

Legislative Council

Thursday, 24 October 1985

THE PRESIDENT (Hon. Clive Griffiths) took the Chair at 2.30 p.m., and read prayers.

TRAVEL AGENTS BILL

Second Reading

HON. PETER DOWDING (North—Minister for Consumer Affairs) [2.33 p.m.]: I move—

That the Bill be now read a second time.

This Bill is designed to protect the travel dollars of consumers dealing with travel agents and the good name of travel agents generally. It is the culmination of lengthy consultations amongst a number of States and responsible members of the travel industry aimed at setting up a scheme to maintain consumer confidence and faith in one of the nation's fastest growing industries.

It should be said at the outset that responsible members of the travel industry recognise the unfortunate effects on them as a group if, as in isolated past instances, consumers suffer substantial financial loss, inconvenience, and hardship if a travel agent should fail financially.

The purchase of travel, particularly for overseas visits and family reunions, and the subsequent loss of those opportunities by the agent's failure, leaving tickets unissued and insufficient funds to do so or being unable to account to the client, can cause significant emotional distress to all consumers. In such circumstances it is little consolation for consumers to be told they might at some future time get some or all of their money back or that they should have dealt with someone else. These platitudes cannot in any way replace a life's dream.

It is to the credit of the travel industry that it has for some time been concerned about the effect upon the industry of the failure of a travel agent who has received funds from a member of the public and failed either to account to the client or to pay for travel services to be provided by airline or tour operators when the agent has received funds from that same client in payment of these services. Numerous instances of these collapses are recorded in the files of the Department of Consumer Affairs. In the last 12 months the De-

partment has noted the collapse of East West Tours, Reliance Travel, and more recently, Hallmark Travel. These failures have left clients lamenting the loss of a hard-earned holiday or of deposits paid to the travel agent in respect of proposed travel. These failures have been paralleled by failures in other States.

A common thread running through each of these collapses was that the business did not have a sound financial basis. On occasions the people involved in the business were not fit and proper people to be charged with handling substantial amounts of the public's money. Work towards the goal of overcoming this problem has progressed, albeit over a lengthy period.

A joint Commonwealth-State working party proposed a legislative scheme for the uniform regulation of the travel industry throughout Australia. Western Australia was part of this working party which was developing a State-operated licensing scheme, together with a national compensation fund administered under Commonwealth law.

Members may recall the Commonwealth's announcement of its intention some months ago to no longer be involved in this scheme. This resulted in renewed efforts by Western Australia, New South Wales, Victoria, and South Australia to review the developed scheme with a view to ascertaining whether a simpler and more effective means could be developed to provide protection for the travelling public dealing with travel agents. This Bill is the result of that review.

It is considered desirable for there to be uniformity of legislation throughout Australia, and this Bill is the first to be introduced with that in mind.

It is significant that, as well, it is considered that the travel industry should be regulated only to the extent required to provide effective protection for the consumer. To that end, detailed discussions were held with the Australian Federation of Travel Agents, the peak industry body whose members carry out the majority of travel business in Australia. These talks were aimed at ensuring a scheme which provided effective protection for the consumer, as well as keeping administrative costs for both industry and Government at a minimum.

This Bill provides for the licensing of travel agents through the Commercial Tribunal of Western Australia. It aims to ensure that only those persons who are of good character and fit

to be involved in the operation of a travel agency business and have sufficient financial resources to do so are licensed as travel agents.

The scheme proposed is consistent with the Government's desire to establish as far as possible a uniform approach to occupational licensing in this area and is modelled on the Credit (Administration) Act with appropriate alterations to reflect the particular needs of the travel industry.

The Commercial Tribunal will include for the purposes of this Bill representation from travel agents, drawn from a panel appointed by the Minister in accordance with the procedure established under the Commercial Tribunal Act.

The essential elements necessary to obtain a licence require consideration of the applicant's character or that of its directors, and his or the company's financial position; and will require as a condition of licence that the applicant has and retains membership of a prescribed compensation scheme. This will require initially a relatively small annual contribution which is expected to cease after a number of years of the scheme's operation, when the fund is self-sufficient.

An independent assessment of proposed contributors will establish the financial soundness of an applicant necessary for membership of the fund.

The compensation scheme proposed will operate on a national basis. It is derived from an industry-prepared compensation scheme developed by the Australian Federation of Travel Agents.

The compensation fund scheme will operate under a trust deed so as to enable its operation in all States where legislation relative to travel agents is enacted upon a uniform basis to that contained in this Bill.

The fund will be administered by a governing council representative of the Governments where legislation has been enacted, the travel industry, and consumers, and on a day-to-day basis will be administered by a management committee through the office of the Australian Federation of Travel Agents, which committee will handle the processing of claims for compensation and the investment of the fund.

The administration of this fund provides a unique example of an industry-Government cooperative scheme which will ensure protec-

tion of the travelling public in the event that they suffer loss as a result of dealings with a travel agent.

It will provide protection to people dealing not only with licensed travel agents, but also in exceptional circumstances with an unlicensed travel agent in the reasonable belief that the agent is licensed. It will also provide a means for emergency compensation to the consumer to enable travel to take place.

Honourable members will observe that there are to be substantial penalties imposed upon persons who act as unlicensed travel agents and upon persons who facilitate a person acting as an unlicensed travel agent.

A significant deterrent in the Bill is the provision whereby profits derived from unlicensed activity may be subject to forfeiture. Such a provision is designed to ensure that not only is a sanction provided by law but also a person cannot benefit from the unlicensed activity. As well, the Bill provides that service fees or commission charged by an unlicensed travel agent are not recoverable at law.

The legislation also proposes that the licensee or the person managing the business at a place of business of the agent where it is not managed personally by the licensee shall have appropriate qualifications and experience, and that the premises at which the travel agent's business is conducted may need to conform to certain requirements.

This Bill, together with the compensation scheme to be prescribed, provides a unique opportunity for Government and industry coregulated in what is a national industry. It does this with minimum intervention by Government while at the same time providing maximum protection for the consumer.

It does not impose unreasonable constraints upon the travel industry nor does it impose unreasonable cost burdens to ensure compliance with its terms.

There will be also substantial uniformity of approach amongst the States as to the protection of the travelling public through similar legislation to be enacted elsewhere.

In the course of developing the trust deed in other States, it may eventuate that some minor modifications to this Bill may be necessary in the interests of uniformity, and we are prepared to amend the Bill if that need arises.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. Tom Knight.

**OFFENDERS PROBATION AND PAROLE
AMENDMENT BILL (No. 2)**

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [2.42 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes to effect two changes to the Offenders Probation and Parole Act. The first is in respect of a court's discretion to fix a minimum term. Section 37 of the Act provides that a sentencing court may, as part of a sentence of imprisonment, fix a minimum term.

The minimum term is a lesser term than the maximum sentence imposed. Until the minimum term has been served, the convicted person is not eligible to be released. Thereafter, he may be released on parole on such conditions as the Parole Board requires or recommends.

Section 37(2) of the Act provides that a court is not required to fix a minimum term if it considers that the nature of the offence and the antecedents of the convicted person render a minimum term inappropriate. However, section 37 as a whole has come to be judicially construed as obliging a sentencing court to fix a minimum term unless the circumstances clearly require or justify the imposition of a maximum sentence only.

There have been a number of cases in which the sentencing judge or magistrate would have preferred not to fix a minimum term for a variety of reasons which the Act does not now accommodate. For example, the Court of Criminal Appeal has held that section 37(2) requires that both the nature of the offence and the antecedents of the convicted person make the fixing of a minimum term inappropriate. A minimum term must be fixed even if one of these considerations suggests a minimum term is inappropriate.

It is accordingly proposed to amend section 37 to give the sentencing court a very wide discretion to decline to fix a minimum term. This is consistent with the Government's view that sentencing courts should have appropriate discretion when sentencing.

The Government anticipates that the proposed change to section 37 will lead to an increase in the number of cases where a maximum sentence only is imposed. The likely number of such cases cannot be quantified, but it is expected that they will continue to be a small proportion of the whole. The real aim of this exercise is to ensure that the courts should

not feel bound to allow parole where this is regarded, for whatever reason, as clearly inappropriate.

Clause 6 of the Bill effects the above change.

Clause 7 effects a consequential amendment.

The Bill also seeks to amend the composition of the Parole Board. Section 21 of the Act provides that where the Parole Board is dealing with a male prisoner, the Board shall consist of seven members; namely, a judicial member appointed by the Governor on the recommendation of the Minister, the Director of Prisons, and three men and two women appointed by the Governor. Section 21 also provides that where the Board is dealing with a female prisoner, the Board shall consist of five members; namely, the judicial member, the Director of Prisons, the two women appointed by the Governor, and one of the three men appointed by the Governor. It is proposed to remove the distinction in composition of the board when it deals with female prisoners.

In addition to the removal of that distinction, it is also proposed to provide—

that there be three persons appointed by the Governor, a reduction from the present three men and two women;

that the Director of the Probation and Parole Service—or a nominee when the director is not available to attend—be a member of the Board;

that a nominee of the Director of Prisons attend as a member when the director is not available; and

that one member of the board be a member of the Police Force nominated by the Commissioner of Police; this confirms the present practice.

Accordingly, in future the Parole Board will consist of seven members: The judicial member appointed by the Governor; the Director of Prisons or a nominee; the Director of the Probation and Parole Service or a nominee; a member of the Police Force; and three other persons.

Clauses 3, 4, and 5 effect this change.

Clause 8 is a transitional clause.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. Margaret McAleer.

CRIMINAL INJURIES COMPENSATION BILL

Report

Report of Committee adopted.

ELECTORAL DISTRICTS AMENDMENT BILL

Second Reading

Debate resumed from 16 October.

HON. MARGARET McALEER (Upper West) [2.49 p.m.]: The Opposition supports this Bill. The Government has said that it contains only minor amendments to the Electoral Districts Act, but I believe that it has improved the format of the Act and that in setting out the steps of the procedure to be followed in the case of redistribution it has added something of substance to the Act. In some cases the steps which have been set out are simply formalised practices which have already evolved during the course of time.

In two cases at least, the steps which are delineated are quite new. I refer to the obligation now for the commissioners to advertise for suggestions from the public as soon as the proclamation has been made. It might be thought that only members of political parties are likely to be strongly interested in making such suggestions. It will be interesting indeed to see how many are forthcoming from the public. But I think there are members of the public who are not politically involved in the party sense who nevertheless would have an interest in the subject of redistribution and who would sometimes have feelings of annoyance or aggravation because of the redistributions which have occurred in the past.

I am thinking particularly of an example in my province of the district of Coorow. Unfortunately it has always found itself on the border between Moore and Greenough. In three successive redistributions, first it was in Moore, then in Greenough, and then it was put back to Moore again. People in the Coorow district became aggravated by this procedure. It was not a matter of party politics; on the one hand they were represented by Mr Crane in Moore and on the other they were represented by Mr Tubby in Greenough. They were equally pleased with that representation. However, they felt they had to reorientate themselves every three years and they found it difficult to do so. They were in an unfortunate situation.

Obviously there will always be places on the borderline. Coorow is on the borderline of a number of electoral boundaries. For example,

it is in the northern ward of the Local Government Association but the people do not feel enough community of interest to belong to the Midland centre which they feel extends too far south. They feel closer to the larger town of Moora and had there been a centre of the Local Government Association in that town they would have liked to belong to it.

It may well be difficult for commissioners to deal with all the suggestions which come from the public, but it is worthwhile experimenting and encouraging public interest in the redistribution process.

I was a little surprised by the length of time allotted for comment after the period for submitting suggestions. Thirty days will be allowed for making suggestions and after that a further period of 14 days in which comments may be received. It is not clear from the Bill exactly how those comments will be invited. Perhaps they will be invited in the first advertisements or perhaps during the period when suggestions are being made. In any case only 14 days will be allowed and suggestions will be kept in the office of the Chief Electoral Officer. As this office is in Perth, and the information will not be published, only people in and around Perth will have the opportunity to view it in the short time allowed. I imagine that people living in rural areas or in outer suburbs will not make a comment unless they are extremely interested in doing so.

In keeping with the existing Act, when the commissioners have issued their preliminary proposals for distribution together with maps and explanations, a period is allowed for objections to be received. This has always been the case and the public have always been invited to lodge objections if they wish to. I note that the Act and the Bill state that such objections should be written. I cannot give an example but I have it in my mind—although I may be incorrect—that in the course of receiving objections, hearings have sometimes been held by the commissioners. I query what procedure is followed with written objections.

In another place, the spokesperson for electoral affairs, Mr Andrew Mensaros, suggested that perhaps the sitting members of Parliament should be made aware of the objections so that they in turn could comment upon them. When he made the suggestion it was somewhat misunderstood and treated with great scorn as though sitting members had a special privilege in dealing with objections. I think the point he was trying to make was that a member of Par-

liament is very much aware of the existing situation in an electorate and would be more aware than most of where community of interest lies.

The suggestion could be expanded to allow the public to comment on objections; but if we reach that stage, the question may be asked, "Where does the process end?" We already have periods allowed for suggestions, comments on those suggestions, objections to the suggestions, and, if we were to allow objections to the objections, where would it all end?

Since political parties mainly lodge those objections, because they have more interest in whether they will get a "good" or "bad" territory, and it sometimes affects their administration, perhaps when the Government is considering further amendments to the Electoral Districts Act—which I believe it is—it might give some thought to whether the objection process could be made open and whether comment on it might also be allowed.

