Legislative Council

Thursday, the 22nd November, 1979

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 11.00 a.m., and read prayers.

INDUSTRIAL ARBITRATION BILL

Statement by President

THE PRESIDENT (the Hon. Clive Griffiths): It has been brought to my notice that some confusion has arisen in respect of my decision to disallow a division at the conclusion of the second reading debate on the Industrial Arbitration Bill.

For the information of members, I wish to advise that there was no call for a division as the only honourable member who spoke at the time was not in his seat and was therefore not heard by me.

The point of order raised by the Leader of the House did not influence my decision as I was, in fact, attempting to indicate that a division had not been requested when the Minister rose in his place.

Personal Explanation

The Hon. G. C. MacKINNON: I seek the leave of the House to make a very brief explanation.

Leave granted.

The Hon. G. C. MacKINNON: I realised subsequently I should not have risen on the point of order, but as it happens, with the alignment of the *Hansard* reporters in this Chamber—depending whether they are sitting up or down—I cannot see the seats of the Leader of the Opposition and his deputy. I did not know that the call came from somebody who was not officially in existence at that time. Mr Dans would have the same problem in regard to the comparable seats on this side of the House.

The Hon. D. K. Dans: We did have another call last night. However, I do not want to dispute the matter because the moment is past.

MINING: IRON ORE

Wittenoom Agreement Variation: Motion

THE HON. J. C. TOZER (North) [11.08 a.m.]: I move—

> That the Council take note of tabled paper No. 428 ("Iron Ore (Wittenoom) Agreement Variation Agreement, 1979") laid on the Table on Tuesday, 13th November, 1979.

In moving this motion I feel we should not permit this very interesting document to be tabled in this Chamber for the statutory 12 days, without comment and without its being voted on by the Legislative Council as a whole.

Members may wonder why I should seek to have this paper, the Iron Ore (Wittenoom) Agreement Variation Agreement, 1979, noted. The first question with which I was confronted was why a mining agreement should be tabled in the House of Parliament; I cannot remember this happening before in the period I have been here.

It is not so long ago that we debated an amendment to the Hamersley Iron agreement legislation. Those changes were effected by way of a Bill, which passed through Parliament and duly became part of the parent Act. On investigation, I find that when only minor variations are to be made to one of these agreements, the Minister is empowered to negotiate with the company concerned and between them have the agreement altered. This agreement before us was considered not to be a minor change, but a major change, and the Act contains provision to alter the agreement in the manner employed in this instance. The amendment must lie on the Table of both Houses of Parliament for 12 sitting days. The Minister for Industrial Development responsible for these agreement Acts took this course of action on this occasion.

It seems to me that in the case of the last Hamersley Iron amending Bill, we were confronted with amendments which referred to major changes to the operations of the company and those changes were effected immediately. That amending Bill related to the beneficiation plant and, as we all know, the company immediately moved on the matter, and spent something like $350 million to implement the provisions provided for in that amending Bill.

In this instance, I do not think any immediate change will be made in the course of events. It is unlikely that the alterations to this agreement in fact will be the prelude to immediate development of the Marandoo project. It would seem to me this is the Minister's reasoning in his different approach to this amending agreement.

Previously, the provision in the agreement, as incorporated in the Act, was that the company had 12 months in which to submit proposals for development; that period was extended year by year on application to the Minister.

In this amending agreement we provide a period of five years, until 1984, and the company thus has full security of tenure for all tenements

covered by this agreement for five years during which time it must submit its proposals. This gives the company a good bargaining point with the overseas people with whom it must negotiate to sell its product. This is the prime reason this amendment to the agreement is presented to us.

The parent Act is rather unique among the iron ore agreement Acts in that it does not contain any provision for processing. This was most surprising, because as long ago as 1961 or 1962, when the Goldsworthy agreement was completed—that agreement related to only a small ore body, with a limited life of 15 years—provision was made for processing. In fact, the Goldsworthy agreement also contained no such provision. Every agreement completed after that time did include such a processing provision until we came to the Iron Ore (Wittenoom) Agreement Act.

It is interesting to note that legislation came forward in 1972, when Mr Tonkin was Premier of Western Australia. It could be construed from this that there was not the same degree of business acumen displayed in the approach to the completion of this agreement with Hancock and Wright at that time, as was displayed by Liberal Governments before and since.

It must be said, of course, that the Wittenoom agreement Act came about at the time the Mt. Bruce agreement was cut down the middle, and Hamersley Iron was given full title to the tenements embracing Paraburdoo, and the Hancock and Wright organisation was given full rights to the tenements embracing the Mt. Bruce, Marandoo, and Wittenoom ore bodies.

The present Minister for Industrial Development, in exchange for the sensible change to a five-year term, took the opportunity to impose certain processing requirements on the company. So, one desirable change brought with it another most desirable change. It is not resented by the company; as a matter of fact, it welcomes this processing provision.

Briefly, the processing requirement is that after 10 years, or after 150 million tonnes has been produced, the company is required to process 20 per cent of its annual production, or a minimum of two million tonnes a year. After 20 years, or 300 million tonnes of production, it is required to process 20 per cent of its production, or at least four million tonnes a year. After 30 years or 400 million tonnes of production, again it is required to process 20 per cent of its annual production or a minimum of six million tonnes a year. Beneficiation will suffice as far as processing is concerned. Beneficiation does not really change the nature of the product; it simply takes out some of the impurities in the iron ore.

This is a most desirable introduction of good resource management. Instead of pushing aside the ore with a ferrous content of, say, 55 per cent or 58 per cent, the ore now will be put through the beneficiation plant and will come out equal in quality to the high-grade ore we send throughout the world.

While beneficiation will suffice for processing, provision is made for other processing by negotiation.

In addition to the processing and lease time requirements, two temporary reserves well to the west of the other mining tenements are to be incorporated within the ambit of the agreement. This merely tidies up the situation which exists for the Texasgulf-Hanwright organisation.

The matter of royalties is also covered in this agreement. Ten years after the signing of the agreement—not 10 years after shipping, as is required in other agreements—the matter of royalties will be renegotiated. Because of the time lag, it has been thought desirable to introduce such a provision. Again, this makes sense because the royalties paid by the company should keep pace with the value of the iron ore, and those royalties being paid by other producers.

We see constant changes in any industry and no doubt this applies equally to the iron ore industry. Originally the lump ore attracted a premium royalty and fines was regarded almost as an undesirable but necessary adjunct to the main task of producing lump ore. That situation is changing now; in fact, fines is a very valuable commodity and is easier to sell than the lump ore.

We might associate this fact with the general recession in the production of steel throughout the world; obviously the manufacturing countries which have plants set up for sintering or pelletising fines prefer to keep such plants fully occupied. Therefore, they are prepared to accept and pay more for the fines than was the case perhaps 10 years ago.

Thus the general negotiation which will be taking place with all iron ore companies as provided for in their agreement Acts will now apply to the people running the future Marandoo operation.

The Hon. G. W. Berry: What quality is achieved by beneficiation?

The Hon. J. C. TOZER: The lower grade ore is concentrated to the quality of ore being produced already. It has an average Fe content of 64 per

cent; it may be as low as 62 per cent or as high as 67 per cent.

I did refer briefly to the submission of proposals the company is required to make to the State. Some members have asked, "What if the proposals do not meet the State's requirements?" Clearly the Minister would send them back and the company would have to submit new proposals or, if agreement could not be reached, there is access to arbitration so that a final agreement can be reached. To date, in all of the agreements reached and in all of the proposals submitted, this has been found quite practicable because our specialised staff in the Department of Industrial Development have been able to reach a satisfactory conclusion; satisfactory for both the State and the mining companies concerned.

It is interesting to note there is room for negotiation with respect to subsequent infrastructure. Here we see the same sign of the times when we find major industrial companies will no longer be able to get off the ground unless we have some arrangement whereby the State can share in the cost of infrastructure.

One of the most interesting aspects about this agreement which is tabled and is before us today is that almost all the mining tenements are embraced within a national park; the Hamersley Range national park. To my knowledge this does not apply with any of the major mining operations in Western Australia.

It appears someone in the Mines Department is not aware the national park has been extended to include Hamersley Gorge which is not embraced in the map associated with this agreement. It worries me to find that the Hamersley Gorge extension, which was gazetted several years ago, is not contiguous with the national park as a whole, but is a separate piece apart from it. I find this was done because of existing mining tenements. We already have mining tenements embraced in the national park and I would not have objected to mining tenements being embraced in the new extension covering Hamersley Gorge.

Some of these mining leases are dangerously close to such well-known beauty spots as Dales, Wittenoom, Weano and Red Gorges, and Joffre Falls. The State reserves its right to dictate what the company can do—should the company wish to move close to these areas—by the very fact the company is obliged to provide proposals, and clearly those proposals can be amended or rejected by the Government.

In the case of the Marandoo project itself, which is the principal reason for this amendment of the agreement, it is not close to any of the recognised beauty spots; as a matter of fact it is quite remote from any of them. But the company does have a remarkably good working arrangement with both the National Parks Authority and the Environmental Protection Authority.

It is interesting to note that even at this early stage of the company's development it has on its staff an environmental officer and a revegetation officer.

I shall say a few words about further processing. Included in the agreement is the right to negotiate further processing. I am talking about processing other than the concentration or beneficiation of iron ore; further processing can mean the manufacture of steel, metallised agglomerates, sinter feed, and pellets. This will be a matter to be determined by negotiation, as and when proposals are put forward.

One of the most interesting new inclusions in this agreement is the fact that every time the term "railway" is used the words "or other means of transport" are added. There are several references to this aspect of transport in this agreement. This is very interesting because it indicates that future developers will give full consideration to the use of slurrying their product and sending it down a pipe in the manner it is done at Savage River in Tasmania.

At the other end of the process we do have the problem of dealing with filter cake, but that is a saleable commodity in itself. The water is removed by centrifuge from the slurry which comes down the pipeline and it becomes normal iron ore fines which can be used for sintering, pelletising, or for direct shipment.

There are other modern changes attracting the attention of iron ore developers. One such idea is the conveying system. This will not be a conventional rubber belt system but we might find it will be more like what could be described as a link conveyor; in other words, tubs hanging from a conveyor system.

The Hon. D. K. Dans: In some parts of the world they use stainless steel.

The Hon. J. C. TOZER: That could be the chain which carries the bucket.

The Hon. D. K. Dans: The belt.

The Hon. J. C. TOZER: I found that to be one of the most interesting inclusions in the agreement. Every time "railway" is mentioned we find the words "or other means of transport". In other words, the company sought to keep all its

options open. It may construct a railway, but it may construct something else.

Now a word about the Marandoo deposit itself. We are talking about Marandoo essentially, although a lot of other leases are involved in this agreement. This ore body is Marra Mamba ore. We have heard about the haematite at Tom Price, Paraburdoo, Whaleback, Newman, Goldsworthy, and Shay Gap. We then had limonite at Robe River. Now we have Marra Mamba which is part of the geological formation which surfaces at Marandoo. To look at it, there is no way in the world one would think it was iron ore. It has been described as curry powder and even as what one finds in babies' nappies.

This formation surfaces at Marandoo, and in more recent times major deposits have been located adjacent to Mt. Whaleback. Of course, we also have the Goldsworthy area "C". I am told that Marra Mamba ore is haematite that has been weathered, oxidised, and decayed. In other words, it has gone rusty. However, as feed for a blast furnace it has exactly the same reaction and is constituted in exactly the same way as haematite ore from Mt. Tom Price or Mt. Whaleback.

I have already mentioned that Goldsworthy area "C" is a major deposit, and it may well be that deposit will be the next major project to get off the ground.

The proven reserves at Marandoo are not great; they are 310 million tonnes. That is a great deal of iron ore, but in comparison with the other major deposits in the region, it is pretty ordinary. A further inferred 150 million tonnes is available. In other words, with a production rate of 15 million tonnes a year in any future project Marandoo will last only 30 years.

I have mentioned Texasgulf which has been brought in by the Hancock-Wright group as the operators to set up the project. They are the major holders in the project. This is the same group of companies which holds deposits at both Rhodes Ridge and Giles Point further to the east, only 30 miles from Mt. Newman. Unfortunately, the huge deposit at Rhodes Ridge carries a phosphorus content which has to be removed to make it fully acceptable to the steel mills. It can be anticipated that the Marandoo project will be the pipe opener for the big Rhodes Ridge or Giles Point project at some time in the future.

The Marandoo deposit is quite close to Tom Price, less than 40 kilometres in a direct line, and it is only 75 kilometres from the Goldsworthy area "C" which I have said will be a project very soon. That is why it is of such major importance that we consider these projects when discussing the location of our national highway.

In Port Hedland there is an air of confidence which has not been apparent for many years. It is attributable to the firm conviction that Goldsworthy area "C" will go ahead. It must not be forgotten it is a desirable project to get off the ground.

The Goldsworthy company was the first in the region with area "A" at Goldsworthy, and then it developed area "B" at Shay Gap and at Sunrise Hill. Area "C" is in the Hamersley Range. The Goldsworthy Mining company has approximately 200 houses at South Hedland. It has handling and loading facilities at Finucane Island and, clearly, those facilities will help the company to develop the major area "C" project.

Even with this existing infrastructure the company is looking at a development cost of some $400 million or $500 million.

