Legislative Assembly

Wednesday, the 7th November, 1979

The SPEAKER (Mr Thompson) took the Chair at 2.15 p.m., and read prayers.

BILLS (4): INTRODUCTION AND FIRST READING

1. Country High School Hostels Authority Act Amendment Bill.

   Bill introduced, on motion by Mr P. V. Jones (Minister for Education), and read a first time.

2. Child Welfare Act Amendment Bill.

   Bill introduced, on motion by Mrs Craig (Minister for Local Government), and read a first time.

3. Acts Amendment (Port Authorities) Bill.

   Bill introduced, on motion by Mr Rushton (Minister for Transport), and read a first time.

4. Collie Coal (Griffin) Agreement Bill.

   Bill introduced, on motion by Mr Mensaros (Minister for Industrial Development), and read a first time.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

Report

Report of Committee adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr O'Neil (Minister for Police and Traffic), and transmitted to the Council.

STATE FORESTS

Revocation of Dedication: Council's Resolution

The Council's resolution was as follows—

> That the proposal for the partial revocation of State Forests Nos. 4, 27, 28 and 70 laid on the Table of the Legislative Council by command of His Excellency the Governor on the 24th October, 1979, be carried out.

Motion to Concur

MRS CRAIG (Wellington—Minister for Local Government) [2.22 p.m.]: I move—

> That the proposal for the partial revocation of State Forests Numbers 4, 27, 28 and 70, referred to in Message No. 87 from the Legislative Council, and laid on the Table of the Legislative Assembly on the 24th October, 1979, be carried out.

This is one of those matters which come before Parliament towards the close of each session as a statutory requirement for the revocation of dedication of State forests.

Under section 21 of the Forests Act, a dedication of Crown lands as State forest may be revoked in whole or in part only in the following manner—

> The Governor shall cause to be laid on the Table of each House of Parliament a proposal for such revocation.

The proposal, the subject of this motion, was laid on the Table of this Chamber on Wednesday, the 24th October, and in another place on the same day.

It continues—

> After such proposal has been laid before Parliament, the Governor, on a resolution being passed by both Houses that such proposal be carried out shall, by Order-in-Council, revoke such dedication.
>
> On any such revocation, the land shall become Crown land within the meaning of the Land Act.

The necessary procedures already have been completed in the Legislative Council by the Minister for Forests and this House is now asked to concur with the action taken therein.

The revocation of dedication of the areas of State forests as listed is submitted for the consideration of members.

It will be noted that the proposed excision of State forests amounts to 765.4 hectares, while the gain to State forests through exchanges contingent upon this proposal amounts to 208.9 hectares.

This amounts to a reduction of 556.5 hectares, attributable mainly to the proposed excision of 538 hectares located about 16 kilometres south-east from Rockingham townsite to provide for the establishment of an explosives reserve and safety zone to replace the Woodman Point facility.

While it is necessary to excise this area, it will not be entirely lost to forestry. The safety zone surrounding the magazine will involve the retention of some 458 hectares of established pine plantation and, by arrangement with the Mines Department, will continue to be managed by the Forests Department as a pine plantation.

It is desirable to draw members' attention to the fact that additions to State forest in 1978-79 amounted to 301.7 hectares and excisions embraced four hectares.

Although notes on each of the five areas involved were tabled, together with plans covering the areas proposed for excision, I will read them out for the benefit of members and for recording in *Hansard*.

Area No. 1 is of about 12.8 hectares located about one kilometre east of Collie townsite, comprising a narrow strip of land required to regularise the tenure of a deviation of the Collie-Narrogin railway line following a request by the Public Works Department. The deviation was effected some years ago and excision has been in abeyance pending the completion of a survey of the area.

Area No. 2 is of about 5.7 hectares adjoining the western boundaries of Collie townsite. This land is required for extension to the Collie railway yard and will be reserved for "railway purposes".

The area was part of the former site of the Co-operative Colliery and the abandoned mine workings have caused continual problems through burning coal ash creating wildfires.

There is no millable timber on the area. The Public Works Department has indicated that it has no objections to the proposal.

Area No. 3 is of about 81 hectares, located about four kilometres north-east of Boyanup townsite, containing fairly heavily cut-over forest, with little remaining marketable timber on soils unlikely to support a good quality jarrah forest in the future. The area is also subject to the likely presence of jarrah dieback.

This land adjoins the southern boundary of the applicants' property and its addition to their holding will assist in making it a more viable unit.

The area of private property to be exchanged and included in State forest adjoins an established pine plantation and is largely suited to *Pinus radiata*. Those sections which are unsuited to pines and those which present management problems contain good quality cut-over jarrah forest, free from dieback and of good forest potential. The soils are largely dieback resistant.

Area No. 4 is of about 127.9 hectares, located about 10 kilometres westerly from Kirup townsite, having been cut over in the past.

The land now contains good quality, but small jarrah forest which is pocketed with recent dieback and will spread gradually over the area. Its use for forestry purposes is therefore limited and, as the land is bordered on three sides by private property, problems of management and protection also exist.

The private property to be exchanged and included in State forest is partly cleared and contains soils suited to planting with *Pinus radiata* over 80 per cent of its area. This will make it a valuable addition to that which has been purchased already for plantation establishment in this vicinity.

