr Trethowan
Mr Hassell	Mr Watt
Mr Herzfeld	Mr Williams
Mr MacKinnon	Mr Young
Mr Mensaros	Mr Shalders

(Teller)

Noes 17

Mr Barnett	Mr Jamieson
Mr Bertram	Mr McIver
Mr Bridge	Mr Parker
Mr T. J. Burke	Mr Pearce
Mr Davies	Mr Skidmore
Mr E. T. Evans	Mr Tonkin
Mr H. D. Evans	Mr Wilson
Mr Harman	Mr Bateman
Mr Hodge	

(Teller)

Pairs

Ayes	Noes
Mr Tubby	Mr Bryce
Mr Laurance	Mr Carr
Sir Charles Court	Mr T. H. Jones
Mr P. V. Jones	Mr Grill
Mr Sodeman	Mr Taylor
Dr Dadour	Mr B. T. Burke

Question thus passed.

Bill read a third time and transmitted to the Council.

Sitting suspended from 12.59 to 2.15 p.m.

OCCUPATIONAL THERAPISTS REGISTRATION BILL

Second Reading

Debate resumed from 12 November.

MR BERTRAM (Mt. Hawthorn) [2.16 p.m.]: The Minister may be pleased, and possibly relieved, to learn that the Opposition intends to support this Bill.

The Occupational Therapists Act, which this Bill will repeal, became law in 1957. A Labor Government introduced that legislation; and possibly it made history at the time. That legislation may have been the first Occupational Therapists Act in Australia. At that time, the legislation contained 10 sections. Notwithstanding the Government's repeated expression to the people that it does not like over-legislating, the Bill before us has 46 clauses in it.

The Bill is said to be modelled on the Psychologists Registration Act of 1976, although why it should have been so modelled has been kept a close secret. Whatever the word "modelled" means, a close comparison of this Bill with the Psychologists Registration Act provides evidence to support the proposition that it is a model that has not been followed very closely.

The Bill is not very well drawn, like a number of others. It has holes, and errors, and so forth, in it. Most of its deficiencies will be attended to in another place, where the members seem to lack something to do. They may as well have a go at this Bill in due course.

In order that the Opposition might be better informed on this subject, I asked a number of questions. As is not unusual, the questions did not bring forth much helpful information. For example, the Minister was asked how many occupational therapists there are in this State, to which the answer was, "Not known". To the question, "How many are there registered?", he answered, "323". To the question, "How many are members of the Western Australian Association of Occupational Therapists Incorporated?", I was advised there were 181 members at 30 June 1980. I asked how many are males and how many are females, but that is not known at all. To the question, "How many are employed?", the answer is, "Not known." So it goes on.

It is not very satisfactory to be discussing a Bill of this sort—a registration-type Bill—when fundamental information simply is not available. One would have thought that information would have been ascertained because of the probability that this House and the Parliament would want to know a little of the background of the Bill.

It is interesting to notice that the definition of "occupational therapy" has undergone a change. One is entitled to have a lot of sympathy and praise for occupational therapists. They must be extremely patient people; and they do a wonderful job. Whether they are remunerated on a fair and proper basis for the sort of job they do is another matter. I do not suppose it is quite appropriate to discuss that at this stage.

It is important to place on the record that the occupational therapists, or a good number of them, are aware of the existence of this Bill; and they believe it is a good thing. It is on that basis that the Opposition supports the Bill, whilst having some reservations about its contents. We can make some comments upon those reservations once the Bill reaches the Committee stage.

MR YOUNG (Scarborough—Minister for Health) [2.21 p.m.]: The member for Mt. Hawthorn has indicated general support for the Bill. Obviously he intends to examine it more deeply in the Committee stage. I thank him for his support, and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Clarko) in the Chair; Mr Young (Minister for Health) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Application. Act not to apply to certain persons—

Mr BERTRAM: Subclause (2), line 11 refers to section 43. I have had considerable difficulty understanding what section 43 has to do with clause 4; therefore, I take the opportunity to ask the Minister for an explanation. It appears to be an error and I would like to know the correct position.

Mr YOUNG: After checking clause 4 and section 43, I have to agree with the member for Mt. Hawthorn that there is an error in the quoted section. During the course of the Committee debate I will attempt to find the original print and see which section should have been mentioned. If necessary, we can amend the Bill by recommitting it after we have completed the Committee stage.

Clause put and passed.

Clause 5: Establishment of Board—

Mr BERTRAM: This clause is commonly found in Bills of this nature. However, it is not drafted in the ordinary form and one wonders why this is the case. An eminent legal man in the other place has said it is a pity we do not use simple terms in legislation so that people can understand what is meant. It is a pity also that if something is said in one Bill it is not repeated in the same form when it applies to similar legislation.

Subclause (2) says, "The Board when so established—(a) shall be a body corporate". Similar clauses which exist in other Bills include the words, "with perpetual succession" after the words, "a body corporate".

Subclause (2)(b) says, "shall have an official seal". I have never heard of an "official seal" before. The words which should have been used are, "shall have a common seal". That is the usual term used and everybody knows what is meant by it. We should use words which are familiar, rather than jargon. If a particular term is used in one Bill, it is reasonable to assume it should be used in another Bill when it refers to the same matter.

I imagine what is meant by these words is that a body corporate shall have a common seal, not an official seal.

I have a further comment in regard to subclause (3) which says—

> All courts, judges and persons acting judicially shall take judicial notice of the seal—

It does not refer to an "official seal" or a "common seal", but I assume we are talking about the same thing, therefore, it means a common seal. To continue—

> —of the Board affixed to a document and shall presume that it was duly affixed.

The words "common seal" should be written into subclause (3).

Whilst looking for justification for that comment yesterday, I looked at one of the Statutes of 1976, Volume 2. I found the Legal Aid Commission Act of 1976 and it is interesting to note there—as I have observed already it is what one would expect—the words "a common seal" are referred to.

In section 6(3) of the Legal Aid Commission Act it is stated that whether or not there is any judicial proceeding under this Act, a document is produced bearing a seal purporting to be the common seal of the commission, the court, tribunal or person before which or before whom those proceedings are brought and so on.

The purpose of this clause is to save the board having to call a secretary or an officer to prove that which is obvious. With the wording of clause 3(3) it seems to me that that is what we are seeking to achieve. However that may not be achieved because it says the Court shall take notice of the seal, not the thing which purports to be the seal. Therefore, someone must go before a court to prove that it is a seal.

I believe such a provision is in many Acts and legal documents. Clause 5(3) states that all courts, judges, and persons acting judicially shall take judicial notice of the seal of the board affixed to a document and shall presume that it

was duly affixed. I believe that is simple, straightforward, and effective.

Mr YOUNG: I have taken careful note of the comments of the member for Mt. Hawthorn. I wish to say at the outset that as long as we have a number of different draftsmen in the Crown Law Department at any one time we will have different methods of drafting. I am inclined to agree with the member that it would be easier to read the law if everyone had the same drafting style. However, that would be like saying that everyone of a particular race would be easier to recognise if he looked the same as the rest. That would make life a little dull.

I must admit that for a layman such as myself it does not help when various pieces of legislation are drafted in different ways.

With regard to the points raised by the honourable member relating to clause 5(2) (a), I agree that the law may be better served if the words were "in perpetual succession", but that is not necessary when we are referring to an artifical body. It is a body which does not have a finite life and of its own volition, while the registration of corporations provisions apply, that body will remain in existence.

The member referred to the words "common seal". I have never been enamoured of the term "common seal", because the seal is only a signature of a body corporate. It is the official seal of the company. I do not know where the words "common seal" sprang from but I prefer the words "official seal".

In clause 5(3) reference is made to the seal and as I understand the law where the words "the seal" are stated they refer to the seal of the board or the company. I think it is fairly clear that the word "seal" does not appear anywhere else in this Act except in respect of the official seal of the board and it must be presumed, in law to be that seal.

The other matter referred to by the member for Mt. Hawthorn dealt with the words ". . . judges and persons acting judicially shall take judicial notice of the seal of the board affixed to a document . ." I think the word "judicial" is the word which enforces this clause rather than the alternative suggested by the member. The member suggested that the word "purporting" should be used. If a court or a person acting in a judicial capacity is required to take "judicial" notice of something it means he cannot adopt a cursory attittude when he is looking at something. In other words, he is expected to examine that particular matter which purports to be what it says it is. He has to examine the matter accordingly, and see that the seal has been properly affixed. If it did not have a sealing clause accompanying it, or if the document was not signed by an officer, he would take "judicial" notice and call for the sealing clause.

He would have to justify to himself that he could accept it; in other words that it was what it purported to be. I think the use of the word "judicial" removes the necessity to use the word "purport" as suggested by the member for Mt. Hawthorn.

Mr BERTRAM: I share the Minister's feeling that it should be possible for people to be able to display their personality. We should not all be turned out as one stereotype. What a dull place this would be if we were forced to be a duplicate of the people on the other side of the Chamber.

The personality of the draftsman may be interesting; let them have their own personalities. However, I think they should discipline themselves just like the members of any other profession must do. There are things we may not particularly like to do, but which must be done in the right way.

The Minister said this Bill is modelled on the Psychologists Registration Act, and that Act does not talk about an official seal. The phrase "common seal" is used. It says that when there is a document before a court and there is a seal on it which appears to be the seal of the registration board, the court will accept that as being the seal until it has evidence to the contrary. The board does not have to call evidence to prove that that is its seal.

However, clause 5(3) talks about a seal which has to be proved. This seal does not simply have to appear to be the seal, but somebody has to prove that it is. I would have thought the draftsman would seek to avoid that sort of thing.

Section 6(2) of the Legal Aid Commission Act says that the commission is a body corporate with perpetual succession and a common seal. If we put those words into the Bill before us it would read—

> The commission shall be a body corporate and shall have a common seal.

The words "perpetual succession" do not exist in this Bill. They are a clear omission and I think they ought to be in the Bill. If there is justification for their inclusion in other legislation, then there is justification for their inclusion in this Bill.

Mr YOUNG: The words "with perpetual succession" are unnecessary to describe a body corporate. It is in my opinion absolutely

unnecessary to use those words to describe something that in its form already has perpetual succession. In other words, a body corporate cannot die; it has an infinite life. It is the same as requiring a human being to be described as a finite being or someone who is going to expire one day. One follows the other as night follows day. Frankly, I think the member for Mt. Hawthorn is seeking to add anachronisms to the law. The whole question of the common seal becomes necessary only if we adopt the farcical situation of having somebody affix a rubber stamp to a document—in the old days it used to be a chunk of red wax which was affixed with a steel press—to say that is the signature of the corporation.

The whole idea of the seal is very old-fashioned. I understand it is not all that long ago that people were expected to place their seal on legal documents, but this has been done away with. It is an anachronism if there ever was one, because people used to be able to buy seals in little packets.

Mr Davies: Don't they use them to show a painting is sold?

Mr YOUNG: That is right; they are used at exhibitions to indicate paintings which are sold.

The words "with perpetual succession" are not necessary to describe a body corporate. The point made in respect of uniformity of drafting is taken; but as I said it is more important that reasonable law is written than that uniform law is written. It would be nice if we could have uniformly drafted standard clauses, but it is better that the law is good than uniformly bad.

Mr BERTRAM: I have discovered the provision in the Psychologists Registration Act of 1976 which I could not find earlier. The analogous provision in that Act is found in section 7(2) which says that the board is a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name. That is straightforward; there is no need for personalities and all that other nonsense. If that is good enough to be included in the Psychologists Registration Act, it is good enough to be included in this Bill. Those words are clear and unmistakable in their meaning. It is not a matter of personality, but a matter of negligence or bad drafting. They should be there but they are not.

Mr YOUNG: I put it to the member that the use of the words "with perpetual succession" do not diminish the drafting of the Psychologists Registration Act. However, there is no question about whether they have been omitted from this Bill. It was not a matter of omission. I made the point that the words are not necessary, and to add them would neither add to nor diminish the law. We are looking for good law, not uniformity.

Clause put and passed.

Clause 6: Board not to represent the Crown—

Mr BERTRAM: This happens to be an exact copy of section 8 of the Psychologists Registration Act. The trouble with this is that we find that clause 8(4) states—

> (4) The Minister may from time to time give directions to the Board with respect to its functions, powers, and duties, either generally or with respect to a particular matter, and the Board shall give effect to those directions.

So we have one clause saying the board is not an agent or servant of the Crown, and then we have clause 8(4) stating that the board will do what the Minister tells it to do. We then have clause 43, which reads—

> 43. No liability attaches to a member of the Board, the Board, or the Registrar or any officer of the Board for any act or omission, by him or on his part or by the Board or on the part of the Board, that occurred in good faith and in the exercise, or purported exercise, of his or its powers, or in the discharge, or purported discharge, of his or its duties under this Act.

What is the position then if the Minister tells the board to do something which turns out to be unlawful and causes a third party to suffer some damage or detriment on which ordinarily he would have some legal right to claim? The Minister says such a person cannot succeed in a claim against him because the board is not his servant or agent; the board says he cannot succeed against it because clause 43 indicates no liability attaches to it.

Here we have a departure from the Psychologists Registration Act. It seems thoroughly unacceptable that a third party will be unable to have recourse against either the Board or the Minister.

Mr YOUNG: The example used by the member for Mt. Hawthorn where the Minister might have directed the board to do a particular thing whereby someone found himself aggrieved by that action quite clearly comes down to a situation where, if the board, as a body corporate, has action taken against it by an aggrieved person, the board in the first instance would be responsible for the results of that action. If it in turn felt it had been damaged by virtue of the Minister's directions, it would have to determine

its position as to how it would settle that problem between it and the Minister.

