

## Legislative Council

Tuesday, 22 July 1986

**THE PRESIDENT** (Hon. Clive Griffiths) took the Chair at 3.30 p.m., and read prayers.

### ADDRESS-IN-REPLY

*Presentation to Governor: Acknowledgment*

**THE PRESIDENT** (Hon. Clive Griffiths): I have to announce that, in company with several members, I waited on His Excellency the Governor, and presented the Address-in-Reply as amended to His Excellency's Speech, agreed to by the House. His Excellency has been pleased to make the following reply—

Mr President and Honourable Members of the Legislative Council:

I thank you for your expressions of loyalty to Her Most Gracious Majesty The Queen and for your Address-in-Reply to my Speech to Parliament on the occasion of the opening of the First Session of the Thirty-Second Parliament.

Gordon Reid,  
GOVERNOR

### INDUSTRIAL RELATIONS AMENDMENT BILL

*Second Reading: Defeated*

Debate resumed from 17 July.

**HON. A. A. LEWIS** (Lower Central) [3.35 p.m.]: It is extremely interesting to see, from where I sit, Governments of different colours bringing in Bills, all of which are right in their own minds. From the discussions I have had with various employer groups and people interested in the union movement, since this debate was adjourned, most people think that the Industrial Relations Act would probably be better scrapped and rewritten. Members from both political sides have contributed to so many amendments which could not be put into practice anyway. I echo Hon. Tom McNeil's words when he referred to the notorious part VIA. There are a few parts that ought to be kept to protect subcontractors, but the rest is verbose overwording and not ever likely to be put into practice.

I note that the standard of second reading speeches on Bills introduced into this place has not improved. The Minister's speech on this Bill is just about as bad. I believe that a certificate of exemption issued by the registrar, like

the code of conduct we will deal with later on, is an absolute waste of time, money, and paper.

It would seem, on reading the Bill, that anyone wanting to obtain a certificate would need a degree in law to appear before the commission. On one hand, it seems that it will be very easy to get a certificate but, on the other, one will have to fight like hell to get it. The Minister's second reading speech did not say under what terms one would be able to get a certificate. We are not privy to that. The Government does not want to tell us what that is about.

The Minister referred to whether we should have an evaluation as to whether the legislation is relevant to the industrial reality of the workplace. I do not think it would be. It would create more trouble than it is worth.

According to one of my union advisers, part VIA, left in its present form, will create a fair bit of trouble, too.

Hon. T. G. Butler interjected.

**HON. A. A. LEWIS**: Hon. Tom Butler is only one of my advisers, although he was probably the most highly paid before coming to this place.

The Bill talks about the regulations which are needed, but what is really needed in industrial relations is a fair go for all people. As a Parliament, members in this place have tied up every loophole, every negotiating point, and so on that we wanted to tie up. We have done so with bands of steel instead of allowing the people in the workplace to make some decisions for themselves. Government has a tendency to think it knows better than those out in the workplace. The Minister in his second reading speech went on to talk about employers who would rather deal with the representatives of unions than with "disparate, ad hoc, unorganised groups or individuals". Of course, the major employer is small business which will be affected by this legislation as much as anyone else, and yet small business in the main does not have a voice before the arbitration commission.

Hon. T. G. Butler: Of course it does.

**HON. A. A. LEWIS**: Can Hon. Tom Butler tell me which small business does?

Hon. T. G. Butler: Any small business which has responded to an award has a voice before the commission.

**HON. A. A. LEWIS**: Unfortunately, some people seem to think that small business is like the peak employer groups, the Western

Australian Confederation of Industry, a chamber of commerce or the union movement, and has a great amount of dough and can afford to take the attitude that anyone can go before an arbitration commission.

Hon. S. M. Piantadosi: Even individuals can go before the arbitration commission.

Hon. A. A. LEWIS: Okay, so even individuals can go before it. How often has an individual gone before the commission?

Hon. S. M. Piantadosi: Quite often. Check the records with the commission and you will find out.

Hon. A. A. LEWIS: Good, I am glad to hear that individuals do, because every approach I have made has been wiped off like a dirty shirt.

Hon. S. M. Piantadosi: You made the statement, not me.

Hon. A. A. LEWIS: It is the Minister's job to present the figures here, if he wants to change the Bill.

Hon. S. M. Piantadosi: You are saying that that is not happening.

Hon. A. A. LEWIS: I am commenting on what the Minister said in his second reading speech. Is Hon. Sam Piantadosi telling me that the Minister is dumb?

Hon. S. M. Piantadosi: You raised it.

Hon. A. A. LEWIS: No, the Minister raised it. It is all right to tell me to get the facts because what the Minister has told us here is not true.

Hon. S. M. Piantadosi: You have not checked your facts again. You are off the track.

Hon. A. A. LEWIS: It is interesting to note that, once Government members are put into a corner, they start to squeal.

Hon. S. M. Piantadosi: It is sheer ignorance on your part.

Hon. A. A. LEWIS: The Government has been trying for years and yet it has not done much in this respect. However, I will leave this matter as it is obvious the Government is getting a bit upset about it.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Hon. A. A. Lewis should know that he should not research his speech in the House. He should address the Chair.

Hon. D. K. Dans: That is a novel approach.

Hon. A. A. LEWIS: Yes, it is.

In his speech the Minister refers to uniform and enforceable standards. I suggest that this is a little rough and tough for a Bill which deals

with industrial relations. I think that it is an indication yet again of the Government's bully boy mentality.

Hon. T. G. Butler: Who wrote part VIA?

Hon. A. A. LEWIS: I am talking about the Minister's second reading speech. If Hon. Tom Butler cannot hear, I will speak up.

Hon. S. M. Piantadosi: You do not know what you are talking about.

Hon. A. A. LEWIS: That is a matter of opinion. Hon. Sam Piantadosi is not wooing the Independents today.

However, I refer again to the Minister's words, "uniform and enforceable standards". This sort of attitude could be seen in the Minister who was previously in charge of this portfolio, and in the Minister before him. It is the sort of mentality which believes that one can enforce things and can make uniform laws. Hon. Gordon Masters when he was the Minister, and Hon. Des Dans when he was the Minister had the same sort of ideas. Obviously Mr Dowding, the current Minister, now has these ideas. However, the workplace is not uniform, and I think this matter is best resolved by sensible discussion rather than by any enforcement.

Hon. S. M. Piantadosi: Minority rule!

Hon. A. A. LEWIS: I did not say, "minority rule" at all.

It seems to me that the Australian Labor Party, like the trade union movement, is on the slide and is going downhill.

Hon. T. G. Butler: It has pretty good polls, though.

Hon. A. A. LEWIS: The union movement has gone over the peak with its bully boy tactics and its pushing around of the Australian economy. The power of the unions is, I believe, starting to decrease in this country, and it is about time too. I am very pro-union but there have been some union leaders who have pushed and pushed. I am sure Hon. Sam Piantadosi and Hon. Tom Butler know what I am talking about.

Hon. T. G. Butler: I know what you are talking about; I just do not agree with it.

Hon. A. A. LEWIS: That is Hon. Tom Butler's opinion. I believe, however, that the standard of leaders in the trade unions and in the peak employer groups has diminished over the years. It is obvious that it has because Hon. Fred McKenzie, Hon. Sam Piantadosi and Hon. Tom Butler are all here. The original

reason for the existence of those trade unions has disappeared.

The Minister in his second reading speech pointed out that part VIA has given rise to more industrial disputation rather than assisting moves towards improving relations in the workplace. The Minister did not say in his second reading speech what industrial disputes part VIA has given rise to. However, I believe that the big union big business-type mentality that is indicated in this Industrial Relations Amendment Bill is not good for industrial relations. The Minister said in his second reading speech that the jurisdiction should lie with the commission, and I wonder how we can fit that into the whole scheme in this Parliament.

Hon. T. G. Butler: What—to form a union?

Hon. A. A. LEWIS: I have been a member of a union, and I guess I was so about the time Hon. Tom Butler was born, or was in knickerbockers.

Hon. D. K. Dans: Stop flattering Mr Butler; it will get you nowhere!

Hon. T. G. Butler: You leave him alone! He can flatter me all he wants!

Hon. A. A. LEWIS: I would look at the other side of the coin: I wonder whether any of the people who are now laughing and chacking on the Government side of the House have been employers as well. That may change their state of mind; that is, if they have a mind.

Hon. Doug Wenn: Mr Masters tried that one and we all explained to him that some of us had been in the business before.

Hon. G. E. Masters: I didn't say all of you; I said a lot of you. If you have had experience in business, I am pleased.

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

Hon. G. E. Masters: I was just talking about the ones who make all the noise.

Hon. A. A. LEWIS: Has everybody finished? Good.

It is said that this Bill will remove an inconsistency with the Federal Act, but my research indicates it goes much further than the Federal Act. I mentioned the certificates. They will be extremely dangerous and unfair pressures will be put on certificate holders. I do not believe that that is the way to go.

Hon. T. G. Butler: What is the way to go?

Hon. A. A. LEWIS: The commonsense way to go would be to scrap the whole Bill, introduce improved legislation into this House or

the other place, and have a Select Committee to consider how much protection is needed for the Confederation of WA Industry, the Chamber of Commerce, the unions, or anybody else who has a duty to sell a product to potential customers. Nobody, unionist or employer, has the right to tell an employer that he should join the Confederation of Industry, for example, by law or by force. Workmen should not have to join unions. Personally I prefer being in a union, but the union movement must sell its benefits to potential members.

Hon. T. G. Butler: Do you believe a person who is not a member of the union is entitled to benefits?

Hon. A. A. LEWIS: Everybody who does like work should be treated the same; nobody should be favoured. Is it not interesting that we are discussing this matter when the Bill of Rights about which the Federal Government keeps talking does not say one has a right to be in a particular union?

Hon. G. E. Masters: Too right.

Hon. A. A. LEWIS: Does the Government want two bob each way or does it want to stick the coin up on its edge? The ALP really floors me at times with its mental processes or lack of them. It refuses to think things through. I have told members what I consider the answer to be. We should throw this Bill out the door and the Minister should introduce improved legislation. One thing that becoming an Independent member has taught me—and maybe one of these days, if Mr Piantadosi stays here long enough he will read a Bill—is to read a Bill; and having read many similar Bills and having listened and spoken with some knowledge of the subject, I am desperately ashamed of some of the legislation that has been brought to this place by both sides of the House. When I read the amending Bill I think of the Minister who introduced it. At that stage of the game I was probably on his side, and I am not casting any aspersions on Mr Masters. The Government should constructively try to legislate. It is very easy to shout, but the Government is not being very constructive.

Hon. S. M. Piantadosi interjected.

Hon. A. A. LEWIS: I was asked what I would do. As Mr Piantadosi well knows, there is absolutely no way a member in this place can study every Bill in detail. If the member thinks he can he should tell us and I will take him to my office and give him a run through.

Hon. G. E. Masters: The first one he studies will be his first ever.

Hon. S. M. Piantadosi interjected.

Hon. A. A. LEWIS: I have not been provided with a huge research staff, motor cars, and other benefits. I have to stand alone. Perhaps if I did the right thing I might be able to con somebody into doing it.

Hon. S. M. Piantadosi: You might get an office yet.

Hon. D. K. Dans: How many do you want?

Hon. A. A. LEWIS: I am worried about the certificate. I think it will become an instrument of tyranny. Things are changing.

Hon. G. E. Masters: Hear, hear!

Hon. A. A. LEWIS: Things are changing day by day, and Mr Butler will not deny that some bully boys in this world go out into the workplace and put pressure on subcontractors and certificate holders.

Hon. G. E. Masters: They are doing it here, are they not?

Hon. T. G. Butler: So Mr Hassell said.

Hon. S. M. Piantadosi: You did it last year.

Hon. G. E. Masters: You did not agree.

Hon. T. G. Butler: I am not aware of it.

Hon. S. M. Piantadosi: You are an expert on that, Mr Masters.

Hon. G. E. Masters: Later in the afternoon I will remind you. I will give you the evidence.

The DEPUTY PRESIDENT: The Hon. A. A. Lewis.

Hon. A. A. LEWIS: Thank you, Mr Deputy President. The interjections are making my speech very long and I hope *Hansard* caught them all.

It is improper that these people should be considered as proposed in this Bill in regard to the certificate. As I said before, the certificate will be used as a tyrannical tool by the people who wish to do so. We know those people exist in the community. Goodwill between employer and employee is very important. Without this piece of paper we could probably deter the bully boys and get them out of industries pretty quickly, because neither workers, unions, nor employers would want to have them.

The Minister's second reading speech says that it is also essential that the commission have the power to award or take away preference to union members. We were told in the beginning that the commission could ratify agreements but now it has got to the stage where the commission can enforce an award in any situation.

Hon. S. M. Piantadosi: The commission can enforce the law.

Hon. A. A. LEWIS: But it does not do so, does it? Wait a minute. Mr Butler should think about what I said. It can confer but the commission of its own volition goes in and enforces a closed shop situation.

Hon. T. G. Butler: Sorry, I missed that.

Hon. A. A. LEWIS: Mr Wenn would understand because one does not have to be very high—

Hon. Doug Wenn: That is fair enough, but on the same level—

Hon. A. A. LEWIS: No, I am above the member! As I understand it—correct me if I am wrong—the commission can confirm the fact that the union and the employers agree to a closed shop but the commission itself can go in and say—

Hon. T. G. Butler: You are right.

Hon. A. A. LEWIS: Thanks very much.

Hon. S. M. Piantadosi: That is not what you said a minute ago.

Hon. A. A. LEWIS: That is exactly what I said because I am reading off the same sheet of paper. We know who is confused.

It is unfortunate that the Government is not really dinkum about industrial relations. In reading some of the past legislation, I wonder whether previous Governments have not been dinkum either. I am worried that this situation has been allowed to go on. I believe that, if it wished, this Government could have got stuck into doing something sensible about industrial relations.

I am afraid that I cannot support the Bill. I do not agree with clauses 4 and 6 and I say that now so that I do not have to say it in the Committee stage, if there is any. I think that clause 5, the deletion of part VIA, is an overreaction by the Government. I would love to have the time to amend it and to rewrite it in the Queen's English, and to do away with the verbosity that has been used by the Government. In two or three clear-cut phrases, one could rewrite it to make sense. It is only because of that that I oppose clause 5. I believe it is nonsense, as Hon. Tom McNeil said the other day. I believe it should be rewritten and I urge the Minister to suggest to his colleague in the other place that we send it to a Select Committee, or if not, to a committee of the Parliament which would look at what could be done for industrial relations.

I believe that the changing of the rules as Governments change cannot be any good for industrial relations in the long term. It worries me nearly as much as the fact that too many of us are bound by our parties and are being led along and told to vote for legislation, which, if it were studied, we would not have voted for or would have amended severely.

**HON. D. K. DANS** (South Metropolitan—Leader of the House) [4.04 p.m.]: This debate has gone the way of all debates with respect to any Bill dealing with industrial relations. A fair amount of nonsense has been spoken. If there is any subject in Australian politics that is more misrepresented than our industrial laws, I have yet to hear of it.

Hon. A. A. Lewis said that perhaps we should set up a Select Committee or some kind of committee of the Parliament to consider industrial relations laws. Governments of all political persuasions have pondered that question from the time we first set up an arbitral system and they are no closer to changing the system. We have yet to find a better system than the system that is in operation today.

In the last few weeks I have had the opportunity to speak with people who have been associated with industrial relations in Australia for a long time, some of whom are retired and some of whom are still working in the system and they agree that there is no alternative to the present system.

I cannot remember which member suggested we set up a Royal Commission. What would that achieve? The Commonwealth Government is still considering the findings of the Hancock inquiry, a very wide-ranging inquiry to which I, as Minister for Industrial Relations, had my department make submissions on behalf of the Western Australian Government. All of those things have been considered and we are back here again today considering whether the Industrial Relations Commission should have the right to grant preference and under what conditions it would grant preference.

I remind the House that the court, under Mr Justice Neville—I may be wrong—gave itself the power to grant preference a long time ago and I do not think any union at that stage ever approached the court to have that condition inserted in its award. Arbitrators, following the rule set down in respect of industrial dispute in this country, have to consider the prevention and settlement of industrial disputes. That is what it is all about. It is not about

making consent agreements or about going to the court for a new award. Those things are automatic. The major function of the commission is the prevention and settlement of disputes within the legal framework laid down by the Commonwealth or by the various State Governments.

It has been found that a court or a system that grants preference has the best interests of everyone at heart. That prevailed until Hon. Gordon Masters, during the term of the previous Government, decided to tamper with the provisions. Even under his guidance, he was not able to apply those provisions to industry at large. I can recall the late Keith Parry of the Western Mining Corporation Ltd saying to me, "I do not know what they are on about because I will tell you, Mr Dans, that if I had one non-unionist and 2 000 unionists up on the surface and a dispute arose, I know who I would send down the shaft." Facetiously, I said that I thought he would send the one non-unionist. He said, "No way in the world, because it is nonsense."

When I became Minister I did not mince matters, as I think Hon. Gordon Masters told the Chamber.

**Hon. G. E. Masters:** Dozens of times. You said you would not use that filthy legislation.

**Hon. D. K. DANS:** I thank Hon. Gordon Masters for jogging my memory. We did not use it. We have gone down the trail to develop probably our best industrial climate in almost 60 years.

All this legislation does is to ask that the court, not the Minister, not the Government not the unions, not the employers, be given the right to insert a preference clause under certain circumstances and to grant exemptions. That is a little different from the conditions that formerly applied because there were some grounds for applying for an exemption and there was a condition that penalties be paid into Consolidated Revenue or some other account. What is wrong with that? Nobody should be fooled into thinking that there is not a whole range of people working not far from this Parliament House, in shops, engineering shops, or other establishments, some of whom are members of unions and some of whom are not.

The picture painted is that everyone is so irresponsible that a person who employs one or two people will be pursued. Members opposite know that is wrong. How many of those cases for wrongful dismissal that have been taken before the commission have succeeded? How

many poor individuals have been led by the nose into not joining unions? I remind the House of an instance when certain individuals held out and were given all the support possible, some of it by members of this Chamber. I recall a case involving six plumbers. I cannot recall where they worked. At the time I warned this Chamber that in our industrial history when people have decided not to join unions, they have been sacrificed when the issue has been resolved. Trade unionists were kept on the job and those people who held out were thrown to the wolves. I do not know how many times that has happened. I feel sorry for the scapegoats because, in the final analysis, the person who is operating a business does not want it disrupted. Therefore, eventually he decides to employ union labour.

Australia is a unionised country and whether I agree with that or whether Mr Masters agrees with it, that is the way it will stay. By opposing this Bill and refusing to give it a second reading, the Opposition is trying to maintain a position—which it could not maintain when in Government—with a view to causing industrial disputation. The Liberal Party, when in Government, was never interested in industrial peace. It was interested only in industrial disputation for political motives and for no other reason.

Hon. P. H. Lockyer: Absolute nonsense, Mr Dans, and you know it.

Hon. P. G. Pendal: Of course, it is.

Hon. P. H. Lockyer: I am surprised you would say that, Mr Dans. It is an outlandish and scurrilous statement.

Hon. D. K. DANS: I will let the record speak for itself.

Let us consider the situation prevailing in Australia today.

Hon. S. M. Piantadosi: They do not want to be told.

Hon. D. K. DANS: I thank Mr Piantadosi for reminding me of that. Things have settled down; disputation is at the lowest level for 100 years and people are not at one another's throats. Only a couple of weeks ago on a plane from Sydney I read the weekend edition of the *Sydney Morning Herald*. I will get a copy of it for Hon. Phil Lockyer later. It contained the comments of some of Australia's leading industrialists. Mr Miller, the chairman of TNT, one of our biggest corporations, put his finger on the button when he said that Australian workers were paid too little. The wage component as a percentage of gross national

product is now the lowest it has been for more than 15 years and people are accepting it. Mr Masters, in his opening remarks, tried to relate the economic problems of this country to unions and to the reinsertion of part VIA. I do not know how anyone in his right mind could do that. I do not know of any trade unions or any individuals in trade unions who go overseas and borrow large sums of money at heavy interest rates in order to buy someone out or take over some company. I do not know any trade union or any individual in a trade union who is responsible for our foreign debts. Australia's economic problems should not be laid at the feet of the trade union movement.

I refer quickly to a statement by Mr Halden when he made his maiden speech. He said that in times of economic stress the call goes out for higher profits and lower wages. It may have been possible to get away with such a call 50 years ago, but not today. I mention that in passing because we are really talking about the question of preference of employment, nothing else. It is not good enough to be preoccupied with a view of unions and unionists as kinds of pariahs making up a separate corner. That was the stance of Liberal Governments all over Australia; they made the unions whipping boys. Hitler used the Jews in the same way; he blamed them for all Germany's ills. Mr Masters tries to blame the unions and to use them as whipping boys.

Hon. T. G. Butler: He doesn't deny that, either.

Hon. G. E. Masters: I will make a speech later on the code of conduct.

Hon. D. K. DANS: Who are members of unions? The person who lives next door, the person we play golf with or who belongs to the Parents and Citizens' Association could all be union members. Every person who has anything to do with industrial relations has tackled this thorny question of preference. I will not go into what is contained in the Federal legislation. I have heard so many different dimensions with respect to it. Ian Douglas QC is considered to be one of the best industrial advocates in Australia and appears mainly for employers. His view is a very interesting one and one that would make Mr Masters go through the roof.

Hon. S. M. Piantadosi: Cringe!

Hon. G. E. Masters: I never cringe.

Hon. D. K. DANS: His view is that everyone who works under the auspices of a particular award should have subtracted from his wage a

sum of money to be paid for the maintenance of the union's ability to appear before a court or to negotiate an agreement. That payment would not necessarily mean that the person paying the levy would be a member of a union.

Hon. H. W. Gayfer: How do you line up Mr Fitzgibbon with all this?

Hon. D. K. DANS: I will come back to Mr Fitzgibbon and the closed shop system in a minute.

Mr Douglas also advocated that those who wanted to belong to a union would pay another fee. Whether we like it or not, the system operating today in Western Australia in the major shops is one of preference, and Mr Masters knows that. Mr Masters had ample opportunity to take on the iron ore companies and others, and he giped at it. He had all kinds of excuses not to do so. The only reason he opposes the reintroduction of a modified term of preference is that it would be an admission of defeat of the draconian legislation that he introduced and could not even make operate.

During the debate Charlie Fitzgibbon was mentioned. I know Charlie extremely well. He wrote certain things in a journal.

Hon. G. E. Masters: Did you agree with them?

Hon. D. K. DANS: I do not particularly disagree with Charlie on some of those issues. History rolls on relentlessly. The Whigs were in power for 40 years and then disappeared from the face of the earth. The Liberal Party had better watch itself. The great tide of history swallowed up the Whigs and the same thing could happen to the Liberal Party if it does not wake up to itself.

Hon. G. E. Masters: Time will tell.

Hon. D. K. DANS: Can members imagine Mr Fitzgibbon's reaction if he were here and Mr Masters put to him the proposal that closed shop unions should not operate on the Australian waterfront?

We are talking about a closed shop and a preference clause which makes the waterfront run a lot better.

Hon. G. E. Masters: One day a week instead of two.

Hon. D. K. DANS: I shall throw down the gauntlet to Mr Masters and his colleagues in the Federal Parliament.

Hon. G. E. Masters: There are massive disputes down there.

Hon. D. K. DANS: They can take on the waterfront and they can take on the shipowners too. The closed shop system makes the Australian waterfront run much better, because it allows for the regulation of labour.

Several members interjected.

Hon. D. K. DANS: It is the same with the maritime unions. They operate in that system.

The closed shop did not come about as a result of union demands. In the first instance it came about because of employer demands for a labour force which was always there, and a skilled labour force at that.

Would the Opposition suggest we try to take that preference clause from the airline pilots? Would the Opposition members like to take it away from the engineers at power stations? Would they like to have a go at the AMA? Would they like to talk to the Australian Dental Association and have a go there?

Members opposite are being selective. They make extravagant claims which cannot be substantiated. I will bet pennies to peanuts that with or without this House voting for this very modest reform, the status quo will remain. That is not a threat, it is a statement of fact. The status quo remained when Mr Masters was the Minister. The status quo remained when I was the Minister. I was game enough to get up and say it. The status quo has remained since Mr Dowding has been the Minister. It remains, in the main, because employers want it to remain.

Hon. G. E. Masters: I will tell you about what happened.

Hon. D. K. DANS: What Mr Masters really wants is a system where a small employer can screw an individual into the ground.

Government members: That's right.

Hon. D. K. DANS: He is not going to get away with that, because I will tell Mr Masters there was some slippage. The Government of Australia, with all its faults and warts, is still the most egalitarian Government in the world, and while I have breath in my body I will fight to keep it that way. Do members want to see a Thatcher-type Government here?

Government members: No!

Hon. D. K. DANS: That is what Mr Masters is saying.

Several members interjected.

Hon. D. K. DANS: He wants to make one half rich and the other half poor.

Hon. G. E. Masters: Tell us about Mudginberri.

Hon. D. K. DANS: On the other hand, do members want to bring inflation down, as has been done in the United States?

Hon. E. J. Charlton: Yes.

Hon. D. K. DANS: The member wants to do that? In some areas the unemployment rate is 50 per cent. Mr Charlton amazes me. He wants 50 per cent unemployment in certain areas in this State!

Several members interjected.

Hon. D. K. DANS: These members are grandstanding.

Hon. P. G. Pandal: We are?

Hon. D. K. DANS: They are flexing their muscles and trying to do all sorts of things which they tried to do when in Government but could not. There is an old rule of thumb; members should remember it well.

Hon. G. E. Masters: Tell us about Mudginberri.

Several members interjected.

Hon. D. K. DANS: There was the export of pig iron to Japan.

Several members interjected.

Hon. D. K. DANS: The waterfront workers would not load local pig iron to Japan. They were right because that iron came back in bullets and shells and killed thousands of our boys. So members opposite should not talk about Mudginberri or those attitudes because they have not moved much in 100 years. Was Mudginberri in Western Australia?

A member: They doubled their money. Are you complaining of that?

Hon. D. K. DANS: Look, the member is not talking about doubling people's money, he is talking about a system.

Several members interjected.

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

Hon. D. K. DANS: Members opposite are talking about getting a system of private contracts. They are talking about putting children back in the mines.

Several members interjected.

Hon. D. K. DANS: That is what members opposite are talking about.

Several members interjected.

Hon. D. K. DANS: Members opposite should not deny it. It would be a simple matter to give the court the power to grant preference in certain circumstances and to indicate exemptions. That is a very simple thing. This is a Bill which can be used for the prevention and settlement of industrial disputes. It does not say that on every occasion the preference shall be granted. It does not say that on every occasion exemption shall be granted. It is up to the commission to decide. I know members opposite do not believe in the commission.

Government members: Shame!

Hon. D. K. DANS: Members opposite do not believe in the arbitration system which has served this country extremely well. They are huffing and puffing, but they have never been game enough to sling it out because they are mindful of history, of the occasion when the late Stanley Bruce decided to tamper with the arbitration system. He became the first Prime Minister to lose his seat. By and large the system works extremely well. I suppose in 98 per cent of the cases agreement is reached without going anywhere near a court.