The applicant's property adjoins the State forest area to be exchanged and its addition to his holding will make it a more viable unit.

Area No. 5 is of about 538 hectares located about 16 kilometres south-east from Rockingham townsite, to be used for the establishment of an explosives reserve and safety zone to replace the Woodman Point facility.

The central core area of about 80 hectares is to be reserved for explosives purposes and vested in the Minister for Mines, with the remainder reserved for explosives and forests purposes vested jointly in the Ministers for Mines and Forests.

The area is at present planted with pines and these will be retained where possible as a buffer and continue to be managed by the Forests Department for a one rotation crop.

Debate adjourned, on motion by Mr H. D. Evans.

INDUSTRIAL ARBITRATION BILL

In Committee

Resumed from the 31st October. The Chairman of Committees (Mr Clarko) in the Chair; Mr O'Connor (Minister for Labour and Industry) in charge of the Bill.

Progress was reported after clause 20 had been agreed to.

Clauses 21 and 22 put and passed.

Clause 23: Jurisdiction of the Commission under this Act—

Mr TONKIN: This clause deals with the jurisdiction of the commission and therefore it is a very vital and far-reaching clause; however, there are peculiarities associated with it. An example is the inability of the commission to deal with preference to unionists; this is not mentioned in this jurisdictional clause. If it had been placed in the jurisdictional clause that the commission could not handle preference to unionists matters it would not have been able to; but in fact the Government has gone for a strange formula which declares preference to unionists not to be an industrial matter. The Government then provides in other clauses for the commission to indicate it

should look into this matter. The Attorney General can then give a reference and the commission can look at preference to unionists even though this is not an industrial matter.

I will leave it at that point. The matter of preference to unionists can still be handled by the commission, but not in a way that is constructive. It can be handled only in a punitive way.

The Bill as a whole, including the jurisdictional clause, makes it more difficult for the commission to deal with some matters. In other words it enables the commission to deal with symptoms of industrial disputation and unrest, but not with the underlying causes. I believe the reason the Government is getting away with this approach which a doctor would not be allowed to get away with—that is, treating symptoms when the causes are known—is that in effect there is a conspiracy between the Liberal Party and certain sections of the news media.

I am not saying the Liberal Party and sections of the news media have overtly entered into such a conspiracy. There is no need for them to do that. If in fact the media refuse to print the real causes of industrial disputation and continue to peddle the myths associated with industrial disputation, such as references to "militant left-wingers", of course the media and the Government are to blame for the state of industrial relations in this country. I doubt the sincerity of many sections of the news media and the Government in this country when they say they want better industrial relations.

Certain action can be taken, but this Government refuses to take such action. However, that is the Government's prerogative. But if we had news media dedicated to better industrial relations, they would expose Government members for the charlatans they are. In fact, the news media are quiet on the matter.

I made this point during the second reading debate. However, both *The West Australian* and the *Daily News* refused to print the comments that were made. In other words, they are protecting this Government. Since the Bill was introduced the Minister for Labour and Industry has issued Press release after Press release and has been getting daily coverage peddling his myths.

I believe the news media would like the Opposition to take an hysterical approach to this Bill but; the Opposition has taken a constructive approach.

Mr Laurance: A sideways approach.

Mr TONKIN: That is the member's opinion. We are taking a constructive approach to industrial relations. Members opposite want confrontation. They do not care whether they tear this State to pieces as long as they are re-elected. That is the shallow attitude displayed by the member for Gascoyne.

We believe in consensus. We believe it is time Australians got together, regardless of their political affiliations and their positions in the industrial scene.

During the second reading debate I tried to point to some of the underlying causes of industrial disputation. Certain sections of the news media, including the printed media, refused to publish my remarks, thereby showing they were in league with the Government. In other words, they wanted an hysterical approach—a confrontationist approach—so that they could ask, "Why can't they get together? Why can't they agree with one another?"

We have not taken a low-key approach, but our attitude has not been reported in the media. We are not going to be bullied by the media or by the Government into taking an hysterical, confrontationist approach. I cannot speak for all members on this side of the Chamber, but I intend to take a constructive approach by looking at the real causes of industrial disputation.

This jurisdictional clause removes certain powers from the Industrial Commission. One of the reasons we have such a poor record in the field of industrial relations is that people do not understand the real causes of disputation. They are fed with various myths, one of which I have referred to already. I want to refer to three causes of industrial disputation. If these causes were recognised by the public at large, they would see Government members for the charlatans they are, and throw them out neck and crop.

The three real causes of industrial disputation are as follows: firstly, there is the lowered standard of living of wage and salary earners over the last three or four years, as a result of lower wages and salaries in real terms. That is something which the printed news media will not publish—the real causes for industrial disputation such as the one I have just mentioned.

A second real cause of industrial disputation is the lack of consultation. Less than two years ago the confederation of employers said, "We do not want industrial democracy", harking back to a 19th century approach.