I do not see a conflict between this clause and clause 8(4), although on the surface the two do not appear to be compatible. As the member pointed out, clause 6 is the sort of clause commonly used in legislation. The Psychologists Registration Act, upon which this Bill is based, does vary from this legislation. I point out that at no time did I intend—and it would be recognised that it is a reasonable premise not to intend—that the Bill be word for word with the Psychologists Registration Act. There is a difference in the style of drafting, but the general structure is similar. This clause is a standard provision in many Acts. The board, as a body corporate, is not a part of the Government; it is not an arm of the Crown. But it is subject to an Act and to the responsibilities of a Minister. I do not find clause 8(4) to be in conflict with this clause. I think the member would find the combination in other Statutes.

Mr BERTRAM: While listening to the Minister, I was thumbing through the Psychologists Registration Act and found that section 56 looks very much as if it is an exact replica of clause 43 of this Bill. This point might be of interest to members in another place. I am not construing the Minister's words to be that because this Bill is a model of the Psychologists Registration Act it follows that the wording should be the same.

The Minister does not seem to think that clause 8(4) will upset this clause, but perhaps members in another place can consider the matter and exercise their alleged reviewing activities.

Clause put and passed.

Clause 7: Composition of the Board—

Mr DAVIES: I want to draw attention to the difference between the setting up of this board and the setting up of other boards. Members will remember the discussions we had yesterday afternoon in regard to the changes made to the provisions covering the registration board for dentists. I believe a number of other boards have their procedures for establishment set out in the body of the Act governing their existence. This time the Government has included most of the regulations and the rules relating to the functions of the Occupational Therapists Registration Board of Western Australia in the schedule to the Bill. I wonder whether the Minister can tell us why that has happened and whether there is any good reason for it.

I said last night as a knee-jerk reaction that I oppose the proposed changes. Perhaps I have been in this place so long that I expect certain formalities to be followed in regard to the structure and running of a board. Such formalities are not being followed in this instance. The schedule—we will discuss it further when we come to it—sets out in detail what will happen but it does not seem to me there is any need for that to be done by way of the schedule rather than by way of a Bill by incorporating the regulation in the body of it.

The clause sets out who should be the chairman of the board. In most of the legislation the Government has put forward in regard to boards, particularly the legislation brought before this Chamber by this Minister, persons outside the Public Service have been excluded from appointment.

Mr Chairman, you will quite distinctly remember that we had some discussion last night about who should be the Chairman of the Environmental Protection Authority. We felt the Director of the Department of Conservation and Environment should be the chairman of that board but the Government said, "No, we don't want any director to be in control of any board. It would be a bad thing." What the Government said was all nonsense because the member for Rockingham was able to instance a whole host of boards of which the chairman was indeed a public servant. Of course, they were somewhat different from this board. In this case we find that the Governor—that is the Government—shall appoint such persons. In effect the clause means that six persons acceptable to the Government will be appointed. However, clause 7 sets out that the Commissioner of Public Health and Medical Services or an officer of the State Public Service nominated by the commissioner shall be the chairman. I wonder whether the Minister can tell us why the Bill has this inconsistency and why the general conditions relating to the functions of the board are set out in the schedule rather than in the body of the Bill.

Mr YOUNG: If I had my way—

Mr Davies: You are the Minister.

Mr YOUNG: I was about to say that if I had my way we would have all the Acts reprinted and brought up to date. That action would not change the structure and format of Acts, it would simply make them easier to read. However, I realise it would be totally impractical to reprint or rewrite every Act. It would be nice to have all of them completely redrafted, but that is impractical. Of course, one cannot do that if one takes into account all the Statutes that would need to be amended. I would prefer to have all the

regulations or by-laws relating to a board set out in the schedule to an Act which would be akin to the schedules incorporated in the Companies Act and other such Acts. In the case of the Companies Act the by-laws are known as the articles of association.

Rather than have to hunt through the Act to find by-laws and other regulations, if one knows one is looking for an internal by-law or regulation, one would flip over to the schedule. However, because other Acts are amended by amending legislation which is a catch-bag of various amendments for various purposes it seems appropriate to use the more modern form of incorporating the regulations in the body of an Act rather than redrafting it.

Mr DAVIES: I want to point out the inconsistency of the Minister in view of what happened with the Dental Act last night and the Hospitals Act earlier this session, which are two Acts that readily come to mind. They were put forward in a completely different way. The Minister is not showing us how these matters should be handled as far as administration is concerned. I cannot see any great advantage in having it one way or the other, but, I suppose I am used to the old form. Under the old form I know to which part of an Act I must refer to obtain the information I require.

We heard the Minister's explanation but it does not convince us that the changes are for the best. It highlights the inconsistency of the people who draft legislation. Whether the Minister wants legislation drafted in a particular way is probably of little consequence. The people who draft it apparently depend on the individual concerned with the redrafting. One officer may say, "We will set up this board in this way and control it with a schedule."—I emphasise the word "control"—whereas another officer may say, if he were doing it, "I will do it as was done with the Hospitals Act and with the Dental Act."

Mr Young: I thought I made it clear that we must be virtually in a rewrite situation to do what you ask. The Hospitals Act and the Dental Act were amended by omnibus amendments.

Mr DAVIES: I thought the amending legislation was almost a rewrite of the Acts.

Mr Young: I would have liked to rewrite the Hospitals Act.

Mr DAVIES: We could rip out all references to appointments to boards from the bodies of Acts and include them in schedules. That could have been done in other situations, but the whole situation seems to be inconsistent. The other point the Minister did not mention is that the Governor will appoint the chairman, and set out in the schedule is the type of person whom the Governor shall appoint. He shall be the Commissioner of Public Health and Medical Services or his nominated deputy. Again that seems to me to be an inconsistency in view of what the Government has done in regard to the Dental Act, the Hospitals Act, and the Environmental Protection Act.

Clause put and passed.

Clause 8: Functions of the Board—

Mr BERTRAM: When I referred to clause 6 I made reference to clause 8(4). At that time I also referred to clause 43 and invited members to peruse this Bill to satisfy themselves of the fact that it leaves the public at a serious disadvantage if at some time they wanted to bring an action against the Minister, the board and members of it.

Mr YOUNG: I will take this opportunity to tell the member for Mt. Hawthorn, because he alluded to "clause 43", that I can confirm "clause 43" should be clause 40.

Clause put and passed.

Clauses 9 to 39 put and passed.

Clause 40: Offences relating to the practice of occupational therapy—

Mr YOUNG: I move an amendment—

> Page 25, line 13—Delete the word "hold" and substitute the word "holds".

This amendment simply relates to a typesetting error when the Government Printer printed the Bill.

Amendment put and passed.

Mr YOUNG: I move an amendment—

> Page 25, line 32—Delete the word "or" and substitute the word "to".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 41 and 42 put and passed.

Clause 43: Indemnity—

Mr BERTRAM: I refer to the comments I made a few moments ago in respect of clause 8(4).

Clause put and passed.

Clauses 44 to 46 put and passed.

Schedule—

Mr DAVIES: I want to draw attention to some of the omissions from the schedule. We were given to understand that the provisions included in the Dental Amendment Bill last night were to be standard practice so far as the Government was concerned. First of all, the schedule now

under discussion more clearly sets out the reasons people can be removed from the board. The schedule states that the Governor may terminate the appointment of a member by reason of the misbehaviour or the physical or mental incapacity of the member. Alternatively, there are other conditions under which a membership may be terminated.

These are provisions which should have been included in the Dental Amendment Bill. These provisions are not in line with what the Government did last night. Although penalties will apply to occupational therapists who do not abide by the rules, there is no provision for retrospective trial. It will be recalled that last night we argued about the fact that a dentist still could be punished for an offence that took place while he was a dentist even though before the "trial" took place he had sought deregistration.

I said last night that was a very nasty rule, and I did not like it at all. The Government was unable to convince me it was necessary. It seemed to me the clause was included to fit a particular situation, but if it was the Government did not take us into its confidence. If the provision was necessary in that Bill, why is it not necessary in this Bill? The same kind of punishment as that which will apply to a dentist could apply to an occupational therapist, but the Government is not seeking to adopt the same standard, despite the fact that the Minister said he would like to see all these provisions in a standard form. The Government had not decided to include that obnoxious clause in this Bill. I am not asking to have it included; I do not think it is quite fair. However, I highlight the fact that we are getting some very sloppy legislation in this place.

Apparently it depends on who drafts the Bill as to what form the legislation will take. Again, I am not blaming the Crown Law Department in that regard. The department should know what the standard is to be for boards of this nature; and when the Minister takes the Bill to Cabinet, the Cabinet Ministers should know what the standard should be with regard to boards such as the one now under discussion.

There is no standard or consistency, only sloppiness.

Mr YOUNG: I have to take umbrage at what the Leader of the Opposition has said. I do not know how well he had read the Bill, although I am aware he has been thumbing fairly assiduously through it since we have been discussing it. He has a quick mind and has picked up a few points. However, he did not take notice of what I said last night when speaking to the Bill to amend the Dental Act. Certain words were removed from the Act to enable a charge to commence against a dentist who had removed himself from the powers of the board before the charge was laid.

This Bill does not contain the words that caused the set of circumstances to come about in the Dental Act. Therefore, it was not necessary to write anything of a similar nature into this Bill.

We are talking about the schedule which refers to the board, the running of the board, and the members of the board who may or may not be entitled to remain on the board. We are not discussing the general membership of the body to which last night's amendment referred.

In respect of this schedule and the manner in which it ought to be written, and the manner in which boards ought to be set up, I think the Leader of the Opposition would be able to recall many instances, when he was Minister for Health, when he would have had discussions with different registration boards, and different bodies and groups and committees. I am sure he had the experience that each and every one of those organisations wanted to run its affairs differently from the other organisations.

I agree there ought to be a general thread of consistency which should run through the general administration of Acts, but I do not believe we should reach the stage where uniformity with regard to membership or chairmanship should be maintained if, indeed, a statutory authority after negotiation with the Government finds that it prefers to do things in a reasonable but different way.

Mr DAVIES: I am sorry the Minister took umbrage at my remarks. After all, I thought Ministers were in a position to tell various boards and departments how the Government wanted them to operate, and it was not a case of those boards and departments telling the Government how they should operate. I would be surprised if this Government took a less consistent line, but apparently it does.

I cannot see any difference between the provisions of this Bill and those of the Dental Amendment Bill we passed last night. I repeat: If a dentist offends against the rules and regulations, and he deregisters himself, we have written into the Act that despite that action he is still liable to be tried by the board for the offence that took place before he deregistered himself. An occupational therapist needs to be registered, under certain rules and regulations set out in the Act.

If a therapist offends against those rules and regulations, apparently he can deregister himself and be in a position of not being a registered occupational therapist and the board cannot take action against him. If a person is a dentist, and has acted improperly, the board can take action, whereas if an occupational therapist has acted in such a way, apparently the board may not take any action, because the clause which we wrote into the Dental Act last night is not present in this Bill. I am glad it is not in this Bill, because I objected to it last night. I wished only to highlight the inconsistency of the Government.

Schedule put and passed.

Title put and passed.

Bill reported with amendments.

Recommittal

Bill recommitted, on motion by Mr Young (Minister for Health), for the further consideration of clause 4.

In Committee

The Chairman of Committees (Mr Clarko) in the Chair; Mr Young (Minister for Health) in charge of the Bill.

Clause 4: Application. Act not to apply to certain persons—

Mr YOUNG: I move an amendment—

> Page 3, line 11—Delete the figures "43" and substitute the figures "40".

I am indebted to the member for Mt. Hawthorn for drawing this drafting error to the attention of the Committee.

Amendment put and passed.

Clause, as amended, put and passed.

Further Report

Bill again reported, with a further amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr Young (Minister for Health), and transmitted to the Council.

HIRE-PURCHASE AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from 13 November.

MR B. T. BURKE (Balcatta) [3.25 p.m.]: The Opposition believes this amending Bill marks a further stage in what has been the deterioration under this Government of consumer protection within the State of Western Australia.

Mr Tonkin: Hear, hear!

Mr B. T. BURKE: The Opposition does not believe the Bill achieves as little as the Minister would have us believe if we were to take note only of his second reading speech. In his second reading speech, the Minister said that the Bill would rectify circumstances in which very minor omissions in forms completed and acted upon by lending companies in the hire-purchase field would be able to be protected from the results of those omissions. In fact, the Minister stated that at present the hirer was released from his obligation under the hire-purchase agreement, no matter how minor the omission which occurred.

The Minister also led us to believe that in some quaint way, because the lending company was acting upon documents transmitted to it from a dealer, if those documents were in error, somehow or other it was not the fault of the lending organisation but that of the dealer and, therefore, the lending organisation should be excused, and that on that basis the omission should not result in the relief of the hirer's obligations under the contract.

Let me make it perfectly clear that as far as the Opposition is concerned, finance companies are big enough and have sufficient resources to be perfectly able to look after themselves. That cannot be said for the vast majority of consumers in this State. The Opposition sees no sense at all in attempting at times such as the ones we are now enduring to be setting about the weakening of the laws which protect consumers.

The Minister implied that only minor omissions will result in the relief of the lending company's position in respect of the absolution of the hirer's obligations. However, that is not what the amending legislation will do at all. It may be that the Minister thinks that is what it will do, and hopes that is what it will do; it may even be that this is what the Minister wants it to do.

However, in fact, if the legislation is passed it will not result in only minor omissions, honestly made, giving lending companies the opportunity to hold hirers to contracts they have signed.

Without going into the detail of the different clauses, it is sufficient to read only clause 3(a)(1b) which, in part, states as follows—

> It is a defence to a charge... if the defendant proves that he acted honestly and that in all the circumstances the act or omission constituting the offence should be excused.