A further matter of substance, but which is not in the Bill, relates to the direction to the commissioners that in their considerations for redistribution they should take into account demographic trends. This has been done in the past and it was evidently done in the last redistribution. Perhaps it has not always been successful because they may not have spotted the demographic trends. However, I think it is a necessary step to take these trends into account and certainly a move which we support. The purpose of taking demographic trends into account is simply to try to lengthen the time before redistribution is necessary, and any move which leads to stability in electorates is good for the electors.

We support the Bill.

HON. D. J. WORDSWORTH (South) [2.57 p.m.]: I rise to support the Bill overall. No doubt Government members will be somewhat surprised and the Press will fail to report that this side of the House is agreeing to some electoral reform.

At times I question the idea of public participation, particularly bearing in mind what happened in Tasmania recently with the Federal redistribution. I presume that this legislation is based on the Federal legislation.

In Tasmania recently a major electorate was named Truganina after the last Aboriginal woman to survive in that State. After the announcement was made many complaints were received in Tasmania and on inquiry it was found that the recommendation had come from the women's liberation organisation in

South Australia which thought it was a good idea. Given these facts, the name was changed to a more suitable one; but it is an indication of what can happen if public participation is invited. Perhaps if a great deal of public input is received one proposition mellows another; but in that case only one recommendation was received from a State hundreds of miles away and of course the public input was very biased.

I am aware of the difficulties associated with redistribution and the problems that can arise. I was in a somewhat difficult position during the last election when I was Minister for Lands. My senior staff member, the Surveyor General, was one of the commissioners involved in the redistribution. He had the difficult task of removing my home town from my electorate and as a consequence my home was 70 miles away from my new electorate. Needless to say, he did not discuss the matter with me and I did not subsequently object to the redistribution. In fact, the only objections I had were towards the other side of the House when questions were asked indicating that I was endeavouring to influence that commissioner. I felt that was a most unjust accusation which had no basis at all but was made out of sheer devilment.

I, like Hon. Margaret McAleer, plead that the commissioners do consider isolated pockets of population that seem to get thrown from one electorate to another. My particular problem area is Denmark, which is quite isolated. I suppose it is convenient for the commissioners to put it into Albany or Bunbury but it is most unsettling for those people who live in the area. While it is very convenient for the commissioners, I think we should be looking at the population and the effect upon them. Esperance is in much the same position. It seems to oscillate between the goldfields and the south coast. One could argue that Esperance is part of the goldfields as the natural part, but the only connection is a railway line and a few exports of nickel and salt. Even they have ceased. Absolutely nothing comes down from Kalgoorlie to Esperance, but somehow or other, electorally we seem to be considered as the goldfields area. That seems completely and utterly ridiculous.

Hon. P. H. Wells: That is where all the holidaymakers go.

Hon. D. J. WORDSWORTH: They do not vote in that direction. Their outlook is completely different from the people of Esperance who are a rural farming community, which is the same as the south coast. Admittedly we do

get a lot of "black singlet" tourists from that area but it does not necessarily mean they influence our outlook.

I support the legislation.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Hon. D. J. Wordsworth) in the Chair; Hon. J. M. Berinson (Attorney General) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 3 substituted—

Hon. MARGARET McALEER: As the Minister did not reply, I wonder if he might make some comment on the short period allowed for comments on the suggestions and the fact that they are not to be published in any way. They will just be found in the electoral officers' offices, which must mean that the possibilities are very limited indeed.

Hon. J. M. BERINSON: I think the important point in this provision is that some definite capacity is provided for people to comment. It is reasonable to suggest that we should wait on experience to indicate whether further amendment to that period might be considered. All I can say for the moment is that it is considered by those who advise the Minister that previous experience with the process suggests that this is a reasonable basis on which to launch the new system.

Clause put and passed.

Clauses 5 to 10 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon. J. M. Berinson (Attorney General), and passed.

CONSTRUCTION INDUSTRY PORTABLE PAID LONG SERVICE LEAVE BILL

Second Reading

Debate resumed from 26 September.

HON. G. E. MASTERS (West—Leader of the Opposition) [3.06 p.m.]: The Bill before the House is a piece of legislation that should be read to understand it. Quite frankly, I have never seen a more difficult second reading speech to understand, and the people I have

discussed the matter with and sought advice from have also said that the second reading speech is difficult and not very well written. The Bill should always be read, but one would think the second reading speech would be more explanatory and easily understood than the Bill.

Hon. P. G. Pendal: It is unfortunate that Mr Dowding does not understand it either.

Hon. G. E. MASTERS: We will test him and see. The question I ask the Minister is whether this Bill should proceed at all. Is the legislation introduced at the right time?

We have been advised that the building unions have placed immense pressure on the Government and the Minister by virtually serving an ultimatum that this legislation be introduced or there would be industrial trouble in the workplace. That is only hearsay, but it certainly comes from a reliable source. I can understand the Minister introducing the Bill in the form in which it has been presented because of the excessive demands put on him. We will press the question during the Committee stage because it is more of a Committee Bill than a Bill to be discussed at this time.

We should ask the public whether the unions in the building or construction industry—that is, the BLF and the BWIU—deserve to be given the benefit of this legislation at this time. I think the answer from most people would be "No". If one went to the public and asked them, "Do you think this is a fair Bill and do you think these benefits are fair to people who use dreadful tactics in the workplace?", there would be overwhelming support for this Bill not to proceed.

We know the BLF has a disgraceful record in Australia and particularly Western Australia, and this was well described in a statement made by the Prime Minister of Australia, and I think it should be recorded because we are offering some special benefits to people whom Mr Hawke describes as follows—

No Government could tolerate this form of unionism perpetrated by groups like the BLF. Their complete disdain for the law, their frequent resource to practices of thuggery and physical coercion have no place in our society.

The Prime Minister has described the BLF as being one of the main beneficiaries of this Bill in that way. Members would have to agree that if this is the case, what are we doing here today, offering them special benefits, when we have no guarantee of their fair conduct in the

workplace? Surely the proper course of action, and one I would be persuaded to take had I been in the Minister's position, would be to ask for a guarantee of good behaviour.

For the next 12 months we expect no reports of extortion, bullying and standover tactics to be observed in the workplace or reported upon; there would be no complaints of this sort. If that were the case we would say, "Well, that is a good reason that we should introduce a Bill of this kind." I do not see why a group of people in our community—the BLF leadership in particular, because the BLF members, in the main, I am sure, are very good, hardworking trade unionists—

Hon. Peter Dowding: Who benefits, the membership or the leaders?

Hon. G. E. MASTERS: There appears to be militant union leadership in the BLF, and this is a great discredit to the trade union movement and its members. The Minister asked who gets the benefit of these provisions, the union leadership or the responsible trade union members. Of course, the trade union members get the benefit and that is the reason I will not oppose this Bill. I suggest to the Minister that it would be far better to say there should be no extortion or standover tactics in the workplace, and I think that is a fair and proper attitude to take. Why should people continue to suffer in this way? If the Minister doubts that standover tactics, threats and intimidation still occur in the workplace, perhaps he is not receiving reports of that sort of conduct as I certainly am.

Today a person—a fairly substantial developer—complained to me that the BLF was causing him all sorts of problems in stopping the job and threatening those working on the job. Only a short time ago I received a complaint from a very hardworking, genuine, Italian fellow who said that he had been laying a concrete pad at a fairly large development with a number of employees. The laying of the concrete was half completed when a BLF heavy came onto the site and asked if all his workers were members of the BLF. He said that he did not know and that he thought they were. The BLF heavy went around and questioned the workers. He discovered that one employee was not a member of the BLF. The BLF heavy said, "That is the end of it", and sent the concrete trucks home. He stopped a concrete pour half way through the pour. This very genuine, hardworking Italian fellow and his gang of men were prevented from working and that job was

put under great threat. I think it cost a great deal of money for the employer to put it right. I repeat that he was a very genuine and hardworking fellow who held no gripes. He was not a businessman. He was not manipulating his men. He was paying above award wages, but because one of his men was not a member of the BLF this job was stopped half way through the concrete pour. I know this man's lawyer was considering taking legal action, but in such matters it is very difficult. I do not know what has happened. He certainly has not come back to me on the matter at this stage.

I described that to the Minister for Industrial Relations in the hope that he and his fellow Government members share my deep concern for that sort of activity. We condemn it out of hand. That person was doing nothing more than carrying out his job.

Hon. V. J. Ferry: Will he be able to get compensation?

Hon. G. E. MASTERS: Builders can get compensation, but it is a very lengthy and costly process. These builders sometimes have not had a high standard of education; they certainly are not wealthy and the cost of employing legal people to represent them is enormous, so they shake their heads and approach people such as their members of Parliament and ask, "Can you help me? What on earth can I do?" Of course they can take action, but it is not quick enough and it is too expensive.

I hope that the Minister and his members share our concern in respect of these matters and for that reason some consideration should be given as to whether this Bill should progress at this time. Why should not there be an understanding that the Bill be held in abeyance and if those standover men in the workplace misbehave themselves their membership suffers? The members of the BLF and of other unions vote for their leaders and if those people cause that sort of conduct and activity they should be removed from union leadership—I hope sooner rather than later.

It must be obvious to the Minister that under no circumstances can the Opposition accept a number of provisions of this Bill. I realise that the Minister has an ultimatum; he needs to introduce this legislation during this session or else he will be in industrial trouble.

Hon. Peter Dowding: Don't get fanciful flights.

Hon. P. G. Pandal: Getting a bit close to the truth, is he?

Hon. Peter Dowding: No, he is just wrong.

The PRESIDENT: Order!

Hon. G. E. MASTERS: I understand the Minister's situation. We all know the position he is in. We have seen his activities in this House and outside it over recent times, which leave us in no doubt as to where he stands with these people and the commitment and the obligation he has to them. He knows very well that we cannot accept many of these provisions; he knows they are unreasonable, but I suppose he also accepts that if he gets the major part of it through he is off the hook. He has tried his best. We all understand that. He understands it better than anyone, so I am giving fair warning of many amendments on the Notice Paper. The Opposition is very genuine in its desire and need to amend this Bill.

The second reading speech is interesting, although it is difficult to follow, because when the Minister introduces this sort of legislation, as did his predecessor, he always quotes or makes reference to the tripartite consultative council which is a very important body representing the employer groups, union groups, and Government. I know it carries out very useful functions. It is interesting that the drafting of this Bill was carried out in part by the tripartite consultative council, although the Minister quite rightly in his second reading speech said that there are areas of disagreement; even though they appear in the legislation at the behest and the demand of the building unions, nevertheless, he did make reference to the tripartite consultative council.

It is interesting that when it suits the Minister he does this sort of thing, but when the Opposition introduced a Bill in respect of voluntary work contracts and the like the Minister failed to put that proposition or that Bill before the tripartite consultative council, no doubt guessing that there would be some response to it which would not suit the Government.

Hon. Peter Dowding: Mr Masters, everyone regards it as a joke.

Hon. G. E. MASTERS: There may be some people in Government—

Several members interjected.

The PRESIDENT: Order!

Hon. G. E. MASTERS: If what the Minister says is true, why not send the Opposition's Bill to the tripartite consultative council? What has the Minister got to fear? He does it with every other Bill that suits his purposes.

Hon. Peter Dowding: Every serious Bill. You are not serious about this.

Hon. G. E. MASTERS: I ask the Minister to look at the Bill and to let me know what he thinks about it. I ask him to give me a report on it, to tell me what it is all about, to tell me whether we can live with it. That is all I am asking.

Hon. Peter Dowding: In 15 months you didn't do anything. It is a joke.

The PRESIDENT: Order! Honourable members must stop their interjections. One person interjects and everyone else apes him and thinks it is an invitation for them all to have a go. I suggest that the initiator of the interjections stops interjecting and then apparently everyone else will also stop.

Hon. G. E. MASTERS: I was talking about the tripartite consultative council and was making reference to the Minister's use of that consultative council. I asked him why he did not send matters such as the one I have just mentioned—a Bill introduced by the Opposition—to the tripartite consultative council. The answer is, of course, that it did not suit him to do so.

He is worried about what some members of that consultative council might say about the proposition.

Hon. Peter Dowding: Mr Masters!

Hon. G. E. MASTERS: The Minister is laughing, but I challenge him to put the Bill before the consultative council and to see what happens. I throw out that challenge to him. Will he take it up? If not, what is he frightened of? He laughs, but he is not going to do it.

Hon. Peter Dowding: Why didn't you get the Bill up in the 15 months you had a majority in both Houses of Parliament?

Hon. G. E. MASTERS: I can assure the honourable member that next year I will, and when he is languishing on the backbenches of the other place, through his incompetence, he will rue the day he did not put that Bill to the tripartite consultative council. He will say to himself, "I should have done it", but it will be too late.

Hon. P. G. Pandal: He will be the failed candidate for Maylands.

Hon. G. E. MASTERS: I think Hon. Peter Dowding can count if he cannot do anything else. If he fails in that Maylands seat, I suggest that he will be one of many but, nevertheless, I think that because of his record he certainly

will be under some sort of threat. I suggest to him that he ought to do the right thing and put that Bill before the tripartite consultative council.