I spoke to the leaders of the West German Employers' Federation in Dusseldorf in 1977. I had long discussions with that group. We talked largely about co-determination and I was amazed at their frankness and willingness to accept the

position of the employee in the scheme of things. I said to them—they thought I was joking, but members here will know I was not— "If I returned to Western Australia and said some of the things which you, the leaders of the Employers' Federation in West Germany, are saying about industrial democracy, I would be called a Commo." That shows how backward we are in respect of industrial relations.

If we want bad industrial relations we can have it, just as if we want bad health we can have it. However, there are certain ways of avoiding these situations. I have just mentioned another of the causes of industrial disputation which is lack of consultation. We have to get away from the master and servant concept and move to the position of consultation between the two sides. It is true to say that both capital and labour are essential to the productive process. One cannot afford to treat one of the factors necessary to this process in an inferior way, which is happening here.

The third matter we should be looking at to reduce industrial disputation is that of improving industrial safety. Nothing is more calculated to raise the ire, fear, and concern of employees than being forced into dangerous situations. This sort of lack of safety will quickly cause industrial disputes. In this situation the secret ballot provisions of the Bill will be laughable. According to the Deputy Premier when in Opposition it will take two weeks to organise secret ballots. Men and women will not work in dangerous situations while a decision is made as to whether they should go out on strike.

The CHAIRMAN: Order! I am sure the member understands I have given him considerable latitude in his discussions to date on this clause. I ask him to relate his remarks to the specific clause under discussion.

Mr Skidmore: I thought that is what you were actually talking about. I could have been fooled.

Mr TONKIN: In this clause we are dealing with the jurisdiction—

The CHAIRMAN: I direct the member not to reflect upon the comments of the Chair.

Mr Skidmore: I did not reflect upon the comments of the Chair.

The CHAIRMAN: You did. After I completed my remarks, and before the member began to speak, you reflected on my comments. That is not appropriate.

Mr TONKIN: The comments we made in the second reading debate were not part of the popular mythology of the news media; therefore, they were not prepared to give them the coverage they deserved. We believe, as representatives of approximately 50 per cent of Western Australians, that our comments are worthy of publication in the news media. It is disgraceful the way certain sections of the news media have acted in these matters.

I am not necessarily attacking any particular reporter, because we know the dancing blue pencil can operate further up the line. All I know is, censorship occurs and industrial relations are worse as a result.

This clause excludes certain matters. It does not deal with preference to unionists and people will have to work out why such a provision is not included. I know the reason. It is that if such a provision were included here and there was a massive stoppage, the commission could not deal with it. Where would we go then? The Government has been very clever and tricky. It has displayed very smart footwork and without investigative media in this State it may get away with this.

What they have done is say, "It is only an industrial matter, and if things get sticky you will be able to deal with it." If the Government was really honest when it said it would not allow that, it would have included it in the clause. However, it quite clearly takes away from the commission the power to deal with such matters. The commission is not allowed to deal with the matter of the hours of work in the pastoral industry. This is a disgraceful situation.

We have a situation in 1979-80 where people are treated like servants; where the employer says he wants the worker to work for seven days a week. It is even worse now because if they leave their jobs they will not get unemployment benefits. I introduced a Bill to get rid of this but it was rejected by the Government. I remember at the time the great laughter when I said I had to sleep with the pigs when I was working on a farm when I was 17 years of age. However, that was a fact. The way people have to work in the industry now is not the same as having to sleep with pigs but it is on a par. The commission is not allowed to limit the hours of work.

Mr Laurance: That would create a lot more unemployment.

Mr TONKIN: The same thing was said when children were stopped from working in the mines in England.

Mr Laurance: We are not talking about children.

Mr TONKIN: We are talking about whether the economy can stand the burden of people

having decent working conditions. In West Germany the agricultural workers have very strict working conditions but there is no suggestion that they are a class apart.

Mr Laurance: Hours do not apply. If the water supply breaks down, there is no water for stock.

Mr TONKIN: The same can be said about the SEC. Those workers cannot have strict hours because something may break down on a Sunday. The commission could easily write in an award allowance for this, but it is not even permitted to consider it. This is 19th century thinking.

We oppose the prohibition of employees of this place and of the Governor's Establishment being dealt with by the commission. It is a disgrace to treat people in this way. It has been said that the Joint House Committee will determine in the case of a dispute. However, this is not acceptable because the employer should not have the sole right of decision. This also comes back to the 19th century attitude to the employee.

When we have debates in this place which last for hours there is bound to be an injudicious word thrown in or words which are not tempered to the argument. No doubt, the peripheral comments and the real reasons for bad industrial relations will not be put down by the news media. If the media are serious about industrial relations then they will try to grapple with the real causes and not deal with the rubbish.

Mr SKIDMORE: I wish to deal with the specific question of the general jurisdiction and powers of the commission. It seems to me when talking about the jurisdiction of the commission it means the ultimate control and complete jurisdiction. However, one cannot have a narrow-minded point of view when expressing this opinion, as is evidently the case with members of the Government on this issue.

I refer the Minister to Commissioner Kelly's proposals which have explained the general jurisdiction of the commission. This is clearly set out on page 14 of Commissioner Kelly's report; that is, if one may call it that. It is a proposed industrial relations Act and it is a pity it was not adopted by the Government. However, provision No. 25 under the heading, "Jurisdiction of the Commission under this Act", reads—

> The Commission has cognisance of and authority to enquire into any industrial matter and any dispute, disagreement or question arising in relation to any such matter and may, subject to this Act, make an award, order or declaration relating to any such matter or to any such dispute disagreement or question.

