Legislative Assembly

Tuesday, the 30th October, 1979

The SPEAKER (Mr Thompson) took the Chair at 4.30 p.m., and read prayers.

ROAD: BEECHBORO-GOSNELLS FREEWAY

Orange Grove Alignment: Petition

MR BATEMAN (Canning) [4.32 p.m.]: I have a petition which reads as follows—

> We the undersigned residents of Orange Grove, wish to note our protest regarding the alignment of the Gosnells/Beechboro Freeway, and particularly protest against the proposed bridge and on/off complex as per your urban planning drawing number 7821-49-1, Main Roads Department File number 277/74, see photo copy attached. Your petitioners recommend the complex be moved further to the north, which would bring the Freeway into a straight line, with less inconvenience to all concerned.
>
> Your petitioners therefore humbly pray that your honourable House will give this matter earnest consideration and your petitioners as in duty bound will ever pray.

The petition bears 13 signatures and I certify that it conforms with the Standing Orders of this House.

The SPEAKER: I direct that the petition be brought to the Table of the House.

See petition No. 98.

EDUCATION

Objectionable Literature: Petition

MR CLARKO (Karrinyup) [4.33 p.m.]: I have a petition from 99 citizens of Western Australia praying that *inter alia* the Government of Western Australia pass laws banning all literature from our schools which is obscene or promotes violence.

The petition bears 99 signatures and I certify that it conforms with the Standing Orders of this House.

The SPEAKER: I direct that the petition be brought to the Table of the House.

See petition No. 99.

QUESTIONS

Questions were taken at this stage.

STATE ENERGY COMMISSION BILL

Second Reading

MR MENSAROS (Floreat—Minister for Fuel and Energy) [4.52 p.m.]: I move—

That the Bill be now read a second time.

This Bill now before the House is the result of detailed preparation and concentrated effort in updating technological terms of the current legislation and to encompass all forms of energy. Painstaking details were required to ensure that the State Energy Commission will be reinforced with the means of performing its ever-increasing vital role of providing energy in the State of Western Australia, continuing and increasing the research for new energy sources, and advising the Government about updated energy policies. Many of these provisions are re-enactments or expansions of the existing legislation; yet in some areas new provisions have been included and doubtful ones clarified.

The major portion of this complex Bill is involved with the administrative and internal matters concerning the State Energy Commission in which respect it contains few changes to the current Act. Certain administrative requirements were found lacking in the primarily 30-year-old legislation; these have been included to meet the challenge of current trends affecting managerial efficiency expected of such a large organisation.

Members will observe that provision has been made for the repeal of the considerable amount of fragmented legislation under which the commission now operates. All the customary and necessary transitional provisions are made for the continuance not only of the State Energy Commission—which also includes reference to the pre-1975 State Electricity Commission or abbreviations thereof—but also for the continuity of the various regulations and by-laws which are not inconsistent with provisions of the Bill. Similarly, all existing appointments, deeds, documents, and the like are proposed to be preserved.

The organisational structure of the commission which I outlined to members in 1975 is hardly changed. Existing composition details of the officers, appointments, remuneration, commission meetings, and the like are all set out in depth in the Bill. Over the past four years, no fault has been found with the structure and function of the Energy Advisory Council; and therefore little change has been made to the existing legislation in the matters concerning the council and its functions, composition, members, meetings, and advisers.

Over recent years, difficulty was sometimes experienced in establishing quorums for conducting meetings; and in order to avoid temporary disruptions or delays to the commission's business, the Bill now gives the Minister authority to appoint an acting member of the commission or council during a member's absence, temporary incapacity, or vacancy of office.

The Bill expands the obligation for a person to disclose his pecuniary interests in matters before a meeting to now include, in addition to the commissioner, assistant commissioner, and associate commissioners, any other officer or servant of the commission or member of a committee appointed by the commission whether or not the person is actually present at the meeting. This will go a long way towards ensuring the integrity of persons who make decisions or who influence the making of decisions on matters which could affect the community at large. What I am really referring to is officers making the investigation and writing the minute of recommendation to, for example, the commission meeting.

Emphasis is placed on the fact that the commission is an independent statutory authority which does not have the rights or privileges of the Crown unless it is acting as an agent of the Crown. Members should take cognisance of the fact that it is clearly stated that this Bill does not bind the Crown except in matters of safety and in terms of the Crown being a consumer.

The Commission's expressed duty is to implement the provisions of the Bill subject to the Minister and with the assistance and advice of the Energy Advisory Council. The commission will now be able to delegate its powers, rights or duties.

An obligation is placed on the commission to record all the Minister's directions of a continuing nature and to place these before an incoming Minister within 28 days of his assuming office, which decisions will lapse within 28 days unless reaffirmed. The commission is required to give the Minister all reports, documents, papers, and information required pursuant to any order of Parliament and full information concerning its business.

The ambiguity contained in current legislation concerning the relationship between the SEC Act and other Acts dealing with energy-related activities has been clarified to demonstrate that the commission and the other authorities may exercise respective powers which are not in conflict. To alleviate fears, it should be noted however that the undertakings of persons or bodies dealing in energy-related activities under agreements with the State and ratified by Parliament will not be subjected to any provisions of the Bill which are inconsistent.

The interrelationship between the commission and Government departments and local authorities is set out to show that any disputes will be settled between respective Ministers charged with administering the department or authority. If the difference is not resolved even after consultation, then the Governor-in-Executive-Council will conclusively decide the issue. This in all practical senses means that, in respect of a lack of agreement between two or more Ministers representing different interests, Cabinet will decide.

As a means of providing fuller and wider use of specialist personnel, research materials, and the like, it is provided that with the Minister's approval the commission may use the services of employees of the Public Service or Crown. The commission can now provide reciprocal services under this Bill. Similar arrangements also may be made with professional or technical persons or bodies, Ministers of the Crown, State or Commonwealth, or educational bodies with respect to investigational studies or research.

With regard to its numerous employees, the commission is not only empowered to employ officers and servants, but will also now be able to remunerate and train apprentices, cadets, students, and other trainees. Hopefully this measure will assist in the employment of more young persons.

Notwithstanding the fact that the commission may make general rules relating to its employees regarding their duties, conditions of employment, supervision, retirement benefits, and welfare, such rules are nonetheless subject to this Act or any other Act, industrial award, or agreement.

A permanent employee having been continuously employed for one year is given the right to appeal to the appeal board established under the Bill if he has been fined, reduced to a lower class or grade, or suspended or dismissed for misconduct or other reason.

The appeal board's structure, election of its members, procedure, and representation of parties are all important matters set out in the Bill. It is worth while noting that one of the members of the appeal board shall be elected by and from the branch of staff in which the appellant is or was employed thus providing circumstantial knowledge at the appeal board hearings. Another important amendment makes it possible for any

person appealing to be represented by a legal practitioner whereas under existing provisions he could be represented only by an employee of the commission or secretary of the industrial union to which he belongs. Other aspects such as the appeal board's power to issue a summons compelling witnesses to attend or to produce documents and the payment of witness expenses are also included.

Provision is made for the preservation and continuity of the former City of Perth superannuation scheme, details of which are retained in the Bill along with the commission's power to amend the scheme. The contributor is specifically given the equitable right to elect whether he wants to be bound by the amended term or condition.

The commission's function is to implement the provisions of the Act and to carry out the various duties imposed by this or any other Act.

To make the situation quite clear, it has been provided that where the commission is authorised to do some act or exercise some power in respect of works or entry onto land this authorisation extends to officers or servants of the commission or persons acting at the request or under agreement with the commission together with vehicles, machinery, and equipment as may be necessary in connection therewith.

We no doubt are all aware that the commission is duty bound to provide throughout the State of Western Australia an economical and efficient supply of energy in the form of electricity and gas wherever derived. Provision has been made for the Governor by Order-in-Council to be able to charge the commission with a duty on behalf of the Crown to provide energy for such purposes and in such manner as may be provided in the order in any form for use in this State or elsewhere and to hold or deal with energy resources notwithstanding that such would not normally be undertaken by the commission.

The Governor may also by an Order-in-Council authorise the commission or the Minister or both to give directions as to the supply or distribution of energy stocks in accordance with Government policy where there is a shortage of supply or distribution is adversely affected, and provisions have been included exonerating the commission or other persons from action for loss or damage resulting or arising from and by reason of the giving of or compliance with any such direction.

Subject to the provisions as to publication and the obligation to table every order before each House all such orders shall, for the purposes of the Bill, be treated as regulations and as such be capable of being disallowed.

Several duties have been specified such as those relevant to promoting safety measures, development or the distribution, and interchange of sources and supplies of energy, conservation and management of energy, investigation and evaluation of energy requirements, reviewing apparatus and informing the public generally on costs, safety and other aspects of energy.

The commission is also charged with the duty of promoting the safety, health, and welfare of persons engaged in activities relating to energy, works, and systems and the use of the same.

In order for the commission to perform and exercise its functions and to carry out the duties imposed on it, extensive powers are needed and are set out in this Bill.

I will endeavour now to deal with some of them.

Although Parliament approved legislation in September last year dealing with the commission's financial powers, serious deficiencies were found in the practical application thereof. In consultation with Treasury, provisions have been redrawn to overcome the working difficulties experienced and to provide more practical terms to keep abreast with the intricacies of financial operations, extending to international finance.

The commission is given the requisite financial powers to borrow or reborrow moneys, obtain credit, or provide credit to customers, and arrange financial accommodation. Where the Under Treasurer of the State authorises the exercise of the particular power the commission may lend or advance money or provide credit to persons other than consumers and can guarantee or give indemnities for payment of money or performance of the contract.

The Under Treasurer of the State may delegate his powers to another officer of Treasury and where the approval, authority, or ratification of the Governor, Minister, Treasurer, or Under Treasurer is required in financial matters, the Under Treasurer may give a certificate on being satisfied that all requisite information, securities, and conditions have been supplied or fulfilled.

Although the Treasurer is authorised to execute a guarantee on behalf of the State strict measures ensure that he will do so after certain conditions are met. The terms and obligations must be disclosed to the Under Treasurer and the commission must furnish such securities and execute all documents in the form as approved by the Treasurer or the Under Treasurer. Not the

least of these requirements will be for the obtaining of the Minister's written approval to enter into the obligation and to seek the proposed guarantee and further that the giving of the proposed guarantee has been approved by the Governor.

Where the Treasurer pays moneys under a guarantee given on behalf of the State, the moneys shall be paid out of public moneys, but, on the other hand, any moneys refunded by the commission in respect thereof shall be paid into the Public Account. In the general interest of taxpayers all moneys paid by the Treasurer under any guarantee constitutes a charge upon the commission's account and a floating charge against the commission's revenue and assets. The commission is further charged with the performance of any conditions the Treasurer may have imposed or approved in relation to the guarantee.

Stringent restrictions are put on the commission's making of contracts where the consideration exceeds $200 000. Such contracts shall be unenforceable against the commission unless—

(a) where the consideration does not exceed $1 million the contract is authorised in writing by the Minister; or

(b) where the consideration is in excess of $1 million the contract is ratified by the Governor-in-Executive-Council.

Other provisions are made for the Governor to exempt certain classes of contracts which shall be gazetted; for the payment of bond moneys or other penalties; and in respect of the performance, breach, or non-performance of such contracts.

It is also specified that where the commission is acting with some other person, body, or authority in the execution of its works, it has power to receive contributions on behalf of all parties and to disburse these contributions to the persons entitled subject to the keeping of strict accounting records.

To dispel doubts, it is stated that contracts entered into by the commission are effectual in law and binding on the commission and all parties.

The State Government's current policy directions that preference should be given to Western Australian goods and services is written into the Bill.

With regard to its internal matters and contractual obligations, the commission is empowered to make agreements in writing as to the sale or supply of energy or matters relating thereto and prescribed regulations will be applicable unless otherwise stipulated in such agreements. Where there is no written contract, the pescribed terms and conditions shall apply as if they had been included in an agreement in writing.

The commission has been given a discretionary power to repudiate all contracts in writing relating to the supply or sale of energy made prior to an appointed day to be proclaimed for the purpose of this clause in so far as they are still executory unless—

(a) they are affirmed by notice in writing to the person receiving the supply or with whom the sale was effected in accordance with the provisions of the Bill; or

(b) they are contracts relating to the sale or supply of energy to consumers beyond the normal range of supply which I will deal with shortly.

Where a contract has been repudiated and the commission continues to effect supply or sale, such supply or sale shall be taken to be one to which no written contract applies.

Although the commission is not bound to supply energy unless expressly so charged under some legislation or terms of some contract, it nevertheless has a general duty to supply energy and may do so under such terms and conditions as may be agreed.

In these modern times and especially when a large percentage of the inhabited parts of the State of Western Australia is supplied with energy, we could be forgiven for taking this supply of energy for granted; yet there are persons who require energy beyond the normal range of supply which the commission has been supplying and will continue to supply. Such supply involves excessive capital expenditure to which the commission requires monetary contributions from the consumer.

As a means of extending the system into isolated country areas, the commission proposes statutorily to provide for the expansion of the existing scheme so that the commission will be able to assist such consumers with the purchase of their own new generating units which will be achieved either by the commission providing periodic financial assistance or by any means which are considered appropriate and practicable.

Clauses which relate to the charges, conditions of supply and termination of the supply of energy or matters such as services connected therewith remain practically unchanged but are drafted in a more clear and concise manner removing doubt which existed as to the procedure to be adopted.

The current basis used in calculating any deposit or security as the commission may require from a non-domestic consumer remains virtually unchanged, but such deposits can be required only from non-domestic consumers. The consumer is given the option of providing a bank guarantee in place of a cash deposit. Consumers will be pleased to learn that the commission will be obliged to pay interest on all moneys held as security.

Numerous clauses are contained in the Bill outlining necessary accounting procedures to be adopted by the commission in connection with the recording of its financial activities.

The commission is required to provide details of its annual revenue and expenditure and keep records of such. Certain funds are listed as necessary for the effectual exercise of the commission's powers. The commission is authorised to open bank accounts and general directions for entering details of income and expenditure are included in the Bill.

The recording of interest and sinking fund contributions, as well as details as to the calculation of interest on moneys received out of the Consolidated Revenue Fund, are also set out.

The Treasurer is empowered to assess the value in monetary terms of the use by the commission of Government property or services and provision is made for the payment of such sum assessed. Even though the commission may determine the rates of depreciation and obsolescence of its assets, this may be varied by the Auditor General.

The commission may also establish in its books reserve accounts to provide for renewals, depreciation and contingencies as it thinks fit and as approved by the Treasurer.

Any cash profit which the commission has and does not require for its own purposes can, with the Governor's approval, be paid into the Consolidated Revenue Fund.

The commission's borrowing powers hardly vary from the relevant existing provisions. Generally if the commission does not have enough funds of its own to meet its expenditure, it may borrow from the Public Account advances of such amounts upon such terms and conditions as are imposed by the Treasurer.

Provision is made for the borrowing by the commission with the Governor's approval of moneys for specific purposes, such as raising (capital) funds required for the exercise of its powers, redeeming loans and paying expenses of creating stock and debenture by means of the issue and sale of debentures. The Governor's approval will be given only if certain conditions are satisfied such as the terms of the loan, rate of interest, purposes of the loan and manner of repayment.

Further safeguards are ensured by the fact that the Governor will not approve such borrowings unless the proposal containing all conditions was first submitted by the commission on the recommendation of the Minister to, and approved of by, the Treasurer.

The commission is able to repay certain loans prior to the due date of repayment by either converting or renegotiating that loan or otherwise borrowing moneys.

The existing powers of the commission as to the issue of inscribed stock and debentures have been retained in this Bill with a minimum of change so as not to disturb the market. Members will observe that the commission is empowered to issue debentures or inscribed stock in exchange for any debentures or stock previously issued for loans which have not been repaid. The repayment of principal and interest on debentures and inscribed stock is guaranteed by the Treasurer.

Various and customary details as to the payment of commission or brokerage, the issuing of stock, prescribing of regulations in respect of stock and debentures, keeping of records, the transferring or transmission of interests, etc., are contained in various clauses of the Bill. A new provision for the setting up of registries in other States has been included so as to ease and simplify the transfer of stock.

The proposed new regulations covering the dealing in debentures and stock will hardly vary except as is considered necessary to conform with those recently promulgated by the Western Australian Government Railways and Metropolitan Water Supply, Sewerage and Drainage Board under their respective legislation.

An important feature for investors is that the payment of debentures, inscribed stock and interest earned thereon shall be charged on and secured upon the revenues of the commission; that is, all charges, rents, interest and profits of the commission. It is also clearly stated that for the purposes of the laws of this State the investment in the commission's debentures and inscribed stock will be an authorised trustee investment.

Several clauses of this Bill have been dedicated to the commission's adherence to strict accounting procedures, some of which I will highlight.

All records must be available for inspection by the Auditor General and accounts are required to be balanced annually at the end of June. The commission is obliged to submit a full and true balance sheet with all necessary statements to the Auditor General annually, showing its financial

operations, from which the Auditor General shall prepare his report.

The Minister is obliged to lay before both Houses of Parliament an annual report of the commission's proceedings and operations, together with copies of its balance statements of account duly audited by the Auditor General and the Auditor General's report thereon.

The commission retains its power to purchase by agreement the stock or shares of a business or company carrying on energy-related activities anywhere in the Commonwealth. It may also purchase as a going concern or lease or otherwise acquire any undertaking, works or business relating to energy in the form of electricity or gas—or such other forms of energy as shall be described in an order made by the Governor pursuant to the provisions of clause 27 which I have referred to earlier—as well as any mine, quarry or land within the State which contains or is believed to contain potential sources of energy.

Further, where the Minister, on the advice of the commission, thinks that it is in the public interest to acquire in whole or in part energy undertakings relating to energy in the form of electricity or gas—or such other form as may be referred to in any order made pursuant to clause 27—he may recommend that the Governor acquires same as a public work to be vested in the commission. However, the owner of such undertaking is now given the right to demand that the entire undertaking and not just a part of the undertaking be acquired.

In relation to land, a separate clause has been drawn containing an extensive definition of land to include partial interests in land. This, it is believed, now removes doubts as to the interests included in that term.

For purposes of its works, new provisions permit the commission to acquire a partial interest in land rather than the entire fee simple—such as the acquisition of an easement. This provision not only suits the commission in that it will not have to outlay capital for the acquisition of land it does not need, but it also reduces the inconvenience to the property owners to the absolute minimum. However, a right of appeal by the owner to the Minister against the decision of the commission to acquire a lesser interest in the land instead of the whole fee simple or vice versa has been included in the Bill.

In order to facilitate the acquisition of property, a simplified method of conveyancing has been devised. The commission may make regulations prescribing for the use of a standard series of forms which will describe the more frequent kinds of interests acquired in an abbreviated manner and also provide for the recording of these interests at the Titles Office. This method of abbreviated conveyancing has been approved by the Commissioner of Titles and is an optional method.

The commission may apply and be granted subdivision approval by the Town Planning Board of land to be acquired.

It is emphasised that the commission may enter into any agreement in relation to land. It is now provided in the Bill that where the commission acquires land which it does not immediately or exclusively need for its own purposes, it may by lease or licence permit other persons to use or occupy that land temporarily or concurrently. However, where this lease or licence formed part of the consideration for the acquisition of the land it shall not be revoked without payment of compensation by the commission.

The Minister's approval is required for the commission to dispose of all land it no longer requires unless this land belongs to a class to which the Minister's approval has already been given in writing. Where such land was compulsorily acquired, the relevant provisions of the Public Works Act shall continue to apply, but not where the land was acquired by agreement.

That, of course, means, as members no doubt will know, that if the commission sells land compulsorily acquired, it has to first offer it back to the original owner. If it sells land acquired by negotiations, it is free to sell it to anyone.

The commission's existing general powers relating to its works have been updated and clarified. However, restrictions are specified to ensure in so far as it is reasonable and practicable that no obstructions are created, that works and installations are fixed or constructed whether on land or over water so as not to constitute danger or interference, and that as little damage as is possible is caused in the execution of such powers.

A specific provision has been included to remove any doubts which may exist as to the ownership of any works placed by the commission on land in which the commission has no interest under a purported power, prior to the coming into operation of this Bill. It is now clearly stated that such works shall remain the property of the commission and that access shall continue to be afforded to such works to enable maintenance, renewal, or similar services to be carried out by the commission. Regulations can be made to protect such works in the interests of safety. However, if the commission wishes to place

substantially different kinds of works on the land, it cannot do so without the land owner's consent.

Provisions are made for the payment by the commission of compensation for damage caused by the use of land for purposes of its works. The commission is obliged to acquire an interest in land upon, over, or under which certain specified commission works have been placed, in order to protect these works. Specified works, as members will find in the Bill, are larger sized electric transmission lines, larger diameter gas pipelines, and certain plant such as generating plant, transformers, and switchyards, etc. The commission will also be able to regulate for the safety of persons and property in the adjacent areas.

Provisions as to compensation payable upon the acquisition of land and the general application of the relevant sections of the Public Works Act, 1902, with which the commission is obliged to comply are set out.

The commission may only enter land lawfully upon service of a notice specifying the purpose for which entry is required to carry out feasibility studies, surveys, inspections, maintenance and construction of its works. However, where an emergency situation exists and it would be unreasonable and impractical to comply with normal requirements of the Bill, the commission is empowered to enter upon land, premises, or thing without notice. Where any commission works are lawfully situated on land, the owner's consent to entry by the commission for the purposes of the Bill will be deemed to have been given.

Where the commission is unlawfully obstructed from carrying out its powers and in order to prevent unnecessary or additional expense and delay, a new power enables the commission to obtain a warrant from a justice of the peace or an order from a judge of the Supreme Court provided he shall be satisfied as to the merit of the commission's application.

In exercising its powers, the officers, servants, and agents of the commission are required to do as little damage as possible and the commission must pay compensation for or make good physical damage done to land, premises, or things.

Provisions are made for placing or altering the position of works in streets, the giving of necessary notices, payment of reasonable expenses, and the reinstatement of the street by the authority requiring the alteration.

In order to remove the danger caused by trees or other vegetation interfering with supply systems, a duty is imposed on the occupier of land to prevent such interference. Where such duty is neglected despite a notice to the effect being given by the commission, the commission is empowered to remove such trees or other vegetation and is to be reimbursed by the occupier or body who planted or encouraged the planting of such vegetation.

I will now refer to certain areas of the commission's operations which are not adequately dealt with under the existing legislation.

New and essential powers have been given so that the commission may take remedial measures to deal with emergency situations which have arisen or are likely to arise affecting supply systems. These situations are those where life or property is in danger, where the normal operation of the system has been or is likely to be affected, or where the capacity of the system is insufficient to meet normal demands. The commission's officer in charge of such matter may make such order as he thinks necessary to deal with the particular emergency, and such order must be gazetted. Anyone contravening same or obstructing commission officers will be guilty of an offence carrying a penalty.

General matters relating to meters, the metering of energy supplied, metered accounts, and the testing, placing, and circumventing of meters are outlined. It was considered necessary to make specific reference to the commission's right of access to inspect, repair, and read meters.

A declaration that meter readings are prima facie deemed to be correct as well as provisions creating an offence for interfering with meters are new, and hopefully will deter persons from unreasonably requiring meter tests or interfering with meters, as a means of not paying for any or all of the energy used.

The position of inspectors appointed by the commission under the Bill has been clarified. An inspector is required to carry a certificate indicating his authorisation and classification. His powers and duties include inspection, examination, correction, and evaluation of commission property. He is given authority to make orders prohibiting, restricting, or limiting the use of any installation or works which are unsafe or which do not conform with regulations and from which he thinks death or personal injury could result. In order to avoid possible unfair advantage, the Bill ensures that anyone aggrieved by an order of an inspector has the right of appeal.

After the coming into operation of this Bill, the rights of authorities to construct, purchase, or operate gas undertakings is restricted to those

approved by the Governor on the recommendation of the commission or those confined entirely to private land. This provision does not affect existing operations based on statutory powers.

The trading in liquid petroleum gas is also restricted within the current restricted area or within such area as may be prescribed with few exceptions. These exceptions apply to persons holding written permission of the commission and operating in conformity with the Liquid Petroleum Gas Act, 1956. They apply also to apparatus which is used in a caravan, boat, etc., or for purposes of demonstration or testing, or where the capacity does not exceed nine kilograms or is in an apparatus declared to be exempt by the Minister.

The Bill makes it an offence for persons unlawfully entering onto any land, works, or structures of the commission, and allows for the ejectment or apprehending of such person. Authority is also given to a commission officer to restrain someone who he believes is engaging or is about to engage in activities relating to commission property or which could endanger life or property or interfere with the supply of energy.

The current legislation concerning malicious damage done to commission property is expanded by authorising commission officers to apprehend persons believed to have maliciously or unlawfully destroyed or damaged a supply system, works, or other property of the commission. An offence is committed by persons who wilfully interfere with survey markings, warning lights, protective devices, or who interrupt the distribution or supply of energy.

Although the commission may require certain information concerning estimates, quantity, quality, sources, or other aspects relating to energy necessary for the exercise of its functions, restrictions are imposed on the commission as to the disclosure of such information.

If someone is of the opinion that his disclosure of information required by the commission will result in the disclosure of a trade secret, he is given the right not only to state his objection to the Minister, but also to appeal to a judge in chambers against the decision of the Minister if it goes against him.

Other miscellaneous offences which are committed by persons who obstruct commission officers, or refuse to give inspectors access to apparatus or information vital to their duties, or who knowingly give false information without reasonable excuse, are stated.

A new clause provides that anyone who fails or refuses to do something required by or under the Bill or does something contrary to its provisions commits an offence. Where an offence is committed and there is no specific penalty stated, the fine shall not exceed $100.

It was found economically necessary to empower the courts to make orders against convicted persons for payment of compensation for the cost of repairs, loss of property and the enforcement of such orders. Provisions also enable the courts to order reasonable costs in respect of the investigation and giving of evidence leading to the prosecution of convicted persons.

The current legislation which enables the commission to initiate and conduct proceedings for the recovery of penalties and punishment of offenders and to appoint an officer to represent the commission is re-enacted in the Bill. Proceedings for offences under this Bill or regulations or by-laws may be dealt with summarily and the Justices Act, 1902, shall be applicable save that a complaint can be made within two years from the time such complaint arose. It is emphasised that the provision of penalties does not affect the commission's recourse to civil remedies.

Similar clauses to the existing ones provide that in legal proceedings, unless the contrary is proved, no proof will be required of certain matters such as the constitution of the commission, appointments of certain officers, powers to prosecute, legality of meetings, and other administrative matters. Also, copies of *Government Gazettes* containing regulations, rules, or by-laws or copies of such regulations etc. certified by the commission's secretary shall be sufficient proof. Records of the commission's meetings shall constitute necessary proof of the relevant matters referred to.

The authenticity, service, and publication of commission documents in judicial or other proceedings are dealt with in a similar manner to the current provisions.

The liability of someone who employs or knowingly permits another to contravene provisions of the Bill are dealt with. Similarly, where an offence has been committed by a body corporate, its management officers also may be guilty of the offences in certain circumstances. Provision is made as to the matter of intention of the body corporate and as to the question of joint liability.

However, no member of the commission or Energy Advisory Council shall be personally liable for acts or omissions or statements made in good faith and in the exercise of a duty he had reasonably believed was conferred by the Bill.