Let us look at the Bill before us. It is a Committee Bill which is quite complicated and interesting to read, and the title of the Bill is, "Construction Industry Portable Paid Long Service Leave Bill". We should make note of the "Construction Industry" part of the title. I know that these matters were raised in the Legislative Assembly, but I do not think that they were given a sufficient hearing. We will be asking the Minister to clear up some of our doubts, because that title seems to be misleading. Most members will understand that the construction industry not only includes those big buildings that are being built around Perth, such as the casino development; it probably includes some sections of the housing industry. This Bill could probably gobble up the housing industry in due course.

Mr Parker, the Minister representing the Minister for Industrial Relations in the Legislative Assembly, said that the housing industry was not to be included in this Bill, but I say to the Minister in this place that he should look at this closely and get some advice because my understanding and the advice I have received is that it certainly will affect the housing industry. If that is the case, the Opposition will be taking a very strong position, because it is clear that the member in the other place who is handling this Bill had the impression that the housing industry was not to be included.

The Bill was set up with what I consider to be a new bureaucracy. It sets up a board that will handle and manage a substantial sum of money—the funds held in trust by it for the members of the scheme—and it also has a provision to have an executive officer and staff and all those things that go with this sort of operation. This new bureaucracy is something that we, in this place, have come to accept, despite all the claims made by this Government of reducing government and of reducing boards and committees.

Hon. Peter Dowding: Where is the bureaucracy in this Bill?

Hon. G. E. MASTERS: I am talking about Government groups and departments, and I would ask the Minister if he can tell me how many people will be employed by this board, what sort of facilities they will have, and how

they will finance and organise themselves? If this is not another bureaucracy, I will eat my hat.

Hon. Peter Dowding: You have not got one.

Hon. G. E. MASTERS: No, I ate it last year because I bet one of my colleagues that Hon. Peter Dowding would make a success of industrial relations and I lost the bet.

The fact is that this bureaucracy will be expensive, and will cost people who subscribe to this long service scheme and to the board a great deal of money. The Minister obviously is prepared, and has done an analysis of the costs and the numbers of people who are likely to be involved, including the number of inspectors, executive officers, support staff, and so on. The Minister must obviously know the cost of vehicles and the cost of running the board. I am sure that if he says it is not another bureaucracy, he could answer those questions and could tell us exactly what it will cost and what those people who are required to subscribe will be required to pay. The Minister will be able to tell us those details as soon as possible.

The provision is as usual an impost on the industry. It is interesting that when we talk about penalties, we see once again that it is a one-sided arrangement, to say the least; and, although the penalties seem to be imposed more strongly on the employer than the employee, in reality the responsibility is the other way around. There is no better example of that than the situation of a person employing another person, for example, on a farm. Let us suppose that Hon. D. J. Wordsworth was approached by a person in Esperance who said to him, "Look, I want a job", and Mr Wordsworth replied, "Yes, it is a busy season and it just so happens that I have a job going." It is unlikely that he would say to the person, "Are you on long service leave?", to which the person would reply, "No, I just want a job." If Mr Wordsworth employed that man and an inspector came around asking questions of his employee, and discovered that the man was in fact on long service leave, Mr Wordsworth, according to the Bill, could be liable to a penalty of \$500. If that is not bad enough, the person who misled Mr Wordsworth and actually broke the law intentionally and knowingly, would be fined only \$100. Mr Wordsworth, not knowing anything about the deceit and asking all the right things, could be fined \$500, while the person who committed the offence and told the untruths was fined substantially less. There is a great bias here and certain grave impositions

on the employer in circumstances where it is not necessary, and mostly, as in this case, not his own fault.

When we talk about bureaucracy, or however Mr Dowding would like to describe it, there is no doubt that the employer will have to make some return, whether it be a monthly return or a quarterly return. It is more likely to be a monthly return, and so the employer will have a whole ream of forms that he must fill out with the details of the people he is employing, and all the other things that we know this board will require. There will be more red tape as well as an imposition on the employer, and it looks as though the industry will be paying out a minimum of \$5 million a year.

If we take into account the information that the Minister I am sure will be kind enough to give us in his reply, which will tell us what the new department or group will cost and how many inspectors and how much office accommodation it will have—remembering that it will build its own offices—it will be obvious that the cost to the subscribers of the scheme will be exorbitant. We must take into account the vehicles, the other overheads, as well as the imposition on the employer who will have to pay for the establishment and running of the board. It will cost the employers in the construction industry a minimum of \$5 million a year for this scheme; it will possibly cost them more. We are entitled to know whether a cost analysis has been carried out, detailing what I have just described, and whether in fact that will have a great effect on the levy that is placed on the employers themselves. I suggest that, because of these difficulties and some other problems, the Minister ought to seriously consider referring this Bill to the Standing Committee on Government Agencies.

If there was ever a good example of the need for a careful look at another QANGO, Government agency, or board which is working within the Government's laws, and how much it is going to cost and how it will manage its money, this is it. I draw the House's attention to this matter and I hope that the Minister is listening and will consider referring this legislation to the Standing Committee. I know that the Confederation of Western Australian Industry and industry groups themselves such as the Metropolitan Region Planning Authority and Australian Federation of Construction Contractors, and maybe one or two others have no idea of the principle of the construction portability levy in general, but they have expressed concern.

They have expressed to me their deep concern about some of the provisions in the Bill.

While the Minister was consulting with his adviser I advised the House that I would ask him if he would seriously consider—

Hon. Peter Dowding: I heard you.

Hon. G. E. MASTERS: I am glad that the Minister heard me. Having made my point I hope that he will seriously consider this matter. He realises, as we do, that these boards and groups have a responsibility and that they handle a great deal of money. If the Minister were to make a mistake now it would be another black mark against him. He has already made so many mistakes. I know that he will seriously consider my proposition.

I refer now to the entitlements which I want to get very clear in my mind and if I have further queries I will raise them in the Committee stage.

One entitlement is that after 15 years' work in the construction area a person is entitled to 13 weeks' paid leave. This entitlement is based on a person working 3 300 working days in the industry. If, after 10 years, a person leaves the industry he is entitled to a *pro rata* payment. I ask the Minister if that payment will be based on award rates.

Bearing in mind that the Bill states that a person must work 220 days in one year to obtain a credit of a full year's work, what is the position if a person works for 180 days in one year, 240 days in the next year and 210 days in the third year? Under those circumstances there is only one year in which the person has completed the requirements under the terms of the Bill before the House. The Bill states that a person must have a credit of 220 days' work in one year. What happens if a person has fewer working days and what happens if he has more working days? Does he obtain a debit and a credit for those years? In other words, if he works 180 days in one year is he able to make up the balance in the following year? On the other hand, if he works a greater number of days, for example, 240, what happens to those 20 extra days? My reading of the Bill is that the 20 days will be lost. If that is the case, he cannot work more than 220 days in a year.

Hon. Peter Dowding: He can.

Hon. G. E. MASTERS: He will not receive a credit for those days.

Hon. Peter Dowding: It will not be taken into account in bringing forward his entitlement for long service.

Hon. G. E. MASTERS: I have used the word "credit" and I was talking about a 20-day credit for a year's work. I understand what the Minister is saying. If a person works 240 days in one year it means, under the provisions of the Bill, he has worked 20 days over and above that required for a full year's entitlement in relation to long service leave. He will not receive a credit for the extra 20 days he has worked.

If a person works fewer days than the specified 220, how can he make up the balance? If my understanding of the Bill is correct he is not able to make those days up by working extra days in the following years. Therefore, he will have to work more than 15 years—probably between 16 and 20 years—to be eligible for the 13 weeks' long service leave entitlement, because of the nature of the work of the construction industry.

The Bill is not based on the usual understanding of long service leave; that is, a service to one employer. Because of the nature of the construction industry it is based on service to the industry. In other words, a service to the construction industry.

The Bill is a Committee Bill but I would like to raise the following points with the Minister before we reach that stage.

The Opposition has reservations about some of the definitions in the Bill. The definition of construction industry is wide-ranging and to my mind includes the home building industry. The Minister's colleague said that the Bill is not intended to include the home building industry. I read his explanation and I hope that the Minister will have a better one.

Hon. Peter Dowding: That is not correct.

Hon. G. E. MASTERS: Therefore, it is intended that the home building industry be included.

Hon. Peter Dowding: You knew that.

Hon. G. E. MASTERS: We have received two reports. The Minister for Employment and Training is responsible for this Bill in this House and I would have thought that he would have advised a member in another place, who is a backbencher only, about the importance of the Bill. The Opposition in the Legislative Assembly believe that the housing industry was not included in this legislation.

Hon. Peter Dowding: You cannot talk about what happened in another place in respect of this debate. It is a Standing Order.

Hon. P. G. Pandal: It is the first time you have observed it.

Hon. G. E. MASTERS: I consider that the Minister in this case probably had not—

Point of Order

Hon. PETER DOWDING: On a point of order, Mr President, I refer to Standing Order No. 84 in relation to the honourable member's address.

The PRESIDENT: Standing Order No. 84 says that an honourable member cannot refer to a debate in another place. If the honourable member is doing that, he is out of order. If he is not, he is not out of order.

Debate Resumed

Hon. G. E. MASTERS: The understanding that the Opposition members both in this place and in another place had—until the Minister interjected by torpedoing that understanding—was that the housing industry was not to be included in this legislation. Indeed, the term "construction industry" has not been understood publicly to include the housing industry as such. The construction industry involves those developments which take place up and down the Terrace, the casino, and the project at Scarborough. That is what everyone understands the construction industry to mean.

Therefore, if any members of the public were to pick up this Bill which is entitled, "Construction Industry Portable Paid Long Service Leave Bill", they would naturally think that it refers to the construction industry and not to the home building industry. The Minister and the Government have been crafty in introducing a Bill which seeks to mislead the public. The people to whom I have spoken are under the impression that the housing industry will not be included in this legislation. They made reference to debates that took place in another House and were of the opinion that the housing industry would not be included.

Hon. Peter Dowding: If that is so, why do we have a certain amendment on the Notice Paper?

Hon. G. E. MASTERS: I do not believe the Minister. That is a very easy answer—the Minister came in like a rocket. I do not believe him because the Bill says the housing industry could be included. If I had an undertaking—

Hon. Peter Dowding: You are like Rodney Rude, without using the bad words.

Hon. G. E. MASTERS: I would suggest that the Minister would tempt anyone to use bad words. However, I am constrained in my method of handling Bills and I certainly will not incur his wrath by using bad words.

Again it appears that the Minister has misled the public. We note the definition of the construction industry and we know that the Government is trying to hoodwink the public and the housing industry in this area.

Hon. G. C. MacKinnon interjected.

Hon. G. E. MASTERS: Mr MacKinnon is right in what he says and that is why, despite what was said publicly and in another place assuring us that the home building industry would not be included, I understood it as the member did to mean that it would be included.

Point of Order

Hon. PETER DOWDING: I raise a point of order under Standing Order No. 84 with which the honourable member is in my respectful submission in breach.

The PRESIDENT: Honourable members must understand that the term "in another place" allows members to circumvent the Standing Order. If the honourable member had said "in the Legislative Assembly", then he would have been breaching the Standing Order. The Minister's understanding of the history of Standing Orders and parliamentary practice would surely have brought him to understand that that is why members of Parliament use that term. To consider that "in another place" means the Legislative Assembly is an assumption on the part of members.

Debate Resumed

Hon. G. E. MASTERS: I thank you, Mr President. I can understand the Minister's deep concern that he and his colleagues have been found out in that they have certainly misled the public in the areas about which I have been talking.

The comments made in another place have led certain sections of the house building industry to believe they are not included in the provisions of this Bill. Having been assured by members of the Government on that point we now find that is not true. I suggest that the handling of Bills of such a difficult nature should be put in better or more competent hands or that those handling the Bills should be better briefed if they are to handle Bills which deal with other people's finance—it must be

remembered that we are talking about \$5 million a year at least—and which have a great impact on an industry.

I seek an assurance from the Minister on this matter and, if there is any doubt, we shall seek to amend the Bill to make sure that what the Minister says is correct. There is even more reason to move the amendments on the Notice Paper because it appears that the assurances made on the Minister's behalf are being refuted, even though they are recorded in *Hansard*. It is stated that the employee definition excludes subcontractors and self-employed people; in other words, those people in that category are not included under the definition of employee and are exempted from the legislation.

There is also the question of investment and the way money can be invested by those people responsible for handling it. I estimate that something like \$5 million or more each year will be paid to the board. I am sure it is obvious to the Minister, and I hope he has read the debates which took place in another place, that we need to know what will happen to this investment and whether it will be safely invested. If the money is invested in the marketplace, in seven or eight years time that \$5 million a year with interest will become \$50 million. Therefore, those people will be investing \$50 million of contributors' money in seven or eight years' time. The employer will pay the money to the board but, in fact, the money belongs to the workers who have been employed in the construction industry.

It is only right and proper that the Opposition should make sure that those funds are securely invested and thoroughly protected. That is the reason for the further amendment. We do not object to the money being invested but we want to make sure that the money is safe.

Provision is also made in the Bill for the board to borrow funds and we want to know why it needs to borrow funds.

Sitting suspended from 3.45 to 4.00 p.m.

[Questions taken.]

Hon. G. E. MASTERS: I was explaining to the House that the assurances given in another place to the Opposition really are not worth the paper they are written on, and I suppose that is due to the insufficient briefing given to the Minister by one of his colleagues. Therefore, we have to tread very carefully with this Bill. It

appears we must ignore all the assurances, statements and comments that have been made.

I have already addressed the question of investments and I am sure the Minister will consider that problem. I have already discussed borrowing powers. I have already mentioned or raised the question of penalties and the obvious bias in the application of penalties against employers.