I will now have a word to say about the efforts to get the Marandoo project off the ground. There has been considerable comment in the area to the effect that the Government is not in favour of the development of the Marandoo mine. Without fear of contradiction, I say that the recipe for any iron ore project to get into operation is that a market has to be secured. The corporate structure has to be established and the financial structure has to be confirmed. Almost the least important factor is the engineering and mining feasibility because we can do these things.

The difficult part is to obtain the markets, the financial backing, and the corporate structure to carry out the task. If and when any iron ore project—including Marandoo—has all the ingredients for that recipe it can proceed straightaway. It has to be remembered that Marandoo is only one of four projects waiting to go ahead but for which feasibility studies have been done.

The other projects are the Goldsworthy area "C"; the BHP Deep Dale deposit; and the Cliffs West Angelas proposition. As soon as the Pannawonica ore bodies reach their end, the company will have to move into the Angelas project. That is in the not-too-distant future.

People have talked about the Government having impeded projects, but the Government task is to create the climate where it is satisfactory for projects to get off the ground. The wheeling and dealing is done by the industry itself.

I found the document—Iron Ore (Wittenoom) Agreement Variation Agreement, 1979—to be most interesting. It introduces new aspects to the

very complex and remarkable iron ore industry we have in the Pilbara. It is my opinion that it should not merely lay on the Table in this Chamber, but should be noted.

Question put and passed.

BILLS (5): THIRD READING

1. Country High School Hostels Authority Act Amendment Bill.

   Bill read a third time, on motion by the Hon. D. J. Wordsworth (Minister for Lands), and passed.

2. Superannuation and Family Benefits Act Amendment Bill.

   Bill read a third time, on motion by the Hon. G. C. MacKinnon (Leader of the House), and passed.

3. Child Welfare Act Amendment Bill.
4. Acts Amendment (Port Authorities) Bill.
5. Perth Theatre Trust Bill.

   Bills read a third time, on motions by the Hon. D. J. Wordsworth (Minister for Lands), and passed.

INDUSTRIAL ARBITRATION BILL

In Committee

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. G. C. MacKinnon (Leader of the House) in charge of the Bill.

Clause 1: Short title—

The Hon. D. W. COOLEY: After listening to the comments made last night by Government members—and particularly the Minister handling the Bill, although I am not too sure who it is after the shemozzle of last night—I do not think this should be the title of the Bill.

The Hon. G. E. Masters: He is handling the Bill, and very well.

The Hon. D. W. COOLEY: It did not seem so last night. I thought it was the most pathetic speech he has made in this Chamber; he has made many pathetic speeches, but that one took the bun. He hardly mentioned the Bill, but merely denigrated the Opposition and praised Government members.

The Hon. G. C. MacKinnon: I suppose I could say that sticks and stones could break my bones but names will never hurt me.

The Hon. D. W. COOLEY: The Leader of the House should practise what he preaches and not be so quick on his feet. In his indecent haste, he forgot Standing Orders. Fancy a person who has been here for 26 years not knowing Standing Orders. If he has not learnt them by now there is no hope for him.

The Hon. J. C. Tozer: He just about wrote them.

The Hon. G. C. MacKinnon: Are you going to speak to the Bill?

The Hon. D. W. COOLEY: Yes. After listening to the speeches last night and witnessing the inept approach of members opposite, and their lack of knowledge, I suggest Mr Kelly's proposals should be accepted in toto. Mr Kelly did not say this should be an Industrial Arbitration Bill but an industrial relations Bill. As the Government claims it aims at having good industrial relations, it should at least have given the Bill a title which would perhaps give a little decency to the obnoxious provisions in it. I am appalled at the attitude of some people in this Chamber last night. It seems some members are hell-bent on the destruction of the trade union movement, yet they know as much about the movement as a bull's foot.

A member of this Chamber who was a so-called leader in industry spoke to 1 800 people on the Esplanade on a vital industrial issue. He referred to the 1960s and the 1970s, but he did not even know the name of the President of the TLC at that time—a person who had held office for 11 years. That member is one of the framers of the obnoxious provisions in the Bill—the 10 per cent of the Bill which is claimed to be part of the 1977 election policy of the Liberal Party.

Not one word in the Liberal Party policy talks about preference to unionists or the abolition of the shop steward system. Such a policy may be hidden amongst the words, but it is not stated. Sometimes a half-truth is worse than an untruth. If people tell lies, they should be branded with certain names which one cannot use in this place. Half-truths have been told in respect of this Bill in order to get at the trade union movement.

Last night we saw the absolute hatred for the trade union movement spread throughout members opposite. They want to destroy the movement. Not one of them has been able to tell us how the Bill will cure industrial unrest; and in that case they should not be responsible for framing the Bill.

The CHAIRMAN: I draw your attention to the fact that the general principles of the Bill were well canvassed during the second reading debate. It might be helpful if members addressed themselves to individual clauses in the Committee debate.

The Hon. D. W. COOLEY: I realise I departed from the clause. However, I do not think it is

proper that the Bill should be titled the Industrial Arbitration Bill. It should be called the industrial relations Bill as suggested by Mr Kelly.

The Hon. N. E. Baxter: Why don't you move an amendment?

The Hon. D. W. COOLEY: How futile it would be for the Opposition to try to amend such a Bill in this Chamber. I would like to think some members would have sufficient conscience to vote for such an amendment, but I hold little hope. When members opposite have the cruel weight of numbers, they do not need to have brains. Had some members come to me and said they believed the title should be changed, perhaps I might have been prepared to move an amendment.

As one member sitting close to me once said, "You could replace this place with a $5 rubber stamp, and you could rubber-stamp every clause that goes through the Chamber."

The Hon. R. G. PIKE: I address myself to the short title of this Bill and to the comments by the member who has just resumed his seat. I hold in my hand a *Hansard* galley proof of the speech to which the member has just referred. In that speech, the member said—

> It is a big lie to say that the Bill now before us is in conformity with the Liberal Party 1977 policy . . . nothing in the Liberal Party policy indicated that there would be any interference with the organisation of unions to such an extent that the unions would have taken away from them their traditional rights in respect of the manner in which they recruit their membership.

I want to point out courteously and, I hope, without confrontation, that what the member has said is simply a misrepresentation of fact. When he made that point, I pointed out—I hope lucidly and clearly on the last occasion, as I do on this occasion—that that is not true, and the policy of the Liberal Party, on pages 20 and 21, reads—

> We believe a person must be free to join a union, free not to join, and free to leave.
>
> It is as wrong to use compulsion to force people to join a union as to force them to join a political party.

My point in rising to speak on the short title is to show that the comments made by the Hon. Don Cooley are simply not correct.

The other two points he made were in regard to the ILO conventions, and they were dealt with separately by me. Let us have no misunderstanding about it. Let us put it to rest for all time, using the member's own words, so that the records of this Chamber will show that what he said was simply not correct.

The Hon. D. K. DANS: I want to address myself to the short title. I might say, after listening to the last speaker—he has been here for three years now—the only improvement I can see in him is in relation to his accent. He seems to be using a bigger plum. He certainly does not make any real contribution—

The Hon. R. G. Pike: Sticks and stones, Mr Dans; sticks and stones! Remember, you are in a Parliament and not a kindergarten.

The Hon. D. K. DANS: I wish Mr Pike would take note of that; he could make a valuable contribution.

The Hon. R. G. Pike: It does not matter how a member speaks.

The Hon. D. K. DANS: Mr Fairbairn was the Minister for Industrial Development for some years, and the only thing he developed in those years was his accent.

It is a great pity that in the debate on this Bill many speakers on the Government side had no idea of what they were talking about. It is a great pity that the Bill is still called the Industrial Arbitration Bill. I believe that the Government would have been very well served—and I am not sure what Commissioner Kelly had to say about it—if this Bill had been called an industrial relations Bill.

Members may well ask "What is in a name?"; but this is 1979, and it would be dishonest of me to say that the industrial confrontations in this State and other places, and indeed all over the western world, are not worrying. Even by the use of the words "Industrial Relations Act" one could lay the framework or the basis on which we could proceed a minimise industrial disputation.

I do not believe that the person has been born who could come up with the complete answer in a democratic society. In this State we have one million people, and we have a Liberal-National Country Party coalition which is so far back in the ruck that it is still using these old-fashioned terms. Let us have regard to what happened in Victoria—one of our most industrialised States and one with more industrial disputes. There has been talk about the iron ore companies and what happened in the Pilbara where disastrous stoppages have taken place. Those stoppages may or may not have had a great effect on the Australian economy.

However, let me mention another case of which Mr Tozer would be aware. Recently a stoppage took place in Port Kembla, not very long before

the Pilbara confrontation. The stoppage took place in the steelworks, and not a great deal of time was lost. However, the effects of that stoppage on Broken Hill Proprietary, or its subsidiary, Australian Iron & Steel, and indeed the whole of the country, were devastating. Compared with that, the Pilbara dispute was a non-event.

If we cannot prevent disputes, at least we can minimise their effects. The place to start in this Bill is with its title—it should be the industrial relations Bill. We have already stated there is much in this Bill to commend it; but it seems to me that in Western Australia we are always being accused of being backward and parochial. Perhaps I am starting to believe those accusations, because the Hamer Government in Victoria, which has a very large work force, has seen fit to take the first, teetering step by using the right title.

The field of industrial relations is so important in the world today that in a newspaper article not very long ago it was noted that the fastest growing profession in the world is that of personnel management. It is so important.

Day by day very young and enthusiastic people are moving into this profession because they know it is a real challenge to try to solve these problems. The Government of this State should be well aware that the problems are not unique to Western Australia. In Germany, and wherever one goes, this problem is recurring. It needs to be tackled fairly and squarely.

In 1979 the Government prides itself on being progressive. I will not argue that. We live in a beautiful State. However, even if the Government had not done anything else with the Bill, it could have given it a title that was not seen to be abrasive. I support arbitration; but the word "arbitration" in the hands of some people today can be used as a very abrasive weapon. It would have been far better for this Bill to have been called the "Industrial Relations Act, 1979". That would have been a good place to start. I do not know why the Government did not adopt that approach.

Later in the Committee stage I hope to be able to relate to members why our industrial relations are so bad in this State. It goes back quite a long time. I will not point the bone at any particular person; but we had a very bad start. A great deal of history is associated with that. The Government and its advisers should be well aware how that situation was created. I do not know who advised the Government; and I do not know how the Government came to stick with this very old-fashioned title.

Of course it is 1979 and if we want to do anything about it we should take note of Bob Hawke, whether we like him or not. He is constantly calling for a conference which means he is seeking a consensus. We all know very well that consensus is the only way to get out of our predicament. If this confrontation attitude continues and is used as a political football then we will run a very grave risk, in both Western Australia and Australia, of becoming the first country in western democracy to self-destruct. We have a heaven-sent opportunity here to avoid such a situation.

In this country when the chips are down or when we know there is a crisis we have the ability to all work together. I cannot understand the reason for this title.

The Hon. N. E. BAXTER: I do not dislike the suggestions of the Hon. Don Cooley and the Hon. D. K. Dans, but I would give them only two marks out of 10 for trying. If they are sincere, there are ways and means to make an amendment. A simple amendment would be to include the words "relations and" after the word "Industrial" to make the title "Industrial Relations and Arbitration Bill". I see nothing wrong with that at all if it has been canvassed by the Opposition. I do not believe the Government is so dyed in the wool that it would not want that alteration in the Bill. The Bill is very much a relations Bill and I think the Leader of the Opposition is falling down in his job in not submitting an amendment. He could move that the Leader of the House move to postpone the clause in order to ascertain what the Government proposed to do about it. There are ways and means by which to handle this without creating any trouble.

The Hon. G. C. MacKINNON: I hope we can proceed amicably along our way with this Bill. I was interested in the Hon. Des Dans' comments. I have always understood that the rock on which industrial relations was built in Australia was the arbitration system. I was interested that the Hon. Des Dans took a slightly different approach. I have noticed a change in the attitude of the ALP to that particular matter. He is saying there is little or no difference in the various systems.

The Hon. D. K. Dans: I do not follow you, to be quite honest.

The Hon. G. C. MacKINNON: The honourable member was referring to the wave of strikes we have had and in the same breath

mentioned the United States and West Germany. I took it that he connected them.

The Hon. D. K. Dans: It is not peculiar to this State or Australia. The rest of the western world is suffering the same thing.

The Hon. G. C. MacKINNON: The system used in West Germany was set up mainly by the United Kingdom and is a markedly different system from that used in England. It is more akin to the American style.

The Hon. D. K. Dans: Not really.

The Hon. G. C. MacKINNON: It is more akin. I did not say it was exactly the same; but it is certainly very little like the English system. The English people claim the credit for that system.

My understanding, is that the system which is peculiar to this country has always been an arbitration system and the Government is anxious that that should remain the bedrock point because that is what everyone looks for in the ultimate.

The whole thrust of the Bill is conciliation, and the commission should be able to act. It has not been able to do this before. It had to wait for either party to make the first move.

I admit that for many years I thought the American and the West German systems, or that type of system, had much more to offer, because those systems did not have a protagonist attitude. However, over 26 years of study of this and looking at the vocational services in connection with the Rotary Club here and the Rotary Club in America, I noticed the almost abysmal value of the committee here in Australia. The reason lies in the method of industrial relations in the two countries. Ours is a protagonist system whereas the American system is not. The American system tends to look up to a union leader, Lewis, who said—and I will paraphrase—when buying a machine be sure that the manufacturer of the machine has tested it fully and that it will work, and the company has examined it so when one uses the machine and makes a profit for the company he will keep his job. That is the fundamental attitude of American unionism, which is an attitude different from ours.