Nowhere in those words is it stated that the matter in contention need necessarily be a minor matter. Nowhere in those words is there any attempt to define or to draw out the area in which shall be contained the nature of the omission which will allow finance companies to hold people to the obligations they undertake when they sign agreements.

If the Minister wants to do something constructive to give concrete evidence of his belief that only minor matters and omissions will allow finance companies to hold hirers to their obligations, he will agree to the Opposition's suggestion that, after the word "offence" in line 25 the words "was minor" should be added. That would have the effect of making the legislation achieve what the Minister stated in his second reading speech was its purpose; that is, when a lending company, or someone whose business it is to provide finance, makes an honest and very minor mistake in the drawing up of a particular contract or document, the hirer shall be relieved of his obligations under the contract because of the minor and honest mistake made.

However, that is not what this legislation does. It does not limit to minor matters, or even to honest matters, if the House wants to view it that way, the situation in which hirers can escape their obligations because of mistakes made by the lending institutions. The Opposition rejects the measure. Not only does it reject this attempt to weaken the consumer laws of this State; but also it is high time we looked at the need for tougher laws in many areas. The member for Dianella will outline shortly one of the most pressing areas in which there is a need to look seriously at tightening up the consumer laws; but members will be aware of many other areas in which there has been a weakening of the protection presently afforded to the citizens of this State.

If members want an example, the pages of the daily newspapers show a number of apologies printed each day in respect of previous advertisements in the papers. It is likely that members will begin to wonder why we have the regulations governing advertisements when it seems that one can advertise what one likes, provided the day after one does so one apologises for telling a lie.

Mr Tonkin: They are not enforcing the law.

Mr B. T. BURKE: Of course the law is not being enforced. The newspapers do not mind, because it is all grist to the mill as far as the advertisements are concerned. It is time the advertisers who misled the public paid more than just the cost of a subsequent and smaller advertisement for the deception in which they took part.

It has reached the stage now where people advertise in advance that the advertisements they are putting in the paper might not be correct. They say they hope it will be correct, but also they hope they will be excused from omissions. People are distributing catalogues and advertisements which bear the following: "To the best of our ability we will try to sell you the goods we are advertising in this catalogue on the terms and conditions that we are advertising them upon; but we cannot guarantee that that will be the case."

Mr Parker: That is in fairly small type.

Mr B. T. BURKE: It is in fairly small type, and it is fairly inexpensive. What is expensive is the first advertisement that misleads and deceives the consuming public.

The example pointed out to this House last year by the member for Morley is another example of just what is going on with this Government, and its attitude to consumer protection. Despite the efforts of the member for Morley and the eventual capitulation of the Minister for Consumer Affairs, people are stamping documents saying, "No refunds are available, but you may use this document as a credit note that is good for a certain period of time." That was clearly illegal when it was highlighted by the member for Morley, and it is clearly illegal now. However, it is continuing and flourishing under the attitude and philosophical atmosphere being created by this Government in which are couched the commercial transactions of our community.

As far as the Opposition is concerned, the lending companies must bear the burden of any mistakes that their dealers or agents make when acting on their behalf in the completion of contracts that result in hire-purchase arrangements being made. The Opposition says that members should take note of the practice by which dealers encourage people to sign hire-purchase agreements without their having been completed. It is no good saying that if a person is silly enough to sign a blank form, he deserves what he gets. It may be true that a person signing a blank form is a silly person; but silly persons have families and children, and they deserve to be protected, even from themselves. The Government should be attempting to protect people from their own shortcomings; but we find that this legislation legitimises the practice by saying that it now shall be possible for an omission to be made and covered up, and also to be made and discovered, and then for the omission not to result

in the cancellation of the hirer's obligations under the contract.

The six years of this Government's life have been six years in which there has been a steady and consistent dilution of the laws protecting the consumers of Western Australia. They have been years during which the consumer has been the subject of increasing pressure on his purse by way of increasing Government taxes and charges. They have been years during which the consumers could legitimately have sought stricter protection, not laxer protection.

As far as this legislation is concerned, country members should note the burdens of hire-purchase agreements placed on their constituents, and the size of the commitments that their constituents undertake; and they should consider very carefully this Bill which attempts to excuse mistakes made by lending companies—mistakes made by people who have, at their command, all of those things needed to ensure that no mistakes shall be made. Remember, too, that if we start to excuse finance companies in those situations, we are looking at the thin edge of the wedge because we are starting to say to finance companies, "Don't be so vigilant. When any mistake is made, that will not result in the cancellation of your contract. Be as vigilant only as is necessary to allow you to say that a mistake was minor and honest; and then if it was not relatively minor, don't worry because, while we say in our second reading speech that the mistake must be minor and honest, the actual wording of the legislation that we are proposing does not mean that it has to be minor." There is also some doubt about the subjective assessment of somebody's honesty.

That is the situation to which this legislation will lead us. I urge members to consider it very carefully. There is absolutely no need to protect the finance companies in this way. I have not been aware of any great groundswell of opinion from finance companies; and the Minister did not refer to their approaches to him during his second reading speech. I have no doubt that the finance companies would find it far easier to be able to say to their staff, "Well, this Bill has now been passed. It is now the law; so if you make a blue or two, don't worry about it because we can call it a minor and honest omission."

As far as the Opposition is concerned, if the Government starts to relax the controls on the finance companies in this way, it is inviting the sorts of abuses from which we, as members of Parliament, constantly attempt to protect our constituents. It is not such a major matter as to be pressing and urgent. It is not self-evidently needed; and in fact, there are serious doubts about whether it is desirable at all.

It has not been demonstrated to the Opposition that this legislation is desirable. It has not been demonstrated to the Opposition that the legislation does what the Minister says it does; and the Opposition is firmly opposed to it.

Mr Davies: Hear, hear!

MR WILSON (Dianella) [3.38 p.m.]: In stating the Opposition's views on the proposed amendment to the Hire-Purchase Act, the member for Balcatta has rightly drawn attention to the questionable priorities of this Government with regard to consumer protection generally, and, in particular, with regard to the protection of people undertaking hire-purchase arrangements. He has rightly questioned the need for this amendment now.

I would like to pinpoint that argument with one example which underlines the way in which the Government decides on its priorities in this area. It seems to me, for instance, that there are other matters relating to hire-purchase concerns which should receive greater priority and attention from the Government than the one being covered in this amendment.

In particular, I refer to the question of people, who, having purchased a motor vehicle without being aware it is under a hire-purchase agreement which was signed by another party, are left to bear the burden of costs when the vehicle is repossessed subsequently.

I refer to a case which appeared in the District Court only last week which involved false pretences offences in regard to the sale of a vehicle on hire-purchase.

Mr O'Connor: It is not through two companies, though. The come back would be on the company.

Mr WILSON: I am not sure the Minister is correct, because in fact in this particular case the judge made a very clear statement in which he said that false pretences offences involving sales of motor vehicles and hire-purchase agreements were far too common.

The Government is not taking any action on this issue which affects a large number of people. In fact, quite a number of people who have been caught up in sad situations such as this have come to me. For example, there is the case to which I have referred in which a person purchased a car from another without being told it was under a hire-purchase agreement. As a result, the buyer lost $1 600, which was the purchase price, $400 spent on repairs, plus the vehicle which was

repossessed. That person was not aware the vehicle was under a hire-purchase agreement.

Approximately a year ago I asked a question on this point and the Minister answered as follows—

> A *bona fide* purchaser for value without notice of a prior encumbrance will acquire good title to goods which are the subject of a prior existing credit agreement under proposals for new uniform credit laws currently before the Standing Committee of Commonwealth and all States Attorneys General. Such a proposal is contained in a draft for a relevant chattel securities Bill.

I thought that situation was all right until I asked a subsequent question in September this year, the answer to which was as follows—

> The proposals are at present being examined by Victoria and New South Wales at the request of the Standing Committee of Attorneys-General. After that work is completed, the proposals will be re-examined by the Standing Committee. It is not possible to give any commitment about the timetable for introduction of legislation.

In many cases of which I am aware, such as the one I quoted previously which came before the courts last week, there is an indication that his particular type of situation needs to be dealt with, with a great deal more urgency than appears to be the case in the answers I have received.

I cannot see why the State Government in Western Australia cannot take interim action which would safeguard people purchasing motor vehicles from other people, particularly where it is a person-to-person arrangement, because there is not provision at the present time to cover the position when a prior hire-purchase arrangement has been entered into. Therefore, the purchaser is not protected. The Government should act to provide some sort of interim provision until such time as the Commonwealth and States reach an agreement.

Sad situations occur in which people on moderate or low incomes are caught out in this way. As a result, not only do they lose their vehicles, but they also lose thousands of dollars. They are left with nothing.

A sad situation occurred in my electorate when a hard-working person on a very low income put all his savings into the purchase of a car subject to that sort of arrangement. After the car had been repossessed subsequently, that person was left with nothing—he had no vehicle and all his savings were gone.

As mentioned by the member for Balcatta, one might say, "Well the onus is on that person to satisfy himself he does not end up in that situation." However, under the present provisions it is very difficult for a person to obtain that sort of guarantee and many people are caught in this situation.

I have heard of cases in which tow-truck drivers have kept watch on particular vehicles until the chance arises for them to pick up the cars and tow them away. The person who purchased the vehicle has done so in good faith.

Mr O'Connor: But there are legal requirements in connection with the possession.

Mr WILSON: There may be legal requirements in connection with the possession, but they do not stop instances such as those to which I have referred occurring.

Mr O'Connor: Where the individual you are quoting has breached the law.

Mr WILSON: In the case which came before the court last week the judge was forced to make the statement to which I have referred in respect of a person who, in all good faith, had bought the vehicle and paid for repairs and maintenance on it, but was left with nothing. He had no cover and he lost both his money and his vehicle.

Mr O'Connor: He was at fault, not the hire-purchase company. The individual who is a cheat in the community is at fault.

Mr WILSON: I am not saying the hire-purchase company is at fault. What is in question is the Government's priorities in acting on consumer affairs matters, rather than providing protection in regard to hire-purchase arrangements.

Mr O'Connor: I would be interested to hear you tell us how you would overcome that problem.

Mr WILSON: The Minister has said the only answer to the problem is for action to be taken by the Commonwealth and the States co-ordinating at a future, unknown date. From the tenor of the answers I have received, it seems the date is far in the future and a great deal of negotiation is to be undertaken before the Commonwealth and States arrive at agreement on the matter.

I suggest the Government should look into the matter and examine the possibility of implementing an interim arrangement at State level which will prevent these sorts of situations occurring in the meantime, because they are happening all the time. People are being robbed of their money and vehicles in a very irresponsible way which is not the fault of hire-purchase

companies or anybody other than the people committing the offences.

Certainly no protection is provided under the law at the moment and people are being caught up in very unfortunate situations. Within the context of the discussion on these amendments, it is justifiable to raise the question in this way to back up what the member for Balcatta has said, in general terms, about the priorities of this Government with respect to consumer affairs and protection for people who are subject to this kind of offence within the context of existing hire-purchase arrangements.

MR McPHARLIN (Mt. Marshall) [3.49 p.m.]: Members will recall a few years ago an Honorary Royal Commission was set up to inquire into the Hire-Purchase Act and dealers generally in Western Australia. Two of the members of that commission are presently members of the House. I refer to the member for Morley and myself. At that time it was envisaged that the States and Commonwealth Attorneys General would get together and endeavour to formulate uniform legislation throughout Australia. I know these provisions are being examined at the present time, but agreement has not yet been reached as to the final form in which the legislation should be presented.

As far as I can interpret the amendment, the hirer is still protected. His protection has been retained.

One point which came forward during our inquiry was that the dealer is the person who makes the arrangements for the acceptance of the contract. It was revealed that hire-purchase companies do not examine the contract in enough detail, particularly with respect to motor vehicles. On questioning the companies concerned they said that they did not take steps to ensure that the vehicles were as stated on the document. The reason they gave for this was that with the volume of business that was written, they did not have the staff to carry out the checks.

The amending Bill places the onus on the dealer and not on the hire-purchase company. I believe that there is a good reason for that action. If the dealer is careful and sincere in his efforts then there should not be any errors in the documentation. I believe this legislation is a sincere attempt to make the dealers act more responsibly. I repeat: The hirer's right has not been taken from him.

This is a small Bill and a move in the right direction. Perhaps there could have been a little more detail in it, especially with regard to further amendments to the Hire-Purchase Act which we will see when more uniform legislation is brought forward in the future. I see no reason to oppose the Bill.

MR O'CONNOR (Mt. Lawley—Minister for Labour and Industry) [3.53 p.m.]: I thank the member for Mt. Marshall for his support of the legislation and I must say that I am amazed by the Opposition's lack of concern and the fact that its members are prepared to allow the miscarriage of justice in this State.

We have better consumer protection today than we have ever had before, and this Government has been responsible for the increase in consumer protection. The department we have is a good one; it watches the practices of the community closely and reports back to the Minister.

I can just imagine the screams which would come from the member for Balcatta if he sold a caravan to the member for Dianella for $10 000 over a period of 30 months with interest of $5 000 and after that had been paid back, had to borrow money to refund that interest because the percentage had been left out of one of the schedules in the hire-purchase agreement.

If Opposition members believe that that would be just, then I find it hard to understand their logic.

Mr B. T. Burke: I think it would be more desirable if there were no mistakes.

Mr O'CONNOR: That is why we have made the provision for a penalty of $5 000.

Mr Tonkin: But it is never imposed.

Mr O'CONNOR: I am just introducing it, that is why!

Mr Tonkin: The penalties are never enforced. We brought in the hire-purchase legislation but you have never imposed the penalties.

Mr O'CONNOR: The penalties have been imposed by the unjust repayment of interest in many cases. Members may not have heard of any such cases but there have been many.