Lastly, the necessary power is given to the Governor to make regulations which must be consistent with the provisions of the Bill, and the commission may make by-laws which shall be subject to and not inconsistent with the regulations. A detailed, though not exhaustive, list of the types and categories of by-laws are included in the Bill along with general kinds of regulations and by-laws.

It would be true to say that we have spent a longer time in putting forward this Bill than was originally anticipated. I trust that in reading the contents of the Bill, members will readily appreciate the onerous task which was undertaken by all who participated in the preparation of the Bill and to whom I express my sincere thanks.

I commend the Bill to the House.

Debate adjourned, on motion by Mr T. H. Jones.

ELECTRICITY ACT AMENDMENT BILL

Second Reading

MR MENSAROS (Floreat—Minister for Fuel and Energy) [5.43 p.m.]: I move—

That the Bill be now read a second time.

The Bill now before the House contains a number of consequential and minor amendments to the Electricity Act, 1945, which I consider to be necessary following the introduction of the new State Energy Commission Bill. These amendments are in the main intended to reflect the changes made to the existing State Energy Commission Act and incorporated in that Bill.

As all members are aware, the Electricity Act is administeed by the commission, subject to the Minister. In addition, this Act has to be read in conjunction with the provisions of the State Energy Commission Act, 1954-1978. As this latter Act is to be repealed, consequential amendments have to be made to the Electricity Act to avoid any inconsistency or conflict that could arise.

In order to remove certain doubts and uncertainties which have now arisen as to the correct legal interpretation or effect of certain provisions of the Electricity Act, the opportunity has been taken also to clarify the commission's powers, particularly as to its right in certain circumstances to exercise the powers of a supply authority for the purposes of this Act or to make regulations concerning electrical workers and contractors and cinematograph workers.

I shall now draw the attention of members to the main features of the Bill.

It will be observed that the long title has been amended so that it is now clear that the purpose of the Act includes provision for the examination and licensing of people in respect of their competency to carry out works relating to electricity and for the examination, prohibition or approval of electrical appliances.

The Electricity Act will in future be read in conjunction with the new State Energy Commission Bill and, therefore, the provisions of this Bill are dependent on that Bill becoming law. Further, as previously, the provisions of the new State Energy Commission legislation will override any inconsistent or repugnant provision in the Electricity Act and this is to be extended to apply to the terms of any licence or authorisation granted under this Act.

At the present time, for the purposes of interpretation of terms used in the Act, reference has been made to the provisions of the State Energy Commission Act, 1945-1978, which is to be repealed. The definitions to be included in the new State Energy Commission Bill are not, in most instances, appropriate when applied to the same word or term used in the particular context of the Electricity Act provisions.

It has therefore been considered essential that an interpretation clause giving a definition of those words or terms which have a particular meaning when used in this Act, should be included; and this has been provided in clause 5 of this Bill.

Where possible, the particular definition has followed that used in the new State Energy Commission Bill. In other instances the old definitions as contained in the existing State Energy Commission Act have been updated or revised, or, where this has not been possible, completely new definitions have been included. Where a definition has been updated or revised, this in turn has, where necessary, been reflected by minor amendments to the appropriate provisions of the Act.

The existing regulatory powers, as to the licensing by the commission of electrical workers, contractors, and cinematograph workers are set out in section 32 of the Act. They are phrased in general terms and are considered, from a legal point of view, to be somewhat vague and ambiguous and, therefore, doubts have been cast as to their scope or effect.

To meet any challenge that might arise surrounding the exercise of these powers, it was decided that provisions should be included in this Bill clarifying the position by specifying in considerable detail the commission's powers, and

at the same time giving the existing regulations or any future regulations made under this Act the necessary substantive support required to make them enforceable. It is not considered that in clarifying the commission's powers in this way the effect has been to enlarge them.

Doubt has been cast also as to whether the commission could exercise the powers conferred on a supply authority by this Act. This point has now been clarified and provisions have been included in the Bill enabling the commission to exercise the powers of such an authority for the purposes of those sections enumerated in subclause (2) of clause 5 of this Bill, largely concerning the power to prosecute for offences under the Act.

In view of the legal doubts surrounding the exercise by the commission of these purported powers, I considered it necessary to arrange for the inclusion in the Bill of a provision validating the commission's past actions.

Finally, to reflect changes made in the State Energy Commission Bill concerning penalties to be imposed for breaches of any regulation made under that Bill, the penalty under this Act for a similar breach has been increased to $200.

I commend the Bill to the House.

Debate adjourned, on motion by Mr T. H. Jones.

GAS STANDARDS ACT AMENDMENT BILL

Second Reading

MR MENSAROS (Floreat—Minister for Fuel and Energy) [5.50 p.m.]: I move—

That the Bill be now read a second time.

Members will no doubt have realised that following the introduction of the new State Energy Commission Bill, amendments of a consequential nature would have to be made to the Gas Standards Act, 1972, which is administered by the commission subject to the Minister.

To coincide with new provisions in the State Energy Commission Bill imposing restrictions on the trading in liquid petroleum gas to the current restricted area—subject to the exceptions referred to in that Bill—it was considered necessary to bring forward amendments to this Act. The long title has been amended so that the purpose of the Act will be to regulate the standards of quality, pressure, purity and safety of gas, however supplied, and the standards and safety of gas installations.

The Act as it now exists applies only where the gas—which is intended for use as a fuel—is supplied by means of a reticulated system and therefore does not apply to gas supplied in bottles or similar means. To remove this restriction the definition of "gas" has been revised so that in future the Act will apply to gas intended for use as a fuel for gas appliances or for use in any chemical process however supplied.

Although the Act is concerned with the utilisation of gas it will also apply to liquid petroleum gas storage facilities—

(i) in tanks having a water capacity of 500 litres or less; or

(ii) in cylinders having an aggregate water capacity of 1 000 litres or less

A new definition, "gas installation", has been included in place of the existing definition "consumer's installation" so as to reflect the extension of the provisions of this Act to cover the use of liquid petroleum gas or other gas supplied in bottles. Consequential amendments throughout the Act also were considered necessary to reflect this change.

I have, for some time been considering the proposal that in the interests of public safety there should be some measure of supervision of persons carrying out gas fitting work. Following extensive discussions with the State Energy Commission on this matter, I was convinced that there is urgent need for the introduction of legislation which would enable the commission to establish a scheme for the supervision and control of persons engaged in the practice of gas fitting, and for the regulation of such practice.

In view of the fact that amendments to this Act were to be introduced, I considered it appropriate to include in this Bill provisions covering this matter also.

Following the disturbing events which have occurred within the last few days, there can be no doubt in anyone's mind of the need to safeguard the public from the incompetence of persons carrying out gas fitting work, particularly in motor vehicles. Therefore, I believe everyone will welcome the new provisions which I have arranged to be included in this Bill.

Members will observe that the new provisions will prohibit the carrying out of gas fitting work by any person not holding a certificate of competency, permit, or authorisation to be issued by the commission. In certain cases the Minister will have power to grant an exemption from these provisions.

The provisions will enable the commission to set up and administer a scheme which will provide

for the examination and qualification of gas fitters, the granting, suspension, or cancellation of certificates of competency, permits, or authorisations, and the imposition of penalties. A person affected by a decision of the commission in this respect will be given a right of appeal to the Minister or to an arbitrator appointed by the Minister.

To assist with the administration of the scheme, provision has been made also for the making of regulations.

I believe these provisions will be welcomed by the gas industry as a whole and by the public at large, as they will be seen as a means of maintaining the existing high standards in gas fitting techniques and safety.

I commend this Bill to the House.

Debate adjourned, on motion by Mr T. H. Jones.

BILLS (5): MESSAGES

Appropriations

Messages from the Governor received and read recommending appropriations for the purposes of the following Bills—

1. State Energy Commission Bill.
2. Electricity Act Amendment Bill.
3. Gas Standards Act Amendment Bill.
4. Perth Theatre Trust Bill.
5. Health Act Amendment Bill.

BILLS (8): ASSENT

Message from the Governor received and read notifying assent to the following Bills—

1. Government Railways Act Amendment Bill.
2. Electoral Act Amendment Bill (No. 2).
3. Pay-roll Tax Assessment Act Amendment Bill.
4. Pensioners (Rates Rebates and Deferments) Act Amendment Bill.
5. Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Bill (No. 3).
6. Country Areas Water Supply Act Amendment Bill (No. 2).
7. Water Boards Act Amendment Bill.
8. Security Agents Act Amendment Bill.

CRIMINAL CODE AMENDMENT BILL (No. 2)

Second Reading

MR RIDGE (Kimberley—Minister for Housing) [5.59 p.m.]: I move—

That the Bill be now read a second time.

Section 354 of the Criminal Code provides a publisher with a statutory form of privilege against defamation in respect of reports and proceedings which are listed in that section.

Subsection (3) of section 354 provides that it is lawful to publish in good faith for the information of the public, a fair report of the public proceedings of any court of justice, whether such proceedings are preliminary or interlocutory or final, or of the result of any such proceedings, unless, in the case of proceedings which are not final, the publication has been prohibited by the court, or unless the matter published is blasphemous or obscene.

The reference to "any court of justice" has previously been thought to mean any court of justice wherever it is situated within the Commonwealth of Australia.

In 1977 the State Government, in advance of most other States, moved to extend the statutory privilege attaching to parliamentary and other public reports in this State, so that the privilege would apply also to similar reports from elsewhere in Australia. Recently, the Victorian Parliament discovered that the limitation we had removed still applied in Victoria.

The matter was raised at a recent meeting of the Standing Committee of Attorneys General, when it was made clear that only in Western Australia and New South Wales had the privilege been so extended.

The amendments which we made in 1977 to other parts of section 354 made specific reference to other States or Territories of the Commonwealth.

These amendments extended protection to reports of the proceedings of all other Houses of Parliament within the Commonwealth—subsection (1)—and of papers published under the authority of such Houses of Parliament—subsection (2)—and of the reports of public inquiries held under the authority of a Statute of other States or Territories or of the Commonwealth—subsection (4). However, because these other subsections now specifically refer to places outside Western Australia, some doubt has been cast on the scope of the reference to "any court of justice" in subsection (3).

Although this is largely a matter of interpretation, the Government feels it is desirable to amend subsection (3) of section 354 by inserting a reference to courts of justice of the Commonwealth and other States and Territories of the Commonwealth.

This will then put it beyond doubt that the statutory privilege of the publication in good faith for the information of the public applies to any fair report of the public proceedings of courts of justice situated elsewhere in the Commonwealth.

As mentioned earlier, this amendment is being made to put a matter of interpretation beyond doubt.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Bertram.

INDUSTRIAL ARBITRATION BILL

Second Reading

Debate resumed from the 16th October.

MR TONKIN (Morley) [6.02 p.m.]: We note that this legislation, which has been promised for some time, has come in at a very late hour; in fact, in the last few days of the Parliament and just prior to an election. This does not surprise us at all, because we believe this is the Government's normal form.

The Australian Labor Party does not see industrial relations as a battleground between the unions and the Government; it does not see industrial relations as a battleground at all. We see industrial relations as a way of resolving disputes, that will obviously occur, by reaching a concensus as to what is a fair and reasonable thing.

I will be explaining that we are far from arriving anywhere near what is a fair and reasonable thing at the present time, which is one of the causes for the degree of industrial disputation we have. We believe the Government, at this stage, is greatly disappointed, because it had hoped for industrial chaos to the present time so that it could set the stage perhaps for a December election and, if not, certainly for an election after Christmas.

But industrial chaos has not ensued and nor do we believe it should. We believe this Bill is a deliberate act of provocation to try to cause industrial chaos; in other words, it is a way of causing trouble in Western Australia and it is trying to extract some electoral advantage from the agony in which the State finds itself. This is something we in the Opposition regret. We hope the people of Western Australia will realise that so long as they go on rewarding the Government for causing chaos then of course the Government will continue to cause chaos; so long as the people irrationally—in our opinion—vote for the Liberal Party during the time of industrial turmoil, so long will the Liberal Party see it as to its advantage to cause such turmoil. In other words, so long as the people of Western Australia reward the Liberal Party for causing industrial chaos, so long will the Liberal Party cause such chaos.

We believe it is time the polemics were taken out of the situation and the people looked clearly and rationally at the whole scene of industrial relations and at this Bill. This Bill is an attack upon the Industrial Commission, because it takes out of the jurisdiction of the commission certain things which are known to cause industrial disputation. If one were to say to the commission, "You cannot deal with disputation over certain matters" and one knows those certain matters do cause some kind of disagreement, one would be tying the commission's hands behind its back. It is not fair then to say to the commission that it is not doing its job when one has in effect sabotaged the commission by not allowing it to deal with certain matters.

The obvious matter that comes to mind is worker's compensation. Quite obviously, to have one's own physical body mutilated at one's place of work is something which strikes at the very core of one's being. To say that the commission is not permitted to put into awards a make-up pay arrangement which is in 40 per cent of awards at the present time will obviously cause trouble. To turn around and say to the commission, "Yes, that is the cause of the trouble, but we will not allow you to correct it", underlines the basic defect in the Bill, which is that it treats the symptoms of industrial disputation and not the causes. I would think we would not have very much to do with a surgeon or a physician who dealt only with the symptoms of an illness and refused to treat the underlying causes of the problem.

This Bill seeks to gain electoral advantage by dealing with the symptoms. Because the people have been fed a line on industrial relations; because the people have had a superficial attitude thrust down their throats, largely by the sensationalism of the media, the people regard industrial relations as something vexatious and annoying. Of course it is annoying to have one's power cut off or to have anything like this happen. But we will not get anywhere by seeing a head and kicking it. I once heard a football coach say, "If you see a head, kick it".

This seems to be the attitude of this Government. It is determined to find a scapegoat

and every incompetent Government in history—and I do not mean to be melodramatic and name such Governments in history which have used this method, although there is no guarantee I will not be melodramatic some time during the evening—has looked for a scapegoat for its own shortcomings. It has been the classic ploy of incompetent Governments to divert attention from their own shortcomings by finding scapegoats and saying to the people, "They are the cause of the chaos." Incompetent Governments have done this in an effort to divert attention from their own mismanagement.

Tonight I shall mention some of the causes of industrial disputation so that if we can identify them and do something about them we can remove some of the causes. Another reason the Opposition cannot agree that this Bill is a statesmanlike exercise is that it will throw the trade union movement into the arms of the extremists. Any time a Government acts in an extreme fashion it is really giving the extremists a chance to be heard. When reasonable men cannot say, "Let us be cool, rational, and sensible and not take extreme measures" the people say, "How can you take such a cool line when the Government is hitting us so savagely?" So the voices of the moderates will be drowned out and the voices of the extremists will be heard.

It is a pity Government members do not have a compulsory course in history so they might know as we do that revolutions have occurred only where there have been extreme Governments. Where there has been a Government of reason which has been prepared to allow for change there has been no revolution. Extremism occurs only where we have reaction. A revolution occurs only where we have reaction. We are concerned this measure will throw the trade union movement into the arms of the extremists.

I would divide the Liberal Party into two classes. I believe there is a smaller number of right-wing members in the party who are so evil in their intentions and so contemptuous of the true welfare of this country they would be very pleased if the trade union movement became extreme and so give them an excuse and the power to use more and more oppressive legislation. Once we get into the situation as is typified in Ulster it is very difficult to break that circle of extremism into which people become trapped.

The majority of people in the Liberal Party are not those people at all. They are people who are cynical about politics and who say, "There is electoral advantage in this. We have slipped in popularity so let's give this sort of legislation a trial. It might improve our chances at the next election." Liberal members in marginal seats would say this. They would also be ignorant of the way in which extremists are encouraged by extreme Governments.

It has not been a secret in Australia or throughout the world that people who most hate Social Democratic Governments and Labor Governments are Communists. They hate us because we make the system work. We make the lot of the average person bearable. We oil the wheels of civilization to make Governments more humane. This sort of thing will not encourage revolution. It will make people put up with the system and accept it. So the people who hate us most bitterly are the extremists who see us moderating the system. This makes for a situation in which no-one will listen to the extremists' diatribes of hate.

This tactic was used by the Communists in Germany in the 1920s when they destroyed the SPD. They said, "Let us provoke a capitalist reaction which will bring about our revolution." There was a capitalist reaction—the Nazi Party—but a revolution did not come as the Communists thought. That was their rationale and that is the situation today. The people who will be strengthened by a Bill of this nature will be the extremists.

I do not need to name extremists in the trade union movement who will benefit from this Bill. The Bill attacks the moderates. It attacks people such as those in the Federated Clerks' Union, and shop assistants. They are the sorts of people who will be attacked by this Bill.

Further, this Bill is a fraud for this reason: it has been stated by the Minister many times that this is a Bill to give more power and say to the members of unions. But if members of unions had a commission-ordered ballot vote to go out on strike, that union could be savagely dealt with under the provisions of this Bill; it could be deregistered. In other words, the union and its officials could be savagely punished for obeying the democratic decision taken by the members of the union at a secret ballot ordered by the commission. Not only would the people who voted for strike action be punished but so also would those who voted against strike action in that secret ballot. They, too, would be savagely punished.

Sitting suspended from 6.15 to 7.30 p.m.

Mr TONKIN: The Opposition is concerned about the way in which the industrial scene has become much worse in Western Australia under this Government. If we look at the strike rate we

can see that this State, compared with other States, does not have a good record. During the three-year term of the Tonkin Government there were 421 industrial disputes and during the Court Government's three years in office there were 766 industrial disputes. We can see there an alarming jump—the number almost doubled. When one compares the Tonkin Government's period of office and the 292 000 working days lost with the first three years of the Court Government's term of office with 614 900 working days lost it is evident that the figure has more than doubled. If we look at the next three years of the Court Government we find 418 000 days lost compared with the Tonkin Government's 292 000 working days lost.

Then, if we compare South Australia with the Court Government's industrial record from April, 1974, to March, 1977 we will see that the Court Government had 766 industrial disputes during its term with 614 900 working days lost whereas in South Australia there were 484 industrial disputes with 487 000 working days lost. This illustrates that if one wants trouble one can have it and it has never been difficult to pick a fight.

In the period from April, 1977, to March, 1979, with the Court Government there were 574 disputes compared with South Australia's figure of 242. The Court Government's figure is well over double the South Australian figure. For working days lost South Australia had 115 800 and the Court Government had 418 000. That is almost three times the South Australian figure. It is an enormous number.

In the period April, 1976, to March, 1979, with the Court Government there were 822 disputes. In that period South Australia had 354 disputes. The figure for this State is almost twice that for South Australia. When looking at the same period with regard to working days lost we find the Court Government lost 639 800 days and South Australia 258 800. It is a situation of something like two and a half times worse in Western Australia. So, when we talk about industrial disputation being electorally advantageous for the Government, then it is simple for this Government to cause industrial trouble and provoke industrial disputation and then control it.

The figures bear out the fact that the situation in Western Australia is much worse than in South Australia. The reason for this is that every time a strike occurs, every time there is an industrial dispute, the focus goes away from the Government's inability to deal with inflation, its appalling record of unemployment and, its very steep increases in charges. These are examples of the Government's provocative actions which have led it to say things are bad but it will fix them with this Bill. One example of the provocative action is the matter of the PWD rents in the north. When the rents were doubled the Government stirred up a hornet's nest and threatened to invoke emergency legislation to ensure water supplies when those supplies were always guaranteed. It is a question of making up something and saying, "Never mind, we will rescue you from it."

Another example is the Government's attempt to prevent the prison officers from remaining in the union.The Government suggested they had to join another association. The situation was provoked by the Chief Secretary who is also the Deputy Premier. What was the cause of that disputation? The prison officers were concerned for the safety and security of Western Australians. The strike was not for more pay or industrial action for better working conditions. The strike was held because the officers were concerned by the threat to the security of Western Australians. They acted like responsible Western Australians and for their pains were met head on by the Government.

Instead of consulting or speaking with people who are very close to the problem the Government adopts the attitude that it should confront them. We have also had a situation where, for the first time in 50 years teachers went on strike in this State. If one is an ex-chalkie as I am, then one would know that teachers are a conservative, law-abiding bunch; they are not the type of people who are very keen on industrial action. That is the thinking of most people in the work force. When industrial action is taken money is lost from their pay packets. However, we have the Minister repeatedly lecturing them and saying that they have lost their money so they need to work to get it back. Does he really think they need lectures on how they lose money in industrial disputes? They know better than the Minister. They know that if they take industrial action they will lose money. They take strike action because they have been pushed into an intolerable situation.

During the teachers' strike the Minister would not consult with the teachers. He had the attitude of the employer's prerogative—a real 19th century type of attitude.

I will later read a letter from the Minister which indicates he is not prepared to pay award wages. In other words, this Minister is saying, "I will break the law in this matter", and he is being quite blatant about it.

Just before the last election we had an attempt to provoke confrontation because of the attitude of the SEC. If there had been a Statewide blackout on the eve of the election people would have been encouraged to go on and reward the Liberal Party for causing trouble by voting for it. Of course, having been so rewarded it would continue to provoke industrial trouble.

The Opposition will not be a part of this attempt to polarise the community. It is too intelligent and too mature to be involved in a "goodies" and "baddies" situation. Everyone has a point of view. The job of the industrial relations system is to arrive at a concensus; it is there to resolve industrial disputes. Australians are tired of the situation where Australians are pitted against Australians. The Opposition believes the time has long passed for concensus to be reached and punitive, provocative, and penal provisions such as those provided in this Bill will not solve any of the problems.

This Bill attempts to follow the philosophy, "If there is a head, kick it; it is time to take the big stick to Australians who happen to be employees." Employees comprise 90 per cent of the work force. This legislation just will not work. We see the Premier heading for confrontation on the matter of the North-West Shelf. He fired a few shots in *The West Australian* on Saturday when he said that industrial unrest will jeopardise this project. Who has been jeopardising the peace of this State by arresting people 1 600 kilometres from Perth because they met in an empty paddock to have a talk? Can people believe a Government which would go out of its way to arrest people who met in an empty field in order to talk about things which concerned them? The Government arrested them because they had to do something about defending their civil liberties. It is incredible!

The Police Act is being applied selectively. Since the Police Act was amended in 1976 only one action has been taken under the section concerned and that was in relation to a dispute in which the unions were involved at Fremantle. Since June this year we have seen this provocative action being taken because the Premier believes there are votes in strikes.

If the Premier can provoke more strikes he believes he will improve his electoral chances. We have not seen the police taking action, we have not seen this arm of the Government taking action throughout the State where other people have been doing similar things to that done by the unionists. The unionists are being used as part of the industrial tactics of this Government to provoke confrontation and disputation.

I will read a statement by Professor Don Aitken because he appears to have seen the reasons that lie behind these repressive laws. Professor Aitken is an academic of considerable standing in the community. The extract reads as follows—

> Public assemblies allow people to feel the strength of popular support for a request or a sentiment, to hear argument, to discuss wrongs. And from each other people gain confidence. If there is enough of it, the dictator's soldiers will be of little use—in fact, they'll probably be won over anyway.
>
> To forestall all this, public assemblies are made illegal or surrounded with constraints. The level of confidence in the populace will then decline rapidly, and stay low.
>
> Such societies are rather easier to rule, though cheerless and dispirited. For some hundred years or so we of the British tradition have thought ourselves a bit past that sort of thing. The separate episodes in W.A. and Qld make you wonder.
>
> Australia has survived for at least the last hundred years without draconian measures of this kind, and I find it hard to see what has happened in the last few years to make them necessary.
>
> What they are certainly not needed for is to keep unionists down, and the more that arrests are made at union meetings, the more apparent it is that this is their purpose.

This is one of Australia's leading academics, and he has hit the nail right on the head. The purpose of this police legislation is to try to deal with trade unionists in the only way that this Government understands.

A Labor Government in this State would deal with the causes of industrial disputation. We do not believe in industrial disputes any more than does anyone else. We do not like them. We recognise that they sometimes occur—there will always be disputes in any community just as there are disputes in any family. The job of the Government is to resolve them.

One of the real causes of industrial disputation over the last few years is that wages are being steadily lowered in real terms. In other words, the $100 that a person has today will not buy as much as the $100 that he had four or five years ago. The average weekly wage today is at least $18 below what it was three or four years ago, in real terms. If the Court Government had its way, every Western Australian wage and salary earner—and remember that is well over 90 per cent of the work force—would be much worse off.

Why do I say this? The Court Government has opposed any wage increase at all for Western Australians in nine of the last 15 wage hearings and, of the other six, the Government has supported full indexation once only.

This Government claims to support wage indexation. In that case, why are wages being lowered? It is because of the lack of the application of indexation. This Government has allowed prices to increase more rapidly than they have in other States.

In fact, the wage indexation concept was introduced in May, 1975, and yet the wage and salary earners of Australia have never had any benefit from it. Let us look at the national wage indexation decisions. There has been full indexation on six occasions, full plateau indexation—I know that sounds almost like a contradiction in terms—on one occasion, and a reduced amount on seven occasions, As I have said, this policy has resulted in a fall in the real wages. It is this kind of pressure which employees are facing and which makes them realise that their wage and salary packets will not buy what they used to buy. Therefore, the employees take action to try to regain their standards of living.

This Government and the Fraser Government have never supported full indexation, although from time to time they say that they believe in it. If the Industrial Commission had accepted the submissions of the State and Federal Liberal Governments, the wage and salary earner today would be much worse off than he is. On every occasion the Court Government has supported the Fraser Government's submission on wage and salary indexation.

If we are to have restraints on wages and salaries, then we must have restraints on prices and taxation. When the wage indexation package was put forward, two other components were put forward with it—taxation indexation and price restraint. And yet, we have seen that the Prices Justification Tribunal has been emasculated by the Federal Government so that no longer is it effective; no longer does it act even in the partial way it once did. Of course, the tribunal could never act totally in this field because the Commonwealth Government does not have the great power over prices that State Governments have.

This State Government has refused to exercise the powers conferred on it by the Constitution to deal with prices. It states quite blatantly that it does not believe there should be control on prices, and yet it believes in control on wages. Time and time again it puts this view forward to the Industrial Commission.

If the Federal Liberal Party had kept its promise on tax indexation, the income tax burden on the average weekly earnings would have been reduced by something like $87 per annum. That would have been a lessening of the pressure, and it would have enabled the employee to deal with his problems more easily. It would have made the possibility of industrial disputation less likely.

We must accept the fact that when prices gallop and wages lag far behind there will be industrial unrest. This is what I was talking about earlier when I said that this Bill deals with the symptoms of industrial disputation, but not with the real cause. I believe the sort of situation I will refer to now illustrates the basic unfairness of the Court Government. I drew to the attention of the Premier the fact that there was an application before the tribunal for an increase of well over 40 per cent in the price of Avgas. Of course, a price rise in this product would affect Western Australia more than any other State because this is the largest State and the most remote State. Even if that were not the case, it is still obvious that a price hike of over 40 per cent will affect people, and particularly those in country areas—not just those who fly but those who use goods and services which come to them by air transport. So a price hike in such a commodity spreads throughout the community.

The Premier said that he would not go before the Prices Justification Tribunal to say that such a price hike was too steep. At the very time I asked the Premier that question in this House, he appeared before the Industrial Commission to object to a 4 per cent increase in wages. That shows the basic unfairness of this Government. The Premier would not lift a finger to object to a price hike of over 40 per cent, and yet he would go to the commission to try to chisel out of a 4 per cent indexation rise which was the just desserts of wage and salary earners.