I hope the arbitration system serves its useful purpose. Arbitration is the fundamental basis of the system and that ought to be specified in the Bill.

I was completely at a loss when trying to follow the Hon. Don Cooley's argument with his illusions and half-truths, and the like. He displayed that he had read the Bill, but his attitude was quite clear; it was blighted by the dreadful prejudice he suffers. It would be impossible for him to take a completely clear view of any portion of the Bill. Last night the Hon. Don Cooley claimed that 90 per cent of the Bill was perfectly all right, but he then proceeded to damn it utterly.

The modifications to the system are worth while in the main, and I do not think there has ever been a piece of legislation which has not needed some alteration after it was put into operation. I suppose that could happen with this Bill, but I have on the notice paper one or two clarifying amendments. I hope the Committee will accept the clause as it is and let the legislation proceed.

The Hon. D. K. DANS: I do not intend to take the Leader of the House to task because after that verbal assault, I am not quite sure about the situation that exists in West Germany or the United States, or wherever. I do not know how the Leader of the House could draw any comparison between West Germany and the system of industrial relations in the United States.

If the Leader of the House were to suggest to the American trade unionists and to American industry that they have a worker participation scheme, they would drop dead. That is what the West German scheme is founded on and it has its problems. The American scheme has its problems; a strike in America can last for 18 months or two years.

The Hon. G. C. MacKinnon: The point we are making is that all systems have their problems.

The Hon. D. K. DANS: In reply to Mr Baxter, one of the reasons I will not move an amendment is that I thought that was the starting point. Much of this Bill cannot really be labelled as dealing with industrial relations. Fot that reason I will not move an amendment. I was always very careful to find out who were my tutors and I went to the right ones to get my papers marked. I do not think I will be going to Mr Baxter to mark a paper on industrial relations.

A good starting point would have been to title the Bill the "industrial relations Bill". That has nothing to do with taking away arbitration. I was careful to say I support the arbitration system. I am also wise enough to know a number of unions in this country could exist quite strongly and effectively without an arbitration system; but I go on record here as saying, as I have said before, that I support the arbitration system. However, it is not necessary to spell it out in the title of the Bill. There is arbitration in the Victorian Bill. In any system we will always strike a situation where an arbitrator or an umpire is needed. Indeed, we have a whole range of arbitrators in Western

Australia who have nothing to do with industrial legislation. I say as a starting point that if we were really sincere in going about our task of eliminating industrial disputation we would have given the Bill the title "industrial relations Bill".

In Victoria the work force is much larger and the unions are much more powerful than are those in Western Australia. I suppose it is only academic, but at least the Government has recognised that the tack it was on would not take it to the finishing line. The point I make is it would have been a good starting point to say this was an industrial relations Bill.

People all over this country are saying, "Something must be wrong; why can't we have a situation where at least we can minimise industrial disputation?" It is human relations after all, and human beings are the most unpredictable beings on earth. We cannot say there will be no more disputes. We cannot say that even in our own homes. Industrial disputation is only a manifestation of what happens in our daily lives. That is all we are dealing with. I am expressing my viewpoint that the Government would have done a service and it would not have been troubled a great deal had it given the Bill that title.

The Hon. R. F. CLAUGHTON: This Bill would have been more correctly titled, "the creation of industrial disputation and continuation Act", and not because of the 90 per cent of the Bill which has its genesis in the report of Commissioner Kelly. I would say, in contradiction of the Leader of the House, that we on our side have given full recognition and credit to the good features of the Bill and the improvements which have been made, and that Mr Cooley chiefly among us has given that recognition. He is the most competent among us in industrial matters and the person who is most capable of recognising, from his long familiarity with this sort of legislation, what can work in this field.

The difficulty arises from the other 10 per cent of the Bill which has been included on ideological grounds—the matters which arise from Liberal Party policy. Of course, industrial relations are not and should not be a matter of party ideology. It should be a concern of both sides to ensure the industrial environment works as peacefully and harmoniously as possible. I would hope it is the wish on both sides that that will be the situation.

It is certainly of no advantage to the Labor Party to have industrial disputes and strife. We recognise an unfavourable electoral climate is created in that situation; so from our purely pragmatic party point of view we want a system which works as effectively as possible. Clause 1 says this is an Industrial Arbitration Bill, but the point is it will not be allowed to work most effectively because of the matters which have been included on ideological grounds due to the pressures of certain personalities in the Liberal Party.

The Hon. Robert Pike attempted to explain the grounds by reference to an international convention. If people like he were to look rationally at the words before them, with their minds unclouded and their eyes unblinkered by the ideologies they have absorbed, we might be able to discuss the provisions of this Bill with the greater part of reason.

The convention to which reference was made asserts the right of a work force to organise. In his quotation Mr Pike referred also to the words in brackets relating to closed shops among other things, and further indicated that the Convention dealt with the right to organise.

The opposite of that is the right of the work force not to organise. It has nothing to do with the choice of a person whether or not to join an organisation. That is a different aspect altogether. Until Mr Pike and others are able to see these distinctions, we will not get any sense in this debate.

Mr Knight referred to all sorts of extraneous material, going back to the beginning of the century and referring to Communists and other matters quite remote from industrial relations in this State today. How can we possibly expect sensible propositions from such people?

We would like to believe that the purpose of this legislation is to create good industrial relations, but because of the small percentage of provisions included through pressures placed on the Liberal Party, we believe it will not achieve that end.

The Hon. R. G. PIKE: Unfortunately I find it necessary to repudiate and refute the statements just made by the Hon. Roy Claughton, and I must allude to the facts of the matter to do that. The Hon. Roy Claughton said that the ILO conventions to which I referred last night dealt only with the right to organise, and he used a phrase I used yesterday in regard of his party, when I said it looked at this type of thing with blinkers on in respect of my party. Can I suggest respectfully that it is the members of his side who are wearing the blinkers?

The conventions I referred to—Nos. 87 and 98—deal with the right to organise and membership of unions. Mr Claughton went on to say that those conventions do not deal with

whether a person had the choice to join or not to join. I understand by that he was referring to union membership, and he will correct me if I am wrong. So now I must be pedantic and point out that he and Mr Cooley were confused.

Yesterday I quoted from a document published by the University of California and entitled "Human Rights and International Action—the Case of Freedom of Association". It was written by Ernest B. Haas and it deals with the ILO and the protection of human rights. I would now like to quote from a document I have here, "The ILO and Human Rights", Report of the Director-General (Part I) to the International Labour Conference, Fifty-second Session, 1968, Report Presented by the International Labour Organisation to the International Conference on Human Rights, 1968, and published by the International Labour Office, Geneva, 1968.

I wish to quote from a section on page 37 which appears under the heading of "Freedom", in direct repudiation of what Mr Claughton has just said, and I ask members to bear in mind that this is the Director General of the ILO, who says—

> Lastly, there are a good many countries, including some economically advanced ones, where trade union membership is often voluntary only in that the law does not require a worker to join or forbid him to do so and often does not define the rights of the individual respecting freedom of association. Yet practices which make employment dependent on whether or not he belongs to a union may impair his right to work and to equality of opportunity.

The quote continues on page 38 as follows—

> Convention No. 98 was adopted, that this instrument could not be interpreted as authorising or forbidding such clauses, and that such matters were to be settled by national regulation or in accordance with national practice.

Further on that page it reads—

> The promotion of freedom of association constantly encounters fresh problems.

I ask the Committee particularly to note this next paragraph because it is relevant to the debate and to the point just made by my leader. The director general said—

> While the denial of trade union rights invites violence, limitations on the freedom of individuals lead sooner or later to discontent with the trade union movement itself—which can only be harmful to the workers themselves and, in the long run, to society as a whole.

For God's sake let us nail this proposition put forward by both Mr Cooley and Mr Claughton once and for all. In clear and concise terms they both said that Conventions Nos. 87 and 98 deal with the right to organise and not the right to join or not to join. That is at variance with the comments of the ILO Director General himself. I support the viewpoint of the director general, and not the viewpoint of members opposite. If Opposition members would like a copy of my quotes, I would be quite happy to give it to them.

The Hon. D. W. COOLEY: I would be happy to give the member a copy of the Conventions.

The Hon. R. G. Pike: I have them here.

The Hon. D. W. COOLEY: Well the honourable member is not quoting from them. He is quoting from a paper he may have picked out of the wastepaper basket, or perhaps someone gave it to him. Last night he did not even give the source of his quote; he could have written it himself.

We referred to the ILO conventions because clause 7 will take away the liberty of some people. I realize we are debating clause 1 at the moment.

I was very taken with the suggestion of the Leader of the House that we ought to have amicable discussion of this Bill. I would have been delighted to accede to his request, had his Government taken the steps that the Victorian Government took in respect of its Industrial Relations Bill. It set up a committee of review representing many groups involved in industrial relations, and then before introducing the Bill to the Parliament, it set up a committee within the Parliament composed of Government and Opposition members.

In this way people could sit around the table and discuss the proposals put forward. In the case of the Bill before us, 90 per cent of it is in line with Mr Kelly's recommendations, and that was the result of consultation. However, the remaining 10 per cent of the Bill did not result from consultation with the trade union movement or with a committee of this place. If such action had been taken, we could have debated the Bill quickly.

We are told the thrust of the Bill is conciliation, and the thrust of industrial relations is negotiation and conciliation. However, trouble will arise when we do not even reach the stage of conciliation.

It is not a very significant matter to delete the word "Arbitration" and to substitute the word "Relations". However, in view of what Mr Baxter

has said, I will test the sincerity of members opposite to see whether we can get off to a good start with the Committee debate on this Bill and agree to my amendment.

I move an amendment—

Page 1, line 9—Delete the word *"Arbitration"* and substitute the word *"Relations"*.

Sitting suspended from 12.30 to 2.15 p.m.

The Hon. G. C. MacKINNON: I hope the Committee will not agree to this amendment. It seems to be such a petty point to be arguing. It could be argued both ways, but I do not think it is necessary to have the Bill reprinted for such a change. The present title expresses the purpose of the Bill. Any argument on this line could go on and on. The title expresses the system used throughout Australia and which makes our system uniform; that is the arbitration court system. We should stick to it.

The Hon. D. K. Dans: The Federal legislation refers to conciliation and arbitration.

The Hon. G. C. MacKinnon: I am fully aware of that.

The Hon. D. W. COOLEY: I am disappointed the Leader of the House does not agree to the amendment. Since the Bill was introduced in the other place it has been amended 30 times. This indicates the type of consultation involved with this legislation. The Government introduced a hotch-potch of legislation. I hope the Government members who indicated their support for the amendment will vote for it.

The Hon. R. HETHERINGTON: I support the amendment. As the Leader of the House said, our arbitration system is a protagonist and adversary system. One of the good things this Bill is trying to do is to get rid of some of the formality and make it less of a case of two sides facing each other. According to the Government, it is trying to place emphasis on conciliation.

Had the Government been serious about this it would have introduced legislation with less emphasis on an arbitral procedure between two adversaries and with more discussion, more conciliation, and more mediation. I thought it might have liked this cosmetic improvement. The Government's opposition to the amendment—which is just one of many—suggests it really is just window dressing to a large extent and is still thinking in terms of arbitration between confronting parties.

One of the things which saddened me was the speech given by Mr Norman Moore during the Budget debate which indicated he had been nobbled by his party. He said, "When we were confronting the unions, where was the Labor Party?" The language of confrontation filters into the Liberals, and that is a great pity.

The Hon. A. A. Lewis: I have not seen you cross the floor to vote against your party. You are Caucused. Don't give us this rot.

The Hon. R. HETHERINGTON: I support the amendment.

The Hon. H. W. GAYFER: A consideration of Commissioner Kelly's report would indicate he may have been thinking along the lines of an industrial relations Bill. I can understand the Opposition being adamant that the word "Arbitration" should be changed to "Relations". I can see the dilemma the Government is in; it does not want the Bill amended too much, especially this part of it. However, I am of the opinion the matter goes deeper than that.

The term "industrial arbitration" is a positive one. I also believe the term "industrial relations" has a connotation of trying to bring about some industrial harmony between various organisations.

After listening to the argument from both sides I believe that both words should be incorporated. I would be very keen to support the Hon. Don Cooley, but when it comes to the insertion of the word "Relations", I would want the word "Arbitration" to remain so that it would read "Industrial Relations and Arbitration Act". I would like that point to be known.

The Hon. N. E. BAXTER: I spoke previously about this and challenged the Hon. Des Dans for not being prepared to move an amendment. I indicated then that I would favour the inclusion of the word "Relations". However, the Hon. Don Cooley has moved to delete the word "Arbitration" and to replace it with the word "Relations". That is not the idea I had in mind. I had a view similar to that of the Hon. Mick Gayfer. I believe it would be better to have both words. Therefore I would be prepared to support this amendment if the word "Arbitration" is not deleted.

The Hon. H. W. GAYFER: If the word "Arbitration" is deleted with a view to inserting other words, then surely "Relations and Arbitration" would be the words to be inserted in lieu thereof.