Mr B. T. Burke: I said that if you had heard of them you had not referred to them in your second reading speech.

Mr O'CONNOR: This has been apparent, particularly with motor dealers and there have been people who have suggested that they might go broke because this has happened. We believe it is only fair that if this occurs a penalty ought to be imposed on the person involved and the court ought to decide what the penalty should be.

We do not believe an individual who has justly purchased equipment at a certain price should be let off paying the total amount of interest because

of a mistake made in the agreement. That would be a total miscarriage of justice. We must be just to the consumer and we must be just to everyone else, whether he is a consumer or not. Even if a person has made an honest mistake, he must be dealt with accordingly.

We have provided for a penalty of $5 000 which I believe is a severe one. Such a penalty has not been provided before in this legislation.

Several members made mention of the diminution of laws covering consumers. I would say that this is not the case because we are continually improving laws for the consumers in this State, particularly in view of the changing circumstances of time, and we will continue to do that.

The member for Dianella referred to a hire-purchase agreement and the instance when an individual purchased some equipment and then found out he did not own it. I will deflect the matter on him. If he had a motor vehicle and sold it through hire-purchase to the member for Balcatta and the vehicle was stolen, the member for Dianella and the member for Balcatta would both still feel that they were the owners.

We have means whereby we can check out who owns certain equipment and where it has come from.

Mr B. T. Burke: It is not so much the case of when someone steals something, it is when someone buys something on hire-purchase and then sells it.

Mr O'CONNOR: That person would not be the owner of the vehicle and I think we are agreed on that point.

This legislation is fair and just and it looks after people in a proper manner and imposes penalties on those who contravene the laws.

Question put and a division taken with the following result—

Ayes 24

Mr Blaikie	Mr Mensaros
Mr Clarko	Mr Nanovich
Sir Charles Court	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr Rushton
Mr Grayden	Mr Sibson
Mr Grewar	Mr Stephens
Mr Hassell	Mr Trethowan
Mr Herzfeld	Mr Watt
Mr Laurance	Mr Williams
Mr MacKinnon	Mr Young
Mr McPharlin	Mr Shalders

(Teller)

Noes 16

Mr Bridge	Mr Jamieson
Mr B. T. Burke	Mr McIver
Mr T. J. Burke	Mr Parker
Mr Davies	Mr Pearce
Mr E. T. Evans	Mr Taylor
Mr H. D. Evans	Mr Tonkin
Mr Harman	Mr Wilson
Mr Hodge	Mr Bateman

(Teller)

Pairs

Ayes	Noes
Mr Tubby	Mr Bryce
Mr Spriggs	Mr Carr
Mr Crane	Mr T. H. Jones
Mr P. V. Jones	Mr Grill
Mr Sodeman	Mr Barnett
Dr Dadour	Mr Bertram

Question thus passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mr O'Connor (Minister for Labour and Industry) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 3 amended—

Mr B. T. BURKE: During his second reading speech the Minister said expressly that omissions no matter how minor could result in the obligations of the hirer being absolved under the present law. He clearly implied that this legislation would apply only to minor omissions. He said by implication that if an omission was minor and honest it was reasonable to expect the hirer should not be allowed to escape the obligations he had undertaken. I refer members to proposed subsection (1b) on page 2 where it is stated it is a defence to a charge arising under this section if the defendant proves he acted honestly and that in all the circumstances the act or omission should be excused. I can understand those words and I can understand the requirement of honesty. However, I would like the Minister to explain to the Chamber how he can translate those words into the meaning that the omission must be minor.

I presume the Minister will convert the words "in all the circumstances" into a criterion for it being a minor offence, but the provision just is not capable of that reference. Perhaps the Minister can point to some other part of the Bill—apart from a vague sort of acknowledgment about the unlikelihood of responsible officers waiving major omissions—where it is said the omissions must be minor. It is up to the Minister to justify the inference to be drawn from his second reading speech in which he said minor omissions are those

which are made honestly and would still leave the lending company with a defence.

Mr O'CONNOR: It is up to the Commissioner for Consumer Affairs and the courts to make a decision on how serious an offence is, and to apply penalties accordingly. The penalty provided for in the Bill is up to $5 000, and the court can apply the penalty it thinks fit. The commissioner keeps a close watch on the people involved in this business, and he knows who is likely to breach the Act. Those who do offend are a small percentage. I believe the decision should be left to the courts and the commissioner.

Mr B. T. BURKE: I think the Minister has missed my point. I am not talking about imposing upon the commissioner or the court an absolute compulsion to fine someone a certain amount. I am happy to see that a penalty of up to $5 000 shall be imposed. However, what I am saying is that all the parties involved should be able to say with some sort of certainty what omission will result in their being subject to a penalty.

For example, the traffic laws of this State do not say that a policeman is able to apprehend and charge a motorist if he thinks the motorist is driving too fast. They say the motorist may be charged if he exceeds a certain speed limit. There is no discretion about whether a charge shall be laid when that certain speed limit is exceeded.

Everyone understands the concept that once the limit is passed the penalty can vary with the circumstances. I do not think members would accept that a patrolman should have a discretion to decide whether someone should be charged for speeding.

In his second reading speech the Minister said that lending companies are bound to discharge hirers for any omission, no matter how minor that omission was. The clear inference is that hirers should be discharged of their obligations only if the omissions are minor.

Mr O'Connor: That is your interpretation.

Mr B. T. BURKE: The Minister said that in his reply when he said that if the interest percentage was omitted the hirer would not be discharged of his obligations. I did not understand him to mean that if a major omission was made which was crucial to the contract, a hirer should not be let out of his contract. There are situations when clearly he should be; and I understood the Minister to mean in some situations it might be proper to discharge the hirer of his obligations.

However, the provision does not allow the Minister to say what he said. It allows him to say the commissioner has an authority to charge $1 000 or $5 000—which we accept—but it does not allow the Minister to say that the will of the Parliament in the matter of the omission shall be seen by the commissioner to concern only minor omissions. The lending company should be allowed to persist with the contract only if the matter is minor, but the Bill does not say that. If the Minister were to insert after the word "offence" the words "was minor and should be excused" there would be some guidance to the commissioner. As it is now there is no guidance whatsoever.

The commissioner should be given some guidance by the Parliament in respect of whether an omission is minor. A provision should be in the legislation to indicate clearly to the commissioner the sorts of omissions the Parliament had in mind.

Mr O'CONNOR: In my second reading speech I said, "No matter how minor the omission is". I did not say it meant only minor omissions, because major ones should be treated even more seriously. Dealers sometimes inadvertently omit to put the interest percentage on the schedule. On the other hand, a dealer might omit to do so deliberately in the case of a dozen forms. That would be a different matter. These things will be taken into consideration by the commissioner and the court, as will the number of times the offence has occurred. I appreciate the point of the member for Balcatta, but it is difficult to include what he wants in the legislation. For that reason the matter should be left to the commissioner and the courts. Bear in mind the consumer affairs officers know the people they are dealing with, and they have a fair idea of who is reputable and who is not reputable. When offences occur they act quickly and give a warning, and if the offences continue they take action.

Clause put and a division taken with the following result—

Ayes 22

Mr Clarko	Mr Nanovich
Sir Charles Court	Mr O'Connor
Mr Coyne	Mr Old
Mr Grayden	Mr Rushton
Mr Grewar	Mr Sibson
Mr Hassell	Mr Stephens
Mr Herzfeld	Mr Trethowan
Mr Laurance	Mr Watt
Mr MacKinnon	Mr Williams
Mr McPharlin	Mr Young
Mr Mensaros	Mr Shalders

(Teller)

Noes 16

Mr Bertram	Mr Hodge
Mr Bridge	Mr Jamieson
Mr B. T. Burke	Mr McIver
Mr T. J. Burke	Mr Pearce
Mr E. T. Evans	Mr Skidmore
Mr H. D. Evans	Mr Tonkin
Mr Grill	Mr Wilson
Mr Harman	Mr Bateman

(Teller)

Pairs

Ayes	Noes
Mr Tubby	Mr Bryce
Mr Spriggs	Mr Carr
Mr Crane	Mr T. H. Jones
Mr P. V. Jones	Mr Parker
Mr Sodeman	Mr Barnett
Dr Dadour	Mr Davies
Mrs Craig	Mr Taylor

Clause thus passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr O'Connor (Minister for Labour and Industry), and transmitted to the Council.

APPROPRIATION BILL (CONSOLIDATED REVENUE FUND)

In Committee

Resumed from 6 November. The Chairman of Committees (Mr Clarko) in the Chair; Sir Charles Court (Treasurer) in charge of the Bill.

Vote: Miscellaneous Services, $152 554 000—

Progress was reported after item No. 128 had been discussed.

Item No. 129: Board of Secondary Education, $792 000—

Mr PEARCE: I note in passing that the Board of Secondary Education has received an increase of about $100 000. I would like to voice a concern about the future of the board. Members will probably be aware that this body was created, with the Achievement Certificate, in the early 1970s. The trial programme started in 1969 when the external examination—the Junior Certificate examination—was phased out for Government and non-Government high schools. The proposition was put forward, and universally adopted, that at the end of year 10 there should be an internal set of assessments which resulted in the students being given an Achievement Certificate based on assessments made at their own schools.

The Board of Secondary Education was established to monitor the assessments being made by the schools, to ensure that there was a degree of comparability from school to school—that is, that the standards were much the same from school to school. The Board of Secondary Education was to produce the certificates after the assessments.

In the early years there was a fair amount of criticism by people who had been used to the Junior Certificate external examination system. Those people saw all sorts of horrors emanating from the change. Indeed, various people ascribed to the Achievement Certificate the rise in drug taking, promiscuity, permissiveness, and other things. They related those things to the abolition of the Junior Certificate. Indeed, there are people, particularly employers and parents, who believe that if the Junior Certificate external examination could be returned, we would return to the social lines of the early 1970s. Such people say they want to "get back to the good old days".

Mr Tonkin: They should have taught in them.

Mr PEARCE: That is right. I sat for the Junior Certificate in 1961; and at that time the poetry question provided 10 per cent of my English marks in the Junior Certificate examination. The poetry question consisted of five, two-line quotes from a poem in the book which I had studied. If I could tell the name of the poem, I earned one point. If I could tell the name of the person who wrote the poem, I could earn another point. If a person had a reasonable memory, that accounted for 10 per cent of the English marks. It was a very poor system; and the Achievement Certificate has been a much better one.

Since the introduction of the Achievement Certificate there has been a very gradual and, one might say, cautious move, into the same sort of thing at the year 12 level. Members would be aware that at present a certificate is given to students in year 12, based 50 per cent on the school assessment, and 50 per cent on an external examination.

I make it clear to the Committee that the external examination produced by the Board of Secondary Education is not the equivalent of the old Leaving Certificate. The new examination is designed to be supplementary to the assessments given in the schools.

A lot of employers now are using the actual examination marks slip given to year 12 students by the Board of Secondary Education for the purpose. The marks on the slips are based purely

on the external examination component. It is unfortunate, and it is a retrograde step in the educational progress of this State, that the people outside the system are seeking to interpret the assessment procedures that the Board of Secondary Education is producing. This is based on a misunderstanding on the part of the employers as to what goes on inside the school system.

The sheer irony of it is that the certificate given by the Board of Secondary Education to the year 12 graduates is a better guide to the employability of the student than the bare mark earned in the external examination. However, many employers cannot cope with the complexities of the system. They use the wrong methods, or very poor methods, of determining the suitability of the graduates.

The efforts of the Board of Secondary Education are being dynamited by ignorant employers; and the education system is being asked to make radical, reactionary changes because of the inability of a small number of employers to cope with the system. That is a most unfortunate situation.

Recently I read the report of Mr McKenzie, the head of the Board of Secondary Education. That report seemed to have quite a despairing note. I am not suggesting that the Board of Secondary Education should give up the ghost and let employers do what they want to do with the situation.

In the past the Education Department and the Board of Secondary Education have shown a willingness to explain to people exactly how the system of assessment works, to promote the understanding of the certificates being issued. That enables employers to make better use of the system.

That programme has not been remarkably successful. There are people who use the certificate for employment purposes who are clearly unable to understand the information they are being given. It is rather farcical that the education system goes to great lengths to describe in detail the work a student has done and his level of achievement when an employer will understand and use only the information which is able to be understood by him. He will use the certificate by going back to some simple thing like the school marks.

It is one of the more scathing comments one could make about the education system at the time that those people were educated that they are not able to understand the things which are a little more complex than when marked out of 100.

I raise my concern about the future of the Board of Secondary Education. It seems to be under continued attack. One would have to say that it is under attack by the Government, particularly before an election. We have read horror stories about what is going on inside the schools. There has been the suggestion of the return to beating the children, and that sort of thing. The Premier says that sort of thing every time he makes a policy speech. That is not in the best interests of the State. We must realise that these tactics have been quite effective; and they have led to pressure on the Board of Secondary Education.

The time has come for a review of exactly what is happening in relation to internal assessments, both at the year 10 level and at the year 12 level. There should be an investigation of the ways in which the two school certificates might be put to good use by employers. Perhaps some of the problems could be overcome.

I suggest, as a matter of urgency, the complete internal assessment at the year 12 level, and the abolition of the external examination. While we are stuck with a half-and-half system at the year 12 level, the employers will accept one half of the certificate and ignore the other half. That would be to the detriment of the education system as a whole. The move to internal assessment completely at the year 12 level is one that needs to be done urgently; but there should be a considerable review of the whole of the operations of the Board of Secondary Education before that step is taken.

The Government has allocated an extra $100 000 to the Board of Secondary Education; and it is time for the Government to back its dollars with action. It is one thing to shell out the money, and it is another thing to have the organisation operating effectively, in the best interests of the State.