I point out to members that the 4 per cent rise which the employees were seeking was not a wage or salary rise. It was a compensation for past price increases; in other words, full indexation is only to keep the real wage constant. So it is quite wrong to talk about such increases as being wage rises in the real sense.

So we see the Government prepared to intervene to prevent a small increase in wages which was only compensation for past price rises, but it would not attempt to do anything about a price rise over 10 times greater. So the basic unfairness of this Government and its blatantly

partisan attitude towards wage and salary earners is one of the reasons for our present industrial climate.

Other factors have caused a reduction in the purchasing power of wages. A wage or salary earner usually has one source of income only, and when outgoings increase and the wage or salary does not, people are in trouble. In this respect the destruction of Medibank is relevant. This was another pressure on the wage and salary earners which made it impossible for them to make ends meet.

The level of workers' compensation payments in Western Australia has been reduced. As I have pointed out already—and I will deal with it more fully later on—this Bill paves the way for a further reduction in workers' compensation after the election. The Government is not game to take such a step before the election; it has shelved the matter because it knows that there is a great deal of public sympathy for employees who suffer injury at work.

The Bill provides that the commission cannot take cognisance of matters arising from workers' compensation. This will pave the way to reduce workers' compensation payments.

Without amending the Workers' Compensation Act to reduce payments to injured workers, this Bill will reduce such payments because all those who at present have make-up pay will be disadvantaged as soon as this legislation comes into operation because it provides that make-up pay can no longer be part of an award. Already workers' compensation payments have been reduced considerably because of the amendments to the Act a few years ago.

Taxes and charges in Western Australia have risen dramatically under this Government. This has placed more pressure on the wage and salary earner. The revised system of water rating springs immediately to mind. This has placed a tremendous burden on the people. Electricity charges have risen also.

Employed people are not only concerned about their ever lighter wage and salary packets, but also they are concerned about employment. People are concerned that they could lose their jobs at any time, given this Government's abysmal record on unemployment. This is another pressure on the people in the work force.

The very fact that a wide range of disputes is apparent in occupations and industries which do not have a past history of militancy should make us wonder about what is going on. Industrial action has been taken by people such as bank officers, clerks, and school teachers. These are not the traditional areas of a high degree of disputation. Confrontation tactics and threats of punitive action which come continually from this Government will never succeed. Provoked disputes just do not succeed.

A Labor Government would deal with the causes of industrial disputation by protecting real wages and by ensuring that the wage and salary earners receive full indexation. Wage indexation, of course, is not the whole story; wages and salaries are being reduced in many other ways because of the guidelines. Even with full indexation we would not have a good situation.

A Labor Government would pay attention to prices right throughout the State. We would look to the creation of more jobs, and we would seek conciliation rather than confrontation. This would be our attitude on industrial relations.

As I have just said, because of the provisions in clause 7 and clause 117(1)(i), the way is paved for the axing of the Workers' Compensation Act after the election. I have no doubt at all that this Government, if returned, will implement some of the less savoury recommendations of the Dunn report which I have already described here and outside the House as a savagely biased report against employees.

The Dunn report is a disgrace. I would certainly not want to have my name associated with it. It is a disgraceful situation when a Government appoints a person who once held judicial office, and brings him to Western Australia knowing very well that he will show his anti-employee bias and write a report like this.

In clause 7 of the Bill, "industrial matter" does not include—

> (j) 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;

Something like 40 per cent of the awards of this State provide at the moment that the employees are receiving more than is provided by the Act at the present time, without waiting until it is slashed further after the election, if this Government should happen to win. Already, without any change to the Workers' Compensation Act, there will be a considerable disadvantage to employees as a result of this Bill.

What happens if there is an industrial dispute in relation to workers' compensation? The Government has tied the hands of the commission behind its back. That is why we say this Bill deals with symptoms rather than causes, because the commission is forbidden expressly to remove this

cause of industrial disputation—the workers' compensation court. If there is a dispute on the question of workers' compensation and the loss of make-up pay, how can the commission resolve it? It cannot do anything about workers' compensation, so it cannot remove the cause of that dispute. All it can do is to attack the trade union movement by its penal provisions, in a punitive manner.

That will not solve anything. That will cause more disputation. Is that what this Government wants? I have already indicated I believe that is what the Government does want. It is a very disappointed Government because, since the Bill was introduced, it has not had industrial disputation. It was banking on it; it was praying for it; it was hoping for it, believing that this would help it to regain some of the electoral support it once had and which it has now lost because of the way it has carried on.

We find that the commission is being hogtied. It is being crippled. It will not be allowed to deal with disputes as it should be able to deal with them. In other words, this Bill is a vote of no confidence in the commission.

We remember when the Tonkin Government was in office and long service leave provisions, sick leave provisions, and annual leave provisions were before this House. The now Deputy Premier and the Minister for Fuel and Energy said, "We will not support this Bill"—they had their tongues in their cheeks because although we had the numbers in this House they knew that never in the 90-odd years had they lost the numbers in the other place; so although the legislation might be passed in this House, they would have it beaten elsewhere. They said they opposed that legislation. Why? Because it interfered with the commission. It took from the commission some of its prerogatives. That Bill dealt with long service leave, which the commission could deal with; it dealt with sick leave; it dealt with annual leave, which the commission could deal with. They said, in their very hollow manner, "No, we cannot have this. We believe in the commission."

Now we find these two people—Ministers in this Government—are sponsoring a Bill which does just that. It binds the commission not to deal with certain matters, even though those matters are clearly the cause of industrial disputation. Of course, the Minister for Labour and Industry who, with the Premier, is the chief architect of this Bill, was opposed to the provisions I have mentioned when they were before the House. He did that, ostensibly because they interfered with the commission. Of course, we know that is not the reason they opposed the Bill. They opposed the Bill, like they have opposed every move that employees have ever asked for. They have always opposed such things, because the time has never been ripe.

We know that it was conservatives like that—the spiritual ancestors of the present Ministers—who fought against workers' compensation. They said it would ruin the economy. The only reason we have workers' compensation today is that it resulted from the work of the trade union movement.

They fought against long service leave. "Paying a man to be on holidays! What do you think we are? It would ruin the economy." Long service leave was won by the trade union movement.

Sick leave: "Paying a man because he has a headache? Fancy that! That will destroy the economy." That was resisted, too.

We find that these things were won by employees, banding together in trade unions for their common good. The conservatives resisted those measures, arguing that the whole economy would be destroyed.

We found in 1973 that they voted against the measures to which I have referred for the same reasons. However, in their dishonest way they did not say, "We don't believe that these people should have long service leave provisions extended, or sick leave provisions extended." No; they said, "We don't want to interfere with the commission." That is rubbish, as is shown by this Bill.

This Bill gives the lie to that kind of opposition because, of course, this Government does not have any brief for the Industrial Commission, unless that Industrial Commission can be made to be its tool. That is what is happening under this Bill. The commission is becoming the tool of the Government.

The Government has said, "Yes, you can deal with industrial disputes on any issue, remove the causes, and deal adequately with them; but you cannot deal with workers' compensation; you cannot deal with superannuation; you cannot deal with management prerogatives. You are going to deal only with the things we want." If this Bill should be passed, and if the Government should be returned at the next election, when the commission starts to do things to settle disputes that the Government does not like it will have more power taken away from it.

Do not let us kid ourselves that this Government believes in the commission. It does not. All it believes in is getting its own way. It believes it can do that by structuring the commission in a certain way.

The Government will not allow the commission to deal with disputes which may arise with owner-drivers, for example. That is a potential source of trouble. We have had a series of disputes on that problem. This Government says, "No, we cannot allow the commission to deal with those matters."

The commission cannot deal with management prerogatives such as staffing levels, superannuation, and redundancy. The Government says continually, "The law is equal for all; there is a law, and both sides have to obey it. What can be fairer than that?" What can be more dishonest than for the Government to say the law is equal for all? Let us take the example of redundancy. The commission is not allowed to deal with it.

The Government has no intention of allowing employees, whose jobs are on the line, to meet on an equal level with management in a democratic, industrial way to discuss the question of redundancy. That gives the lie to the suggestion that there is equality before the law.

If we believe in industrial peace in this country—and I sometimes wonder, because we are blind to some of the fundamentals—we will say that employees are human beings. Employees are not people to employ for a month, then to be thrown onto the scrap heap. Employees should be taken into the confidence of management. They should meet with management, and there should be some degree of co-determination.

Now, it is quite a revolutionary dogma for this State and for this Government to suggest that employees should sit down, as equal human beings, and deal with these problems by discussion. As long as the Government says there are special management prerogatives and the commission is not allowed to deal with those, there will be industrial disputation.

I suggest that the people have had their choice and they have chosen, although they may not know it. That is probably the problem. They have the choice whether there is industrial disputation or not. There are many clear signposts away from industrial disputation. I have dealt with them already. For example, there is the removal of one of the causes of industrial disputation by agreeing to a system in which the employees sit down with the employers and discuss things as equals.

I know the Minister will say in reply, "We are looking at that. We have a special advisory committee, and we are looking at that." It is all twaddle. We know that. It is cosmetic.

This is an attempt by the Government to suggest to the people, "Yes, we are a progressive Government. We are looking at things." If the Government is moving at all towards a consideration of industrial democracy, it is moving at a snail's pace, and industrial disputation goes on.

By this Bill, the Government is giving itself the power to interfere—interference by the Crown or the Attorney General, usually. While we are talking about the Attorney General, that is a rather august position. It is suggested that the Attorney General is a little above the ordinary cut and thrust of politics and he is a bit more elevated than, say, the Minister for Labour and Industry. It is suggested he would do things of a quasi-judicial nature. We know that is rubbish as far as this Government and this Attorney General are concerned. We know the way the Attorney General interfered illegally in the Kimberley election. The Government should not expect us to show reverence to the figure of the Attorney General, knowing what he is capable of.

This is the kind of power given to the Attorney General—

> 29. (1) An industrial matter may be referred to the Commission by an employer, union, or association, or the Attorney General.

We read further—

> 30. (1) The Attorney General for the State may, on behalf of the State, by giving the Registrar notice in writing of his intention to do so, intervene in the public interest in any proceedings before the Commission.

On the face of it, we do not oppose such a provision. We know that there may be interventions in the public interest; but we know that interventions in the public interest mean something else to this Government. They mean the capacity for mischief-making. They mean that the Government is giving itself the power to "stir the pot"—to cause trouble, especially at a crucial time such as just prior to a general election. That is a wonderful facility for this Government to have.

Even if there is nothing before the commission, the Attorney General can say—and do not forget who is saying it—that he has to be satisfied in his own mind. There is no provision that the decision should be reasonable so one can challenge it at law, to determine whether the Attorney General was being reasonable. The Attorney General can have a mad thought one night, especially after a telephone call from the Premier, and he can say that the safety, health, or welfare of the community is at stake. That is a very wide provision, is it not?

It does not matter how wrong the Attorney General is, the commission must order the union to appear before the full bench to show cause why its registration should not be cancelled. That is provided under clause 73.

Under those circumstances, the commission has to order the union, on the say so of the Attorney General of this Government—this mischief-making Government which continually provokes industrial disputes—to appear before the full bench. In that case, the full bench may—

(a) cancel the registration of the union;
(b) cancel the rights of the union under this Act either generally or with respect to any employee or group or class of employees specified in the order; or
(c) suspend, for a time specified in the order or without limit of time and, in either case, subject to such conditions or exceptions, or both, as the Full Bench thinks fit, that registration or those rights.

That indicates the tremendous power of the full bench, and we realise this Government will appoint the full bench. It will find someone to be the president as it found Judge Kay to make that laughable report on the Electoral Act and as it found Judge Dunn to make that savagely biased report on the Workers' Compensation Act. It will find a judge to be president, and it will find commissioners.

Of course, we know that when a union is deregistered it loses its legal entity and it is very savagely dealt with. I know that at times the member for Cottesloe has risen to his feet and said, "Look, the law is applicable equally to all." It is said that not only do unions have to obey, but so do employers. Let us examine the concept that the law is applicable equally to all. It is just not true; it is nonsense. As George Bernard Shaw said, "The law . . . forbids the rich as well as the poor to sleep under bridges . . ." That indicates the wonderful majesty and impartiality of the law.

For example, it is said that the law we are considering will outlaw strikes. The men will be ordered back to work. It is also said that lockouts will be outlawed. That is found in clause 97 (2). Clause 74 (11) contains a weak attempt to suggest there is equality before the law, but let us examine the true situation.

Is it likely that lockouts will occur as frequently as strikes? The answer is, "No", because the employers are more law-abiding. What a load of codswallop! That is just not true at all. The reason is that we are living in a period of inflation. I might add that for something like eight centuries except for a very brief time—perhaps during 1929 and the 1930s—we have been living in a period of inflation. Sometimes the inflation has been high and sometimes it has been low, but if anyone is waiting for things to turn so that the boot will be on the other foot, he will be waiting for a long time.

As I have said, for the last eight centuries, except for one or two years, we have been living in a period of inflation. Someone might well ask, "What has that to do with the subject?" It has everything to do with it because prices are unpegged. They can rise to such a degree that there is competition in a market economy. We know there is very little competition in the Australian economy and that practices in the restraint of trade are worse in this country than in almost any other comparable country. Therefore do not let us run away with the idea that good, fair, clean competition keeps prices down. It does not. Dozens of simple textbooks on economics prove that practices in restraint of trade are very common and therefore to a large degree prices are unpegged. We are in a period of inflation, so prices are rising.

That leaves the employee in the situation where he must go to the employer and say, "I need some more money, sir, please." The employer can say, "No." If that is the situation, who is winning? The employer's prices are increasing. As we know, there is no restraint on them. He does not have to go before a commission to prove to the bench that he has a right to increase his prices. The PJT was always fairly worthless, but it has been even more so since the Fraser Government got stuck into it.

Mr Bryce: Hear, hear!

Mr TONKIN: So we have prices rising and the wage earner paying more and more out of his pocket. Accordingly he must go to his employer and ask for more money. When the employer says, "No", where does the employee go from there? He can accept a continual reduction in his standard of living, which some do, or he can say, "I am not going to cop this", and so he can take industrial action.

The only time when an employer would be placed in a similar position so that he would be forced into a lockout would be in a period of deflation and, as I have said, except for very brief periods, we have not experienced such a situation for centuries. In a period of deflation the employee would be receiving a certain wage, prices would be going down, and he would continue to receive that wage. The only way the employer could deal with the situation would be to lock out the employee. In those circumstances

it could be said the law applies to equally to both the employer and the employee. However, we must realise that the employer has the wages and hands them over to the employee, not the other way around. Therefore, the employer is in the stronger position. He gives to the employee what the award indicates or what he thinks he should give him and if the award has not been changed then, of course, that means he will give to the employee in real terms less and less money.

In those circumstances, what would we expect the employee to do? If he objects and takes action, an industrial dispute results and under the legislation before us he could be severely punished. So what do we expect him to do? Do we expect him to accept a reduced standard of living? If members opposite expect that then they are living in cloud cuckoo land and I expect they do not want to know. They do not care, as long as they can continue to be elected so that they might look after themselves and their mates. They are not sincerely worried about a person whose real wages are decreased.

The employee is placed in the position where he must face two unacceptable alternatives. One is to accept a lower and lower standard of living, and the other is to take industrial action, following which he will not be paid at all while he is in dispute. Then he will be hit by this legislation.

What kind of choice is that to give to employees? Of course the comparison I made between strikes and lockouts is not really good at all and I will tell members the reason. The employer does not have to indulge in a lockout. All he has to say is, "My business is going broke; it is not profitable; I will sack my employees." All he has to do is to tell them not to come any more. Is he penalised for that under the legislation? He can do that at any time. In other words, he can create a strike with his capital. He can withdraw his capital from that occupation and go elsewhere. There is no penalty on him for doing that.

However, an employee who withdraws the only thing he has—that is, his labour—is penalised. Members opposite wonder why industrial relations in this country are not working. They wonder why there is trouble. Of course, I know that the cynics opposite will be happy if the trouble continues because they are not missing out and they think the people will continue to re-elect them.

We say that the law should be applicable to everyone. The employer can be deregistered. The employers' association or union can be deregistered as can be the employees' union. However, how many employers are organised into unions? The answer is, almost none. Even if they were, if an employer's union were deregistered, an employer would still have access to the commission. When a trade union is deregistered under the legislation no longer does it have any legal entity. It does not exist in a legal sense. However employers need not be registered. They do not have to be in an association. An employer as of right has access to the commission. Therefore, it is not possible to hit the employer with the same club which is used to hit the employee. Yet members opposite say the law is applicable to all. I think some members opposite believe it because I suppose they are rather stupid, but I also suggest some of them know very well the law is not applicable equally to all and they do not want it to be. That is the whole purpose of their being here; that is, to perpetuate a fundamentally unjust society.

I have here a letter from the Minister for Education and in it he quite blatantly says in respect of child care that certain graduates will not be paid the award. There we have a Minister saying he will break the law. He makes the statement in a letter which he sends and virtually says, "Do what you like." Yet we are told everyone has to obey the law.

Once again underlining the fundamental inequality of the law in industrial relations and relating to child care workers, we have an exchange in the commission. We have the employer's advocate before the commission saying, *inter alia*—

> By that, I mean working a 40 hour week or something akin to it and being in receipt of a period of annual leave of four weeks, rather than that which was prescribed under the terms of the award.

In other words, that is how he is employing these people. He says, "I am not observing the award. I am breaking the law." The employer's advocate continued—

> Those agreements, and I anticipate that the union will be indicating to the commission that these exist and that these have been illegally entered into—

There the employer's advocate is saying, "I guess the union will say these working conditions have been illegally entered into." Then Commissioner Collier said, in a rather dry fashion—

> I would imagine so.

The transcript then continued—

> MR GIFFORD: There is no doubt about that.

COLLIER C: You are saying they are real, nonetheless?

In other words, he is saying, "We are dealing with reality. We are men together. Sure, you are in breach of the award, but that is the reality of the situation." Mr Gifford goes on—

> Yes; and, to my knowledge, as I understand them, they have been entered into in good faith without coercion, certainly, from the employer but in good faith. . . .

Speaking on behalf of the employees, in another part of the transcript, Mr McGinty said—

> The next assertion was that because some pre-school teachers had entered into illegal contracts of employment with their employers that was a recognition of the realities of the industry and that the commission should now issue an award to effectively legalise that illegality. It is scarcely an equitable concept for someone to come to the commission and put forward as a justification for what they are proposing their past illegal acts. It is one that I have no doubt if this union were to advance, or any other union for that matter—that its illegal actions should lead to a benefit being bestowed upon the union—you would take out an exceptionally large stick and teach us a lesson. Might I submit that you have already done that in respect of another organisation I am associated with—

That is, Coca Cola. To continue—

> —earlier this year. It is exactly the same proposition—people acting in breach of the Arbitration Act—except that here the employers have the gall to come to you and ask for a benefit. We just asked for neutrality in the earlier case this year.

Then, whether or not he meant to, Commissioner Collier made the point so beautifully concerning how unjust the whole situation is, when he said—

> Well I might take the employers' preference away from them.

In other words, there we have a commissioner who took preference away from a group of unionists because he thought they had acted badly and illegally and who is pointing out, quite drily, "Yes; but I am not going to take away the employer's preference. There is no such thing. What am I going to do to the employer? Really I am going to do nothing." There is an admission by a commissioner in the system that the law applies to the employees of the organisation but when an employer admits his illegality the award is changed. Is that what will happen? Will the award be changed to accommodate the reality? The Government wonders why, in the face of such basic unfairness, industrial disputation occurs.

Whilst I am referring to unfairness, members should listen to the following definition of a strike. It reads as follows—

> A strike includes a refusal or neglect to offer for or accept employment in the industry in which he is usually employed by a person acting in combination or under a common understanding with another employee or person.

In other words, two people can apply for a job they have done previously and then say to each other, "It is a rather dangerous kind of a job. Did you notice that is a very dangerous situation? That is why there are vacancies there. Quite obviously it is a dangerous job. I do not think we will go for that job." Under the definition I have just read, that action would be a strike. These people had not even started work.

What happens if employers are considering entering an industry, but then change their minds? Is that an offence under this Bill? Of course it is not.

However, if employees do not offer themselves for a job in an occupation in which they normally work, and if two employees agree not to offer themselves for that job, that is a strike. The Minister says that this is a fair Bill. Either he is a fool and does not know what is in the Bill, or he is not telling the truth. On the other hand, his idea of fairness might be warped. How can one possibly say that provision is fair? If two people look at a job and decide not to do it, perhaps for very good reasons—they may consider their lives are in danger—they are committing an offence under this Bill.

We notice the definition of "employee" excludes people such as owner-drivers and certain contractors whom Commissioner Kelly quite clearly believed should have been included. This Bill restricts the commission again, if there is a dispute in relation to this matter. The commission cannot deal with such a dispute in a constructive way. It can deal with it only in a way that is punitive and which will exacerbate the turmoil.

Parts of the legislation are fraudulent. Let us follow through what happens with respect to strike action. It is an offence if a union acts in the following way—

(a) Its members or any of them take part in a strike or lock-out; and

(b) an officer or employee of the union has, whether directly or indirectly, ordered the members concerned to strike or to institute the lock-out, as the case may be.

Members should notice the very fair way in which "lock-out" is included there. I have pointed out that lockouts are not a fact of life and the reason for them is to be found in the nature of the employment process. It has nothing to do with the fact that employers are more law-abiding than employees.

In other words, it is illegal if an officer or a member of a union has ordered the members to strike. As a result, very few strikes will be illegal. The Government perpetuates the myth that there is a group of left-wing, militant union leaders who are ordering people to go out on strike. The Government maintains that thousands of people are out on strike, but they do not want to be. These people are losing money and they are out on strike for weeks. The Government says they do not want to go out on strike, but the union has told them to do so. I do not know whether the Government believes the union leaders have the power to mesmerise the workers. That is a mythical belief.

Mr Stephens: You are claiming that in fact Government members are mesmerised by one man.

Mr TONKIN: That is a very different matter, because the promotion of Government members depends on their doing the right thing by the Premier. He has the power to make the decision as to whether members will become Cabinet Ministers. The member cannot say that a secretary of a union has the power to dismiss 1 000 men or force them to act in a particular way, because they are intimidated.

The fact of the matter is that the executive of a union usually makes a recommendation which may or may not be to take industrial action. The men and women of the union then vote on the recommendation. The suggestion that the members of the union are ordered by the secretary of the union to follow a particular course is, of course, not true. I am not aware of a case in which that has occurred. However, if union members are ordered to do something, there is a penalty of $2 000. However, the penalty is not imposed if a ballot is held.

Therefore, the commission then orders a secret ballot. I would like to make it clear that the Opposition has no objection to secret ballots of this kind *per se*. I can see no argument against a secret ballot being conducted amongst the employees. However, there may be problems associated with it, such as a slowing up of the process. I should like to know also how the position will be resolved when a safety factor is involved and the employees say, "We are not going in." If the commission is not available to order a ballot and the employees stay out, because to go in would jeopardise their lives, obviously they will be breaking the law.

However, if we put aside all the practical difficulties, we cannot argue against secret ballots. But supposing the majority of the employees decided to go out on strike as a result of a secret ballot—a ballot ordered by the commission—then the commission could immediately order all those persons to go back to work. There is little point in a secret ballot being held if the commission can then order those people to go back to work. If they do not do so, the commission can suspend the conditions of contract of all the employees. If the order is not observed, the commission may summon the union to appear before the full bench.

If the Attorney General—that august person whom the Premier said we ought to revere, especially after his action in the Kimberley election—states that the safety, health, or welfare of the community is at risk, then the commission shall direct the union to appear before the full bench to show cause why it should not be dealt with.

We then have a situation where the commission has ordered a secret ballot, the members have decided to go out on strike, but they can be ordered back to work. The officers of the union can be dealt with very harshly; and the provisions contained in the Bill are very harsh. What is the crime committed by the officers of the union?

The officers of the union have obeyed the wishes of the members. Is that not what the Premier is always saying? Does he not say, "We want to see the officials obeying the requests of the members"? Does not the Premier say, "We want to see responsibility on the part of the unions. We want to see these left-wing people being brought into line by the members of the union"? The officers of the union have obeyed the dictates of the members as expressed in a secret ballot in this case and, as a result, they may be punished. Not only will the officers be punished, but also the members of the union will be punished, including those who voted "No" to strike action. What kind of a clause is that?

I have said before and I think it bears repeating, that the Minister has said, "This gives members of a union greater control over union

affairs." I am saying the provision in relation to the secret ballot is a fraud, because it enables the members of a union to vote, but they may then be hit most savagely after they have voted.

In order to show how fair this Government is, I should like to point out that the employer can request a ballot and the union then has to bear the cost of it, despite the fact that the ballot was requested by the employer.

Under this Bill, of course, the commission is restructured. The president shall not be appointed the president unless he is qualified to be a judge. We do not quarrel with that. We are quite happy with that provision. I only hope the Government does not play its usual tricks when it is appointing the president.

When we look at the situation in regard to the Chief Industrial Commissioner, we find he needs certain qualifications. The second part of his qualifications is that he has to have had experience at a high level in industry, commerce, industrial relations, or have served in the Government or an authority of the Government. This provision has been included by a Government that always says that notice should be taken of the umpire. What is the first thing one expects of an umpire? The first thing one expects is that the umpire should be unbiased.

The Government has not said that a union official is qualified to be the Chief Industrial Commissioner. He must be someone in commerce; in other words, an employer. Just in case that was not quite clear, the Government included the proviso that he must be someone in industry—that is, an employer at a high level—or in the service of the Government; that is, to enable the Government's own people to be appointed as has occurred in the commission already.

Once again we see the type of bias for which the Government is well known. If we consider the membership of the present commission, we can recognise bias which has occurred. The Chief Industrial Commissioner, of course, is a former magistrate. I will not say any more about him. Four out of the other six members were employer advocates, including Government advocates, and the other two were white-collar union officials. In other words, there is not one blue-collar union representative out of the seven members of the commission at the present time. Can one expect this type of umpire to be taken seriously.

For very good reason a high degree of disputation occurs in the blue-collar industries. A number of members opposite have never worked in industry and do not know what it is like to work under conditions suffered by some of these men and women.

Mr MacKinnon: Have you?

Mr TONKIN: Yes, indeed I have. After leaving school at the age of 14 and before going to university, I had 26 jobs. Would the member like me to tell him about them?

Mr MacKinnon: No thank you.

Mr TONKIN: I do not mind answering interjections. The jobs I had were interesting. However, I did not remain in some of them for very long, because I was a restless lad.

It is a fact that some of the conditions under which these people must work are physically uncomfortable, exhausting, and enervating in the type of climate we have in Western Australia. Frequently the conditions are dangerous. Unless one works under those conditions, or has a good imagination—that is obviously lacking in many members opposite—one finds it hard to understand the kinds of problems which arise in the work which these people perform.

Mr Sodeman: The comment you make is not fair really, because there are more members on the Liberal Party side of the upper House than on the Labor Party side—and many of us here—who have worked under those conditions.

Mr TONKIN: If the member is correct, why do not members opposite have some influence on their Government to ensure that some of the members of the commission represent people who work under those conditions?