The Hon. D. W. COOLEY: I am pleased members have shown some support. In case there is any doubt, I am proposing to embrace negotiation, conciliation, and arbitration because that is what industrial relations are all about. If we simply insert the word "Relations" it would

cover the aspects mentioned by the Hon. Mick Gayfer and the Hon. Norm Baxter.

In my view, it is superfluous to retain the word "Arbitration" because arbitration, conciliation, and negotiation are embraced by industrial relations.

Amendment put and a division taken with the following result—

Ayes 9

Hon. D. W. Cooley	Hon. F. E. McKenzie
Hon. D. K. Dans	Hon. R. Thompson
Hon. Lyla Elliott	Hon. Grace Vaughan
Hon. H. W. Gayfer	Hon. R. F. Claughton
Hon. R. Hetherington	*(Teller)*

Noes 15

Hon. N. E. Baxter	Hon. I. G. Medcalf
Hon. T. Knight	Hon. N. F. Moore
Hon. A. A. Lewis	Hon. W. M. Piesse
Hon. G. C. MacKinnon	Hon. I. G. Pratt
Hon. Margaret McAleer	Hon. J. C. Tozer
	Hon. W. R. Withers
Hon. T. McNeil	Hon. D. J. Wordsworth
Hon. N. McNeill	Hon. G. E. Masters
	(Teller)

Pairs

Ayes	Noes
Hon. R. H. C. Stubbs	Hon. R. J. L. Williams
Hon. R. T. Leeson	Hon. G. W. Berry

Amendment thus negatived.

Clause put and passed.

Clause 2: Commencement—

The Hon. R. HETHERINGTON: You did not declare the result of the vote. I listened to ascertain whether you did. You did not declare the result of clause 1 on the voices.

Points of Order

The Hon. D. W. COOLEY: On a point of order, I did not hear the result. I can recall the result of the division.

The CHAIRMAN: To overcome any misunderstanding, I apologise if it has been my fault, and for the sake of clarity I propose to go back to clause 1.

The Hon. G. C. MacKINNON: I am sorry, but might I suggest, Mr Chairman, that you are taking a step which might not be in the best interests of the good order and discipline of the Chamber itself? As I understand it we have now carried clause 2. You put the question on clause 2. The point of order must be taken at the time. In other words, members must be quicker. It is too late.

The Hon. D. K. DANS: On a point of order, when you do not put a question, Mr Chairman, it leaves us in a quandary. I believe if you put the question again everything will be in order. If the record is kept correctly it will be found the result was not put in that manner—"The ayes have it."

The Hon. G. C. MacKINNON: There is no argument about that.

The Hon. D. K. Dans: There is on my part. It is not of any great consequence.

The Hon. G. C. MacKINNON: I know it is of no great consequence. The point is the Standing Orders are there to be obeyed and the moment a member sees something which worries him he takes a point of order. He does not wait until the next question is put to raise it. I am quite in agreement with your going back and putting the question again, Mr Chairman.

The CHAIRMAN: In order to clarify the situation, I will leave the Chair until the ringing of the bells.

Sitting suspended from 2.33 to 2.34 p.m.

The CHAIRMAN: Order! In order to clarify the situation I have consulted the records of the Clerk of the Council and it is quite clear that he recorded that clause 1 was put and passed accordingly. I moved on to clause 2 and the question had not been put. I did it quickly and perhaps because of my haste in putting the question it was not audible, but it is officially recorded that the clause was put and passed.

Committee Resumed

Clause put and passed.

Clause 3: Application in off-shore waters—

The Hon. G. C. MacKINNON: This is a difficult clause which has to do with the application of the Bill to industries carried out in off-shore waters and other areas to which the laws of the State apply. It is in part necessary because of the anticipated North-West Shelf development project, and of course there could be some degree of conflict in industrial matters in connection with other projects of a similar nature.

The provision is new as far as we are concerned because up to date we have managed to get by without a great deal of concern. People working on boats have come back ashore and in the main shipping comes under Federal jurisdiction, anyway. I do not want to go into esoteric arguments about the matter. Suffice it to say the Government has consulted all those who have a very specialised knowledge of the law as it applies to off-shore areas, marginal boundaries, and the like, and they have come up with this quite complex definition which I am sure members have studied. It is suggested to me by these people that it is superior to the provision which currently

appears in the Bill, and I am requesting the Committee to agree to the amendment.

I move an amendment—

Pages 2 to 4—Delete clause 3 and substitute the following—

Application off-shore.

3. (1) Subject to subsections (5) and (6), where any industry is carried on—

(a) partly within the State and partly within an area to which this subsection applies; or

(b) wholly or partly in an area to which this subsection applies, and—

(i) facilities for servicing or supporting that industry are maintained in the State by or on behalf of the employer concerned;

(ii) the employer concerned is connected with the State;

(iii) that industry is carried on from, or on, or by means of, an aircraft, ship, or vessel certificated, registered, or licensed under a law of the State or by a public authority, or which is required to be so certified, registered, or licensed;

(iv) that industry is carried on from, or on, by means of, a rig or other structure, installation, or equipment, the use or function of which is regulated by the State or by the State and the Commonwealth, or is required to be so regulated;

(v) that industry is authorised or regulated by the State or by the State and the Commonwealth; or

(vi) that industry is carried on pursuant to a law of the State,

then this Act applies to and in relation to that industry in so far as any employment relates to the area to which this subsection applies and in any such case this Act also applies to and in relation to any industrial matter or industrial action related thereto, and any jurisdiction, function, duty, or power exercisable, imposed, or conferred by or under this Act extends thereto.

(2) An employer shall, for the purposes of subsection (1), be connected with the State if that employer—

(a) is domiciled in the State;

(b) is resident in the State, normally or temporarily;

(c) being a body corporate, is registered, incorporated, or established under a law of the State or is for the purposes of the Companies Act, 1961 deemed to be related to such a body;

(d) in connection with the industry concerned, has an office or a place of business in the State; or

(e) is the holder of a licence, lease, tenement, permit, or other authority, granted under a law of the State or by a public authority under or by virtue of which the industry is carried on.

(3) The areas to which subsection (1) applies are—

(a) that area situate west of one hundred and twenty-nine degrees of East Longitude reckoning from the meridian of Greenwich, that is part of the areas known as and comprised within—

(i) the Australian fishing zone as defined by the Commonwealth Fisheries Act 1952; or

(ii) the continental shelf, within the meaning of the Convention on the Continental Shelf a copy of which in the English language is set out in Schedule 1 to the Commonwealth Petroleum (Submerged Lands) Act 1967;

(b) any other area seaward of the State to which from time to time the laws of the State apply or, by a law of the Commonwealth, are applied.

(4) For the purposes of any proceedings under this Act an averment in the application or process—

(a) that an employer was, pursuant to subsection (2), at a specified time or during a specified period or at all material times connected with the State; or

(b) that any conduct, event, circumstance, or matter occurred, or that any place is situate, within an area referred to in subsection (3),

shall, in the absence of proof to the contrary, be deemed to be proved.

(5) Subsections (1), (2), and (3) shall not be construed as applying this Act to or in relation to any person, circumstance, thing, or place by reason only of the operation of paragraph (c) of the interpretation of the term "industry" set out in subsection (1) of section 7 unless this Act would also apply by reason of the operation of subsection (1).

(6) Effect shall be given to subsections (1), (2), and (3) only where this Act or any provision of this Act would not otherwise apply as a law of the State, or be applied as a law of the Commonwealth, to or in relation to any person, circumstance, thing, or place.

The Hon. D. K. DANS: I agree with the amendment. It seems to me the proposed new clause goes to great lengths to prescribe certain things, but nowhere does it mention the Commonwealth Navigation Act. The off-shore oil industry is largely a marine operation. I know vessels are working on the shelf at the moment, with some men working under Federal awards and some under agreements with a Federal union.

However, we must take into consideration that where a vessel journeys interstate it becomes subject to the provisions of the Commonwealth Navigation Act. When vessels journey intrastate they are covered by the State marine laws. On the Murray River a riverboat can travel from South Australia to Victoria, so that it is subject to the provisions of the Commonwealth Navigation Act. Conflict could arise in respect of compensation under the seamen's compensation laws. I do not know how the roughnecks on the large rigs which move around from time to time will be affected. Perhaps action could be taken to bring all awards and agreements relating to seamen under Federal jurisdiction to ensure their rights are protected.

I can see problems may arise where State laws cease to operate and Commonwealth laws begin to operate. The Commonwealth Navigation Act is a hefty Statute, and the regulations made under it would fill this Chamber. We do not want to run into that Act. I put this forward as something which should be considered and I do not necessarily expect an answer immediately.

The Hon. G. C. MacKINNON: Mr Dans mentioned that the bulk of the shelf operation will be a marine operation and, therefore, under Federal jurisdiction. That was borne in mind, and a good deal of the amendment tries to cover areas of doubt.

The Hon. D. K. Dans: Commonwealth laws supersede State laws.

The Hon. G. C. MacKINNON: I refer the Committee to the wording of proposed subclauses (1) and (2). I assure Mr Dans the matter has been considered, but I will certainly ensure his comments are brought to the attention of Mr Moylan and Mr Jones in the department, and the Attorney General.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 4 to 6 put and passed.

Clause 7: Interpretation—

The Hon. D. W. COOLEY: I move an amendment—

Page 8—Delete paragraph (h).

The Hon. G. C. MacKINNON: This is a matter which was dealt with extensively in another piece of legislation—it seems only a couple of days ago. I do not think further explanation is required as the matter should be fresh in members' minds. I suggest that the Committee reject the amendment.

The Hon. D. W. COOLEY: The Leader of the House has spoken without giving any reason for his opposition to the amendment. Perhaps the information which has come into the hands of the Opposition will persuade some Government members to think they have done the wrong thing. They took away from the Industrial Commission the jurisdiction to deal with the academics who are members of the academic staffs of post-secondary education institutions. That is unreasonable.

The Leader of the House can sigh and worry about these things; but we will have a long debate in respect of this matter, unless gags and

guillotines are applied. We believe that every part of the Bill we oppose should be examined.

For that reason, we press that this paragraph be deleted so that the position can be tested in respect of the present Bill.

We are in the year 1979, and the Government is talking about the need to promote better industrial relations in the State, and to promote understanding in the work force. However, it has blatantly taken out of the industrial relations scene a large group of workers, no matter how one refers to them. The description has been changed from "worker" to "employee"; but they are still workers, and they are still paid wages and salaries in return for their services.

The Government had no valid reason for depriving a class of workers of their basic rights, instead of allowing them to go to the Industrial Commission to obtain redress for injustices they suffer with respect to their conditions.

The Government has taken those people out of the Act. No longer will they have access to the jurisdiction of the commission. There is inconsistency on the part of the Government because it is mounting an attack on the trade unionists of Western Australia.

When the Minister in another place was replying to the debate on this question he said that the academics should not have access to two umpires, because they already had access to the Academic Salaries Tribunal. That is a tribunal in the Eastern States. It is a body chaired by Mr Justice Ludeke, and it sets down wages or salaries only for people employed as academics in these institutions. That is the sole purpose of that tribunal. In fact, it does not even set the rates; it suggests rates, but it is not bounden upon the Government of any State to grant what the remuneration tribunal proposes. In fact, the Federal Attorney General issued a statement or a letter dated the 21st February, 1979, addressed to the Department of Administrative Services, in these terms—

> In essence, it is not an arbitral body established to determine particular disputes as and when they arise but a body established to determine the extent of the Commonwealth's financial contribution towards the running of tertiary institutions. The constitutional basis of the Act lies not in section 51 (xxxv) but in section 122 and 96 of the Constitution.

That refers to the remuneration tribunal. With that in mind, let us look at a letter written on the 31st July by Senator Carrick, who is the Federal Minister for Education. The letter was written to the Federation of Staff Associations of Australia, and it contained the following—

> In so far as the State Institutions are concerned the jurisdiction of the Tribunal is to make recommendations that can be used as a basis for making grants.

That is the sole role of the tribunal. It has a very restricted jurisdiction because it can make recommendations only.

The Western Australian Government has indicated previously it is not bound to accept those recommendations. The tribunal cannot make any recommendations on the question of service or conditions of employment.

The Minister for Labour and Industry (Mr O'Connor) attended in Sydney a conference of Ministers for Labour and Industry. That conference passed a resolution, part of which was as follows—

> Where conciliation does not succeed the process of arbitration with an independent and impartial arbitrator should be utilized and the parties to the dispute bound by the arbitrator's decision.

I understand that Mr O'Connor did not oppose that resolution. I assume he agreed with it.

Here we have a situation in which we are taking these people out of the jurisdiction of the Industrial Commission without setting up a tribunal to determine their wages and conditions. Where are they to go to have their wages and conditions determined?

We would have had no objection if the Government had said, "We will set up a tribunal to determine the working conditions for these people." However, it has not done so. They have nowhere to go in respect of their wages and conditions.

There is no reason that these people should be deregistered. In effect, that is what the Government is doing to them. It is deregistering them for no reason at all. Their association has been a most passive one. They have never been on strike; they have not held anybody up. Actually, they have been most co-operative in respect of negotiations with the Government. However, we find that they are being penalised in this way. They have no right of access to proper arbitration procedures, as has almost every other class of worker in Western Australia. There are few people who have not a tribunal to which to go to obtain their proper conditions of work.