I am a little perturbed that the whole of the Government action is in the allocation of funds; and I believe that the Board of Secondary Education needs a philosophical commitment, as well as a dollars one.

Mr GRAYDEN: I assure the member he has absolutely no reason for concern. There has been some criticism of the Board of Secondary Education; and I deplore that. However, I endorse many of the comments the member has made.

As the member knows, we have established a review panel to assess the standard of education in the lower secondary schools. The establishment of that panel is the result of criticism from various quarters. The panel has been making a lot of

progress, and it is expected to report to the Government immediately after the new year. I anticipate its report will endorse what the Board of Secondary Education has been doing.

I reiterate that the member for Gosnells has absolutely nothing to fear as far as the Government is concerned on that matter.

Vote put and passed.

Sir CHARLES COURT: I move—

That parts 3 and 4 be postponed until a later stage of the sitting.

Question put and passed.

Sir CHARLES COURT: I would like the Committee to deal with the Minister for Works vote today while he is with us, because he will be away tomorrow. Therefore, I move—

That part 5 be postponed until a later stage of the sitting.

Question put and passed.

Part 6: Minister for Works and Housing—

Votes: Public Works and Buildings, $59 045 990; Housing, $10—put and passed.

Part 7: Minister for Resources Development, Mines, and Industrial Development and Commerce—

Votes: Resources Development, $2 532 000; Mines, $14 503 000; Industrial Development and Commerce, $4 654 000—put and passed.

Sir CHARLES COURT: I move—

That parts 8 to 19 be postponed until a later stage of the sitting.

Point of Order

Mr JAMIESON: With all due respect, I think the Treasurer has moved wrongly in postponing these parts, as I understand it, to a later stage of the sitting. We have certain Standing Orders in respect of this matter. We might have been somewhat misled by the Treasurer's actions and this could cause something of a delay. If the Treasurer wants to postpone the others perhaps we can do so only at a later time.

The DEPUTY CHAIRMAN (Mr Blaikie): If the member looks at page 68 of the Standing Orders he will find it is quite in order to proceed and then to go back. The Treasurer is seeking to go back to part 3 and that is quite in order.

Committee Resumed

Question put and passed.

Part 3: Deputy Premier, Minister for Labour and Industry, Consumer Affairs, Immigration, Regional Administration and the North West, and Tourism—

Votes: Deputy Premier's Office, $1 532 000; Governor's Establishment, $491 000; Labour and Industry, $4 972 000; Industrial Commission, $1 154 000; Public Service Arbitration, $103 000; State Government Insurance Office, $10; Consumer Affairs Bureau, $673 990; Immigration, $906 000; Office of Regional Administration and the North West, $1 795 000—put and passed.

Vote: Department of Tourism, $3 992 000—

Item No. 6: Grants and Advances for Tourist Facilities, $375 000—

Mr H. D. EVANS: I was a little concerned with this item which indicates that of the $375 000 allocated last year, only $320 823 was spent. There was a shortage in the amount expended of over $50 000. The allocation this year is again $375 000 and yet there is a number of facilities and projects that could be financed from Government sources or at least assisted by Government funding.

One such project does have an element of urgency and I refer to the use of the Donnelly River mill settlement which is to be vacated by Bunning Bros. Pty. Ltd. as from 31 December. The Minister is aware of this and I understand he has a committee examining the situation, but the point to be made is that as from the termination of the agreement Bunnings has with the State Housing Commission, there will no longer be a water supply available or a service for the collection of rubbish which has pertained up till this time. Unless some arrangement can be made with the company the residents who still occupy the SHC homes in that settlement will be disadvantaged to that extent.

The propects of the Donnelly River settlement are very extensive indeed because it has the virtue of being almost an oasis in the forest. The surrounding forest is largely uncut and there is no farm within about five kilometres of it. It lends itself to the development of a true bush setting.

The opportunity available for a variation in the degree of accommodation is practicable. Twenty-eight of the houses are owned by the SHC. They are rented to Bunnings under a guaranteed rental agreement. Bunnings owns eight homes in the settlement and the company would be amenable to any development that might be undertaken.

A number of people still reside in the area, but Bunnings no longer has need of the settlement for the accommodation of its employees. It is quite understandable and most probable that those people at present in residence will leave as more opportune accommodation closer to their place of

employment becomes available. So the houses which remain empty will be the subject of vandalism and general deterioration. Some four or five houses are at the moment unoccupied and have been boarded up; but that is not altogether a satisfactory arrangement.

It is true that the Department of Youth, Sport and Recreation purchased the Tone River settlement for the purpose of establishing a holiday resort of the sort to which I have made reference. Regretably the move was not made until after the two main buildings in the town, the hall and the club, had been disposed of by tender, as had some of the houses. Understandably, quite a degree of the department's funds for last year were spent in this way.

Again, it was understandable that the opportunity was taken because the understanding was that Bunnings would require the Donnelly River mill settlement for a considerable period to house its employees. That situation did not eventuate and the settlement has become available for some other form of development. If the opportunity is not taken now it will be lost for all time as was the case with the Shannon River mill settlement in 1968 some 12 years ago. That situation can never be retrieved and it would be most deleterious for the interests of the State if the Donnelly River settlement was allowed to go in the same way.

Geographically it is better situated than the Tone River settlement and, indeed, most settlements in the area. It is a day's run to Busselton and Augusta and to the industries in the area which are quite varied, such as the tin mining at Greenbushes and the various facets of the timber industry throughout the district, and the various rural activities which take place.

It is for that reason I am wondering whether the Minister could give some indication of precisely what is proposed, at least in the short term, by way of an agreement with the company to ensure that the water supply and the collection of rubbish continues into the new year. The company is certainly verging on the generous in this matter because it is prepared to leave the mill as an historic item which could be incorporated in the timber industry museum and so go towards providing a further facility that is available for visitors in the area, and to encourage them to stay.

The mill engine would remain the property of the company, but it would be on loan so, virtually, the full operation of one of the last steam-driven timber mills would be available, and that is part and parcel of the history of the south-west. It would be most regrettable indeed if this opportunity were allowed to pass without being availed of.

On the question of grants and advances for tourist facilities, the other very practical contribution the Government could make without any great expense would be for the establishment of a scenic drive on the existing railway line between Pemberton and Northcliffe. I have already suggested the Minister make a trip by maintenance vehicle to gain first hand a simulated effect of a train journey.

In various parts of the world and, certainly, in one part of Australia, buses have been converted to convey passengers along a section of a scenic railway line. The section to which I have referred lends itself most admirably to this development because in the course of its 22 miles it traverses seven bridges over the three rivers in this area—the Big Brook, the Warren, and the Wilgarup. Also in that 22 miles there is a range of forests, from natural virgin karri forests to various stages of forest operations, including some splended regrowth areas. The trip would be an excellent opportunity for visitors to take in the work entailed in the Forests Department's management work and regeneration of the karri forests of the south-west; a very salutary demonstration that could be supplemented by an informative brochure explaining for the different sections precisely what is entailed. There could be a multiplicity of attractions devised for the rest of the section of that line.

There could be a day's excursion out and back for the conveying of tourists through the area. I am sure Parlorcars Pty. Ltd. would jump at the opportunity to include this area in its tours to enable people to embark at one end of the line and to be picked up at the other—either way. There would be the opportunity to see some of the best picnic sites in the State and staying at one of them for afternoon tea, or for that matter, for lunch.

This proposition cannot be underrated. The matter of maintaining the line at its present level is part and parcel of this problem. The establishment of a suitable vehicle for this purpose would probably be the prime requirement. Even if such a scheme were undertaken on a 12-month trial basis, the cost would not be enormous, and I am certain would not represent any more than the amount that was not expended from the tourist grant last year.

On the bases of the argument I have put forward I feel the propositions I raised should exercise the interest of the Minister. I know he is

aware of them. I know in the case of the Donnelly Mill he is having the matter examined, but there is a need for a fairly immediate decision as to what will happen to the service at the end of the year. Another point is whether the funds can be made available to provide not only for the establishment of a simulated train ride, but also for the establishment of the rail line between the towns of Pemberton and Northcliffe. The line could extend to Manjimup, and funds could certainly be used to improve the service to Northcliffe.

Mr LAURANCE: I will respond to the item raised by the Deputy Leader of the Opposition, and that is item No. 6 in relation to grants and advances for tourist facilities. The figure mentioned also includes the grants made available to country tourist bureaus. Approximately half of the amount under the formula goes to those bureaus. Last year they received $200 000 so that left $175 000 for grants to local authorities for tourist facilities.

One of the difficulties in administering these funds and allocating them to the 138 local authorities is that not all local authorities can get their proposals for projects—even though some may have been given approval—up to the mark before the end of the financial year. I think it was near the member's electorate that one major project that we thought would go ahead did not do so. However, it will probably go forward this year. That is the reason for the discrepancy in the figures to which he referred.

With regard to the Donnelly Mill townsite, the member indicated that discussions are taking place at the moment. I confirm his statement. It would be a desirable feature if the Donnelly Mill townsite could be retained as a tourist development; and, certainly, that is being investigated at the moment.

Some immediate decisions are to be made in consultation with Bunning Bros. Pty. Ltd. and the State Housing Commission and the Government is considering making those decisions before 31 December. These decisions have to be made fairly quickly because only 12 months ago Bunning Bros. was considering a continuous involvement with the town. I remind the member that senior officers of the Department of Tourism and the State Housing Commission have had a meeting with the tenants in the area and the tenants will be interviewed individually in the next two weeks by the regional manager of the State Housing Commission.

It is intended that the commission will continue responsibility for the town and for the tenants on the basis of weekly tenancies while decisions are made in regard to the future of the town. Talks are being carried on with Bunning Bros. so far as its houses and the mill are concerned. It has made offers in regard to the mill being retained as a tourist attraction. The mill is of historic value and we are keen to see that it is retained.

Although Bunning Bros. has been generous, certain items in the plant have been required by it and it has taken them from the mill. A considerable cost would be involved in returning to a situation whereby the mill could be operated on a daily basis as a tourist attraction. In the short term the Government will make decisions in regard to services such as water supply and rubbish collection, and in the short term the Government will cater for the tenants in the town. Within the next few days the Government will announce its intentions for the town in the long term.

I agree with the member for Warren that our having a scenic drive between Pemberton and Northcliffe would be desirable. He may desire to put such a proposition to his local council and the council could make a request to the department for a grant in the normal way.

Mr BLAIKIE: I would like to make some remarks in relation to item No. 6. I was interested to hear the Minister's comments in response to the remarks made by the member for Warren. My remarks will relate to transport and its vital importance to the tourist industry. Good road services and transportation are vital to the industry, and only recently the Minister had the opportunity to travel in my electorate and was certainly made aware of some of the comments I have made.

He had the opportunity to travel along one of the tourist roads in the area, Caves Road. I am most concerned that local authorities have been obliged to share in contributing to such roads to the extent that they have. Currently, I believe, road systems are funded by the Government and local authorities when they become secondary roads; and the local authorities are obliged to pay $1 of every $4 spent. When we have a road such as Caves Road, a very important tourist road which links Yallingup with Augusta, we realise we have a road that caters for probably hundreds of thousands of tourists each year. I can say that it is one of the worst tourist roads in Australia when one considers the amount of traffic it carries. I think it is high time the Government looked at the funding provided for that road and, certainly, its share of that funding. We should return to a system such as we had in the good old days of supplying grants for specific tourist roads.

I believe Caves Road would qualify in that regard.

A question in relation to the Brockman Highway was directed to the Minister for Transport. I was very pleased with his response. I believe a responsibility rests with the Minister for Tourism to have his department consider further improving the Brockman Highway so that there is a better link between Karridale and the area about which the member for Warren spoke which is between Pemberton and Northcliffe, and involves the Leeuwin Way which is in the first area to win the Sir David Brand tourist award. If members were to drive along Caves Road they would realise it is probably the most important scenic road in Western Australia. It will carry probably a huge influx of interstate tourists, but the road conditions are appalling.

Mr Skidmore: I travelled along the road and I agree with you.

Mr BLAIKIE: Good work has been done but a lot more has to be done, and that work cannot fall solely on the shoulders of the local authority. It has to cater for so many people. I believe it is most important that the Department of Tourism scrutinise its policy on road funding in regard to major tourist roads.

Mr H. D. Evans: You do have some very good ideas after all.

Mr BLAIKIE: I am in trouble; the member for Warren agrees with me. When one realises that a great deal of traffic uses these roads of interest I think one realises that the argument I have put forward is even more important. I hope the Minister will take cognizance of the remarks made and see whether his department can investigate the matter of demands placed upon local authorities and whether those demands can be made a little easier.

Vote put and passed.

Part 4: Minister for Agriculture—

MR H. D. EVANS: (Warren—Deputy Leader of the Opposition) [4.57 p.m.]: There are a few points I would like to make in regard to this part. The first point is that the estimate shows an increase in real terms. An increase of 13 per cent applies, so the expenditure will keep ahead of inflation. However, this expenditure ought to be viewed against the trend of the last five years to put it in its correct perspective. If that is done it will be seen in its correct light of not being as extraordinary an increase as it otherwise might be claimed to be.

The situation is a little like comparing prices for cattle in one sale to the prices in the previous year. It has to be reviewed over a period to be fully recognised. This is appreciated when the Federal Budget of 1978-79 is considered and when one considers the headline appearing in the *National Farmer* of 24 August and 16 September of this year which reads, "Farmers will be $2 000 million poorer". That comment was reflected throughout the articles in the *National Farmer*. In the Federal Budget of 1979-80 we had a 20 per cent cut in rural spending which had an effect right through all State Budgets, and the *National Farmer* referred to this cut on 23 August 1979 and 6 September 1979.