Finally, all the venom of members opposite is directed at the worker on the job—the Australian man and woman who works with muscle and brain. Industrial observers overseas and people with knowledge of workers in this country have suggested to me that we probably have one of the best labour forces in the world, but it is also the worst managed. So members must look at the other side of the coin also and not forget that for one moment.

Members opposite want to be selective in their venom. I have followed the line of the debate to the best of my ability, because even what I am now saying really has nothing to do with it, but these matters were raised. I put it to this House that if it wants to improve the already excellent industrial relations climate that we have, members should vote for this Bill. If members want to try to turn the clock back—and in particular the Liberal Party is grasping at straws—as a tool to divide and upset the Western Australian people, they will vote against the Bill. They will vote that it be not read a second time.

I put it to the House that it would be sensible to give this Bill a second reading and at least see how it works. If members do not do that, the status quo will remain. What we are trying to do is to formalise a system which is already operating, and it is operating because employers and unions together want it to operate.



I commend the Bill to the House and move that it be read a second time.

Question put and a division taken with the following result—

## Ayes 13

Hon. J. M. Brown	Hon. Garry Kelly
Hon. T. G. Butler	Hon. B. L. Jones
Hon. D. K. Dans	Hon. Mark Nevill
Hon. Graham Edwards	Hon. S. M. Piantadosi
Hon. John Halden	Hon. Doug Wenn
Hon. Tom Helm	Hon. Fred McKenzie
Hon. Robert Hetherington	(Teller)

## Noes 14

Hon. C. J. Bell	Hon. G. E. Masters
Hon. E. J. Charlton	Hon. Tom McNeill
Hon. Max Evans	Hon. N. F. Moore
Hon. V. J. Ferry	Hon. Neil Oliver
Hon. H. W. Gayfer	Hon. P. G. Pental
Hon. A. A. Lewis	Hon. D. J. Wordsworth
Hon. P. H. Lockyer	Hon. Margaret McAleer
	(Teller)

## Pairs

Ayes	Noes
Hon. J. M. Berinson	Hon. J. N. Caldwell
Hon. Kay Hallahan	Hon. John Williams
Hon. Tom Stephens	Hon. W. N. Stretch

Question thus negatived.

Bill defeated.

## TOWN PLANNING AND DEVELOPMENT AMENDMENT BILL

### *Second Reading*

Debate resumed from 15 July.

**HON. P. H. LOCKYER** (Lower North) [4.32 p.m.]: The Opposition supports this Bill. Basically the Bill is of a streamlining nature, allowing matters concerning town planning to be speeded up, particularly the present planning processes, and the Opposition very much supports that.

Much has been said about town planning in the last couple of years. Any procedures to speed up and simplify the arrangements for town planning and development certainly are long overdue. Much has been said in another place concerning appointments to the State Planning Commission, and it will not be my place in this House to go over what I regard as old hat.

The only area on which I would ask the Minister to comment concerns interference with the powers of local councils. I refer to clause 13, which requires roads to be built according to specifications, and I need an assurance from the Minister about this clause. I note that he has given an assurance in his second reading speech but I want to hear it from him because,

in looking at the Bill, it seems it is not as clear as I would like to see.

**Hon. H. W. Gayfer**: The wording is not as clear—I quite agree with Mr Lockyer.

**Hon. P. H. LOCKYER**: I want to be assured that local councils are not going to be interfered with under clause 13.

Other than that, the Opposition supports the second reading of this Bill.

**HON. D. K. DANS** (South Metropolitan—Leader of the House) [4.34 p.m.]: I thank Hon. Philip Lockyer for his support. I can assure him that what is said in my second reading speech is intended, and I will give him, and Mr Gayfer too, a written explanation outlining it exactly. They know that I am honest and sincere, and I will certainly do that.

Question put and passed.

Bill read a second time.

### *In Committee*

The Chairman of Committees (Hon. D. J. Wordsworth) in the Chair; Hon. D. K. Dans (Leader of the House) in charge of the Bill.

**Clause 1: Short title—**

**Hon. H. W. GAYFER**: I thought the Minister's answer was very succinct. When we queried the actual wording of the second reading speech and the Bill, he said, "Whatever is written in the Bill is absolutely correct and I will send a letter to you explaining it." Perhaps when we get to the relevant clause he will further explain it.

**Hon. D. K. Dans**: I can tell you that.

**Clause put and passed.**

**Clauses 2 to 12 put and passed.**

**Clause 13: Section 295 of Local Government Act 1960 amended—**

**Hon. P. H. LOCKYER**: This is the clause to which I referred earlier, and perhaps the Minister will have some explanatory notes for us. I am a bit like Mr Gayfer—I do not want to see the Bill again but I want to have explained, in fairly plain language, the part concerning the overriding of a local government's ability to build a road as it wishes.

**Hon. D. K. DANS**: I intended to write to Hon. Philip Lockyer and set it out in much plainer English than that which appears in the Committee notes. I will give it to him now straight from the sheet—

The power of the Minister for Planning under section 295 of the Local Government Act to approve roads to a lesser

width than 20 metres is delegated to the commission, unless the local authority is opposed to a road of reduced width, when delegation is automatically prevented and the decision remains with the Minister.

This means that if—

Hon. H. W. Gayfer: The shire wants to put a three-chain road in.

Hon. D. K. Dans: Okay, and the commission says something, and the matter goes back to the Minister. I do not think it is very different from what happened previously.

This is to expedite and facilitate subdivisions so that the approval by the commission for land to be subdivided also constitutes planning approval. As for the construction of roads and other necessary works, this clause does not interfere with the powers of a council granted under section 295 of the Local Government Act to require the roads to be built according to a council's specifications and does not interfere with the present powers and functions of any servicing authority. The intention is to overcome the need for the subdivider to obtain separate planning approval for works before the subdivision can be commenced. I think this is long overdue.

Hon. H. W. GAYFER: I have not discussed this with the Country Shire Councils Association or the Local Government Association; indeed, I confess that I read the Bill and the second reading speech only this morning. Nevertheless, I came to the same conclusion as did Mr Lockyer, that because this must be referred back to the commission, which now includes a conservation group, any council wanting to put through a road in the normal way would have to apply to the Minister to be able to do so should the commission disagree initially.

Hon. D. K. Dans: That is right; that is one facet.

Hon. H. W. GAYFER: That appears to be a new barrier to roadmaking by councils. Nevertheless, the Minister has said that things will not be much different from what they were before.

Hon. D. K. Dans: This is the sort of thing which has been pushed for under various Governments to speed up planning approvals. One of the greatest criticisms of planning has been the endless delays causing endless problems for developers. In the final analysis this provision will not affect the powers of a council, presently granted under section 295 of the Local Government Act. This provision will

merely expedite work on subdivisions. I think every member of Parliament must have been deluged over the years with queries about planning problems and I do not think it has been different anywhere else in Australia.

Hon. H. W. GAYFER: I accept what the Minister says and I will not hold up the Bill any longer. His explanation has been recorded in *Hansard* and we will be able to refer to that when the Bill becomes law.

**Clause 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. D. K. Dans (Leader of the House), and passed.

## **MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION AMENDMENT BILL**

### *Second Reading*

Debate resumed from 15 July.

HON. P. G. PENDAL (South Central Metropolitan) [4.44 p.m.]: The Opposition supports the Bill, which is relatively straightforward. As I understand it, it seeks to provide for the appointment of a deputy commissioner to the Multicultural and Ethnic Affairs Commission. We are assured that this has become necessary because of the increasing workload and the expanded role of the commission.

My own experience as shadow Minister for this area is that the commission is doing some very fine work.

The Bill raises the question whether the Government would be better off looking for a mechanism to appoint an acting commissioner rather than a deputy commissioner. After all, once we create in a formal sense a structure around the person of a deputy commissioner, we build into the commission that much more bureaucracy with which people must contend. The commission is a rather small statutory body, and anything that tends to clog up its workings that much more would be to the detriment of ethnic communities in this State rather than be of service to them.

In her reply I would like the Minister to comment on the fact that the last sentence of her second reading speech indicated that "... this Bill will not result in any additional cost to the

commission, as it substantially reflects existing policy and administrative responsibilities". I must accept her comment on face value.

However, I took the trouble to refer to the Estimates of Revenue and Expenditure for the most recently completed financial year and they indicate that this will cost the taxpayers an additional sum of something like \$27 000.

Hon. H. W. Gayfer: Is that when he is acting or will that be his salary as a deputy commissioner?

Hon. P. G. PENDAL: A very good point which I shall answer in this manner: If we bear in mind that we are assured that the Bill will not result in any additional cost, why is it that the Estimates for the financial year 1985-86 indicate an amount of \$42 800 set aside for the salary of one deputy commissioner? Not only that, but in the financial year 1984-85 there appeared an expenditure item of \$15 240 for a deputy commissioner, yet we did not have one, and that puzzles me a lot. What it means is that for a two-year period in which the State spent \$58 000, there was no position on which to spend that sum.

One could say that was a question of providing for the future, but that does not sit with the remarks in the Minister's second reading speech where we are assured that the Bill will not result in any additional cost to the commission.

The fact is it will cost extra money, not only to the commission, but to the taxpayers. I do not know the amount set aside for the new financial year because we do not have the Estimates before us, but no doubt it is \$42 800 plus an inflated amount of another five per cent or 10 per cent. If that is the case it is more peculiar because almost \$60 000 has been spent on a position that does not exist and to which we are asked today to give parliamentary sanction.

Hon. H. W. Gayfer: It has been paid already?

Hon. P. G. PENDAL: Indeed, it has been paid for.

Hon. D. K. Dans: I can explain it very simply.

Hon. P. G. PENDAL: Having made those comments which do not detract in any way from the work of the commission—some very fine people are involved there, and I take the opportunity to commend them for their work—the Opposition supports the Bill, but seeks some explanation from the Minister as to

why that rather large anomaly to the tune of \$58 000 exists.

HON. H. W. GAYFER (Central) [4.51 p.m.]: In substance the previous speaker has dealt with the section that I was interested in, but I was also rather intrigued with the Minister's opening remarks in her second reading speech when she said—

The Multicultural and Ethnic Affairs Commission Amendment Bill strengthens the Multicultural and Ethnic Affairs Commission Act . . .

I could not work out how the appointment of a deputy commissioner would strengthen the Act. Rather it appears it is to rectify something that should have been done a long time ago. I was further supported by Hon. Phillip Pendal when he quoted figures from past Budgets in which money was allowed and used for a position that had never been created. In that respect the Bill is clearing up an anomaly rather than strengthening the Act. I cannot see any rhyme or reason for saying the Act is strengthened by the recognition of this person who has already been paid in previous years.

HON. S. M. PIANTADOSI (North Central Metropolitan) [4.53 p.m.]: I would like to provide some information to the House which I hope will clarify some of the expressions of concern by Hon. Phillip Pendal and Hon. Mick Gayfer. In relation to the point raised by Hon. Mick Gayfer, it is true to an extent that the adjustment of the position of deputy commissioner clears up an anomaly that existed and should have been dealt with in the Act when it was presented to Parliament some two years ago.

Hon. P. G. Pendal: This is for a deputy, you mean.

Hon. S. M. PIANTADOSI: Yes, a person has been acting within the commission, Mr Ngui in the absence of the commissioner, Ms Helen Catalini. It is virtually finetuning the commission as a structure to ensure that another person is able to make decisions when the commissioner is absent. Unless that is clarified it is difficult for a person who is only acting in a position to make decisions.

Hon. P. G. Pendal: That makes perfect sense.

Hon. S. M. PIANTADOSI: This change will streamline and assist the commission. The amount of money allocated previously was for that particular person. I am sure when the time comes and the position is thrown open he and any other person who applies for the position

of deputy commissioner will be paid from the funds that have been allocated.

Hon. H. W. Gayfer: Is the commissioner away often?

Hon. S. M. PIANTADOSI: There is a lot of work to be done. She travels throughout the State and Australia and attends meetings, and she is absent on a regular basis, so a clear need exists for this change. If members have visited the commission and familiarised themselves with its operations and its role they would be better able to understand that role and what the commission does for the community. I am sure there would be great appreciation of the commission and the way it is run.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Chairman of Committees (Hon. D. J. Wordsworth) in the Chair; Hon. D. K. Dans (Leader of the House) in charge of the Bill.

#### **Clause 1: Short title—**

Hon. P. G. PENDAL: I thank Hon. Sam Piantadosi for his explanation. Do I take it from what he said that the amounts of \$15 240 set aside in 1984-85 and \$42 800 in 1985-86, which make a total of \$58 000, have not been spent? I understood him to say that that was the position. My complaint would be less of a complaint were I to know that was the case. If it is a matter of the Government making a perfectly legitimate administrative decision a year or two ago to appoint a deputy commissioner down the track and taking the precaution of setting aside some funds, that makes sense.

However, I do not believe that to be the case because \$15 000 was spent in the first financial year, 1984-85. Unless my reading of the document is incorrect, not only has the \$15 000 been spent, but an amount of \$42 000 would have been spent in 1985-86 because that was the amount estimated to be spent in that year. If that is the case, and \$58 000 has been spent, it becomes a matter of contempt of Parliament by the Government by spending money for two years and then deciding to come to Parliament and say, "We intend to appoint a deputy commissioner; please give us the parliamentary sanction."

If Hon. Sam Piantadosi is giving an assurance that the money has not been spent and will be brought forward for a third financial year to become part of the payment for the new deputy commissioner, the Opposition will be

considerably reassured. I would seek an explanation from the Leader of the House or the member if he has greater knowledge than we have.

Hon. D. K. DANS: As I understand this, the money has been expended and all the commission is doing is giving someone who has been doing the job another handle. That was the explanation given to me. This person has been doing the job, but he has not been a deputy commissioner. This formalises the position so that he has some clout when the commissioner is absent. I cannot go beyond that.

Hon. P. G. PENDAL: I want to make a further comment so that it becomes part of the record. If nothing else, this is highly irregular. The Opposition is supporting the Bill, so the irregularity is not the Government's action in wanting to have a deputy commissioner. I have already said that having someone to deputise for someone else is a perfectly sensible and legitimate thing to do.

It involves an irregularity of about \$58 000 of taxpayers' funds. The Leader of the House has indicated to the Committee that those funds have, in fact, been expended.

Hon. D. K. Dans: I will check that for you.

Hon. P. G. PENDAL: The Leader of the House explained that someone has been doing that job and Hon. Sam Piantadosi interjected and gave the Committee the name of the gentleman concerned.

I draw members' attention to the fact that in the same list of Estimates of Revenue and Expenditure, provision has been made for a deputy commissioner. An amount of \$69 800 has been estimated to be spent on jobs which are non-existent. That is not bad when one thinks about it! It appears that someone has made a bit of a welter of it.

[Pursuant to Sessional Orders, Committee interrupted to take questions without notice.]

#### **LEGISLATIVE COUNCIL CHAMBER**

##### *Television Cameras: Statement by President*

**THE PRESIDENT** (Hon. Clive Griffiths): Before I take questions without notice, I advise honourable members that at 4.00 p.m. on Thursday this week when I take questions without notice I have agreed to the three television channels taking footage from the gallery, without sound, of question time. I normally advise the House when I give permission of this kind in case any member objects violently. If any member objects to the action I have taken I ask him to see me later and I may reconsider my

decision. In the meantime I have told the television channels that they will be able to get footage, without sound, on Thursday at 4.00 p.m.

[Questions taken.]

# MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION AMENDMENT BILL

## *Committee Resumed*

Hon. P. G. PENDAL: I do not want to draw out the points which were adequately made before the Committee was interrupted to take questions without notice.

It is not a question of querying the need for the proposed appointment, but it is a question about the irregularity of the expenditure, over a two-year period, on positions of two assistant directors. The argument that has been put is that there needs to be a senior person available to take control when the person in charge is not available and, in this case, we have been told that this person has been one of the assistant directors. I would be interested to hear any further information on that point.

Hon. S. M. PIANTADOSI: I wish to clarify a further point for Hon. Phil Pendal. The role of the two assistant directors is to take charge of certain responsibilities in the commission, and they have other employees under them. They are not acting in the position of deputy commissioner; that is a different role altogether.

Hon. H. W. GAYFER: I ask you, Mr Chairman, to correct me if I am wrong but I understand from Hon. Phil Pendal's remarks that these positions have been paid for in the last two years.

Hon. D. K. DAns: I thought I explained that. He has a new title now.

Hon. H. W. GAYFER: He did not have a title at all before.

Hon. P. G. Pendal: He did not have a job.

Hon. H. W. GAYFER: What right has the Government to expend funds on a position that is non-existent? I understand that the Government is rectifying a problem. Surely, before a person is employed, provision must be made for the expenditure to be incurred.

This is a strange piece of legislation. It certainly will not only strengthen the Act, but it will also put right many things.

Hon. D. K. DAns: I am prepared to report progress. It is obvious that Opposition members, who say they support the Bill, in fact do not.

I do not want there to be any misconceptions. The two deputy directors have a specific role; even I understand that. The deputy commissioner has another role. I understand that Mr Ngui is an employee of the commission and he has now been given the title of deputy commissioner; he worked in another role in the past for which he has been paid.

Members will know that on many occasions the title given to a person strengthens his standing and his authority. I understand from the few moments' conversation I had with the Minister in charge of this Bill that that is all that is happening. If any member has any doubts, I will report progress and get all the information members want. It is no use proceeding in this manner.

Hon. G. E. MASTERS: The Opposition quite properly made its position clear in the second reading and said that it supported the Bill. The Leader of the House has just said that it is obvious that the members of the Opposition do not support the Bill and that, if they were going to ask difficult questions, he would report progress. Members on this side could obviously support a Bill while still having the responsibility of questioning the Minister. If he is unable to come up with the answers at the time, it has been the practice in the past for the Minister to report progress. I was horrified when he said that it was obvious that we did not support the Bill. That is simply not true and I remind the Minister that it is the job of members of Parliament to stand in this Chamber, to question the Minister, and to try to find loopholes or other defects in the legislation. That is what the Committee stage is about and if we do not do that we are not doing our job. I want to place on record that, if we are not able to ask such questions, we should not be here at all.

Hon. D. K. DAns: I meant what I said because I think it is obvious to anyone what jobs the two deputy directors do. They have been there for some time, even I know that. However, if there are any doubts I will move that we report progress. If members want those facts I will get them. I will get the names of the directors and I will underline every little thing members have asked for.

I agree with the Leader of the Opposition, and if that is what members want, that is what they will have. However, I thought I had satisfactorily answered the queries about the deputy commissioner. The questioning then passed on to the two deputy directors who, incidentally, are not mentioned in this Bill, and the Committee is considering the Bill.

If the Opposition wants those facts I will do the sensible thing and report progress.

Hon. P. G. PENDAL: It is not the case that the Opposition wants the names of the two men. Mr Dans referred to them as deputy directors but, in fact, I referred to the assistant directors. I am not interested in their names and it is not a dispute or a debate about their names.

I do not know how much more clearly we have to say that the Opposition supports the Bill, given that I do not do so on my own. Indeed, no speaker on the Opposition sides ever reaches that conclusion by himself. Those matters are discussed with his colleagues in the party room and they either agree with his recommendation, say they will oppose it, or perhaps even seek to defeat it. My colleagues voted to accept the recommendation that the Bill be supported. I do not know how many more times we have to say that.

Neither is there a dispute about who occupies what position in the commission. The point is that it seems odd to me that in July 1986 we are being asked to approve an amendment to the Act to allow for the appointment of a deputy commissioner, but we now discover that a deputy commissioner has been paid for two years.

Hon. D. K. Dans: The man is there but they have given him a new title.

Hon. P. G. PENDAL: I repeat that if what the Minister has said is correct, the second reading speech is wrong. I acknowledge that it was made by Hon. Kay Hallahan and I understand that it is difficult to handle another Minister's legislation. However, it stated that—

The amendment sought to be effected by this Bill will not result in any additional cost to the commission, . . .

The Minister can please himself about how he deals with this matter but we shall keep asking the questions. It is costing the commission, and in an unauthorised way it has probably been costing the commission money for the last two years. Whether or not the Minister thinks we should report progress, certainly in some form or another the Opposition wants some explanation for that anomaly. Apart from that comment I do not intend to go to the barricades on it.

Hon. D. K. Dans: I will give you all you want in writing.

Clause put and passed.

Clauses 2 to 8 put and passed.

Title put and passed.

### *Report*

Bill reported, without amendment, and the report adopted.

### *Third Reading*

HON. D. K. DANS (South Metropolitan—Leader of the House) [5.17 p.m.]: I move—

That the Bill be now read a third time.

HON. H. W. GAYFER (Central) [5.18 p.m.]: I would have expected the third reading to take place perhaps at a later stage to give us a chance to receive a simple explanation on the points we have been arguing about for the last half hour. I imagine that we would then pass the third reading of the Bill at a later stage with a great deal of confidence.

I think enough points were mentioned and queries raised in the minds of all members to indicate that the Bill did not need to be dealt with in such haste.

HON. D. K. DANS (South Metropolitan—Leader of the House) [5.19 p.m.]: By way of interjection I told Mr Pendal that I will have a full explanation available to him by letter and signed by me probably by seven o'clock tonight.

Question put and passed.

Bill read a third time and passed.

## **BUILDING INDUSTRY (CODE OF CONDUCT) BILL**

### *Second Reading*

Debate resumed from 15 July.

HON. G. E. MASTERS (West—Leader of the Opposition) [5.20 p.m.]: I am pleased I have the opportunity to speak on this Bill at this time because it comes not long after a debate on an industrial relations Bill during which certain comments were made by the Leader of the House.

Hon. D. K. Dans: What have I done wrong this time?

Hon. G. E. MASTERS: I now have an opportunity to refute some of the statements made by the Leader of the House. This legislation is really the biggest piece of garbage which has ever been introduced into Parliament during my time as a member. It is a charade being performed by the Government in an attempt to hoodwink the public of this State—a public which in recent years has overwhelmingly demanded the deregistration of the Builders Labourers Federation in Western Australia.

In the Federal scene and in Victoria and New South Wales, the BLF has been legislated against. It has been virtually wiped out by decisions of those Labor Governments and by the recommendations of the Industrial Relations Commissions, and yet in Western Australia the BLF, which is the scourge of this community and of the trade union movement, is allowed to continue as it has done in the past. Even Hon. Tom Butler would agree that the BLF has been an embarrassment to the trade union movement.

Hon. T. G. Butler: Don't bring me into your comments on the BLF.

Hon. G. E. MASTERS: If Hon. Tom Butler does not think so, I am sorry for him. If he is leaping to the defence of the BLF, he ought to consider more carefully, and understand, what has been said in the community over the last few years. I am sure he will be very keen to do so because he has been involved in handling the BLF in disputes. In fact I challenge him to stand up and justify some of the actions and some of the activities which have been carried out by the BLF in recent times.

Hon. Graham Edwards interjected.

Hon. G. E. MASTERS: I am surprised that even Hon. Graham Edwards is leaping to the defence of the BLF in this debate.

The BLF has a criminal record and history throughout Australia. It has a history of bullying, of standover, of intimidation, of blackmail and of terrorism. If the leaders of the BLF were anything but leaders of that union, they would be in gaol today for what they have done and for what they are doing. If I or any other law-abiding citizen of this country had done what the BLF has done, we would be in gaol.

Many Governments in Australia, through sheer frustration and disgust, have moved to stamp out the BLF, yet in Western Australia we have only a code of conduct, which is just a pretence at dealing with the issues and the problems. At the same time, that code of conduct lets the leadership of the BLF and the union itself off the hook. As I understand it, this Government refused to accept a Bill introduced in the Legislative Assembly, the aim of which was to deregister the BLF. The Burke Labor Government refused to support that deregistration Bill and in its place it introduced this piece of garbage, which will have no effect at all and which will be laughed at right across the board by those people it is supposed to affect and discipline.

Members should not forget that prior to the last election a Bill to deregister the BLF came before Parliament, and the Government prorogued Parliament to prevent the BLF from being disposed of by way of deregistration. Instead of moving towards a proper course of action and deregistering the BLF, this Parliament has been presented with a piece of legislation which is attempting to get this Labor Government off the hook. Members should ask themselves: Why is this the case?

Surely it is a reasonable assumption for members to view this as an attempt to placate the BLF? Perhaps the Government is fulfilling an election pay-off. I suggest that this may well be the case. I suggest further that it may be caused by the influence of people such as Kevin Reynolds who certainly is not moderate. The influence of people such as this on the Trades and Labor Council has been self-evident in recent times and I am sure there must have been some sort of arrangement prior to the last election. Why is it that this group of people, who terrorised the workplace, should be allowed to get off the hook? Why is the Government not prepared to support a deregistration Bill? Members on this side would say that it is because the influence of people involved with the BLF is too great on the TLC, the Government needed the money provided by the trade union movement and the support and pledges of financial help from the TLC during the election campaign. In order to get that support, the Government was told, "You are to do one thing if we are going to finance you, support you, and come out publicly to spend money to help you. You have to get off the back of the BLF, and protect it and make sure that after the next election, if you win, the BLF will not be deregistered. We do not want you to deregister the BLF. Just bring in some sort of code of conduct which will enable the BLF to continue its activities with immunity." I think that really is what this Bill is all about.

Hon. S. M. Piantadosi: What about the employers in the building industry? This relates not only to the BLF but also to employers.

Hon. G. E. MASTERS: This legislation certainly applies not only to the BLF but to employers and I will discuss that later. Hon. Sam Piantadosi has raised a very important point upon which I will have plenty to say.

If one looks at the record of the BLF and what is happening today, it becomes obvious that it is utterly ridiculous and is utter madness to introduce a piece of cheap legislation such as this which will have absolutely no effect what-

soever. The BLF throughout Australia in recent years has not abided by any agreement or code of conduct for longer than a few weeks. Never has the BLF held to its word. Even today the BLF is terrorising some parts of the workplace. I will refer to that terrorism by the BLF and other militant unions later.

A letter was sent to the Premier of this State on 8 April 1986 by the Australian Federation of Construction Contractors. I can table this letter if necessary. However, I will quote parts of the letter from the AFCC as follows—

AFCC and its Members fully support the deregistration of the B.L.F. and we believe that this position is supported broadly in the general community of W.A.

The letter continues—

Much has been made of the argument that "the BLF in W.A. is not as bad as in Victoria and N.S.W." We refute that suggestion and draw to your attention, the inescapable conclusion that every reason given by the Full Bench of the Australian Conciliation and Arbitration Commission in its Declaration of 4 April 1986 under items

1a, b, c, d and g, 2, 3, 4 and 5

applies to their conduct in Western Australia.

I stress, "applies to their conduct in Western Australia". The letter continues—

AFCC in W.A. has consistently supported the initiative of your Government in setting in place the "Western Australian Dispute Settlement Procedures". We saw this as a chance for a "fair go" because contractors were paying out large amounts of money to avoid industrial conflict.

The letter continues—

To illustrate the extraordinary number of disputes, we attach our Schedule A which shows most of the disputes notified.

Attached to this letter is a schedule which was tabled in the other place and contains a list of all disputes from 1985 to April 1986 in which the BLF was involved. The schedule contains item after item of disputes for which the BLF was responsible. I will not read these items out at length but they cover all of the major construction jobs which were carried out in Western Australia. It is not just one dispute, but dispute after dispute on the same projects.