The salaries of these people are determined in a far-away place by a remote organisation that can make recommendations only. The Government

says its recommendations can be adopted; but, on the other hand, they may not be adopted.

There are provisions in section 31 of the Colleges Act of 1978 and a section of the Western Australian Institute of Technology Act which provide specifically that the terms and conditions of employment shall be subject to the application of any award or agreement in force under the Industrial Arbitration Act. That is referred to in the Acts of the respective institutions, yet by this clause of the present Bill these people will be removed from the jurisdiction of the commission.

I do not know the numbers of people involved in the four colleges. I suppose they would comprise a large number, but the material given to me does not contain any information in respect of it. Whether the number be 50, 500, or 5 000, those people should have access to a tribunal and the Government would agree with that, if it were honest in what it said. The Government has just passed a clause of the Bill designed to promote goodwill and harmony in the community. These people want to go before the arbitration tribunal to discuss their conditions of service. However, we are told here that Big Brother will look after them and that they should apply to Caesar if they wish to discuss their conditions. If there is a complaint about conditions, they can appeal to Caesar. If that is not a rank injustice, I do not know what is.

Perhaps members opposite can justify the reasons for this action. However, I believe Government back-benchers and a large number of Government members in this Chamber do not know these people are suffering an injustice at the present time. If this were a proper House of Review it would correct injustices which emanate from another place. There are sufficient precedents to indicate injustices are associated with the conditions of employment of these people. If the Government believes in a system of negotiation, conciliation, and arbitration there is every reason these people should be able to participate in that system. They should be able to negotiate with their employers. They should then be able to go to a conciliator under the Industrial Arbitration Act if they cannot obtain redress, and then if they are not satisfied with the results achieved by conciliation around the table, they ought to be able to go to arbitration.

The Government is removing that right and we are trying to give it back by means of this amendment. That condition has been taken away from those workers as a result of an amendment made by the Government to the Industrial Arbitration Act which we dealt with several weeks ago. The argument in favour of restoring the rights and conditions of these people is far stronger today than it was on the previous occasion.

I know it is a pious and forlorn hope that members opposite will change anything contained in the Bill in this rubber-stamp Chamber, because they are committed to support a party decision. I doubt whether Government members will accept any of our amendments. If members opposite had consciences they would agree with this amendment, because they themselves can present a case to the Parliamentary Salaries Tribunal if they feel aggrieved in relation to wages and allowances. No restriction exists in regard to members of Parliament, because they can go to that tribunal and say they are not getting a fair deal.

However, people employed in academic institutions cannot do that unless we pass the amendment I have moved. I should like to remind members that from 1974 these people have had access to the Industrial Commission. For some strange reason this was challenged in 1979 and the matter was referred to the Industrial Appeal Court. It is very strange that, as a result of the decision at that time, it was revealed these people did not have any rights under the Act and neither did policemen nor firemen, and other Government officers.

Did the Government remove the jurisdiction of the commission over policemen and firemen? Of course it did not, because policemen and firemen have more industrial muscle than members of academic staff associations. The Government knows very well that if it took this type of action with regard to policemen and firemen it would be in dire straits.

The Government took immediate action to ensure policemen and firemen were brought under the umbrella of the jurisdiction of the Industrial Commission. Members opposite say we have suddenly become enamoured with the Industrial Commission. Of course we believe in it and of course we believe in conciliation and arbitration. All we want is a fair go. That is what people in the tertiary institutions want. However, they do not get it if they are academics. No restrictions exist on people who perform maintenance or other work in tertiary institutions. Where is the justice in that?

The only reason advanced by the Government is that the Industrial Appeal Court said the commission did not have jurisdiction. When that decision was brought down it should have ensured that the academics came under the umbrella of the Industrial Commission.

Members opposite do not have their hearts in the industrial relations process at all. If they did, they would treat all citizens alike. They would not treat academic staff differently from other people. People who work here and at Government House do not have these rights, either.

The Hon. W. R. Withers: That is contrary to the beliefs of the unions in general—treating all people alike. You do not do that. You do not want us to do that.

The Hon. D. W. COOLEY: In the interest of justice, every wage and salary earner should be treated alike.

Points of Order

The Hon. G. C. MacKINNON: I believe we have listened to this sort of speech for long enough. The member has been speaking in this vein for approximately 20 minutes. I should like to draw attention to Standing Orders No. 83 and 188. The member is reflecting on a vote of this chamber when we passed a Bill recently which followed on from an appeal court case and the decision of a judge in regard to it. As a result, certain steps were taken in the Bill.

If a member wishes to try to change that he may do so under Standing Order No. 188. If the member refers to Standing Order No. 83 he will see he has no right to continue to reflect on the vote of the Chamber in the way he is doing. I am loath to take a point of order on this sort of matter, but for about 20 minutes we have listened to the member speak. We dealt with this matter by way of interjection a little while ago and this particular paragraph simply confirms an amendment which was passed previously. The Hon. Don Cooley seems to be endeavouring to reverse that decision and I ask you, Sir, for a decision on the matter.

The CHAIRMAN: In reply to the Leader of the House I wish to draw the attention of members to the provisions in Standing Orders, and I refer particularly, as did the Leader of the House, to Standing Orders Nos. 83 and 188.

The Hon. D. W. Cooley: You are wrong in your interpretation of Standing Order No. 83.

The Hon. G. C. MacKinnon: I beg your pardon?

The Hon. D. W. Cooley: I do not care whether or not you beg my pardon. Do you want to put a gag on us or get your guillotine out?

The CHAIRMAN: Order! I am referring to the situation which exists under Standing Orders and the matter is quite clear. It is my duty to conduct the business of the Chamber in accordance with Standing Orders and I simply point out the appropriate Standing Orders and request that members obey the provisions contained therein. I do not believe I have done anything to deserve the censure of the member as a result of my ruling, but if he has a point of order to raise on that matter I will listen to him.

The Hon. D. W. COOLEY: I always respect your views, Mr Chairman, but it makes one angry when people want to apply the gag when they know they are wrong, and when they do not want to hear the truth.

The CHAIRMAN: What is your point of order?

The Hon. D. W. COOLEY: The Standing Order says that no member shall reflect upon any vote of the Council except for the purpose of moving that such vote be rescinded. That is just what I am doing. I am moving to rescind the vote of a couple of weeks ago, by way of amendment.

The CHAIRMAN: On a point of clarification, Mr Cooley, that move would require a separate motion with seven days' notice.

Hon. D. W. COOLEY: In which direction should I go now? Am I not allowed to criticise a Bill previously passed here?

The Hon. G. C. MacKinnon: Look at Standing Order No. 324. You are arguing with the Chairman.

The CHAIRMAN: I am requesting the honourable member not to pursue that concept. The question is that the paragraph to be deleted be deleted. Would the honourable member direct his attention to the amendment without reflecting on decisions with regard to other legislation?

Committee Resumed

The Hon. D. W. COOLEY: I was saying I noticed that when the High Court decision was brought down—and I do not reflect on that decision—it excluded academics from coverage under the Industrial Commission. It also indicated that policemen and firemen did not have coverage, but that position was rectified quickly because the Government did not want to have confrontation with those people.

The Minister for Labour and Industry in another place (Mr O'Connor) suggested that the amendments were to bring Western Australia into line with the other States. With respect to Mr O'Connor, we suggest that he misled the House, because as far as I know he is aware that in New South Wales, South Australia, and Queensland similar academic staff organisations are registered with the appropriate State tribunals. In South

Australia, which has a Liberal Government, at least three industrial agreements concerning academics and their terms and conditions of employment have been registered.

The Hon. A. A. Lewis: When were they registered?

The Hon. D. W. COOLEY: I do not think I have to supply that information. I do not have to disclose the dates of the agreements.

The Hon. A. A. Lewis: I was implying the Government had been in office in South Australia for only a short time.

The Hon. D. W. COOLEY: I am saying that in New South Wales, South Australia, and Queensland the academic staffs are registered with the appropriate industrial commissions. Is that not fair enough?

The Hon. A. A. Lewis: You mentioned that they were registered where there are Liberal Governments.

The Hon. D. W. COOLEY: There is a Liberal Government in South Australia and three industrial agreements have been reached in that State. It is quite wrong for the Minister to say similar conditions apply in other States to enable those people to receive industrial coverage.

In another place, Mr Hodge (the member for Melville) asked a question of the Minister as follows—

> Will his department further advise what machinery is provided within the relevant Statutes that established colleges of advanced education in Western Australia for the settlement of industrial disputes between academic staff and the college administration?

The Minister replied—

> The Statutes which established colleges of advanced education in Western Australia—Western Australian Institute of Technology Act, 1966 and the Colleges Act, 1978—provide the governing councils with powers to make statutes similar to those powers of the University of Western Australia and Murdoch University.

Is that not a wonderful situation?

Point of Order

The Hon. G. C. MacKINNON: I rise on a point of order. May I repeat my previous remarks?

The Hon. R. F. Claughton: The Leader of the House is becoming tedious.

The Hon. G. C. MacKINNON: The discussion by Mr Cooley is becoming tedious.

This matter was discussed fully during debate on a Bill on which this Chamber has made a decision. I believe it ought not to be allowed to be debated further at this stage, and I ask for your ruling, Mr Chairman.

Chairman's Ruling

The CHAIRMAN: In reply to the Leader of the House, I request Mr Cooley—who has the floor and who will resume in a moment—to restrict his remarks to the amendment, and perhaps leave out his extraneous comments which refer to previous legislation passed in this place.

Committee Resumed

The Hon. D. W. COOLEY: In deference to your ruling, Mr Chairman, I will do that. I simply say I do not think it is just, and I do not think I am reflecting on anybody. If the Government is to be consistent, these people should have a right to go to the Industrial Commission to have their conditions adjusted in a proper manner.

The Hon. G. C. MacKINNON: Everything which the honourable member has said was answered adequately when the Bill was before the Chamber some time ago. A decision was made then and the explanation was that the group of people referred to had a tribunal which set their conditions.

The proposition that the people referred to should go before the court was initially opposed, but the Minister said he was prepared to look at the possibility of setting up a separate tribunal to examine those conditions.

My information is that the honourable member is not strictly correct in his ideas of the full effect of the industrial courts in the other States and in stating that they they handle all the matters to which he referred. To be consistent, this part of the Bill has to remain.

Everything which the honourable member said was canvassed during discussion on the previous Bill. I would add that rather than argue with the Chairman, the honourable member should look at Standing Order No. 324 which sets out the correct procedure. Neither I nor anyone else, is able to gag the honourable member. I suggest the amendment should be defeated. I consider I was entitled to be upset as a result of the behaviour of the honourable member.

The Hon. R. HETHERINGTON: Three weeks ago the Leader of the House suggested that the colleges of advanced education would, in fact, get

a tribunal. He said one was in the process of being set up. I did hope that while speaking to this amendment the Minister would have been in a position to indicate that negotiations were actively under way for the establishment of such a tribunal.

I know problems are associated with the whole question of academic staffs because three different kinds of academic staffs exist—the academic staffs of the two universities, the academic staff of the Western Australian Institute of Technology, and the academic staffs of the colleges of advanced education.

If the measure presently before the Chamber is passed, we will repeal legislation which we amended recently, and it seems to me the Committee may have wanted to consider some of the matters discussed in reference to that amending legislation, and it may want to support this amendment. The difficulties surrounding the problem have become clearer since that time.

I am not making any accusation or casting any reflection on the Government here, but it appears that what was worrying the Government was the fact that until the University of Western Australia appeared before the Industrial Commission with a log of claims, it had been prepared to put up with the situation of two different avenues of arbitration being available to post-secondary institutions. Despite the apparent inconsistencies in that, the system was working, and we follow the British practice in this State that if something is working and working well we let it be.

Despite the Government's earlier worries about allowing the universities and the colleges of advanced education to be registered with the Industrial Commission, the Government had come to accept it because the system was working. However, when the University of Western Australia intervened to try to obtain an award for itself, the Government did not want the situation to apply to universities.

I would be quite happy if I could obtain a clear statement from this Government that it is negotiating with the Federal Government to set up some kind of arbitral tribunal to look at university conditions generally. I am suggesting that if we carry the amendment we could go back to the status quo—I was going to say back to the status quo *ante bellum*, but that is not so because it was not a real fight. The university took what some considered to be ill-conceived action and what some considered to be the proper action.

If we then had to wait until next session to perhaps pass a further amendment to sort the matter out, I do not think the colleges of advanced education would do anything revolutionary or radical.

If we do not pass this amendment, we will confirm in the minds of many of the academic staffs of the colleges of advanced education that we do not care about them very much, and we will make them feel a little bitter and twisted. As I have suggested in respect of the whole Bill, we will make these people less satisfied and more militant than otherwise they would have been.

So having passed some legislation after due consideration, we have a chance to reconsider it gently because of the nature of this Bill which will repeal the legislation we just amended.

The Hon. R. F. Claughton: The previous Bill of three weeks ago was repealed under clause 4 which we have already agreed to.

The Hon. G. C. MacKinnon: We are in the Committee stage. You can get up and make a speech we can all hear.

The Hon. R. HETHERINGTON: No doubt Mr Claughton will get up and make a speech in due course, but it ill-behoves the Leader of the House to chide him for interjecting. It has been known to happen from the other side.