It is worth mentioning that the matter of fuel was a separate issue. In 1978-79 farm fuel costs rose by 74 per cent. I point out that the whole approach and attitude of this Government in relation to agricultural matters has been rather dismal, and this was evident even in the Lieutenant Governor's Speech. When dealing with agriculture nothing innovative was said. We heard a reiteration of the value of agricultural products with a little about the wheat crop, the value of wool and that the demand for meat had remained firm. There was a comment in regard to seasonal conditions and a comment in regard to people who suffered loss by way of droughts, cyclones, and floods.

So much for the Governor's Speech. There was no indication whatsoever of a legislative programme which might have been expected from those who sit opposite and who claim to be the protectors and the godfathers of the farming community and country people.

Mr Stephens: That comes from the National Party. Do you not realise that?

Mr H. D. EVANS: I might find time to refer to the National Party in due course.

The financial statement from the Treasurer shows the same sort of overall approach and the same dull, lack-lustre ideas pertaining to rural development throughout Western Australia.

The Treasurer referred to the animal breeding institute at Katanning. That is something that is still far from being resolved, and the questions pertaining to it are very much unanswered because there is nothing like this concept anywhere else in Australia. It is similar to a frog puffing itself up to the size of a bullock, and eventually bursting. It is similar to the pre-election references to the Narrogin School of Agriculture. Whether the money is to be spent on the building concept of the institution, or whether the size of several salaries has brought about the results that could be expected from an institute of

this kind, remains to be seen. That can be a separate subject.

The Treasurer went on to tell us a little about carcase classification, the supplementation of the Commonwealth preventive measures in animal quarantine, and the progress made in controlling brucellosis and TB.

Mr Old: Are you referring to the Government policy?

Mr H. D. EVANS: No, I am referring to the Treasurer's Financial Statement. I do not wonder the Minister for Agriculture has not read it because it is rather dull.

I am referring to the initiatives in the statement. They are all sound, but also in many cases the product of the work of research officers. They can hardly be attributed to Government activities. The Treasurer said there was additional money to control, through biological methods, insects—particularly fruit fly—by the release of control agents for aphids, army worm, blowflies, and, of course, fruit fly. He said that funds have also been allocated for energy-related projects. Other projects of particular interest were the mustering of wild cattle, cloud seeding, and the extension of other activities on land salinity problems.

Looking to the actual legislative programme, contained in the measures brought to the Chamber have been the Bill to repeal the Stallions Act and the Bill to amend the Banana Industry Compensation Trust Fund Act, to mention two of a dozen or so departmental measures that made their way into this Assembly. No imagination has been used, and no vigour has been shown by this Government in assisting the agricultural industry.

I will refer to some of the deficiencies. On the one hand, in referring to omissions, there is the chaos in the abattoir industry which is directly attributable to successive coalition Governments opposite. The situation which has arisen regarding grain and oil seeds can be attributed in a large measure to the lack of activities on the part of the Government opposite.

Part of the problem of the meat industry at the present time is, of course, the live sheep trade which has developed. The situation that pertained in the 1960s cannot continue to apply in the future. Some significant changes have occurred and stock producers in the future could very well rue the day they were made.

I know those opposite have a *laissez-faire* attitude, and it is a question of the devil take the hindmost; but it it will not continue to work in regard to the live sheep trade as it affects the overall meat industry. The loss at Midland this year was $2.227 million. That was a straightout loss to keep Midland in mothballs, and there is no way Midland will open again—not under the present set-up. It would take three or four months to crank it into operation, and then because so many meatworkers have left the industry, it would take months to train men to operate the works there.

This is borne out by the fact that at Linley Valley there is an offer of a $200 bounty—call it what one may—to any skilled meatworker who goes there. That sum of money is available to any person who is prepared to work there because of the shortage of skilled meatworkers.

The reason for the shortage is that the previous seasonal fluctuations have been distorted and transposed in such a way that the meatworkers no longer will stay with it. There has been an increase in the kill, but the kill has been compressed into fewer months which means a further decrease in what was called the "off-season kill period". For that reason the dislocation of the industry is something which will not be tolerated by the workers. They want regular work.

The situation which has arisen is that live sheep exports have increased from 300 000 per annum in 1970 to 3.1 million in the last year. *The West Australian* of 24 September 1980 set out that 2.7 million sheep were exported through Fremantle during the last financial year compared with 1.5 million during the previous 12 months—an increase of 80 per cent. A total of 3.8 million were sent from Western Australia from what can be described as outlying ports. The centralisation of exports from Fremantle must be of concern to the outlying ports.

Going on from there, the Financial Statement tells the lie to some extent because there has been a similar reduction in meat industry union membership. The membership fell from 6 400 in August 1977 to 2 200 in 1980. That means a total of 2 200 meatworkers are employed—something like one-third of the number of skilled workers remain in the trade. If ever there is a glut at any time, God help the producers. What happened in 1968 would be a flea-bite compared with what will happen in the future. Several thousand jobs have been lost, and meatworkers are not being trained because the industry pattern has changed. It is a permanent loss of several thousand jobs in the industry, and that is being conservative because 1 700 jobs were lost from Midland. When Anchorage closed something like 600 jobs were lost; and at Albany the number of jobs was reduced from 500 to just over half that number.

These are permanent jobs. One of our most affected industries is the meat industry, and it has been reduced to a shambles.

The effect of the live sheep trade on the industry is most interesting. The fluctuations in the seasonal killing have been intensified. I understand the Minister has a copy of the graph printed for him which shows that although the number of live sheep exported had increased very substantially in 1979-80, it was compressed into fewer months with less sheep available in the after-Christmas off-season period with the result that there are fewer jobs during that period. Seasonal peaks have increased because of the greater number of lambs available for killing in the peak period.

Another sector of the meat industry in Western Australia has changed, because the number of wethers available has decreased. Of course, the industry was dependent on the wethers for out-of-season killing. I mention also that the cost of keeping Midland in mothballs amounts to $2.227 million, but the Minister for Health cannot find $2.1 million to keep 248 people in jobs in the health industry, most of them being nurses. This is something about which the Government should hang its head in shame, considering the waste that is evident and the fact that those cuts in employment will have an effect on the health of the people of Western Australia.

I have been referring to the effects of the policy of the Government opposite, and I point out that the Minister for Agriculture did not even know the number of lambs and young sheep which were being exported. Had he taken the trouble to look at the DPI figures he would have found them to be enlightening because the facts are there. The Government is prepared to allow any sort of sheep to be exported, no matter what situation is created in this State.

Mr Old: What legislation can be used to stop exports? I assume you have the answers.

Mr H. D. EVANS: I certainly have no intention of advocating that the exports be stopped.

Mr Old: It sounds as though you do.

Mr H. D. EVANS: Traditional export wethers must be part of the integrated management of the sheep producers of this State.

Mr Old: What is a "traditional export wether"?

Mr H. D. EVANS: The original export sheep. Traditionally, until of recent times, it was an animal that had come to the end of its successful wool-producing life. Where previously those sheep had gone into the trade at a reduced price, the live sheep now allow the farmer to receive a decent price and a ready-cash flow. Most important, it would be folly in the extreme to suggest that sort of trade should be terminated. There is no question about that.

I come back to export, and the unrestricted export of lambs and young sheep.

Mr Grewar: What is wrong with that if it is more profitable to the producer?

Mr H. D. EVANS: If it is more profitable? I point out that the State has to pay $2.5 million to keep Midland in mothballs, and to ensure there is not a glut. On the other hand, there are unrestricted exports to the detriment of the State. One cannot have it both ways. There has to be a rationalisation of the situation. I am not advocating a cessation of the export trade in live sheep, but we need to have second thoughts about an annual loss of $2.227 million with the closing down of Midland. The Government has created chaos right throughout the meat industry as a consequence of the fluctuation in seasons, and compressing into fewer months the decreased kill for the season. For those reasons, the whole system of the 1960s is no longer appropriate in Western Australia.

To reiterate, the problems which face Albany and Anchorage Meats have arisen because the mix—the killing of beef and sheep—has been thrown out of kilter. For those reasons, some operations are no longer possible. For example, Albany had a shortage of beef and insufficient sheep, so the balance on the beef and sheep floors has been thrown out. An abattoir cannot remain viable unless this balance exists.

Mr B. T. Burke: Is the Government not attending to this?

Mr H. D. EVANS: The Government is exacerbating the problem. Anchorage closed for similar reasons; it had beef, but no mutton. The situation exacerbated the economics of Anchorage to the point where it was no longer economic to continue.

Slaughtermen are encouraged to leave the industry because of the longer lean period. The present difficulty in obtaining skilled operators will continue unless a greater stability of employment is offered. I mentioned that Linley Valley abattoir some two months ago was seeking 12 extra slaughtermen, which would give it a total employment of 60; the management was prepared to pay a bonus of $200 for a skilled operator. Robb Jetty could have killed a further 6 000 a day if the slaughtermen had been available.

Members opposite are too prone to disregard the problems of employees within the industry.

They think slaughtermen can be put in cold storage and brought out at peak times.

Mr Grewar: They do not worry about us when the season is at a peak.

Mr H. D. EVANS: Members opposite do not worry about them.

Mr Grewar: Yes we do; all the time.

Mr H. D. EVANS: The attitude of members opposite towards this industry will do nothing to ensure a greater degree of harmony in the system. I heard it said by members opposite when a strike occurred just before an election some years ago that it could not have happened at a better time; they were actually gloating and rubbing their hands together to think that, on the eve of an election, industrial action had been provoked.

Mr Grewar: I never heard that story.

Mr H. D. EVANS: It is true; that is the attitude of members opposite. It is one of their reasons for promoting the unrestricted export of live sheep, including lambs and young sheep. Members opposite have no concern for the long-term future of the meat industry, or for the problems of that industry.

Members opposite should not come whining to Parliament when things are not going right within the industry; they have adopted a provocative attitude over the years, and cannot expect harmonious relationships. The meat industry is one of those industries which requires a great degree of harmony to assist in its smooth operation; however, members opposite have done their best to dislocate the industry at every step of the way.

The season in the north-west has been extended, which has reduced the number of skilled operators coming down in mid-August. The itinerant workers from Victoria no longer find it possible to come to Western Australia because of the change of seasons in Victoria and Western Australia. All these factors have added up to the detriment of the industry.

I have already referred to the situation at Midland. The financial loss sustained there is appalling, and I am sure it is a matter about which the Minister for Health must be concerned. The Government's policy of keeping Midland on a care-and-maintenance basis as an insurance to producers against the influx of stock in drought seasons must be examined.

When one considers the cost of keeping Midland on a care-and-maintenance basis, it is obvious there are less expensive ways of providing such insurance. I said in 1978 that Midland would never reopen, and I repeat that statement today. They are the cold facts of the matter. Already, the viscera table and the by-products plant have been taken away from Midland. This further militates against the abattoir being reopened at some future time, and reveals the whole sham of the Government's approach to this matter. It has been a cosmetic solution to the problem for political reasons only.

Mr Jamieson: The Commonwealth is looking for more land for its ordinance depot. The Government might just as well sell it the Midland abattoir land, and be done with it. At least it would save the costs of maintenance.

Mr H. D. EVANS: The other facet of this problem relates to the live sheep trade. Nobody is keen on seeing producers receive less for their product. If a chilled trade was developed as an integral part of the overall meat industry, the great disparity between the price received for live animals, and that paid for chilled meat would be offset.

It is interesting that New Zealand has developed a chilled and frozen meat trade with the Middle East. In fact, I understand its trade with Iran alone increased last year by 50 000 tonnes. New Zealand has developed cool stores in the Middle East, as we should have done. When RTC approached the Premier for financial assistance, it should have received that assistance.

A former Premier and Treasurer of this State (the Hon. J. T. Tonkin) gave an undertaking to Sir Basil Embry that if funds were required, they would be made available. In fact, I personally arranged that meeting for Sir Basil. He was of the opinion that a co-operative was a far better proposition and that Government involvement was necessary in the development of such a venture.

However, when he turned to the Government of the day he received the cold shoulder and we were unable to establish a cool store in such a strategic location. This would have worked to the benefit of the primary producers of Western Australia. It was the best market we looked like developing; whether it can be resurrected remains to be seen. Certainly, New Zealand seems to have the inside running on that particular track.

The air charter policy in Australia—once again, developed and maintained by a Liberal-Country Party Government on the other side of the continent—works to the great detriment of Western Australian producers. Whilst the air charter of chilled meat can be undertaken, and whilst it has an exeptionally good response in the Middle East, the policy adopted by the Government militates against charter operators. They cannot obtain backloading except in larger

quantities. No move has been made to reduce the minimum an individual may take out and bring back. Wide-bodied planes cannot be used as a result of policy restrictions. These are all factors which must be resolved, and this Government should be playing a major part in their resolution.

It is obvious that the most sensible solution to the problem is to offset the live sheep trade with the development of chilled meat export. We hear about a decline in employment of thousands, yet all the Government can do is scratch around, waving the flag and saying, "We have commenced another mining industry which will provide 1 500 jobs. What jolly good fellows we are. Give us three hearty cheers!" It is ludicrous for the Government to adopt this attitude when at the same time it takes no notice of what is happening to the meat industry.

Mr Old: Are you advocating a levy on live sheep?

Mr H. D. EVANS: I am not; the Minister for Agriculture is a stupid man. We are advocating the development of a chilled young sheep industry to offset the export of live lambs and live young sheep. The Minister does not even know how many such sheep are leaving this country. He said as much in answer to a question. It is folly in the extreme to allow those animals to be exported and slaughtered on the other side of the world. This works not only against the meat industry workers but also against the long-term interests of the producers, in addition to which the taxpayers of Western Australia must pay to keep Midland abattoir on a care-and-maintenance basis. This is all part and parcel of the complexity of the problem created by this Government.