A letter was sent by the Building Owners and Managers Association of Australia Ltd on 11 April 1986 to the Premier of the State which reads in part as follows—

In this State the flagrant industrial lawlessness of the B.L.F. State Branch—

I draw attention to that. The letter continues—

—needs no itemisation. It continues unabated despite rulings by the Industrial Commission and despite the new disputes settling procedure established by your Government. It is no exaggeration to say that disruption on building sites is a daily occurrence.

It finishes as follows—

We are submitting an identical letter to Mr. Dowding, earnestly asking you both on behalf of this Association to act to deregister the B.L.F. immediately.

Hon. T. G. Butler: Can you give an assurance that you will talk about the Bill sooner or later?

The DEPUTY PRESIDENT (Hon. John Williams): Order! I remind Hon. T. G. Butler that that is a reflection on the Chair. If the person on his feet is not speaking to the Bill, you can rest assured I will take the appropriate action.

Hon. G. E. MASTERS: I can understand Hon. Tom Butler's embarrassment and his wish not to hear my comments or to have them recorded. I draw his attention to the subject of the Bill, which is to provide a code of conduct for the BLF. I am commenting on the activities of the BLF and giving reasons why the code of conduct is such utter garbage and why the only appropriate action is to deregister the union. If the honourable member does not understand that, he should not be here; he should not be attempting to handle this sort of legislation. I know that later he will stand and try to give excuses, along with his colleagues, for this lack of action by the Government.

No member of this House can seriously suggest that this legislation will work; every member here knows it will not work. The Bill is just a sop to keep the public off the Government's back for the short term. Sooner or later the problem will burst into the open again and all hell will break loose. It is happening today.



I have a copy of a letter dated 19 April 1986 sent to Hon. Peter Dowding, Minister for Employment and Training. I quote from page 3 as follows—

It is also noted, the "Statement of Conduct" is not binding on Government Departments, Authorities and other agencies, nor does it bind Local Government.

The Code of Conduct in relation to the Builders Labourers Federation is similar in most respects in that 'agreements' by and large will negate its effectiveness.

It may be seen as pre-emptory to comment on prospective legislation in the light of the information thus far obtained. However, it would appear the documents have at least the potential to create as much industrial disruption as that which they attempt to quell.

I now draw the attention of members to comments made by the Full Bench of the Australian Conciliation and Arbitration Commission on 4 April 1986 when it was considering the deregistration of the BLF and the recommendations it should make to the Federal Government in response to the Federal Government's call for it to provide some sort of judgment and guidance on the recommendation for the deregistration of the BLF. I quote as follows—

It has been established beyond question that the Builders Labourers Federation has rejected the standards of behaviour accepted by most trade unions in Australia. The Federation has no standards as that word is commonly understood, but reacts to events according to the view taken at the time by the Federal Management Committee.

It goes on as follows—

It is under such archaic banners that the Federal Management Committee has waged its campaigns, leading the rank and file from one disaster to the next.

The finishing paragraph reads as follows—

We are satisfied that the evidence justifies the making of a declaration pursuant to S.4(1) of the Building Industry Act 1985 and we have made that declaration.

All this is on record for members to see, and all members would know exactly what I am talking about so I do not need to go into it chapter and verse. Simply put, the commission found every good reason to come to its conclusion.

It is important that we realise that, in coming to that conclusion and decision the BLF ought to be deregistered because of its disgraceful conduct, the full bench of the commission took into account the Federal Minister's submission, which was based principally on submissions from the Master Builders Associations from Victoria, New South Wales and—believe it or not—Western Australia. Further, evidence was also given by the Confederation of Western Australian Industry. So, evidence was presented from Western Australia reflecting the bad practices of the BLF in this State. On the evidence submitted to the commission the members of the full bench felt that they were fully justified in recommending the deregistration of the BLF.

Some people have suggested that things have improved in our industrial relations and that there is no industrial anarchy, no standover tactics and no intimidation in the workplace. I draw to the attention of the House what is in my view the worst dispute experienced in WA since I have been here, and I have seen some bad disputes in my time. I draw members' attention to what is nothing less than anarchy and terrorism in a part of the workplace, and I will give it chapter and verse.

This dispute involves Atlas Tiles, Precision Aluminium Windows, Atlas Transport Pty Ltd, Perth Builders Supplies, Atlas Concrete, Metform Gutters and Pressings, and Midland Brick Co Pty Ltd. There is ample evidence to show that TLC General Secretary Clive Brown, Transport Workers Union Secretary J. J. O'Connor, and Builders Workers Industrial Union Secretary Bill Ethell are all involved. It is interesting to note that the BLF is very heavily involved. My understanding is that the TLC disputes committee appointed a Mr Mark Binstead of the BLF as one of those people to be responsible for making sure this disgraceful standover and this disgraceful act of terrorism continued and was successful.

Hon. D. K. Dans: That's a very strong word—terrorism.

Hon. G. E. MASTERS: I will give the Leader of the House chapter and verse if he has any doubts.

Hon. D. K. Dans: It connotes terrible things.

Hon. G. E. MASTERS: It connotes damage to property and threats to people. These activities amount to terrorist activities. This is exactly what has been happening.

Pioneer Concrete (WA) Pty Ltd was black-banned for filling Atlas Concrete trucks. I understand the blackban was lifted and Pioneer no longer delivers supplies to the company. Soils Ain't Soils has been advised it will be black-banned if it supplies sand to Atlas Tiles and Atlas Concrete. Atlas Transport has been threatened by J. J. O'Connor that the supply of bricks, sand, metal, and cement to Atlas Tiles or Atlas Concrete will result in the company's being black-banned. Atlas Transport, through Atlas Bricks, has had long dealings with Cockburn Cement Ltd, and that company initially declined to supply Atlas Bricks with bagged cement but has now supplied it.

Atlas Tiles on Friday 18 July 1986 presented two trucks at the Cockburn Cement works to pick up cement. A person named Algrove directed that the trucks not be loaded because the drivers were not members of the Transport Workers Union. This list goes on and on. Cockburn Cement drivers will not drive through the picket line, and obviously persons who work at the Cockburn works will not load cement.

The Swan Cement manager has been advised that the Atlas Tile site has been black-banned by an unnamed employee and that its trucks will not cross the picket line. Swan Cement delivered a truckload of bagged cement, and the truck driver who delivered the cement has been declared black. Comptess has been advised by Bill Ethell that a backhoe being used on the Atlas Cement plant would cause the company to be black-banned on city sheet piling works that it had partly completed. A master builder was advised by J. J. O'Connor that if he delivered to Atlas Concrete and Atlas Tiles they would be his only customers.

Hon. V. J. Ferry: Is this the same Mr O'Connor?

Hon. G. E. MASTERS: Yes, the infamous Mr O'Connor. Perth Builders Supplies has been told that the company has been black-banned to its major clients. Precision Aluminium Windows has been advised by its major supplier, Comalco, that deliveries of aluminium to Precision will result in Comalco's being black-banned.

Contractors on the cement plant, including a certain company, Ranford Concrete, have been threatened. The principal of Ranford Concrete has been threatened that if he continues to work on the site his company will be black-banned on all work it is doing including work partly completed. He has also had a number of

threats made to his person. Another person has been harassed over a long time by Mr O'Grady, a BWIU member. Certainly these people have had their livelihoods threatened.

Atlas Transport is no longer able to secure crushed stone from Pioneer Concrete, and some farmers have been supplying alternative sources of crushed stone, and they have been threatened. The principal of the company I am talking about has used watchdogs on the job. The company that is involved in supplying the watchdogs has been threatened that if it continues to do so its business will be black-banned all over the metropolitan area. So it goes on and on.

On almost every night there are pickets on the sites, and all the locks are sabotaged. Hon. Tom Butler smiles, but that is the case. Someone puts matches in the locks and damages them so that the only way the owners can get in is by using bolt-cutters; they put new locks on every night. Hoses, property and machinery have been damaged and even today a person had his office extensively damaged because the downpipes and guttering had been blocked.

Hon. T. G. Butler: What site is this?

Hon. G. E. MASTERS: These are sites at Canning Vale—Atlas Tiles, Precision Aluminium Windows—

Hon. T. G. Butler: Is this Mr Buckeridge?

Hon. G. E. MASTERS: Yes.

Hon. T. G. Butler: Where the two 15-year-olds were on contract?

Hon. G. E. MASTERS: I assume from that comment that the member supports the activities that are taking place.

Hon. T. G. Butler: I asked a question as to whether that is the site.

The DEPUTY PRESIDENT (Hon. John Williams): Order! The member will have a chance to ask his question when he makes his own speech.

Hon. G. E. MASTERS: I attended a meeting yesterday at which I was told about the damage to property—the damage to the locks, and the rattling of gates every night to distract the dogs so that people can enter the buildings and damage them. I heard today that property had been damaged through blocking of downpipes so that the office was flooded with water. Yesterday a person told me that while he was unlocking the gate someone sneaked up and took his car keys out of his car. The keys to his home were on the key-ring, and his wife was living in fear over the weekend until the locks

were changed. The man sat up every night in anticipation that someone would come to his home.

Hon. Fred McKenzie: Isn't it an offence to leave keys in the car?

Hon. G. E. MASTERS: The car was running and the lights were on and while this man was unlocking the gate someone came and took the keys. There is no excuse for that sort of thing.

Hon. D. K. Dans: If he could do that with the car keys, he could stand in for the phantom.

Hon. G. E. MASTERS: I suppose some people think that is funny; it is horrific for the people involved. People are threatened with the loss of their business and their jobs, and are in fear for their personal safety. One man who works for a group which had the contract to fence the property was told that both his arms would be broken if he did not leave the job. That is the sort of statement that is being made.

Hon. D. K. Dans: Did he leave the job?

Hon. G. E. MASTERS: He certainly did!

I draw this to the House's attention because in my opinion this is the worst industrial dispute I have heard of in this State.

Hon. V. J. Ferry: Labor members think it is funny.

Hon. G. E. MASTERS: I guess they do.

Hon. T. G. Butler: In a weird sort of way.

Hon. G. E. MASTERS: Does Hon. Tom Butler think that?

Hon. S. M. Piantadosi: Your track record is funny, Mr Masters.

Hon. G. E. MASTERS: We are talking about presenting a piece of legislation to this House which supposedly will bring a code of conduct to a union which is involved in that sort of dreadful conduct. It is a dispute in which every method is being used to threaten and damage property and to frighten people. It is pure anarchy in the workplace.

Hon. S. M. Piantadosi: Your record of scaring people is good.

Hon. G. E. MASTERS: I do not want to get involved in an argument with Hon. Sam Piantadosi. I do not have a record of making women burst into tears; I do not have a record of being ordered off sites as has Mr Piantadosi.

Hon. S. M. Piantadosi: The laundry dispute!

Hon. G. E. MASTERS: There is a dispute at this moment which typifies the sort of conduct that is carried on by certain people including members of the BLF.

Hon. D. K. Dans: Are you supporting this Bill or opposing it?

Hon. G. E. MASTERS: I am going to let this Bill through, and I will tell the House why. There is a piece of paper that is intended to address these sorts of problems. What the Government should have done, and this is the only thing this union will ever understand, is to deregister the BLF and wipe it off the face of Western Australia. As it is Western Australia, through this Government's efforts, will become the headquarters of the BLF for Australia. Kevin Reynolds is one of the leading members, and he aspires to the top position.

Hon. John Halden interjected.

Hon. G. E. MASTERS: The member can talk all he likes, but the proper course of action is to deregister the union. This piece of paper is virtually worthless. Any attempt to improve the situation for two or three days, or two or three weeks, will get my support, but this Bill will not be the answer. It is a hopeless, useless piece of paper and deregistration is the proper action to take.

Hon. John Halden: Why didn't you do it?

Hon. G. E. MASTERS: I am horrified at the attitude of members of the Government who condone these activities on the Len Buckeridge site.

The PRESIDENT: Order! I am trying to listen to this, and I cannot do so when members are rudely interjecting. I will not stand for it. I notice that only two members have spoken on this Bill, so there is an awful lot of room for members to speak. In the meantime let us listen to the member who has the right to speak.

Hon. G. E. MASTERS: I will conclude my remarks by saying that this is the worst dispute I have known as far as damage to property, threats to people and their families, intimidation, and standover are concerned. It appears to be supported by some members on the other side of the House, and I cannot believe that Mr Dans and other members could possibly support these activities.

Hon. D. K. Dans: I did not know about this dispute; it has not had much publicity.

Hon. G. E. MASTERS: That is right; that is unfortunate. I guess it shows the disinterest of the Press in these disputes. The Press take it for granted that they are part of our way of life.

Hon. John Halden: Mr Buckeridge has been involved in so many disputes in the building industry. You are only presenting one side. I wonder what he has been doing.

Hon. G. E. MASTERS: I will be happy to listen to the member telling me what Mr Buckeridge has done to deserve having his property and equipment damaged and for people working for him under contract with their own businesses to have their property damaged and be forced off sites. It is not just Mr Buckeridge's site. People have been threatened and frightened in their homes. One person had a sheep's head put in his room because he dared to deliver material by truck. I suppose there must be some reason—

Hon. D. K. Dans: Are these claims substantiated?

Hon. G. E. MASTERS: Yes, this was on television recently.

Hon. D. K. Dans: The sheep's head was on television?

Hon. G. E. MASTERS: I do not think it is funny when that sort of thing happens.

Hon. D. K. Dans: I do not think it is funny.

Hon. G. E. MASTERS: I can say without fear of contradiction—excepting contradiction by a few people on the other side—that while the BLF and others are prepared to undertake these activities and create anarchy and disruption in the workplace and frighten people out of their lives we should get rid of this scourge from Western Australia and wipe it out forever and a day. We support the code of conduct because at least it may give us one day's peace in a very unsettled workplace.

HON. H. W. GAYFER (Central) [5.50 p.m.]: I fully sympathise with the Leader of the Opposition and agree with the comments he made about the deregistration of the Builders Labourers Federation. As far as the National Party is concerned it believes that the BLF should be deregistered. However, it takes cognisance of the fact that the Government has no intention of deregistering the BLF any more than the National Party Government of Queensland, the Liberal Government of Tasmania, or the Labor Government of South Australia would entertain the deregistration of the BLF in their respective States.

I admit that the BLF would be the most unpopular union in Australia and I have no fear in saying that. Other unions such as the Building Workers Industrial Union and the Electrical Trades Union—I will not mention the union which Hon. Tom Butler is associated with—are running very close to resembling the BLF.

The simple fact is that the National Party sees this Bill as being a fast track towards deregistration taking place. In reality, it is a fast track to the court for deregistration if the code of conduct is broken by those concerned. After all is said and done, the breaking of the code of conduct will be a serious matter.

I repeat that if the Bill before the House was to deregister the BLF the National Party would have no compunction at all in supporting it, together with the Leader of the Opposition and the Liberal Party. However, it is not that sort of Bill.

The Bill before the House does not mention one word about the deregistration of the BLF. It seeks to set up a code of conduct which members of the BLF must follow; both the employers and the employees must follow the code of conduct.

It is rather unfortunate that the Bill does not include other unions in the industry such as the BWIU. If it included the union to which Hon. Tom Butler belongs everyone would be much happier.

Hon. T. G. Butler: Why?

Hon. H. W. GAYFER: Purely and simply because it is a wonderful idea that an agreement can be established whereby the employers and the employees come to an agreement that should be binding and if it is broken the only course that remains open is the fast track to the court. Perhaps this is the type of solution that we are looking for generally in the industrial scene.

The point is that the proposed agreement will last for two years. I have heard it said that it should last for five years and be in concert with the Federal agreement. Nevertheless, the Government has decided that it shall last for two years and the National Party has no quarrel with that. It will allow members in this House to see how this measure will proceed and whether it will have an advantage over other means of preserving industrial peace.

The intent of the legislation is outlined very clearly in the Bill. Clause 4 on page 2 of the Bill relates to the code of conduct and states—

The Minister shall enact a Code of Conduct specifying those things that he considers the Union should do, or refrain from doing, in the interests of good industrial relations in the building and construction industry.

Those words are very clear indeed. The Minister may amend the code of conduct or invoke it and substitute a new code. The Bill continues—

The Code of Conduct, and any amendment thereof, shall be published in the *Government Gazette* and shall come into operation on the day of publication, or where another day is specified or provided for in the Code of Conduct or amendment, on that day.

Those are very fine words and it is the aim of the Government to have an agreement that is suitable to all parties, and if it is broken the Industrial Relations Commission shall decide whether, in fact, it has been broken and whether one or the other party should be punished by deregistration or summarily fined. The National Party considers this to be the only problem with the Bill and in the Committee stage it will seek to rectify it by moving an amendment to insert another subclause in clause 4 which will maintain the need for the code of conduct to be treated as a regulation under the Interpretation Act. In other words, when the code of conduct is framed by the Minister it can only become a code of conduct when, in fact, it is made a regulation and is subject to the Interpretation Act.

The National Party believes this Bill would have had a much safer passage through both Houses of Parliament if the code of conduct had accompanied the Bill. That was not to be the case and it has made the National Party a little wary about the Government's intent, even though it can see that the idea is possibly a good one as far as consultation is concerned.

The National Party will support this Bill, but it will strenuously seek to amend the Bill in the Committee stage so that section 42 of the Interpretation Act 1984 applies and that the code of conduct becomes a regulation. If the National Party is not successful in obtaining that guarantee it will oppose the Bill at the third reading stage.

**HON. T. G. BUTLER** (North-East Metropolitan) [5.59 p.m.]: I do not intend to take up much of the Council's time in supporting the Bill, but I would like to make a couple of comments because I did have some involvement in the negotiations surrounding the Bill. This Bill is another part of the industrial relations package to be introduced by this Government for the purpose of improving the industrial relations climate in Western Australia.

Despite what members on the other side of the House have said, the Government has attempted to come to grips in a serious and non-provocative way with the problem. No-one will deny that there is a serious problem in the industrial relations scene, and the Government has a responsibility to come to grips with it in a non-provocative fashion.

The Government introduced the position of private arbitrator in the building industry for the purpose of fast tracking industrial disputes, and that certainly did not cut across the jurisdiction of the Industrial Relations Commission.

*Sitting suspended from 6.00 to 7.30 p.m.*

**HON. T. G. BUTLER:** Before the dinner suspension I said that this Bill is a further extension of the package of legislation that the Government is introducing to bring some rationality back into the industrial relations scene. The first of those packages was the one defeated today, for some of the most spurious reasons I have heard. Nevertheless, it was defeated.

I also mentioned the fact that the Government had introduced—not by way of legislation—the private arbitrator's position in the building industry for fast tracking disputes that were not able to be corrected by the Industrial Relations Commission.

Therefore this Bill has none of the connotations of garbage to which Mr Masters referred; it is simply an honest attempt to improve the industrial relations scene in Western Australia. It is brought about basically by the deregistration of the Builders Labourers Federation federally, and the deregistration of the Western Australian branch of the federal union.

It becomes a little difficult to do the sorts of things that Mr Masters asks to be done, such as the immediate deregistration of the Builders Labourers Federation in this State. I do not know whether Mr Masters understands or not, but the situation with the registration in the State Industrial Commission of the Builders Labourers Federation is that it is a separate union from the Western Australian branch of the Builders Labourers Federation registered in the Federal court. As such, the State union has not had a bad record of industrial disputes in the State commission.

**HON. G. E. Masters:** In the State commission? You added that. I was laughing about the bad record.

**Hon. T. G. BUTLER:** So there is not really any ground in terms of section 73 of the State Act for anybody to proceed to deregister the State branch of the Builders Labourers Federation. In my view it would have been an infringement of civil rights for the Government to have legislated to deregister the Builders Labourers Federation, simply because the State union covers a number of people not in the building and construction industry but in a wide range of industries—and their awards are registered in that commission—who have never been involved in industrial disputes. It would have been unfair for the Government to bring down legislation that would cause those people to be deprived of the right to be unionised, or to freedom of association. It would not have served any purpose at all.

The Government has introduced this code of conduct Bill for the purpose of examining the future behaviour of the union, and it does that by a number of steps. It gives the right to the chief commissioner to report to the Minister every four months on the position within the building industry. Mr Gayfer said it would be better to see the code of conduct provide for a report on the industry as a whole, but the Act does provide that the commissioner or employers can keep a watchful eye on the industry as a whole, and the commissioner can make a general report as to industrial relations in the building industry.

It is a very simple Bill. It does not do the sorts of things that Mr Masters would have us believe it does, and it does not bring about all the problems that Mr Masters sees in it. It simply brings about some sort of rational approach to the question of industrial relations. I believe the Opposition should give careful consideration to the type of legislation that will come to it in due course, because it has no other purpose than to improve the industrial relations scene in Western Australia.

I support the Bill.

**HON. S. M. PIANTADOSI** (North Central Metropolitan) [7.38 p.m.]: I support the Bill, and in doing so I would like to clarify a few grey areas expounded by the Leader of the Opposition, Hon. Gordon Masters, regarding the conduct of this rogue union in the workplace.

**Hon. G. E. Masters:** You said that, really.

**Hon. S. M. PIANTADOSI:** I think the Leader of the Opposition alluded to that on several occasions. The purpose of this proposal, as I have stated in the past, is to bring harmony to the workplace—harmony that the Liberal

Opposition does not believe in. There is enough evidence, as I have shown in the past, of situations that existed through the perpetration of the actions of various people, and in which the Leader of the Opposition and other members of his party in another place were involved. One instance I refer to was a building site at Noranda where the machinery had been set in motion to resolve a dispute, but the builder concerned had been given instructions and had been requested by Hon. Gordon Masters and Mr Richard Court, the member for Nedlands, who were visiting the site, not to discuss the matter with any representative of the Government.

The builder had complained publicly that the Premier would not see him, but in fact the Premier had offered to meet with him to try to resolve the dispute. But who put a stop to that? It was not the industrial system but two members of Parliament, because it did not suit their interests. When the matter was raised by me in the House, Mr Masters dropped the issue. Many disputes in the building industry are set-ups involving both parties to an issue.

This Bill proposes a code of conduct which both employees and employers must abide by. The Bill provides penalties for any offender, whether employee or employer. It gives the arbitrator the ability to deal with the issues and take the necessary action. Action will not need to be taken by Hon. Gordon Masters to resolve a dispute.

On many occasions in the past he has spoken of lockouts, coercion, and enforcement tactics and he has alluded to the part I played in a laundry dispute about four years ago. I will now give the House an account of Mr Masters' action during that dispute. Ninety per cent of the employees involved were women. The police were called in in numbers to break their picket line and a number of those women suffered physical injury. Mr Masters instructed private security people to guard the site, and those security people drove their cars through the picket lines, which were made up not of male building construction workers but of women. This is the sort of thing that can happen when people lose all sense of reality about what is happening on a work site.

Now we have before us a proposal which will ensure that should either party not obey the provisions of the code of conduct, the Industrial Relations Commission will be able to deal with them accordingly. Surely Mr Masters is not wanting to take that power from the commission? Surely Mr Masters is not wanting to

attempt to settle in here disputes which occur on a work site? If a dispute cannot be resolved on the work site it should be resolved in the commission.

Hon. G. E. Masters: Do you think it would be a good idea to include the BWIU as well?

Hon. S. M. PIANTADOSI: That interjection surprises me somewhat because most of Mr Masters' past comments on industrial relations have indicated that he recognises that only one union exists; he has always had a phobia about the BLF.

The Government is taking steps—not the steps Mr Masters would want to take—to ensure harmony in the building industry. If ever the Labor Party decided to adopt the sorts of steps Mr Masters advocates I indicate clearly now that I would be the first to resign from my party. This is a concrete proposal to try to bring harmony to the work site. It is an opportunity to ensure that problems on the work site can in future be resolved.

All we ask is that the Liberal Opposition give it a go rather than condemn it from the outset. If it does not work, Mr Masters can move amendments at some future time. The Opposition should support this move to bring harmony to the work site so that it operates as it should and not as a war front. It should be a place where work can be carried through right to the finish and where investors' money can be protected so the interests of all the people involved are looked after.

Any initiative taken to help streamline the system and to ensure that the work site is not adversely affected by disputes should be encouraged and supported. If in the future the code of conduct is found to lack adequate strength and to need amendment to finetune it, I am sure the Minister and all members of the Government would be receptive to any recommendation Mr Masters might make to improve this code of conduct. He should not condemn it from the outset and say that the BLF should be deregistered.

When in Government Mr Masters had ample time to take action. At both State and Federal levels the Liberal Party had the opportunity to act but very little action took place. Under a Federal Labor Government and State Labor Governments in some States, deregistration of the BLF has proceeded. However, we are proposing a code of conduct in the work arena. We ask that members opposite give it a go before considering the final and drastic step of deregistering the BLF, something which might

possibly bring about further disruption in the work arena. We must bear in mind that once the Act is changed it will affect not only the BLF, but also other unions.

The BLF has been accused of being a rogue union, but members must appreciate that the word "rogue" can also apply to some employers. The code of conduct will apply to both sides of a dispute and penalties can be imposed on either side. The code of conduct is not a one-sided proposal, as some people have tried to lead us to believe. Earlier the Leader of the House pointed out that, by and large, Australians are unionised, whether they be members of professional organisations such as the AMA or whether they be members of blue collar unions. Australians believe unionism serves their interests well.

Previously in this place some members have commented on my actions as a union leader. I make the point that in those days I was there to serve my members; my responsibility was to my members first.

If I were asked to point the finger at someone on the other side a certain person comes readily to mind, a person who will not allow unionists on his work site, and I refer to Mr New. He has said on several occasions that anyone who belongs to a union will be sacked from his work site; he has made that quite clear. What redress do those workers have? Surely people like Mr New should come within the workings of this code of conduct so that action could be taken against him as well. I do not hear the Liberal Opposition wanting to take action against the likes of Mr New, a man who misuses and mistreats his employees. They should be held responsible just as much as the BLF or any worker body.

I ask the Opposition to support the Bill to ensure that all Western Australians, whether they be employers or employees, who are involved in the building industry are given the opportunity to comply with this code of conduct. If it does not work the Opposition can do as it has done in the past and move amendments to the legislation.

The Bill should at least be given a go. I have heard that in areas where it suited them the Liberal Opposition members have supported legislation. Last week the Leader of the Opposition accused me of being biased towards unions. Maybe I am, but I can also recall reminding the Leader of the Opposition of his bias towards the small businessman that he so often supports. He always reminds us that he

was one of them and that he knows what their problems are. I am a former unionist and I would like to remind the Leader of the Opposition that I am very conversant with industrial relations and of how problems need to be resolved. They should not be attacked; everyone should sit down and negotiate to ensure that as little disruption as possible occurs in the workplace so that there is a quick resolution of the dispute and no loss occurs to the employer or employee.