I want to raise another issue which I hope the Minister will refer to in his reply: The question of dismissal for serious misconduct. The Bill does not specify serious misconduct; it only refers to misconduct. In regard to serious misconduct, I draw the Minister's attention to the Long Service Leave Act which differs considerably from the Bill now before us. The House is entitled to know—most certainly the public and the employers who will bear the brunt of this legislation must know—whether the levy that will be imposed on the employer, will be based on the gross wage of two per cent, 2.5 per cent, three per cent or 3.5 per cent. Bearing in mind that we are talking about millions of dollars, the employers are entitled to have these facts. I am sure the Minister has carried out a study which will give us a very clear indication of what the costs will be. A provision which most people I have spoken to believe is quite ludicrous and unfair is that which requires employees and employers to register on what is called an appointed day. Let us assume the appointed day is 1 December this year. As I understand it, within three months of the appointed day employees in the construction industry are required to register as employees in order to be credited with long service leave for the time of continuous service with their present employer. That is quite understandable. People are entitled to a credit for long service leave if they have remained with an employer for a period of time.

This Bill also proposes that they be given a two-year credit. It does not matter if a person is aged 17 or 18 or whether he has worked in the construction industry for a week, two weeks or a month previously; he still gets a credit of two years, and that will be a very costly exercise. In the Committee stage I will deal with the cost of the imposition of this provision, but it seems absolutely ridiculous that when this Bill is passed in its ultimate form if a person registers within three months of the appointed day, he will get a two-year credit if he can prove he has worked in the construction industry. The Bill does not specify for how long he must have

worked in the industry. Perhaps he worked in the industry for only a day. We need an explanation from the Minister about this.

Hon. P. H. Wells: Did you say the company will have to credit its books with two years?

Hon. G. E. MASTERS: I am not sure about that. What will happen is that it will be on the books of the board.

Hon. S. M. Piantadosi: Aren't you sure of that?

Hon. G. E. MASTERS: I am sure Hon. Sam Piantadosi will put me right.

Hon. H. W. Gayfer: You had better answer that question because it is important.

Hon. G. E. MASTERS: For the benefit of Hon. Sam Piantadosi and Hon. P. H. Wells, who I am sure have not read the Bill, it appears that a person who registers within three months of the appointed day—

Hon. S. M. Piantadosi interjected.

The PRESIDENT: Order!

Hon. G. E. MASTERS: —is given a credit of two years.

I think the board must foot the Bill for that credit of two years and, if so, someone else has to pay because the levy percentages must be increased to accommodate that credit. I have figures that would suggest it is a very large sum of money and it has to be paid. If a person registered as an employee more than three months after the appointed day, that person is only credited with the time that he has been with his present employer for continual service with that employer. That seems to me to be quite reasonable. If the person has no job at all on the appointed day, and therefore has no credit with his present employer, but nevertheless can still say that he has been employed in the construction industry—he does not need to say for how long, it could be two days, a week, or two weeks—he would still get a two-year credit. I am saying that the two-year credit is a ridiculous and a quite unreasonable cost loading on the employers. I point out that some of those employers will be footing an enormous bill. I will raise those figures in the Committee stage. I have had them worked out by some industry groups, but I do not think there is much point in giving them at this stage because if the Minister can reassure members—

Hon. Peter Dowding: What are the figures? We will have them checked out.

Hon. G. E. MASTERS: There is nothing secret about them. They are from the Australian Federation of Chartered Accountants.

Hon. Peter Dowding: They are signatories to the building industry agreement dispute settling procedures.

Hon. G. E. MASTERS: It is a pity the Minister did not go and talk with some of those small companies which are suffering miserably because of the support he gives to those people. If he spoke to the little building contractors and concrete workers who are really under the hammer because of his friends, he might understand. These are the people who are being dealt with in this Bill and I am simply saying that the Minister ought to reconsider and say to these people, "Any more of that, and you will not get these benefits". However, the Minister will not do that any more than he is prepared to refer the Bill to the Standing Committee on Government Agencies, even though large sums of money are involved.

If a two years' bonus credit is based on 13 weeks' pay after 15 years, the cost value will be \$560 per person on today's \$ value. If one takes a very conservative figure of 5 000 people in the construction industry—without including the housing industry, which would make the figure much larger—

Hon. Peter Dowding interjected.

Hon. G. E. MASTERS: Hon. Peter Dowding's briefing of his colleagues has led to a gross misleading of the public and the building industry. I find that despicable; but we are not talking about that at the moment, we are talking about the costs of this idea of two years' credit. If one considers a figure of 5 000 people in the construction industry at \$560 per head, the board would have to chalk up \$2.8 million in its books even before it starts, and it has to recover that money. It is estimated that it would cost a minimum of \$2.8 million on the board's books. However, I suggest that it would be much closer to \$3.5 million. These are the figures and the Minister can check them, which will save him time during the Committee stage because he will simply have to confirm them as correct.

I wonder whether the Minister will at least give us an indication of what is meant in the schedule. It is a matter that could better be raised in the Committee stage but it is a fairly complicated Bill and the Minister could save

himself the embarrassment of not being able to answer the questions. The schedule of the Act reads as follows—

2. (1) Notwithstanding anything in section 35 an employer shall pay to the Board in respect of any person referred to in clause 1 (a) or (b) whose service with the employer has been continuous for a period of at least 10 years ending on the appointed day such amount as is assessed by the Board as contributions in respect of the paid long service leave contributions in relation to that person.

I understand this schedule to say that an employer who has had an employee for 10 years or more must pay the board a sum of money which will be equivalent to the 10 years' long service leave requirement. A credit of 10 years' long service must be paid, but the schedule does not make any reference to anyone who has worked for an employer for under 10 years. If I am in the construction industry and I have two employees, one of whom has worked for me for 10½ years and the other has worked for me for 9½ years, and I advise the Board of this, it appears to me that the Board can then say to me, "Will you please send a sum of money which covers 10½ years' long service for that employee." As I read the Bill there is no need for me to pay for the employee who has served only 9½ years with me. Does the Board pick up the tab? I might be misreading the schedule, but there is a difficulty and it needs a clear interpretation and an amendment to put it into the form the Minister is suggesting it should be in. That could happen quite easily with a number of costs. If, for example, there is a business in a country area, such as the Geraldton Building Company, which has 15 long-term employees, and if those long-term employees have been with the Geraldton Building Company for over 10 years, it would cost the company a very large sum of money under this Bill. Will the company be presented with a bill for tens of thousands of dollars on the day after proclamation of this Bill? The Geraldton Building Company could probably afford to pay that amount, but other companies with less financial resources—which may have been invested in provisions for the future—may not readily be able to get their hands on funds. Thus it could be that they would be in difficulties as a result of this. I am saying that they should not set aside this sum of money to take account of the long service leave requirements, but they may have it invested where they cannot get hold of it.

I have raised a number of points and I have ranged pretty widely over the Bill. I know that there are areas with which members on my side are concerned, but I point out that if the Minister satisfies me on some of those issues, there will no doubt be a long and lengthy debate in the Committee stage.

HON. H. W. GAYFER (Central) [4.28 p.m.]: This Bill is in reality an extension of the Long Service Leave Act 1958, and it contains within it several matters. The main purpose of the Bill is to recognise that a person is entitled to some long service leave after working within an industry for a period of time rather than just working with a single employer. That is the basis of the Bill, and its intent has caused a great deal of apprehension. Many people view the whole measure with a degree of alarm. I have noted that, as a result of talks, the tripartite council has reached agreement on the part that I have mentioned—the granting of long service leave for those employed in the industry.

I admit that in subsequent discussions there was a certain amount of disagreement, but the council did agree to the original concept. As a result I am afraid I must express my alarm and concern about this legislation. No doubt, it will be of no great interest to members of Parliament. I noticed that in another place a quorum had to be formed while this legislation was being debated. Today, while the Leader of the Opposition was speaking, there were very few members in this House.

This Bill will have a major influence on the future of this country. It certainly will have an impact on every walk of life in the community which is represented by members of Parliament in this House.

The concept of this legislation, if it is passed, will have far reaching implications, both economically and socially, so far as the work force and employers are concerned. Its implications are almost beyond belief.

The Bill proposes an entitlement of 13 weeks' long service leave after 15 years' continuous service within the building industry, irrespective of the number of employers that a person employed within the industry may have had during that 15-year period. That is the concept, and it has been studied by the committee which took note of the fact that in other States of Australia this provision does prevail. It has also taken note of the fact that this State has

already agreed to a similar provision in the tertiary industry, as well as in local government.

I believe that that is where the problem started. When the door was finally opened to the tertiary industry and to local government the problem started, and now it has come down to this legislation which, I believe, will result in the opening of Pandora's box. I have no doubt about that. Very soon the entire casual employment industry will come under the umbrella of long service leave entitlements.

I recall the arguments which took place in this House when it was spelt out clearly that long service leave entitlements were a reward to employees for long service. This was jealously guarded and it was finally agreed that an industry with a roving population should be protected in the same way as those people who stay in a particular industry and give great service to their employers.

Hon. Tom McNeil: Loyal service.

Hon. H. W. GAYFER: Yes, loyal service, as **Hon. Tom McNeil** has said, and that was the reward for long service. It may not be loyal service, and that is the reason that it is broken down to a recognition of service within an industry.

When one reads the Bill one can see how embracing it might be to industry. I forecast that it will not be very long before people within the mining industry, the fishing industry, those people involved in agricultural farm work, shearers, and bulldozer drivers, in fact, anyone working in any industry, will be covered by this Bill. If they are not, there is nothing more certain than the Act being expanded to encompass those people because there is only a slim line separating those people covered by this Bill and those outside it.

For example, the definition of construction industry under this legislation refers to the industry of carrying out on a site the construction, erection, installation, reconstruction, re-erection, renovation, alteration, demolition, or maintenance of or repairs to any of a number of things. First, it relates to buildings. Secondly, it relates to roads, railways, airfields, or other works for the passage of persons, animals or vehicles. That would include fencing for the passage of animals and the erection of sheep yards among many other things.

The construction industry includes work undertaken for the storage or supply of water or for the irrigation of land. That will include bulldozer drivers and people who survey for

Whittington banks and other types of drainage. The impact of this legislation is beyond comprehension. It includes also the conveyance, treatment, or disposal of sewage or of the effluent from any premises. Again, it could include those people digging drains on a farm in order to get rid of the by-products that may come from sheep yards, sheep dips, and other relevant factors.

The definition of "construction industry" includes also works for the extraction, refining, processing, or treatment of materials or for the production or extraction of products and by-products from materials. Included in this would be the people involved in the fumigation of grain against insects, and the sealing of silos. As far as I am concerned, the definition is far too loose. It includes also work on chimney stacks, cooling towers, drilling rigs, gasholders and silos. Again, this is directed towards the farmer.

Works for the drainage of land are also included in the definition, and that would involve the surveying of ordinary contour banks for waterways. It could mean the surveying for a multitude of things within the agricultural industry.

Also included in the definition is the carrying out of works on the site of the construction, erection, installation, reconstruction, re-erection, renovation, alteration, or demolition of any buildings or works of a kind referred to in paragraph (a) of clause 3. As far as I am concerned, it is far too all-embracing. What does the renovation, alteration, and demolition of works of any kind, mean?

The Bill could result in a catastrophe as far as general employment is concerned. If this is the way this House intends industry to go, so be it.

The Bill will be used as a model by other people who will wish to follow along the same lines as those people involved in the construction industry. There is nothing surer than that. I believe that it is far too loose.

This Bill should not be looked on lightly by any of the legislators in this Chamber. It should be very closely confined to that which it seeks to serve; it should not be all-embracing. Undoubtedly if we allow this Bill to pass through this Chamber it will lead to the introduction of similar provisions throughout the several industries I have mentioned and many more that I have not thought of in the last day or so while working on this problem.

For example, "employer" is defined as a natural person, or firm, or body corporate, as the case may be, who or which engages persons as employees in the construction industry. I have previously defined what is termed as construction.

The Bill has many areas of concern to which the Leader of the Opposition has referred. For example: the board itself; the persons who constitute the board; the fact that at present we do not know whether it will be a full-time or part-time board; the fact that it is the start of a huge bureaucracy—in this case for the building industry but when multiplied throughout the other industries I have mentioned there could be a similar bureaucracy for each of the industries in turn; and the fact that all of the costs for these boards will be met by payments from employers.

That has been accepted, but there is also the point that the amount to be contributed is open-ended. No mention is made in the Bill as to what that amount will be; reference is made to 2.5 per cent to 3.75 per cent—if my memory is correct—but that is almost \$100 give or take a dollar or two. That amount can also be changed by the Government by regulation.

It is frightening to envisage passing through this place a Bill as wide open as this. The effect it will have on every industry throughout Western Australia is devastating to contemplate and it is difficult to comprehend where it will finish.

The board has the power to employ not only an executive officer but also as many staff as it requires to administer the provisions of the Bill. For a few days the industry will be confined to the intent of this Bill but it will suddenly find that the whole situation will expand to include the many industries to which I have referred.

Hon. Peter Dowding: If you were persuaded that that is not the breadth of the definition, do you have a problem with the principle?

Hon. H. W. GAYFER: Yes, I explained that when I began my speech. I have a problem with the principle because that principle was not adopted by this Bill but came in with the tertiary, wharf workers, and local government Bills. I am saying now that that was the start of the opening of Pandora's box. I think it is wrong in principle. I think if it is intended to have this sort of legislation we must define exactly what is for.