That is a simple, concise dissertation on what should be required of an industrial commission. When a senior conciliation commissioner in this State brings down a jurisdictional clause in a proposed industrial relations Act, it should be in that simple form so that it would bring about a better understanding and feeling amongst unions. Certainly the report advised consultation rather than confrontation which this Government seems bent on having.

The general thrust of Commissioner Kelly's proposals is to permit any matters which may give rise to disputation to be dealt with by the commission, completely unfettered. However, the clause presented by the Minister is so unworkable and so full of matters which could be construed to be levelled against the working people of this State that it has become almost a head issue of people against the Government in respect of establishing a simple and concise jurisdictional clause.

With regard to the question of redundancy, much criticism has been heaped upon the members on this side of the Chamber because of their activities in showing the film "Now the chips are down". After seeing this film I just wonder how long we will be able to say the human race is needed in this world, as it is, in the 1980s.

Mr Laurance: Brilliant film, but it drew the wrong conclusion, of course.

Mr SKIDMORE: The question of redundancy concerns us because within the next 10 years countries throughout the western world will be looking at the redundancy problems of people not needed to work. It is not that people will not want to work, but they will not be needed to work.

On page 37 of the Kelly report, under the heading "Power of Commission in respect of Redundancy", the orders which the commissioner may make are not limited or affected. The report states—

> (a) by the fact that the employees or any of them are not, at the time at which the orders are made, in the employment of that employer;
> (b) by the provisions of any award or order which applies to those employees or any of them unless those provisions deal expressly with redundancy; or
> (c) by any provision of this Act which limits the extent to which an award or order may be given retrospective effect.

We are supposed to have a far-seeing Minister for Labour and Industry, backed by his Government, who says there is a need for good industrial relations, but instead we see where the right of

redundancy as an award condition has been taken away. It is all right for the Government to control the destinies of people who may be covered by awards, by contract on or for service, but when it comes to the question of dismissal of those workers the boot changes feet.

It is a completely different attitude. The Government wants to have control of contracts, but does not want to pay compensation when technological changes make a job redundant. That is a terrible condemnation of the lack of understanding in not giving the commission jurisdiction in this issue. In fact, the Kelly proposals would have removed that limitation and would have given the commission power to deal with such matters, which give rise to disputes in the community.

I know that several awards have redundancy clauses. My own union is aware of the attitude of the present Government. I suggest the members of our union would look forward to having that provision excluded as a matter of policy. Over a period of 77 years that union has followed the Federal jurisdiction but with the stroke of a pen—or as a result of a decision by this Government—the jurisdiction in Western Australia will be different. Although redundancy provisions will exist in the Eastern States, they will not exist in Western Australia. That is another field of jurisdiction which will be denied to the commission.

The Kelly report suggested that certain power should be given to the commission in respect of reinstatement, or compensation in lieu of reinstatement. There is nothing in this document about that. On the question of industrial relations, the Government claims they are good but it will deny the fundamental right of a person wrongfully dismissed. The Kelly report refers to the fact that there would be difficulties in certain cases of reinstatement because reinstatement, in those cases, would not be in the best interests of the employee. The report recognises this problem and sets out that a person who should not be reinstated should be entitled to pay in lieu.

I have picked out three items which I believe are of fundamental importance to the trade union movement. If a person, under common law, is able to go to the Supreme Court then surely that right should be available for all people. Under the normal jurisdiction of common law there is equal opportunity for a person to be proved right or wrong in the Supreme Court. However, the Bill now before us differentiates between the rights of employers and the rights of employees to such an extent that the concept of industrial peace is almost destroyed. It may be said that is an emotional approach, but it is not. It has been made on a calculated basis and I have enumerated it in that fashion to point out that the Government will not achieve industrial peace if it denies the right of the worker to become involved in industrial matters. That right will be denied by this Bill.

It is questionable whether the commission should be empowered to deal with matters such as the reinstatement of an employee, bearing in mind the powers in the Federal sphere to order reinstatement.

The Government is hell-bent on getting Federal assistance in order to bolster the case put forward by this Government. The Government is hell-bent on getting the Federal Government to adopt a joint approach to the question of unions with Federal and State registration, but the Government is not prepared to accept the good points which the Federal jurisdiction has for workers under its awards. The policy of the Liberal Party is to browbeat the workers, and that is symptomatic of the Government.

When there is a restricted field of industrial law, and the Government of the day makes those restricted laws, surely there should be some unfettered right for the workers to object. By that law the workers should not be denied an opportunity to receive redundancy payments.

With regard to agricultural workers, does the Government consider that those workers should slave away, during harvest time, sometimes for 70 hours a week on a flat rate of pay? Is that what the Government wants?

Mr Grewar: You know very little about farming.

Mr SKIDMORE: I have sat on a harvester at Kellerberrin and driven all night. I know as much about farming as does the member opposite.

Mr Laurance: He was worked underground, too.