I certainly hope that with the changed portfolios and responsibilities within the Liberal Party, Mr Thompson does not go about creating disputes so that he can get his name in the newspaper. I hope the Liberal Party has dropped the idea of canvassing and supporting a dispute, ensuring publicity so that it could union bash a little more. I think that era is over. I hope that with the changed portfolios we see a different mentality, a different approach being adopted towards industrial relations by the Liberal Party and we do not have a repetition of what we had in the past where third parties such as the police were brought into a dispute. This situation occurs often in other States and it has occurred here. I assure members, having been on a picket line where confrontation existed, that women and other people really suffered. Suffering occurred on all sides because the task of the police was not an easy one. They had to fight and drag people away, and they were put in a position that they should not have been put in in the first instance. In that dispute people stopped using their heads and wanted to create headlines.

Hon. G. E. Masters: What about the Canning Vale dispute? Do you think the police—

Hon. S. M. PIANTADOSI: They were just creating headlines. I refer to all disputes, and I just gave a description of one in which I was present on the picket line. In that case a person drove through a group of three ladies. They were injured and had to be treated. Their medical records can prove this. One of the ladies suffered a broken wrist.

Hon. P. G. Pendal: It should not have been there!

Hon. G. E. Masters: I don't think it was a broken wrist either.

Hon. T. G. Butler: She was on the picket line.

Hon. G. E. Masters: That is her problem.

Hon. T. G. Butler: He talks about thuggery!

Hon. P. G. Pendal: Mr Burke will be onto you.

Hon. S. M. PIANTADOSI: Is it not amazing that we have just been told, on one hand, that the Opposition supports a code of conduct and, on the other hand, they are asking what is wrong with people—women at that—being run down?

Hon. P. G. Pendal: You should not discriminate, anyway—"women at that"!

Hon. S. M. PIANTADOSI: That section of the dispute was all about getting a few more headlines and union bashing a bit more.

Hon. P. G. Pendal: Do you want us to support this Bill or not?

Hon. S. M. PIANTADOSI: I am really disappointed in Mr Pendal's taking that line. I said the other day I had a little regard for him because he was able to speak on an issue, but he has certainly lost my regard on this issue, remembering that his party cancelled out one of its workers without any redress. That is how the Opposition operates and I certainly hope that situation changes. Until the Liberal Party adopts a code of conduct people will condemn its members for what they are, and the fragmentation that is taking place within the Liberal Party organisation will continue.

Talking about lockouts, coercion and enforcement tactics, what happened in the Swan Division of the Liberal Party is a clear indication of a situation in which members were locked out.

Hon. P. G. Pendal: How would you know? You read the comics in the newspapers.

Hon. S. M. PIANTADOSI: Does the Opposition not want them to participate? Certainly only a few individuals dictate the terms of play, the conditions on a work site. We belong to a political party. Is this what the Leader of the Opposition is on about? Is this what he supports?

Hon. G. E. Masters: Can I ask you about the Canning Vale dispute? Do you think it is serious and do you think something ought to be done about it? Do you say we should walk away from that sort of dispute?

Hon. S. M. PIANTADOSI: All disputes are serious situations and, having been involved in a few, I know it is not easy from the union's point of view when its members are on strike. Wives and other people telephone wanting to know when a dispute will finish, and we have had to organise food parcels and other provisions for people on strike. People have commitments and we had to contact various financial institutions asking them to extend



credit over a period of time. A dispute is much more than a union official and an employer being at loggerheads. A lot of suffering takes place on all sides. It is not one-sided at all.

Hon. G. E. Masters: I know.

Hon. S. M. PIANTADOSI: A lot of suffering occurs on all sides.

Hon. G. E. Masters: This dispute seems a bit unreasonable.

Hon. S. M. PIANTADOSI: So was the Noranda dispute, and what was the Opposition's contribution to that?

Hon. G. E. Masters: The Noranda dispute was simply a case where a fellow contracted to do a job and the union decided the workers were not being paid enough even though they were quite happy with their position to start with.

Hon. S. M. PIANTADOSI: I was told by a certain gentleman that he was not to talk to anyone else because the people present were waiting for the Leader of the Opposition to arrive. Does the Leader of the Opposition recall that day when I arrived a little earlier than he did?

Hon. G. E. Masters: Yes, you did. You were there in the morning.

Hon. S. M. PIANTADOSI: The issue died down then.

Hon. G. E. Masters: It certainly did.

Hon. S. M. PIANTADOSI: The Leader of the Opposition stopped using it as an issue or as a volleyball in this Chamber in order to obtain a bit of credit and a few headlines.

I repeat: There is suffering on all sides. It is not a matter of a union and an employer being at loggerheads. Suffering is experienced by people who have invested money in the project and by the workers who are out on the grass receiving no income yet having commitments.

This Bill needs to be given a try to see if harmony can be returned to the workplace. Rather than debating the do's and don'ts in regard to what should happen to builders labourers, members of Parliament should get onto other business.

Hon. G. E. Masters: Are you saying that if in fact it doesn't work and we bring back a deregistration Bill—

Hon. S. M. PIANTADOSI: Obviously, the Leader of the Opposition does not want to listen.

Hon. G. E. Masters: Yes, I am listening very carefully. You said if it doesn't work and we bring forward suggestions—

The PRESIDENT: Order! How about one person at a time taking the floor?

Hon. S. M. PIANTADOSI: I said earlier that if this code of conduct is not seen to be working and does not in fact work after a trial period the Opposition, as it has done in the past, could amend the Act to ensure whatever future action is necessary takes place to finetune the code of conduct. I am sure any proposal emanating from the Opposition to the Government would help. If certain areas were seen to be not functioning or operating well the Government would look upon the Opposition's request and give it the merit it deserved. If it was a worthwhile proposal and if it was seen to assist the situation on the work site I am sure the Government would respond to those proposals accordingly. That is a fair request. It is pretty hard to envisage what would happen with any legislation in regard to how it is applied until it is given a trial to see how it works.

Surely, the Leader of the Opposition would want to ensure that the people whose interests he represents are looked after and the Government would like to ensure that whatever legislation is enacted gives workers a fair go. I am not asking that workers or employers should be privileged. Whoever is in the wrong can be dealt with under powers given to the Industrial Relations Commission or by the Minister and that is where the matter should be left.

HON. V. J. FERRY (South-West) [8.00 p.m.]: Obviously, the Government acknowledges that there is a problem with the Builders Labourers Federation, Western Australian Branch. If it did not acknowledge that we would not be debating this Bill. Obviously the Government accepts the fact that the BLF is inclined to be unruly, disruptive, and irresponsible.

Having acknowledged that, one wonders why the Government has not come up with something more specific.

Hon. S. M. Piantadosi: It also deals with employers, Mr Ferry.

Several members interjected.

The PRESIDENT: Order! We have committee rooms outside for people who want to have a private meeting. I suggest members use them. In the meantime the only member I am interested in hearing is Hon. V. J. Ferry.

Hon. V. J. FERRY: I appreciate your interest, Mr President. It is interesting that Hon. Sam Piantadosi has spoken as is his right and made some telling comments, but as soon as I begin to speak he tries to impose his rule on me. Of course the legislation affects industry. I did not have time to say that before the honourable gentleman decided to get in a punch line. I guess he is used to punches, but I do not know what sort of line he takes.

I wish to refer to what recently happened in Bunbury, the city I have the pleasure of representing. On 15 July 1986 the *South Western Times* carried an article under the headline "Industrial strife could deter developers—MLA". A subheading stated, "Six months lost on Austmark project". The article stated—

Developers will shy away from major building projects in Bunbury if industrial disputes are not curbed.

A repeat of the delay suffered by the Austmark tower project would put future Bunbury 2000 building programmes in jeopardy, it was warned yesterday.

On reading that article, one would think that that was probably Vic Ferry or another Liberal speaking. However, that is not the case. This article is attributed to the MLA for Mitchell, Mr David Smith. The article continued—

Mitchell MLA David Smith said most of the delay with the office tower was due to industrial disputes.

"I'm sure that any builder would not look at constructing a multi-storey building in Bunbury if the progress on it was going to be as bad as on the Austmark tower," he said.

It had been alleged that work on the building had been deliberately held up so workers could move from the tower to the K-Mart complex project which is due to start next month.

Further on the article states—

The Government had planned to occupy the tower in April or May this year.

South West Minister Julian Grill said the building was now expected to be ready in either September or October.

It is well-known in the south-west that this building has suffered very severe delays in its construction and there are a number of reasons for that. One of the reasons for the delay has been industrial action by the BLF which is employed on the building. I know there are other reasons for the building not being

completed on time or anywhere near on time. The fact remains, however, that the BLF has been engaged in industrial disputation which has led to an overrun of time for completion of the building. It is a gem in the Government's programme for the City of Bunbury. Obviously the Government has failed to curb the BLF or any other industrial union. It has failed to protect its asset in that town and it is an asset; the Government says so and it is proud of it.

This Bill before us tonight attempts to introduce a code of conduct for the Australian Builders Labourers Federated Union of Workers, WA Branch—in other words, the BLF of Western Australia. The Government is therefore worried. Indeed, the people of Bunbury have started to look on the tower as a bit of a joke. Many of them refer to it as the "big brother" building, not meaning the Government big brother, but the BLF big brother. It is sad because that is the situation.

It may be suggested that, with the passing of this Bill, the project in Bunbury will be allowed to be completed. It is pretty late to be introducing this Bill, because it is almost completed. However, many people are concerned. One developer, Mr Keith Turner, in the same article of 15 July is quoted as saying—

Developer Keith Turner said industrial hold-ups could make or break that project.

"We can't afford to have long disputes and delays like the ones that have happened with the Austmark tower," Mr Turner said.

He was referring to the high-rise building, the Sharee Towers apartment block, to be built near Bunbury Senior High School.

No group of people whether it be workers or employers should enforce a delay on a legitimate project.

Let us consider the Bill. It refers to a code of conduct. It has been correctly pointed out that the code is yet to be spelt out in real terms. We are therefore putting in place a framework for a code which will be superimposed upon the work force generally. However, the legislation is a bit of nonsense because it refers to a code of conduct which, in effect, has not been drawn up.

It will be a joke further because the Government will be powerless to implement the legislation. This Government, as does the Federal Government, has to tow the line of the union movement. If the BLF steps out of line this Government will be reluctant to take any action whatsoever to bring it to task. It has done

that all down the track; why should it change now? I would be delighted and the first to congratulate the Government if an event occurred which involved the provisions of this Act. However, I am sure we will have to wait because the Government's record is abysmal. Everybody knows that the State Government has been in bed with the BLF for a number of years. This Government, together with the Hawke Government, will not make any move unless it has the support of the trade union movement. They both govern at the behest of the trade union movement. Why, therefore, should it worry about the BLF, even with a code of conduct?

I suggest that the legislation be passed because it is an attempt, even though a wishy-washy one, to control the union movement. As the member representing the City of Bunbury, I will be watching with great interest to see what effect the code has on any future high-rise building because, as Mr Turner, a developer, said, long delays cannot be afforded for obvious reasons.

Businesses cannot operate that way. Firms would go broke and projects would not go ahead. Thus, we need development. There is no question about that, but it must be carried out in a responsible way. I do not believe that this code of conduct will meet the need that it is expected to meet. I believe the legislation should pass this Parliament, but it is a wishy-washy effort. In effect, it is not a code at all.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Deputy Chairman of Committees (Hon. John Williams) in the Chair; Hon. D. K. Dans (Leader of the House) in charge of the Bill.

#### **Clause 1: Short title—**

Hon. G. E. MASTERS: I am absolutely staggered that a Bill of such importance to the Government and one which has been debated fairly hotly by a number of members on both sides of the House should pass without any comment or response from the Minister responsible for handling the Bill. I do not think that at any time in the 12 years I have been in Parliament I have seen a Bill that the Government considers of some importance pass without a single comment by the Minister in reply to the debate. It is an insult to this Chamber that that should happen. Now that the Minister is in his seat—I acknowledge that he was probably on Government business—he may

take the opportunity at this stage to make some response to the important remarks made by members on both sides.

Hon. TOM HELM: I take this opportunity to speak in favour of the code of conduct proposals, because I would like members to go through with me what is being proposed and what are the intentions with this legislation so that they might understand exactly why the Opposition is opposed to the Bill. If the Opposition gets its way and this Bill is defeated in this place—

The DEPUTY CHAIRMAN (Hon. John Williams): Order! I draw to the member's attention that in speaking to the title of the Bill he is not allowed to make a second reading speech. The only question he may deal with is the title, which is the Building Industry (Code of Conduct) Bill. It might serve the purposes of the honourable member to speak to separate clauses in the Bill as we go through it, but rules do not allow me to hear a second reading speech. I offer those words to the member for his guidance.

Hon. FRED McKENZIE: Mr Deputy Chairman, I rise to explain the position that was raised by the Leader of the Opposition. The Leader of the House was away on Government business; I was sitting on the front bench, thus unable to rise in my proper place to speak. Arrangements had been made for other speakers on this side of the House to continue the debate. It was purely from lack of experience that they did not do so. The members who were to speak were recently elected to this place and due to a misunderstanding they were debating which one of them would speak when the speaker on the other side sat down. Regrettably, I was not in a position to carry the debate.

Hon. D. K. DANS: I also should make some comment at this time. While I agree that the Committee stage is not the place to make a comprehensive second reading speech, I think that I need to make some comment on some of the things raised by previous speakers.

I am astounded that the Government, in bringing this Bill to the Parliament, has had to face up to a barrage of criticism about the activities of the Builders Labourers Federation in this State when in the same breath the Opposition then indicated its support for the Bill. When the Government brought in the code of conduct legislation, it did so in good faith. I do not want to comment a great deal on some of the things that have been said except for one

thing. I took exception to the reference by the Leader of the Opposition to union members as terrorists. He did so without substantiating what he said. That is one of the reasons I was out of the Chamber; I was trying to check up on that statement. I do not question whether what the Leader of the Opposition said was correct. We could consider a literal definition of terrorism, but in the minds of people today terrorists are people who blow up planes, explode bombs at airports, and take out machine guns to shoot people down.

I just want to place on the record that even with the shortcomings of members of Australian unions, as outlined by the Leader of the Opposition, a significant factor in the Australian union movement has been its lack of violence. I would hope that that would continue. The use of extreme language such as that used by the Leader of the Opposition could well beget extreme actions. I appreciate the right of the Leader of the Opposition to make his comments, but I would ask him to moderate his language because I think he overstepped the mark.

The first question we must ask ourselves is why the code of conduct is being introduced. It is being introduced in order to put before the Parliament a code of behaviour for the building industry that can be observed not only by the unions but also by the employers. It is also significant that the States of Western Australia, Queensland, Tasmania, and South Australia did not move to deregister the BLF. Members should bear in mind what happens when a union is deregistered without having other unions waiting on the sidelines to take over that union's members. I can assure the Chamber that any deregistration of the Builders Labourers Federation in Western Australia would not have seen any unions ready, willing, and able to take up its membership. It would not have been the first occasion that unions have been deregistered, but continued to act as the custodians of their members' well-being and conditions without being under the mantle of the arbitration system. When a union is deregistered it is simply taken away from the umbrella of what I spoke of in debate on a previous Bill—that is, it is taken away from the umbrella of the system to which we are accustomed in this country.

The code of conduct before us is a genuine attempt to bring a level of understanding and industrial peace to an industry that has been plagued by problems for years. While the

Leader of the Opposition is busy emptying a bucket on members of the BLF, it would be good for him to remember that no action has been taken about people on the other side of the coin who, it is alleged, were hand-in-glove with the BLF in the kinds of activities that occurred in New South Wales and Victoria. We simply cannot have one law for the rich and another for the poor.

Hon. V. J. Ferry: Which is which?

Hon. D. K. DANS: I know the member does not understand anything about industrial relations.

Hon. V. J. Ferry: How do you know that?

Hon. D. K. DANS: I have heard the member speak in here. If he does understand anything he keeps his knowledge well hidden.

Hon. V. J. Ferry: You had a good lunch.

Hon. D. K. DANS: No, I have not been out to lunch. I have not even been to dinner.

This industry has been plagued by this problem, not only in the last few years since the BLF has received more prominence, but for years and years. It is a cut-throat industry where a contractual situation is entered into to build one building or another, and at the end of the day people do not know where they are going. Competition is fierce for the contractors and for the workers.

The Government has endeavoured to put in place something unique which may or may not bring about a measure of industrial peace and stability to the industry. I do not think it should be knocked; it should be given a fair go.

I do not want to say much more than that, because the debate has been fairly short. Most members understand what it is all about. It is a genuine effort. Whether it will work I do not know; only the future will tell.

Speaking to clause 1, at this moment I can see no merit whatsoever in the amendment proposed by Mr Gayfer. When we get to that amendment I shall expand a little on it. I do not think this code of conduct will have any future. I would not be prepared to recommend to my Premier that we proceed with this legislation if that amendment were to be included, because it would cut right across the purpose and intent of the code of conduct.

Thank you, Mr Chairman, for bearing with me. The debate ended much more quickly than I thought it would, and the Chamber has already been informed of the reasons for that. Most people are blameless. I have put my points as quickly and as neatly as I could

within the bounds of Standing Orders. Had I been here at the second reading stage I might have been a little more forceful and more vocal.

Hon. G. E. MASTERS: I accept the comments of the Leader of the House regarding the reason there was no response. I understand someone was a little slow in rising through lack of experience. Nevertheless some comment should be made on the short title, which relates to the long title, which deals with the building and construction industry by providing a code of conduct to be observed by the Australian Builders Labourers Federation.

It was interesting to hear the Leader of the House talking about people having no knowledge of the industrial relations scene. In fact it seems to me that anyone on our side who dares to criticise the system—

Hon. D. K. DAns: I did not say you did not have any knowledge.

Hon. G. E. MASTERS: No, but anyone who dares to criticise the system is branded as having no knowledge of the industrial relations system.

Let me say why I used the word "terrorist" or "terrorise". I regard terrorists as those people who terrorise by using terrorist tactics. People who terrorise others by threatening to break their arms; terrorising people by insult using the most foul language against worker's wives; terrorising by spitting in the face; terrorising by damaging property; by cutting hoses, by damaging machinery. That is what I call a terrorist.

Hon. P. G. PendaL: A good description.

Several members interjected.

Hon. G. E. MASTERS: I am just saying that is what I would call a terrorist; people terrorising, using terrorist activities.

Hon. D. K. DAns: "Terrorising" is a different word from "terrorism".

Hon. G. E. MASTERS: The Leader of the House can pick up those words as he likes.

Hon. D. K. DAns: It is just how they are interpreted.

Hon. G. E. MASTERS: I did not say all unionists were terrorists, but the BLF most certainly is.

Hon. D. K. DAns: You are not saying all builders' labourers are terrorists?

Hon. G. E. MASTERS: No. I am saying those in leadership of the BLF are.

Hon. D. K. DAns: I do not want to go on and on for ever. I heard the Leader of the Opposition tonight make a number of astounding statements. There is no way in the world I will get up and say he is completely wrong, but all those statements were unsubstantiated.

He made an amazing statement tonight. I want the Committee to listen carefully to this. He said that someone drove up to a gate in a car, stopped, and left the lights on and the engine running. I want members to picture this; they should use their imagination. I suppose the lights were shining on the lock. While unlocking the lock of the gate, someone went to his car unseen—

Hon. G. E. Masters: No, he saw him but could not stop him.

Hon. D. K. DAns: The Leader of the Opposition did not say that tonight.

Hon. G. E. Masters: I am telling you now.

Hon. D. K. DAns: The Leader of the Opposition cannot have two bites of the apple. I find that very difficult to believe.

Hon. G. E. Masters: It is absolutely true.

Hon. D. K. DAns: What the Leader of the Opposition is now saying is that the car's driver saw this person. He did not say that first. Perhaps if he had I would have taken a different view. Surely, if he had noticed someone doing that, he could have given a description. Again I do not refute it, but it has not been substantiated.

I did hear of somebody putting a sheep's head in someone's house. I do not know if Hon. Sam Piantadosi can confirm whether that is some sort of Mafia sign that one will be eliminated or liquidated. I did not see the sheep's head.

Hon. G. E. Masters: It was on TV.

Hon. D. K. DAns: It may have been, but I do not believe all I see on the TV either. All these things are wrong. If the stories are correct, then those actions are reprehensible; but the facts are unsubstantiated. One can say what one likes here.

The DEPUTY CHAIRMAN (Hon. John Williams): No.

Hon. D. K. DAns: Members can say what they like because we have parliamentary privilege. Perhaps that is one of those things we should look at. If I wanted to put the cat among the pigeons, I could tell members of some activities going on, not only in this State but in other States, concerning competitive builders. There is an old-fashioned saying that it takes

two to tango. The problem in the building industry is not all on one side.

What disturbs me is that no substantial action has been taken against those people. I am not going against the deregistration in terms of the court decision in New South Wales and Victoria, but nothing happened to the other side; just a little smack on the hand. No-one will convince me that those nefarious practices were confined to New South Wales and Victoria. It is like saying there is a leprechaun at the bottom of the garden. If that kind of activity members speak about has taken place—

Hon. G. E. Masters: It certainly has.

Hon. D. K. DANS: —then something is radically wrong. The person I heard someone talk about by way of interjection is evidently not a very popular person on the other side of the building industry. He is certainly not a popular person among people who manufacture bricks. He is certainly not a popular person among people who make cement. Members know what I am talking about.

Hon. G. E. Masters: That is not true.

Hon. D. K. DANS: I am not going to mention names. Members heard by way of interjection, because he intends to get into the business himself by importing cheap materials from overseas. One can go around looking for a fight.

Hon. G. E. Masters: He is carrying on a legitimate business.

The DEPUTY CHAIRMAN (Hon. John Williams): Order! I have been very tolerant in respect of the short title which has been fairly well aired. I would ask the Minister to address his remarks to the short title.

Hon. D. K. DANS: With due respect, I am talking about the short title, which is the code of conduct. This not only refers to people in unions, but also it refers to people on the other side; that is, the employers. I am trying to demonstrate the kinds of activities and if members fudge a little, they will be able to understand the situation that we are discussing tonight in respect of the code of conduct.

We had to get to this stage by a number of steps and very devious routes. It is not much good if a union, any union, does certain things unless, on the other side of the coin, there is something to react to or someone there giving it a nudge along. I want members to bear that in mind because that is what this code of conduct is all about. It sets down some guidelines

and some norms that people in the industry must follow.

Hon. N. F. Moore: Are you talking about the infamous Norm?

Hon. D. K. DANS: No pun intended.

I have made a close study, as a matter of academic interest, of the BLF. The peak of the problems which we are now seeing go well beyond Norm Gallagher. Some of the people who were engaged in these activities are now the darlings of society. One cannot whip up a certain amount of hysteria and then simply say, "Well, all in the garden is lovely."

I have belonged to a union for many years—I am still a member—which was deregistered in 1928. That union probably made its greatest gains in terms of industrial conditions during the period in which it was deregistered. I can assure members that after its deregistration the BLF went marching on to glory.

The position has changed a bit since then because other unions have been willing to buy into that union, but that situation does not exist in Western Australia.

So the Government in its wisdom has seen fit to say, "Well, how do you go about this?" I suggest members have a look at the code of conduct and, if it does not work, members know what will happen from then on. If the sanctions of this Bill are applied against the union, or any other union, or against employers, there is still no guarantee that it will achieve its purpose. I am not one of those people who believes that the Government runs the country. If it did, it would be stopped. The Government puts some axle grease on the bearings occasionally and loosens a few things; but people run the country and they form the society. Government can only assist them sometimes, and some of the actions taken by this Government and others have the reverse effect.

Hon. E. J. Charlton: Nobody is running it at the moment; it is just happening.

Hon. D. K. DANS: I suppose ultimately that is the way it has always been in a democratic society.

What we have not addressed in this day and age is the fact that we are entering a new society altogether. We have been through the old industrial society and we are going into a field which used to be called the "post-industrial era". We are now going into the information and technology era. Australia has been left on the starting blocks in this respect. It is interesting to read some of the stuff that has

been put together by the Japanese academics. If members care to read about it, it can be found in the latest issue of the *Japanese Echo*. It is frightening to read the thought processes which exist in Japan and in other parts of the world as to where they intend to go in the next couple of years, and here we are arguing about a code of conduct.

I am glad the Opposition has seen fit to support the Bill. I was saddened earlier when I heard the comments of the Leader of the Opposition. I take it that he did not mean it when he said that the BLF members were terrorists. He may think that they are terrible, but not that they are terrorists. That is a bad word.

Hon. G. E. Masters: I stand by it; I think it is apt.

Hon. D. K. DANC: The Leader of the Opposition may have called them thugs who used standover tactics; he even used words which are unmentionable here, but I will not concede that members of the BLF are terrorists. If one backs any person, however mild, into a corner in defence of his living conditions and standards, he will fight like a tiger.

I say this in reference to the short title; and members should not get it into their heads that somehow or other this code of conduct merely applies to the BLF; it applies to all of the players. For the benefit of National Party members, I would add that it is not so long ago that members of farmers' organisations broke the law in Canberra and Victoria. I had some sympathy for them because their conditions were threatened and their protests were a last resort. However, I would ask members to consider that the BLF, like any union representing casual workers, knows that its members might have employment for a week, but they are looking down the barrel of six or seven months of the year being unemployed. That is something which is often overlooked.

Members of the Australian community are responsible and in times of crisis they have no peer anywhere in the world. For goodness sake, treat them right and do not take the bat out to one section of the community. If members do this, we will end up with a split. I suggest that members do not go down that trail, but rather that they take a sensible and reasonable attitude to the Bill before the Chamber.

Hon. TOM HELM: I refer, in speaking to this short title, to the words used by the Leader of the Opposition in respect of the BLF; that is, that its members are terrorists.

If one looks at history and the way societies are formed, one sees the word "terrorist" is perhaps not the best word to use. If the same lesson is to be learnt, we must look at places whose leaders have been described as "terrorists". In many cases these people have suddenly been supported by other countries and have become acceptable members of society; in effect, they have become statesmen. That is how one could describe Mugabe or Kenyatta.

In discussing the short title of this Bill, we must talk about the lessons which can be learnt from history and where we are going, and what the Government intends by this code of conduct. Hon. D. K. DANC referred to the conflicts taking place in respect of unions and employers. If members of the Opposition could understand what is going on on building sites—the cut throat work that occurs—they would realise that industrial relations in the workplace comes down to a matter of the quick or the dead, where people take the money and run, and where there is no regard for the future, because when the job finishes people will be left unemployed. Members of the Opposition should realise that this is what is going on and it is about time that something was done to take care of problems that could affect everybody in the workplace, including the employers.

That is why I prefaced my remarks by saying that the terrorists of today, if we take the word to its logical conclusion, eventually become the freedom fighters of tomorrow. If this Bill is opposed and this code of conduct is not allowed to come into existence, we will be left in a vacuum. This strong push to deregister the BLF will lead to more trouble.

It is said that the deregistration of the BLF will be the answer to the troubles on the building sites. If that is the answer what do we see happening in the Eastern States when we turn on our television sets at night? The same thing happens in other States where the BLF has been deregistered. I ask: Who is now carrying the flag in the Eastern States? If the deregistration of the BLF is said to result in peace and harmony on building sites, what is happening in the Eastern States?

Hon. G. E. Masters: You won't get peace and harmony. You know you won't.

Hon. TOM HELM: The idea is that we are trying to see which way one path leads us.

Hon. G. E. Masters: The only way you will get harmony is to get rid of it.

Hon. TOM HELM: We take on board the Opposition's point of view.