Long service leave was not originally meant to be like this. That is the point of concern. People who are employed as casual workers are always paid a salary or wage commensurate with the fact that their employment is casual, whether they be wharfies, shearers, fencers, or bulldozer drivers. They are paid a certain rate to compensate for their terms of employment. I have no objection to this provision being introduced provided that we have some *quid pro quo*. In other words, the extra bolstering of the wages of temporary and casual workers should be removed. We all know why the loading is there and we are prepared to pay it, but we do not accept an additional loading being applied which is based on that false salary—the accepted, increased salary people are paid because their job is casual and they may only get three days' work in every week. Some weeks they may get more work, and these days can add up to 220 days at the end of 12 months. I am referring to the building industry but other industries will follow suit. Workers in other industries are paid handsomely because they are casual workers. If workers expect the privilege of being paid long service leave, they must accept that employers must receive some recompense at the same time, and be prepared to do without the casual loading on their wages.

I express a great deal of alarm for the whole future of industry in this State as these provisions could lead in several directions. I refer not only to the employers' side in the farming, mining, fishing, and all other industries to which this will flow—as sure as night follows day—but also to the bureaucratic set-ups that will become large investment houses for the large sums of money that will be available. In this case it is estimated that an amount of \$5 million a year will be available and in seven or eight years' time that amount could be \$35 million or \$40 million. There could be 10 bureaucratic organisations working on the same basis, and that is the point which concerns me most particularly in this legislation.

It is very dangerous legislation and although the tripartite council has agreed to the establishment of this scheme, it has only looked at it with regard to the construction industry. It has looked at introducing something that will satisfy the industry but it has not looked beyond it to consider whether it will spread to other industries and what its effect will be on other industries. That should be of concern to everybody. This is the start of a steamroller effect and it will spread like wildfire. Within two years, because of the broadness of these

definitions, applications will be made from segments of industry the Government has not even thought about, that are fairly well embraced within the terms set out in the Bill.

I had some comments to make at the time of the granting of long service leave to people in the tertiary and local government areas. I do not begrudge their having long service leave entitlements, but I do begrudge the people who set up the scheme doing so without realising the consequences that could follow down the road—and those consequences are frightening. The people on this tripartite council do what they want to do to satisfy themselves without thinking of tomorrow, and they are the people who have done the wrong thing. I am not blaming the Minister who has introduced the Bill; he has introduced what has been agreed to by the council, but the council has not looked down the line. That is our job.

Hon. V. J. Ferry: The Government has put in the detail.

Hon. H. W. GAYFER: Yes, and we will suffer the consequences.

Although the Leader of the Opposition says this is a Bill which must be dealt with principally in Committee, I believe we must have plenty of talk at this stage before we move into Committee in order to point out the dangers inherent in this legislation, so that tomorrow when its provisions spread like wildfire through all the industries I have mentioned and others that can be mentioned, we can refer back to the warnings given today. This legislation is dangerous; it is, as I said earlier, a measure to open Pandora's box.

While I have some sympathy for the measure and in fact intend to support the second reading because I agree with the principle of long service leave, I hold grave misgivings. I agree with the principle of long service leave as a reward for loyal service to an employer. I embrace it on my farm, and other businesses with which I am connected believe in it very much. But the all-embracing net of the definitions should concern us all. I will certainly speak during the Committee stage if only to move to delete some of the items mentioned in the definitions. I believe the measure will have to be adjourned and reconsidered very closely before we proceed too far.

HON. D. J. WORDSWORTH (South) [4.53 p.m.]: I, too, am very concerned about the implications of this Bill, and I congratulate Mr Gayfer for having explained the effects of its

implications. Indeed, he only just beat me to my feet and he covered a lot of the ground I had intended to raise.

We have had various long service leave arrangements for a considerable time and I believe that employers have been both willing and happy to give this reward to those employees who have given them long service, in most cases for 15 years. Employers do this without any qualms.

When one looks at the implications of this Bill one finds they are very frightening indeed. Although the Bill is meant to be confined to the construction industry, already we have found that in the time of its travel from the other place to here it has widened in scope to now include the building industry. When one looks at the definitions, as I will do in a moment, one finds that they are not necessarily confined just to the construction and building industries.

Hon. Peter Dowding: It might assist you if I draw your attention to the definition of employee. It confines the definitions you are looking at.

Hon. D. J. WORDSWORTH: I will cover that ground in just a moment. It appears that the definitions stretch to include people working in other than the construction and building industries.

Hon. Peter Dowding: No, they don't because of what I have just drawn to your attention.

Hon. D. J. WORDSWORTH: Even if they do not, the Bill sets a precedent which can be followed by other industries. Consider the shearing industry. Arbitration commissions have awarded a payment for the shearing of sheep which includes provision for long service leave. That is the point I make: The wages include a component to cover casual employees.

The recommendations forming this Bill have come from a tripartite committee, and these committees are favoured by the Labor Government as a means to introduce legislation in a manner that it believes should see the House merely look at it and accept it because it has already been considered by a tripartite committee. The Government expects us, as legislators, simply to put our signatures to it because everything has been agreed by a committee. However, when one reads the second reading speech one finds there was no complete consensus within the committee. The committee was entirely tied up with the construction industry and I do not believe it realised the implications of its recommendations which ap-

pear in the form of this Bill; the committee has not considered who else could be covered by this Bill or by like Bills.

Let us now consider the Minister's interjection. I have studied the definitions if for no other reason than that the Leader of the Opposition challenged me to establish whether indeed I would be covered because I was a member of a rural industry.

Hon. Peter Dowding: He was talking about the penalties.

Hon. D. J. WORDSWORTH: That is the first thing I read. Clause 31 deals with registration of employers, and subclause (1) reads as follows—

Every natural person, firm or body corporate that is an employer in the construction industry—

We already know it now covers the building industry as well. To continue—

—(whether or not he or it carries on any other business)—

In other words, it does not matter whether his main business is farming. To continue—

—shall register as an employer under this Act.

Anyone who does not register is liable to a penalty of \$500, which is quite a clout around the ear. Not only is there a fine of \$500 for anyone included who fails to register, but if a person ceases to operate in any of these areas and fails to mention it, he is up for a penalty of \$500. These are quite heavy penalties.

We then need to look at the definitions to see who is included. Clause 3 is the interpretation clause, and construction industry is described as follows—

“construction industry” means the industry—

- (a) of carrying out on a site the construction, erection, installation, reconstruction, re-erection, renovation, alteration, demolition or maintenance of or repairs to any of the following—

A long list follows, and let us consider the implications. Practically every person of a weekend finds himself involved in some of this work, such as in renovations and alterations, so this is a very broad interpretation. The interpretations go on to include roads, etc., for the passage of persons, animals or vehicles.

Hon. Peter Dowding: But it is all constrained by the definition of employee. You can't read them in isolation.

Hon. D. J. WORDSWORTH: The Minister is referring to the paragraph I intend to speak on in another three minutes. If he would let me get to that stage he then can come back to that point. It is in the definition.

[Quorum formed.]

Hon. D. J. WORDSWORTH: I was reading the interpretation and explaining how it covers buildings and roads built for the passage of persons, animals, or vehicles. It then refers to the alteration of watercourses for the storage and supply of water or for the irrigation of land. If that is not a rural activity I would be very much surprised. It then goes on to the conveyance and treatment of effluent. As pointed out, that takes place in sheep yards and piggeries.

Hon. Peter Dowding: But not by people employed under construction awards.

Hon. D. J. WORDSWORTH: We then move on to the extraction, refining, and processing industry. I have to admit that that would probably be looking more at the mineral industries, but when one sees the by-products from materials one sees that the terminology is fairly loose. It then refers to bridges, viaducts, and aqueducts. The next one includes silos and pipelines. Subparagraph (xi) refers to the drainage of land. Subparagraph (xii) refers to the storage of liquids. It then goes on to cover the generation of electricity and the preparation of sites for any building or works referred to in any of the above. We then have reference to re-erection, renovation, alterations, etc.

That is the broad definition. It then refers to "but does not include." It does not include the carrying out of any work on ships; the installation, maintenance, and repairs to lifts; and finally the carrying out of maintenance or repairs of a routine or minor nature by employees for an employer who is not substantially engaged in the industry described in the interpretation. That, presumably, is why the Minister was trying to interrupt my speech and to indicate that rural people in particular fell under that definition. I question very much if they do.

Hon. H. W. Gayfer: At present, but what about tomorrow when this is used as a model?

Hon. D. J. WORDSWORTH: I believe they are covered today because the carrying out of maintenance or repairs of a routine or minor

nature by employees for an employer who is not substantially engaged in the industry is described in the interpretation. I assure members that my employees do not necessarily carry out the maintenance and repairs. They construct roads and silos. They are not there on maintenance, they are the people who actually construct them.

Hon. G. E. Masters: It is not routine either.

Hon. D. J. WORDSWORTH: That is right, so it is not removed under that interpretation. When I try to forget about those points and read it the other way—turn my back and say, "What the hell, this is the building industry"—I then see that clause 57 provides, "This Act has effect notwithstanding any other Act or award to the contrary." What a rope-in clause that is. This Act has effect, notwithstanding any other Act or award to the contrary. As it happens, under my award, I am paying my employees long service leave and I am quite happy to do so. This Bill tells me that I will be roped in under this proposed Act even if I am paying my employees under another Act. It is most extraordinary and I cannot believe that this House can accept this type of loosely defined Bill. I find it difficult to go along with.

One of the interesting things, if nothing else, is that there is a slight doubt as to whether my employees do fall under this provision, and, as the Leader of the Opposition mentioned, I could employ a casual person who was covered by this industry scheme and not be aware that he was enjoying long service leave from the building industry, I could then give him a part-time job harvesting, even if he was driving a truck. What I am staggered at is the ability of someone, even if he is an inspector, to come and inspect my books to see if I had employed anyone.

Hon. Peter Dowding: Your Government has passed legislation like that time and time again.

Hon. D. J. WORDSWORTH: Not like this.

Hon. Peter Dowding: Of course it did. Mr Masters knows that. What about the Noise Abatement Act? It burst in through the window.

The PRESIDENT: Order!

Hon. D. J. WORDSWORTH: I am not out of touch when I read from clause 53 which says that a person who obstructs or hinders an inspector appointed under this Act or hinders a person authorised by a union in that behalf from inspecting any records required to be maintained under this Act commits an offence

which attracts a penalty of \$500. What can these inspectors and union secretaries do? I quote from clause 54(1) as follows—

54. (1) Subject to subsection (2) any record of long service leave contributions made pursuant to this Act shall be open for inspection or for the purpose of taking extracts of those records or both by a person authorized in writing in that behalf by the secretary of a union that is party to a prescribed award during normal working hours at the office of the employer or other convenient place.

Where do members think my registered office for my farm is?

Hon. Peter Dowding: It is not a farm. It relates only to people in the construction industry.

Hon. D. J. WORDSWORTH: It does not say that at all.

Hon. Peter Dowding: It does.

Hon. D. J. WORDSWORTH: Is the Minister saying I am not allowed to employ someone from the building industry as a part-time employee?

Hon. Peter Dowding: It does not apply to you because it applies to people who are under a contract of service in the classification referred to in that industry. An "employer" means a firm that engages persons as employees in that industry.

Hon. D. J. WORDSWORTH: Not only can inspectors from this board, and also union secretaries and others on their behalf, come and demand to look at books, but they can demand to come into my house and go through them. That is staggering. It is not a matter of setting out a time for them to come and have a look at them.

Clause 47 refers to access to books, etc. and states—

47. The chief executive officer, an inspector or other person authorized by the chief executive officer in writing, whether generally or in a specific case, shall have full and free access at any reasonable time.

That means he cannot come at midnight. He can come at any time during the day and have access to all buildings, places, books, and other papers for any of the purposes of this proposed Act. I could have taken a load of cattle to Perth and be half-way to Williams when my wife

rings up and says, "I have a man knocking at the door demanding to see if you have someone employed who is in the building industry."

Hon. Peter Dowding: You are not an employer operating in the building industry—the construction industry.

Hon. G. E. Masters: You were right the first time when you said "building industry".

Hon. Peter Dowding: In the construction industry.

Hon. D. J. WORDSWORTH: This comes under the miscellaneous provisions in part V. It does not necessarily specify an employer. It is the person whose books they want to inspect. They may want to inspect the books to see if I was involved in the building industry or employed certain people who are covered by long service leave.

I did a little homework on this to find out my responsibilities in the matter of employing casuals. Under this Bill there is such a thing as a registered person.

Hon. Peter Dowding: It does not apply.

Hon. D. J. WORDSWORTH: Is the Minister denying there is a clause which says an employer will be fined if he employs someone who is covered by the long service leave provisions and gives him part-time work while he is on leave?

Hon. Peter Dowding: You have a look.

Hon. D. J. WORDSWORTH: It is very definitely there. Therefore, anyone who gives employment to a casual has a responsibility to get a list of every person in the building industry to see if that particular person is covered by the award. There is no denying that everyone is covered by that clause whichever way one looks at it. We are debating with the Minister who is handling this Bill and we seem to know more about who it covers than he does. Although there is a wide definition in the Bill about who is covered the Bill says in the definitions that a reference to an employee does not include an apprentice. It goes on to say that service as an apprentice shall be included as service for the purposes of the Act. It continues as follows—

(4) The regulations may prescribe—

(a) any classification of work referred to in a prescribed award to be a prescribed classification of work for the purposes of the definition of "employee";

Therefore, this Bill does not define who is covered. It gives a broad definition and says that the regulations may prescribe the exact

awards which are covered. If it does not cover people building shearing sheds on my farm now it can do so by regulation. One only has to write a regulation which says, "any person".