I do not want to say very much more because Mr Cooley said it all very eloquently. I must say again I am perturbed at the direction our post-secondary institutions are taking.

There may not be very many votes in this, but we want the best possible post-secondary institutions we can have, and in particular the best possible universities we can have.

I have disagreed with the Leader of the House very vigorously on many matters, and I will continue to do so. However, I have reason to believe from conversations I had with him when I was a member of the University of WA Staff Association that this is his view, too. We may differ as to the best method to obtain it, and I think perhaps he is wrong and I am right here.

I would like to set the record right once more. Although the University of Western Australia has a right to pass statutes, when it comes to discussions about salaries and conditions the council tends to be on one side as the employer, and the staff, represented by its staff association, tends to be on the other side as the employee. When I was on the staff association of the University of Adelaide, I once said jocularly that the best possible course to adopt when dealing with university authorities was to think of them in terms of Marxist views of the nineteenth century employer, and not to be fooled by the belief that

the members of the authorities are gentlemen. I said that we still had to negotiate. We had some success in times of rising expectations and prosperity, and a Prime Minister who tended to be on side with the universities.

If the Government intends to vote against this amendment, I appeal to the Minister for Education to begin active negotiations immediately with Senator Carrick to ascertain whether some better way can be found—and there must be a better way—to satisfy the aspirations of the academic staff of the post-secondary institutions of this State.

Point of Order

The Hon. D. W. COOLEY: By your ruling, Mr Chairman, I am not permitted to reflect on any vote of this Chamber except for the purposes of moving that such vote be rescinded. I submit that the question to which we are now referring and upon which we are purported to be reflecting has been repealed by the passing of clause 4 of this Bill, which provides for the repeal of the Industrial Arbitration Act Amendment Bill which we passed several weeks ago.

The CHAIRMAN: Order! The position is that although clause 4 has been passed, it is not yet law; it is only part of the Bill. Therefore I do not believe that the honourable member has a problem.

Committee Resumed

The Hon. R. F. CLAUGHTON: The point is that we have already agreed to rescind the Bill we passed three weeks ago. If we have not agreed to that by the passing of clause 4 of this Bill, I do not know what we have done.

The Hon. G. C. MacKinnon: This Bill has not yet been reported. It might be defeated at the report or third reading stage.

The Hon. R. F. CLAUGHTON: Even the Minister must be able to see we have agreed to rescind the previous legislation.

The Hon. G. C. MacKinnon: I have not agreed to any such thing. The third reading might be defeated.

The Hon. R. F. CLAUGHTON: We have not yet reached that point. The Minister is being particularly dense. Perhaps one of the problems of this legislation is that the Minister persists in not listening to what is said.

The CHAIRMAN: Order! The Hon. D. W. Cooley raised a point of order. Do I understand you are now talking to the amendment which is before the Chair?

The Hon. R. F. CLAUGHTON: Yes, Mr Chairman; I am speaking to the amendment.

By agreeing to clause 4 of this Bill, we have already rescinded the previous legislation. The only decision relating to Mr Cooley's point of order was that there was no point of order, having regard to Standing Order No. 188. The matter before the Chair can be considered only in the light of this Bill; we are not considering previous legislation.

It is unfortunate that members of academic staffs and institutions are not here to observe the considerable apathy with which this debate is being treated by members opposite on a question of such vital importance as their salaries, wages, and conditions.

The Hon. G. C. MacKinnon: There is no apathy at all. We are just a little concerned that we had the same debate three weeks ago. I do not think you should be allowed to traverse exactly the same ground again.

The Hon. R. F. CLAUGHTON: The Leader of the House is not the person who decides whether debate shall proceed. I am sure if it were left to him, there would be no debate in this Chamber. He continually raises points of order and puts the presiding officer in difficult situations. I am afraid the Minister's attitude has not added to the dignity of this Chamber.

The Hon. G. C. MacKinnon: I think he has done very well.

The Hon. R. F. CLAUGHTON: Members opposite have not taken sufficient interest in this matter because, as Mr Cooley pointed out, it was put to us that these people already were provided for under a different tribunal; and, in any case, consideration was being given to forming a further State tribunal. We have heard nothing of the latter. The Federal tribunal is a body which makes recommendations to the Government so that it can decide the level of—

Point of Order

The Hon. R. J. L. WILLIAMS: Mr Chairman, you have been asked by Mr Cooley to rule on a point of order. I understand that only one point of order can be taken at any particular time. Yet we find Mr Claughton canvassing the general area of discussion before you have given a ruling.

The CHAIRMAN: Order! In fact, the question now before the Chair is that the paragraph proposed to be deleted, be deleted. I ask Mr Claughton to confine his remarks more closely to the amendment.

Committee Resumed

The Hon. R. F. CLAUGHTON: Thank you, Mr Chairman; of course that was what I was endeavouring to do. A great deal of apathy has been shown by members opposite towards this matter.

The Hon. G. C. MacKinnon: There has been no apathy at all.

The Hon. R. F. CLAUGHTON: Members opposite are not listening to the progress of the debate.

The Hon. R. J. L. Williams: That is rot!

The Hon. R. F. CLAUGHTON: We had an example of this from Mr Williams, because had he been listening to the debate he would know there is no point of order before the Chair.

The Hon. R. J. L. Williams: There was a point of order before the Chair; Mr Cooley raised it.

The Hon. R. F. CLAUGHTON: Mr Cooley did not raise a point of order.

The CHAIRMAN: Order!

The Hon. R. F. CLAUGHTON: It is quite obvious the Government is going to insist on its view; the fact there is good argument to persuade it to change its mind is irrelevant. At present, these academic staffs have no industrial body to which they can present cases. This is particularly disadvantageous when there are disputes relating to conditions of employment.

Earlier in the debate it was suggested that Parliament was not the place to decide industrial questions because we did not possess the necessary expertise; such matters should go before an industrial court. The same lack of expertise is found on senates and councils of colleges of advanced education. They need a body to which they can go with their industrial differences and disputes, and that body should be able to resolve those questions.

I express my strong support for the amendment moved by Mr Cooley.

Amendment put and a division taken with the following result—

Ayes 8

Hon. D. W. Cooley	Hon. F. E. McKenzie
Hon. D. K. Dans	Hon. R. Thompson
Hon. Lyla Elliott	Hon. Grace Vaughan
Hon. R. Hetherington	Hon. R. F. Claughton *(Teller)*

Noes 16

Hon. N. E. Baxter	Hon. O. N. B. Oliver
Hon. H. W. Gayfer	Hon. W. M. Piesse
Hon. T. Knight	Hon. R. G. Pike
Hon. A. A. Lewis	Hon. I. G. Pratt
Hon. G. C. MacKinnon	Hon. R. J. L. Williams
Hon. Margaret McAleer	Hon. W. R. Withers
Hon. N. McNeill	Hon. D. J. Wordsworth
Hon. N. F. Moore	Hon. G. E. Masters *(Teller)*

Pairs

Ayes	Noes
Hon. R. H. C. Stubbs	Hon. I. G. Medcalf
Hon. R. T. Leeson	Hon. G. W. Berry

Amendment thus negatived.

The Hon. F. E. McKENZIE: On page 7, line 15 of the definitions, the word "employee" is mentioned. I would like the Minister to explain the need for the change from the word "worker" used in the current Act. When I first entered the trade union movement I queried the use of the term "worker" and the explanation given was that with just one letter being the difference between "employee" and "employer" confusion could arise.

The Hon. D. J. Wordsworth: They used to work when you entered the trade union movement.

The Hon. R. F. Claughton: Not under Liberal Governments.

The Hon. F. E. McKENZIE: I have not had the benefit of reading Commissioner Kelly's report although I notice in the industrial relations Bill he submitted, the definitions refer to "employee or worker". However, throughout the rest of the Bill he used the word "employee".

All industrial awards in force include the word "worker" rather than the word "employee". I would like the Minister to give an explanation.

Sitting suspended from 3.45 to 4.00 p.m.

The Hon. D. W. COOLEY: The Hon. Fred McKenzie was dealing with the interpretation of "employee" in line 15 of page 7. The interpretation reads—

> "employee" means any person employed by an employer to do work for hire or reward and includes—

Under the present Act that is the definition of the word "worker". It was quite a catchy sort of phrase to say one was a worker within the meaning of the Act. Obviously it will be an "employee" within the meaning of the Act now. The Hon. Fred McKenzie was intending to make the point that there will be some confusion in awards and agreements with the words "employer" and "employee". There could be typographical errors and many mistakes made.

A large number of agreements and awards is issued and my union had the experience of drawing up an agreement with the commission. The union had a certified solicitor to inspect it and he insisted that everywhere it appeared the word "employee" be taken out and the word "worker" substituted.

Now I can imagine what will happen to every award and agreement throughout Western Australia. We will have some conflict in the awards where the word "employee" is in the Act and until these respective awards are amended we will be referring to a worker. We would have preferred the word "worker". I know there are many people in the community who do not like to think of themselves as workers. They do not take their coat off to work. In my view everyone who works for wages and salaries is a worker.

The Hon. O. N. B. OLIVER: The terminology "employee" brings this definition up to date because it has a bearing on the status of the employee. The term "worker" is outmoded and this legislation will bring it into line with the Federal arbitration Act which uses the term "employee".

I presume that this is where the Hon. Don Cooley disagrees with Commissioner Kelly. I noticed in Commissioner Kelly's draft Bill both terms were used and I think that was more confusing than the confusion caused by the use of the words "employee" and "employer", which words have one letter which is different.

I commend the Government for removing the recommendation of Commissioner Kelly with regard to the issue of subcontractors. I do not believe subcontractors should be involved in the Industrial Arbitration Act. It clearly sets out that where a master-servant relationship exists, there is the status of an employee. Therefore the person who is a free agent is not included and I was disappointed that Commissioner Kelly included subcontractors in his report. Subcontractors in small businesses are so in keeping with the Australian character.

The productvity of a subcontractor is unique when we consider his success in the housing industry and the cost per unit.

The Hon. G. C. MacKINNON: The Hon. Neil Oliver has covered the matter almost word for word as I would have done.

I still find it disconcerting that we get towards the end of a clause and then flip back a couple of pages in the Bill. This is a matter which ought to be resolved by the Standing Orders Committee. The procedure should be that we work through the Bill portion by portion rather than flip back to another provision.

The Hon. D. W. COOLEY: The Minister knows that if he had moved an amendment with regard to, say, the full bench, which is under the question of the delegation of academic staff, my amendment could not have been moved.

The Hon. G. C. MacKINNON: That is not so because when the clause is called then members say which page they wish to speak on. The person who states the first page number would have first say. It is the obligation of the member to attract the attention of the Chair, not the obligation of the Chair to find a member. It just seems that we should not head back or all over the place when dealing with this. I can cope, but I find it rather disconcerting.

The CHAIRMAN: The Minister's remarks will be noted and passed to the Standing Orders Committee. At the moment we are within the Standing Orders.

The Hon. R. F. CLAUGHTON: In view of that, I should remark that there have been a number of instances in the time I have been here where a member has wished to move an amendment but found he was unable to do so because an amendment had been moved at a stage which followed.

The Hon. G. C. MacKinnon: He was not quick enough.

The Hon. R. F. CLAUGHTON: It would depend on who stood first and received the call. I cannot see the Minister's difficulty because it is not difficult to note that "employee" follows in alphabetical order in the list of interpretations. The Minister is making much out of a very small matter.

The Hon. D. W. COOLEY: I refer to clause 7(1). Paragraph (e) of the interpretation of "employee" reads—

> any person engaged in domestic service in a private home unless more than six boarders or lodgers are therein received for pay or reward;

These people are not included as workers within the meaning of the Act. The Labor Party attempted to have that part deleted when it amended the Industrial Arbitration Act in 1973 but the so-called House of Review rejected it. Here we have the situation where a person of considerable means is able to sustain up to six employees in his house. These people are not regarded as workers within the meaning of the Act and have no protection. They can be paid the

wages and work the hours the employer so determines.

It seems to me the Minister, who is in charge of the 150th celebrations in 1979, should grant amnesty to these people who possibly have been labouring under bad conditions for a long time.

The Labor Party has always protested against this and I could not let this clause pass without making reference to it.

The Hon. G. C. MacKINNON: This is an instance where Commissioner Kelly slips from grace. Commissioner Kelly also excluded those workers and the Opposition said that he is the best in Australia. So, there has to be a good reason for this exclusion. The situation has been canvassed so often. There are all sorts of applications with regard to this service, with part-time workers and people working for board and lodging or relatives or part relatives working and so on.

The Hon. D. W. COOLEY: In my second reading speech I did say that there were some sections of Commissioner Kelly's report with which we did not altogether agree, but we would rather have adopted his draft Bill than the one we have before us now. Paragraph (j) of the interpretation of "industrial matter" in clause 7(1) reads—

> any claim for or on behalf of an employee entitled to compensation under the Workers' Compensation Act, 1912 for a benefit greater than that provided by that Act; or

No doubt this came about as a consequence of the Government's decision some time back to reduce benefits for people who suffered compensable injuries under the Workers' Compensation Act. It was decided by the Supreme Court of Western Australia that wages were a worker's normal pay, and if a worker who was accustomed to working 60 hours a week on a regular basis, including overtime, suffered a work-caused injury he was entitled to benefit based on that amount.