At the present time there are seven commissioners and not one of them comes from a blue-collar union and yet many of the difficult decisions which have to be made by the commission must be accepted by blue-collar workers. How can the commissioners relate to people who are involved in certain working conditions which create problems of which the commissioners are totally unaware?

The Government has made the situation worse under this Bill. It has formalised the bias and it has institutionalised the prejudice. The Government has already appointed these types of people, but under the Bill the likelihood of appointing people from only a certain section of the work force and not from other sections will be increased.

Not all judicial functions are executed by the full bench. For example, the interpretation of awards is the responsibility of commissioners. The commissioners can also issue orders restraining employees from taking industrial action and they

can suspend contracts of employment of workers who take part in industrial action.

We ask the question: Why does the Government appoint a judicial body such as the full bench and not give to it all the judicial functions? The full bench consists of the president and two commissioners who hear appeals from industrial magistrates and deal with the registration of employer and employee organisations. I have already pointed out that the registration of employer organisations is a joke. The full bench deals with the cancellation of registration, which of course hits the employee organisations and does not touch the employers because they have access to the commission in any case.

The full bench also deals with the rules of the unions, and conditions are laid down under which the full bench may refuse registration. I will not go into that; it can be dealt with in the Committee stage. The full bench has to satisfy itself that the rules have certain characteristics. We notice this Bill is less prescriptive than the present Act and we welcome that. We believe Governments have no right to interfere in the minutiae of union rules and that there should be a general regard for the laws of natural justice.

The amalgamation of unions is permitted under the Bill but the full bench has power to disallow amalgamation. We note that this is different from the present provision, and I will deal with it later.

The concept of a full bench provides for legal expertise and we welcome that, also. There is of course an Industrial Appeal Court, consisting of three judges, and appeals may be made only on the ground that a decision is wrong in law or is in excess of jurisdiction.

Let us suppose there is an appeal before an industrial magistrate for enforcement of an award in the case of underpayment of wages. The industrial magistrate can go back only 12 months. We object to that very strongly. In the case of theft of wages by employers, why should the theft be made good only for the previous 12 months? In the Federal commission I understand the period is six years. Commissioner Kelly's recommendation was six years, and we believe it should be much longer than 12 months.

But there is something even worse than that. No penalty is provided for such an employer unless the magistrate is convinced the action was deliberate. How does one prove the underpayment of wages is deliberate? When has ignorance of the law been an excuse? When have we said to people, "You did not know about it; you were not doing something deliberately; therefore we will let you off"? This emphasises the unfair nature of the Bill once again. We believe if a person has been underpaid there should be a severe penalty. Penalties which are provided in this Bill are designed to cripple the trade union movement. They will not do that but that is what they are designed to do. Yet when an employer has underpaid an employee, no penalty is imposed if the employee cannot show it was deliberate. That is very unfair.

Why is it not provided in the Road Traffic Act that one is not fined for speeding unless it can be proved one was deliberately speeding? Why is it not provided in that Act that if one did not know what the speed limit was or did not look at the speedometer, one is let off? That law would be a joke and our roads would not be safe. This legislation also is a joke.

I must say this: the Government does not pretend this legislation is fair. I know the Minister says so when he appears on television and almost mesmerises himself into believing it; but in fact he has made very little effort to persuade people it is fair to all. He has made it clear the Government is going to get stuck into the unions and does not intend to be fair.

On the question of amalgamation, under the existing Act an objection to amalgamation could not be sustained if the ambit was not being exceeded. This seems to imply the commission should not interfere in that case, although it was not prevented from interfering. Subclause (4) of clause 55 of the new legislation, which has to be read in conjunction with clause 72 (1) (d), gives the full bench the power to refuse amalgamation. We believe no good purpose can be served by preventing the amalgamation of unions which wish to amalgamate and which are not interfering with the ambit of other unions. There is no good reason to deny amalgamation in that instance, yet we find that will be done.

Clause 100 makes it an offence to victimise a union member but it does not protect a person who wants to become a union member. I have already dealt with union-free shops. Under the present Act the registrar does not have to convince himself that a person who applies for exemption from union membership has a conscientious objection. What has been happening is that some employers—not most, only a small number, but it is a very serious matter for their employees—are saying to prospective employees, "Sign this or you don't get a job"—"this" being a form applying for exemption from union membership. We know it is illegal to do that. One employer was caught and a penalty imposed.

This has been happening particularly in the clothing trade. It has involved young girls who do not know the law and people who do not speak English, who probably do not know there is an Industrial Commission or an Industrial Arbitration Act, and who are very keen to get a job in a period of unemployment. So, there may be 20 girls working in a union-free shop.

This is a disgusting state of affairs because the inspectors of the Department of Labour and Industry do not go to those places. They do not stir themselves unless they receive a complaint, which usually comes from a union official. There being no union in the shop, no complaint is made, and in some cases the girls are working under very unsafe conditions. I am reminded of a girl who sustained permanent brain damage as a result of working in such a place.

If someone wakes up to what is going on and decides to organise the employees into a trade union, the legislation provides no protection for that person. That person can be sacked and the employer can keep a union-free shop. It is all very well to say if people do not want to join trade unions they should not have to, but it is another matter to connive with employers to prevent people joining a trade union. We believe section 100 needs to be changed to give protection to those who wish to join a union from victimisation by an employer.

We note there is a new general order under the Bill. The old provision is similar to a provision in this Bill which amends awards; for example, with respect to wage indexation. But the Bill contains a new type of general order applicable to persons who are not covered by awards. It gives the Commission in Court Session the power to deal with minimum conditions, sick leave, annual leave, long service leave, minimum wages, and other matters.

We in the Australian Labor Party have been concerned for award-free workers, as our policy shows. We believe this kind of development can assist the people who are award free and who are in certain occupations which are not unionised and where no organisation has occurred.

The Government is being very generous with other people's money. It can go to the commission and oppose the granting of an award in the public interest. If it loses the case, an individual employee can go to an industrial magistrate to have an award enforced. So, the Government which has opposed this improvement can then appear to be giving to those who have not contributed to the union the benefits of the union's activities. It costs trade unions and their members a great deal to prepare cases establishing their right to an award, and we believe that if people wish to benefit from something they should contribute to the cost involved.

The Bill takes out of the Act the right for the commission to deal with preference to unionists. Obviously, this is a vote of no confidence in the commission. I do not know whether members have read the many pages of transcript of the cases. In the past a cogent case has been argued before the commission, and in order to discharge its obligation to settle disputes the commission has included preference to unionists in awards.

So this is not something the commission has done lightly; it is something it has done in its judicial capacity as a result of arguments put before it. No attempt is being made here to persuade the commission that it has been wrong; what is being done by this Bill is that the commission is being told it will no longer have that power.

I am well aware of the difficult philosophical concepts involved here. I am aware of the problem of saying to people, "You will join an organisation." I am reminded of the time when I as an Australian citizen, during the period that Australia was indulging in that disgraceful adventure in Vietnam, agitated against our involvement. I voted against Australia's involvement in Vietnam, and I spoke against it. However, I still had to pay taxes. So in effect I was shooting bullets into the brains of Vietnamese. I was not permitted to have a conscientious objection to the Vietnam war, and to be relieved of paying taxes. I had to pay.

If we are to have a situation in which people do not contribute to the cost of obtaining a benefit, are we going to say those people may gain that benefit? I notice the Bill contains provision to enable the commission to exclude certain people from an award. I am wondering whether the commission will say to people who refuse to join a trade union, "You have not contributed towards the award; therefore, we will not include you in it."

I am not saying the commission would do that. However, if it wishes to do that I believe it will have the power to do it under this Bill.

Of course, this is a two-edged situation, because trade unionists may say, "We have paid our union dues over many years; as a consequence we have all these benefits. Why should that person get these benefits to which he has not contributed?" So perhaps two awards will be brought down, one

for the members of unions, and one for those who are not union members.

I would say in that situation union members should receive an award which is higher than that of persons who are not union members. Will that lead to employers employing non-unionists because they will be paid a lower rate? Will unionists stand by and allow that to happen? I can see industrial disputation occurring. What then? If industrial disputation occurs over the matter of preference to unionists, what will the Government do? What will the commission do? The commission will not have power to deal with that as an industrial matter.

However, there is a way in which the commission can deal with the matter because under clause 45 it can deal with matters which are not industrial matters. Preference to unionists is not an industrial matter. Therefore, the Attorney General may come into the picture and refer the matter to the commission. Presumably the commission will then deal with it; but it will not be able to deal with it in a constructive manner by removing the cause of the dispute, which is preference to unionists or union membership.

How will it deal with it? Will it deal with it punitively by deregistering the union concerned? If the commission does all the things it is given power to do under this Bill, what will then be the situation? We will have a dispute caused by a certain matter, and the commission will not be able to deal with the cause. Does that seem the way in which to lead to greater industrial peace? If people in this State are concerned about that matter and the commission cannot deal with it in a proper fashion, I do not think that will lead to industrial peace.

Therefore, we have arrived at the situation from which I started when I said the Bill will fail. It will not fail to pass through the two Houses of Parliament, of course, because the Premier's word is law. However, it will fail in its stated objective, which is to resolve industrial disputes, and it will fail because the hands of the commission will be tied and the commission will not be able to deal with causes of industrial disputation.

This Government does not intend to deal with the causes of industrial disputation or to do anything about the continual lowering of the real wages of the employees of Western Australia. The commission will not be able to deal with the matter of preference to unionists, if that should be a cause of disputation. It will not be able to deal with matters of workers' compensation if they should be a matter of disputation.

So we see that because the commission will not be able to deal with causes, it will provide only a superficial manner of handling industrial relations, and the Bill will fail. The Bill is an attack on the commission because it takes away from it the power to deal with certain important underlying problems which are basic to industrial relations in this State. It will throw the union movement into the hands of extremists, because when the Government attacks the trade union movement the extremists listen to it.

The Bill will fail because it will not do what the Minister claims it will do; that is, give members of trade unions greater control over their destinies. Already trade unions elect officers by secret ballot, but the Government has decided they shall have secret ballots in respect of industrial action. That is a fraud, because union officials who obey members at a commission-ordered secret ballot will be punished by the commission for doing that. All members of the union will suffer, even those who voted against the decision to take industrial action.

Of course, this does not surprise us, because the Government is noted for funny tricks concerning elections and secret ballots. It is normal form for the Government to say, "We will allow secret ballots to enable the rank and file of a union to control the ballot", and then to give the rank and file a backhander in this manner. That is why we oppose the legislation.

Members of the Opposition believe the matter of industrial relations should be dealt with in a fair, bi-partisan manner. We believe the causes of disputation must be dealt with, and that the commission should not have its hands tied but should be able to deal with causes of disputation. We believe also the commission should be made up of balanced people so that all parties which are likely to be in dispute will feel they have a fair go.

For those reasons we oppose the Bill. It will not advance the cause of industrial relations in this State.

MR HASSELL (Cottesloe) [9.11 p.m.]: Anyone who believes that any single piece of legislation will resolve all the problems of industrial relations and will overnight eliminate the costly consequences of industrial disputation, is clearly wrong and probably could be accused of being naive. The Industrial Arbitration Bill, 1979, attempts to follow a new direction in the system of industrial relations which, from the outset, has been a system of State intervention in relationships between employers and employees.

The member for Morley spent a great deal of time dealing with the points he made; but he did

not at any time say one thing about what the Australian Labor Party would do to repair the system, to make it better and to make it work. There was only one positive thing he said in his whole speech about the subject of solving the causes of industrial disputation. I wrote down verbatim his words which were, "A Labor Government will deal with the causes of industrial disputation by protecting real wages." That was all he said with respect to solving the causes of industrial disputation in a speech which lasted several hours.

Mr Tonkin: I did mention workers' compensation.

Mr HASSELL: He said his party would protect real wages as though industrial disputation was only about the level of wages and had nothing to do with the rest of the community nor with the Government and its proper role in relation to the economy.

I want to deal specifically with a number of points raised by the member for Morley. He opened with the suggestion that the Bill in its introduction was a political manoeuvre related to the State election and was not directed in truth to the issue of industrial relations. That is manifestly false. The Government was elected, as was the Federal Government, on clear undertakings to the electorate to do something about the ever-present issue of industrial relations and the devastating effect it is having on the community and the economy. In particular in Western Australia that was a clear commitment.

At the instigation of the Government a review was undertaken by Senior Commissioner Kelly. That review was put in hand very shortly after the last State election. Naturally it took the senior commissioner a significant period to receive and consider submissions and to prepare a report, initially as a draft, and then as a final report. Having presented that report, it was left open to the public to consider and make comment. Also, the Government considered the report in detail and, in the light of that report, in the light of public comment, in the light of the undertakings which had been given to the electorate and having regard for its own approach in these matters, the Government prepared the Bill which is now before the House.

There is no sinister motive in the timing of the Bill. It is not correct for the member for Morley to suggest there is. He knows full well that what I have said is correct. He knows what has happened, because it has been the subject of discussion in this House from time to time.

I noticed with interest that since the Bill was introduced we have heard no challenges from the Opposition to have an election on the basis of the Bill. That in itself is significant. It is also significant there has never been even the slightest suggestion from the Premier or from the Government side that there would be an election at any other than the normal time. Certainly there has never been any suggestion an election which was related to this legislation would result. In fact, if it is worked out, it will be seen that when the mechanics of holding an election are followed through it would not be practicable as at this date to hold an election prior to Christmas. Therefore, it does not do the credibility of the member for Morley any good to suggest that when introducing a Bill that has had such a thorough background and a thorough consideration, and which, when it is reviewed reasonably and moderately, can be seen as moderate and reasonable legislation which starts a new course and hopefully will have great benefit, the Government was being purely political. That is just nonsense.

Mr T. H. Jones: You don't believe that, do you?

Mr HASSELL: The next point the member for Morley made which was a continuing theme was that the Bill attacks the Industrial Commission. In particular he made that point by emphasising again and again the limitations on the jurisdiction of the commission and the exclusion of the jurisdiction of the commission to deal with the subject of workers' compensation and the issue of preference to unionists. Yet the member went on and in a most vicious fashion attacked the commission and more particularly the commissioners time and time again. He suggested the commissioners were not unbiased. He said, and I took down his words, "The commission has become a tool of the Government."

He then referred to the qualifications of the commissioners and their backgrounds. He indicated that the commission was in some sense the handpiece of Government policy. That was a disgraceful attack and one which must be countered as undoubtedly it will be by the Minister when he closes the debate.

To suggest that the Government is attacking the commission by reducing its jurisdiction is not in the same category at all, because it would be absurd for the Industrial Commission to deal with the matter of workers' compensation when a Workers' Compensation Act exists and will continue to exist to deal with that subject.

There has been no suggestion from this side of the House and never has it been said that that Act will not continue to exist and will not continue to operate. It certainly will and there would not be a member on this side of the House who would not support that.

The third point made by the member for Morley was that the Bill before the House would drive the unions to extremism, because of a response to a reactionary piece of legislation. That was the tenor of his argument. The member said also that this Bill attacks the moderates. The new-found friendship of the member with the Federated Clerks' Union absolutely amazes me. That union has been a thorn in the side of the ALP, its supporters, and the TLC for years. It has now suddenly become their darling when they want to use the union in an attack on Government legislation. This argument has no foundation whatever.

If protecting the rights of individual people to choose to belong or not to belong to unions is extremism, the Opposition has a very strange definition of that word. If ensuring that individual unionists get a vote on whether they will be involved in a stoppage that will cost them their wages is extremism, again I say the Opposition has a peculiar definition of that word.

If the union movement wants to take extreme action because individual rights are protected in this legislation, because the community is thought to be protected in it, then all the more condemnation of the union movement and those who follow such courses.

The member for Morley suggested the Bill is provocative, that it takes a big stick to employees, and he then associated those remarks with references to section 54B of the Police Act, an Act which was amended recently and which gives to unionists the right to hold a private meeting in a public place without obtaining permission or consent. Even Mr Cook has finally woken up to the fact that that is what it says, because he has been very quiet on the subject in the last couple of weeks. Perhaps his lack of comment in that regard has something to do with his own particular political ambitions at the moment, and it might also have something to do with the fact that the unions themselves can no longer support some of the extreme action taken by certain radical union leaders in deliberately continuing to confront the law which was not designed and never was designed to deny the right of free assembly, but which in fact guarantees the right of free assembly and continues to do so.

Another point made by the member when dealing with the Bill was that the Government has given itself the power to interfere through the Attorney General. I agree that, in a sense, this Bill is more interventionist than the existing law. However, I do not agree with the use of the word "interfere", because what is done and what is intended to be done by this Bill is to give to the Government, through the Attorney General, the power to ensure that the Industrial Commission does act, move, and operate, and does not sit back as it did recently during the Hamersley dispute which continued for weeks, whilst the commission was apparently powerless to intervene and arbitrate to bring to a conclusion a very costly and damaging dispute.

The whole thrust of the Bill is directed at ensuring that the Industrial Commission has the power to act and will act. The Bill seeks to ensure that when the commission does act, it has the authority to make its decisions work and to give them a force and a respect which makes the system effective.

The core of this legislation is the enhancement of the authority and the effectiveness of the Industrial Commission. In clause after clause the Bill gives the lie to the proposition that it represents any kind of an attack on or diminution of the powers of the commission.

The member for Morley attacked the provision that the commission should have power to order people to go back to work after a secret ballot had been conducted. Clearly that power and that discretion must be there just as, regrettable as it is, there must be the discretion as to whether or not in certain cases the commission will order the holding of a secret ballot at all.

The whole point is that in an arbitration system, if arbitration is to be the key and the cornerstone and if the final decision of an independent arbiter is to work, there must be the power to order people to go back to work while the Industrial Commission arbitrates, and while the independent umpire has his say and makes his determination in the light of submissions which are put to him in an orderly fashion in a court proceeding.

We must bear in mind always that the great benefit of the industrial arbitration system is that the State, through the law, guarantees minimum wages and working conditions, writes them into the law, and prosecutes and punishes anyone who does not meet those minimum requirements.

Let us go back to the secret ballot for a moment and the allegation by the member for Morley that the commission, having ordered

unionists and perhaps non-unionists to go back to work in a situation where they have voted to strike, can then punish those who voted against the strike. That surely shows up the lack of understanding of the member, because, of course, the men and women must be punished if they do not return to work when ordered to do so. However, they certainly will not be punished if they go back to work and comply with the order of the commission.

This is the essential breakdown of any system which the ALP advocates, because it will not live with the proposition that if we are going to have a system and a commission which makes orders, those who break the orders are liable to punishment. No system will work—and this is one of the great deficiencies in our present system—unless there is a high degree of compliance. The only way there will be a high degree of compliance in any system is if the breach of an order results in a penalty for that breach.

It is amazing that the member for Morley, in particular, should have attacked clause 100 of the Bill, because that clause is the one which protects the right of an employee to be or not to be a member of a union. It imposes on an employer a penalty for dismissing or prejudicing an employee because he is or is not a member of a union.

The member for Morley is the man who a few weeks ago made public in the Press his opposition to compulsory unionism and said it ought to scrapped. He said the system of compulsion was inconsistent with our obligations, as indeed it is. Yet he now comes to this House and in the face of this Bill advocates what he sought to attack—the power of compulsion. He also attacked the power of the commission to award preference.

Let me make it clear, as I have done previously in this House, that preference equals compulsion. None of the letters in the newspapers, or the smart unions, or the Santa Marias will convince me otherwise. If we look at the terms of the awards, they make it absolutely clear. On the last occasion I discussed the matter I quoted the actual terms of an award which spelt out that if a non-unionist and a unionist apply for a job and the union can put up the unionist, the unionist has to get the job. Then, if a union representative says to an employee, "Join the union or apply for exemption", and the employee does not do so, the union is entitled to cause that employee to be sacked. That is compulsion in effect, in practice, and in reality, and no subtle words can alter that fact. The Bill seeks to eliminate that compulsion by eliminating preference.

The member for Morley drew an incredible analogy. He said that when he opposed what Australia was doing in Vietnam he still had to pay his taxes. He concluded from that that even when a person opposed what was being done by a union and did not want to be a member of a union, he should still pay union dues. What an incredible proposition to use in support of compulsion to pay a union levy.

A union is a lawful organisation in the community, an organisation which people want to form, which people are entitled to form, and to which they are entitled to belong or not to belong. If people do not belong to a union, of course, they may choose not to pay a union levy.

The lead speaker for the Opposition, the member for Morley, did not advance one constructive proposal for the elimination of the record of industrial disputation to which he referred, other than the proposition that the ALP would protect the level of real wages regardless of all the other factors. The economy, community, political strikes, and unreasonable demands will be solved by that one proposal, apparently.

Let us look at the Opposition's stance in the light of the ALP's new Federal platform, which of course members of the Opposition are bound to follow.

The new ALP platform provides for the right of workers to "organise in democratic trade unions and to collectively bargain and to exercise the right to strike in the course of such activities immune from any pains and penalties directed against unions and unionists".

An ALP Government would recognise "the rights of unions to regulate their own affairs in a democratic way free from Government and judicial interference". Again, it would eliminate any supervision and protection although people are working within a regulatory system—a system which is regulatory because it gives to unionists the benefits of the legally guaranteed minimum wages and working conditions.

Labor would abolish the Industrial Relations Bureau. Unions would be exempted from the provisions of the Trade Practices Act. In relation to political strikes, an ALP Government would "recognise that the legitimate role of the trade unions is not limited to legally defined industrial matters". That is very interesting in the light of what the member for Morley said about the jurisdiction of the Industrial Commission. He was saying that the elimination from the jurisdiction of non-industrial matters such as workers' compensation, human rights issues, preference to unionists, and other issues of that nature, was an

attack on the industrial arbitration system. But of course it should be seen in the context of what it is: a protection of unionists' rights and a proper system.

The Federal ALP policy goes on to deal with the closed shop. Labor will "encourage the membership of registered organisations through the provision of preference to unionists in the taking of leave and . . . in their engagement and promotion and their retention in cases of retrenchment". The ALP is committed to preference, to compulsion, to the closed shop, and to all those things which destroy individuals in a giant machine where the union counts for all and there may be no penalties.

I come back to the application of the rules. The member for Morley spoke at great length about the unfairness of the system and how it applied unequally to the two sides in industrial disputation. But what is proposed, in terms of Federal ALP policy, to even up the situation? It will be evened up by taking away from trade unions and unionists every penalty, regardless of what they do. We saw what was enacted in the United Kingdom by Labor Governments. They exempted unions from the ordinary processes of the civil law, not just the industrial law.

An ALP Government would move immediately to repeal "all penalties for strikes against arbitral decisions of the commission or a conciliation committee and the prohibition of action by the commission to insert or register clauses in awards or agreements excluding the rights of workers to resort to industrial action"—the right to resort to industrial action regardless of the conciliation and arbitration processes and regardless of the law.

I come back to the Bill itself and the beginning it represents of a new direction in industrial relations. The law of industrial relations relates to the resolution of economic conflict. There is no magical formula or final solution but it is to be recognised that essentially what the Industrial Commission should deal with is the resolution of economic conflict, not political conflict.

It is entirely appropriate for political conflict to be excluded from the jurisdiction of the commission. It should never be recognised in our community that trade unions have any rights, other than the rights every other individual has, to pursue their political objectives; and certainly they should not be entitled to impose compulsory political levies on their members. It is also right, in terms of resolving economic conflict, that the Industrial Commission should not deal with workers' compensation claims, which are dealt with by the Workers' Compensation Act. And it is certainly not right that the Industrial Commission should have jurisdiction to deal with relationships other than those which exist between employers and employees.

Those are not industrial relations matters at all. Subcontractors, partners, owner-drivers, are not involved in employer-employee relationships, and the Industrial Commission should not have its jurisdiction widened to cover them.

It seems to me that the Government has one primary objective in regard to industrial relations, and I have attempted to put this into words as follows—

> To have a law of industrial relations which will—
>
> (a) reduce the adverse impact of industrial disputation on employees, employers, members of the community, and the economy of the State; and have a proper regard for the rights of individuals,
>
> by
>
> (b) providing an effective mechanism for the resolution of conflict without resort to direct action,
>
> through a system,—
>
> (c) in which minimum wages and working conditions are guaranteed by law,
>
> (d) under which, where conciliation fails to resolve conflict, an arbitrated settlement is reached and accepted through a State commission which is respected, effective, fair, prompt, and which has the acceptance, authority, and power to impose, and if necessary, enforce its arbitrated decisions.

That is a lot of words, and some may say that it is too many words. However, I believe that is the objective, and that ought to be the objective, and I measure this Bill by comparing it with that objective.

The Bill deals with the structure of the Industrial Commission, and it establishes a president, who must be a judge or have the qualifications of a judge. The purpose of that is clear—it is to give the commission a greater status, a greater authority, and a greater acceptance of its impartiality and its propriety.

It must be recognised that industrial arbitration is not of itself a judicious process. It is a process in fact for making rules—not enforcing rules. Nevertheless, if the commission is to work effectively, if it is to be respected, and if it is to be

regarded as fair—and those are essential preconditions to the ready acceptance of its decisions by all parties—it must act and be seen to act in an impartial and proper fashion. It must be seen to act in a process in which parties do not have secret consultations with individual commissioners and in which parties do not have private side deals.

The processes of a judicial system must be followed.

Through the appointment of a judge as president it is hoped that these processes in our commission will be strengthened; that the oversight of a judge will impose more effectively on a commission which we have had working for a long time a system which is seen to be fair, impartial, and proper. That relates to the second point, which is the enforcement of the authority of the commission in situations of conflict.

If the commission is to work it must have authority. By that I mean accepted authority; it must not simply impose power, it must have authority to act and by its decisions it must be seen to be operating to resolve disputes, because that is what it is about. It is not merely about conciliation. If we reduce the Industrial Commission merely to a conciliator then we have made a fundamental change in the system, a change which should be examined in a different context and in a different light.

Certainly it is not the intention of this legislation to turn the commission into a mere conciliator. It is in fact intended to strengthen its hand in arbitration if conciliation fails. Nevertheless, clear obligations are imposed by the legislation to conciliate before arbitration.

I have mentioned already the limitations of the jurisdiction of the commission, limitations which are aimed not at making the commission less effective, but at confining the commission to employment issues and not allowing the commission to become, willingly or unwillingly, an arbiter of political disputations, an arbiter of compensation, or an arbiter in the case of non-employer-employee relationships such as subcontractors, owner-drivers, and partnerships in particular.

I believed and I believe now that there is a need for some limitation on the power of the commission to make common rule awards and orders and on the power of the commission to make consent orders into common rule. I believe the provisions in the Bill make some progress in this regard; they provide that before a consent order or a consent award can be made into a common rule, people who have an interest should have an opportunity to be heard. In that regard the position has been strengthened from that which presently prevails.

It had seemed to me to be an absurd situation when a so-called sweetheart deal could be made to apply as a common rule without any proper check amongst the many other people affected by that deal. It seemed to me to be absurd that under our system the common rule could be created in a situation where only a few employers can be represented or given the opportunity to be represented.

Recently, a move was made by the Federated Clerks' Union to bring in an award dealing with legal secretaries. I use this case as an example because it is well known to me. A very few firms of solicitors—not by any means representative—were chosen to be served with the proceedings. Although it has not occurred at this stage, it is entirely possible that the whole legal profession could have been subjected to an award without the vast majority of legal firms having known anything about the application. To my mind that was a deficiency in the system, and a situation that will be improved under the new provisions.