Hon. Peter Dowding: If you are engaged in the industry. The Bill says the employer must be engaged in the industry.

Hon. G. E. Masters: It does not do that. It goes on to give a different interpretation.

Hon. D. J. WORDSWORTH: By regulation one can classify any industry by naming the award.

Hon. Peter Dowding: That is not right.

Hon. D. J. WORDSWORTH: That is the sort of thing one finds in this legislation. All I can say is that it is very frightening and scary to say the least when one sees that various areas can be roped in. As well this could become an example to other industries employing casuals. I refer members to the draconian powers of search and the like. This Bill should be given very serious consideration and we should consider whether to give it a second reading.

I believe the sort of people who should get long service leave are already getting it. There are all sorts of draconian measures in this Bill. I wonder if people have read the clause relating to liquidation. I wonder what accountants think of this. If a firm such as a builder goes broke and the liquidator comes in to settle the business the Bill states that he—

- (a) shall not without leave of the chief executive officer part with any of the assets of the company until he has been so notified;

In other words, the first thing the liquidator has to do is to go to the board and get permission to liquidate the company.

Hon. Peter Dowding: That just makes sure that payments have been made in respect of this obligation.

Hon. D. J. WORDSWORTH: Sure it does, but what about the other people to whom the builder may owe money?

Hon. Peter Dowding: Wages and long service leave payments are protected; there is nothing odd about that.

Hon. D. J. WORDSWORTH: What about protection for a few other people? What about a person who lent the builder some money for various purposes? What about a person who made a payment to the builder for his own house, a person who paid a deposit? He will not get his money back from the liquidator until all payments have been made for long service

leave. If the liquidator fails to carry out the requirements of the Bill he faces a fine of \$1 000. That puts a bit more risk into the old game of liquidating.

This Bill seems to be very loose in its definitions. It seems to be written in such a manner that anyone could be roped in. I find some of the clauses very difficult to read; one needs to be a lawyer to understand this one. I ask members to listen to this part of the Bill which is in the definitions. It states—

- (2) The Minister may by Order published in the *Government Gazette* fix a day as the appointed day for the purposes of subsection (1).

One then looks at subsection (1) which states—

"appointed day" means the day fixed by the Minister under subsection (2);

Then one goes back to subsection (2) which states—

The Minister may by Order published in the *Government Gazette* fix a day as the appointed day for the purposes of subsection (1).

If that is not a round robin I do not know what is. It goes from subsection (2) to subsection (1) and back again. That is the way the Bill is written. In his second reading speech the Minister referred to clauses which are not in the Bill.

The Minister's second reading speech refers to contractors in clause 3(5). It may be that the Government finally decided not to include contractors because there is no clause 3(5). This sort of thing adds to the confusion. Clauses that are not in the Bill but which were originally in a draft that went to the tripartite committee have been referred as has a grant that went to the tripartite council.

I will follow this debate in Committee with great interest.

HON. G. C. MacKINNON (South-West) [5.21 p.m.]: This debate brings back many memories. Bert Hawke introduced into the Parliament a Bill relating to long service leave in 1957. A most detailed debate on the subject took place in this place and in another place, as is contained in the *Hansard* of 1957. The Bill in this House was handled by Harry Strickland for the Government and by Keith Watson, later Sir Keith, for the Opposition. It was amended fairly extensively. It is interesting to note that many of the divisions were mixed. In one division list I see the names of Baxter, Jones, and Logan, who were members of the Country

Party. They voted with the Labor Party which on that occasion won the division by 14 votes against the Liberal Party's 12. It was a pretty mixed effort.

The PRESIDENT: Order! There is far too much audible conversation.

Hon. G. C. MacKINNON: Nevertheless, it is interesting to recall that most of the arguments put up during that debate have come to pass. The point made at the time that a number of people would accept long service leave but would find great difficulty in coping with it also came to pass. It was pointed out in the debate that a number of people would be paid for the amount of long service leave that they had acquired and would suddenly decide to paint their houses and, within three weeks, would find that they had no money. The end result was that a few years later people who had received their long service leave were going up and down the coast looking for casual work. What should have turned out to be a holiday was lost to more work.

Things have changed over time. I want members to think very carefully about what Mr Gayfer said because history has borne him out. Long service leave was granted to workers in New South Wales in 1952. It followed in Victoria, and the Bill was introduced to Western Australia in 1957. The Bill was not returned from the Assembly. An intervening period then elapsed.

The PRESIDENT: Order! I remind members that I called for order once because there was far too much audible conversation. I am now doing it for the second time.

Hon. G. C. MacKINNON: The Arbitration Commission at that time verified an agreement between the Employers Federation and the Trades and Labor Council. The Bill in 1958 was not discussed at any great length as it had been discussed the year before. It was carried in 1958. Up until that time certain Government employees had received long service leave. They received it after 10 years of service. That was the period that had been agreed upon. Mr Gayfer was absolutely right when he said the conditions have been extended and extended. The argument was that long service leave should be granted as a reward for service and loyalty to a particular employer. It was purely and simply an Australian idea. Many people believe that it has contributed to the gradual decline in our standard of living.

In America, workers receive one week's holiday after a year's complete employment, increased to two weeks' paid holiday after two years' employment. That is the end of their holiday pay. They receive two public holidays compared with Australians who receive four to six weeks' paid holiday, plus a 17½ per cent holiday loading which is unheard of anywhere else in the world. They also receive 10 paid public holidays with the added disadvantage to the tourism industry and other industries of those days attracting very severe penalty rates for those who must work of necessity. They also receive accumulated sick leave, and then long service leave on top of all that.

I remember discussing holidays with a gentleman in a large Pepsi Cola factory in Portland, Oregon. He was bemoaning the fact that a socialistically inclined Government had come to power in that State a couple of years before and had increased annual paid holidays to two weeks a year. I did not have the heart to tell him that we had increased ours to four weeks.

Hon. Lyla Elliott: How long ago was that?

Hon. G. C. MacKINNON: It was a few years ago. That does not mean to say that Americans do not take holidays because on my inquiries the average worker takes about four weeks' holidays a year. However, the attitude was that he preferred to have the money in his hand. American workers take the money for whatever reason. I believe that the plethora of loadings that we receive in this country is wrong.

When one goes overseas, as I did earlier this year, one is faced with a shocking realisation that our dollar is worth less than 70c. Our real value in the eyes of the real producing world that pays its way is less than 70c in the dollar.

Hon. Peter Dowding: It is not worth 70c at all. It is worth US70c.

Hon. G. C. MacKINNON: Okay, it is worth US70c. There is no doubt, if one moves outside this country, that it becomes obvious that our standard of living is dropping. Anyone who cannot see that must be blind.

I do not deny a proper distribution of wealth because, like most families, I have relatives through the whole range of socioeconomic situations. I do not love any of them the less because they are earning less. That applies to most families.

Hon. C. J. Bell: Even to Mr Dowding's.

Hon. G. C. MacKINNON: I do not know. Many Labor people are so rich now that it does not bother them much. They can afford to buy positions for their children. The big difference is that, in socialist countries or in countries which have systems not entirely socialistic, one is likely not to find the sons of leaders doing plebeian jobs. In Russia, the sons of leaders are not allowed to do plebeian jobs—they are always in the top spots and well looked after. The same applies to virtually any socialist country, and I suppose it will follow here in a fairly short period of time.

I just happen to believe that it would be better to distribute the income rather than make additional holidays. This idea is a method of trying to spread the jobs; and, if that is so, I think the Government ought to say so. Workers are working less and less. It does affect a number of businesses very adversely—for instance, small manufacturing firms which employ people to fabricate different materials. Most of them have their employees working a nine-day fortnight. They have to have a day off in the fortnight. If the firm is reasonably busy, the small trader has to get a temporary worker. Members might think that is all right, but anyone who has worked with his hands will know that temporary workers do not have the speed or the productivity, and there is a greater risk of accidents.

There is no doubt that Mr Gayfer is 100 per cent right when he says that what will follow, as night follows day, will be that the whole of the working community will, some time during the next decade, move into a position of having long service leave. If one looks at the history of all sorts of similar Acts, one sees that the natural progression will be that within the next decade every single person who earns a living in this State will have long service leave as a condition of employment. I do not know how it will be worked out in the case of job-sharing, but I suppose it will just take longer for them to accrue their long service leave.

The condition of long service leave began as an inducement for people to undertake low-paid, tedious work without much chance of promotion; that is, Government employment. It was extended to other workers on the basis of loyalty and a long period of work for the firm, instead of additional money.

As you said yourself, Mr Deputy President, further amendments will be made to this legislation in future. Many changes will be made. The definition of employee will be changed—somebody will probably suggest that

an employee be any person employed and the reference to a contract of service will be dropped, so that the legislation will refer to any classification of workers referred to under the construction industry, and the other points will be struck out. It will soon be the case that all those people who dig a ditch will have to be registered for long service leave. The argument will be very logical. It will be argued that a man who happens to be registered and classified as a ditch digger working for a construction company gets long service leave, so why does the fellow over there who happens to be classified as a farm worker and is employed by an irrigation farmer digging the same ditches not get the same conditions?

I can imagine Mr Hetherington, after I have gone, saying in his well-modulated voice that this is perfectly logical. He will explain with absolute clarity why the House must accept it. With academic persuasion he will win the day and people will say, "How can we stand up against that?" So it will go one stage further, and he will have to explain it afterwards to the Ministers because, by that time, there will be no Ministers sitting in this House—there are few enough now. I often wonder what would happen if a crisis loomed and we had to appeal to someone in the House.

One shudders to think of this legislation being applied to the construction industry when we see that, in the absolutely honest, forthright, and upright construction of the casino, builders' labourers are receiving \$1 500 a fortnight at present—according to the newspaper—and for every six months they work they will receive a \$1 664 bonus. I asked the Minister to tell me at the appropriate time how that is taken into account—I suppose he will answer that it is not and that it is only award wages and not wages by agreement, or the little side handouts or perks that are given to this sort of industry.

Hon. Robert Hetherington: Surely they are all still part of the accord?

Hon. Peter Dowding: That is the free market that you and Mr Masters want to see implemented, Mr MacKinnon.

Hon. G. E. Masters: Outside the existing system—you never make reference to that point.

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

Hon. G. C. MacKINNON: Instead of the Minister dashing out to read the newspaper, or see the Press, or ring someone up, he should

absorb into his cerebral processes some continuity of the argument, then he would have a better understanding of what I say. Maybe he should refer to his adviser, who has at least been sitting here for a reasonable period of time. His co-Ministers could not tell him anything because they are not here either.

Hon. Peter Dowding: I must have got under your skin today.

The DEPUTY PRESIDENT: Order!

Hon. G. C. MacKINNON: It does get under my skin, when I think of Mrs Hutchison's speech back in 1958. I can close my eyes and believe it is exactly the same speech made by Hon. Kay Hallahan an evening or two ago, denigrating this place. The Ministers who sit in this House are paid for their responsibility—and I have received the pay for 12 years and know how good it is. They have the responsibility and do not accept it. Part of the responsibility is to be in this place, to listen to the argument, to feel the tone of the place, and to be here in case there is trouble. I do not know how the Government would get on—it would have to ask Mr Masters to stand in.

The DEPUTY PRESIDENT: Would the member please refer to the Bill before the House.

Hon. G. C. MacKINNON: Thank you, Mr Deputy President. I am glad you stopped me there—I get a bit carried away sometimes. Time seems to drag on since Mr Dowding has been here—it seems three times longer than it is. I seem to remember abhorring the idea of even mentioning that a person was out of this place, but since Mr Dowding has been here it has become almost a standard practice.

A member: Mr Dowding introduced it.

Hon. G. C. MacKINNON: He introduced it, and it has become standard practice. The Ministers' absolute contempt for the Chamber by their non-appearance in the House has become so bad that one cannot do anything else.

Hon. Peter Dowding: Did you have loudspeakers in members' rooms in those days?

The DEPUTY PRESIDENT: Order! I ask the honourable member to return to the subject of the Bill.

Hon. G. C. MacKINNON: Thank you, Mr Deputy President. I am about to take the longest long service leave of all—inadequately remunerated as it may be.

During my period in this House I have seen long service leave come in right through this place. Initially it was by agreement, ratified by this Parliament. The matter was discussed in 1957-58. In 1957, the speech of the Minister for Railways, when he introduced the Bill, covered four pages of *Hansard*. In 1958, after the agreement, he took barely a page of *Hansard* to introduce the Bill. The adjournment was taken by Hon. H. K. Watson, who spoke to the Bill. Hon. H. C. Strickland replied and the debate in Committee went on.

In 1957 the Bill was returned to the Legislative Council. A host of members spoke—the late Sir Keith Watson, Hon. Ray Jones, and Hon. Ruby Hutchison were among them.

Incidentally, this might show some members how unoriginal they are. I quote Hon. R. F. Hutchison, who said—

I support the Bill. This afternoon we have heard some of the age-old arguments that we always hear when any progressive reform is introduced by a Labor Government.

How right she was.

Several members interjected.