Mr Tonkin: The Government has been clearly incompetent.

Mr B. T. Burke: The Minister for Health was the first casualty. Now, the Minister for Agriculture is a fatality.

Mr H. D. EVANS: It costs $13 a head to transport live sheep and $26 per tonne to freight chilled meat. These are the specific figures the Minister employed when dismissing the suggestion that we move to a chilled meat industry. Air freight carcases compete more than favourably with live sheep in the Middle East. The potential of this market has not yet been tapped, yet the Government does not even know how many live sheep are leaving the country.

Mr Grewar: Do you know?

Mr H. D. EVANS: I have a very good idea; in fact, the Department of Primary Industry keeps those figures. Members opposite should examine them for themselves.

Mr Old: The department does not, you know. You are trying to hoodwink the Committee.

Mr H. D. EVANS: I am not. Hogget represents about 80 per cent of the live sheep trade. Members should check the DPI statistics for themselves.

This is the way in which the industry has changed and it has not been in the best interests of the farmers of Western Australia. I consider the remark of a certain American businessman to be quite extraordinary.

The CHAIRMAN: Order! The honourable member's time has expired.

MR BLAIKIE (Vasse) [5.27 p.m.]: I compliment the Government on what it has done in the field of agriculture.

Mr H. D. Evans: You will make the Ministry yet.

Mr Jamieson: I hope your compliments are better than your interpretation of Standing Orders.

Mr BLAIKIE: I believe the Government has performed very well in this area. We are discussing an industry which has a vote of $33 million; obviously, it is a very important industry, as the Government well recognises.

Mr H. D. Evans: The vote has not done much more than keep pace with inflation.

Mr BLAIKIE: Agriculture is a very wide field, and some of the social changes which have been introduced indicate the sincerity of the Government in accepting the important role played by agriculture in our community. No fair-minded member of this Committee would do anything but congratulate the Government on the understanding and compassion it has displayed towards farmers over the last four years of drought. I believe the action of the Government has been laudable. Indeed, I pause to give the member for Warren the opportunity to say whether he agrees with what the Government has done.

Mr H. D. Evans: I agree most wholeheartedly; however, there are areas where the Government—

Mr BLAIKIE: I thank the member; I always believed him to be a reasonable member of this Chamber. Of recent years, the Government removed the fear of probate from people in agriculture and primary industry generally. Thank goodness that tax has been removed. Probate legislation was a complete scourge on people involved in agriculture. I should like to refer to another social area—

Mr B. T. Burke: The League of Rights.

Several members interjected.

The CHAIRMAN: Order! I understand the spirit in which some members are interjecting, but I believe everyone will agree there are far too many interjections. The previous speaker was subjected to few interjections and I ask that interjections be minimised.

Mr BLAIKIE: If the member for Welshpool listens, he may understand what I am about to say. The Government has set up the Rural Housing Authority which is of great significance and has proved to be an important social factor within rural areas. I give the Government great credit for its innovations in this regard. Any member who represents a country area in Western Australia would realise that, as the development of the State proceeds, the country vote diminishes. However, in spite of that, the Government is paying true recognition to the role of agriculture, as is indicated in the vote before the Committee.

I should like to refer to a couple of other items in this general area of agriculture. One is the fear on the part of farmers in regard to salinity controls. Not only do farmers express fears in this area, but also anyone who has a freehold title to land has similar fears. Such people find they are subject to an Act of Parliament under which part of their land may be taken from them as a result of the salinity control procedures. It creates a number of fears in this area.

It is clear that, in the short term, sacrifices may be necessary but, in the long term, these controls will prove to be vital.

The other factor to which I wished to refer concerns the fear expressed by many people in regard to mining. I sympathise with agriculturists; however, it is recognised that agriculture has been, is, and will be an important industry in this State. The mining industry also has been of immense importance to Western Australia.

I should like to point out, however, that a great deal of the fear on the part of agriculturists today has been whipped into a frenzy by some advisers to the Farmers' Union and the claims made by these people have little substance or credibility. Unfortunately, farmers have become concerned about the position although the advice they have received has not been correct.

Mr Stephens: It has not been proven to be incorrect either.

Mr BLAIKIE: I should like to move to another area and, in this regard, I agree with the member for Warren who said the Department of Agriculture has shown a degree of lacklustre. Over the last 150 years we have seen remarkable development in agricultural technology in Western Australia. People have gone out into marginal areas, and have brought them to a standard which would compare with some of the most efficient farms in the world. Where else in the world do we find people who exist in a marginal rainfall situation where they grow wheat on land which has six to 14 inches of rain a year? Great credit is due to the department for the assistance it has extended in this area and the technological advances which have made this possible.

In past years amazing technological developments have occurred in the application of minerals, the most important of which has been superphosphate. Copper, zinc, molyphem, manganese and so on have played a most important role in various areas of this State. The application of minerals has been carried out where pastures and the growth of livestock were at risk. Research has also played a significant role in the production of lupins in Western Australia.

By the same token, developments have enabled farmers to practice clover farming in very arid regions and the department has performed admirably in this regard and deserves credit for its performance. I use the word "has", because there is a need for the department to develop a new image.

I believe the years that lie ahead will be of great importance as far as research and the development of new techniques are concerned. In this regard, I should like to return to the high rainfall, high production areas. There is a need for a stimulated approach, because developments in this area have not kept pace with the general development in agriculture throughout Australia.

Mr Stephens: What do you think of the possibility of the Government selling the Denmark Research Station?

Mr BLAIKIE: If there was a possibility of the Government selling the Denmark Research Station, or indeed any research station on a high rainfall farm in Western Australia, I would oppose it as strongly as I could, because it would not be a far-sighted decision. This brings me back to the nub of the argument I am developing which is that, of all the areas of Western Australia which have received research assistance, the areas which stand to benefit the most—that is, the high rainfall areas—have virtually received nothing.

It is clear the high rainfall areas of this State have been a bonus to the Government and this has been the case for the last 10 years. Those areas have been of great advantage, but research and improved technological developments in gross

production and the introduction of species in these areas have remained virtually unchanged over the last 50 years and no change is in sight.

The final point I wish to make concerns the research carried out by the department in these areas. Plant breeders' rights are causing a number of people throughout Australia a great deal of concern. Unless the department expands its research and development of new, highly productive grasses and crops, I do not believe the Government of Western Australia, or the department, will have an argument against the introduction of plant breeders' rights in this State.

Mr B. T. Burke: That is not what the Minister says.

Mr BLAIKIE: That may well be not what the Minister says; but it is what I advocate.

The high rainfall areas have potential for great production and the Government should ensure it maximises research and funding in this area. If one travels around the State of Western Australia and looks at the areas which are agriculturally disadvantaged because of drought, one will find the high rainfall areas have not only been a bonus this year, but have also been a bonus to agriculture for the last 50 years and in years to come the trend will continue.

With those remarks, I support the part.

Progress

Progress reported and leave given to sit again, on motion by Mr Grewar.

QUESTIONS

Questions were taken at this stage.

BILLS (2): RETURNED

1. Road Traffic Amendment Bill (No. 2).

   Bill returned from the Council without amendment.

2. Dental Amendment Bill.

   Bill returned from the Council with an amendment.

ADJOURNMENT OF THE HOUSE: SPECIAL

SIR CHARLES COURT (Nedlands—Premier) [6.03 p.m.]: I move—

That the House at its rising adjourn until 11.00 a.m. on Friday, 28 November.

Question put and passed.

House adjourned at 6.04 p.m.

QUESTIONS ON NOTICE

COURTS

Recording Tapes

1537. Mr CRANE, to the Minister representing the Attorney General:

In accordance with a court practice direction issued on 1 August 1977, court tapes are reused after 12 months. Does this mean—

(a) 12 months from the date of handing down a decision in the matter, or

(b) 12 months from the date on which the matter was first heard in court and each subsequent day thereafter?

Mr O'CONNOR replied:

(a) and (b) A practice direction was issued by the Registrar, Family Court, on 1 August, 1977, concerning retention of tapes.

Tapes are retained for a minimum of 12 months after the date on which the recording was made.

COURT: FAMILY

Maintenance Orders

1538. Mr CRANE, to the Minister representing the Attorney General:

(1) In the Family Court, can applications for maintenance be made under—

(a) case law;

(b) particular sections of the Act?

(2) Can two maintenance orders be made against the one man in respect of the same woman concurrently?

(3) When granting an application for maintenance, is the presiding judge required to state under which section of the Act the order is being made?

Mr O'CONNOR replied:

(1) (a) No.

(b) Yes—sections 72 and 73 of the Family Law Act, section 55 of the Family Court Act.

(2) As to the maintenance of the wife herself, no.

(3) No.

FUEL AND ENERGY: NUCLEAR

Reactor: Studies

1539. Mr HARMAN, to the Minister for Fuel and Energy:

In respect of the investigations by the State Energy Commission for possible sites for the nuclear reactor, will he detail the criteria or guidelines being adopted or applied to possible sites in the event of an emergency requiring evacuation of an area surrounding the reactor?

Mr P. V. JONES replied:

The State Energy Commission is using the most stringent overseas criteria for the preliminary siting of nuclear power plants which are those laid down by the United States' Nuclear Regulatory Commission. These guidelines are very extensive and include the matters raised by the member.

POLICE

Security Agents

1540. Mr HARMAN, to the Minister for Police and Traffic:

(1) How many organisations are currently registered as security agents?

(2) What are their names?

(3) How many organisations have applied for registration, but not yet processed?

Mr HASSELL replied:

(1) 121 organisations.

(2) Please see tabled paper.

(3) Four organisations have applied for registration, but are not yet processed. A further two licences have been refused by the licensing officer and the applicants have appealed to the Court of Petty Sessions and are awaiting hearings.

The paper was tabled (see paper No. 435).

MINING: IRON ORE

Cliffs Robe River Iron Associates

1541. Mr HARMAN, to the Minister for Resources Development:

Will he advise the major reason for the closure of the Cliffs Robe River Iron Associates pellet plant on 30 April 1980?

Mr P. V. JONES replied:

I am advised that the cost of fuel and non-availability of a viable market for the product were the main influencing factors.

EDUCATION: HIGH SCHOOLS

Driver Education Programme

1542. Mr TONKIN, to the Minister for Education:

(1) Has he received a report from the committee appointed to investigate into the future of driver education in high schools?
(2) If so, will he table the report?
(3) If not, when does he expect the report to be completed?
(4) What is the Government going to do about the cutback in the supply of motor vehicles for this purpose, which is possibly threatening the future of the driver education programme?

Mr GRAYDEN replied:

(1) to (3) The response from the National Safety Council has not been received.
(4) The matter is being investigated and decisions will not be made until the response from the National Safety Council has been received and considered.

FUEL AND ENERGY: OIL

Prices

1543. Mr McIVER, to the Minister for Fuel and Energy:

(1) Would he state if he made a submission to the Prices Justification Tribunal re oil prices which had to be made by 17 October 1980?
(2) If "Yes", would he table the submission?
(3) If "No" to (1), would he explain the reason no submission was made?

Mr P. V. JONES replied:

(1) No submission was made.
(2) Not applicable.
(3) I am advised that when the Petroleum Retail Marketing Franchise Bill was being debated, the Commonwealth Minister for Business and Consumer Affairs asked the Prices Justification Tribunal to inquire and report on whether the prices at which the major oil marketing companies supply petroleum products or propose to supply petroleum products were justified.

It is a normal function of the Prices Justification Tribunal to examine company submissions for price increases because of increased crude oil and other operating costs. The crude oil price is set by the Commonwealth Government under its import parity pricing policy and other costs of refining and distribution are directly related to increased labour and other costs which have been incurred by the companies.

The State Government believes that the Prices Justification Tribunal is the appropriate body to examine these claims.

FIRE STATION

Northam

1544. Mr McIVER, to the Chief Secretary:

(1) Is it intended to downgrade the Northam fire station?
(2) If "Yes", would he state what is contemplated?

Mr HASSELL replied:

(1) No. Section 27 of the Fire Brigades Act requires that the Fire Brigades Board have prior consultation with the local authority should such a proposal arise.
(2) Answered by the above.

ROAD

Northwood Drive

1545. Mr WILSON, to the Honorary Minister Assisting the Minister for Housing:

(1) Is the composite plan of the proposed Northwood Drive and associated subdivision in Dianella, as referred to in his answer to question 1421 of 1980, yet available?
(2) If "Yes", will he provide me with a copy?

(3) If "No" to (1), when is it expected that the plan will be available?
(4) Which section or sections of the new subdivision does the commission intend to develop first?
(5) When will this section be developed and how many lots will be involved?
(6) Will all the land be sold by auction for private development or will some be retained for State Housing Commission rental housing?

Mr LAURANCE replied:

(1) Yes. The Town Planning Board has approved the plan for north-south link road and the connecting link roads shown on the plan.
(2) Yes, the plan will be ready for distribution within two or three days and will then be forwarded to the member.
(3) Answered by (1) and (2).
(4) Now that the major road pattern is approved the commission will be proceeding with design for subdivision of residential allotments.
(5) Answered by (4).
(6) This decision has not yet been made by the commission.

EDUCATION: PRE-SCHOOL

Kambalda

1546. Mr GRILL, to the Minister for Education:

(1) (a) Are pre-school facilities for infants in Kambalda quite inadequate; and
(b) are projected enrolments many more than the vacancies available?
(2) Does the Government intend to honour its promise to provide free pre-school education for all eligible students in Kambalda?
(3) If so, how does the Government intend to do it?