Mr SKIDMORE: I do not understand that interjection or its relation to the question of harvesting; it is so much rubbish. However, I do understand what is required, in a physical sense, to be able to work for long hours driving a tractor.

Mr Grewar: It is not harvesting time all the year, you know.

Mr SKIDMORE: I will get off that subject because there is always some fool who seems to think that because I make a statement about harvesting I know very little about the subject. I have even been told that harvesting does not take place throughout the year. The simple answer is that I recognised that fact when I was about six

years old, and when I went to school at Kellerberrin.

Getting back to the question of industrial peace, and the question of the jurisdiction of the commission, if the Government wants industrial peace then for heaven's sake let us have a law to deal with the problem of industrial relations. It is acknowledged that some people will misuse the system. The Kelly report made it quite clear that in the interests of industrial peace there should be a preference clause. The Government is saying that there should be industrial peace at any price, and that it does not want confrontation; yet it has ignored the recommendations in the Kelly report.

I have made those remarks to indicate my opposition to this Bill. Certainly, I oppose interference in the jurisdiction of the commission and its inability to look at the matter of industrial relations in order to bring about industrial peace.

Mr T. H. JONES: I join my colleague in opposing the definition of "jurisdiction" in industrial matters. This is one area where the commission will have no jurisdiction, and this is something with which the Government will have to contend in the future if it considers that the trade union movement will sit idly by and allow some workers to receive benefits without making any contribution to the achievement of those benefits.

The Minister took me to task recently when I commented on what the Kelly report recommended with regard to the payment of union fees.

The Minister was wrong when he said Commissioner Kelly supported the contention that there should be no compulsion. If the Minister did his research he would know Commissioner Kelly said provision should be made for a person to pay union dues and for another person to opt out of payment of union dues on condition that that amount was paid into the State Treasury or to a charity.

Mr O'Connor: I presume you have not read the report.

Mr T. H. JONES: I have read the report and I have seen the other recommendations involved. This will be the breaking point, and I warn the Government. The Government accepts those parts of Commissioner Kelly's report which suit it and rejects those parts which do not suit it. No-one would challenge the authority of Commissioner Kelly. If the Government does not accept all his report, the legislation will be out of balance and the Government will find itself in a great deal of trouble.

I cannot see the trade union movement accepting this situation. This provision relates to the jurisdiction of the Industrial Commission to deal with certain areas, and one of the main areas of concern will be the clause relating to preference to unionists. It is all right for the Minister to amend the legislation, but he should provide for the different areas involved. Will any trade unionist pay $5 or $10 a fortnight to improve his conditions while another worker makes no contribution? These bludgers or scab unionists will accept the benefits the union gains for them, but will make no contribution to the union. Is that a fair proposition? I am not talking about affiliation dues. I am saying it is totally wrong in principle for any workers in Western Australia to accept the benefits of trade unionism without making any contribution towards the organisation which achieves the benefits.

Mr Herzfeld: What about the disadvantages in being forced to go on strike?

Mr T. H. JONES: Rubbish! That is the basic principle of the trade union movement.

Mr Laurance: What about the case of a worker who is a member of the Liberal Party—you want to force him to join a union and thereby contribute to the Labor Party as well!

Mr T. H. JONES: What would happen if the member for Gascoyne did not pay his dues to the Liberal Party? He would get his head knocked right off. He would not be endorsed for the next election.

Mr Sodeman: Why not be honest and ask them to join the Labor Party?

Mr T. H. JONES: Government members are supporting a Bill which makes contribution to a union optional. It is against the principle to which we subscribe. I ask again: Would the member for Gascoyne's party permit him to have the benefits of the party without his paying his fees?

Mr Laurance: No, but why should unionists pay to both?

Mr McIver: Only 3 per cent of unions are affiliated with the ALP. You do not know what you are talking about.

Mr T. H. JONES: Unions are not compelled to join the ALP or the Trades and Labor Council. They make the decision democratically. If the honourable member belonged to a football club or a bowling club in his electorate, he might not agree with the decisions made by the club, but according to the democratic principle the majority of members at the meeting determine what will happen.

Mr Tonkin: What if he does not pay his green fees?

Mr T. H. JONES: The Collie miners are paying $5 or $6 a fortnight in union dues. Would they put up with the spectacle of going down the pit with men who do not pay union dues, but who enjoy the conditions, including a 35-hour week and leave payments, which cost the unions thousands of dollars to gain? Would they allow these scabs to share the benefit? Members opposite must be realistic. One must be a realist in this game. To introduce a law and to make it work are two different things, and it is time members on the Government side appreciated the situation.

Mr P. V. Jones: You want them to be forced to join.

Mr T. H. JONES: I want the existing provisions to be retained, as Commissioner Kelly recommended.

Mr P. V. Jones: We are talking about preference.

Mr T. H. JONES: The position now is that people have the right to opt out, which is preferable to allowing them to pay nothing at all. Commissioner Kelly did not suggest what has been put in the Bill; the Minister cannot deny that. This was not Commissioner Kelly's recommendation, was it? They are all silent now. Commissioner Kelly did not recommend the disruption of the good understanding which has been achieved in Western Australia. Is it not better for the Industrial Commission to have control of the trade union movement than to allow workers to opt out? If every union in Western Australia said, "We will not register as a trade union; we will barter", we would have a chaotic situation. The Trades and Labor Council would have no jurisdiction. The Confederation of Western Australian Industry might have limited jurisdiction, but where would we go? Where would the State finish up?