The next point in terms of this legislation is its imposition of a clear duty on the commission to act in every unresolved dispute, and not to allow strikes and other industrial action to continue without its taking action.

That, of course, is associated with the power of the State through the Attorney General, not to interfere in the commission, but to bring matters to it to ensure the commission is operating. The Opposition supports the concept of industrial arbitration, so why does it question the power of the Attorney General to ensure that disputes are arbitrated? The Attorney General will have no power to order what the commission will decide; all he will have power to do is to ensure the commission acts, by bringing the dispute to the commission.

Mr Speaker, when you consider that our economy is in many respects very dependent on the income generated by some giant industries, such as the iron ore industry, you understand that surely it would be accepted—even by the Opposition—that a situation cannot be allowed to persist in which the irresponsibility of those industries in dealing with industrial disputation seriously threatens the whole economy of the State.

Surely it must be accepted that when a serious dispute occurs, such as that in respect of electricity supplies earlier in the year when

maintenance workers went on strike, there must be no question as to the standing and the status of the Attorney General to ensure on behalf of the State—which in that case was the employer—that the Industrial Commission is dealing with the matter, and that it is not just dragging on without any apparent action.

My next point concerns the strengthening of the rights of individuals. To my mind the points I am making are fundamental to the legislation. I refer firstly to outlawing all forms of compulsory unionism. I say quite clearly that so far as I am concerned this Bill does not go quite far enough in that respect. Certain forms of contractual compulsory unionism exist in this State as a result of agreements made between big companies and large unions which, in my view, must be tackled.

Secondly, in strengthening the rights of individuals the Bill gives better access to the commission to those affected by its orders and directions. The situation was seen a few years ago in which certain fuel agents who nearly lost their means of livelihood as a result of action taken by the commission were not entitled to appear before the commission, but were left sitting in corridors while the unions and employees argued their future behind closed doors.

Again, I am not sure the Bill goes far enough, but I believe it moves in the right direction.

Thirdly, and again concerning the rights of individuals, that is what the issue of secret ballots is about: ensuring that employees or groups of employees—because secret ballots do not have to be held Statewide—will have the opportunity to have a say, in the circumstances determined by the commission, in whether or not they will forgo their pay and strike when the alternative of arbitration in the commission is available. The alternative of arbitration should be used, because that is what the system is about: the use of arbitration, and not its denial.

Strikes and industrial action of that nature are a denial of arbitration and of the law through a denial of due process. It is only by strengthening the power of the individual to have a say in the matter, and by strengthening the power of the commission to deal with it, that any progress can be made.

My next point is the small beginning the Bill makes in strengthening the law better to cover the conflicts of State and Federal jurisdiction. The Bill contains power for joint conferences to be held between State and Federal commissions. That is indeed a very small beginning, but it is a beginning. It is something which must be pursued. There is no doubt this problem is a large one in the field of industrial relations and, hopefully, our example will encourage the Federal Government to take action in this regard.

My final point, in the seconds remaining to me, is that I hope in due course we will have a better control of picketing which allows the right of lawful picketing but effectively eliminates any power to picket to prevent access to premises or to work in them.

I support the Bill wholeheartedly; I am delighted to see it is before the Chamber. I think it is a beginning, and a very important beginning.

Mr Jamieson: God save the Queen!

MR DAVIES (Victoria Park—Leader of the Opposition) [9.55 p.m.]: I congratulate the member for Cottesloe for his consistency in expressing the reactionary views for which he has become famous in this House. I am appalled to think what would happen if he were to become the Premier or the Minister for Labour and Industry in this State, when he has shown such a strong bias against, or even a hatred of, unionists.

He says we are heading in a new direction. I believe it can lead only to disaster. It is hard for people to accept that from a certain date conditions which have been fought before the Industrial Commission will no longer exist; that preference to unionist clauses will no longer exist; and that many things which have become accepted as part of the industrial scene will no longer be a part of awards. All this will happen because the Government will say overnight, "That is the end of that; we are now going to head in a new direction"—a direction of which the member for Cottesloe—now the member for disaster—talks. How proud can he be of that?

If what he is saying is correct, and if his interpretation of the remarks made by the member for Morley is correct, then all I can say is that we should go home and study the Bill further because it is quite obvious two roads are available to us to follow.

The member for Cottesloe asked for the policy of the Opposition. Let me tell him I will announce our policy at the proper time, and when it pleases me to do so. For the present the Opposition will point out the deficiencies of the Government's reactionary legislation, which he has applauded so well.

The member for Cottesloe spoke about wages protection and said the Bill embodies the recommendations of Commissioner Kelly. Obviously he has not seen Commissioner Kelly's report.

Mr Hassell: I didn't say that.

Mr DAVIES: I am paraphrasing what the member said.

Mr Hassell: It is not accurate.

Mr DAVIES: The member for Cottesloe can have a few words to say about it when we discuss the clauses. Let him not forget what the Premier has said to members opposite: he said they had to be quiet today. Let him remember the instruction he and other members were given by the Premier; and let him not play up simply because the Premier is out of the House for a few moments, because somebody might pimp on him—and I am sure some members opposite would be delighted to do that.

If the member for Cottesloe had read what Commissioner Kelly actually said, he would have known that the Government has gone right away from his proposals, despite the fact that the Government sent the matter back to him on several occasions.

The member for Cottesloe said the Bill cannot be an election gimmick because an election cannot be held before Christmas. Surely the member knows there is still time to hold an election before Christmas if the Premier wishes to call one—and it is up to the Premier, as it properly should be. If the member for Cottesloe reads the Act he will find we still have time to hold an election before Christmas. The election will not be fought on this legislation as it stands; it will be fought on the consequences of the legislation in the period after Christmas, and the appointments which will be made. They are the things that the Government hopes will help with the election.

The member for Cottesloe said no-one has anything to be afraid of because there is a minimum wage and there are minimum conditions. Why did the Government withdraw its factories and shops inspectors from going around to the various establishments to see that the proper wages were being paid? The Government did that under direction several years ago. When we protested we were told, "That's the unions' job. That's not the Government's job." The member for Cottesloe said every worker has protection. So much he knows about it.

Then the member for Cottesloe said, "But we cannot have sweetheart deals recognised." He was talking about the freedom to negotiate for the employers on one side and the employees on the other side. He said, "We cannot recognise these, but freedom of direction in every other respect is required." Freedom to belong or not to belong to a union is very dear to his reactionary heart. However, when it comes to freedom to negotiate, that is not acceptable to him. We cannot have sweetheart deals because they may go just a little too far! That is the kind of nonsense the member for Cottesloe is saying in this House.

I agree with him in one sense, and one sense only. We require a sound system of industrial negotiation. A sound system is essential to the proper functioning and the proper running of this State.

Many of the processes dealing with industrial negotiation relate directly to human nature and directly to human relations. It does not matter what kind of legislation we have; human nature and human relations will still enter into the industrial scene. It does not matter what kind of legal framework exists; we will still find those two essential elements in all proper negotiations. That is neither a good thing nor a bad thing; it is simply a fact of life.

This Government does not seem to accept that this is a fact of life. It says, "We will lay down how you are going to operate, and you will operate in no other way." It just will not work; that is all I can say.

Much of the process of industrial negotiation has been laid down by successive Legislatures. I went to the trouble of researching the amendments made to the Industrial Arbitration Act since 1963. It is amazing how each amendment has made the Act progressively worse for the working man in this State. Each amendment has been brought in by the Liberal-Country Party or the Liberal-National Country Party—whatever it currently calls itself—coalition. I will not detail the amendments here. Members will remember them.

Members will recall the Deputy Premier handling the debate at one time. Members will recall some of the things that were said. It is a clear indication of the way the Government was going, and what it was hoping to do.

Now the Government feels the time has come. Of course, industrial relations do not relate only to hours of duty and wages. Industrial relations affect each and every one of us. They affect our standard of living, the economy, health and safety, social relations, public policy, and many other aspects of our lives. When the lawmakers come to draw up the institutional and legal framework for our industrial relations system, we concern ourselves with matters which will have far-reaching effects—reaching far wider than our own wages or our own salaries.

I hope members will remember that they are legislating tonight for something that will affect them indirectly. It will not affect them directly;

but as I have tried to say, it is not related just to a narrow path of one or two conditions. It will affect all aspects of life. The consequences of the decisions we make tonight will be absolutely enormous.

Whether we like it or not, we have a sober duty to assess properly what is before us. We have a duty to see that there is fair play for everyone. If the Government believes some action is necessary, let us make it fair and workable. Let us not show the bias with which the proposed legislation is riddled.

We need a sound system of industrial relations for the proper functioning of this State. As I said before, by this Bill we will not have a sound system of industrial relations. We are already behind square one. We are way back from the start.

I tell members that the legislation will not work. It will not work, first of all, because it is biased. It is biased against good industrial relations, sound industrial principles, and fairness. It preserves and enhances the bias that is already in the system, and it places new bias into the system. It is unrealistic. It does not take into account what happens in the real world. It is sloppy.

The big winners if this Bill is passed will be the lawyers. Perhaps that is why it is readily supported by the member for Cottesloe. The big winners will be the lawyers because there are loopholes in this legislation through which one could drive a horse and cart. I believe there are some 40 amendments proposed already.

I have said before that this Government is sloppy with the legislation it brings to the House. Whether there are 30 or 40 amendments, I am appalled to think—

Mr O'Connor: Who told you that?

Mr DAVIES: I would be splitting on a civil servant who was in the House tonight. The Minister can make up his mind who it was. The information was given to Mr Bill Latter, and he gave it to me. I will not mention the name of the civil servant, but if the Minister wants me to I will.

The Bill is sloppy, and there will be a string of amendments. This is a Bill that the Government says it has been considering for six years. For six years it has been looking at the Bill, and now it will bring in a whole string of amendments, after it has been before the House for a fortnight.

We can find deficiencies in the Bill. However, we will not point them out to the Government. Apparently it has found some of the deficiencies itself. There are many shortcomings in it. They have been brought about because the Court Government does not understand industrial relations. Its principal interest in industrial relations is to see what electoral mileage it can achieve.

The Government has been consistently inconsistent in dealing with industrial relations. It has failed to consult fairly and openly all the people who are involved in industrial relations. Those people would have been happy to help. If the hand of friendship had been extended to them properly, they would have been pleased to come forward and give their views on how the legislation might work.

Of course, the Government is rushing through this legislation, which it has allegedly been preparing for some six years, towards the end of the last session of the Parliament because it feels the climate is right and because it believes it can use the Bill to electoral advantage.

I will have something more to say about that if I do not run out of time. I certainly will not deal with the Bill clause by clause, because I am sure we will have a debate when we reach the Committee stage.

I want to refer to specific sections in the Bill and point out some of the serious failings in the philosophy of the Bill, the Government's approach to industrial relations generally, and the way in which the development and introduction of this measure have been handled.

It is appropriate at the outset to say something about what I believe the role of the Government and of the Parliament should be in regard to industrial legislation. I have already said how widely it affects so many aspects of our lives. Whether we like it or not, there will always be unions; there will always be bosses; there will always be industrial disputes; and there will always be strikes. We should accept that unions are now part of the community, just the same as the Confederation of Western Australian Industry, the Chamber of Commerce, the Nedlands Golf Club, or any other organisation is a part of the community. Anyone who suggests to the contrary is a fool.

There will always be disputes. One cannot legislate for no disputes. What a strange attitude on the part of the Government when it says it will legislate now so there will be no strikes and no disputes. The Government has said, "We might let you opt for a strike, but we are going to eliminate them with a piece of legislation; with a Pandora's Box".

Mr O'Connor: Who said that?

Mr DAVIES: This is the philosophy which comes through from the Minister's second reading speech. It is the philosophy I have interpreted from the Minister's speech, from the reactionary contribution by the member for Cottesloe, and from the Minister's absurd statements in the Press which he has had to go back on.

Mr O'Connor: I have not.

Mr DAVIES: There was something in tonight's paper indicating the Minister had to correct something he had said earlier in the day.

The proper role of the Government and of Parliament is to establish the best possible framework for making the system work and for solving disputes; it is to encourage disputes to be resolved through conciliation before work time is lost; it is to avoid taking action that is likely to make disputes harder to resolve, when working time is lost; it is to explore any avenue open to get the parties together to resolve their differences and to get work started again; it is to take steps within their power to prevent circumstances which lead to disputes; and, wherever possible, it is to avoid taking stands in disputes and barracking for one side or the other.

I can summarise that by saying the Government should take any steps it can to eliminate the causes of industrial disputes and when disputes arise it should provide the means of bringing parties together to resolve the differences. This should be done in its own interests and in the interests of the State.

I believe Governments should stay out of industrial disputes. Their intervention is just as likely to aggravate them and make them harder rather than easier to solve. We have seen examples of that in recent times. The best solutions to industrial disputes are those which the parties work out for themselves and not the ones which are imposed on them from outside. Communication, conciliation, compromise, and consensus are always the best means of reaching a solution. Solutions that work in the best interests of the State are the ones we want. The best interests of the State ought to be put before ideological and personal prejudice. It comes through many times from this Government that it always wants to inflict its own ideological philosophies and personal prejudices on the parties to the detriment of the trade unionists.

Industrial relations are too important for political posturing, yet this is what has been going on with this Government ever since the present Minister for Labour and Industry has held that portfolio. Continually he has been kicking the "com can" instead of trying to find out what the trouble is and overcoming it. He is always criticising and kicking the "com can".

The Court Government does not know how to handle industrial matters; it does not know the principles, it does not observe the principles, and it is not aware of the principles. It goes its merry way doing what it feels is right and this is always related entirely to its ideology. If members want to know whether the Government has the right approach to industrial relations they should consider the figures cited by the member for Morley in regard to lost working days. I remind members that in the three years of the Tonkin Labor Government there were 421 strikes compared with the first three years of the Court Government when 742 strikes were held.

That is the shocking and unnecessarily high price this State has had to pay for having a Government which does not understand industrial relations and does not want to do anything about industrial relations except to use them for creating electoral popularity.

It is a natural progression from the Government's bad industrial relations policies and the lack of understanding to the situation we are in now. Because of the difference in the number of strikes during the previous Labor Government and this Liberal-National Country Party Government, one might say there must have been different circumstances. However, the unions were basically the same; the unionists in those unions were basically the same; the people leading the unions between 1971 and 1974, and 1974 and 1977 were basically the same. So what is the difference; why was there this great upsurge in strikes?

The answer is that the Government of the day had changed; that was the only difference. That Government clearly did not understand the realities of the industrial situation. There was a change from a Government which recognised principles that would work to a Government which did not recognise those principles and could see only political benefits in strikes. It is a great shame we should have come to this situation so quickly.

The faults and inequities in clause after clause of this Bill show that it is a product of a Government of the type I have just outlined. The Bill is a bad product of a bad Government with bad policies which just will not work. The Bill will not reduce the level of industrial disputation; it will make it worse. The Bill will not lead to a cooling of the industrial climate; it will hot things up. It will not make it easier to resolve disputes; it will make it harder. It will not bring fairness and

justice to the industrial scene; it will bring unfairness and inequity. It will not win the next election for the Government, but will simply make it a laughing stock.

The Industrial Arbitration Bill of 1979 will do very few of the things the Government claims it will do; but it will do most of the things I have stated it will do.

The Government's biggest disappointment with this legislation will flow from the fact that it will not be the election winner it hoped it would be. It is characteristic of the Court Government that its principal interest in industrial relations has been their capacity for boosting the Liberal Party's electoral prospects. It has been the conventional wisdom in Australian politics for years that whenever there are strikes the Liberal Party benefits. In line with this, the Court Government has played industrial relations for all it's worth. It has sought to squeeze all the benefits from strikes to gain political mileage.

That is the pattern which has been established and the pattern which the Court Government is hoping to repeat before the 1980 election. We saw the same thing before the 1974 election. When the present Minister was sitting over here, how he and his colleagues highlighted insignificent incidents! It is always the one person who squeals who gets the publicity. It is not the hundreds of people who are content. The one who squeals can always find a champion and he found that champion very often in the present Minister for Labour and Industry. This sort of thing happened in the days before the last election in 1977 and it is happening again now.

The present Government has not been able to answer the unemployment and economic problems. It feels it has to take the heat off its own inadequacies. It considers the way to do this is to cause industrial turmoil and to say to the people, "You need someone with strong arms to go in there, lay down the law, and make sure there are no strikes."

No legislation stops strikes. The Minister says this Bill is not supposed to. However, this measure will make it impossible effectively for a strike or stop-work meeting to be held, because even if there were a ballot which showed the workers wanted to go on strike, the court could still say they would not be permitted to do so. The Attorney General can stick his nose in at any time and say, "I do not care what is going on, the public are at risk and therefore I am directing you to do this or that."

This is the kind of legislation which will be subservient to the Government at all times. That is what the Government is looking for. It certainly is a reactionary attitude to trade unionism and industrial relations. The Government has been whipping itself into a frenzy about some of the industrial action taken in the past 12 months or so. It now believes it has to provide an answer, and as I have said, it has not got the answer. It will find this out when it goes to the polls.

The reactionary member for Cottesloe referred to the fact that we said nothing about going to the polls. I have said consistently we are ready to go to the polls at any time the Government likes to call an election. On an earlier occasion I invited the Premier to go to the polls, but he did not. We are prepared to go to the polls at any time on this or on any other issue if the Government is game.

The reaction of the Government has been to say, "Well, we try, but we cannot do very much, because we have not got the power. Give us the power and we will do all these things for you." I am frightened of the Government getting this kind of power, because I have seen what it has done over the years with its industrial legislation, and with its essential food and services legislation. Members will recall how we sat here through the night until 11.00 a.m. debating that legislation. When the Bill was finally passed the reason for it existed no longer. However, the Government could not let the debate proceed on another day, because it knew it would be too late had it not moved then.

Mr O'Connor: The problem would still be there had we not done that.

Mr DAVIES: The Minister is talking nonsense. We knew, as well as he did, that the strike would be over when the meeting was held at 9.00 a.m. I informed the House that would be the case. Had the Minister had his ear to the ground and taken his fists away from his face, instead of trying to confront the union, he would have known what was happening.

Mr O'Connor: You do not want to go crying too much.

Mr DAVIES: I am not crying; I am telling the Minister that, had his ear been closer to the ground, he might have known what was going on and we would not have wasted a whole night debating a useless piece of legislation. That is the point I am trying to make.

Mr O'Connor: If you had your ear close to the ground you would know what was going on, too.

Mr DAVIES: I am on record in *Hansard* as telling the Minister what was going on. I was pleased to be able to make the statement and he knew what was going on as well as I did.

The Government's actions in regard to industrial legislation have been consistently against the trade unions and consistently against any attempt to organise the situation. That is a matter of great regret.

Of course, when we wanted to move on matters such as long service leave, sick leave, and annual leave the Liberal Party, including the present Minister for Labour and Industry, opposed us strongly. The Chief Secretary and the Minister for Industrial Development led the debate. On what grounds did they oppose the legislation? They opposed it on the grounds that these were matters that ought to be dealt with by the Industrial Commission and not by the Parliament and that Parliament should not be interfering by way of legislation with all of these matters.

Now what do we find? We find the Government has taken a 180-degree turn, as we have seen it do on so many other occasions. Now the Government says that such matters should be dealt with by the Parliament and not by the commission. What justification does the Government give to us for making a 180-degree turn? It has given no justification whatsoever. Members opposite are hypocrites. The only doctrine they are expressing is the doctrine of expediency.

We have seen members opposite use that doctrine to advantage frequently in this House and they are using it again on this occasion. They expect to get a bountiful electoral harvest from their shameful industrial legislation, but they are running out of time.

Mr Bryce: And steam.

Mr DAVIES: This Bill is another of the Government's ruses, which will not work industrially or electorally. It has been typical of the Government throughout its term to use industrial relations to try to seek electoral advantage, instead of implementing policies and attitudes aimed at helping the State. The Government has substituted confrontation for conciliation. It has substituted mindless and meaningless slogans for common sense. We hear the phrases, "Extreme left-wing militants", "Communist subversion", "Hot lines to Moscow", and "Hell-bent on disruption" from members opposite. We have heard those phrases used time and time again and members opposite have used them instead of conducting cool, rational, logical, and informed discussion.

I took part in a radio talk-back programme a few weeks ago. A caller asked me what I was going to do about militant unions. I asked him to which unions he referred and he replied, "The militant unions." I said, "Which militant unions?" He said, "You know, the ones that cause the trouble." I said, "I know what 'militant' means; but what is the name of the union you are referring to?" The man replied, "Well, Jack Marks' union." These kinds of comments are being made.

Incidentally, the next question I received from a caller was practically the same as the one to which I have just referred. The Government should tell the people who phone in on its behalf on these matters that they must know what they are talking about in case I ask them a question in return. These were obviously two Dorothy Dix questions and they were asked one after the other. I asked the second man what a militant union was and he could not describe one to me. Out of the two Government supporters who phoned in asking Dorothy Dix questions, the only militant union which was named was "Jack Marks' Union". That is an indication of the lack of knowledge of such people.

It is obvious such cliches as, "Extreme left-wing militants", "Communist subversion", "Hot lines to Moscow", and "Hell-bent on disruption" have been very effective. I have to congratulate the Government on what it has done in that regard. It has used these cliches time and time again. Despite the fact that the Premier would be laughed out of Moscow if he went there and made such a statement, he made it for some weeks in the hope that it would sink into the heads of members of the community.

The Government has an industrial record which can be referred to only as one of economic sabotage. The Government has caused as much economic loss as a result of its attitude to industrial matters as has any trade unionist or any trade union leader.

Of course, we are not happy with the way this Bill has been presented to Parliament. As I said previously, it does not do what the Minister indicated it purported to do; that is, implement the recommendations of Commissioner Kelly. It does not do that at all. Commissioner Kelly accepted the reality of strikes and he said all industrial matters should be dealt with by the commission. He set down the procedure step by step.

Despite the far-reaching importance of industrial relations, despite the importance of this piece of legislation, despite the way in which this legislation could influence significant events in this State for some time to come, and despite the precedents of legislation of comparable importance, this Bill is brought here almost

without any consultation on the part of the Government with the people most affected.

This Bill is the product of the collective mind of Government members and almost no-one else has been involved. Bearing that in mind, how can it fail to be anything other than third-class legislation?

If the Government was serious about industrial legislation it would have canvassed the issue widely; it would have at least held several rounds of negotiations with both the employer and employee organisations; it would have called for submissions; and it would have introduced the legislation and then allowed it to lie before the House for several months so that everyone involved could have a close look at it, all the experts in the field could examine it, and improvements could be suggested.

The Bill was conceived in secrecy, it was introduced with haste, and now it is apparent the Government intends to force through this legislation without any delay. The Bill has 118 clauses and 117 pages.

I wonder whether the Government at any time took any notice of the one meeting it had with the trade union movement on this matter. It does not appear that it has done so and yet, as I said previously, the trade union movement would have been prepared to co-operate. However, no-one has been asked for an opinion, no-one has been asked to help draft the Bill, and no-one has been asked whether the Bill will work. The bad and embarrassing news for the Government is that the Bill will not work.

An important piece of legislation such as this should have been discussed widely, but I do not believe the Government knew how it intended to legislate, because after successive Cabinet meetings the Government was asked time and time again how the legislation was progressing and the tenor of the reply from the Premier or the Minister was always, "We cannot tell you anything. You will know when the Bill is introduced." I suggested before they did not know what they were doing. They were frantically having a look at the Bill, but now that the Bill is before us I know they had no knowledge of what they hoped to do.

No-one in an authorative position has been consulted. The Bill has been the work of the department alone. I have been critical of that department before and have seen nothing to change my mind.

The Mining Bill—in fact there were two Bills—lay on the Table of the House for some three to four months. When the Bill was brought forward it received the objection of a member on the Government side. The same member allegedly said in the party room that he did not agree with this piece of legislation. The former Minister who made that statement might have known where he was going because he said that this Government had gone too far, and I agree. So, the Mining Bill, an important piece of legislation, lay on the table for some time.

The laws governing industrial relationships in this State are as important as the laws governing mining, but the same procedure has not been followed. It is inexcusable that the Bill has not been followed with the expertise that should be available and is available. This expertise was not used and it is a clear indication the Government is not interested in the legislation. I was not referring to trade unionists as the experts, but there are other people in the community who have plenty to say on this matter.

The Government is interested only in electoral advantage. For at least a week after the Bill was introduced in this place, the Minister for Labour and Industry was issuing Press releases and making comments on various aspects of the Bill. Despite his confident expectations and those of the Government, despite their earnest hopes and desires, no-one called a Statewide strike in protest against the Bill. No-one even suggested such a thing. What a disappointment! A stream of Press releases issued forth to try to promote and control the authority, but they were of no use at all.

Now, of course, after a few days, rather bemused by the lack of response and no doubt seeing the deputy leadership of the Liberal Party slipping from his fingers, the Minister issued another statement saying that he was surprised at the lack of reaction to the Bill. I should imagine he would be surprised but what he really meant was that he was disappointed at the lack of reaction against the Bill.

The unions had failed to fall into the Government's strategy. They did not do what was expected of them. There was not a Statewide strike. The Minister should not mistake a lack of violent reaction for lack of interest. There has been enormous interest. There have been many meetings between the trade union movement and myself, and I must confess I have been grateful for this and I will have something to say on it during the Committee stage.

There are some provisions in the Bill which have been glossed over by the Minister. He must have thought they were unnecessary or stupid. Obviously he has not gone through the Bill. We have been caught so many times by this

Government, we know now that we have to look at every word. If the Government was genuinely interested in what people thought about the Bill it would have discussed the Bill with the various parties concerned before the legislation was introduced. It should have been allowed to lie on the table for some time before being debated.

The Bill should not have been rushed in and rushed on. The Government is not interested in what the public thinks or what people wish to say. Even if the Government has an inkling of what the public are thinking, it continues to be disinterested. We have only to remember the 82 per cent of people expressing their wish for the Perth-Fremantle railway to continue to illustrate the Government's complete disregard of the public's opinion.

Strong opposition has been expressed in the public opinion polls on the development of nuclear power but this Government says it will still go ahead because it believes it knows what is right. The public opinion poll in the *Sunday Independent* on this very legislation even surprised me to find out how people were thinking on this matter. However, the Government has said it does not matter because it does not take any notice of Gallup polls. Of course, when people express a favourable opinion through an opinion poll the Government is happy to use that figure. The Government will not use Gallup poll figures when they go against the Government.

Some of the provisions in the Bill show that the Government is headed in the wrong direction, but the Government has not been prepared to deal with them. The sloppiness of the legislation is a measure of the Government's interest. If it were interested in good industrial relationship and legislation it would have allowed time for the drafting of the Bill. There are 30 to 40 amendments to be considered to a Bill which the Government has been considering for six years. I find this unbelievable, but it goes on and on.

I do not want to deal with the bias which is evident throughout this Bill and I do not want to deal with the likely chief commissioner or judge. However, I just want to repeat some of the rumours around town which say that Mr A. Jackson of Jackson, McDonald & Co., will probably be the person concerned.