Hon. G. C. MacKINNON: These people are all so sexist. The member cannot pick his male members from his female members. I might point out the Liberals have governed nationally for 25 years and in this State for 24 years. We have progressed a long way in many ways. I pointed this out in a speech I made a few weeks ago. To continue—

As we all know, in this State we have a Labor Party and not a Labor Government; but there is not a Labor Government in power.

Members can see how unoriginal they are. To continue—

It is not in power because of the Legislative Council where there is always a majority against us.

In the Committee stage at least half of the divisions were found in favour of the Labor Party—the Government. To continue—

As a result we have never been able to introduce any worthwhile measures, or to do any of the things we would like to do if we were in power.

Hon. J. M. A. Cunningham from Kalgoorlie said—

It is just as you say, age-old piffle!

Those are pretty witty comments. Ruby Hutchison went on to say—

Any change is anathema to the Opposition. This Bill does nothing more than bring this State into conformity with world trends.

I am becoming interested in reading this. Hon. Kay Hallahan has gone back over the past 30 years of *Hansard* to pick out Hon. Ruby Hutchison's speeches and she repeats them. I thought she had worked some of those speeches out herself.

Hon. Kay Hallahan: It is good to know somebody else thinks as I do.

Several members interjected.

The PRESIDENT: Order! Honourable members must stop their interjections so that we can hear the balance of Hon. Ruby Hutchison's speech.

Hon. G. C. MacKINNON: She says—

This Bill does nothing more than bring this State into conformity with world trends—that workers of the world—

She has something in common there with Mr Lenin. To continue—

—are something more these days than machines to use up in order to provide profits for those who own the land, and then be cast aside and be allowed to sink or swim as best they can.

That is good Marxist-Leninist dogma.

Hon. Lyla Elliott: She was an excellent member.

Hon. G. C. MacKINNON: Hon. Lyla Elliott took Mrs Hutchison's place. She used to tell us what a delight it would be when we saw Hon. Lyla Elliott because she was so much better looking.

Hon. A. A. Lewis: That is true.

Hon. Kay Hallahan: So we are just judged on our looks!

Several members interjected.

Hon. G. C. MacKINNON: One of the serious problems in this sort of thing is the acceptance which runs down to the small manufacturer. When the Minister gets up I know he will say it does not apply to that. It does not. I want members to realise, when they vote on this Bill, that it is a total departure from the original concept of long service leave. Long service leave has been bad enough; it has loaded a lot of cost. A week's pay today is not

merely a week's pay, it is three weeks. One can double the cost every time one has long service leave.

Hon. Garry Kelly: When will you get rid of long service leave?

Hon. G. C. MacKINNON: It would be nationally advantageous, but there would be no chance of doing it. We have become accustomed to Mr Kelly's inane comments. We will not get rid of long service leave, but it is one of those things which has contributed to the steady decline in our standard of living.

There is no doubt that our standard of living is going down. Statistics show it. Anyone who travels and looks at the comparison between 10 or 15 years ago and today knows it is going down.

Several members interjected.

A member: In five years Singapore will have a higher standard of living than we have.

Hon. G. C. MacKINNON: Sections of the population in Singapore have a higher standard of living now than we have. I have been to China and I have seen the way they are going.

Several members interjected.

The PRESIDENT: Order!

Hon. G. C. MacKINNON: Once it starts to get away from its socialist ideas China will start to make progress. The progress made by China since it has moved away from its Marxist-Leninist ideas is absolutely staggering.

Our holidays are incomparable with any other country in the world. It is no good saying we should not have holiday loading. The average workers adhere to it. The average man could not live without it. It is part and parcel of his economic structure but it has many additional costs.

It must be borne in mind that this country is living on its export earnings, its agriculture and its mining. Mining already has these costs laid on it. I am suggesting that for this Bill Mr Gayfer's words represent a very serious warning that in next to no time this cost will be laid on agriculture as of right totally across the board.

Agriculture is in enough trouble as it is. The country is in enough trouble as it is. It is my contention that anything which levies any additional costs onto the community with no possibility of additional productivity or inducement to earning revenue should be guarded against by those of us in power.

This is a straight, ideological Bill put forward from the depths of the old socialist Labor Party left, and I suggest most of the modern, pragmatic Labor members would love to get out of it. They are probably hoping we will knock it back. It is my fear they will be disappointed.

Debate adjourned, on motion by Hon. V. J. Ferry.

ELECTORAL AMENDMENT BILL

Report

Report of Committee adopted.

ADJOURNMENT OF THE HOUSE

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [5.51 p.m.]: I move—

That the House do now adjourn.

Drugs: Australia Post

HON. P. H. WELLS (North Metropolitan) [5.52 p.m.]: I wish to draw to the attention of members of this House, particularly the Government, a situation that warrants urgent attention by the Government. An article in the Press indicates that a Federal Government report by the Departments of Special Minister for State and Prime Minister and Cabinet, and the Australian Federal Police, have identified—I suspect it was a leaked report because it is not a complete report—that in at least two States there are not enough policemen to be able to follow up the number of reported drug identifications made by Australia Post. The article indicated that Australia Post detects millions of dollars worth of drugs every year which have come in from overseas. The report apparently indicates that two States have insufficient numbers of police to be able to follow up those drug reports. Also there are approximately 20 000 fraudulently cashed social security cheques each year. My real interest is in drugs.

I am certain that the Attorney General would be aware of the problem in this State. Certainly I support his move towards a greater input through Operation Noah in regard to detecting drugs or asking the community to assist in reporting possible drug dealers in this State.

It is important for the Government to get access to this report, which is currently confidential and not available, to ascertain if a similar situation exists in WA. I very much suspect that if it is the case, it is hardly worth our chasing additional information from people

who detect drugs if what is reported to be happening in at least two States is that the police cannot follow up the number of reports they already have.

The reports from Australia Post in regard to drugs entering this country are factual, and if that situation is occurring in WA I want an assurance that we have enough Federal police to make sure the cases are investigated because it is members' children and my own children at whom these drugs will be directed. We should do everything in our power to ensure that those who sell and distribute drugs, post them into this country, or introduce them by any other means, are stopped.

The Parliament should get the Premier or another Minister to get in touch with his counterpart in the Federal arena to seek access to that report to ascertain whether we have a problem also in this State. The report said that in at least two States this problem occurred.

Federal Police: Staffing

The other problem which should be investigated at the same time is that it would appear that the allocation of Federal police to Western Australia is calculated on a population basis. The Federal Government should recognise that Western Australia comprises approximately one-third of the land mass of Australia. It should take cognisance of the fact that this State comprises a massive area which is difficult to police, particularly in terms of the isolation of the north. This isolation provides the potential for people wanting to dump drugs in WA. I am anxious that everything possible is done to ensure that those who want to peddle these death drugs—certainly we all recognise that drugs result in the death of our young people or others in our community—are detected. The final line of detection is to ensure that we have enough police officers to follow up leads. If it is the case that we do not have sufficient police officers we should make representations to the Federal Government to ensure that the force is built up to carry out this detection work.

I will certainly be supporting the Government in Operation Noah's 12-hour phone-in. A similar phone-in was successful in other States. It seems ludicrous that if we support it at a State level there is a chance that Federal police may not be able to follow up very worthwhile leads given by Australia Post. I do not have any

information that the case in WA is the same as in those two other States, as pointed out in the newspaper article. I am alarmed that the report indicates that in two States of Australia there are not enough police to follow up leads in connection with drug dealings.

I ask the Government to immediately get in touch with the Federal Government to make sure that the situation in Western Australia is adequately covered.

Question put and passed.

House adjourned at 5.56 p.m.

QUESTIONS ON NOTICE

HOUSING: LAND

Carlisle: Use

274. Hon. Fred McKENZIE, to the Minister for Employment and Training representing the Minister for Housing:

Referring to question 462 of 11 December 1984 concerning Homeswest vacant land bounded by Orrong Road, Mercury Street, and Galaxy Way, will the Minister advise what is proposed to be built on this land since his earlier answer indicated that the land would be utilised in the 1985-86 building programme?

Hon. PETER DOWDING replied:

While it was advised in reply to question 462 that utilisation of the land was anticipated in the 1985-86 programme, this has not eventuated. Possible utilisation of the land will be considered on an ongoing basis related to demand. As the member has indicated some interest in this matter, I have requested that Homeswest makes direct contact with him to discuss the matter further.

PORTS AND HARBOURS: BOAT RAMPS

Success Hill: Aboriginal Sacred Site

276. Hon. N. F. MOORE, to the Minister for Employment and Training representing the Minister with special responsibility for Aboriginal Affairs:

What action has the Minister taken following the claim by the Aboriginal fringedwellers of the Swan Valley that a proposed boat ramp at Success Hill will desecrate a sacred site?

Hon. PETER DOWDING replied:

The Minister is aware that staff from the Aboriginal sites section of the WA Museum have met with representatives of the Swan Valley fringedwellers to discuss their concerns. The Minister understands that museum officers were called in at the request of the Swan Shire and the fringedwellers. It is not the intention of the Minister to take any action at this stage.

ABORIGINAL AFFAIRS: LAND RIGHTS

Seaman Inquiry: Expenditure Accounts

277. Hon. N. F. MOORE, to the Minister for Employment and Training representing the Minister with special responsibility for Aboriginal Affairs:

I refer the Minister to his answer to my question 249 of 10 October 1985 and ask—

- (1) Will the Minister table all "signed statements of expenditure"?
- (2) If not, why not?
- (3) Will the Minister provide a list of the names of the persons and organisations who received financial assistance and the total amount of assistance received by each?
- (4) If not, why not?

Hon. PETER DOWDING replied:

- (1) No.
- (2) As previously indicated, statements of expenditure have now been returned by all organisations and individuals who received funding from the Aboriginal Liaison Committee. These statements have been duly and properly audited by officers from the State Audit Department. It is not a normal expectation that the Government of the day should publicise confidential material pertaining to an official inquiry. The Minister is not of the opinion that there should be any change to this convention.
- (3) The member is referred to earlier responses to parliamentary questions 553, 313, 335, and 564. As per the Minister's response to question 564, he will write to the member in due course outlining levels of grants awarded to Aboriginal organisations and individuals.
- (4) Not applicable.

**INSURANCE: STATE GOVERNMENT
INSURANCE OFFICE**

Reinsurance: Irregularities

279. Hon. P. G. PENDAL, to the Attorney General representing the Treasurer:

- (1) Is it a fact that workers' compensation reinsurers in London who act on the SGIO's behalf have raised irregularities about SGIO activities in this field?
- (2) Is the Treasurer aware that these reinsurers have employed Queen's Counsel in London to offer opinions?
- (3) If so, what objections have the reinsurers or QCs offered in relation to the SGIO's workers' compensation accounts?
- (4) Is it correct that SGIO workers' compensation officers of many years earlier should, by normal insurers' practice, have assessed claims at a far higher rate than is actually the case?
- (5) What action has been taken to improve this position?

Hon. J. M. BERINSON replied:

- (1) Reinsurers do not act on SGIO's behalf. Queries have been raised by some reinsurers on some older claims.
- (2) No.
- (3) Alleged delays in notification of some older claims where current estimated costs have exceeded reporting levels.
- (4) I am not aware of this.
- (5) In respect to parts (1) to (4), discussions are to be held between representatives of the SGIO and reinsurers.

GAMBLING: CASINO SITE

Stop-work Meeting

280. Hon. P. G. PENDAL, to the Minister for Industrial Relations:

- (1) Is he aware of a stop-work meeting or suggested stop-work meeting on the casino site arising out of an industrial accident fatality at Scarborough?
- (2) Is he aware of union moves to call a stop-work meeting at the casino site—on an unpaid basis—in sympathy with the dead worker's family?
- (3) Is he aware that workers were asked, as a counter measure, to stay on the job, to continue working, and, in lieu

of a strike, to donate the time that would otherwise have been lost, to the widow involved?

- (4) What was the fate of that request made by a worker?
- (5) Will he investigate the circumstances of this incident to ascertain whether the wishes of workers to help a widow and her family were interfered with by militants?

Hon. PETER DOWDING replied:

- (1) to (5) Such matters are matters between the employee and the employer and I have had no involvement.

CRIME

Fraud: False Cheques

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

- (1) Can he confirm that a confidence trickster posing as a federal police officer, complete with ID card, has been defrauding retailers by buying goods with false cheques and then selling the goods to a pawnbroker?
- (2) If so, can he also confirm that the alleged crimes relate to thousands of dollars in video machines and motor vehicles?
- (3) As I understand that, under the present law, retailers cannot recover goods from the pawnbrokers even if they are prepared to pay normal pawnbroker rates, and as such, under existing pawnbroker legislation, goods not reconverted to cash by the client can be sold only at auction, would the Minister be prepared to confer with the Minister responsible for the Pawnbrokers Act to see if amendments could be introduced to permit more direct recovery of stolen goods by retailers?

Hon. J. M. BERINSON replied:

- (1) to (3) Yes.

ROAD

Newman-Port Hedland: Liquidation Damages

282. Hon. G. E. MASTERS, to the Minister for Employment and Training representing the Minister for Transport:

- (1) Is it correct that the Main Roads Department is withholding \$42 000 in liquidation damages against Spence Industries of Lot 4 Hammond Road, Jandakot?
- (2) Will the Minister confirm that the overall Contract No. 204/83, Newman to Port Hedland Road, Coonarrrie and Edgina sections under the main contractor Leighton Contractors Pty Ltd, was finished on time?
- (3) Has the Minister been made aware that Spence Industries will be forced into liquidation as a result of the claimed liquidation damages?
- (4) Will the Minister ask the Main Roads Department to reconsider the claim in view of the special circumstances of the case including the fact that the delays in the completion of an individual bridge through extreme weather conditions caused no losses to the Main Roads Department whatsoever and did not prevent the completion of the total job on time?