Mr GRAYDEN replied:

(1) (a) and (b) In 1981 it is expected that there will be approximately 110 to 120 children, in the age group one year below school age at Kambalda, requiring a pre-primary or pre-school place.

As the two pre-primary and two pre-schools have a total capacity of about 190 children facilities are more than adequate.

(2) and (3) Under Government policy parents can elect to retain their non-departmental pre-schools, which charge fees, and this has been the case at Kambalda.

GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES

Motor Vehicles and Boats

1547. Mr SHALDERS, to the Premier:

What is the number of—

(a) motor vehicles;
(b) boats;

owned or operated by Government departments and State authorities in this State?

Sir CHARLES COURT replied:

(a) and (b) The information requested by the member is being collated and a considered reply will be provided in due course.

FUEL AND ENERGY: ELECTRICITY

Accounts: Interest on Deposit

1548. Mr DAVIES, to the Minister for Fuel and Energy:

(1) Can he explain the policy of crediting domestic consumers' accounts with "interest on deposit"?
(2) What is the basis for calculating these amounts?
(3) How often will it be paid?

Mr P. V. JONES replied:

(1) Interest on deposits lodged by customers is payable under section 62(16) of the State Energy Commission Act. In the past this has been accumulated until the account was finalised. However, it was considered to be in the interest of customers to credit interest annually and this practice commenced in 1980.
(2) Interest is calculated on a simple interest basis, and reflects the commission's average cost of borrowing.
(3) It is proposed to credit the interest on deposits once in each year.

FIRES

Westrail: Firebreaks

1549. Mr STEPHENS, to the Minister for Transport:

(1) Is he aware of the new firebreak policy to discontinue the provision of firebreaks, adopted by Westrail?

(2) Is he aware that this policy does not have the approval of the WA Bush Fires Board?

(3) Did this new policy require ministerial approval?

(4) If "No", will he direct Westrail to revert to the original policy?

Mr RUSHTON replied:

(1) Yes.

(2) Yes.

(3) No.

(4) I have asked the Commissioner for Railways to review the policy with regard to a number of items that have caused concern to the local authorities and have asked him to report back to me with his recommendation as soon as possible.

1550. *This question was postponed.*

QUESTIONS WITHOUT NOTICE

PREMIER'S DEPARTMENT

Under Secretary: Trip to Singapore

486. Mr B. T. BURKE, to the Premier:

(1) Did the wife of the under secretary of his department travel to Singapore with her husband to meet the new Governor?

(2) If "yes", under what conditions did she travel?

Sir CHARLES COURT replied:

(1) and (2) The wife of the under secretary did go to Singapore at my request—and this was felt to be right and proper in all the circumstances—so that she would be available to assist the wife of the new Governor, just as the under secretary was sent there to brief the Governor on the formalities and other conditions which prevailed, and also to answer appropriate questions. It is not the first time this has been done, and, as far as I am concerned, it makes good sense.

FERTILISERS

Manganese Sulphate

487. Mr NANOVICH, to the Minister for Agriculture:

Further to my question 427 of Thursday, 13 November 1980, regarding manganese sulphate, could the Minister advise whether his answer to parts (1), (2) and (3) of the question relate to non-soluble or soluble manganese sulphate?

Mr OLD replied:

The answer to question 427 referred to fertiliser grade manganese sulphate which, although it is soluble, contains insoluble impurities which make it less suitable for low volume spray application. The more fully soluble and purer chemical preferred for use as a spray is in short supply at present, but I have no information on how long this situation is expected to last.

EDUCATION: PRE-SCHOOL

Four-year-olds: Enrolments

488. Mr PEARCE, to the Minister for Education:

Is the Minister in a position to make a statement on the enrolment conditions for five-year-old and four-year-old children in community pre-schools in 1981?

Mr GRAYDEN replied:

I asked the Education Department to prepare a statement of that kind and I have been supplied with some very detailed information. I believe the department possibly could go further in respect of the situation applicable to four-year-olds, but I ask permission to lay what I have on the Table of the House and I will add to that statement later.

The paper was tabled (see paper No. 436).

EMPLOYMENT AND UNEMPLOYMENT

Public Sector

489. Mr GRILL, to the Treasurer:

(1) Is the Treasurer aware that all other State Governments in Australia have managed to maintain public service

employment at, or marginally above, 1979-80 levels in their 1980-81 revenue budgets, despite the average increase of 10.5 per cent in their Commonwealth tax-sharing entitlement?

(2) Is he further aware that he is the only State Premier to threaten to dismiss public servants following wage and salary increases outside wage indexation decisions?

(3) In view of the fact that Western Australia's 1980-1981 tax-sharing entitlement is higher than any other State, except that of Queensland, can he explain what significant financial obligations exist in Western Australia that do not confront other States?

Sir CHARLES COURT replied:

(1) to (3) The member has a habit of asking long, wearisome questions and to the best of my knowledge he has never had the courtesy or good sense to make sure the Minister concerned has some prior information to assist him to answer the question.

In view of the nature of this question I do not intend to answer it in detail. However, I will deal with the last part of the question.

If the member understood the system under which the Grants Commission operates and applied that knowledge to Western Australia he would know there is a formula whereby there has to be a special understanding for States which, because of a distance, dispersion, and small population, have special needs in isolated areas—

Mr Grill: You are not answering my question. The first two parts would require a simple "Yes" or "No".

Sir CHARLES COURT: I wish to point this out to the member so that it may save him asking silly questions.

Mr Grill: You cannot answer.

Several members interjected.

Sir CHARLES COURT: I think what the member means is that "It is the biggest fool who asks the question that the wisest man cannot answer".

Several members interjected.

The SPEAKER: Order!

Sir CHARLES COURT: I wish to return to the question of relativities because there are special problems when some States are measured against others because, I am afraid, there are some aspects under which Western Australia would be always disadvantaged.

So far as the present situation is concerned, it is part of a relativities formula which was determined some years ago and it does reflect the different percentages when one is placed against another.

As far as the other points of the question are concerned I will deal with them in a general way because the member asked a series of questions. As far as Western Australia is concerned the member will find we have treated our Government employees, both in the Public Service and Government instrumentalities, very fairly. We have treated them just as fairly, if not more fairly, than other States.

HEALTH: MEDICAL PRACTITIONERS

Public Hospitals

490. Mr HODGE, to the Minister for Health:

(1) Is it a fact that Mr Justice Ludecke recently recommended a 10 per cent increase, as from 1 November in the fees paid to doctors employed in some Government hospitals on a fee-for-service basis?

(2) Has the WA Government started paying the increase as yet; and, if not, when will the increase be paid?

Mr YOUNG replied:

I thank the member for some notice of the question, the answer to which is as follows—

(1) and (2) No. The recommendation of Mr Justice Ludecke was made to the Commonwealth Government and ranged from 9.4 per cent to 9.8 per cent. The recommendations were accepted by the Commonwealth and are reflected in the recently amended medical benefit schedule. These fees are the basis on which private practitioners, having a fee-for-service arrangement with a Government hospital, are remunerated. The new fees are effective from 1 November 1980.

STATE FINANCE

Allowance for Wage Indexation Decisions

491. Mr H. D. EVANS, to the Premier:

(1) How much extra expenditure in the 1980-81 financial year did the Government allow for the current national wage case decision?

(2) From what date was it anticipated when formulating the 1980-81 Budget that extra expenditure would be incurred on the wages and salaries bill as a result of the national wage case decision?

(3) What was the nature of the Government's submission to the commission on this occasion?

Sir CHARLES COURT replied:

I thank the Leader of the Opposition for supplying the information on this question, the answer to which is as follows—

(1) An amount of $142 million was provided in the Budget to meet the cost in 1980-81 of award increases granted during 1979-80 and the likely effect of national wage indexation adjustments during the current year. This sum represented two-thirds of the total additional revenue available to the Government in the current year.

These stark and simple facts show clearly why the Government is confronted with such a tight financial situation this year and cannot meet wage increases over and above indexation adjustments without cutting back on other expenditure which must inevitably involve staff reductions.

Of the $142 million provision referred to, $38.8 million was provided for the estimated cost of wage increases arising from indexation adjustments during the year.

(2) It was assumed that increases would be granted at both the November 1980 and the May 1981 national wage case hearings.

(3) The Government argued for an increase after discounting the Consumer Price Index increase for the direct and indirect effects of Commonwealth policy on oil parity pricing. The commission was asked also to have regard to lack of compliance with the indexation guidelines and recent work value increases.

EDUCATION: HIGH SCHOOL

Kelmscott

492. Mr Herzfeld (for Mr SPRIGGS), to the Minister for Education:

After a recent visit to Kelmscott Senior High School when the Minister surveyed the farm project with its limited facilities, he was to have the department look at the possibility of obtaining some Commonwealth land previously used as a research station by the CSIRO. In view of this—

(1) Has the Education Department followed up the request; and if so, what is the situation at the present time?

(2) If this land is not available what steps will the department take to ensure that this important project can remain and expand?

Mr GRAYDEN replied:

I thank the honourable member for some notice of the question, the answer to which is as follows—

(1) and (2) Yes, I am awaiting a reply from the Commonwealth Department of Administrative Services. The agricultural project at the Kelmscott Senior High School will continue at its present location and the question of expansion will be considered further when a reply to my request to the Commonwealth is received.

MINING

Mines Department: Surveys

493. Mr H. D. EVANS, to the Minister for Mines:

Further to question 1505 of Wednesday, 26 November, concerning the Mines

Department practice of engaging contract surveyors to carry out surveys of mining tenements, how much in total will the department recoup from firms and individuals for whom the surveys have been carried out, for each of the past three financial years?

Mr Mensaros (for Mr P. V. JONES) replied:

As stated by the Minister for Mines in his answer to question 1505, survey fees paid at time of application in respect of tenements surveyed in the past three financial years are as follows—

	$
1977-78	168 948
1978-79	109 145
1979-80	111 482

HEALTH: MEDICAL PRACTITIONERS

Public Hospitals

494. Mr HODGE, to the Minister for Health:

My question follows from my previous question about the increases paid to doctors working on a fee-for-service basis in Government hospitals. I ask—

(1) If the State Government intends to pay fee increases to these doctors—which will be between 9.4 per cent and 9.8 per cent—as from 1 November can the Minister explain and reconcile the Government's attitude in refusing to pay a 5 per cent increase to nurses?

(2) Can the Minister tell us where he is going to find the money to pay this almost 10 per cent increase to doctors?

Mr YOUNG replied:

(1) and (2) This follow-up question does not come as a bolt out of the blue. I have been involved in some discussion about the status of the fee-for-service situation in Government hospitals to ascertain whether it would be generally considered this should come within the budget edict and whether the fees constitute a similar situation as far as wages are concerned. Since yesterday I have been attempting to contact the person who held the meetings and I will provide an answer to the question when I have further informed myself on the status of these fees.

INDUSTRIAL DEVELOPMENT

Aluminium Smelter: Environmental Report

495. Mr H. D. EVANS, to the Premier:

Although notice has not been given of this question, it is not one which would require notice. It is as follows—

In the *South Western Times* of 25 November it was stated that a State Government report had been received and had confirmed that livestock and native plants could be threatened by pollution from a south-west aluminium smelter. The newspaper said that a report was prepared by the Department of Conservation and Environment, the Department of Health and Medical Services, and the Department of Agriculture. I ask the Premier: Will he arrange for a copy of that report to be tabled before the House rises?

Sir CHARLES COURT replied:

I know nothing of the Press report and I know nothing of the reports to which the member referred. In my experience and my knowledge of modern aluminium smelters, there is no hazard to the agricultural industry if the plant is located in the way and operated in the manner that the Government would insist upon.

There has been a great deal of disturbing misinformation in the south-west areas which has been fanned by certain people. I will make some inquiries about the Press statement and the report to which the member referred.

I do not intend to undertake to table any document because I do not know that one exists. However, I will certainly make some inquiries. I have seen a great deal of information circulating about aluminium smelters in the community and I must say that information is out of date. The people who are circulating that information know it is out of date and therefore false.

EDUCATION: PRE-SCHOOL

Kambalda

496. Mr GRILL, to the Minister for Education:

My question is a follow-up to question No. 1546 which concerned pre-school enrolments and pre-school accommodation in Kambalda. My question was asked in view of the fact that it would appear that Government accommodation in pre-school centres will not be adequate for the number of children who will enrol next year.

What will happen and what will the Government do for those children whose parents would like to enrol them in Government pre-primary centres and do not wish to enrol them in non-Government pre-school centres, but are unable to get them into Government pre-primary centres?

Mr GRAYDEN replied:

I am not sure I can answer the question satisfactorily. I thought the answer I gave to the member's question on notice was satisfactory.

The policy of the Government in respect of pre-schools is exactly as it has been over the last four years. The Education Department is satisfied that there are sufficient places at Kambalda for these children.

The Government accepts responsibility for children in the year in which they turn five; in other words, a child who is actually four years of age at the beginning of the school year is acceptable in a pre-school or pre-primary centre. If sufficient vacancies exist in a pre-primary or pre-school centre, the centre will take children in the year in which they turn four.

In Kambalda there are also two pre-school centres and they are sufficient to cater for all the children, although a fee must be paid in that case.

We are satisfied sufficient places exist for the children for whom the Government accepts responsibility, and the pre-schools also have vacancies. If that is not the case in Kambalda the Government will accept responsibility for children in the year in which they turn five.

WOOD CHIPPING

Exports: Reduction

497. Mr H. D. EVANS, to the Minister Assisting the Minister for Industrial Development and Commerce:

Is the amount of wood chips to be exported in 1981 to be reduced; and, if so, by what percentage?

Mr MacKINNON replied:

I do not have that information offhand. I will ascertain it from the Department of Resources Development and provide the information to the Deputy Leader of the Opposition.