Mr Jackson is retained by the Confederation of Western Australian Industry as its legal adviser. Mr Jackson is tipped to be the likely judge of the court. Of course, there is bias in regard to a blue collar worker being appointed to the board. It is hardly likely that a blue collar worker would have the necessary qualifications, but this is where someone with a knowledge of what happens on the workshop floor should sit in judgment on these matters.

There is no more time for me to speak on this bias, but I will talk about the matter of preference to unionists. I will certainly talk about these matters during the Committee stage and also freedom of choice and how it affects the people who are victimised by Government bias. The Government can mouth phrases about freedom of choice but it cannot come up with a proper answer to the preference for unionists.

To summarise, the legislation is biased against employees and their associations. In many respects the legislation is unrealistic and will not work when it is put into effect in the real world. It is sloppily drafted, and the largest winners will be the lawyers. It could be said that it is a Bill to enrich the legal profession. The Bill has been drafted without consultation or reasonable expert advice.

When such a major measure is introduced, adequate time should be allowed for people who are interested to peruse it before parliamentary debate. Time for consideration has been given to other less important legislation.

It is further evidence of the Court Government's failure to understand the essential principles of industrial relations and of its appalling lack of knowledge of the subject. Above all, the Government intends the Bill to be a means of provoking confrontation with the union movement in order to enhance its electoral prospects.

All I can say is it is very fortunate for this State that the trade union movement has shown more restraint than the Government has shown. I will have more to say in the Committee stage when I will point out some of the continuing deficiencies of this appalling piece of legislation, which I certainly oppose wholeheartedly.

MR CRANE (Moore) [10.40 p.m.]: I would like to lend my support to the legislation now before the House. This would be, under the circumstances, the most refreshing legislation that has been introduced in the two terms I have served in Parliament. I am sure to the people of the electorates of Western Australia it will be like manna to the hungry soul. Throughout my own electorate in the last 12 or 18 months people have been continually saying to me, "For God's sake, when is the Government going to do something about these bloody unions?"

Mr Skidmore: I was not even allowed to say "hell" the other night.

Mr CRANE: That has been said to me many times by many people over a wide area. It reflects the attitude which has been adopted by the people of Western Australia, who are becoming tired. The Minister should be congratulated on bringing forward this legislation and he deserves the wholehearted support of Western Australia in implementing it when it becomes law.

Tonight we heard the member for Morley, in a long drawn-out tirade, say precisely nothing; there is really nothing to say as far as the Opposition is concerned. I am sure the Opposition appreciates very well that the people of Western Australia have become tired. They have had enough. I am very proud to be associated with a Government which has shown the courage to bring in this legislation, which is well overdue. I hope our Federal counterparts, as a result of what we have done and are doing, will show the necessary intestinal fortitude by bringing in complementary legislation which will cover the whole of Australia.

Year after year this country has been subjected to blackmail by militant leaders of unions. I am not opposed to unionism—in fact I have always supported it—but I do not support the irresponsible attitude of a few people who believe they have a God-given right to run this country as the elected representatives of the people. Governments are elected for that purpose and they can be changed at election time; but the militancy at the top of the unions seems never to be able to be changed. We have no say in electing them and it is only through the complacency of the union members themselves that these people have been able to attain the power that has given them their long-lived glory, which is now to be cut short.

The member for Cottesloe said this is the beginning of the end as fas as militant unionism is concerned. I do not believe it will be quite as easy as that, but I would say it is certainly the end of the beginning. There will be problems. We have said we will come across problems as we break new ground with this legislation but I believe that as a responsible Government we will face up to those problems. Australia is a country which has great opportunities for all people who are prepared to roll up their sleeves, spit on their hands, and work.

Australia is becoming known throughout the world as a country which cannot be relied upon to supply markets. Some years ago we had this problem in connection with the sale of wheat to Chile and we lost those sales—we, the Australian people, not only the Australian wheatgrowers. Similarly with the Pilbara, millions of dollars have been lost to Western Australia because of the militancy which has been so prevalent over the last few years. Now, thank God, it will soon be over.

We do not reveal what transpires in the party room, but many members will recall that when I first came to this place I said we should introduce secret ballots because it was only through a secret ballot that people could be given an opportunity to cast a democratic vote without any fear of reprisal. We know of the reprisals people have faced in the past, and the fear which has kept them from speaking up. Complacency, resulting from that fear, has even kept them away from any elections at all; it is much better to go to the football.

A short time ago I spoke about someone I know—someone very close to me—who was out of work as a crane driver. He wanted to go to work and so did all his mates, but they were not allowed to go to work. I asked him what he would do if there were a secret ballot and he said, "We would vote to go back to work." He lost in excess of $800. Fortunately he had that amount of money in the bank and he was able to keep himself going during that period. Yet for a measly $12 or $13 a week he will never recover the money he lost. So who was the real sufferer and who gained from such a strike?

I give my wholehearted support to this legislation, absolutely and fearlessly. I am convinced the vast majority of the people of Western Australia, including the member for Morley who has a supercilious grin on his face at this moment, also agree that the legislation will introduce some sanity into the work force in Australia. We will see this country grow and prosper as a result because people will have the confidence to employ men and women in their businesses.

I know of a business in Belmont which closed its doors because the person who ran it could not tolerate the interference of the unions; and as a result 90 people have lost their jobs. This is the sort of thing that is happening all over Australia. Thank goodness we in Western Australia have had the courage to take the initiative by introducing this legislation which will set us on the right track. I reiterate that I hope our friends in Canberra will show the same courage by implementing the complementary legislation which may be necessary in some instances.

Our friend, Mr Jack Marks, said, and was quoted in the Press some months ago, "We will tie Western Australia up as tight as a drum"—

Mr Davies: Your friend, not mine.

Mr CRANE: —but the Government of Western Australia will ensure that anyone who wishes to work—and there are many people who wish to work—will be given an opportunity to do just that without fear of reprisals or interference from people who could not care less.

Mr Skidmore: When they can get jobs.

Mr CRANE: I strongly support the legislation.

MR HODGE (Melville) [10.50 p.m.]: It is a pity that the member for Moore did not let the House know whether he gave this Bill his wholehearted support. We are all very pleased on this side of the House that he will not be with us next year so we will not have to listen to such drivel again.

I want to make it perfectly clear to the House that I do not give my wholehearted support to this legislation. The proposed new Industrial Arbitration Act is part of a series of repressive legislative measures being implemented right throughout Australia at the present time by the various conservative Liberal-National Party Governments. They are well coordinated, well timed, and very deliberately aimed at achieving two things. Firstly, they seek to lower real wages and to downgrade the working conditions of millions of ordinary Australian men and women—the working people; and secondly, the main thrust is to damage permanently and weaken trade unions.

Of course, if trade unions can be weakened and damaged permanently, they will not be in a position to defend the interests of their members and to repulse the attacks made by the conservative Governments on wages and working conditions.

I believe that the measure before us will spell the beginning of the end of the Western Australian Industrial Commission and the system of conciliation and arbitration that we know today. Already we are aware that a number of unions are seriously considering either opting out of the arbitration system altogether or transferring to Federal jurisdiction. Many unions have made public statements to this effect, and I understand that the Fire Brigade Employees' Industrial Union has voted already to withdraw from the State sector.

The union for which I worked for six years—one of the largest unions in this State with 10 000-odd financial members—is seriously considering transferring to Federal jurisdiction its major award in relation to hotel workers. That would mean that 5 000 workers in this State would transfer from the control of the Western Australian Industrial Commission to that of the Federal Industrial Commission. I happen to know that the Australian Hotels Association—the major employer of the workers under this award—already has expressed alarm and concern about this to the Minister for Labour and Industry. It is a real possibility that this will happen. The Federal award already applies in every State except South Australia and Western Australia.

Mr O'Connor: I do not recollect having spoken to them since the Bill was introduced.

Mr HODGE: I was told that representatives of the AHA had spoken to the Minister to express the alarm and concern of the association.

Mr O'Connor: Incorrect.

Mr HODGE: I can tell the Minister now that tomorrow morning he will receive a visit from some representatives of the AHA who will express their concern and alarm to him. The State Government has expressed its concern about the tourist industry and the effect of increased wages and costs on hotels, and I can tell members now that if the Federal award comes into this State, it will mean a substantial increase in the wages bills of all the hotels in the State.

It seems to me that the basic role of the Industrial Commission will be changed under this legislation. No longer will it be a dispute-settling forum, attempting to settle industrial disputes by way of conciliation, mediation, and arbitration. At the moment it tries to settle and resolve industrial disputes in a fair and equitable manner. All that will end with the legislation before us.

I believe that the Industrial Commission will become a mere arm of the Government, and its main occupation will be to implement the Government's economic strategies and policies. The credibility, the standing, and the independence of the Industrial Commission are seriously threatened; in my opinion this legislation will undermine the commission.

The Bill contains so many dangerous, harmful, and obnoxious provisions, that it is difficult to know which ones to highlight. The most serious matters are in the penal provisions, the restriction on the jurisdiction of the commission, the changes to the enforcement procedures, the awards, the relationship of industrial agreements, and the changes to the workers' compensation payments.

The abolition of industrial agreements will affect many unions and employers. As members know, I was associated with the Liquor and Allied Industries Employees' Union, and I am aware that there are a number of industrial agreements between that union and various employer groups, and particularly with what is called the fast food industry which includes such companies as

Kentucky Fried Chicken, Hungry Jack's Pty. Ltd., and Red Rooster Foods. When those agreements expire, they will not be renewed; under this legislation there is no such thing as an industrial agreement. There will be consent awards, but in my opinion such awards are not suitable in the case of the employer group I have mentioned.

Consent awards will be open to interference by the commission, by the Attorney General, or by other employer groups which were not party to the original negotiations. In fact, those other employer groups could become partners to a consent award, move to amend it, and ultimately take over its complete control. That is not possible under a registered industrial agreement drawn up under the present Act.

I can see no reason that the Industrial Commission should be able to interfere with the contents of a registered industrial agreement or consent award. If an employer and a union reach agreement on the conditions of employment, that agreement should be registered. No-one else should have the right to interfere in such an agreement.

I would like to inform the Minister for Labour and Industry that he will probably receive a deputation in the near future from representatives of the fast food industry. I happen to know that this industry is very concerned at the prospect of losing the right to register industrial agreements.

The enforcement of awards is another area of concern. For a number of years I was involved personally in proceedings before the industrial magistrates' courts. It was very difficult to enforce awards. Not only was it very difficult to obtain convictions in a magistrate's court, but also, with a succession of magistrates over the period, there were many different standards and points of view. It was almost impossible for the union to obtain a consistency of attitude from the magistrates. The new provisions will make it even more difficult—in fact, virtually impossible—for an employer to be convicted of an offence under the Industrial Arbitration Act or for a breach of an award.

A very significant alteration will be made in the industrial arbitration legislation by the addition of a word which will alter the whole context of such cases. The word added is "deliberate". In the future not only must a magistrate be convinced that a breach of an award has occurred, but also he must be convinced that the breach was deliberate. That word does not appear in the present Act and it is certainly a fairly radical departure. I am not aware of any other legislation where the word "deliberate" appears in regard to such an offence. Members will realise how ludicrous it would be to include such a word in the Road Traffic Act or the regulations prescribed under it. Let us say that a person was speeding and went through a red light, and a policeman saw him do this, and charged him with committing an offence. However, when he appeared before the magistrate, he could plead that although he may have gone through the red light it was accidental. He may plead that he is colour blind, or in other instances, that he did not see the "Stop" sign. Ignorance is not a defence in most court proceedings, but it appears that a new standard is to be set in this State—a new low standard in our industrial legislation.

So in the future not only will a magistrate have to be satisfied that a breach of an award has occurred, but also he will have to be satisfied that it was a deliberate breach before he will be prepared to convict an employer.

How will that work out if an employer fails to keep a time and wages record—a very common offence in the hotel and catering industry? It could result in a substantial underpayment of an employee's wages. How would the union prove the amount which was underpaid if no record was kept? If the employer pleaded to the magistrate that he did not know he was required to keep a time and wages record, he could successfully avoid paying thousands of dollars in wages, penalty rates, and overtime.

That is a major flaw in the legislation, and it will make it difficult, if not impossible, for unions to enforce and police awards. That is a serious weakening of the position of unions in our community.

The jurisdiction of the Industrial Commission is to be severely limited. A few nights ago we had a debate in this Chamber about a restriction placed on staff employed at Government House, Parliament House, and academic institutions. That matter was serious enough in itself but, of course, the Industrial Commission is also to be forbidden to deal with a whole range of other matters. It will not be able to deal with union membership; preference clauses; workers' compensation payments; hours of work in the agricultural and pastoral industries; the conditions of employment of domestics; the prohibition of shift work; the limitation of the days of the week on which work may be performed; and certain management prerogatives, such as staffing levels, pay-roll deductions, superannuation, technology, and redundancy. That is a mighty big area from which the Industrial Commission will be prohibited. If that

is not a massive vote of no confidence by the Government in the Industrial Commission, I do not know what is.

What will happen when industrial disputes occur in those areas? Who will be able to resolve them or step in and mediate and, hopefully, bring the parties together in a conciliatory manner? The Industrial Commission will not be able to do it, and it is supposedly the expert in this field. I cannot see why the Government wants to ignore all those areas of jurisdiction; surely this will only provoke more and more industrial unrest and turmoil within the community. Is that what the Government wants? I can only conclude it does want that.

The Government has already acted to bring about a reduction in workers' compensation payments. Under legislation introduced by the last Labor Government, people unlucky enough to be injured at work and forced to accept workers' compensation, were paid their full normal weekly wage. The Government has acted to trim that so that they are paid only the award wage. That has already brought about a substantial reduction in the income of persons on workers' compensation. The Minister for Labour and Industry seems to be thoroughly confused about the matter, judging by his reported comments in this morning's paper.

Mr O'Connor: Not at all.

Mr HODGE: If the Minister was not misreported, I would say he is confused. He does not appear to understand the difference between normal take home pay which a person would receive in his employment had he not been injured, and 100 per cent of the award wage. There is a substantial difference between the two.

Mr O'Connor: I understand that clearly.

Mr HODGE: Well, it appeared from the Minister's comments in this morning's paper that he did not understand it. I understand in the case of fire brigade officers the difference could amount to as much as $50 a week, when various industry allowances, penalty rates, overtime, and other payments are taken into account. The wages of such people will be reduced even further when this Bill becomes law.

The Western Australian Industrial Commission will not be able to insert make-up pay provisions in awards. At the moment many employers, seeing the injustice in the changes made by the Government, agree to provide make-up pay, which brings an injured employee's wage up to that which he would receive if he were working. Such a provision is included in some awards at the moment, and it is fairly commonly inserted by the Industrial Commission. I understand just under half of the awards registered with the commission contain such a make-up pay provision. Those provisions will disappear overnight when this Bill becomes law. Again, that is a very serious matter which will affect thousands and thousands of ordinary wage earners.

This major piece of legislation, over which the Government has been labouring for so long, in my opinion will not reduce unemployment one iota; it will not reduce inflation by one point; and it will not aid economic recovery.

Mr MacKinnon: Will you explain some amendments to the Industrial Arbitration Act which will do that?

Mr HODGE: I cannot do so off the cuff. However, for a start I would throw out this Bill and commence work on the ground floor. If the member for Murdoch is patient he may hear more about what our party would do if we were in Government. Certainly we would not start on the premise upon which the Government has started.

This Bill proves once and for all that the Liberal Party is thoroughly incompetent in the field of industrial relations. It does not know how to go about inducing smooth and proper industrial relations. Members opposite have proved their incompetence and have shown they are completely out of depth when it comes to matters of industrial relations. They may know how to manipulate the money market and the capitalist system, but they are out of their depth in respect of industrial relations. This botched-up Bill is the result of their floundering.

I am completely opposed to the Bill.

MR STEPHENS (Stirling) [11.07 p.m.]: It is most pleasing that after years of talk and threats of drastic action a Bill has been introduced at last in this place to tackle the vexatious problem of industrial relations.

As I understand the situation, the Bill is based largely on the report of Senior Commissioner Kelly. That report was brought down in September, 1978, so the Bill has had an additional gestation period of more than 12 months. The Government has adopted those parts of the report it saw fit to adopt, and has made its own decisions in respect of those parts of the report with which it did not agree.

I would have preferred a different approach to the Bill. I would have preferred to see a full-scale Royal Commission—which is National Party policy—which would involve many more people and greater discussion, and perhaps would produce a consensus which would be a better basis for a completely new Act.

There is no question that industrial relations is a most important aspect of our society, and it is rather regrettable that in 1976—these are the most up-to-date figures I have—3.7 million man-days were lost in Australia as a result of industrial disputes.

Mr T. H. Jones: That will get worse.

Mr STEPHENS: That represents about 1½ days for each member of the work force. It might get worse, but I sincerely hope it does not. Of course, in years gone by the situation was considerably worse. About 1919 something like 6.3 million man-days were lost as a result of strikes, and in those days the work force was considerably smaller. Therefore, the situation has been worse; but even so it is still serious.

Of course, that is not the only serious situation in our industrial society. Figures I have obtained for 1977-78 indicate that the number of work-days lost as a result of industrial accidents was 2½ times the number of man-days lost in 1976 as a result of industrial disputes. That is another area which all of us—and particularly those in Government—should be looking at closely.

There is no question that the people of Western Australia, particularly in the areas that we represent, want action taken to correct the spate of strikes. Many of them feel—and there is some justification for it—that the strikes are the result of irresponsible union leadership. I cannot say all of them are the result of irresponsible leadership; but certainly, in the minds of the people who support us, there are many which have been caused by irresponsible leadership. This has resulted in severe loss to the national economy and considerable inconvenience to the individuals in our society.

I am a little disappointed with a couple of points in this legislation. As I read the legislation, it will not cover the area of political strikes. I could not find anything in the Bill which would outlaw a political strike.

Mr Skidmore: All strikes are outlawed.

Mr STEPHENS: Not in the present legislation.

Mr Skidmore: Yes they are.

Mr STEPHENS: Not under the Bill before the House.

Mr Skidmore: Come on!

Mr STEPHENS: The member for Swan will have his time. As I read it, they are not outlawed. This is an area that could have been covered, as also could the area of demarcation disputes have been covered.

When unions cannot agree amongst themselves, I do not think people should suffer as a result of the demarcation dispute. We are all aware of this problem as a result of a recent CBH dispute.

We like the inclusion of the secret ballot and also the flexibility that has been given to the Industrial Commission in the matter of the use of the secret ballot. Once again, I do not think that will lead to the solving of some of the problems that we have. One that comes to mind is the one that caused a considerable problem in the farming community. I refer to the live sheep dispute. As I understand this legislation, if there is a dispute on the lines of the live sheep problem and a secret ballot is taken, and the majority of the union members exercising their right to vote in the secret ballot decide to go on strike, the strike continues and it is a legal strike. It is a legal strike because it takes place as a result of a secret ballot ordered or commissioned by the Industrial Commission. Therefore, we will still be beset with problems.

We applaud the Government for trying to do something about the serious industrial problems that we have. However, we have reservations about whether the legislation will be as effective as we would like. These reservations are also held by other sections of the community.

A recent newspaper article contained comments from different organisations. The employer organisations expressed some reservations, as did the mining group. An expert in industrial relations, Professor Kingsley Laffer, expressed some reservations in the 1979 Shann Memorial Lecture. I will read two quotes from the *Sunday Independent* of the 21st October. The first quote is as follows—

> He sees great advantages—and equally great disadvantages—in the State Government's new legislation, relating to the WA Industrial Commission.

Later the same article reads as follows—

> Provision for secret ballots is a good point but unworkable, as is the tackling of "closed shops". But these are "only minor impediments". The legislation has more advantages than disadvantages.

We in the National Party would go along with that concept. As I said, we have our reservations. The Bill is not the panacea for all the problems.

We see our industrial relations problem as basically one of human relations, although it is not so much the system but the attitude of the various parties to the problem that is important. This is an area in which I think education and communication are essential if we are to achieve the desired results in lessening the industrial disputation we have in our society.

I do not think it is necessary to cover the ground that has been covered by previous speakers this evening. With those few words, we support the legislation.

MR SKIDMORE (Swan) [11.15 p.m.]: In case anybody is in doubt about where I stand in regard to the legislation, let me say I oppose it wholeheartedly. I find in it very little that will contribute to industrial peace in Western Australia.

If one accepts the fact that if one dangles a carrot in front of a donkey, the donkey will finally grab the carrot and be satisfied that it has had at least a little to eat, I say that the trade union movement is not as stupid as that. It well recognises the fact that the carrot has been dangled in front of it, but it is not prepared to accept it.

I am saying the trade union movement is not prepared to accept the good things in this legislation—that is assuming there are any. No doubt some of the facets of the trade union movement will be streamlined; and there is a greater ability for the unions to have easy access to the commission. That is easy to understand if one knows anything about industrial legislation.

I would suggest to the Minister that, having dangled the carrot, he should not take a house brick and belt the unions over the head and say, "Having given you a little bit, we will now show you where we will take it off you." That is precisely what the legislation does. The legislation on industrial relations is an exercise in futility.

I would be sure that my union, and other unions, would fight tooth and nail to make ineffective this piece of legislation, because it forces the unions into conditions that they will not accept. There is no way the Government can expect workers to be in that sort of thing. Any such legislation brought in by any Government, whether it be Labor, Liberal, or any other, would not be acceptable to the unions. The legislation destroys the trade union movement.

The Minister talks about the question of closed shops and the enforcement of people's desires to be in unions or not to be in unions. That is so much garbage. It is a pitiful response to the thinking of the Liberal people on the other side of the House. It amazes me. Where is the Minister's credibility when he introduces this sort of thing in a Bill? It is just not on.

Let us have a look at some of the things the Bill sets out to do. There are loopholes. There was talk about driving a carriage through them. One could drive a bloody big train through them! One could take a loophole and lose the trade union movement in it. One would never see where it had gone. However, it is not for me to dwell on this aspect. I would like to have a look at the Bill as it stands.

Let us look at the jurisdiction of the Industrial Commission. The commission will be prevented from dealing with disputes related to union membership, preference clauses, and workers' compensation; that is, the accident pay clauses. Any award clauses dealing with those areas will be erased automatically. I suppose one could say that is typical of the thinking of the Liberal Government—that union membership should not be the prerogative of the unions. "How dare the unions have the prerogative to have the members they desire? What right do they have to dictate to the Government who their members will be? We will make sure that that does not take place. Therefore we will get rid of the preference clause."

That will be the great panacea for all the industrial relations problems with the unions in this State. If ever I have seen the attitude of an ostrich with its head in the sand, that is certainly the attitude of the Government on that issue alone. The Government is trying to solve the industrial problems of this State merely by removing the preference clause.

If members consider the attitude of the trade union movement during the history of Western Australia, without going outside the State, they will realise it has been one of thumbing its nose at any industrial legislation it does not like. The trade union movement will continue to do so.

No legislation in the world and no penalty, no matter how large it may be, will make the trade union movement back off on these issues of confrontation with the Government. The trade union movement does not like this Government's industrial legislation and this will be evidenced in the future in many ways. Perhaps there will be some surprises for the Government when it makes this piece of legislation an Act and gives it legislative power.

One should remember that all these disputes about jurisdiction should be looked at along with some of the other issues which may be regarded as management prerogatives; issues such as pay-roll deductions, superannuation, and redundancy. Was the Minister bothered to think about those things? Does he feel the interference with the prerogatives of management on pay-roll deductions, superannuation, and redundancy should be taken out of the jurisdiction of the commission?

I would have thought that with industrial relations in this day and age, with all the technological changes, the matter of redundancy would be a problem with which the Government would be concerned. The Government gives lip service to all the great schemes it says it has to retrain people for other jobs. But the very essence of a person's loss of employment is of no concern to this Government. It will not allow the Industrial Commission to deal with redundancy.

How in the name of fortune will this legislation cement good industrial relations? I do not know, and neither does the trade union movement. Surely to goodness the trade union movement has the right to ask where we are going with respect to the Government's industrial legislation.

One of the most vexatious things which I have never been able to understand in the whole of my life in the industrial movement—and it has been a long time—is why workers in agricultural and pastoral industries are not allowed to have their hours of work controlled. Members opposite talk about good industrial relations being necessary to give the workers a fair crack of the whip and so that a worker can join any union he likes without any coercion or interference by the Government; yet the Government denies workers in the pastoral and agricultural industries the right to establish hours of work by arbitration. If a farmer or anyone else in those industries wants to make a man work for seven days a week the Government thinks that is fair enough. It does not want to do anything about it; it does not mind.

Yet the Government has brought in this legislation and says it has to control workers; it says it has to put a check on unions. The Premier says, "These dastardly Communists are leading the workers to their doom." The only people who will lead the workers to their doom are those who are bringing in this legislation.

The academic staff of tertiary institutions are a group of workers who will no longer have access to the commission. We debated this matter recently in the House. It became patently clear during the time I was on a board of a college of advanced education, that the only reason the situation came about was that the then Minister for Education got really uptight because that particular college board decided it would allow a preference clause in the academic association's award. All hell broke loose. One would have thought the whole world had collapsed about the Minister's ears and he methodically went about ensuring the same thing would not occur again.

That situation applies here also. The Government has said this jurisdiction will not come under the Industrial Commission; it has argued that disputes should not be taken to arbitration. This Bill will stop many people from taking disputes to the Industrial Commission. This Bill will take away workers' rights to take problems to arbitration for settlement.

I trust the Minister will not deny that fact. I hoped he might be bothered to take some notes in respect of comments we made rather than simply sit there like a sphynx-like figure. He has not indicated any desire to contribute to the debate. I have no doubt we will get from the Minister the usual short change which we have come to expect.

Now to the question of uniform membership. The Industrial Commission is to be prevented by this Bill from hearing disputes related to union membership or non-membership. This limits the essential role of the commission; for example, it will be prevented from settling industrial disputes.

One of the great things the commission did in its wisdom was on the question of preference clauses. At one time all the powers were against the trade union movement in its initial form. With the preference clause the Industrial Commission recognised the great need for people to be able to play a part in the industrial scene and to be controlled by a union of workers, recognising the fact that if workers were controlled the major decision of that union would prevail and all workers would have to accept it.

In its wisdom, the commission saw the use of preference clauses as a means of improving industrial relations. These clauses were not put in awards to force people to join unions; they were put in on the basis that they would be good for industrial relations.

This Government has decided the preference clause will go out the door and will no longer have any effect. It is to disappear because it is one of the treacherous things whereby workers are forced to join unions. As far as I am concerned—and I speak on behalf of the majority of unions—the preference clause is not used by them. The unions go out and sell the union to the workers and convince the workers of the benifits of their being members of a union.

Mr Sodeman: Absolute garbage.

Mr SKIDMORE: They do this by virtue of the fact that there are many facets of industrial arbitration of which the interjector would not be aware.

Mr Sodeman interjected.

Mr SKIDMORE: Will the member for Pilbara please shut up?

Mr Sodeman: I have heard of a couple of instances where you have been involved.

Mr SKIDMORE: The member for Pilbara should put a sock in his mouth. The member is an idiot who gives me the gripes. He is typical of Liberal members who know nothing about human suffering such as will be brought about by the enforcement of this measure. Like all his colleagues, he knows nothing about humanity.

Union membership will result in a penalty. This legislation will victimise a worker who desires to become a union member. He will be victimised by his employer on that account. So with this Bill, if a worker desires to become a union member and is victimised because of his desire, he will have no redress to the commission. He will be on his own. So much for industrial peace and good industrial relations!