Hon. G. E. Masters: Getting rid of the BLF is the only way to do it. You should be ashamed of yourself for supporting it.

Hon. T. G. Butler: I am not ashamed of myself. I have never been ashamed of myself.

The DEPUTY CHAIRMAN (Hon. John Williams): The Leader of the Opposition will come to order and will cease his provocative remarks. Members should not rise to the bait. Retain the dignity of the Chamber.

Hon. TOM HELM: Thank you, Mr Deputy Chairman. If we have unrestrained unionism, unrestrained employers, subcontractors and various others will explore any situation to make a quick buck and then they will get out. As soon as they have taken the money and run they will have no regard for what happens in the future. That is why this Bill is a code of conduct Bill. This is a brilliant piece of legislation. Members can correct me if I am wrong, but it does not prevent an employee or employer applying to have the BLF or any other union deregistered, and as far as I am aware no moves have been made in that regard.

The Minister is reacting with what can be described as a commonsense attitude. Members can understand the Opposition falling into the trap of thinking that the deregistration of the BLF will cure all ills, because if we listen to the television or the radio or pick up a newspaper, the popular commentators of our day seem to tell us that particularly in Western Australia heaps of work is available. There seems to be enough work for everybody and the building industry is not facing a decline.

For whatever reason the BLF always seems to be at the root of all problems concerning the building industry. Blame is never put on the employer side of the industrial relations equation. The code of conduct does not preclude any other action taking place. It simply tries out another system. If members were to work on a building site they would realise it is not the same as working in a factory or in an iron ore mine, because it is hard to regulate building sites. There are hazards even on a homesite, perhaps more than there would be in an iron ore mine using massive machinery which can be hazardous all the time.

These problems have to be taken care of. The regulations have been flouted. Every time an employer flouts the law he has to pay a penalty of, say, \$200; but that matter will be covered by the code of conduct. The code of conduct

places responsibility on both sides of the industry, and surely that is the way to go. Surely it is not in our interests to attack one side. We have done that. We have been there, done that; and it did not result in anything. The situation stood still. The current situation where the building industry is not doing too bad—in fact it is on a bit of a wave—and everybody is doing reasonably well, is the time to apply the code to see how well it works, and when the downturn hits the industry and it is hard to make a quick dollar other methods can be applied.

Hon. JOHN HALDEN: It gives me some pleasure to rise to speak to this Bill. This is another classic example of the difference—

The DEPUTY CHAIRMAN: Order! I remind the member that he cannot speak to the Bill, only to the short title.

Hon. JOHN HALDEN: It sickens me that the Opposition and the Leader of the Opposition tonight described people as terrorists who go about their legitimate day-to-day functions, trying to preserve their jobs. The Leader of the Opposition has unilaterally said they are terrorists. Can members imagine the gall of somebody who can say everybody is a terrorist?

Hon. G. E. Masters: You have no idea.

Hon. JOHN HALDEN: He has talked about the most simplistic solutions to the most complicated problems, and I suppose that is a problem of the Liberal Party today.

The DEPUTY CHAIRMAN: Order! I draw the honourable member's attention to the fact that he is straying from the short title of the Bill. I ask him to re-read the short title and confine his remarks to it as the previous speaker did.

Hon. JOHN HALDEN: Thank you, Mr Deputy Chairman. The title and the content of the Bill is another step towards encouraging better and more efficient operations in the building and construction industries of this State. It is hoped that it will ensure fair dealings and relationships with unions. It realises that there are problems on both sides and that there must be solutions from both sides. It tries to work out a positive set of regulations appropriate to both sides. It does not blame anybody or a particular group. It says there is probably mutual responsibility for the situation they find themselves in. It is not at all a simplistic solution. Do not be deceived by the Leader of the Opposition, who would try to blame it all on the BLF. How ridiculous! Have members ever known of a problem in which one party was totally responsible? I cannot even accept that



the Leader of the Opposition could think of such a situation.

This Bill is Western Australia's solution to a very difficult problem being faced in the building industry. The situation is different in other States, as has already been pointed out. The Opposition has a history in regard to the BLF. In 1976 the then Leader of the Opposition (Mr Graham MacKinnon) said that events in recent times in Western Australia had demonstrated that some unions would fiercely penalise workers who happened to disagree with them. They would be coercive, would use standover tactics which involved the union leaders and the union acting contrary to the law and against the best interests of the country. That is why we have a code of conduct Bill. What did the Liberal Party do?

The DEPUTY CHAIRMAN: Order! The member is straining the bonds of friendship greatly in continuing as he is. I must ask him to stick to the title of the Bill. Hon. Graham MacKinnon has not spoken to the Bill.

Hon. D. K. Dans: Not yet, in any case!

Hon. G. E. Masters: Don't count on it.

Hon. JOHN HALDEN: We are proposing a code of conduct Bill and I am highlighting comments made by a former Leader of the Opposition.

Hon. A. A. Lewis: I thought you wanted to get the Bill through? Most people agree with it.

Hon. JOHN HALDEN: We do.

Hon. P. G. Pandal: It sounds like you are opposing it.

The DEPUTY CHAIRMAN: Order!

Hon. JOHN HALDEN: This is a code of conduct Bill and the Opposition had the opportunity to introduce such a Bill in 1976. It said, "We will deregister", but it did nothing. In 1977 it said, "There are significant problems in the building industry", but again it did nothing. That Government was big on words, but it did nothing. In 1982 the BLF put up signs in St George's Terrace stating, "No ticket, no start". The Opposition came into this Parliament huffing and puffing and saying, "We will introduce a Bill that will deregister this union", and what did it do? It spent \$1 million doing absolutely nothing.

Hon. G. E. Masters: What did your Government do when it got into power? It withdrew, did it not, from the deregistration proceedings? It backed off.

Hon. JOHN HALDEN: We came forward with a proposal in regard to the conduct of the industry as a whole and what is the result—negative and derogatory comments from the Opposition.

The Government should be complimented on this code of conduct legislation. The Burke Government is working tirelessly to improve productivity in this industry. Prior to the Burke Government, the construction and building industry was in a difficult situation. The Opposition, when in Government for the previous 10 years, did nothing. If the Opposition is now so keen to deregister the Builders Labourers Federation, it could use section 73 of the Industrial Relations Act to have it deregistered. The power is there but the Opposition will not use it.

Hon. G. E. Masters: Section 73 gives the commission power to deregister.

Hon. JOHN HALDEN: The Opposition could make application for its deregistration.

This Bill provides for supervision and monitoring. The ultimate power, however, still rests with the Industrial Relations Commission. The Bill provides for action to be taken quickly under section 73 of the Industrial Relations Act.

The DEPUTY CHAIRMAN (Hon. John Williams): Order! I am afraid the member is straying from the clause that we are debating. I am sorry, but if he does not return to clause 1, I will sit him down.

Hon. JOHN HALDEN: I have very few comments left to make, Mr Deputy Chairman. I am sad that the Opposition should pursue simplistic approaches to a very complicated problem. The Government should be congratulated for providing this legislation. It is my pleasure to be part of a Government which proposes consultation rather than confrontation.

Clause put and passed.

Clause 2 put and passed.

Clause 3: Interpretation—

Hon. G. E. MASTERS: This clause specifically refers, in the interpretation of "industrial action", to the responsibility of employers. It states that if an employer has pressure put on him or her to take certain action, that employer must report such action. However, no reference is made to the need for a worker to report pressure being placed on him. In other words, an employee on the work site, who may not be a member of the BLF but who may be a mem-

ber of the Australian Workers Union or the Electrical Trades Union, may not be required to report pressure from a BLF member.

Hon. D. K. DANS: Clause 3 is not clause 4. Clause 4 refers to the code of conduct. Clause 3 refers only to the interpretation of different words in the legislation. If the member waits until we get into the Bill a little we may be able to meet his requirements. I know the member is referring to a person who is not a union member.

Hon. G. E. Masters: No, who may be a member of another union.

Hon. D. K. DANS: That is correct. However, this Bill refers specifically to the BLF. The code of conduct will relate to the Builders Labourers Federation. If the member looks at the front page of the Bill, he will see that is obvious.

Hon. G. E. Masters: You have missed the point.

Hon. D. K. DANS: What point?

Hon. G. E. MASTERS: I know the Bill refers to a code of conduct for the BLF and that employer groups are involved. I am saying that the "industrial action" interpretation should read—

... means an act, omission, or circumstance done, effected, or brought about for the purpose of compelling an employer and employee to accept any terms or conditions ...

If pressure is applied by a BLF heavy on an employer, that action is dealt with by this Bill. However, if a BLF heavy applies pressure to a member of another union, the way the Bill reads to me is that there is no need for that member of another union to report such omission or act to the Industrial Relations Commission. I think that the requirement should apply to all people who are likely to be affected, rather than just to employers.

Hon. D. K. DANS: Without going too deeply into the code of conduct and for reasons of which the member is well aware, the Bill provides for a code of conduct for the BLF and for people who employ its members. Other Acts relate to actions by other unions on a building site. The only union referred to in this Act is the BLF. It would be quite wrong and improper to include members of other unions in a code of conduct when they have not been threatened with deregistration.

Hon. G. E. Masters: I will take the matter up in debate on clause 6.

**Clause put and passed.**

#### Clause 4: Code of Conduct—

Hon. H. W. GAYFER: A short time ago we were entertained by the eloquence of the Leader of the House.

Hon. D. K. Dans: Thank you.

Hon. H. W. GAYFER: His eloquence was terrific, particularly when he said that the Government was putting before the Parliament a code of conduct which would be observed not only by unions, but also by employers. He went on to say that a code of conduct set up some guidelines and some "norms"—that is the word he used—that the industry would follow. The point I make is that we have not really been given the code of conduct. We have been given the fabric, the enclosure, or the shell of a structure, but have been given no indication of the internal guts of the code. We do not have a clue about what the code of conduct will actually be. We know what is meant and possibly the ultimate end, but nobody has seen the actual wording of the code.

We understand that the Minister for Industrial Relations has drafted a code in anticipation. The Leader of the House nods his head in agreement with that statement. However, that does not mean that the code of conduct drafted by the Minister will not be over sympathetic to one side or the other. It could well be a loaded code of conduct that could not be complied with by one side or the other. The only way the code will work is if it is made acceptable to both parties or, as Hon. Tom Helm said, if time is given during which the code is applied to see whether it works. Nothing will work if there is not agreement that it can work. The only way to obtain agreement to see whether it will work is if this Parliament has the right to view the code of conduct, to view the changes that are made to it, and if the Parliament is able to ascertain whether the code will ensure fair play. The code should be dealt with in much the same way as the Parliament deals with regulations and could consider it before it is put in the *Government Gazette* or even after.

Although the Minister, in the short speech he made on the title of the Bill, said that he had no intention of agreeing with the amendment proposed by the National Party, surely he must see that if we want to make the code work we must ensure that Parliament has the right to view it and criticise it; indeed, to study it in Parliament to ascertain whether it is workable. Once it has cast a verdict one way or another and the regulation becomes law, the only thing

to be done then is to comply with the proposal, whether that compliance be on the part of the employer or the employee. We are adamant that the legislation, which paves the way for a code of conduct, must not only appear to work but must be seen by the Parliament to be able to work.

Therefore, I move an amendment—

Page 3—To insert after line 4 a new subclause (4):

(4) Section 42 of the Interpretation Act 1984 applies to the Code of Conduct as if it were a regulation subject to that section.

Hon. G. E. MASTERS: The Liberal Party supports the amendment put forward by Hon. Mick Gayfer. I was horrified to hear the Leader of the House say that if the Parliament dared to insist that the code of conduct be placed on the Table of the House for the scrutiny of Parliament, the Government of the day would not proceed with the Bill. It is unbelievable that the Parliament, in being faced with legislation which depends entirely on a code of conduct, in that without a code of conduct the legislation is worth nothing, is not to judge that code. I understand fully that the code of conduct will be operated according to the terms of this Bill. The Bill sets out the employer's responsibilities and, to a certain extent, the BLF's responsibilities. It also sets out certain penalties, the role of the Industrial Relations Commission, the procedures for the cancellation of registration or suspension, and the like. All these matters are very important, and I emphasise that the Opposition will not oppose the legislation.

With good reason, the Opposition has queried the introduction of the Bill and said that if the BLF runs true to form it will simply ignore the code of conduct. It will ignore it as it has ignored codes of conduct and agreements through its history in recent years. Quite properly, we say that we doubt that the code will work and that sooner or later the Government will have to face up to the reality of deregistration. Perhaps if the code of conduct is broken, the Industrial Relations Commission may decide to suspend or deregister the BLF.

Having recognised that the Bill will proceed through Parliament, all we are saying is that a code of conduct needs to be written. We understand that the code of conduct will be published in the *Government Gazette*. As members of Parliament we deal with the Bill, and we would expect a code of conduct to be treated in

the same way as regulations. With respect to the proposal put forward by the Leader of the National Party, we believe that a code of conduct should be drawn up. Having been drawn up, it should be placed on the Table of the House for the Parliament to consider. If changes are made to the code of conduct, again that code should come back to the Parliament. That is our role; that is our job.

To say that it is untenable for the Government to accept this proposition would show that the Government may have something to hide; otherwise, it would support the amendment put forward. I ask the Government to be reasonable and to say that it has nothing to worry about, that it has nothing to hide, and that it will table the code in Parliament and bring back any changes to the code that need to be made. That is the proper process. I cannot believe that the Minister, after listening to the arguments, would refuse to accept that proposition.

Hon. D. K. DANS: At the risk of being offensive, I find it amazing that Mr Gayfer would move such an amendment. If we do nothing, we will have a State-registered BLF. It is significant that in Queensland, Tasmania, and New South Wales, where State registration prevails, no move has been made to deregister the BLF. It is significant that no move to deregister the Builders Labourers Federation has been made in Western Australia and no move has been made to join with deregistration proceedings initiated federally. No such move was part of a Government initiative. Such a move is up to the employers. At this stage, no-one has moved to deregister the State-registered Builders Labourers Federation.

It is not the prerogative of the Parliament to stick its nose into the Industrial Relations Commission. If there was a murder trial in the Supreme Court I would not suggest that we should start poking our noses into that. I know what the member is talking about, but he simply does not understand. Perhaps that is what is wrong with Australian society; most people do not understand or bother to find out how the other half lives.

Hon. G. E. Masters: The Industrial Relations Commission does not draw up the code of conduct; the Minister does.

Hon. D. K. DANS: I will come to that if the Leader of the Opposition will wait a little. He would not last long as a fish; he would bite on the first worm he saw.

In respect of the code of conduct, as Mr Masters knows and as Mr Gayfer knows as well as anyone, the initiatives are designed for one thing and one thing only: They are designed to assist the industry and to allow it to become self-regulating. Is there anything wrong with that? The Parliament cannot assist with that. The Parliament should not be involved in the drawing up of the detailed code of conduct.

Hon. G. E. Masters: I am not saying it will be.

Hon. D. K. DANS: I think the Leader of the Opposition and I are at cross purposes. The Parliament should not be involved in it. We have a Bill here allowing us to proceed to draw up a code of conduct in order to bring some sanity to the building industry. Either members opposite agree to that or they do not.

Hon. H. W. Gayfer interjected.

Hon. D. K. DANS: Why should the member see it at this stage? He is not a builder. He is not a builder's labourer, or part of the Industrial Relations Commission. Do I interfere with the agreements he reaches for selling wheat overseas? Does he bring them along here for us to have a look at? That is what we are talking about. This is an agreement and the member cannot deny that.

Hon. H. W. Gayfer: We are talking about this code of conduct.

Hon. D. K. DANS: I know what the member is talking about: "It is good for me; it is not good for them." That is the whole genesis of the problems in the industrial relations scene in this country. There is no denying what he is saying.

Hon. H. W. Gayfer: Bring it out into the open.

Hon. D. K. DANS: Mr Gayfer should listen to me. It will be drawn up between the respondents—between the union, the Builders Labourers Federation and, no doubt, the Industrial Relations Commission. If it goes wrong who will have egg on his face? It will be the Government which has egg on its face. No doubt the Industrial Relations Commission will very quickly deregister the Builders Labourers Federation if it is at fault.

The code of conduct will be drawn up between the respondents concerned and the Minister. The Minister is taking a grave risk going outside the commission to do it.

If the Government does what Mr Gayfer wants it to do, that will involve section 42 of the Interpretation Act. How long will that delay

the implementation of the code of conduct? Do members think, when the code of conduct is drawn up, it will be some kind of secret document which no-one knows anything about?

A member: It sounds like it.

Hon. D. K. DANS: It will be a very public document. Has Mr Gayfer had any appeal from any of the building companies to vote against the way we are proceeding?

Hon. H. W. Gayfer: No.

Hon. D. K. DANS: Of course he has not, because they agree with the manner in which we are going about it. Has he had any approaches from other unions to say, "Do not be in it"?

It is a risk. I have had enough knowledge of industrial relations over many years to know it is a risky business, but as well as being risky it is also very genuine.

Hon. H. W. Gayfer: What is wrong with telling us what it is?

Hon. D. K. DANS: Members will know when it is properly signed and sealed. I have already said what applies to agreements, particularly with the SEC. Before we allow the SEC or any other statutory authority to go ahead and do things on behalf of the Government or the Parliament of the people of Western Australia, the Government will tinker around with the agreement.

Hon. N. F. Moore: A lot of agreements are brought here.

Hon. D. K. DANS: The industrial laws of this country from time immemorial have provided for the making of agreements which need to be rubber-stamped by the Parliament and nobody else. The industrial relations laws of this country allow for collective agreements. That is how the waterside workers operate. Every couple of years they have a scuffle while the contract is being drawn up, and then things settle down.

The industrial laws of this country provide that one can enter collective agreements. That is the position with the Australian Conciliation and Arbitration Commission, and no doubt the State Act provides for the same thing.

This will not be a secret code of conduct. It is to be a code of conduct agreed to by all the parties which will be enforceable under the industrial laws of this State. The parties will agree to that, not us. The commission will be the authority to enforce the agreement, not the Parliament. Have all agreements which have ever been written in respect of industrial mat-

ters in this country been brought to the Parliament for scrutiny? Thank goodness they have not been. I would not intend them to be. I would not expect them to be, any more than I would expect people like Mr Gayfer to bring wheat agreements along here.

Hon. H. W. Gayfer: I do not have any wheat agreements.

Hon. D. K. DANS: Well, any other agreements; for instance, an agreement with the Corrigin Club. I would not ask Mr Gayfer to register his agreement with the Corrigin Club here, because that is something he can do himself.

If the Parliament insists on the amendment moved by Mr Gayfer, every member here knows how it will obstruct the implementation of the code of conduct. While I am the Minister controlling this Bill, that will be the end of the code of conduct. It has to be negotiated and put together without any harassment.

Hon. H. W. Gayfer: You are frightened.

Hon. D. K. DANS: No-one is frightened of it. I have just mentioned that hundreds of agreements are put together industrially and otherwise every day. They are not brought into the Parliament. We go down the same old trail; because there happens to be a union on one side with a group of employers on the other side, this goes on for political reasons only. For years I have believed that the greatest threat to industrial peace in this country is political interference with industrial procedures. I am not distinguishing one side from the other.

The fact is that the code of conduct will be drawn up. I cannot see any reason for it to be brought to the Parliament. If members insist, it will be up to the Minister to see where he goes. Employers and the union will back away. Members should never get it into their heads that the simple deregistration of a union Statewise or federally is the end of the problem, because if members really want to do a job they will put the mark of Cain on members of the BLF, or burn a hole in their heads so that everyone can recognise them.

Several members interjected.

Hon. D. K. DANS: That is what members are talking about, because people still have some kind of illusion it is not the union members who are responsible, but it is the officials. If one gets rid of the officials, like Norman Gallagher or Kevin Reynolds, that will be the end of the matter. People seem to think if they are put in gaol, union action would cease.

What bunkum! It is a matter of historical fact that the union to which I belonged before I became a member of this place had a Dutchman, Jacob Johnson, as its general secretary and an Englishman, Tom Walch, as its general president—he married one of the Pankhurst girls—who were the last guests at Pinchgut in Sydney Harbour. They were locked up for quite some time there for their union activities and were the subject of the great deportation case because Tom Walch came from the UK and Jacob came from Holland. But the union never missed a beat. If we deregister a union its members will still go on, because they have the will to do so.

We are trying to create an atmosphere in which a code of conduct acceptable to all sides can be drawn up. If either side accept it, all those other procedures will take place, although I do know that that would be the end of the road. At least we are trying to do something that will help the industry. One does not need to be a Rhodes scholar to look around Perth and see that some builders win all the contracts, carry on unmolested, and finish the contracts on time.

I know a fair bit about the building industry now that I am Minister for Works and Services. I have run into a lot of problems that have been an education to me, an education I thought had been completed a number of years ago. I find I am still learning. It is a different kind of world down on a building site; all sorts of things happen there that I find hard to comprehend.

We are creating an atmosphere in which people can come together of their own free will to achieve something of benefit to the industry. If the Parliament is to interfere, we may as well forget about it and stick with the Industrial Relations Act, something we have done for many years and got nowhere. I advise members opposite not to do that. The only losers will be Mr Masters and Mr Gayfer; it will not be the Government, because it would have tried something and failed. On the day that happens I might stay away from the Parliament because Mr Masters will behave like the devil and perhaps even dress like him.

Hon. E. J. CHARLTON: The Minister holds strongly to his point of view, but our point is that time after time Bills come before the Parliament which provide certain penalties and we discuss those penalties. I could find many examples. A person does not go to Custom Credit Corporation Ltd and enter into a deal without first knowing the contents of that deal. On this occasion it could not be considered fair

and correct for the Minister simply to say that the Government is buying into a certain area and the Opposition has no right to have anything to do with it. The Minister has a background in industrial relations which allows him to make his observations, but all we are saying is that we should be able at least to sight this code of conduct.

Mr Gayfer and others on this side have said that we agree to the introduction of a code of conduct and that we applaud the fact that something is being done to assist the building industry. But if there are to be certain rules and regulations to which the parties are expected to adhere, surely the Parliament must be given the opportunity at least to see what will be involved in the code. Surely that is fair and reasonable. If the code were to indicate that the Government would not give contracts to certain people and that unions would have to do this or that, what would be wrong with the Government's saying that this is what would be in the code of conduct? If the Government were to present it to the Parliament for members to make comment on—

Hon. Garry Kelly: What if the Opposition did not agree with it?

Hon. E. J. CHARLTON: The member's point is not valid. The Government should not be saying that it will not bring the code to the Parliament for discussion in case the Opposition does not accept it. The Government brought the Bill to the Parliament and all Opposition members have agreed with it. I repeat: We agree with the Bill.

The drawing up of the code of conduct must be nearly completed. Surely bringing it to the Parliament will only enhance the Government's position. It will take away the opportunity for people to say later that it was a failure because members were not given a chance to consider it. If the Government brings it to the Parliament and members say that it is acceptable, they will not be able to complain later if it does not work. In this world of politics we will always find someone who will want to take advantage of any opportunity to attack the Government. The Government should not say that we should leave it to Government members to fix it and that they will make sure all the people involved in the building industry have an input and so everything will be all right.

We are not being irresponsible or nitpicking. Through Mr Gayfer's amendment we are seeking the opportunity to have the code of conduct brought to the Parliament for our con-

sideration. It is not valid for the Government to say that it does not want that to happen because it is a touchy and volatile industry in which members of Parliament should not be involved. Such an argument has no foundations because no-one on this side disagrees that it is a volatile industry. That is obvious when one example of the industry is a bloke who has started from nothing and built up his business finds he has reached the point where he has a heap of men working for him, yet he is not allowed to carry a ladder from his own ute onto his own job because of some agreement reached elsewhere. This is the sort of concern facing a lot of people out there. They want harmony in their industry.

No-one wants to throw petrol on the fire. We want to see this code of conduct get off to a good start. It would be better if the Government gave the Parliament the opportunity to view it.

Hon. V. J. FERRY: The Leader of the House adopted a very boisterous and flamboyant approach, although there was no doubting his sincerity. Nevertheless, it was a shame he adopted that extraordinary approach.

In the Chamber we have a consensus that the Bill is acceptable, but it seems the Government will not accept that. I do not know what we have to do to make it understand that we do accept it.

If the code of conduct becomes a part of this proposed Act it will be subject to the proposed amendment, requiring the regulations to be presented to the Parliament. This will happen in accordance with section 42 of the Interpretation Act.

The Act states that—

All regulations shall be laid before each House of Parliament within 6 sitting days of such House next following publication of the regulations in the *Gazette*.

It is referring there to publication in the *Government Gazette*. Subsection (3) goes on to say—

Subsection (2) applies notwithstanding that the period of 14 days referred to in that subsection, or part of that period, does not occur in the same session of Parliament or during the same Parliament as that in which the regulations are laid before the House concerned.

It means the code would come to Parliament for perusal, and if there was just cause any member could move for disallowance. It does

not automatically follow that it would be disallowed. As members know, many moves are made to disallow regulations, but only a few are passed. Most are either not agreed to or, as is not unusual, motions for disallowance are withdrawn. The fact that the code would automatically come here does not torpedo it. All it does is provide an opportunity for Parliament to have a look at it. There may be sound reasons why the code should be looked at—

Hon. Garry Kelly: What if the House decides it should be disallowed?

Hon. V. J. FERRY: There may be a very sound reason for doing so. I do not know the circumstances which might apply in the future, but the possibility is there. It is not wrong for Parliament to have a view on these matters.

Hon. D. K. Dans: You bring your bank agreements in here, and I will agree with them.

Hon. V. J. FERRY: The Minister is trying to shout people down as though he is on the waterfront.

Hon. D. K. Dans: I have not been there for years; I am too soft for that business now.

Hon. V. J. FERRY: The Minister is very loud tonight; I do not know why, because he has a very nice voice most of the time.

Parliament should be given this opportunity to scrutinise the code. The Minister is behaving like the television character Arthur Chance who says, "Don't worry—it will never happen." It may never happen, but all I am doing in supporting the amendment is suggesting that the code, when it is formulated, should be able to be brought before Parliament so it can be looked at, and if any member finds something of real concern he will have an opportunity and a mechanism to deal with the situation. That is the proper course.

Hon. D. K. Dans: It would be foolish to prolong this debate. We are talking about a Bill to allow the BLF and the building industry to get together to agree to a common agreement. If we do not allow that we will be back to where we started, as even the biggest industrial dunce in the world would know.

Mr Gayfer knows what this amendment does. He is asking us to allow section 42 of the Interpretation Act 1984 to be applied to the code of conduct so that the code would become regulations subject to that section. Mr Ferry put it quite correctly; inclusion of this amendment will enable Parliament to disallow the code of conduct and substitute or amend the disallowed code.

I have had a fair amount of experience in negotiations, and no doubt other members have had to deal and negotiate on agreements. I might as well put my pen away if I am to go down there and say, "I am going to bring you together to negotiate a code and we will go to the court and register it, and all those penalties will be applied by the commission, and they are severe; but I have to tell you there is one sanction: I do not know if what you have agreed to is okay because I have to take it to the Parliament."