Hon. PETER DOWDING replied:

- (1) No.
- (2) No. I can advise however that MRD Contract No. 204/83, which is in two separable parts, was completed as follows—
Part 1 just over 17 weeks late;
Part 2 just over 7 weeks late.
- (3) There is no contact between Spence Industries and the Commissioner of Main Roads. MRD Contract No. 204/83 was with Leighton Contractors Pty Ltd.
- (4) There are several outstanding claims and other matters to be resolved between the Commissioner of Main Roads and Leighton Contractors Pty Ltd arising out of Contract No. 204/83. I understand these matters are being diligently pursued by the parties concerned. It is not appropriate for me to comment on these negotiations and, more importantly, on any one particular aspect.

284. *Postponed.*

COMMUNITY SERVICES: CHILDREN

Sexual Abuse: School Reports

285. Hon. P. H. WELLS, to the Minister for Employment and Training representing the Minister for Education:

What are the reporting procedures if a child at a Government school indicates or a teacher is aware that a child has been sexually abused in the home?

Hon. PETER DOWDING replied:

There is currently no mandatory reporting procedure for child abuse in schools. The usual course of action is that the teacher reports to the school administrator or the school nurse. Contact is then made with the child health medical adviser or the social worker in the area. Further action is then taken by these officers.

286. *Postponed.*

EDUCATION: TEACHERS

Accommodation: Pemberton

287. Hon. A. A. LEWIS, to the Minister for Employment and Training representing the Minister for Housing:

Is it the Government's intention to provide for teachers in Pemberton—

- (a) more Homeswest housing; or
- (b) GEHA housing?

Hon. PETER DOWDING replied:

- (a) and (b) No new accommodation is proposed for Pemberton in either Homeswest's or the Government Employees' Housing Authority's 1985-86 programme.

288 to 290. *Postponed.*

WATER RESOURCES

Underground: Merogoolia

291. Hon. P. H. LOCKYER, to the Leader of the House representing the Minister for Water Resources:

- (1) Is it a fact that there is a substantial underground water supply in the area known as Merogoolia, east of Carnarvon.

- (2) Is the Government examining ways of tapping this underground water supply to upgrade the existing supplies available to the Carnarvon plantation area?

(3) If not, why not?

Hon. D. K. DANS replied:

- (1) No. Apart from limited supplies in the river alluvium above Rocky Pool, the only known groundwater resources in this area are understood to be brackish or saline.
- (2) No. Such possibilities have been investigated and reported previously by the Public Works Department in May 1981.
- (3) Development of these very limited fresh sources would not be economic for irrigation in Carnarvon. The remaining reserves of fresh water in the river alluvium have been reserved for future needs of the town supply.

HOUSING

Pensioners: Mt Magnet

292. Hon. P. H. LOCKYER, to the Minister for Employment and Training representing the Minister for Housing:

What steps are being taken to provide pensioner housing to Mt Magnet?

Hon. PETER DOWDING replied:

A joint venture programme has been arranged between the Mt Magnet Shire Council and Homeswest to construct 4 x 1 bedroom aged persons' units in Mt Magnet as part of the 1985-86 programme.

MOTORCYCLES

Mopeds: Reclassification

293. Hon. G. E. MASTERS, to the Attorney General representing the Minister for Police and Emergency Services:

- (1) Is the Government intending to introduce legislation to alter the laws dealing with the reclassification of moped motorcycles?
- (2) If so, when can Parliament expect to receive the legislation?

Hon. J. M. BERINSON replied:

- (1) A submission relating to the reclassification of moped motorcycles is currently being prepared for consideration by Cabinet.
- (2) Not in the present session.

MINISTER OF THE CROWN: PREMIER

"Predatory": Letter

294. Hon. P. G. PENDAL, to the Leader of the House representing the Premier:

- (1) Has he received a letter from a major vehicle outlet suggesting legislation be introduced against "predatory Premiers"?
- (2) Is one of the complainant's points the 105 per cent increase in land tax receipts of assessment in the three Budgets since the current Treasurer has been in office?
- (3) Does the Treasurer have any comment on the statement in the letter that he is "squandering public money" with his *Sunday Times* lift-out on the Budget and that he has been "careless with the truth"?

Hon. D. K. DANS replied:

- (1) and (2) Yes.
- (3) This statement is incorrect.

QUESTIONS WITHOUT NOTICE

RACING AND TROTTING

Trotting Meetings: Country

250. Hon. W. N. STRETCH, to the Minister for Racing and Gaming:

Has he had a note or letter from the Country Trotting Association with regard to the increase in metropolitan trotting meetings?

Hon. D. K. DANS replied:

If there is a letter it has not reached me yet. As soon as I receive it, if I do, I will inform the member.

RACING AND TROTTING

Trotting Meetings: Country

251. Hon. W. N. STRETCH, to the Minister for Racing and Gaming:

When he receives that letter will he give consideration to the trotting programmes and racing information booklet of the Western Australian Trotting Association for 1985-86?

I ask him to consider whether the increase in those meetings at the expense of country clubs is in contravention of the agreement and the Racing Restriction Amendment Act passed last year?

Hon. D. K. DANS replied:

I cannot give any assurance on what I will do with a letter I have not received. As soon as I receive it, it will receive what consideration is due to it.

COURTS: BAIL

Applications: Delays

252. Hon. P. H. WELLS, to the Attorney General:

A complaint is repeatedly being brought to my office that the handling of people applying for bail takes something like 10 times longer than previously. I am told that it is possible to have large numbers of police waiting at East Perth for this purpose. Have negotiations been undertaken to improve the position? I am told the time involved is 45 minutes.

Hon. J. M. BERINSON replied:

Discussions between the Crown Law Department and the Police Department are not complete, with the result that no replacement set of procedures has yet been finalised. I can only add to that that it is distorting the picture to create an impression that every bail application would take 45 minutes. Some bail applications may take an excessive time, but even then only a small proportion are involved, and they would certainly not take as long as 45 minutes.

The essential thing is that the procedures are now subject to a comprehensive review and the Act will not be

proclaimed until the Government is satisfied that a workable and efficient system is available.

COURTS: BAIL

Applications: Night

253. Hon. P. H. WELLS, to the Attorney General:

Concerning the Government's arriving at a workable consideration in terms of time, would the Attorney take into consideration the fact that the critical period is in the handling of night bail applications where each officer finds himself at East Perth to cover bail applications? This leaves gaps not covered by vehicles out at night. If a number of those are involved in taking people into the East Perth lock-up and there is a prolonged waiting period, then many districts of the metropolitan area are left uncovered by police vehicles. I trust the Attorney will give consideration to ensure this is done in a minimum amount of time.

Hon. J. M. BERINSON replied:

I am sure that matter is already under consideration.

PORTS AND HARBOURS: FREMANTLE

Dispute: Maritime Unions

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

- (1) Has the Minister been made aware of the impending strike of maritime unions at Fremantle?
- (2) If so, has the Government taken any action in an endeavour to prevent that strike?
- (3) Is he also aware that shippers at Fremantle are at the end of their tether and describe the situation as chaotic?

Hon. PETER DOWDING replied:

- (1) to (3) I am not aware of the latter description. I assert again that Mr Masters is trying to use this place to make some political mileage out of the industrial scene.

Hon. G. E. Masters: Are you aware of that?

Hon. PETER DOWDING: The member is trying to stir things up.

Several members interjected.

Hon. PETER DOWDING: Even the member's friend, Mr Echo here.

An Opposition member: Hon. Mr Echo.

Hon. PETER DOWDING: Hon. Mr Echo, that is true.

A number of issues on the waterfront are being addressed by officers of my department and the Fremantle Port Authority and staff. I am not in a position to make any further comment at this stage.

Let me say, as Mr Masters knows, that the waterfront is and has been for many years an area of complexity in terms of industrial relations. I must say that he seems to suffer from an extraordinary lack of memory.

Hon. G. E. Masters: You want to go down and talk to those people. They are horrified with your attitude.

Hon. PETER DOWDING: Does he remember how appalling—

Hon. D. K. Dans: I was speaking to the manager and he raised matters with me—

Several members interjected.

Hon. PETER DOWDING: —things were during his own stewardship of the office I now hold?

HUNTS FOODS PTY LTD

Purchase: Government Assistance

255. Hon. TOM KNIGHT, to the Minister for Employment and Training:

What action has the Minister, his department, or the Government taken to assist the local group of vegetable growers and potato growers, and a fishing group to purchase Hunts Foods Pty. Ltd. in Albany?

Hon. PETER DOWDING replied:

That is not a matter which should be directed to my area of ministerial responsibility. It should be directed to the Minister with responsibility for the Industrial Development Department.

HUNTS FOODS PTY LTD

Closure: Jobs Lost

256. Hon. TOM KNIGHT, to the Minister for Employment and Training:

Is the Minister aware of the number of jobs which will be lost to the workers in Albany who were employed by Hunts Foods if there is no Government action on the situation?

Hon. PETER DOWDING replied:

I have given the indication this is not properly addressed to my department. It should be understood that the office of the Minister for Employment and Training is not in a sense a manpower-reacting unit; it is a policy department. Where appropriate, other departments seek advice. The specific problem the member refers to should be directed to the Minister for Industrial Development.

PORTS AND HARBOURS: FREMANTLE

Chamber of Commerce Concern

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

Has the Fremantle Chamber of Commerce contacted the Minister with regard to the situation on the Fremantle waterfront?

Hon. PETER DOWDING replied:

I do not recollect in the last few days any specific contact from that organisation. Some approach may have been made to my office of which I have not yet become aware. As I indicated to the Leader of the Opposition previously, I do not believe that this House is the proper place in which to debate this matter or for me to discuss the nature and character of people who make approaches to me. I have indicated on a previous occasion that I will not answer these sorts of questions.

PORTS AND HARBOURS: FREMANTLE

Dispute: Issues

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

In asking this question I note the remarkable change of point of view the Minister has had since he has been on

the front bench on the other side of the House. In view of his comments that some issues which raise the possibility of a dispute on the Fremantle waterfront were being discussed, can he advise the House what those issues are?

Hon. PETER DOWDING replied:

A number of industrial issues in regard to the waterfront are being discussed at the present time.

Hon. G. E. Masters: Just give us one or two.

Hon. PETER DOWDING: I am not giving the Leader of the Opposition any indication today that they will cause problems, as he has indicated. A number of industrial issues are being discussed in several areas and I do not think it appropriate to blow up the issues into some sort of major story because I do not think at this stage they deserve it.

PORTS AND HARBOURS: FREMANTLE

Dispute: Assurance

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

In view of the Minister's statement, is he confident that there will be no stoppages on the Fremantle waterfront over the next few days? I will be very pleased if he would answer in the affirmative.

Hon. PETER DOWDING replied:

What information is the Leader of the Opposition seeking in that question?

Hon. G. E. Masters: I want to know what you are doing.

Hon. PETER DOWDING: No, the Leader of the Opposition does not.

Hon. G. E. Masters: I want to know if you care and if you are going to do anything about it.

Hon. PETER DOWDING: The Leader of the Opposition is like a little Bunsen burner. Every now and then someone like Mr Sir Echo over here lights up a cigarette and Mr Masters thinks, "Gee, it has been a bit quiet lately. I ought to try to heat up a dispute."

The PRESIDENT: Order!

STATE FINANCE: PUBLIC DEBT

Transfer: Commonwealth

260. Hon. W. N. STRETCH, to the Minister for Budget Management:

Could the Minister identify for me the public debt of \$96 100 000 transferred to the Commonwealth, which is mentioned on page 2 of the financial statements?

Hon. P. H. Wells: It is a large amount. He probably won't be able to remember.

Hon. J. M. BERINSON replied:

I must ask the member to put that question on the Notice Paper.

GAMBLING: TWO-UP

Legalisation: Pilbara

261. Hon. P. H. LOCKYER, to the Minister for Racing and Gaming:

Is the Minister aware of a substantial petition circulating in Port Hedland and other major towns in the Pilbara seeking support for the legalisation of the game of two-up in either Port Hedland or Karratha, or even both centres?

Hon. D. K. DANS replied:

No.

GAMBLING: TWO-UP

Legalisation: Pilbara

262. Hon. P. H. LOCKYER, to the Minister for Racing and Gaming:

This is supplementary to my previous question. I assure the Minister that a petition exists. If the Minister has substantial support from the towns in the Pilbara, in view of his previous answer that he will not be considering in the near future the legalisation of two-up, would the Minister reconsider it in the light of the fact that it is legal for race clubs and for the Town of Kalgoorlie to hold two-up games? As the Pilbara area is a major mining area, will the Minister give consideration to this matter?

Hon. D. K. DANS replied:

The honourable member is very well aware of the recommendations of the Mossenson report which are still being considered. I suppose I could work

over the weekend and embody the recommendations of that report into a Bill, but I would require from Hon. P. H. Lockyer an assurance that on bringing that Bill to the Parliament it would receive the unanimous support

of his colleagues and that the Bill would be passed in one sitting of the House. If he is so interested in two-up in the Pilbara and if he gives me that assurance, I will do it.

Hon. A. A. Lewis: What about in Collie?