Immediately that decision was brought down the Government moved in the interests of the employers of Western Australia to reduce it to the amount paid for 40 hours so that the employers would not have to pay higher premiums. The Government went further and took out the district allowance, industry allowances, penalties for shift work, and the like. Members will recall the protest the Opposition registered in this Chamber at the Government's action in reducing standards for people who suffered injuries in the course of their employment. In some cases the benefits to those people were reduced substantially.

Another amendment was brought in which made the payment for disabilities retrospective to the time of the accident instead of to the time of settlement. It was quite a reduction in the benefits under the Act which this very Chamber proposed by way of a Select Committee chaired by the Leader of the House. Consequent upon that, some of the unions made an application to the Industrial Commission and obtained conditions which were superior to those in the Workers' Compensation Act. Hence the provision here that the commission may have power to deal with these matters.

The building trade unions, for example, already have those provisions in their awards. They have provisions for tool allowances and industry allowances, and in some cases the amount of over-award payments or allowances is in the vicinity of $20. If employees suffer an injury at work and are required to be absent from work, those allowances are included in their make-up pay. With the proclamation of this legislation those benefits will cease, not only for those who are now receiving them but also for those who may suffer injuries in the future. It is another action of the Government to reduce workers' standards.

As Miss Elliott said the other night—and I wish the Attorney General were here now—the Government is not being consistent in this regard.

The Hon. G. C. MacKinnon: The Attorney General will be back in a minute.

The Hon. D. W. COOLEY: When the Tonkin Government introduced a long service leave Bill to give workers in Government and private industry equity in regard to the quantum of long service leave and the qualifying period, which at that time was 13 weeks' leave for 10 years' service, the Bill passed through all stages. It came to this so-called Chamber of review, which rejected the legislation on the ground that it was the Industrial Commission's business to deal with industrial matters. In addition, in 1973 a provision, which no doubt went through this Chamber, was inserted in the Long Service Leave Act to the effect that when the Industrial Commission reduced either the period of long service leave or the qualifying period, that condition would automatically apply in the Act. So we had the Industrial Commission adjusting provisions in an Act, and that applies at the present time.

The inconsistency is that workers' compensation is an industrial matter, and when this Bill is proclaimed the Industrial Commission will not be permitted to deal with matters pertaining to workers' compensation. It is a great

shame that the Government would go to those lengths to disadvantage disabled people in respect of their conditions.

The Government has said in the past that workers' compensation premiums were too high but it has never appreciated the blood, sweat, and suffering of workers when they have a compensable injury. No payment can ever compensate them for some of their sufferings.

Because the Industrial Commission has found it within its jurisdiction to deal with compensation matters, it is proposed in this Bill to take that matter out of the hands of the commission. For the benefit of Mr Pike and others, that matter was not contained in the Liberal Party's policy in 1977. In the Liberal Party's 1977 policy there was not a word to the effect that it would interfere with the Industrial Commission or any other tribunal dealing with workers' compensation. The Government will say these arrangements can still be made between employers and unions without going to the Industrial Commission, but on principle it should not insert a condition such as this which will restrict the Industrial Commission's right to grant workers' compensation where it deems it to be fair and reasonable.

If by some misfortune the Liberal-National Country Party Government is returned next year, it will not be very long before it will reduce workers' compensation benefits to 85 per cent of the award rate. Down they will go and the Industrial Commission will not be able to do anything about it because it will have no jurisdiction. It is a crime which the Government will have to face up to when it sees people suffering the consequences of this Bill. Let members on the Government side get on their feet and say that matter was included in the 1977 policy of the Liberal Party.

The Hon. G. C. MacKINNON: I suppose it is trite to say there is none so blind as he who will not see. Apart from what he said about the Liberal Party's policy, everything Mr Cooley said was just about 100 per cent correct; and everything he said highlighted the total injustice of the situation. We had a Select Committee which determined there would be a base of 100 per cent with no allowances for extras, because it had already been granted by so many courts under awards. Nothing could be done about that. Immediately, the court superseded what Parliament had decided and gave in excess of 100 per cent. Parliament set up the rules in regard to workers' compensation.

The Hon. D. W. Cooley: The Industrial Commission did not do that.

The Hon. G. C. MacKINNON: It was done by agreement registered with and ratified by the Industrial Commision. Parliament set up the amounts to be paid and the court to administer it, and that is where it should remain. That is the intention and that has always been the policy of the Liberal Party since I have been a member of it. In 1946 and 1947 I carefully read everything that was written about both parties and joined the Liberal Party after I returned from the war. That has always been a fact.

Legislation was provided to determine payment and conditions pertaining to workers' compensation and the courts could contradict the intent of Parliament. Mr Cooley favours that. We do not favour it. It is as simple as that. His reasoning is totally illogical. I find it impossible to follow.

Let us consider the situation of people who are trying to start a business. I understand the honourable member has a son who has tried to start a business; so he has probably had to pay workers' compensation premiums. I have a son in the same situation. The premiums for workers' compensation insurance have become crippling.

We all know what injuries are like. I have probably worked in more dangerous trades than Mr Cooley has. I have worked on welders, grinders, and the most dangerous of the lot, the shaper, which is a murderous machine. More people have lost fingers and so forth on shapers than on any other machine. It is just a spindle to which it is almost impossible to attach a safety device. I have worked on grinders and been stupid enough not to put goggles on. I have watched people do these sorts of things. I saw an otherwise intelligent fellow come in with his eye bandaged up.

These things happen; and who pays the premiums? All the small businessmen around the State. What we are proposing is very reasonable indeed and the provision ought to stand as it is. It is a matter for the Workers' Compensation Act, which has been well debated on a number of occasions. Everything Mr Cooley has said about it we could probably turn up about four times in *Hansard* in the last two years.

The Hon. D. W. COOLEY: The Leader of the House goes on and on about his experiences and so on. It is sickening at times to hear him carry on with that sort of tripe. I have seen people with glass sticking out of their eyes about one eighth of an inch from their brains because they would not wear glasses, and people with tendons, which had

been severed on bottles, shooting up their arms because they would not wear arm shields or gloves.

That was the situation until a sensible trade union insisted that safeguards should be taken; then no more terrible injuries occurred. It is no good blaming the workers for the injuries they receive. Perhaps they can be blamed if they have been negligent, but on many occasions the negligence has been on the part of the employer.

However, that is not the point. The point is that the Government has been inconsistent. The Minister said the Government is setting up a tribunal to deal with the matter, and the matter should be left to lie there. That would be all right if the Government were consistent, but it set up a tribunal under the Industrial Commission and gave it responsibility in respect of the conditions applicable to long service leave. I hope the Minister is listening.

The Hon. G. C. MacKinnon: No, you are talking about long service leave, which is not dealt with in the Bill.

The Hon. D. W. COOLEY: The Government said the conditions set down by the commission would govern long service leave, but now it has put a qualifying period into the Act.

When we get to the preference clause I will quote the comments of Mr MacKinnon and Mr Medcalf in respect of long service leave, and I will illustrate their attitude in respect of industrial matters which should be determined by the commission. It does not matter how much the Minister huffs and puffs, the Government has not been consistent in its attitude to industrial conditions.

The Hon. D. K. DANS: I remind the Leader of the House that what he said in respect of what a worker would receive as compensation was not correct. I suggest he read the decision of the Select Committee. I admit it was extended subsequently.

The Hon. G. C. MacKinnon: I'll say it was.

The Hon. D. K. DANS: What the Minister said was not correct. His argument about heavy premiums for workers' compensation applies to all business, both small and large. We had a situation in which insurance companies could impose almost any premium at all without scrutiny. In some respects that situation has been changed. However, I think that has no relationship whatsoever to the amount a worker should receive when he is injured or suffers illness as a result of his employment. If the Government wished to tackle this matter properly it would set up a single authority to deal with workers' compensation. It could be similar to the MVIT. The Government should find other methods of financing workers' compensation.

I concede that premiums can be heavy, but if the Government wants to do the job it can go about it in a proper manner. However, it does not want to do that because the conglomeration of insurance companies engaged in workers' compensation—with the exception of the SGIO—find it is a lucrative business. As the accident rate increases, so premiums increase; that is only natural. I do not argue that insurance companies have the right to make a profit but it is wrong to extend that as an argument to reduce workers' compensation payments.

I suggest that the Minister read the report of the Royal Commission into workers' compensation in Victoria, and that he study the matter of a single authority financed by an insurance scheme or by some other method. Perhaps it could be financed by a small levy upon every employee in industry in this State, on a sliding scale so the burden would not fall unfairly on certain sections.

The Hon. G. C. MacKinnon: That is almost back to our original proposal of self-insurance.

The Hon. D. K. DANS: I said nothing about that; it is not even starting to get back to it. I simply cannot accept the argument of the Leader of the House.

Progress

Progress reported and leave given to sit again at a later stage of the sitting, on motion by the Hon. G. C. MacKinnon (Leader of the House).

COLLIE COAL (GRIFFIN) AGREEMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Attorney General), read a first time.

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [4.37 p.m.]: I move—

That the Bill be now read a second time.

This Bill is the second of three similar agreements which the Government is to negotiate with the parties which have applied for, or are holding, coalmining leases on the Collie coalfield.

It is a Bill to ratify an agreement between the State and the Griffin Coal Mining Company Limited dated the 5th November, 1979. An Act

to ratify a similar agreement with Western Collieries Ltd. was assented to on the 18th of May, 1979.

Execution of the third agreement with Western Collieries and Dampier Pty. Ltd. could occur before the end of the year.

A resume of the overall coal reserves situation in this State was provided to members when introducing the Western Collieries Bill last May. Since then revised figures for extractable resources of coal in the Collie basin have been provided by the geological survey branch of the Mines Department.

It has been announced that, as a result of the review, total measured, indicated and inferred, extractable coal reserves at Collie are now 405 million tonnes. This is an increase of 15 million tonnes since the last review in 1974.

Under current economic conditions, extractable coal reserves either measured, indicated or inferred which had been delineated to the end of 1978 are—

Open cut 286 million tonnes
Deep mine 119 million tonnes

The geological survey review did not alter the estimate of 915 million tonnes of coal resources at Collie, since no new seams had been found and the boundaries of the coal basin had not altered.

Another development of note since the Western Collieries agreement was considered by this House is the recent announcement of a major coal exploration effort in the Fortescue River valley in the Pilbara. It is too early to comment on progress to date, other than to observe that one of Australia's foremost exploration companies has committed itself to substantial expenditure on the prospect.

Members will note that recital (c) of the agreement refers to a long-term coal contract between the company and the State Energy Commission. Supply of approximately 50 million tonnes of coal to the State Energy Commission is envisaged over a 25-year period. Much of the coal will be utilised in the existing Muja Power Station and two new 200 megawatt extensions to it.

Under the contract production from the Muja open cut will increase from 1.2 million tonnes a year to about 2.1 million tonnes. Supply of coal to the State Energy Commission will be from six specified coalmining leases.

Clause 5 details obligations of the company to reserve coal for use by the State Energy Commission. Reservation of 50 per cent of aggregate extractable coal reserves for SEC needs is required from existing coalmining leases, other than those the subject of the long-term contract. The same reservation is required from areas now under application and listed in schedule B.

No such reservation is required from schedule C application areas. The absence of this provision is in recognition of the large quantity of coal already reserved to the SEC from the Muja leases under the terms of the long-term contract.

An overall scheme for exploration and development of the resource over the projected 42-year life of the agreement is required from the company under clause 6. Also required in the overall scheme are plans to progressively rehabilitate past and future mined areas.

Clause 7 requires the company to submit on or before the 1st July, 1980, detailed proposals on major aspects of its operations for the ensuing 15 years. Further proposals for the balance of the term of the agreement from year 16 to year 42, are required by clause 9.

Subclause 2 of clause 9 requires the company to satisfy the Minister that it has used its reasonable endeavours to negotiate a coal supply contract with the SEC for the period covered by the further proposal. Such a provision is not necessary for the first set of 15-year proposals in view of the existence of the long-term contract.

Normal provisions for consideration and implementation of proposals and for submission of additional proposals are contained in clauses 8 and 10 of the agreement.

Provisions for protection and management of the environment are contained in clause 11. The company must monitor the environmental impacts from implementation of its proposals. It must report annually to the Minister on its activities. At three-yearly intervals a detailed report on environmental investigations and rehabilitation management is required. As a result of the detailed report, the Minister may require further proposals from the company for protection of the environment.

Another major provision is contained in clause 21. Following approval of proposals the company may notify the State as to which of the coalmining lease applications in schedule B and schedule C it requires to have granted as coalmining leases.

The effect of this provision is to give the company access, under the terms of this agreement, to substantial additional coal reserves, where it has previously lodged applications and undertaken some exploration.

This Government's proven formula of ensuring controlled long-term access by developers to the

State's mineral resources will, in this case, as in so many previous cases, lead to efficient large-scale development of the resource.

It is understandable that the six coalmining leases from which coal to meet the SEC long-term contract will be drawn will not be jeopardised if the agreement is determined. Subclause (4)(a) of clause 21 facilitates continuance of the leases for the period of the SEC contract. Similarly, access to essential infrastructure required for the company to fulfil the SEC contract is assured by the provision of subclause (4)(c) of caluse 21.

Clause 25 prohibits the company from entering into agreements for coal exports without the consent of the Minister.