The employers as well as the unions would say, "Forget about it!" I know what is going to happen, and without naming anyone, a number of companies and the union will start operating outside the system. I ask members to remember that. It is just foolish. No-one would say that when the code of conduct is put together I would not table it here. I would walk around and give everyone a copy, but I will not have the rider on it, after having come to an agreement between the parties, by which a third party can say, "No, you cannot do that."

That is hopeless, and I would only be pulling members' legs. I am not being nasty; we may as well forget the whole episode right now. That is the reality of the situation—it would be foolish to go on.

This amendment goes further. There is a time limit on disallowance, but once the code is disallowed there is no time limit on a substitution or amendment. Where would we be, for goodness sake? Let us be realistic; no-one has anything up his sleeve. This is a public document, not just a parliamentary document, when it is finally negotiated and agreed to.

On Monday 14 July the Minister instructed that in preparing an amendment to require the code to be placed before Parliament there was to be no provision for Parliament to interfere with the code. That is a provision he has put before the parties. If it is to come here there will be no opposition from the unions—they will back right away from it.

I suppose I should look at some of the reasons which Mr Gayfer put forward in good faith. He is saying Parliament should have the code of conduct placed before it for scrutiny. I would not argue with that one little bit. I would come here and table it. Of course Parliament should scrutinise it; not only Parliament will be scrutinising it, but also every arbitration body in Australia, the print and other sections of the media, and the public of Western Australia. I have no argument with that point.

Hon. H. W. Gayfer: Would you repeat what you said about having no compunction about tabling the document?

Hon. D. K. DANS: That is right—tabling it as a document, but not to be amended or messed around with.

Hon. H. W. GAYFER: My concern is simply with the Bill itself. It says the Minister shall enact a code of conduct specifying those things he considers the union should do or refrain from doing in the interests of good industrial relations in the building and construction industry. What he is saying, ipso facto, is that the employers shall also do those things that the Minister believes are the right and proper things to do. He then goes on to say the code of conduct shall be published in the *Government Gazette*.

Having reached that stage, one sees the impossible situation that an employer is put in if the Minister is sympathetic to the union and the code does not work. There is no way Parliament can argue with what is written in the code. Surely we have reason to question the intent behind the *Government Gazette*, which is a public document.

The only way it is possible to do that is to make the code of conduct a regulation in the manner I have proposed. The Leader of the House has guaranteed the Committee that the code of conduct will be tabled during the next session of Parliament. I realise that when documents are tabled in this Chamber members have the opportunity to debate the contents of such documents. I am more than happy to accept the Leader of the House's word and I hope the Leader of the Opposition will agree with me. Let us reach that compromise, because after all that is what this is all about. If we reach a compromise along these lines it will be one of the greatest steps this House of Review has ever made in the interest of good industrial relations, which is paramount as far as this Bill is concerned.

If the Leader of the House repeats his assurance I will be only too happy to withdraw the amendment I have moved. There was a misinterpretation of my amendment because members must realise that if a regulation is disallowed it is disallowed in part or as a whole which means that part of it could be disallowed and not necessarily all of it.

Hon. Garry Kelly: In theory, that is right.

Hon. H. W. GAYFER: It is right and I will not debate this matter at this time. I am interested in hearing the Leader of the House.

Hon. D. K. DANS: All I said was that I would be prepared to table the document. I did not mean that the Parliament would be able to reject or modify the code.

Hon. H. W. Gayfer: We can debate it.

Hon. D. K. DANS: Members can talk about it after they cut news items relating to it from the newspaper.

I know that one of Hon. Mick Gayfer's fears is that the code of conduct will not be subject to adjustments by the Parliament. What he is saying is that the industry can get together with the Minister and alter the code to suit itself.

Hon. H. W. Gayfer: That is my fear.

Hon. D. K. DANS: Perhaps the fear expressed by Hon. Mick Gayfer is right. That is the reason for bringing in a code of conduct—they have been doing it for years and Hon. Mick Gayfer knows it. I made a statement before that members do not have to be Rhodes scholars to know that. Hon. Mick Gayfer expressed the fear that the Minister will impose conditions on employers.

Hon. H. W. Gayfer: Or vice versa.

Hon. D. K. DANS: To use Hon. Vic Ferry's words the term "code of conduct" sounds flamboyant. What we are looking for is an agreement that suits the industry. An agreement means an agreement between two or more parties—one cannot have an agreement unless it is agreed to by two or more parties.

Can members visualise some of the tough guys in the building industry allowing themselves to be cornered by the Minister and agreeing to something they did not agree with? If any Minister were foolish enough to try to do that he would be fooling himself because the agreement would not last for 24 hours. A mutual set of principles must be reached between the parties concerned and the Minister is then in the position to say that the principles shall operate in a certain way; and if the industry does not go down that track it can forget about it because the court will step in and take the necessary action. I am sure that all members in the Chamber understand that.

If members want an agreement which will be subject to ratification by the Parliament, we are wasting our time. I am not threatening members, I am being honest and members know it. If we do that we may as well forget the Bill. The same thing would apply if the code of conduct had to be agreed to by the Confederation of Western Australian Industry or the Trades and



Labor Council. Employers would say, "Take a flying jump."

I am not naive enough to say that this is the kind of thing that will work. I give full marks to the Minister who has brought this legislation forward. I do not know if I would go down this trail because it is a risky business. The Minister is not only risking his reputation, but he is also risking the Government's reputation. We are stepping outside the industrial Acts of this country and we are taking a risk in order to try to bring some sanity to the building industry.

Recently I told a ministerial conference which was held in Adelaide that if any State thought it had brought peace to the building industry, especially those States which had deregistered the Builders Labourers Federation, they should look at the situation again because it is anything but peaceful.

Many employers have good relations with the BLF. We are not involving other unions in this legislation, but we are making a genuine attempt to draw up a code of conduct to be implemented by all concerned.

I advised the Committee that I would table the code of conduct when it becomes available. I did not say that I would like Parliament to amend it. I cannot agree to that—it would not be truthful of me to say that we can take that approach.

I probably will not have reason to table the document because when it becomes available it will be published in the *Government Gazette* and every newspaper in Australia and the trained industrial observers will be taking bets about whether it will last 12 months. If a third party were to have a say in this legislation I can assure members it would not be successful.

Hon. G. E. MASTERS: I listened to the Leader of the House with interest. The proposal put forward by the Leader of the National Party was one in which the code of conduct would be treated as a regulation and, therefore, at the first opportunity would be tabled in the Parliament. It would not in any way slow down the introduction of a code of conduct, but it would mean that it would be drawn up as a regulation and at the appropriate time would be tabled in the Parliament. If the code of conduct is not prepared before the Parliament rises in the next few days—

Hon. D. K. Dans: That would be impossible.

Hon. G. E. MASTERS: —it will be tabled in late September.

The Leader of the House said that employer and employee groups would be cold about the idea of a code of conduct being changed by the Parliament.

Hon. D. K. Dans: By a third party.

Hon. G. E. MASTERS: I can understand his reasoning. In defence of his remarks the Leader of the House said that there is nothing secret about the code of conduct, that it will be published in the *Government Gazette*, and that he will table it in the Parliament and make comments available to members. That is what the Leader of the House said.

Hon. D. K. Dans: I said I would table it in Parliament or walk around the Parliament and give each one of you a copy.

Hon. G. E. MASTERS: I understood that the Leader of the House would treat it as a tabled paper.

Hon. D. K. Dans: I did not say that; I said I would table it.

Hon. G. E. MASTERS: I accept that proposal. Standing Order No. 152 states—

On any Paper being laid before the Council, it shall be in order to move that it—

- (a) be read, and, if necessary, a day appointed for its consideration;
- (b) be printed;

It is fair to say that a paper tabled in Parliament can be debated on a motion from the House at any time and, of course, a *Government Gazette* notice may be debated at any time. I accept the Minister's assurance that it will be tabled in the House, and at the first possible opportunity. From my reading of Standing Order No. 152 I cannot see any problems.

Hon. H. W. GAYFER: I also have a copy of Standing Order No. 152 in front of me, and from my interpretation of it, I would be quite prepared to accept the Minister's suggestion in lieu of the amendment I have standing in my name.

Hon. D. K. Dans: I make it quite clear that the Standing Order was pointed out to me before. I do not think there is any need for the information to be printed because before it is tabled it will be printed in the *Government Gazette*. I said I would bring it to this place and table it or walk around the Chamber and give each member a copy.

Hon. G. E. Masters: You said it would be tabled. We do not want you to give each member a copy.

Hon. D. K. DAns: I think the Leader of the Opposition is trying to be devious. The Opposition can ask me to table the *Government Gazette*, and that is fair. Where do members think I come from, Greenbushes or Doodlakine?

In order that this code of conduct can go forward and be agreed to there can be no sanctions on it, and no third parties. That is the situation. Once it is sewn up, it will be signed, sealed, and delivered. I do not see anything wrong in tabling a paper setting out the agreement. If members want to ferret around or muck around, it is on their own heads. Let that be put into the record and maybe I might agree with it.

**Amendment put and negatived.**

**Clause put and passed.**

**Clause 5 put and passed.**

**Clause 6: Notification of industrial action—**

Hon. G. E. MASTERS: I wish to refer to a matter in the interpretation clause. I advised the Minister that I would raise this point under clause 6 because I was not satisfied with the answer he gave me with regard to clause 3. The same reservation persists, in fact more so. Clause 6(1) states—

An employer of persons who carry out any work in the building and construction industry shall notify the Chief Commissioner of any industrial action that is taken or brought about by the Union in respect of that employer, . . .

It seems that under the interpretation in clause 3 and in this clause 6, no reference is made to the need for an employee to report industrial action or pressure being applied by a member of the BLF. I understand that for the code of conduct to take effect, if an employer is suffering some sort of pressure he is required to lay a complaint with the chief commissioner and report that certain actions are taking place.

What about the situation in which a member of another union, for example the ETU or the BWIU, is having pressure applied? What is his position? The same situation could apply perhaps with a subcontractor who is not entitled to be a member of a union. Is such a person able to complain to the chief commissioner that certain pressures are being applied or that he is being told to do one thing or another? The situation with regard to an employer is covered, but no opportunity is given for a per-

son other than an employer to make a complaint to the chief commissioner.

Hon. D. K. DAns: I know what Mr Masters is saying. It is not unrelated to the discussion a few moments ago. This agreement is being made only between the Builders' Labourers Federation and its members and those employers who want to be enjoined to this code of conduct.

If the situation outlined by Mr Masters occurs, the provisions of the Act will take over. It is not possible to enjoin a person into this agreement who is not a party to it. The Act is substantially the same as it was when introduced by Mr Masters' party; it contains all those bad parts, including part VIA. The remedy for that situation is contained within the Act. Perhaps as we go down the track and as this agreement works, it will not be long before we reach Valhalla and have one union for the entire building industry under the so-called code of conduct. Perhaps that is the perfect situation; but we never reach that stage in the kind of society in which we live.

It cannot be written in because we cannot scuttle the existing Act. If there is a remedy, it is within the Act. I imagine that the code of conduct will provide for no cessation of work, particularly on a demarcation issue. That is to some extent what the Leader of the Opposition is talking about.

Hon. G. E. Masters: I am talking about pressure being applied.

Hon. D. K. DAns: That can be dealt with under the Act; and I can assure the member that the Minister means business with this one.

Hon. G. E. MASTERS: I cannot agree with the Leader of the House. I have listened to him and I have a proposition. Where a person other than an employer is pressured and he is not a member of the BLF, that employee should go to his boss and say, "Look, I am having a tough time" and the employer will do something about it.

Having listened to the Leader of the House I have come to the conclusion that this is the way it would have to be done. An employer would be notified of some dispute on the site and if it affected either him directly or his employees, my suggestion would be the answer rather than the suggestion the Leader of the House has given me.

Hon. D. K. DAns: Sometimes I had 39 members and seven unions to deal with. The Leader of the Opposition has raised a point. I still believe it can be dealt with under the Act. I

will draw his comment to the Minister's attention. The idea is to try to avoid the things the Leader of the Opposition has talked about. No doubt it will become a negotiating point.

**Clause put and passed.**

**Clauses 7 to 16 put and passed.**

**Title put and passed.**

### *Report*

Bill reported, without amendment, and the report adopted.

### *Third Reading*

**HON. D. K. DANS** (South Metropolitan—Leader of the House) [10.04 p.m.]: I move—

That the Bill be now read a third time.

**HON. H. W. GAYFER** (Central) [10.05 p.m.]: Now that the Committee stage has been completed and the report adopted, the Bill comes before us for a third reading. I think we should make a last observation with respect to the sincerity of the Committee and the support that members have given to the Bill.

We all have the sincere hope that this Building Industry (Code of Conduct) Bill will pave the way for harmony in the building industry.

What is more important, is the fact that we are all keen to see that this Bill may pave the way for other industries, unions and employers to follow suit so that this type of code of conduct will allow the building industry to develop and will flow right across the board and be of great acceptance to both unions and employers.

Something has to be done to stop the disharmony that exists between employers and unionists. If this Bill does that, it should have our blessing. It should not only appear to work but be seen to work. That is exactly why we wanted the code tabled. It will have my party's support because it is the only Bill I have seen here for many years that has a chance to work. Let us all see that it does.

**Question put and passed.**

**Bill read a third time and passed.**

## **PERTH MINT AMENDMENT BILL**

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon. D. K. Dans (Leader of the House), read a first time.

### *Second Reading*

**HON. D. K. DANS** (South Metropolitan—Leader of the House) [10.08 p.m.]: On behalf of

the Minister for Budget Management, I move—

That the Bill be now read a second time.

The second reading speech first outlines the redevelopment programme for the Perth Mint; and, secondly, it addresses the specific provisions of the Bill.

The redevelopment programme proposed for the Perth Mint together with the provision of the major proposals embodied in the Bill before the House, have been developed in consultation with the Gold Producers' Association, Western Mining Corporation Ltd, the bullion banking industry in Australia and overseas, the Perth Mint and local professional firms providing financial, legal and corporate advice.

In summary, the major initiatives of the redevelopment programme involve the establishment of two new branches to undertake the Mint's gold processing and fabrication activities: an international branch located close to the new Perth International Airport; and a Kalgoorlie branch located in the goldfields.

The Mint's bullion trading and retailing activities will be extended by the establishment of comprehensive international marketing and bullion banking services.

The historic Perth Mint buildings established in 1899 will be retained and refurbished to become the Mint's national and international headquarters. The Government is pleased to announce that a \$1.7 million refurbishment programme has been approved for the main administration and related buildings.

The Mint's international marketing and bullion banking services together with the retailing of gold products will be located in the old buildings. A new international Mint complex is to be developed close to the new Perth International Airport.

The latest refining, coining, bullion storage and security facilities will be installed to enable the Mint to provide—

international assaying and refining services;

international precious metals coining and blanking; and

international bullion storage and safe-keeping facilities.

The new refining facilities have been designed with a capacity to refine two million to three million ounces of gold per year—over 60 tonnes. The new precious metals coining facilities will have the capacity to produce over one

million coins per annum for the Australian Bullion Coin Programme, and other products.

The international storage facilities are proposed to hold around 20 million ounces—over 600 tonnes—of gold with a value of around \$10 billion, in a Fort Knox type establishment and security system.

The Mint is already Australia's leading gold facility, refining around 32 tonnes of gold per annum and around 80 per cent of Australia's total production. The new international complex will further develop the Mint as a leading international facility capable of high volume throughput of precious metals refining and fabrication.

Australian and international producers will benefit from lower per unit costs from a higher volume and more efficient refining facility.

Producers will benefit from the new international complex through—

- refining terms and conditions that will be very competitive with the current international range of 50-60c per ounce;

- faster turnaround of bullion to refined London good delivery bars resulting in earlier payment for gold;

- immediate access to international storage facilities and international transportation; and

- the opportunity for better gold prices through storage in Perth or from cheaper freight rates through backloading.

The facility will, of course, be available to small producers as well, should they choose to use the international complex, the estimated capital cost of which is \$12.5 million in 1986 dollars. The Mint will provide \$7.5 million from internal funds represented by land, bullion, and cash assets to finance the new complex. A further \$5 million will be provided in the form of debt or equity capital.

The existing Mint staff of 82 will be gradually transferred to the international complex as it is commissioned and developed to be fully operational.

The Kalgoorlie Mint will be established as a branch of the Western Australian Mint to service the Mint's biggest number of customers; namely, small producers and prospectors in the goldfields. An analysis of the Mint's client base shows that over 90 per cent of the Mint's customers are small depositors lodging 100 ounces or less of gold for refining.

The Kalgoorlie Mint will be developed as a "one stop shop" for small depositors. The services to be provided include—

- custom gold stripping and regeneration with the security of a gold room;

- assaying and melting;

- bullion banking and financial services to enable payment for bullion within 24 hours; on-line computer facilities linked to Perth will be installed so that the best international gold price can be offered;

- refining to produce "Kalgoorlie Gold" for gold fabrication; and

- information and technical advisory services to producers.

In a major new initiative, the State Battery system is to be transferred to, redeveloped, managed, and operated by the Kalgoorlie Mint under the Mint's board of management, to which will be appointed personnel resident in the goldfields.

New gold fabrication activities will be undertaken in Kalgoorlie by the Kalgoorlie Mint. The Kalgoorlie Mint will produce "Kalgoorlie Gold" for use in the fabrication of—

- Kalgoorlie precious metals, coins, and medallions;

- small investment bars and wafers; and

- Kalgoorlie Mint jewellery products for international markets.

The facilities of the Kalgoorlie Mint will be available to the Kalgoorlie College and the Kalgoorlie School of Mines for the development of in-course training and practical sessions as an extension to educational courses. Access to the international complex will also be possible.

The Kalgoorlie Mint will be developed as a major tourist destination.

The capital cost of the Kalgoorlie Mint is estimated at \$6 million, the establishment period for which is around 14 months. The Kalgoorlie branch will create eight new jobs immediately, with the potential of a further 80 jobs, including apprenticeships, as gold fabrication activities are developed.

The Mint's retail operations will be expanded to enable it to undertake the international marketing of the Mint's bullion products. This will enable the Mint to—

- promote and market gold and silver products and anything containing gold and silver products and precious stones;

create opportunities for the establishment and operation of a market for Australian bullion and coins;

establish and promote Western Australia as an international bullion centre; and

promote Australia as a major international gold producer.

By far the most significant new business activity for the Mint is gold fabrication and precious metals Mint products. For many years now, Western Australia has mined and processed Australian gold which has been exported principally in the form of gold bars. Precious metals fabrication presents our State with a major opportunity to develop international bullion products by adding value to our mineral resources and earning significant export income.

The international marketing capabilities of the Mint will be established early for the Australian bullion coin programme which is expected to be launched internationally from Australia with first issue proof coins in September and the normal bullion coins in February-March 1987.

The Mint's gold trading activities will be extended to provide a full range of international bullion banking and financial services. The Mint will continue to—

buy, sell, lend, or borrow gold and silver, or anything containing gold and silver;

deal in, trade, acquire, and dispose of gold and silver and other precious metals products, including coins, medallions, bars, wafers, or anything containing gold or silver; and

provide international banking, storage, and safekeeping facilities.

I now turn to the provisions of the Bill.

Whereas the redevelopment programme outlined above is the outcome of the first major reappraisal of the structure and activities of the Perth Mint since it was established over 86 years ago, the proposed legislation represents the outcome of the first major review of the Perth Mint Act since it was enacted in 1970. The principal objective of the Perth Mint Amendment Bill is to facilitate the commercial redevelopment of the Perth Mint as a major international gold facility.

Clauses 1 to 8 make provision for the preliminary legislative formalities, the most significant of which are changes to the long title of the Act and to the provisions governing interpretation.

The provisions of the Bill adopt the recommendation of the Gold Producers, Association and other groups in the Australian gold industry that the Mint be retained as a State instrumentality, and that, furthermore, there be no provision for the sale of the Mint or private investment in its ownership.

The Mint's links with its establishment as the Perth Branch of the Royal Mint, London are also to be preserved to formally retain its 86-year heritage, integrity, and international reputation.

Clause 9 proposes to change the name of the body corporate, "The Director of the Perth Mint", to "Western Australian Mint", and makes provision for all or any of the activities of the Mint to be carried on under the name of the Perth Mint and any other trading name, for example the Kalgoorlie Mint, subject to the Business Names Act 1962 and to the approval of the board and the Minister. The clause also makes provision for the formal transfer of assets, including property, liabilities, and obligations, arising from the change of name of the body corporate. New provisions are proposed to be inserted to assist with and facilitate the conveyancing and transfer of assets and obligations in relation to contracts entered into by the Mint where Western Australian law does not apply.

Clause 10 makes provision for the functions and powers of the Mint. These provisions arise from all the existing activities of the Perth Mint. The functions of the Mint, as formally presented in the Bill, are as follows—

- (a) to continue and develop the activities of the Royal Mint and the Perth Mint heretofore carried on pursuant to this Act, and to maintain a like reputation and international accreditation as a melter and weigher acceptable to the London Gold Market;
- (b) to mint, make, buy, sell, distribute and otherwise deal in coins, whether or not coins subject to the Currency Act 1965 of the Commonwealth, medallions and other artifacts of precious metal;
- (c) to recover, extract, process, smelt, sample, refine, assay and work gold, silver and other precious metals, their ores and dore and alloys;
- (d) to trade and deal in gold, silver and other precious metals and in precious stones, and things containing or relating thereto, in Australia and elsewhere;

- (e) to provide financial services to industry concerned with gold, silver or other precious metals or with precious stones;
- (f) to promote the production and marketing, in Australia and elsewhere, of gold, silver and other precious metals and of precious stones;
- (g) to provide storage and safekeeping facilities to international standards for gold, silver and other precious metals and for precious stones and other valuable objects;
- (h) to promote, and create opportunities for the establishment and operation of, a market for Australian bullion, coins and precious stones; and
- (i) to establish and promote Western Australia as an international bullion centre,

The clause also proposes to express the powers of the Mint in more explicit terms than are provided in the existing legislation and to insert new provisions that enable the Treasurer to issue directions in respect of the financial powers and provisions of the Mint.

The power of the Minister to issue directions to the Mint as provided in section 9 of the existing Act is preserved by clause 10.

The new provisions proposed to be inserted by clause 10 are the establishment of the Kalgoorlie Mint as a branch of the Western Australian Mint to undertake the redevelopment, management, and operation of the State Battery system, together with other activities of the Mint outlined earlier.

The Bill makes provision for the appointment of the board of directors to govern the operations of the Mint under clause 11. The board is charged with the duty of operating the undertaking of the Mint in accordance with sound business principles, and is required to use its best endeavours to ensure that the revenue of the Mint suffices to meet both the expenditure properly chargeable to that revenue and to derive an adequate financial return on the assets of the Mint. The clause also introduces new provisions covering conflict of interest and the use of the common seal and prescribed symbols used by the Mint in executing documents and verifying weights and assays of international bullion products.

Clauses 12 and 13 amend and restate the provisions relating to the terms, conditions, remuneration, and superannuation benefits of

staff appointed to the Mint. The principles embodied in the changes are, firstly, to remove the distinction between "established", "unestablished", "permanent", "temporary", and "wages" employees retained from the earlier departmental structure adopted when the Mint was first established in 1899. Secondly, the Bill ensures that the employees of the Mint are offered continuing employment, and that they are not disadvantaged in the transformation of the Mint's organisational structure and activities. Thirdly, the Mint may employ as many persons on such terms, conditions, and remuneration as are determined by the board, subject, of course, to awards made pursuant to part IIA of the Industrial Relations Act. The employees of the Mint are to continue as "Government officers" for the purposes of the Industrial Relations Act. The clauses also propose to insert new provisions covering offences by directors, employees, and others.

Clause 14 of the Bill amends and restates the financial provisions of the Perth Mint Act. The Mint is to be subject to the comprehensive accountability, financial management, accounting, and reporting requirements of the Financial Administration and Audit Act 1985.

All the principles embodied in the existing legislation relating to the valuation and recording of assets, bullion accounts with the Reserve Bank of Australia, moneys available to the Mint, Treasurer's guarantees and advances, application of profit, and so on, are adopted in the provisions proposed in the Bill.

New financial provisions proposed to be inserted by the Bill include—

- (1) The power of the Treasurer to delegate powers to an officer of the Treasury and for the issuing of a certificate to evidence the Treasurer's approval. This provision is similar to conveying arrangements adopted in other Statutes.
- (2) The payment to the Consolidated Revenue Fund of an amount equivalent to the taxation that would be payable on the income of the Mint if it were a public company liable to the payment of such taxation.
- (3) Absolute title to the Mint in bullion purchased in good faith by the Mint, similar to provisions contained in the Reserve Bank Act.

Clause 27 proposes to insert new provisions governing the establishment of comprehensive security arrangements at the Mint required for international bullion storage and safekeeping activities.

The clause also includes new provisions to establish a mechanism for transferring the property, assets, liabilities and obligations of the Western Australian State Battery system to the Kalgoorlie Mint.

Clause 31 proposes that new provisions be inserted to protect the name and symbols of the Mint. In conclusion, the Perth Mint Amendment Bill is a comprehensive legislative measure that will enable the Perth Mint to build on the substantial foundations of its 86-year history and international reputation.

The primary economic objective of the re-development programme is to promote the development of economic activity in Western Australia. In broad economic terms, the re-development strategy for the Perth Mint will—

- (1) develop Perth as a major international bullion centre and the gold capital of Australia;
- (2) generate new export income from wealth creating value added products through the fabrication of gold and silver for jewellery and industrial use;
- (3) create opportunities for regional economic development and industrial expansion through the gold and tourist industries; and
- (4) promote Australia as a major international gold producer.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. N. F. Moore.

## **SALARIES AND ALLOWANCES AMENDMENT BILL**

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon. Fred McKenzie, read a first time.

### *Second Reading*

**HON. FRED MCKENZIE** (North-East Metropolitan) [10.22 p.m.]: On behalf of Hon. J. M. Berinson, I move—

That the Bill be now read a second time.

Since the 1986 election, the Government has considered carefully the matter of the entitlements of the Leader of the Opposition of a minority party in the Legislative Assembly.

Currently, a person is an officer of Parliament for the purposes of the Salaries and Allowances Act if he is the holder of the offices specified in section 4(2) of that Act.

The Leader of the Opposition in the Legislative Assembly is specified as an officer of Parliament in subsection (2)(e) of section 4 of the Act. Subsection (2)(e) provides that among those who are officers of Parliament, is included the person who, not being a Minister of the Crown, is the leader of a party in the Legislative Assembly of at least seven members other than a party whose leader is the Premier or the Leader of the Opposition.

The Salaries and Allowances Tribunal is empowered under section 6 of the Act, among other things, to inquire into and determine the remuneration to be paid to officers and members of the Parliament. The tribunal, therefore, has the jurisdiction to inquire into and determine the remuneration to be paid to the leader of a party in the Legislative Assembly, provided there are at least seven members of the party.

The development of the National Party of Australia as a recognised party, other than the Opposition in our Parliament, merits some opportunity for the leader of such a party to have some consideration given to his remuneration being increased to reflect this responsibility.

The amendment contained in the Bill will enable the Salaries and Allowances Tribunal to inquire into and determine the remuneration of the leader of a party in this circumstance provided there are at least five members.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. P. G. Pandal.