The Government should be encouraging some control so that at least we can exercise some stable reasoning as far as the trade union movement in Western Australia is concerned. I am prophesying that this is what will happen. The trade union movement has gone quiet. Surely the Government is not expecting it to accept what it is handing out. It is handing out something else in another Bill which we will debate in a week or so. It is making attack after attack on the trade union movement.

As I mentioned the other night, even Commissioner Kelly said a number of the strikes in Western Australia did not result from the actions of the trade union movement. He blames the employers for some of the strikes, but we hear very little about the actions of employers in this debate. Did the Minister mention the employers? Did he say, as Commissioner Kelly has said, that they are responsible for a large number of the strikes which have taken place in Western Australia? Of course he did not, and we know why. He is here to protect the interests of employers throughout the State; he and the Government are hell-bent on attacking the working conditions of workers in Western Australia.

To come to another aspect of the Bill, I join with my colleague in complaining about the jurisdiction in the pastoral industry. If anyone needed a lift it is those who work seven days a week in most cases.

Mr Grewar: That is not so. I live among them; you only occasionally visit the area.

Mr Skidmore: You do not have to live in an area to know about it.

Mr T. H. JONES: It happens in my area. I was talking to farmers at Dardanup about this very thing last week. My electorate contains extensive agricultural areas and dairying is one of the rural industries in my electorate.

Mr Grewar: You were talking about the pastoral industry.

Mr T. H. JONES: I am talking about the industry generally. Some employees in the dairying industry are working seven days a week. There is no alternative, and if the honourble member has any knowledge of the industry he will know that. Surely these workers must have somewhere to go. Must they be subject to the whim of the farmers? Indeed, some of the dairy farmers are battling and it might be said they do not have the capacity to pay. However, the facts are—

Mr Grewar: Can you design a car—

Mr T. H. JONES: The honourable member can make a contribution on his feet if he wants to. He should do it in a manly way instead of sitting down and interjecting, or will his Premier not let him to that? We would be interested to hear from the member for Roe.

I would like to expound the theory I am talking about at the moment. Surely these people are workers, and surely they should have the right of appeal. Is there anything wrong with that principle? Do Government members simply accept that an employer may say to an employee, "I intend to reduce your wages by $20 a week and increase your working time by 10 hours a week"?

Look at the situation of the Parliament House employees who are now employed at the whim of a committee of this Parliament.

Mr Skidmore: A democratically-elected House Committee!

Mr T. H. JONES: A very democratically-elected committee. The employees of Parliament House have to accept what is dished out to them. Is this right in principle? What about the stewards who serve us in the dining room and the other members of the Parliament House staff who do an excellent job for us? They have no redress. Is that right in principle?

Of course members of Parliament have redress in such situations, and so while they are enjoying the situation they are in, they are not prepared to extend the same conditions to others. Surely if a member of the Parliament House staff feels that he is not being compensated sufficiently, he should be able to put his case to an arbitrator who would investigate the hours of work, the level of pay, and so on, and then bring down a decision awarding a salary that is commensurate with the duties. What is wrong with that principle?

Can any Government member answer my question? Everyone on the Government side is very quiet now. What is wrong with the principle of giving our employees somewhere to go?

Mr Sodeman: You tell us to be quiet because you are running out of time and now you want us to answer your questions. Do be consistent.

Mr T. H. JONES: Oh, "hurricane lamp" is back again—I thought he was in the Pilbara.

Mr Sodeman: Just carry on.

Mr T. H. JONES: The honourable member is not prepared to defend the people employed in Parliament House, and I am.

Mr Sodeman: You told us to be quiet and listen.

Mr T. H. JONES: The honourable member is not game enough to get to his feet. Probably he has been told not to do so by his boss.

Mr Sodeman: My boss is at home.

Mr T. H. JONES: Is there anything wrong with defending the members of our staff? If the person who serves us in the dining room believes he is underpaid, should he not have somewhere to go?

Mr P. V. Jones: Are you suggesting they have nowhere to go?

Mr T. H. JONES: Where do they go?

Mr P. V. Jones: Just a moment, are you suggesting they have nowhere to go?

Mr Jamieson: Where do they go?

Mr P. V. Jones: You know where they go.

Mr Jamieson: I will tell you in a moment.

Mr T. H. JONES: Unfortunately, an employee must go to an unbalanced committee, and the Minister well knows to what I am referring. Unfortunately this place is rapidly becoming a shambles. I am prepared to protect the employees of Parliament House, and Government members are not prepared to give them a go.

Mr Sodeman: What was the structure of the committee in 1971-1974?

Mr T. H. JONES: The employees of Parliament House must accept the decisions of the committee, and they cannot do anything about that. The only other alternative is to leave the place. Is that a fair position? In my view it is not. Government members should realise that they are denying our employees a right which they themselves enjoy.