This Bill will not create and cement good industrial relations. It has become the greatest non-event of the year if we are prepared to look at it in this cynical way. The trade union movement will look after its own. It will take its own action at the appropriate time to ensure that this Government is put in its place.

In introducing the legislation, the Government sought to rely on the United Nations Declaration of Human Rights and the ILO Convention with respect to collective bargaining power and the right of workers to organise and to protect their rights to join unions. The Government has said it will protect the right of a worker to join a union, yet if a worker wishes to become a union member and pressure is brought to bear on him by his employer to prevent him, there will be no redress to the Industrial Commission. In fact, the employer can probably sack the worker and there would be nothing that could be done about it; there would be no redress provided in the provisions of this Bill. That is a condemnation which can be made of this Bill which is supposed to bring about industrial peace.

Let us consider strikes and penalties. We have heard many members tonight refer to the sheer hypocrisy of the Government's attitude to strikes and the fact that it is prepared to take on the trade union movement. I repeat to all the Liberals opposite that the Government can bring down any legislation it likes; it can bring down all sorts of legal and monetary restraints; it can do what it likes to the trade union movement; but it will not ever prevent workers going on strike, no matter what it does!

The sooner Government members learn and every Government in Australia learns that lesson, the better it will be and the quicker will we be able to stop this confrontation between Governments and workers on the grounds of the workers' right to strike.

The Government has not recognised the fact that the trade union movement will not give up the right to strike. The Government can do what it likes, but the trade union movement will go about the matter in its own way.

The Government has decided to remove the illegal aspects of a strike. It has said, "If you want to have a ballot to decide whether to strike, it must be a secret ballot." As a result, we will have a group of workers meeting at the Perth Oval. If electrical workers were involved the meeting may take place at Pinjarra, because that is a more central point. There may be approximately 2 000 workers there from throughout Western Australia. A ballot will be held as to whether they should go out on strike. The result of the ballot, in this hypothetical case, is that there should be a strike. According to the statements made by the Government, that would be a legal strike. That is utter nonsense. It is misleading to suggest that all of a sudden strikes have attained some degree of respectibility. The unions have not been conned by this.

The Minister is aware that at the same time as a union is conducting a ballot to decide whether strike action should be taken, an order could be issued, in accordance with the proposed Act, by the Industrial Commission making that legal strike illegal. This will probably take place, because the commission has an obligation under the legislation to ensure the trade union movement is confined to the provisions of it.

That is not the worst part of the matter. I would like to ask the Minister how after the workers have decided to conduct a legal strike as a result of a ballot, he will get them back to work, because they are not doing anything illegal. The workers are entitled to be out on strike and, therefore, the commission has no jurisdiction over them, other than the draconian law which says that it may move that the workers return to work or certain action will be taken.

The whole situation is a myth. The trade union movement recognises this and it will say, "You can do what you like about it. If we want to have a strike, we will have one, and your industrial relations legislation will not make any difference as far as we are concerned." The right to strike will not be taken away from the trade union movement and no legislation will deny them that.

I should like to refer now to union organisation. Many unions face the problem of dual identity and a great deal has been said in relation to the

Moore *v.* Doyle case. The Government now says that two unions may be welded together without any worry. I have never heard such utter rubbish in my life. If the Government says to two unions, "You may now embrace two jurisdictions and you are one", what happens to the assets of the union, whether it be a branch of a union or a union? Under those circumstances who will determine where the assets should go? That, in itself, is a problem. The Moore *v.* Doyle case recognised that.

To say that all the jurisdictions in the industrial field have accepted the fact that a gigantic step forward has been taken to overcome this problem is nonsense. It will not happen.

I want to pose the following question to the Minister: If there is a joint sitting of the Federal and State Industrial Commissions and a decision is made, to whom does the union appeal? If I want to appeal against a decision made by the Federal and State commissions which bring down a determination that, for example, we will not get four weeks' annual leave, as a union, we have a basic right to appeal against that determination. Do I appeal to the State system? If I did that, I would be a damn fool. As a union leader, I should know better than to do that. I should go to the Federal appeal court. Does the Bill allow that? Is there any way one can appeal? The Minister should tell me the avenue of appeal under those circumstances.

The Federal jurisdiction is supreme, unless there is legislation to the contrary; but the State Act cannot overturn a Federal decision on appeal. We will have a series of State matters handled at a joint sitting of the commissions being subject to appeal in the Federal jurisdiction. That is a good way to achieve industrial peace! A cloud of uncertainty will hang over the deliberations of unions which already are faced with enough trials and tribulations in their endeavours to obtain awards for their workers.

To say the least, that is a very weak effort in an endeavour to overcome a problem which exists for the Government only and for people who want to make it an issue. It does not concern the trade union movement. The millers' union, of which I am president, has no problems in this regard. In fact, we do not furnish returns to the Industrial Commission, because we do not have any money. The union gives all its money to the association responsible for running union affairs. We furnish a nil return to the commission every year.

The union has no funds or receipt books. It did not appoint an auditor because there is nothing to audit. However, the Industrial Commission demanded that it furnish a return, after the union had sent in a nil return every year. Of course, the powers-that-be believe they are going to overcome all the machinations of dual registration.

Most of the unions will take the easiest way out. Where a union has Federal cover under certain sections of the industry, but are under State determinations, they will decide to be governed by the Federal jurisdiction. They will give away the State jurisdiction, because it is not worth the hassle. They will prefer to go to the Federal jurisdiction. I am quite sure my union will look at that aspect of the matter very quickly.

I should like to refer to the matter of general orders which may be made by the commission. It will be empowered to issue two sorts of general orders. The first will be similar to the current general order; it will only amend awards and affect workers covered by awards in respect of, for example, wage indexation. A new type of general order will encompass people not covered by awards. That is remarkable. In effect, it will be similar to the Long Service Leave Act.

I might suggest that if this is a means of overcoming the present archaic regulations that exist in the Factories and Shops Act under which minimal working conditions are laid down, at least some small praise may be given to the Bill. At least it will have done some good in that regard, because that situation should have disappeared a long time ago.

I do not wish to go over ground which has been covered by other members. The few remarks I have made have indicated the difficulty which will be faced by any Government which introduces a Bill such as this and suggests to the trade union movement that it ought to accept it.

The trade union movement has a resilience which is not recognised by the Government in this State. The forces of the Government were rallied against 120 members of the millers' union when the Flour Act was passed. That in itself was a tribute to the union, because it took on the Government and said, "We are on strike. That is the end of it."

The Government will not be able to bludgeon the unions with penalties of $2 000 or more. That is not the way to solve the problem.

The other issues I want to mention will be raised at a later stage. At this time I can see confrontation only arising out of this legislation. It will do nothing for industrial peace and whoever has advised the Minister to introduce this legislation must have ignored the report made by Senior Commissioner Kelly.

The Government must have obtained his report and decided to set fire to it because it certainly did not put forward any of Senior Commissioner Kelly's ideas. It is a pity because with its liberal thinking and desires to cause confrontation with the trade unions, the Government has gone ahead with this legislation. I oppose the legislation and I am sure I will be able to put forward my opposition to some of the clauses at a later stage.

MR O'CONNOR (Mt. Lawley—Minister for Labour and Industry) [11.41 p.m.]: I thank members who have supported this Bill and add that the comments of the member for Cottesloe and others were very relevant. It is a pity they were criticised to the extent they were. Their comments were correct.

The Opposition made some remarks which were quite unjust and I will deal with them. The member for Morley made the comment that this legislation is introduced prior to an election for electoral advantage. However, it is obvious that the actions of the unions are certainly not what the community wants.

Mr Pearce: That is your calculation.

Mr O'CONNOR: I believe people have demanded what we have done.

Mr Bryce: You are demanding an election on it.

Mr O'CONNOR: We have not.

Several members interjected.

Mr O'CONNOR: Obviously the comments from the Opposition show their concern. The Government brought this legislation forward because it thought it was required. The Government and members on this side of the House were concerned for the people in this State. The Government is looking for stability in the long term. There has been chaos in this country for a long time—for far too long—and the only time we have had industrial peace is since the introduction of this Bill. The result is amazing. Since the introduction of this Bill there has been peace in industry.

Mr Bryce: You are disappointed.

Mr O'CONNOR: Perhaps the Opposition has been responsible for this. If so, I am glad it has.

It was said that this Bill was an attack on the commission. Of course that is rubbish; it certainly is not an attack on the commissioners or the commission. In many ways it gives more powers to the commission than it had in the past. Perhaps some have been taken away but the Government has had no qualms about it. This has not happened over the last couple of days; the Government has been dealing with this matter for a long time. It is something which the Government indicated it would do and the Opposition and the community in this State have been aware of the Government's views in this regard.

The member for Morley said that the action we have taken will throw unions into the arms of extremists. Let us look at the position. In many cases extremists are in charge of certain unions and this is one of the real problems facing us today.

There are a number of very good unions and there are some unions which are mishandled by a few people.

Mr Jamieson: Just name one of those extremists.

Mr O'CONNOR: There are a number. The AMWSU and the FEDU.

Mr Jamieson: We are saying just name one of the extremists.

Mr O'CONNOR: I have just named a couple of the unions involved. They have caused a lot of trouble.

Mr Jamieson: You make these comments but you have never come to finality. You have never named a particular person.

Mr Skidmore: Who are the union officials?

Mr O'CONNOR: The honourable member knows the union officials. If Opposition members do not know they have only to look at the situation in Karratha and the section 54B issue.

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr O'CONNOR: If we have a look at the issue there and the people involved then we are looking at an action which cost $20 to the union leaders but $31 million came out of the pay packets of the people. These unionists say they are concerned about the people of this country. They have no concern at all.

Mr Bryce:You took that money out of the pay packets.

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr O'CONNOR: The member for Morley said we have had more disputes in Western Australia than South Australia has had. This is probably correct and therefore it indicates it is time we did something about the matter. It is time the matter was rectified because it indicates the present Act is not working at all.

Several members interjected.

Mr O'CONNOR: The member for Morley claimed that the Government caused a Statewide stoppage because of section 54B. What a lot of rubbish. We know that it was caused, not because of this Government's action, but because certain people broke the law. These people did not abide by the regulations as everyone else has done.

Mr Tonkin: The law is broken every day.

Mr O'CONNOR: The member for Morley would know very well that there have been 550 applications for meetings. The members of the unions in the north had only to make an application but they decided to break the law. That is the action which caused the industrial confrontation. The Government had nothing to do with it.

If a law were made for unionists and another law made for other people in the community it would not be a very good country to live in. The member for Morley also complained about the Police Force. I say, "thank God for the police". If we did not have the police in this State I do not know what the position would be.

The member for Morley also said that wages in real terms in the last 10 years had been reduced. This is not the case. I looked at the ABS figures only recently and over that time wages have increased more than the cost index.

Mr Skidmore: That is rubbish. Get out and try and live on some of the wages people earn today.

Mr O'CONNOR: If the member were listening he would know that I did not say that.

Mr Skidmore: That is what you are implying.

Several members interjected.

The SPEAKER: Order!

Mr O'CONNOR: I said "in the last 10 years" and what I quoted was correct.

Mr Bryce: It would be one hell of a country if the wages had not improved in the last 10 years. Is the Minister suggesting that they should not?

Mr O'CONNOR: I was replying to something the member for Morley said. The member for Morley said that wages had not increased over the last five years to the extent of the cost price index. They have in the last 10 years because there were substantial increases in the early parts of that time. However the figures certainly suggest that wages have increased.

Mr Pearce: Does that mean the living standard is better?

Mr O'CONNOR: There are many people in this community who would forgo wage increases to get real value back into the dollar.

Several members interjected.

Mr O'CONNOR: This Government believes that the Workers' Compensation Act is the Act to handle the matter of workers' compensation. It does not believe that it should be handled by the Industrial Commission.

Mr Skidmore: It does not handle them now.

Mr O'CONNOR: Certain aspects of it.

Mr Skidmore: Tell me one that is handled by the commission.

Mr O'CONNOR: Benefits over and above.

Mr Skidmore: That has nothing to do with workers' compensation. It is done under the award.

Mr O'CONNOR: In this case the honourable member is saying he is not concerned about workers' compensation.

Mr Skidmore: You made the statement. I think you are not telling the truth.

Withdrawal of Remark

Mr O'CONNOR: Mr Speaker, I ask that the remark be withdrawn.

The SPEAKER: The Minister thinks the remark is objectionable and I ask the honourable member to withdraw it.

Mr SKIDMORE: I think it is true and I will not withdraw it.

The SPEAKER: I have ruled that it is unparliamentary. I have been consistent in my rulings in respect of those terms since I have been the Speaker and I ask that it be withdrawn.

Mr Jamieson: Not in those terms. I have heard it used under your chairmanship dozens of times.

The SPEAKER: Will the member for Swan withdraw?

Mr SKIDMORE: Certainly; my pleasure. I will withdraw.

Debate Resumed

Mr O'CONNOR: Under the Workers' Compensation Act people can get up to 100 per cent of their wages. Members think they ought to have other benefits and these are being investigated by the Government at the present time.

It was said that this Bill is a vote of no confidence in the Industrial Commission. It certainly is not. It strengthens the commission in certain areas. It allows it to call compulsory conferences, which it had no power to do previously. It allows the commission to handle secret ballots and gives it certain control as far as deregistration of unions is concerned, which it did

not have previously. The Bill places the commission under the jurisdiction of a judge, which I think will upgrade its standing and allow it to handle many points of law which previously it could not handle.

It is strange that members of the Opposition should say we did not allow them enough time and did not discuss the Bill with unions and other people. In 1974 the ALP, when in government, brought to this House a Bill to amend the Industrial Arbitration Act which it did not discuss with anyone.

Mr Taylor: It was discussed clause by clause with the Department of Labour and the Employers Federation. I was involved in that for six months.

Mr O'CONNOR: I spoke to the Confederation of Western Australian Industry yesterday.

Mr Taylor: Check with Mr Frank Cross. I sat with him for week after week in meeting after meeting.

Mr O'CONNOR: I am not being critical of that.

Mr Jamieson: When was this?

Mr O'CONNOR: About 1974.

Mr Taylor: It was 1973.

Mr O'CONNOR: Most Bills which come before this House are brought forward by the Government and the Government makes the decisions in relation to them. But in connection with this particular legislation, as members know, a Bill was initially drawn up by Commissioner Kelly. It was completed some 15 months ago. Subsequently I had several discussions with the confederation and with the Trades and Labor Council in relation to particular issues, and I knew very clearly what they wanted and did not want. Many submissions were made and many discussions took place. In addition, the Government decided to implement its own policy in relation to certain issues, and I think the TLC, the confederation, and members opposite knew what the Government's policy was.

In 1963, when an Industrial Arbitration Act Amendment Bill was brought before the House, the Opposition party said it would be the death of arbitration in Western Australia; yet that is the legislation it is fighting to save tonight.

The matter of owner-drivers was raised. The complaint was made that they are now outside the area of the Industrial Commission. Frankly, I think they ought to be outside it. They are not employees; they are employers. They work for themselves or employ people to work for them, and I do not see why they should be brought under the industrial arbitration legislation as employees.

Mention was also made of the reasons for industrial disputes. I would be the first to say many of them are brought about by companies which do not handle things properly on the shop floor. A substantial number of disputes could be rectified before they fester on the shop floor and I think it is up to the companies to put more effort into that area. Some disputes are originated by unions or shop stewards.

The complaint was made that the Attorney General had the power to intervene in certain issues. I do not see why he should not intervene. The Bill provides that he can intervene in the interests of the health and welfare of the community. Surely it is up to the Government to intervene on behalf of the community in those circumstances. If the SEC workers went out on strike and left the people without refrigeration or with effluent not being pumped away, surely it would be up to the Government to do something about it. That is the reason for the inclusion of this provision.

I believe the definition of an employee is fair and reasonable and should be accepted by members.

The member for Morley spoke about secret ballots and said certain people may not go into a particular area if a safety matter is involved. I do not think anyone would blame them in a genuine case, and I cannot imagine a commissioner blaming them in such a case. The member for Morley made the point that the union would have to bear the cost of a ballot if it were requested by an employer. That is not so. The commission would bear the cost of such a ballot.

Mr Tonkin: That is not provided for.

Mr O'CONNOR: It is.

Members of the Opposition complained again that no blue-collar workers were on the commission. As far as I know, there are no blue-collar workers on the TLC. I do not think Mr Cook is a blue-collar worker. The ALP had a chance to appoint a blue-collar worker to the commission when it was in government. It appointed Mr Halliwell as a commissioner, and if it felt so strongly about the matter it could have appointed a blue-collar worker. I do not see what members of the Opposition have to complain about in that regard.

This legislation is certainly better than the present Act. It will give people a much greater say in what goes on. I believe it is a reasonable Bill. It has been before the House for two weeks, at the request of the Opposition. Debate was resumed

today at the request of the Opposition. Therefore, I do not know why members opposite complain about the length of time they have had to consider the Bill.

The Leader of the Opposition made an attack on the member for Cottesloe, which I thought was quite unjustifiable.

Mr Jamieson: Poor little fellow!

Mr O'CONNOR: He complained about the legislation being rushed through. It has not been rushed through. It has been in the process of drafting for probably longer than any legislation that has come before this House in my memory. It has been in the process for something like three years and we had a mandate for it. We told the electorate before the last election that we would draw up a new Industrial Arbitration Act, and we have done that. We have taken ample time and I believe we have brought a good Bill to the House.

The main issues in connection with the Bill are the secret ballots, which the public want; and freedom of choice, which has been demanded by many people for a long time. The *Sunday Independent* last week conducted a Gallup poll in the metropolitan area. The question relating to freedom of choice appears to have been misread because one-half of 1 per cent voted against it. In other words, according to the Gallup poll, one in 200 wanted compulsory unionism.

Mr B. T. Burke: You still closed the railways in spite of the poll.

Mr O'CONNOR: I do not say they are always right, and probably there are faults in this one.

Mr Pearce: On that same poll only 25 per cent wanted your Bill without amendment.

Mr O'CONNOR: Three out of 200 wanted a secret ballot, so that gives some indication.

Mr Pearce: But 75 per cent did not want your Bill without amendment.

Mr O'CONNOR: I believe that for some time the people of this State have been fed up with the actions of some unions. Not only that, but also the actions of unions have been very costly to this country in terms of loss of income and loss of jobs. I believe the people have demanded we do something about it.

Mr Davies: And this will not do anything.

Mr O'CONNOR: This is a Bill to give the people more say in what goes on.

Mr Davies: Oh cut it out; what a diatribe!

Mr McIver: Why not go to the people on it?

Mr O'CONNOR: This is not a Bill for the powerful companies or for the powerful unions. It is a Bill to give the people the rights we think they are entitled to, to give the people a say in the day-to-day running of the community. It is a Bill to allow people to work when and where they want to work. It is a Bill to prevent the bullying that has been going on in this State. It is a Bill required by the community, and I commend it to members.

Question put and a division taken with the following result—

Ayes 30

Mr Blaikie	Mr McPharlin
Mr Clarko	Mr Mensaros
Sir Charles Court	Mr Nanovich
Mr Cowan	Mr O'Connor
Mr Coyne	Mr Ridge
Mrs Craig	Mr Rushton
Mr Crane	Mr Sibson
Dr Dadour	Mr Sodeman
Mr Grayden	Mr Spriggs
Mr Grewar	Mr Stephens
Mr Hassell	Mr Tubby
Mr Herzfeld	Mr Watt
Mr P. V. Jones	Mr Williams
Mr Laurance	Mr Young
Mr MacKinnon	Mr Shalders *(Teller)*

Noes 20

Mr Barnett	Mr Jamieson
Mr Bertram	Mr T. H. Jones
Mr Bryce	Mr McIver
Mr B. T. Burke	Mr Pearce
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr Davies	Mr Tonkin
Mr H. D. Evans	Dr Troy
Mr Grill	Mr Wilson
Mr Hodge	Mr Bateman *(Teller)*

Pairs

Ayes	Noes
Mr Old	Mr Harman
Mr O'Neil	Mr T. D. Evans

Question thus passed.

Bill read a second time.

In Committee

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

Clause 1: Short title—

Progress

Progress reported and leave given to sit again, on motion by Mr O'Connor (Minister for Labour and Industry).

House adjourned at 12.06 a.m. (Wednesday).

QUESTIONS ON NOTICE

1896. *This question was postponed.*

LAND: NATIONAL PARK

D'Entrecasteaux

1941. Mr SKIDMORE, to the Minister for Conservation and the Environment:

(1) As the answer to question 2622 (part 2) of 1978 indicates that the National Parks Authority has leasing powers conferred under its Act; the answer to question 2587 (part 2) of 1978 indicates that the authority has the power to permit nonconforming uses in national parks under its control; and the answer to question 2625 (part 2) of 1978 implies that Environmental Protection Authority Red Book recommendations endorsed by Cabinet will in time be implemented—further to question 2396 of 1978 can the Minister give assurances that the Government will honour its endorsement of the Environmental Protection Authority recommendation that the portion of Reserve No. 17495 containing Point D'Entrecasteaux and the associated spectacular sea cliffs will eventually be included in the D'Entrecasteaux national park and be vested in the National Parks Authority?

(2) If "No", for what reasons will the Government not honour the undertaking publicly expressed in Red book 2?

Mr O'CONNOR replied:

(1) and (2) With respect to Reserve No. 17495 and its vesting in the Shire of Manjimup, I wrote to the honourable member on the 9th January, 1979, outlining the rationale behind the decision.

May I respectfully remind the honourable member that in arriving at final boundaries for the south-coast national park, regard will be given to EPA recommendation 2.3 and in particular to the final paragraph on page (xiii) of the preamble to the second Red Book.

EDUCATION: HIGH SCHOOL

West Armadale

1977. Mr PEARCE, to the Minister for Education:

(1) Has he or his department received representations from the Town of Armadale and/or the steering committee for the new high school in West Armadale protesting against the decision to call the school the Cecil Andrews High School, and complaining at the absence of consultation with local groups?

(2) Is it not a fact that in the Grievance debate of the 10th October, 1979 I was articulating local community feeling on this matter, and not seeking to denigrate Mr Andrews or his family personally?

(3) Will he now arrange for the naming of the school to be reconsidered in consultation with the Town of Armadale, the steering committee and the local community?

Mr P. V. JONES replied:

(1) to (3) Some representations have been received but there is no intention of changing the decision which has been made.

EDUCATION: HIGH SCHOOLS

Study of Students' Values and Expectations

1979. Mr SIBSON, to the Minister for Education:

(1) Referring to page 26 of *The West Australian* of the 22nd October, 1979 under the heading "Children look into the future", is his department informed of the fact that Mr Niell Watkins of the Western Australian Institute of Technology psychology department is involved in the above programme under a $30 000 two-year Federal grant?

(2) Was any discussion entered into between Mr Watkins, WAIT and/or the State and Federal Departments of Education prior to commencement of the investigation detailed in the published article?

(3) If so, what was the outcome of those discussions, and is his department satisfied that the investigation is in the best interests of students?

(4) What criteria were used to determine which schools would be involved?

(5) (a) Is there a substantial reason why no country schools were involved; and

(b) if so, what is the reason?

(6) Is it fact that a follow up conference is to be held at Muresk in December, 1979?

(7) What, if any, involvement is in fact being undertaken by parents and local government as mentioned in the news article referred to in part (1)?

(8) What guidelines, if any, is Mr Watkins using in his quoted purpose to "Illustrate an alternative technique to enrich the quality of schooling by using the community as a resource and to stimulate teachers, parents and students to carry these innovations into their own schools"?

Mr P. V. JONES replied:

(1) Yes.

(2) Preliminary correspondence has been received but the news item of the 22nd October is regarded as premature.

(3) to (8) Details of the proposed investigation are subject to further discussion between the parties involved and I will advise the member by letter when I have further information.

INDUSTRIAL DEVELOPMENT

Gypsum Waste

1980. Mr TAYLOR, to the Minister for Industrial Development:

(1) With respect to the depositing of waste gypsum by CSBP Fertilisers Ltd. in an area south of Wellard Road, Kwinana, what quantity has so far been deposited?

(2) What is the weekly average quantity deposited?

(3) Has the gypsum prior to carting been treated, washed and/or cleaned to remove any heavy metals or any other potentially poisonous and/or obnoxious materials?

(4) Are tests made to ascertain the level of heavy metals, particularly mercury and cadmium, in the gypsum?

(5) If "Yes" to (4)—

(a) how frequently are such tests made; and

(b) what is the average content of heavy metals in the gypsum deposited?

(6) What is the area of land at the present site being utilised to deposit gypsum?

(7) What is the estimated area of land at the present site which could be utilised to receive gypsum?

(8) What is the estimated area by volume at the present site which could be utilised to receive gypsum?

(9) With respect to (8), what tonnage of gypsum does this represent?

(10) Could the area concerned in any way be described as swamp and/or wetlands?

(11) Was his department involved in any discussions with the company in respect of the selection and/or purchase of the land in question?

Mr MENSAROS replied:

(1) The area has been infrequently used for depositing limited quantities of gypsum when pipeline disposal was not available for technical reasons.

(2) Not applicable.

(3) to (5) Not applicable but for the information of the honourable member I would mention that if regular dumping at the site is going to take place after the new phosphoric acid plant is commissioned in 1981, the gypsum will have very low levels of impurities. Actual levels of various impurities cannot be given at this time other than to say they will be very small and at significantly lower levels than in the gypsum being presently discharged to the sound. This reflects the newer technology that will be used in the new plant.

(6) Not applicable.

(7) There is approximately 40 ha of CSBP owned land at Wellard Road, most of which could be used for depositing gypsum.

(8) and (9) The volume available for disposal will depend on the height to which the gypsum is stacked and hence cannot be estimated at this time.

(10) The area is partly subject to shallow winter flooding but is always dry throughout the summer.

(11) No. The land was privately purchased by CSBP in 1970 as industrial-zoned land.

TRANSPORT: BUSES

Rockingham: Additional Services

1981. Mr TAYLOR, to the Minister for Transport:

(1) With respect to an article appearing on page 2 of the *Sound Advertiser* of Wednesday, the 24th October, 1979 under the heading "More Buses", has he read the article?

(2) Is the Hon. Ian Pratt, MLC for Lower West Province, mentioned therein the suggested author of the factual material printed in the article?

(3) Does the article intimate that three more MTT buses per day have been placed on the Rockingham run?

(4) Does the article intimate that the three additional bus services were added "following representations made by ... (the above Member)"?

(5) Does the MTT make regular surveys as to the need for additional bus services?

(6) When did the MTT undertake the review at which the possible need for additional services to Rockingham was first discussed?

(7) When did the MTT begin advance sketch timetabling and advance sketch work shift scheduling with respect to the additional three services?

(8) What is the date of the "representations" made to the MTT and referred to in the article?

(9) Was the letter concerned seen by him, or its contents conveyed or reported to him?

(10) If "Yes" to (9), did he discuss the matter with the MTT?

(11) If "Yes" to (10)—

(a) what was the attitude of the MTT to the suggestion at that time;

(b) did he direct, request, suggest or in any way convey his feelings on the question to the MTT?

Mr RUSHTON replied:

(1) Now that the article has been brought to my attention, yes.