## **WORKERS' COMPENSATION AND ASSISTANCE AMENDMENT BILL**

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon. D. K. Dans (Leader of the House), read a first time.

### *Second Reading*

**HON. D. K. DANS** (South Metropolitan—Leader of the House) [10.26 p.m.]: I move—

That the Bill be now read a second time.

On 3 May, 1982, the Workers' Compensation Act was repealed and replaced by the Workers' Compensation and Assistance Act. In 1983, the Government commenced a review of the new Act which resulted in a comprehensive series of

amendments being passed by Parliament in 1985.

Since the completion of the review, some administrative problems in the Act have come to notice and are regarded as too pressing to await a future general review of legislation.

The Act at sections 36 and 95 currently provides that two members of the Industrial Diseases Medical Panel and a member of the Workers' Assistance Commission shall be medical practitioners nominated by the permanent head of the Health Department. The commission members and deputy member are required to be employees of the Health Department.

The amendment gives formal recognition to the transfer of administrative responsibilities in the occupational health area to the Department of Occupational Health, Safety and Welfare and provides for the permanent head of this department to nominate persons to these positions.

Consistent with this change, provision is made for the medical practitioner on the commission and his deputy to be employees of the Occupational Health, Safety and Welfare Department.

The Premium Rates Committee constituted under the Act at section 147 has for a number of years set minimum premiums covering workers' compensation policies issued to householders and businesses with very small wages declarations.

However, a recent legal opinion has cast doubt on the authority of the committee to set such premiums and the Auditor General, as chairman of the committee, has requested an amendment to the Act by way of a new section 151A to overcome the problem and validate minimum premiums set in earlier years. The proposed amendment would achieve this objective.

The final matter of urgency concerns employers who have failed to comply with their obligation to obtain policies of workers' compensation insurance. The significant number of employers in this category has led to a disturbing increase in claims on the uninsured fund by injured workers. For the first 10 months of the last financial year, these claims totalled \$296 670 compared with \$153 234 for the whole of 1984-85.

Claims on the uninsured fund are a charge on all employers who meet their obligation to insure, and the Government has accordingly deemed it appropriate to review the maximum

penalties for breaches of this area of the Act at section 170. The proposed amendment will provide for the penalty upon conviction of an employer to be increased from \$500 to \$1 000 per worker.

Where the employer remains uninsured after conviction, the penalty for this further offence is increased from a flat rate of \$1 000 per week to \$1 000 a week in respect of each worker. The amendment also extends liability to directors and officers of companies, in view of the fact that some companies are able to evade the payment of fines due to lack of resources.

The proposed amendments address three areas requiring urgent attention in the Workers' Compensation and Assistance Act.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. N. F. Moore.

### **GOLDFIELDS TATTERSALLS CLUB (INC.) BILL**

#### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon. D. K. Dans (Leader of the House), read a first time.

#### *Second Reading*

**HON. D. K. DANS** (South Metropolitan—Leader of the House) [10.31 p.m.]: On behalf of the Minister for Community Services (Hon. Kay Hallahan), I move—

That the Bill be now read a second time.

The Goldfields Tattersalls Club Limited was incorporated under the Companies Act in 1905 as a company with limited liability. The club now proposes to form an association and to become incorporated under the Associations Incorporation Act.

Under section 4A of the Associations Incorporation Act an association cannot be incorporated under that Act by a name which is identical to that by which a company is registered under the Companies (Western Australia) Code. The company's memorandum and articles also preclude its assets being distributed to another body. This Bill therefore proposes to dissolve the company and to create an association which will allow it to keep its historic name and to transfer the company's assets to the new body. Members may recall that in 1982 a similar Bill was brought before the House to allow the Kalgoorlie Country Club to become an association. That Bill was assented to on 8 December 1982.



In August 1979 the Goldfields Tattersalls Club Ltd decided to establish a new constitution and become incorporated. The club sought legal advice on this aspect and it was recommended that the support of the local member of Parliament should be gained so that a Bill could be presented to Parliament. The manager of the club approached the MLA for Kalgoorlie in 1983 to support the club's proposal. The member was pleased to do so and consequently forwarded the matter to the Attorney General in September 1983.

The Attorney General informed the member for Kalgoorlie in October of that year that he had given consideration to the matter and that the Government was prepared to support the introduction of the legislation. Since that time the Bill has been examined by the Crown Law Department and considered by the Commissioner for Corporate Affairs.

Having dealt with the technical background to this Bill, members might be interested in a brief history of the club itself.

The Goldfields Tattersalls Club was founded on 19 December 1905 with a foundation membership of 19. It leased its clubrooms from a Mr Alfred Levy who I understand was a prominent bookmaker on the goldfields at that time. This leasing arrangement continued from 1905 to 1976 when the premises were bought from the Levy family for \$4 000. I understand that the property is now valued at something like \$100 000.

Like most things on the goldfields the club has had its share of fluctuating fortunes. It probably hit its lowest ebb in 1965, but with the current boom in gold mining the club is doing extremely well. Its current membership is approximately 500 members.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. P. H. Lockyer.

# **IRON ORE (McCAMEY'S MONSTER) AGREEMENT AUTHORIZATION AMENDMENT BILL**

## *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon. Fred McKenzie, read a first time.

## *Second Reading*

**HON. FRED McKENZIE** (North-East Metropolitan) [10.35 p.m.]: On behalf of Hon. J. M. Berinson, I move—

That the Bill be now read a second time.

The purpose of this Bill is to ratify an amendment agreement dated 14 July 1986 between the State and Hancock Mining Limited.

The amendment agreement will facilitate the development by Hancock Mining Limited of an iron ore mining and export operation under the iron ore (McCamey's Monster) authorisation agreement.

The previous joint venturers under the McCamey's agreement have assigned all of their rights and obligations to Hancock Mining Limited.

As a result of the assignment, Hancock Mining Limited will retain, under the McCamey's agreement, temporary reserve 4326H only—the area coloured red on the plan marked "B"—while exploration licences 52/170, 52/171, and 52/172 which were formally temporary reserves 4194H, 5004H, and 5006H respectively have been transferred from the McCamey's Monster agreement to Renison Limited and Utah Development Company Limited to be jointly held pursuant to the provisions of the Mining Act 1978.

I now table the amendment agreement plan marked "B" (TR4326H) together with plan "X" which will serve to show the House the location of TR4326H in relation to former agreement temporary reserves 4194H, 5004H, and 5006H.

(See paper No. 272).

Hon. FRED McKENZIE: Hancock Mining Limited intends to develop a new mining project under the McCamey's Monster agreement, and has entered into a contract with the Rumanian Government for the supply of 53 million tonnes of iron ore over a period of 15 years commencing January 1988.

To facilitate the new project certain amendments to the agreement scheduled to the Iron Ore (McCamey's Monster) Authorization Agreement Act 1972 are necessary. The amendment agreement before the House provides for—

The sale of iron ore on a "barter basis" but with provision that where sales are to countries which constitute major traditional markets for Western Australian iron ore such as Japan, the Republic of Korea, and major western European mar-

kets, the prior consent of the Minister must be obtained if the consideration for any such sales is other than monetary;

variation of royalties payable under the agreement;

a definition of "FOB revenue" for bartered iron ore products;

revised definition of the location of the mine townsite for the project with provision for construction of temporary single accommodation on or near the mining area during the development phase;

the company to carry out a continuous programme of investigation and research on mine rehabilitation and environmental matters including regular reporting on these matters;

access by third parties to the company's railway;

water conservation by the company;

revision of the electricity supply provision to comply with current practice;

the use of local labour, consultants, contractors, supplies, plant, and equipment where practicable and consistent with barter sales arrangements with provisions for the company to submit regular reports on its implementation of local preference requirements; and

other minor adjustments to update certain provisions consistent with current State agreement Acts and requirements.

I now turn to the provisions of the amendment agreement scheduled to the Bill before the House. Clause 3(2)(a)(v) serves to redefine "FOB revenue" to provide that where the Minister is not satisfied that the price amount value or other consideration paid by the purchaser or the transferee represents a fair and reasonable market price or value, then the amount will be as agreed between the joint venturers and the Minister or failing this, within three months after lodgment of the relevant royalty return, as determined by the Minister.

Clause 3(2)(a)(vii) provides that the mine townsite will be the Town of Newman or such other townsite as may be approved by the Minister to be established by the joint venturers.

Clause 3(6)(a) and (b) of the amendment agreement varies the provision of clause 7(1) and 7(2) of the principal agreement requiring that detailed proposals shall be submitted to the Minister by 31 March 1987 and 30 June 1987 respectively or such later date as may be approved by the Minister.

Clause 3(6)(b)(iii) requires that detailed proposals submitted in relation to housing will include, where the townsite is to be Newman, the provision of temporary accommodation on or near the mining areas for the joint venturers' work force, but not their dependants, during the development phase of the project.

The joint venturers' ongoing responsibility toward protection and management of the environment has been addressed in clause 3(7) by the introduction of a new clause 9A to the principal agreement. Under the new clause the joint venturers are required to carry out a continuous programme of investigation and research including monitoring and the study of sample areas to ascertain the effectiveness of measures taken pursuant to approved proposals for rehabilitation and management of the environment.

The joint venturers are required to submit to the Minister annual interim reports concerning the investigation and research carried out and three-yearly detailed reports on the result of the investigation and research during the previous three years.

Upon receipt of the three-yearly report the Minister may seek additional detailed proposals in respect of the report and such other matters as he may require.

Clause 3(9)(d) introduces to the principal agreement a new clause 11(8) which ensures that the joint venturers will not, without the prior consent of the Minister, sell or otherwise dispose of iron ore products to Japan, the Republic of Korea, the Federal Republic of Germany, the United Kingdom, France or Italy for a consideration other than money.

In clause 3(10) of the amendment agreement the State has undertaken to make serviced lots of land in Newman available at prices to be fixed by the State for purchase by the joint venturers in accordance with their approved proposals.

Clause 3(12) of the amendment agreement varies clause 18 of the principal agreement to provide that the joint venturers will, within two years from the date on which the detailed proposals have been approved or such later date as the Minister may approve, do all things necessary to enable them to mine, rail and ship ore from the mineral lease in commercial quantities at not less than three million tonnes per annum.

The joint venturers' requirement to carry iron ore or iron ore products of third parties on their railway is addressed in clause 3(13) of the

amendment agreement. The clause provides that carriage of third party iron ore or iron ore products on the joint venturers' railway will be in accordance with arrangements to be entered into between the joint venturers and the State. Such arrangements will include provision for payment of charges by the third party.

The clause further provides that the joint venturers will not enter into any agreement or arrangement for the use of or the carriage of their iron ore products over any railway not established by them under this agreement without the prior approval of the State. This is consistent with the State's wish to develop uniform railway arrangements in the Pilbara.

Clause 3(14)(b) places an obligation on the joint venturers to use their best endeavours to minimise the consumption of water by themselves and their employees and agents in both the mining operations and the mine town. This clause has been inserted to highlight the importance of conserving valuable underground water supplies.

Clause 3(18) amends clause 31 of the principal agreement to make the royalty payable on direct shipping ore, fine ore and fines,  $7\frac{1}{2}$  per cent of the F.O.B. revenue and  $3\frac{1}{4}$  per cent of the revenue on all other iron ore products. The amendment further provides that where the manner of assessing royalty or rates of royalty under the agreement becomes substantially different from those applicable to like products under other State agreements, the Minister may, after consultation with the joint venturers, determine an alternative manner of assessing such royalty in order to maintain consistency with the majority of other iron ore producers. The amendment agreement also provides for the Minister to have access to all books, records, accounts and other documents to assist in his determination of the value, for royalty purposes, of the iron ore or iron ore products produced from the mineral lease.

To assist further in this regard the Minister may from time to time require the joint venturers to install and thereafter maintain in good working order and condition meters for measuring movements of iron ore products at such places as he may require.

The remaining provisions of the amendment agreement are common to other State agreements of this nature between the State and other resource developers and I believe are understood by members of the House.

The amendment agreement also provides for exemption of stamp duties on the transfers of the exploration licences and the assignment of the McCamey's agreement to Hancock Mining Limited to which I referred at the beginning of my speech.

The amendment agreement which I have outlined provides for the early development of a new iron ore project in Western Australia primarily to service the growing markets of Eastern Europe. These markets have been made more accessible by the recent construction of a major canal linking the Danube with the new Black Sea port of Constanza Sud. It is most important that this new market opportunity be taken so that Western Australia is well positioned to share in future market growth in Eastern Europe.

The Government believes that the project will be of substantial value to the State in general and the Pilbara region in particular through its effect on employment and revenue generation.

For all these reasons it deserves the support of Parliament, and I commend the Bill to the House.

Debate adjourned, on motion by Hon. N. F. Moore.

## ARCHITECTS AMENDMENT BILL

### *Returned*

Bill returned from the Assembly without amendment.

## AMERICA'S CUP YACHT RACE (SPECIAL ARRANGEMENTS) BILL

### *All Stages: Leave to Proceed*

**HON. D. K. DANS** (South Metropolitan—Minister with special responsibility for the America's Cup) [10.44 p.m.]: I seek leave of the House to put the America's Cup Yacht Race (Special Arrangements) Bill 1986 through its remaining stages in this sitting.

Leave granted.

### *Second Reading*

Debate resumed from 17 July.

**HON. P. G. PENDAL** (South Central Metropolitan) [10.45 p.m.]: This is a special Bill designed to cope with a number of possibilities arising out of the America's Cup trials and races. In the first instance the Bill aims to make special provision, for want of a better term, for crowd control. As I read the Bill, in this case crowds can take the form of

both people and spectator craft. The Bill will cover both.

In the main, the Opposition supports the Bill but we want to use this occasion to comment on a number of its aspects. I found it interesting that we have the staggering possibility that at the height of the trials and the races up to 1 000 craft and possibly 20 000 spectators could be on the waters in and around Fremantle at any one time.

Hon. D. K. Dans: Plus a lot of big ships.

Hon. P. G. PENDAL: Indeed, as the Minister interjected, there will be big ships in addition to those smaller craft.

The Government points out to us that we already have laws which cope with people and craft and the behaviour of both under normal circumstances. However, no-one would suggest that the next few months will be normal. It is the Opposition's view that this State has the chance to become a major topic of discussion by millions of people around the world. Out of that discussion and attention, anything could happen. Investment, tourism and, at the very least, vast amounts of international publicity and goodwill will be ours for the taking. It is for that reason that the Opposition supports the America's Cup and its retention. That is said without any equivocation, qualification, or reservation.

As an extension of that support for the cup, we also give our support to the Bill before the House. The Bill will bring in some very wide powers and will deal out some very harsh penalties. On this point I will seek some more information from the Leader of the House. For example, clause 9 envisages a flat penalty of \$10 000 where a person fails to comply with a direction from a navigation authority. We are told that that takes the form of the Harbour Master. I am interested in knowing how those penalties compare with those that exist under current law.

Secondly, I am interested in knowing why that specific penalty—that is, the \$10 000 penalty—is being pursued in this case, whereas clause 10 writes in an unspecific penalty of up to \$2 000. Obviously, that gives a magistrate a discretion, whereas in the first case no discretion will be available.

Hon. E. J. Charlton: It is like a code of conduct.

Hon. P. G. PENDAL: Perhaps it is like a code of conduct.

The fine in the first case is rigid at \$10 000. The proposed penalty of \$500 for a person refusing to give his name and address seems a little heavy-handed.

Hon. D. K. Dans: What clause is that?

Hon. P. G. PENDAL: That is in clause 8.

For example, what are the penalties in the Police Act if someone refuses to give his name and address to a police officer? I also draw members' attention to the apparently harsh powers in clause 7. Under that provision one's boat can be stopped, boarded and, to all intents and purposes, taken out of one's control by the navigation authority. I appreciate that we may well be talking about people darting out across the race course or perhaps even in front of an ocean liner which is either entering or leaving the harbour, but I would like some explanation of those points.

Most if not all of these provisions apparently arise out of the report of the working party set up as an interdepartmental committee to plan the rest of the associated activities. I personally believe that that report should have been tabled, along with the Minister's second reading speech. It is, as the Minister realises, a bipartisan committee producing a bipartisan report on what is clearly a bipartisan matter. It would certainly have helped the Opposition to have had access to its contents. So much for the first aim of the Bill.

The second aim has understandably in some respects been skipped over by the Minister in charge of it. The second provision is to allow the Government in effect to take control of the media centre in Fremantle if that drastic step ever becomes necessary. The background to that is to be found in the controversy in recent months regarding media coverage of the event; the accreditation of media from around the world and the understandable desire of some people, including the Royal Perth Yacht Club, to recoup some of their outlays.

It cannot be said loudly or emphatically enough that we have a chance to walk the world stage during those three months. We can either do it well or make dills of ourselves. It is known there has been a series of unresolved difficulties concerning media coverage for many months now. I understand that part of those unresolved difficulties touch on areas of responsibility for the ABC. I was informed as late as today that those difficulties have now been resolved, but the Government's response to these and other difficulties is to provide in the Bill for the centre at Fremantle to be taken over

by it—that is, by the Government—if that becomes necessary.

In some respects, therefore, I can understand the predicament in which the Government finds itself in the circumstances I have described. I am prepared to support the Bill in the form which the Minister is seeking.

However, I want to make one point in this qualified way. This power envisaged in clause 13 ought not to be used lightly, if indeed the power is to be used at all. The Opposition takes the view, as I am sure the Government would as well, that the power ought only to be used if all else fails.

Members will be aware that the media centre at Fremantle was developed out of an old port authority building which was leased some years ago, I understand to the hockey association. The centre has had a generous amount of funds put into it, some of which I understand are recoverable. It is without question a superb facility, and to the extent that the Government has had an involvement in it, I for one would congratulate it for that development.

I took the opportunity yesterday of visiting the place to see what was envisaged.

Hon. D. K. Dans: Are you not going to thank me for letting you go down?

Hon. P. G. PENDAL: I did not even ask the Minister.

Hon. D. K. Dans: I know, but I gave the okay.

Hon. P. G. PENDAL: I am very grateful. I commend the centre to the attention of other members who want to see it before the scene heats up. They should visit it and likewise see what is at stake in the media centre. I would hazard a guess that it is the equivalent of, or perhaps better than anything else anywhere in the world, including anything in Edinburgh for the Commonwealth Games.

Having said that, with some reluctance in relation to the quite enormous powers which clause 13 will confer on the Minister and the Government, I signify that we support the Bill.

HON. H. W. GAYFER (Central) [10.55 p.m.]: The National Party has had a good look at the Bill and at the Minister's second reading speech. His second reading speech has brought home to us the mind-boggling exercise that this America's Cup could be. If the Government believes it could develop into that type of exercise, then every provision should be made, certainly with our assistance, to look after the safety of the many thousands of people

expected to be looking at the race over the months during which it will be run, and the spectator craft associated with it.

When I mention the mind-boggling size of the exercise, the figures given by the Minister in his second reading speech indicate that 200 to 300 interstate craft are expected.

Hon. D. K. Dans: Overseas.

Hon. H. W. GAYFER: Interstate and overseas craft. That in itself is a terribly big fleet. It is almost a Dunkirk type of exercise.

There are 57 000 craft registered in Western Australia, and 40 000 of those, or thereabouts, are around the port and on the Swan River. We have every reason to believe that many of the others outside Perth and Fremantle will make their way down here during some parts of that race.

Not only that, but the proposition has now grown to the possibility of two more ocean liners visiting Fremantle during that time. There are now eight passenger liners coming. The other day we read of a submersible oil rig capable of carrying 500 passengers which will also be here. A total of 6 000 persons will travel on these passenger ships. Another 6 000 passengers will be on 75 known charter vessels.

That is the position up to this stage. This is just the start of August; November is not far around the corner.

Hon. D. K. Dans: It is 5 October.

Hon. H. W. GAYFER: The Government will now have formed its expectations, and must take immediate action by way of legislation to look after the safety of the people fighting for a good view of the race.

I agree with Hon. Phil Pendal; clause 13 is rather all-embracing. It could be rather dangerous. But much of this legislation will be chopped off the moment the event is over. In fact all this legislation will cease the moment the racing is completed, as no doubt will the occupancy of the reserve incorporated in the Bill for use as a media centre during the race. That, of course, is necessary in itself.

The Bill also embraces the area of Rottnest and the seas behind the island because of the ancillary type of sporting facilities and other arrangements which will be made on Rottnest Island and adjacent areas for the many visitors coming from overseas who may want to do their own thing, as it were. I suppose that is what one does when one goes to Rottnest; I do not know, and I have never been there.

I finish off where I started by saying that the National Party supports this Bill. There may be some gremlins in it but we cannot see them at this stage. Mr Pandal most likely will have noted some and, as the Minister in charge of this exercise, Hon. D. K. Dans may strike some more in the future.

We on this side can only say that, if any problems do crop up, they will have to be brought back to this House and treated in the same spirit in which this Bill is being treated by us at present.

**HON. D. K. DANS** (South Metropolitan—Minister with special responsibility for the America's Cup) [11.02 p.m.]: I thank members for their support of the Bill.

Before I proceed, I seek leave to table a drawing of the control area. It includes the territorial seas, but members will notice that it goes beyond Rottneest.

Leave granted.

(See paper No. 272.)

**Hon. D. K. DANS**: I refer to clause 13. Firstly I reassure the House that it is not my intention, nor is it the intention of the Government, to proclaim that clause unless it is absolutely necessary to do so. It simply will not be proclaimed and I avail myself of the opportunity to say that I turned myself inside out to try to reach an agreement over the many problems which arose in respect of the media centre.

I would like members to understand that the media centre belongs to the Government. The Government spent \$1.2 million on it, and up to date some of that is recoverable. I believe Hon. Phil Pandal has seen my officers and he has had as much information as we can give him, but I take his point. As soon as Parliament recesses, we will have a conducted tour of the media centre and perhaps have a beer or something down there so that everyone can see all of the facilities which have been put in place. However, the position could not be tolerated where, having put that amount of money into the media centre, situations could arise which brought Australia a lot of bad publicity. I know Hon. Phil Pandal was a newspaper man, and he probably still is, so he would know exactly what I am talking about.

We have the finest media centre that has ever been provided anywhere in the world. That is not my say-so, that is the say-so of the international media which came here for the world 12-metre championships. It is certainly better than the one at the Grand Prix in Adelaide

because I went over to have a look at it. I might add, while I am talking about media centres, that I was not quite sure what a media centre was and what happened in one, so I wanted to have a look at one.

I am hopeful that we will never have to proclaim this clause. The Government's relationship with the Royal Perth Yacht Club is excellent as of now. An agreement is being drawn up between the Government and Royal Perth which is with the lawyers of the yacht club at the moment. I would feel very badly if I had to proclaim that particular clause.

I do not want to go through all of the penalties which Hon. Phil Pandal outlined but members must realise the fact that the Government is dealing with people on the ocean. Many of the penalties that are specified have been taken directly from the State's Marine Act. As we were talking about the Interpretation Act earlier, I would point out that section 70 of that Act specifies that—

70. (1) Where in a written law a penalty is specified in respect of an offence, that penalty is the maximum penalty that may be imposed for that offence.

The Government could get into all kinds of situations dealing with vessels flying foreign flags. If one thinks of the penalties in respect of my little 20-foot boat, they look horrendous; however, they are not if one thinks of the penalties as they apply to those ships coming from Bermuda, which are referred to as "yachts"—and if I may be facetious, "We ain't seen nothin' yet", because I have seen the photographs of them. We know from information from around the world that some of these people are extremely influential and in the places they come from may consider themselves to be above the law.

**Hon. H. W. Gayfer**: You will have to upgrade your 20-footer!

**Hon. D. K. DANS**: I would not take it out!

We do not have the luxury here which exists in Newport. I took the opportunity when I was in the United States of America with the Premier to speak with Captain Nolan of the US Coast Guard, who ran the race there. I have some knowledge of the powers of the US Coast Guard in regard to misdemeanours of seamen. The US Coast Guard has unlimited powers for controlling people and vessels on the water.

The Government found when it was looking at its own legislation that its control of the sea around Fremantle was very hazy. However, at the same time other people involved in the race

were selling rights out on the ocean, and this is a little humorous because, if the Government did not have any rights, undoubtedly these other people did not have any.

Members may recall that a spokesman for one of the syndicates said in the Press, "Well, they have got nothing to sell". The Government also examined legislation in respect of determinations by the High Court of Australia on what was called "over-viewing" and it appears that the Western Australian laws are completely different from the American laws. The Government took the best possible advice from the Crown Law Department in framing this legislation.

I believe that, by and large, the local population, knowing the importance of this event, will be well-behaved. I am certain that people coming from overseas will, by and large, also be well-behaved. In an event such as this, a ship or a luxury launch could come over the horizon and the authorities here would not know where it came from or what it was doing. In addition to that, the authorities would not know what it was carrying. I discussed how we would front up to this with the Director of Customs the other day, and I will be quite frank with members because I hope this fact becomes well-known: The Customs Service will use sniffer dogs and sophisticated devices on every overseas yacht.

Hon. H. W. Gayfer: What about the coastline up north?

Hon. D. K. DAns: The Government is doing plenty about that, as is the Commonwealth. We have had a lot more success than has been publicised in the media. I am sure Hon. H. W. Gayfer realises that.

I think it would be better if we dealt with these clauses in the Committee stage. The Government does not want draconian legislation. This is tough legislation for people who want to get tough with the Government. Parts of this legislation will not be proclaimed unless it is absolutely necessary. I will give plenty of warning and notice that the Government will proclaim them if it is necessary. Parliament could well be in session and I will be the first person to stand up in this place and explain why the Government is to proclaim this legislation. We live in a democratic and free society and we do not want this type of legislation. The legislation in any event will expire at a fixed date; it has been thought out quite rightly, as Mr Pendal said, by a working party.

Question put and passed.

Bill read a second time.

### *In Committee*

The Deputy Chairman of Committees (Hon. Garry Kelly) in the Chair; Hon. D. K. DAns (Minister with special responsibility for the America's Cup) in charge of the Bill.

**Clauses 1 and 2 put and passed.**

**Clause 3: Interpretation—**

Hon. P. G. PENDAL: I refer to this as a matter of curiosity and not as something which is at the heart of the Opposition's attitude to this Bill. I note that on page 3, line 19, "controlled waters" means two things, but it also includes the Port of Perth. The Port of Perth is described later as being the Port of Perth under the Shipping and Pilotage Act 1967. I ask: Can the Minister tell me what the Port of Perth is?

Hon. D. K. DAns: It is a proclaimed port as is the Port of Fremantle. In order to define port areas I would need a copy of the State Marine Act in my hand. The member will find outlined in that Act all the ports in Western Australia; the inner and outer port area is described properly in that Act. Clause 3 generally sets out the definition of key areas used in the Act.

**Clause put and passed.**

**Clauses 4 and 5 put and passed.**

**Clause 6: Navigation Authority may give directions—**

Hon. P. G. PENDAL: I want to take this opportunity to merely make an observation. Many people have commented in the six years I have been in this Chamber that it is quite remarkable to see the wheel turn around in that what one party may advocate one year that party becomes a vigorous opponent of it the next year, and vice versa. Clause 5 contains what appears to be at least an example of that situation in that we are told that a navigation authority may empower an authorised person to do a number of things, one being to prohibit or restrict the movement of persons, vessels or boats in or out of controlled waters; and if that does not have shades of section 54B of the Police Act about which this Government was so irritated in the life of the Court and O'Connor Governments, I do not know what has. Indeed, I tried earlier tonight to find section 54B, but of course it has now been expunged from the record.