Mr HASSELL: Usually the member for Collie speaks more sense in this place than he did today.

Mr Jamieson: You don't usually speak sense at all.

Mr HASSELL: The member for Collie has reiterated the Opposition's endless argument about compulsory unionism. Quite frankly, I do not know what that has to do with the clause under consideration, but as the member for Collie spoke about it at great length, I presume I am entitled to refer to it.

Mr Skidmore: The clause deals with the jurisdiction of the commission under this Act. If that is not to do with compulsory unionism, I do not know what is.

Mr HASSELL: With some heat the member for Collie kept asking what would happen to a member on this side of the House who did not pay his dues to the Liberal Party.

Mr T. H. Jones: That is right.

Mr HASSELL: The answer is quite simple: he would cease to be a member of the Liberal Party.

Mr T. H. Jones: Could he get endorsement?

Mr HASSELL: He would cease to be eligible to be endorsed as a Liberal Party member of this Parliament, but he would not cease to be eligible to be elected to this Parliament.

Mr Sodeman: As an Independent.

Mr HASSELL: Yes, he would still be eligible.

Mr Jamieson: That is a profound statement if ever there was one.

Mr HASSELL: The member for Collie is drawing a completely false analogy. Membership

of a voluntary organisation is different from being forced to pay union dues.

Mr T. H. Jones: Your Bill is making it voluntary.

Mr HASSELL: A union is a lawful association which has a function to perform in the arbitration system. It has a recognised function and a recognised right to perform that function.

Mr B. T. Burke: People are not forced to join unions now.

Mr HASSELL: Unions seek better working conditions and wages for their members, and they seek to improve the conditions under which their members work.

Several members interjected.

Mr HASSELL: A union is not a body which grants better wages and better working conditions.

Mr Jamieson: It puts up the case to do so though.

Mr HASSELL: These things are granted by the Industrial Commission.

Mr B. T. Burke: As a result of applications made by the unions. Be fair!

Several members interjected.

Mr B. T. Burke: Your Minister is on record as saying that the applications made and successfully made by the unions will be applied to non-unionists.

Mr HASSELL: Would the member for Balcatta have it any other way?

Mr B. T. Burke: I am not saying that we would.

Mr HASSELL: Indeed the honourable member is not saying that.

Mr B. T. Burke: But why should people who are not now forced to join unions be allowed not to pay their dues to charity?

Mr HASSELL: Because it is a person's fundamental right to decide whether he will belong to a union.

Several members interjected.

The CHAIRMAN: Order!

Mr B. T. Burke: Be fair!

Mr HASSELL: The member for Balcatta keeps on drawing these false analogies.

Mr B. T. Burke: Rubbish! You cannot defend yourself. You have the wrong end of the argument and you are incapable of putting forward a decent case.

The CHAIRMAN: Order! It is, of course, one thing for a member to interject and for the member on his feet to reply to that interjection. As members may have noticed, I have allowed a number of such interjections. However, if more than one person interjects, that ends the series of dialogue. Also it is not appropriate for a member, when interjecting, in effect to shout down the person who is the prime speaker. So I ask members to take note of my comments, and I again call on the member for Cottesloe.

Mr HASSELL: The members of the Labor Party who are arguing this case here are attempting to put the union movement in a different category from other organisations which are purely voluntary. Opposition members are trying to make out that unions are governmental organisations and analogous to the Industrial Commission which, as a matter of law, is the body which grants the wages and working conditions referred to.

Mr B. T. Burke: Upon application by a union.

Mr HASSELL: The unions make an application, but the State grants the awards through the authority of this Parliament. There is no way that the Opposition will succeed in raising the union movement to the position of a governmental body in this State, much as it wants to do so.

Mr B. T. Burke: The union makes the application.

The CHAIRMAN: Order! When the member for Cottesloe rose he questioned what could be said during the debate on this clause which, of course, relates to the question of jurisdiction. The member for Cottesloe related his remarks to those of the member for Collie. As I understood the member for Collie, he said that certain other things should be within the jurisdiction also. I do not think that gives the member for Cottesloe the right to talk in general on that subject unless he is saying those things should not be within the jurisidiction.

It seems to me that you are perhaps debating beyond that area, and if you are, I ask you to come back to the clause presently before the Committee.

Mr T. H. Jones: What a performance!

Mr HASSELL: Mr Chairman, as I understood the situation, the member for Collie was suggesting the jurisdiction of the Industrial Commission should include power to award preference to unionists, and should include the continuation of the present system of opting out. He used those obscene ALP terms of scab and bludger—terms used by members of the ALP to describe people who exercise their undoubted rights—

Mr B. T. Burke: You have got into trouble with your argument and have become abusive.

Mr HASSELL:—not to be members of unions. I am suggesting undoubtedly an appropriate amendment is included in this law to exclude from the Industrial Commission the power to force people to belong to voluntary associations. That limitation on the jurisdiction of the commission is a proper limitation and one which ought to be there. No continuation of the false analogies and false arguments will alter the fact that people are entitled to choose whether or not they should belong to a union. People will not be forced by members opposite or by their colleagues, or by an Act of Parliament, to belong to an association to which they do not want to belong. It is completely false to suggest there is any analogy between that and the powers of the Industrial Commission to determine working conditions and wages.