(2) The question is not understood. I suggest the honourable member should direct his inquiry to the newspaper concerned.

(3) That is the way I interpret the article.

(4) That is the way I interpret the article but it could also mean that the Hon. I. G. Pratt made representations along with other parties.

(5) Yes, continuously.

(6) There was no special review undertaken by MTT on these additional services. As indicated in (5) above, the MTT continuously monitors the need for adjustments to services.

(7) The question is not really understood but scheduling commences on the decision to implement additional bus trips.

(8) In addition to a number of telephone calls, the MTT received a letter dated the 17th August, 1979 from the Hon. I. G. Pratt.

(9) No.

(10) and (11) Although strictly speaking the answer is "not applicable", I will explain that the MTT inform me its decision to put extra services on this route was as a result of a combination of factors. These included consideration of the representation received from the Hon. I. G. Pratt and other parties and its own monitoring process, which included information obtained from passengers.

I was not involved in the decision in any way.

EDUCATION: SCHOOLS

Rockingham Electorate

1982. Mr BARNETT, to the Minister for Education:

(1) What is the present enrolment in each of the following primary schools—

(a) Safety Bay;

(b) Cooloongup;

(c) Hillman;

(d) Rockingham Beach;

(e) Bungaree;

(f) Baldivis?

(2) In each school how many teachers are present on the staff?

(3) In each school what are the numbers and grades in each class?

(4) Do any of the classes in any of the schools exceed the size recommended by—

(a) the Education Department;

(b) the Teachers' Union?

(5) Which are they in each case?

Mr P. V. JONES replied:

(1) to (5) The information sought is extremely detailed and I have asked the Education Department to research the information as time permits. When available, I will advise the honourable member by letter.

CONSUMER AFFAIRS

Liquid Petroleum Gas Tanks

1983. Mr TONKIN, to the Minister for Fuel and Energy:

(1) Does his department have any record of explosions in Western Australia in vehicles equipped with liquid petroleum gas tanks?

(2) (a) If so, how many accidents have there been;
(b) when did they occur; and
(c) what were the causes in each case?

Mr MENSAROS replied:

(1) No.
(2) Not applicable.

CONSUMER AFFAIRS

Liquid Petroleum Gas Tanks

1984. Mr TONKIN, to the Minister for Consumer Affairs:

(1) In responding to the explosion in a New South Wales taxi equipped with a liquid petroleum gas tank, why did the Government decide to place a 28-day ban on the sale of liquid petroleum gas units for privately owned vehicles?

(2) (a) Were any other possible responses considered;
(b) if so, what were they; and
(c) why was each of them rejected?

(3) Why was a ban placed on all units and not solely on units incorporating a Rheem gas tank?

(4) (a) Are any other brands of tanks considered suspect; and
(b) if so, why?

(5) Does the Government consider that vehicles converted to liquid petroleum gas operation and which are already on the roads are a safety risk?

(6) If "Yes" to (5), why have they not been ordered off the road?

Mr O'CONNOR replied:

(1) to (6) In the public interest, a response was made, namely the placing of a 28-day ban on conversion of privately owned vehicles to liquid petroleum gas. This was the only response legally available to my department.

The Statutory Consumer Products Safety Committee is meeting immediately and has co-opted specialists including gas engineering specialists of the State Energy Commission and the Engineer/Chief Inspector of the Department of Labour and Industry.

CONSUMER AFFAIRS

Liquid Petroleum Gas Tanks

1985. Mr TONKIN, to the Minister for Fuel and Energy:

(1) Does the Government consider that the safety precautions which must be taken with liquid petroleum gas tanks installed in cars are made clear enough to vehicle operators?

(2) Does the Government consider that the filling instructions for tanks are made clear enough on the tanks?

Mr MENSAROS replied:

(1) and (2) The majority of LPG installations in motor vehicles in Western Australia are considered to be adequately labelled in compliance with Australian standards. These standards are currently being reviewed. Regulations for Western Australia are being drafted to reflect national standards in the light of all information available to ensure safe operations.

CONSUMER AFFAIRS

Liquid Petroleum Gas Tanks

1986. Mr TONKIN, to the Minister for Fuel and Energy:

(1) Has any consideration been given to licensing people carrying out conversions of cars to run on liquid petroleum gas?

(2) Is there any evidence that there is a problem with people doing unsafe "backyard" conversions?

(3) Is it a fact that people carrying out conversions in Victoria, New South Wales and South Australia must be licensed?

Mr MENSAROS replied:

(1) Yes.
(2) No problems yet in Western Australia.
(3) Victoria and South Australia: No, but it is understood that legislation is being prepared.
New South Wales: Yes.

EXPLOSIVES

Warnbro Area

1987. Mr BARNETT, to the Chief Secretary:

Further to his answer to question 1924 part (2) of 1979, relevant to the location of high explosive devices, would he please give full details of the search equipment recently tested and considered suitable for the purpose?

Sir Charles Court (for Mr O'NEIL) replied:

The equipment tested was a locally available metal detector that had produced satisfactory results in an operational role during clearance of the Mandurah Road deviation project in the primary impact area.

I understand there are also other metal detectors which would need to be considered before any project was mounted.

In the circumstances it is not deemed appropriate to make full details of this one unit public at this time.

ROAD

Leach Highway

1988. Mr WILLIAMS, to the Minister for Transport:

(1) Has the matter of light costing of Leach Highway been resolved with the Cities of—
  (a) Melville;
  (b) Canning?
(2) If not, why not?
(3) If "Yes", on what basis?
(4) When is this work likely to commence?
(5) As the lighting of Shelley bridge is the sole responsibility of the Main Roads Department, when can residents of this area expect this work to commence?

Mr RUSHTON replied:

(1) (a) and (b) No.
(2) The Melville City Council has not considered the lighting of sufficient priority to justify the allocation of funds. The Canning City Council is not prepared to contribute towards the cost of lighting.
(3) and (4) Answered by (1).
(5) Lighting of the bridge only, while leaving the approach roads unlit, is not considered desirable.

CONSERVATION AND THE ENVIRONMENT

Leeuwin-Naturaliste Ridge: Reserves

1989. Mr SKIDMORE, to the Minister for Conservation and the Environment:

(1) Further to Cabinet's endorsement on the 20th October, 1976 of recommendations by the Environmental Protection Authority concerning the Leeuwin-Naturaliste ridge—
  (a) what action to date has taken place concerning discussions between the Department of Conservation and Environment and other authorities concerning reserves referred to at recommendation (3) of this section of the Environmental Protection Authority report on the State's conservation reserves submitted to the Government in July 1976 (Red Book 2):
  (b) which reserves including Forest Act timber reserves have been the subject of discussion, and for each the vested authority involved, and the outcome of any discussion?
(2) (a) Has the Minister for Lands consulted with the Environmental Protection Authority regarding applications to alienate vacant Crown Land on the Leeuwin-Naturaliste ridge;
  (b) if "Yes", what areas are involved?
(3) Has the Environmental Protection Authority yet received from the National Parks Authority any proposed management plans for approval?

Mr O'CONNOR replied:

(1) (a) Discussions have been and still are being held at officer level.
(b) The discussions concern the whole of the subject matter of recommendation 1.4.

(2) (a) and (b) This has not proved necessary. No vacant Crown land on the Leeuwin-Naturaliste ridge has been alienated since October, 1976.

(3) No. The management plan is still in the course of preparation.

CONSERVATION AND THE ENVIRONMENT

Leeuwin-Naturaliste Ridge: Meelup Reserve

1990. Mr SKIDMORE, to the Minister for Conservation and the Environment:

(1) Further to Cabinet's endorsement on the 20th October, 1976 of recommendations by the Environmental Protection Authority concerning the Leeuwin-Naturaliste ridge, it is noted that three reserves have been delineated within the Dunsborough townsite at fig.1.9 of Red Book 2, but not the main Meelup tourist reserve—in accordance with part (3) of recommendation 1.4 of Red Book 2, what discussion has been undertaken by the Department of Conservation and Environment concerning the delineated reserves?

(2) Is any discussion proposed concerning the undelineated Meelup tourist reserve, bearing in mind the importance attributed to this area in a survey report by Valentine and Enright published in an early edition of *Geowest*?

Mr O'CONNOR replied:

(1) and (2) The attention of the member is drawn to the answer to part (1) of question 1989.

LAND: NATIONAL PARK

Scott

1991. Mr SKIDMORE, to the Minister representing the Minister for Lands:

Further to Cabinet's endorsement on the 20th October, 1976 of recommendations by the Environmental Protection Authority concerning the Scott national park, what is the present status of Reserves Nos. 25856 and 18644?

Mrs CRAIG replied:

The descriptive details of the reserves nominated are available from the following *Government Gazettes*—

Reserve No. 25856	14.4.1961
	4.10.1963
	15.1.1971
	11.8.1978
Reserve No. 18644	13.6.1924
	20.5.1927
	19.12.1958
	11.9.1964
	19.11.1971
	27.10.1972
	11.8.1978
	17.11.1978

LAND: NATIONAL PARK

Leeuwin-Naturaliste Ridge: State Forests

1992. Mr SKIDMORE, to the Minister representing the Minister for Lands:

(1) Further to Cabinet's endorsement on the 20th October, 1976 of recommendations by the Environmental Protection Authority concerning the Leeuwin-Naturaliste ridge, has a detailed working plan for State Forest No. 45 yet been formulated?

(2) What production/conservation proposals and designations are being considered for the Yelverton State forest and Forest Act timber reserves west of Caves Road?

Mrs CRAIG replied:

(1) Yes. The special internal working plan or management programme for State forest 45 commonly referred to as Boranup State forest was tabled in this House on the 10th April, 1979, in response to the member's question 292 of that date.

(2) There is no such area as the Yelverton State forest. Any State forests or Forests Act timber reserves in the general area referred to are managed for multiple use under the provisions of the Forests Department's General Working Plan No. 86 of 1977.

HEALTH

Infant Health Centres

1993. Mr HARMAN, to the Minister for Health:

(1) How much money has been allocated towards—

(a) the capital cost of infant health centres;

(b) the operating cost of infant health centres during the past five fiscal years?

(2) How many infant health centres have been established in the past five years and what is their location?

(3) How many such centres are planned for completion and use during—

(a) 1979-80; and

(b) 1980-81?

(4) What is the criterion for Government funding of infant health centres?

(5) What special training is provided for infant health sisters and where?

(6) What is the duration of the course?

(7) How many persons are undergoing the course at present?

Mr YOUNG replied:

(1) (a) Nil.

Local government authorities have accepted the responsibility for the building and maintenance of clinics. This encourages local and community involvement. On completion of a clinic, a subsidy is payable to the local authority on application.

Funding for child health clinics established in community health centres was included in the capital cost of the whole centre and not separately recorded.

(b) Nil.

Salaries and associated staff costs are paid by the Department of Health and Medical Services.

(2) There have been 31 centres established since 1975. Of these, five were established within community health centres, two are mobile units and two were rebuilt centres.

	CITY	COUNTRY
1975	Kalamunda (Mobile)	Wickham
	Swan View	Busselton Community Health Centre
	Girrawheen	Mandurah Community Health Centre
	Hainsworth	
	Roleystone	
	Koongamia	
	Hilton (Community Health Centre)	
	Two Rocks	
1976	Ferndale	Tarcoola
	Shenton Park (Rebuilt)	Paraburdoo
	Kardinya	Albany (Rebuilt)
	Belmont	
1977	Kelmscott South	Toodyay
	Koondoola	
	Forrestdale	
	Multaloo	
	Town of Canning (Mobile)	
1978	Byford	Rangeway
	Bullcreek	South Hedland (Community Health Centre)
	Langford	Kwinana (Community Health Centre)
1979	Wattleup	

(3) (a) 1979-1980

Three centres are planned of which one (Wattleup) has been completed. The other two are at Hillman and Sandridge Park.

(b) 1980-1981

To date two centres are proposed—High Wycombe and Heathridge.

(4) A copy of the plans and specifications of the proposed centre must be forwarded by the local government authority together with an application for a Government building subsidy grant before any work is commenced.

An approved grant will be paid on completion of a new centre, if specifications and requirements have been met, as follows—

Child health centre only—one third of the total cost of the project.

Child health centre combined with another facility—

$4 000 south of the 26th parallel.

$6 000 north of the 26th parallel.

(5) In Western Australia, child health nurses undergo a special child health course at the Ngal-a Mothercraft Home and Training Centre and at Community and Child Health Services, West Perth. A prerequisite of entry to the course is that they are State registered general and midwifery nurses. Child health nurses trained in other States are accepted if registrable with the Nurses Board of Western Australia.

(6) The course lasts for 26 weeks of which 16 weeks is at the Ngal-a Mothercraft Home and Training Centre and 10 weeks at Community and Child Health Services, West Perth.

(7) Twelve.

ROAD

Brixton Street

1994. Mr BATEMAN, to the Minister for Transport:

(1) (a) Is it the intention of the Main Roads Department to upgrade Brixton Street, Beckenham;

(b) if "Yes", what will be the main purpose of the upgrading?

(2) When is it anticipated that work will begin in upgrading this street?

(3) Are resumptions of homes envisaged when and if this street is upgraded?

Mr RUSHTON replied:

(1) to (3) Brixton Street, Beckenham, is the responsibility of the Gosnells City Council. It is therefore suggested that the member could direct his inquiry to that local authority.

TRAFFIC ACCIDENTS

Hospital Admissions: Notification of Next of Kin

1995. Mr HARMAN, to the Minister for Police and Traffic:

What is the procedure for next of kin to be notified when a person is admitted to a metropolitan hospital as a result of a road traffic accident within the metropolitan area?

Sir Charles Court (for Mr O'NEIL) replied:

Hospitals normally notify next of kin and may, at times, call on members of the Police Force to assist.

In the case of fatal accidents, next of kin are notified by a police officer.

HEALTH

Community Health Programme

1996. Mr HARMAN, to the Minister for Health:

In respect of the Australian Government funding for the community health programme in Western Australia, will he advise the allocation for—

(a) 1976-77;
(b) 1977-78;
(c) 1978-79;
(d) 1979-80,

and the ratio of contribution per dollar by the Western Australian Government or a voluntary body for each year?

Mr YOUNG replied:

(a)	1976-77	$5 523 000	Commonwealth	75% Capital Costs 90% Operating Costs
			State Govt.	25% Capital Costs 10% Operating Costs
(b)	1977-78	$6 353 000	Commonwealth	50% Capital Costs 75% Operating Costs
			State Govt.	50% Capital Costs 25% Operating Costs
(c)	1978-79	$4 463 000	Commonwealth	50% Capital Costs 50% Operating Costs
			State Govt.	50% Capital Costs 50% Operating Costs
	(Women's Refuges)	$360 800	Commonwealth	50% Capital Costs 75% Operating Costs
			State Govt. local authority and/or voluntary organisation	50% Capital Costs 25% Operating Costs
(d)	1979-80	$4 444 000	Commonwealth	50% Capital Costs 50% Operating Costs
			State Govt.	50% Capital Costs 50% Operating Costs
	(Women's Refuges)	$430 500	Commonwealth	50% Capital Costs 75% Operating Costs
			State Govt. local authority and/or voluntary organisation	50% Capital Costs 25% Operating Costs
	(Ethnic Health Service)	$16 000	Commonwealth	100%
	Interpreting Service	$150 000	Commonwealth	100%

PROJECT AUSTRALIA

State Contribution

1997. Mr HASSELL, to the Treasurer:

(1) Does the State contribute to the Project Australia campaign?

(2) Is it proposed to do so?

(3) Does the State support the campaign?

Sir CHARLES COURT replied:

(1) to (3) I understand that finance is being currently contributed by the Commonwealth Government and industry. Representatives of industry were in Perth last week briefing Government and industry representatives on the campaign.

I have assured the campaign promoters of State Government support commensurate and in line with support by all other States.

CONSERVATION AND THE ENVIRONMENT

Fitzgerald River National Park

1998. Mr SKIDMORE, to the Minister for Conservation and the Environment:

(1) Further to the Environmental Protection Authority's preamble to recommendations concerning the Fitzgerald River national park in Red Book 2, what action has been taken concerning the miscellaneous reserves listed at part (a) of Conservation Through Reserves Committee resolution 33/72, part (a) of Conservation Through Reserves Committee resolution 34/72, and Conservation Through Reserves Committee resolution 35/72?

(2) What is the Environmental Protection Authority's attitude concerning the Conservation Through Reserves Committee recommendations regarding these reserves?

Mr O'CONNOR replied:

(1) and (2) The Conservation Through Reserves Committee report was to the Environmental Protection Authority, and whilst the authority considered the recommendations of the CTRC, not all were adopted for the reasons set out in the preambles to the first and second Red Books.

CONSERVATION AND THE ENVIRONMENT

South Coast National Park: Boundaries

1999. Mr SKIDMORE, to the Minister for Conservation and the Environment:

(1) Further to parts (1) and (3) of recommendation 2.3 of Red Book 2, what boundary changes, if any, have been made or are proposed to the proposed South-Coast national park?

(2) Is it intended to include the State forest area at Mt. Chudalup in the national park?

Mr O'CONNOR replied:

(1) and (2) The attention of the member is drawn to the answer to question 1941.

LAND: RESERVES

Nos. 518, 519, 14234, 22795, 22796, and 24047

2000. Mr SKIDMORE, to the Minister representing the Minister for Lands:

(1) Further to the Environmental Protection Authority's recommendations endorsed by Cabinet on 20th the October, 1976—

(a) have Reserves Nos. 22795, 22796 and 24047 now been extended to the low water mark;

(b) if not, why not?

(2) What is the present purpose, class area and vesting of Reserves Nos. 14234, 518, 519 and 22796?

(3) Have parts (5) and (6) of Environmental Protection Authority recommendation 3.5 in Red Book 2 yet been implemented?

Mrs CRAIG replied:

(1) (a) and (b) Yes.

(2) The descriptive details of the nominated reserves are available from the following *Government Gazettes*—

Reserve No. 14234	26.7.1912
	20.7.1979
Reserve No. 518	31.1.1882
	18.3.1977
	9.12.1977
Reserve No. 519	31.1.1882
	31.8.1979
Reserve No. 22796	21.5.1948
	21.11.1958
	26.9.1969
	22.12.1972
	1.12.1978
	27.4.1979
	4.5.1979

(3) No.

MINING

Ravensthorpe, Eneabba, Arrowsmith Lake, and Badgingarra

2001. Mr SKIDMORE, to the Minister for Mines:

(1) Further to footnote "A" in the Environmental Protection Authority report on the State's conservation

reserves dated the 9th July, 1976 (Red Book 2), what discussion has taken place between the Director of Conservation and Environment and the Under Secretary for Mines, concerning "mineral potential areas" in the following localities—

(a) Ravensthorpe range;

(b) reserve 29073 near Eneabba;

(c) Arrowsmith Lake area;

(d) Badgingarra national park?

(2) What was the outcome, and have the matters been referred to the respective Ministers?

Mr MENSAROS replied:

(1) and (2) These areas were discussed and it was agreed that further action must await clarification of the mineral potential in the light of subsequent exploration results. The respective Ministers were made aware of the position.

CONSERVATION AND THE ENVIRONMENT

Land Reserve: Yuna

2002. Mr SKIDMORE, to the Minister for Conservation and the Environment:

(1) To what extent has part (1) of Environmental Protection Authority recommendations 5.2 and 5.3 in Red Book 2 been implemented?

(2) What has been the outcome of the review by the Environmental Protection Authority in accordance with part (2) of that recommendation?

Mr O'CONNOR replied:

(1) and (2) Following a biological survey carried out by the Department of Fisheries and Wildlife, the EPA has recently recommended to the Under Secretary for Lands the boundaries of a reserve consistent with recommendation 5.2.

With regard to recommendation 5.3 (1) and (2), clarification of interests by mining companies has been obtained. Results of a survey undertaken by the Western Australian Museum on behalf of the Department of Fisheries and Wildlife is awaited. When these are evaluated, the status and vesting of the reserves will be reviewed by the EPA.

CONSERVATION AND THE ENVIRONMENT

South Coast National Park: Grazing Leases

2003. Mr SKIDMORE, to the Minister for Conservation and the Environment:

(1) Further to recommendations made by the Environmental Protection Authority concerning the proposed South-Coast national park, and endorsed by Cabinet on the 20th October, 1976—

(a) what number of grazing leases subject to part (6) of recommendation 2.3 of Red Book 2 do not expire until the year 2115 AD, pursuant to section 98 of the Land Act;

(b) what is the combined area of these leases?

(2) Further to part (6) of recommendation 2.3, how many grazing leases have been the subject of discussion by the National Parks Authority with lessees?

(3) What measures have now been implemented to ensure that management of all short and long term grazing leases is consistent with the conservation of the resource?

Mr O'CONNOR replied:

(1) (a) None, but it is understood that there are six pastoral leases pursuant to section 114 of the Land Act, the term of which expires in the year 2015.

(b) The total area of the six leases is 15 522 ha.

(2) None.

(3) The management of grazing leases in national parks is covered by policy 3.5(1-4) of the National Parks Authority and I respectfully refer the member's attention to the policy document dated 1977.

LAND: NATIONAL PARKS

Fitzgerald River, Drover's Cave, and Nambung

2004. Mr SKIDMORE, to the Minister for Conservation and the Environment:

(1) Further to footnote "A" in the Environmental Protection Authority Red Book 2, what discussion has taken place between the respective heads of department concerning the following localities—

(a) Fitzgerald River national park;

(b) Mt. Lesueur reserves;

(c) Drover's Cave national park?

(2) Have similar discussions taken place concerning Nambung national park?

(3) In all cases, what was the outcome and have the matters been referred to the respective Ministers?

Mr O'CONNOR replied:

(1) to (3) Discussions have been held between the respective heads of departments in regard to the general issue of mining and national parks. However, no specific discussions have taken place concerning the four reserves.

LAND: NATIONAL PARKS

South Coast: Reserves

2005. Mr SKIDMORE, to the Minister representing the Minister for Lands:

(1) Further to recommendations made by the Environmental Protection Authority concerning the proposed south-coast national park and endorsed by Cabinet on the 20th October, 1976, what is the present purpose, classification, area and vesting of the reserves listed at table 2.3 of Red Book 2?

(2) Further to parts (3) and (9) of recommendation 2.3 of Red Book 2, what areas of vacant Crown land have not been declared Class "A" Reserves for the purpose of "national park" and vested in the National Parks Authority?

Mrs CRAIG replied:

(1) The descriptive details of the reserves listed at table 2.3 of Red Book 2 are available from *Government Gazettes*. Gazettal dates are shown in a schedule which is submitted for tabling.

(2) There are numerous parcels of Crown land involved in recommendation 2.3 of Red Book 2. Inclusion of these areas will occur when other relevant areas held under lease or reserved are ready for inclusion. The whole area will then be incorporated into national park with vesting in the National Parks Authority.

The schedule was tabled (see paper No. 439).

CONSERVATION AND THE ENVIRONMENT

Whicher Range

2006. Mr SKIDMORE, to the Minister for Agriculture:

Further to recommendations made by the Environmental Protection Authority that were endorsed by Cabinet on the 20th October, 1976, concerning the Whicher range area, has the Western Australian herbarium yet been able to carry out a more complete flora survey of State forest 33 and other areas of the Donnybrook sunklands?

Mr OLD replied:

I assume the member is referring to recommendations 1.3 and 1.5 of the Environmental Protection Authority's second Red Book on conservation reserves for Western Australia.

The herbarium has only a limited capacity to conduct such surveys without seriously disrupting research work in progress. There are current commitments in system 11 being undertaken and studies in State forest 33 will follow.

I am advised that the Forests Department has carried out the comprehensive vegetation/site classification survey of the Donnybrook sunklands (including Whicher) required to manage the forest on a multi-use basis.

INDUSTRIAL ARBITRATION BILL

Strikes: Secret Ballot

2007. Mr SODEMAN, to the Minister for Labour and Industry:

In view of the answer given to question 1856 of 1979 on Thursday, the 18th October in respect of the Industrial

Arbitration Bill currently before the Parliament, will he consider amending the secret ballot provisions to encompass the following—

(a) mandatory secret ballots of workers at any location/s where strike action is proposed;
(b) conducting and scrutineering of compulsory secret ballots by duly delegated representatives of both the union and employer involved;
(c) appropriate action by the Industrial Commission following any alleged breach of conditions to be laid down for the conducting of such ballots?

Mr O'CONNOR replied:

(a) to (c) As outlined in question 1856, the Bill provides that the Industrial Commission may take a ballot of union members to establish the views of those members in the event of a possible strike.
Mandatory secret ballots would not be practical or appropriate in all cases and it is necessary for the commission to have discretion in this matter. If it did not have the discretion the ballot provisions could be made unworkable should parties create issues for the purpose of obstructing the processes.
The commission will be empowered to establish the conditions of the secret ballot. It may direct any union member or employer to conduct the ballot and may provide for the appointment of scrutineers.
The Bill provides for appropriate action in respect to breaches of conditions for conducting a ballot.

STOCK: SHEEP

Artificial Breeding Centres

2008. Mr H. D. EVANS, to the Minister for Agriculture:

(a) How many artificial sheep breeding centres are there in Western Australia; and
(b) where is each located?

Mr OLD replied:

(a) and (b) None at present. However two applications are currently being assessed by my department.

WATER SUPPLIES: CATCHMENT AREAS

Land Clearing: Infringements

2009. Mr H. D. EVANS, to the Minister representing the Minister for Works:

(1) Have any infringements of the clearing provisions of the Country Areas Water Supply Act been detected by the Public Works Department in the past nine months?
(2) If "Yes"—
(a) how many such infringements have been detected;
(b) is it intended to take any action against those who have infringed; and
(c) if so, what action?

Mr O'CONNOR replied:

(1) Yes.
(2) (a) Three
(b) and (c) Prosecution in accordance with part IIA, section 12B of the Country Areas Water Supply Act, 1947-1978, is under consideration.

QUESTIONS WITHOUT NOTICE

DR G. CHITTLEBOROUGH

Jervoise Bay: Report

1. Mr BARNETT, to the Minister for Conservation and the Environment:

Is it a fact that Cabinet or the Minister either has seen or has a copy of the Chittleborough report at the moment, and when is it expected that it will be made public?

Mr O'CONNOR replied:

In reply to the member's question, first of all I would not make public anything that happened in Cabinet; secondly, I do not have any such official document at this stage; and, thirdly, it is expected that the report will be available in about one month.

ROAD

Reed Street, Rockingham

2. Mr BARNETT, to the Minister for Transport:

(1) Is the Minister aware of road alterations to Reed Street, Rockingham, at the junctions of Council and Simpson Avenue, which may make it more difficult to negotiate these junctions?

(2) Is the department giving consideration to installing traffic lights at these junctions and, if so, when?

(3) If the department is not considering installing traffic lights, will he please have them investigate the possiblity of doing so as soon as possible?

Mr RUSHTON replied:

(1) I am aware of works being undertaken by the Rockingham Shire Council. It is my understanding that these works will improve the safety and efficiency of the intersections.

(2) The intersections have been designed to accommodate future traffic signals as and when justified on the basis of priority.

(3) The priority for the installation of traffic signals at intersections in the metropolitan area is reviewed annually. Because of limited funds, priority for signal installation is dependent on relative potential hazard and traffic flow. The two intersections in question will be considered in the next review.