It is interesting to see that that sort of fairly heavy or, one might even say draconian, power is provided to prohibit or restrict the move-

ment of persons, vessels or boats in controlled waters, and if we then consider the definition of "controlled waters" as spelt out in the interpretation clause, and if we turn to the back of the Bill, we find the schedule contains the map the Minister sought to have tabled. I divert from my own argument to point out that that was not only a novel idea but a very good one because members of Parliament are generally left with a whole welter of paper and so on in order to follow a Bill through and it was very handy to have that map attached to the back of the Bill. However, I am using that point in order to demonstrate that one cannot claim that that prohibition and those prohibitive and restrictive conditions set out on page 5 are merely to do with the conduct of a person in a boat on the water, because in fact it goes further than that. The words used are "in or about the controlled waters" and when we turn the page we discover that "controlled waters" embodies a huge area. It includes the sea around Rottneest Island and from Quinns Rock in the north right down to Cockburn Sound in the south. That is the extent of the area in which the navigation authority will have very extensive powers to move in and restrict the activities of ordinary citizens.

I repeat what I and, I think, Hon. Mick Gayfer said during the second reading debate, and which indeed the Government itself has maintained: These are extraordinary measures of extraordinary action, but I smile when I think it shows shades of section 54B but it does not appear to make the Government blush much.

Hon. D. K. DANS: I do not want to get into an argument about this clause which really has nothing to do with section 54B of the Police Act. This is a normal practice in regard to navigation. This clause will simply allow a vessel or person to be removed if he or it becomes a danger to navigation. That can be currently done in the harbour. There may be need to shift the course around, although it has been fairly well defined, and somebody might be situated in or around the America's Cup course. If a vessel becomes a danger to navigation, yes, it will be moved on or escorted away from the area. If the vessel does not pose a problem the situation will not apply. There could be a danger of a collision with that vessel.

**Clause put and passed.**

**Clause 7: Navigation Authority and authorized person may stop, move, etc. vessels—**

Hon. P. G. PENDAL: I ask the Minister to give me some explanation in regard to this clause. It occurs to me that extremely wide powers are given in the circumstances I have outlined. I suppose members of the Opposition are prepared to buy them, but I am interested to know from where does one draw the comparability? Are the powers to be conferred on these people in any way comparable to the powers that a police officer might have in relation to, say, a person's motor car on his way home from Parliament House one night, or a person in the confines of his own home?

To refresh members' memories, clause 7 does give the authorised person the chance to take charge of a vessel where it appears to the navigation authority where no-one is in charge of it and where obstruction or endangerment comes into play. They are wide powers and I can live with them, but I am interested to know whether they are comparable to any other powers and, if so, from where they are drawn.

Hon. D. K. DANS: I think the State Marine act has those powers. I want everyone to remember they are not down in Hay Street and that is why we had the map attached to the back of the Bill. The first part of clause 7 reads, "For the purposes of giving effect to any direction given under this Act a Navigation Authority"—in the main, that would be the harbour master—"and any authorized person using such assistance as may be necessary . . .". The last couple of lines read, ". . . where it is necessary to prevent a contravention of a direction detain any vessel." Obviously, we do not use those powers very often. Often when I travel to Rottneest Island I wish to goodness we did use them from time to time, due to the congestion on the water. Members know as well as I do that most people know how to drive a car, but many people who have owned boats for years do not even know the first thing about the rules applying on the water.

The legislation is designed to ensure the safe conduct of the race and the people involved. Hopefully the legislation will not have to be implemented, but experience overseas both at Cowes and Newport has led us to believe that the laws are necessary to move people on or to assist them.

Hon. D. J. WORDSWORTH: Some concern has been expressed in regard to the number of organisations and people who will be in authority on the water. The yacht club in the first



place is running the race and I understand it will have the right to ask crayfishermen and other people to do duties for it. Another group is the people from the Harbours and Marine Department. The police now have expanded authority over the water, and that disturbs many people because that expansion is in conflict with others who currently have control. Then we have the port authority. It seems we have many chiefs and that a person could well be ushered in one direction by one group, in another direction by another group, and in a further direction by another group. A public statement indicating the port's responsibilities and how they fit in with those conducting the race and other authorities should be issued.

Hon. D. K. DANS: The honourable member mentioned fishermen, and I think he was referring to the world 12-metre championships where it was expeditious and cheaper for the Government to control the spectator craft by using fishermen. It was fortunate that the crayfishing season had ended and we were able to get them from Geraldton. Unfortunately, this competition coincides with the season.

The person in charge is the harbour master; he has access to the Custom Department and knows how it operates, and he has access to the quarantine and health services, and all those other officials who go to make up a port. There may be a number of other police officers around; there may be Federal Police or members of ASIO. We have to keep our eyes on a number of things; there will be many influential people here. I do not want to elaborate. There must be someone in overall control and on page 2 of the Bill an authorised person is defined as any officer of the Fremantle Port Authority—that is normal—any officer of the Department of Marine and Harbours; any member of the Police Force; and any person designated as an authorised person under section 5. That is quite a normal requirement.

I am hopeful that no-one will have to exercise a great deal of power, but it would be asking too much to expect that someone will not dart onto the course. What fools we would look, as Mr Pendal said, if we could not control our boats and a number of races had to be aborted, or if a yacht was leading in a match race and some fool darted out in front of it.

Hon. D. J. Wordsworth: That does not seem to happen in the America's Cup in America because they are so far away.

Hon. D. K. DANS: Mr Wordsworth has been to the United States on a number of occasions, and he knows the powers they have there. They do not fool around; the Coast Guard cutters have shells in the breeches of their guns.

**Clause put and passed.**

**Clause 8 put and passed.**

**Clause 9: Offences—**

Hon. P. G. PENDAL: This may occur in a lot of legislation, but I do not know that it does. Clause 9 deals with the "super" offence to which I made reference and to which the Minister responded during the second reading debate. It provides a penalty of \$10 000, but the following clause talks about a fine not exceeding \$2 000. In one clause we are dealing with a set, rigid, immovable penalty of \$10 000, but in the next clause there is provision for a fine of between \$1 and \$2 000 if the magistrate wants to use that discretion.

It may be that this is common to legislation, but I have not seen it as a detail before. If it is not common I would be interested to know why in one case there is a rigid penalty and in another the door is left open to the magistrate to do some discretionary decision-making.

Hon. D. K. DANS: I outlined before that these are maximum penalties. We are dealing with two separate offences. In this case I wanted a much more stringent clause, not so much greater penalties. If a ship—to use a term, a floating gin palace—was told to move and that the fine for not doing so was \$500 it is likely the owner would light his cigar with a \$500 note and flick the ash on the officer asking him to move. Our courts are pretty sensible.

The provisions are very similar to those in the State Marine Act, for the same reason. Clause 10 deals with a different matter. If it was a small craft the penalty might be a warning or a \$5 fine. The court must have discretion because the event will run from 5 October until some time in February, and we do not want anyone mucking it up. We have the opportunity of a lifetime, and even if we retained the cup but ran a lousy and ragged series we would get all the bad publicity in the world and no-one would come back here. I hope none of the penalties will be used, but there is always a chance that they may. In any case, they are maximum penalties.

Hon. P. G. PENDAL: That is precisely the point; I beg to differ. In clause 10 we will be dealing with maximum penalties because it says a person is liable to a penalty not

exceeding \$2 000. Clause 9 does not say that; it says a person who fails to comply is liable to a penalty of \$10 000. No gradient is attached to it; it is a straight out \$10 000 fine. I have not seen that before, and I cannot work out why the two clauses contain different provisions. The Minister has not answered the point in regard to the \$10 000. It is, as it were, a minimum and a maximum, and all penalties rolled into one.

Hon. D. K. DANS: I am assured by my adviser that the wording is correct. In the case of a direction given by the navigation authority there is a penalty of \$10 000. That is the maximum penalty.

Hon. P. G. PENDAL: I accept it is the maximum, but it is also the minimum.

Hon. D. K. DANS: It says, "to a penalty of \$10 000".

Hon. P. G. PENDAL: I can understand that clause 10 contains a maximum penalty because clause 10 says that a person is liable to a penalty not exceeding \$2 000. So the penalty could be \$100 or \$10. If it is a minor offence a person may be fined \$5; if it is more important, the penalty cannot be more than \$2 000. The clause we are dealing with does not say that. It says a person who commits an offence is liable to a penalty of \$10 000. It is therefore no more a maximum penalty than it is a minimum penalty. It is a static penalty. Why is it one provision applies in clause 9 and another applies in clause 10?

Hon. E. J. CHARLTON: Does this clause take into account the fact that directions will be issued by a number of authorised persons and for that reason there will be varying penalties?

Hon. D. K. DANS: During the second reading debate I quoted from the Interpretation Act which stated that the penalty is specified in respect of an offence and that that penalty is the maximum penalty that may be imposed for that offence.

Hon. P. G. PENDAL: I thank the Minister for lending me his copy of the Interpretation Act. A comment was made a short while ago that it now becomes a matter of style; that is the reason I raised the matter in the first place. It was a simple inquiry about why we refer to a penalty of \$10 000 in this clause and in the following clause we refer to a penalty "not exceeding" \$2 000.

Hon. D. K. DANS: I wish we could clear up the first clause.

Hon. P. G. PENDAL: It cannot be cleared up in isolation. The Bill should have been drafted so that the two clauses were consistent. It is this sort of drafting and explanation which begs question from Opposition members about why the penalties should not be described in both cases consistently.

Having read the Interpretation Act and having made my comments about the inconsistency in expression, I accept what the Minister has said.

**Clause put and passed.**

**Clauses 10 to 15 put and passed.**

**Clause 16: Savings and reversioning—**

Hon. P. G. PENDAL: I understand that clause 16 is a sunset clause for the purpose of the media centre reverting to the Government at the completion of the cup.

Hon. D. K. DANS: It means that the port authority will have to pay.

Hon. P. G. PENDAL: I understand that as from 30 June 1987 the media centre will be reversioned in the Fremantle Port Authority.

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

Hon. P. G. PENDAL: The Minister stated that over \$1 million of Government and yacht club funds will be spent on the media centre and I understand that \$500 000 will be recoverable; that is, principally in the form of a huge, modern and efficient air-conditioning system. Perhaps when the Minister recovers that unit he might consider putting it on a truck and bringing it to Parliament House.

Hon. D. K. DANS: I thank Hon. Phil Pendal for his comments. I cannot let this opportunity pass without putting on record my congratulations to the Fremantle Port Authority for the work it undertook on the media centre. It exceeded all expectations. Tonight we have spoken a lot about workers. The employees of the Fremantle Port Authority have done an excellent job in building the media centre.

**Clause put and passed.**

**Schedule put and passed.**

**Title put and passed.**

**Preamble put and passed.**

*Report*

Bill reported, without amendment, and the report adopted.

*Third Reading*

Bill read a third time, on motion by Hon. D. K. Dans (Minister with special responsibility for the America's Cup), and transmitted to the Assembly.

*House adjourned at 11.36 p.m.*

## QUESTIONS ON NOTICE

### ROTTNEST ISLAND

#### *Boat Moorings: Thompson's Bay*

288. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Transport:

I refer to the Minister's answer to question 190 in the Legislative Council on 24 June and ask—

- (1) Are the 40 new moorings proposed for Thompson's Bay at Rottne Island temporary?
- (2) If temporary, at what date will they be removed?
- (3) What studies, if any, have been carried out to ensure the site is suitable?
- (4) What charge structure will be applied to recover the \$120 000 cost?
- (5) What charge per week or day will apply?

Hon. D. K. DANS replied:

- (1) No.
- (2) Not applicable.
- (3) Departmental studies have been made to ensure that the proposed moorings are adequate for the conditions anticipated. Ground investigation probes have been delayed due to weather.
- (4) When final installation costs are known charges for the use of the moorings will be structured to ensure the Government's investment in providing the moorings and the costs of maintaining and managing same are adequately serviced.
- (5) Yet to be determined.

### ABORIGINAL ALCOHOL AND SUBSTANCE ABUSE ADVISORY COMMITTEE

#### *Establishment*

295. Hon. TOM STEPHENS, to the Minister for Community Services representing the Minister for Health:

- (1) When was the Aboriginal alcohol and substance abuse advisory committee established?
- (2) Who are the members of this committee and from which organisations do these committee members come?

- (3) How many times has the committee met and what matters has the committee considered?
- (4) To whom does the committee report and make recommendations?
- (5) How many members of the committee are resident in the Pilbara or Kimberley or other remote regions of the State?

Hon. KAY HALLAHAN replied:

- (1) 17 April 1986.
- (2) AASAAC membership—
  1. Mr L. Poland (Chairperson) Department of Community Services
  2. Mr G. Willoway Health Department
  3. Mr R. Eggington Kulila Association
  4. Mr W. Derschow Police Department
  5. Ms A. Molloy Aboriginal Affairs Planning Authority
  6. Mr D. Shrosaki Department of Aboriginal Affairs
  7. Mr A. Tranter Department of Sport and Recreation
  8. Ms M. O'Brien Education Department
  9. Mr T. Wilkes Aboriginal Medical Services
  10. Mr C. Somerville Aboriginal Legal Services
  11. Prof. D. Hawks WA Alcohol and Drug Authority
  12. Mr C. Calogero WA Alcohol and Drug Authority

Special Invitation: Mr R. Ginbey, Principal Private Secretary, Minister for Health

- (3) Committee Meeting—The Aboriginal alcohol and substance abuse advisory committee has met six times since its establishment. During these meetings, the committee has deliberated upon issues related to three main areas concerning Aboriginal alcohol and other substance abuse—
  - (a) treatment and rehabilitation;
  - (b) education and training; and
  - (c) research.

- (4) The AASAAC reports directly to the WA Alcohol and Drug Authority, although it may also make representation to the Minister for Health.
- (5) There are no members of AASAAC who are residents in the Pilbara and Kimberley; however, the committee seeks direct input from residents of those regions by extending invitations to selected agencies to meet with the committee. Representatives also make regular field visits to the regions.

## EDUCATION

### *International College: Secondary Education Allowance*

297. Hon. P. G. PENDAL, to the Minister for Community Services representing the Minister for Education:

- (1) Is the Minister currently reviewing the position of the International College regarding its students' receipt of the Commonwealth secondary education allowance?
- (2) If so, when will this decision be made, considering that a number of parents of enrolled students are urgently in need of the allowance?

Hon. KAY HALLAHAN replied:

- (1) and (2) Decisions regarding the payment of the Commonwealth secondary education allowance are made by the Federal Minister for Education.

Inquiries made of the Commonwealth department indicate that allowances are only paid to Australian citizens or permanent residents. The payment of the allowance to the above students is subject to two further conditions—

- (i) that instruction is provided in an efficient school; and
- (ii) that the school be non-profit making.

Inquiries reveal that this matter is being reviewed by the relevant Commonwealth authorities.

## RACING AND TROTTING

### *Sunday Meetings*

299. Hon. TOM McNEIL, to the Leader of the House representing the Minister for Racing and Gaming:

- (1) Has the Minister read the back page of *The West Australian* of 16 July 1986, in which it is stated that the Premier of Victoria has supported the move to have galloping, trotting, or greyhound racing held on Sundays?
- (2) If "Yes", is the Minister prepared to support such moves in Western Australia?
- (3) If "No" to (1), would the Minister acquaint herself with the article and advise what attitude the Government has to such moves?

Hon. D. K. DANS replied:

- (1) Yes.
- (2) and (3) The Minister has not received any submission from the racing, trotting, or greyhound industries to conduct racing on Sundays on a regular basis. If any such request is received, she is prepared to examine it on its merits.

## LIQUOR: LICENSING COURT

### *Applications: Recommendations*

300. Hon. G. E. MASTERS, to the Leader of the House representing the Minister for Racing and Gaming:

With reference to question 216 of 26 June 1986, will the Minister advise—

- (1) How many of the applications forwarded to the Licensing Court did the Minister recommend?
- (2) Who were those applicants?
- (3) Are any of the applications still under consideration?
- (4) If "Yes", who are the applicants?

Hon. D. K. DANS replied:

- (1) 15.
- (2) Refer to reply to question 216 (4) and (5).
- (3) Yes.
- (4) For commercial reasons, the Minister is not prepared to divulge the names of applicants still under consideration.

## TOURISM

*Year of the Visitor: Minister's Role*

301. Hon. G. E. MASTERS, to the Minister with special responsibility for the America's Cup:

What part has the Minister played in the Year of the Visitor campaign?

Hon. D. K. DANS replied:

I have had no involvement in the Year of the Visitor campaign in my capacity as Minister with special responsibility for the America's Cup.

## GOVERNMENT BUILDINGS

*Leases: Guidelines*

302. Hon. G. E. MASTERS, to the Minister for Budget Management:

(1) Has the Government issued guidelines to departments and authorities for determining whether a lease or tenancy agreement should be renewed by the department?

(2) If "Yes", when were these guidelines introduced?

(3) What are the guidelines?

Hon. J. M. BERINSON replied:

(1) No.

(2) and (3) Not applicable.

RACING AND TROTTING  
DEVELOPMENT FUND*Unclaimed Dividends*

303. Hon. G. E. MASTERS, to the Leader of the House representing the Minister for Racing and Gaming:

(1) Is the Government prepared to increase the percentage of unclaimed dividends which are paid into the development fund from 25 per cent to 50 per cent to the racing industry?

(2) Is the Government prepared to reduce the percentage of on-course tote tax payable from 5 per cent to 3 per cent to help country clubs that are presently struggling as a result of the effect of the casino and other gambling facilities now readily available?

Hon. D. K. DANS replied:

(1) and (2) A request was received from the Western Australian Turf Club in February 1986 to increase the level of funding to the Racecourse Develop-

ment Trust and decrease the percentage rate of on-course turnover tax.

After detailed examination by the Cabinet Budget Committee, the turf club was advised on 9 June 1986 that due to the present tight budgeting situation the Government was not in a position to accede to the club's request.

## LIQUOR

*Fiscal and Penal Powers: Transfer*

304. Hon. G. E. MASTERS, to the Leader of the House representing the Minister for Racing and Gaming:

Did the Minister consult with the liquor industry before the decision was made to transfer to the Principal Receiver of Revenue many of the fiscal and penal powers previously exercised by the Licensing Court?

Hon. D. K. DANS replied:

No. The functions transferred from the Licensing Court to the Principal Receiver of Revenue relate to the receipt of liquor fee returns and the power of the Principal Receiver of Revenue to remit penalties.

The administrative penalties included in the Liquor Bill are new penalties, more properly the function of the Principal Receiver of Revenue who receives all liquor fee returns.

## HEALTH: HOSPITAL

*Princess Margaret: Spina Bifida Patients*

306. Hon. P. G. PENDAL, to the Minister for Community Services representing the Minister for Health:

(1) Is Princess Margaret Hospital discontinuing two programmes vital to the treatment and well-being of children suffering with spina bifida, namely—

- (a) the biofeedback treatment for bowel incontinence; and  
(b) the artificial sphincter implant project for bladder incontinence?

(2) What is the reason for discontinuing the programmes?

(3) Is the Minister aware that the discontinuation will dramatically alter the lives of these young sufferers?

- (4) How many people were on the waiting list at the time of discontinuation?
- (5) Is the Minister prepared to meet with members of the Spina Bifida Association to find ways of continuing treatment?

Hon. KAY HALLAHAN replied:

- (1) to (5) It is incorrect to state that Princess Margaret Hospital is discontinuing either programme.

The two existing programmes have never been funded by the Government through Princess Margaret Hospital. Funding provided by the two organisations supporting the programmes ceases at the end of the year.

Funding is being sought to enable the programme to continue and be properly evaluated.

Princess Margaret Hospital has already procured a sphincter kit valued at \$10 000, which will enable three implant procedures to be done this year; and one procedure is scheduled within the next few days.

## LIQUOR

### *Fee Setting: Consultation*

308. Hon. G. E. MASTERS, to the Leader of the House representing the Minister for Racing and Gaming:

Did the Minister consult with the liquor industry before the Government's decision was made to transfer the setting of licence fees by Statute to the setting of licence fees by regulation?

Hon. D. K. DANS replied:

No. However, the Minister advised during the Committee stage of the debate in the Legislative Assembly that it is intended to seek the approval of this House to amend the Liquor Amendment Bill in the Committee stage to remove the provisions relating to the setting of licence fees by regulation.

## LIQUOR: TRADING HOURS

### *Extensions: Applications*

311. Hon. G. E. MASTERS, to the Leader of the House representing the Minister for Racing and Gaming:

- (1) How many applications has the Licensing Court received for an extension of liquor trading hours since 1 January 1986?
- (2) How many applications have been granted?
- (3) Who were the successful applicants?

Hon. D. K. DANS replied:

- (1) Applications for variations and extensions to trading hours may be made to and approved by Clerks of Courts throughout the State and the Licensing Court in Perth. Statistics on applications approved are not kept. However, from total revenue figures it is estimated that applications for variations, which include extensions to trading hours for the period 1 January 1986 to 30 June 1986 would approximate 4 000 throughout the State.
- (2) and (3) Statistics of this nature are not available. See (1) above.

## HOUSING

### *Rental: Units*

312. Hon. G. E. MASTERS, to the Minister for Community Services representing the Minister for Housing:

With reference to question 291 of 16 July 1986—

- (1) Did Homeswest achieve the planned provision of 1 464 rental units in the financial year 1985-86?
- (2) If "Yes", how many were—
  - (a) one-bedroom units;
  - (b) two-bedroom units;
  - (c) three-bedroom units; and
  - (d) four or more bedroom units?

Hon. KAY HALLAHAN replied:

- (1) Because of the long lead time associated with land provision and the obtaining of planning and building approvals and construction times, particularly in remote areas, programmes are generally not completed within the financial year, but are accommodated within the carry over commitment.

On this basis the programme of 1 464 rental units will be achieved.

- (2) The programme of 1 464 rental units is comprised as follows—
- (a) one-bedroom—371 units
  - (b) two-bedroom—208 units
  - (c) three-bedroom—754 units
  - (d) four or more bedrooms—131 units.

### HOUSING

#### *Rental: Construction*

313. Hon. G. E. MASTERS, to the Minister for Community Services representing the Minister for Housing:

With reference to question 291 of 16 July 1986, of the \$69.245 million expended on construction and provision of rental units during 1985-86, how much was allocated for the provision of land for present and future construction rental accommodation?

Hon. KAY HALLAHAN replied:

Nil. The question was interpreted and answered on the basis that the information sought related to construction costs on new houses and costs involved in purchasing established homes.

### EMPLOYMENT AND TRAINING

#### *Westrek*

314. Hon. TOM STEPHENS, to the Leader of the House representing the Minister for Employment and Training:

- (1) How many Westrek programmes have been established in the electorate of North Province?
- (2) Have any unemployed people resident in North Province been involved in any Westrek programmes?
- (3) If so, in which programmes?
- (4) From where were the participants in the Wyndham Westrek programme drawn?
- (5) What is the percentage level of unemployment in those localities in which Westrek teams have been positioned in the Kimberley and Pilbara?
- (6) What is the percentage level of unemployment in—
  - (a) the Perth metropolitan area;

- (b) the northern suburbs of Perth; and

- (c) the areas from which the participants in the North Province based Westrek projects have come?

- (7) Who are the members of the Westrek Board of Management and how many of those members come from outside the metropolitan area?

Hon. D. K. DANS replied:

(1) Two—at Derby and Wyndham.

(2) Yes, three.

(3) One in the Bunbury-Norseman programme;

one in the Geraldton-Woodman Point programme;

one in the Northam-Esperance programme.

(4) Of the 12 participants in the Wyndham project, 10 were from the metropolitan area and two from the country.

(5) Derby-West Kimberley—10 per cent  
Wyndham-East Kimberley—9.5 per cent

(Source—Bureau of Labour Market Research as at 30/6/85 which are latest figures available).

(6) (a) 9.2 per cent;

(b) 7.8 per cent;

(c) this information is not readily available.

(The above statistics are current as at February 1986).

(7) Janet Holmes a'Court—Chairperson  
Graham Edwards, MLC—North Metropolitan Province

Ellis Griffith—Director, WA Youth Bureau

Peter Ferguson—Anglican Minister and WAIT student counsellor

Sue Broad—Pastoralists and Graziers Association

Mike Cross—Executive Director, Department of Employment and Training

Peter Kenyon—Director, employment division, Department of Employment and Training.



## QUESTIONS WITHOUT NOTICE

### EXECUTIVE COUNCIL

#### *Meetings*

93. Hon. D. J. WORDSWORTH, to the Leader of the House:

- (1) What is the Executive Council?
- (2) What is its purpose?
- (3) How often does it meet and where?
- (4) How many items of business are usually completed on these occasions?

Hon. D. K. DANS replied:

I have been given notice of this question, but the question I was given included several other items. The answer is—

- (1) to (4) As a former Minister who attended Executive Council meetings as a member of it, the honourable member should have been aware of where he was and why he was there. Accordingly, he should know the answers to the questions he has raised.
- (5) to (15) The member knows that matters considered by the Executive Council are confidential.

### GNOWANGERUP HOSPITAL BOARD

#### *Abolition: Executive Council Decision*

94. Hon. D. J. WORDSWORTH, to the Leader of the House:

For the benefit of the House I will ask the remainder of the questions. The question goes a lot deeper than my being on the Executive Council—

- (5) On what day did the Executive Council decide to dismiss the Gnowangerup Hospital Board?
- (6) Where and when did it meet on this occasion?
- (7) Who were the members?
- (8) What was the reason given to the Governor?
- (9) Who gave this advice?
- (10) When was the decision announced in the *Government Gazette*?

(11) Was the reason printed in the *Government Gazette*?

(12) Were the members of the board notified individually of their dismissal?

(13) If so, how?

(14) Were they given reasons for their dismissal?

(15) If "No" to (8) and (14), why not?

Hon. D. K. DANS replied:

I am answering this question on behalf of another Minister, and I repeat that a former Minister should know that matters discussed by the Executive Council are confidential. I have answered the question and I will not answer it again.

### ROAD

#### *Eyre Highway: Safety*

95. Hon. N. F. MOORE, to the Minister with special responsibility for the America's Cup:

I refer the Minister to the answer to question 87 of Wednesday, 16 July in which he said, "I have been in Norseman and will go back there again to look at the requirements in respect of ambulances on the highway and to see that provision is made to clean up some of the airstrips." The highway referred to is the Eyre Highway.

Will the Minister give an undertaking to drive on that highway to see if its surface is satisfactory for the number of motor vehicles proposing to use it during the America's Cup?

Hon. D. K. DANS replied:

I certainly will. One of my problems has been to arrange a meeting with the Norseman Shire Council—it has been extremely difficult. I have visited Norseman and driven on the Eyre Highway on a number of occasions. When the shire council is ready to meet with me I will visit Norseman and drive on the Eyre Highway again. I do not know how far I will travel.