This provision will be common to each of the agreements relating to the Collie coalfield and reflects the great importance which the Government attributes to coal in meeting the future energy requirements and industry needs of the State.

Finally, the attention of members is directed to the provision of clause 37. In order to initiate the major production expansion necessary to fulfil the SEC contract, the company has entered into certain borrowing arrangements. Security for the borrowings includes a charge over certain existing coalmining leases. Consequently, the clause is drafted to ensure that such arrangements are not jeopardised.

Other provisions of the agreement are common to the many similar agreements between the State and other resource developers and will, no doubt, be familiar to members.

The Bill is a further major step by the Government in ensuring that Collie coal is developed for use in the most efficient manner by the SEC and local industry.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. W. Cooley.

POLICE ACT AMENDMENT BILL (No. 3)

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. C. MacKinnon (Leader of the House), read a first time.

Second Reading

THE HON. G. C. MacKINNON(South-West—Leader of the House) [4.46 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to provide flexibility in court listings and is designed to alleviate the overcrowding and inconvenience caused by delay at the courts, particularly on Saturdays, Mondays, and public holidays. Presently, under the provisions of the Justices Act, justices are releasing persons to bail for a longer period than to the following day. However, this can be done only in matters relating to persons arrested on warrant.

To achieve uniformity and provide this concession to those persons arrested without warrant for offences that can be dealt with summarily, the proposal contained in this Bill will enable any police officer or constable in charge at any police station or lockup to release a person to bail for any period up to seven days, calculated to include a Sunday and any public holiday, after the day of arrest.

The amendment will not affect those persons kept in custody.

Once on bail, a person will be afforded every opportunity within reason to have the matter dealt with at an earlier time, should he desire to plead guilty.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. K. Dans (Leader of the Opposition).

CITY OF PERTH SUPERANNUATION FUND ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Attorney General), read a first time.

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [4.47 p.m.]: I move—

That the Bill be now read a second time.

The Bill seeks to amend the City of Perth Superannuation Fund Act in two major respects: firstly, to provide greater scope for the investment of moneys belonging to the City of Perth Superannuation Fund; and, secondly, to permit the appointment of an outside investment manager.

As the Act stands at present, investments from the fund are restricted to authorised trustee investments. The Perth City Council has found that ordinary trustee investments do not provide a return that is adequate to ensure that the fund will always be sufficient to meet the range of

benefits without the necessity for special claims upon the finances of the council.

The additional investment avenues that are specified in this Bill should permit greater flexibility in investments and provide a more satisfactory yield. In particular, the inclusion of property investments is seen as providing a source of improved earnings and capital growth.

A provision that the Minister may approve any type of investment that is not otherwise specified will give an added measure of flexibility. As is appropriate for funds of this kind, a high degree of security is associated with the new fields of investment.

The Bill proposes also that the body charged with the administration of the City of Perth Superannuation Fund be empowered to appoint independent investment managers. This will allow the investment of the funds to be delegated to professionals who are expert in that field.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. F. Claughton.

WHEAT MARKETING BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (South—Minister for Lands), read a first time.

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [4.49 p.m.]: I move—

That the Bill be now read a second time.

This Bill provides for the orderly marketing of the Australian wheat crop for the next five seasons, commencing with the 1979-80 crop, and replaces the existing Wheat Industry Stabilization Act, 1974-78. It is part of complementary Commonwealth-States' legislation currently being introduced in all the Parliaments of Australia. The proposed arrangements are the result of extensive discussions and negotiations by the Australian Agricultural Council, and have also been agreed to by the Australian Wheatgrowers' Federation.

The legislation provides for the continuation of the Australian Wheat Board, with powers to acquire all wheat produced in Australia and to be the sole seller of all wheat on both the Australian and export market.

There will be three significant changes with respect to pricing arrangements in that the first advance payment will be replaced by a guaranteed minimum price; the domestic price for wheat for human consumption is to be calculated by a formula rather than estimated on the basis of costs of production; and domestic prices for feed wheat and industrial wheat are to be set on a commercial basis by the Australian Wheat Board.

Following representations from some States which were concerned that the board might charge excessive prices for industrial and stockfeed wheats, it has been proposed that an advisory panel be established to advise Commonwealth and State Ministers on pricing matters. This panel will be appointed by the board and will comprise representatives of producers, stockfeed manufacturers, and industrial wheat users. The panel will assess the accuracy and relevance of data that should be taken into account in determining prices and recommend accordingly.

Subject to the approval of the board, growers will be authorised to negotiate direct sales to domestic users. These sales will be subject to a requirement for the grower to make a contribution to the maintenance of the central storage facility.

The Bill also strengthens the powers of board officers to investigate the sources and uses of wheat which are believed to be traded outside the Australian Wheat Board and provides a penalty for any person found guilty of unauthorised dealings in wheat. The level of penalty is $100 per tonne of the wheat involved.

The Commonwealth Act will continue to enable the Federal Minister, when necessary, to direct the board to obtain funds from commercial sources other than the Reserve Bank for the payment of the guaranteed minimum price. This funding is subject to a guarantee by the Commonwealth with respect both to payment and to a maximum interest rate. The provisions within that Act will provide for the continuation of the Western Australian Wheat Board; the continuation of State accounting which was introduced for the 1978-79 harvest; and provision, commencing with the 1980-81 crops, for the control of varieties so that the saleability of the State wheat harvest can be maintained.

In regard to the last point, the complementary legislation will authorise the Australian Wheat Board, on the recommendation of the Minister for Agriculture who will be advised by the State wheat advisory committee, to impose dockages on varieties which it is considered could affect saleability if delivered at particular receival points.

Both the Commonwealth and State Acts will continue to provide that any freight advantage gained by Western Australian wheat producers will be paid to them at the conclusion of the pool.

Provision is also to be made in the Commonwealth Act for the home consumption price of wheat for human use to carry a loading to cover the cost of freighting wheat to Tasmania for both human consumption and industrial purposes.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. K. Dans (Leader of the Opposition).

REAL ESTATE AND BUSINESS AGENTS ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. C. MacKinnon (Leader of the House), read a first time.

Second Reading

THE HON. G. C. MacKINNON (South-West— Leader of the House) [4.54 p.m.]: I move—

That the Bill be now read a second time.

The Real Estate and Business Agents Act provided that business Agents would be authorised to operate for a period of three years from the date of operation of the Act. The Act has been proclaimed to come into operation on the 1st December, 1979. In the three-year period business agents have the opportunity to qualify for licensing as real estate agents.

In this initial three-year period, business agents are required to furnish a bond in the sum of $75 000 to meet any claims which may arise as a result of their transactions. The anticipated machinery for providing the bond was the taking out of cover through one of the insurance houses. At this late stage it has been found that a significant number of business agents would find difficulty in meeting even the most favourable terms which are offered through insurance companies.

The individuals concerned are reputable business operators. It was not the Government's intention when introducing the principal legislation that it should impose unreasonable burdens or force any business agent of repute and substance out of business.

This Bill provides an alternative to obtaining a bond through insurance. It offers the alternative to business agents of subscribing to the Real Estate and Business Agents Fidelity Guarantee Fund on a special basis. The existing fund stands at over $300 000. This money has been subscribed by licensed land agents over a period of time.

The Bill will allow business agents to obtain cover from the fund at a cost of $750 per annum. This figure compares favourably with the premium which would be payable to an insurance company.

The arrangement offers a significant advantage in that security over the assets of the individuals seeking recognition will not be required, and the limited time of cover offered by insurance will not apply. At the point when a business agent qualifies for licensing as a real estate agent he would be accepted as a member of the fund. The contribution, then payable would be $150 per triennium, which is the standard rate.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. K. Dans (Leader of the Opposition).

PERTH AND TATTERSALL'S BOWLING AND RECREATION CLUB (INC.) BILL

Returned

Bill returned from the Assembly without amendment.

WORKERS' COMPENSATION ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. C. MacKinnon (Leader of the House), read a first time.

Second Reading

THE HON. G. C. MacKINNON (South-West—Leader of the House) [4.58 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to facilitate arrangements for the completion of part-heard cases by the Workers' Compensation Board upon the impending retirement of the Chairman, Judge Mews.

The chairman earlier indicated his desire to retire soon after the end of 1979. However, as his term of office, as well as that of the other two nominee members on the board, expires on the 19th April, 1980 the chairman is prepared to remain in office until that date. It is on that date that transitional difficulties will occur.

Because of the frequent absences from the State of medical witnesses, the board has at all times an outstanding list of part-heard cases which number between 40 and 50; and the chairman can see no way of easing the position. On his retirement from the board, all those matters would need to be recommenced, which would entail considerable delay and expense for the parties involved.

The chairman has discussed the matter with legal officers in the Crown Law Department and, as a result, it is considered that an amendment to the Act is desirable to allow for the present board members to continue in office after retirement for the purpose of completing matters commenced by them during their terms of office and making determinations and orders. The extension in this manner would be for that sole purpose only and for no other reason.

It is therefore of considerable importance to make suitable provision to cover the situation outlined and, for that reason, I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. W. Cooley.

QUESTIONS

Questions were taken at this stage.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. G. C. MacKINNON (South-West—Leader of the House) [5.04 p.m.]: I move—

> That the House at its rising adjourn until 2.30 p.m. on Tuesday, the 27th November.

Question put and passed.

House adjourned at 5.05 p.m.

QUESTIONS ON NOTICE

REGIONAL DEVELOPMENT

South-west Regional Development Committee

365. Hon. W. M. PIESSE, to the Leader of the House representing the Minister for Regional Administration:

Further to my question 327 on Wednesday, the 7th November, 1979—

(1) Are there any new appointments or replacements to be made in the near future?
(2) When were the last appointments made?
(3) Who were the last appointees added to the committee?
(4) When are the next appointments due?

The Hon. G. C. MacKINNON replied:

(1) Yes.
(2) November, 1979.
(3) Mr R. Palmer.
(4) Early 1980.

As pointed out in answer to the previous question, six members only are appointed from nominees submitted by shires in the region. This is from a total membership of 13—shire nominees are not necessarily councillors.

It is not really within the spirit of regional development committees that shire-nominated members "represent" shires. The emphasis is on overall regional development. Nevertheless it has been found advantageous to include particular members who are knowledgeable on certain districts.

The most recent appointment is, in fact, in this category with respect to Collie, the area in which the member expressed interest.

RAILWAYS: FREMANTLE-PERTH

Closure: Encouraging Trend

366. The Hon. F. E. McKENZIE, to the Minister for Lands representing the Minister for Transport:

Figures from the Auditor General's report for the years 1978 and 1979 reveal that in the year ended the 30th June, 1979, the cost of operating the suburban passenger railway service was $218 000 less than in 1978. On the other hand, revenue for the year ended the 30th June, 1979 was $285 189 up on 1978.

As the cost of operating the service during 1979 was reduced and revenue increased when compared with 1978, will the Minister explain the logic of the Government's decision to cease operations on the Perth-Fremantle line, when this encouraging trend was evident?

The Hon. D. J. WORDSWORTH replied:

The Minister for Transport advises that the Auditor General's report for the year ended the 30th June, 1979 shows the following suburban passenger rail figures (page 160)—

	1977-78	1978-79	
Revenue	$2 253 996	$2 416 932	$162 936 increase
Expenditure	$12 419 421	$12 174 680	$244 741 decrease

The increase of revenue was brought about by a fare increase on the 16th July, 1978. The amount received from this fare increase was $80 800 less than expected.

The apparent improvement in expenditure was due to—

(a) Cyclical maintenance of $417 000 shown in 1977-78 figures was not repeated in 1978-79.
(b) Maintenance of railcars in 1978-79 was down $147 000 because of industrial disputes relating to an asbestos problem.

The cyclic maintenance cost of $417 000 has therefore inflated the 1977-78 figures to give a false comparison with the ensuing year.

Conversely, the 1977-78 figures have been deflated due to normal maintenance not being carried out because of the industrial disputation.

Making allowance for these two items, the trend would have shown an increase in expenditure from one year to another.

There was, therefore, no encouraging trend evident.

RAILWAYS

Ores and Minerals

367. The Hon. F. E. McKENZIE, to the Minister for Lands representing the Minister for Transport:

Could the Minister outline the reasons that revenue obtained from the cartage of ores and minerals has fallen from $29 377 995 in 1976-77 to $28 752 747 in 1978-79 when tonnages hauled showed an increase from 11.43 million in 1976-77 to 12.09 million in 1978-79?

The Hon. D. J. WORDSWORTH replied:

The explanation related to the variations in tonnages, distances hauled, and freight rates of the various types of ores and minerals carried.

The most significant variations between the two years quoted are a .96 million tonnage increase in the relatively short-haul bauxite traffic and a .65 million tonnes reduction in long-haul iron ore.

Revenue from iron ore decreased by $2.56 million while revenue from bauxite increased by $0.9 million.

QUESTION WITHOUT NOTICE

CLOSE OF SESSION: SECOND PART

Target Date

The Hon. D. K. DANS, to the Leader of the House:

I regret I did not have the opportunity to give the Leader of the House prior notice of this question.

I would like to ask the Leader of the House whether he can give the Chamber any indication of the approximate date on which the House will rise at the completion of the parliamentary session.

The Hon. G. C. MacKINNON replied:

I can only base my answer on the progress we have made today and I believe the earliest date on which the House is likely to rise at the end of the session is the 6th December.