If the colleagues of members opposite refuse to work with such people because they have some obscene epithet which they apply to them, so much greater the condemnation of their colleagues, and so much more should they be condemned for their actions; because in this matter the rights of the individual are fundamental. It is indeed a great day when this Parliament moves to protect those rights.

Mr Bryce: The right to bludge on their fellow man and woman; that is what you are defending.

Several members interjected.

Mr HASSELL: That is right, let members opposite show themselves up for what they are.

Mr Bryce: You justified that. Let us hear your twisted morality in respect of its justification.

Mr HASSELL: How many times does the point have to be made?

Mr B. T. Burke interjected.

Mr HASSELL: Let me deal with one at a time; I am answering the Deputy Leader of the Opposition.

The rights and conditions of workers are granted by this Parliament under the powers given to the Industrial Commission in this law; they are not granted by unions.

Mr Skidmore: All right, we accept that.

Mr HASSELL: Therefore, people who take advantage of those rights are not bludging.

Mr B. T. Burke: Now deal with compulsory superannuation schemes.

Mr HASSELL: What on earth have they to do with the matter?

Mr B. T. Burke: That is another compulsion to which you have not taken objection previously.

Mr HASSELL: What has it to do with this clause?

Mr B. T. Burke: You are talking about analogies; I have given you another one.

Mr Jamieson: What about the rights of the individual under section 54B of the Police Act?

Mr B. T. Burke: You are selective in your analogies.

Mr HASSELL: Another matter which the member for Collie dealt with erroneously is the Kelly report. He said the Government had not followed the Kelly report in all respects, as if that was wrong.

Mr T. H. Jones: It is window dressing, and you know it.

Mr HASSELL: It would be a sad day when this Parliament gave away its undoubted rights in terms of legislation, and blindly followed recommendations.

Mr T. H. Jones: Why did the Government go to Kelly?

Mr HASSELL: To obtain his advice.

Mr T. H. Jones: Yes, his expert advice.

Mr Young: That is not what you said about the Kay report.

Mr B. T. Burke: You have to accept all of them or none of them.

Several members interjected.

Mr HASSELL: The answer to the members for Balcatta's interjection is: Rubbish. The Government and the Parliament have the right to consider recommendations made in every report, and to decide to what extent they will be accepted.

Mr B. T. Burke: And the Opposition has the same right.

Mr HASSELL: I can assure the member for Balcatta that I am very pleased the Government did not accept the full terms of the Kelly report, because some if its terms were totally unacceptable.

Mr B. T. Burke: The objection is that you used it as an excuse to do what you intended to do, and to do what you could have done without using the report to provide an excuse.

Mr HASSELL: The Kelly report was used in the consideration of the Bill which is now presented to the Chamber. The Government was never bound to follow exactly what was suggested. I have never said it was; and, indeed, it should not be so bound.

The member for Collie spoke also about the limitation on the jurisdiction to deal with employees engaged in the agricultural and pastoral industries. He made the point several times that they should have somewhere to go and asked whether people who work in the country are to be excluded from all redress. He went on in that vein as if to make out that people employed in those industries have no right to arbitration. Let us get it clear. The proposal in the Bill simply says the commission in the exercise of the jurisdiction conferred upon it by this legislation shall not limit the working hours of employees engaged in the agricultural and pastoral industries. It refers to only one aspect of their working conditions.

Mr Jamieson: The most important aspect.

Mr HASSELL: Wages, conditions, side benefits, and all the other matters which normally may be dealt with by the Industrial Commission, may be dealt with in the case of employees in the pastoral and agricultural industries. The only limitation is in respect of the hours of employment, and that is included for one reason: the peculiarities and the specific nature of the industry. That is necessary, as the member for Collie himself said when speaking about the dairy industry. He said it is necessary for people in that industry to work seven days a week in some cases. Apart from that one limitation, the full jurisdiction of the commission subsists in relation to employees engaged in the agricultural and pastoral industries.

Mr Tonkin: That limitation is not in the Federal Act.

Mr HASSELL: These issues keep coming back over and over again in the same form, and even using the same words. Surely we must get to the end of it.

Mr T. H. Jones: You have been here only five minutes. You have not even served you apprenticeship yet.

Mr HASSELL: That may be so, but I do not see it has any relevance to my comments.

Surely it must be accepted by the Opposition that we on this side are determined to give a fundamental right of protection to people engaged in industry in respect of whether or not they will belong to unions. That is our determination, and I hope we never waver from it.

Mr B. T. Burke: Are you trying to say we are not permitted to object to your determination to do something?

Mr HASSELL: Not at all, I am suggesting the repetition indulged in by members opposite is tedious.

Mr B. T. Burke: Would you pass out notes as to how long each person may speak? No wonder they call you the prefect.

Mr HASSELL: I support the proposition which limits the power of the commission to interfere in that basic right, and I hope the Government will not waver in its determination to ensure the clause is enacted in that way.

Mr JAMIESON: That was a most interesting speech. It is a pity the member for Cottesloe did not apply the same principle when the Police Act Amendment Bill was before the Chamber for amendment some time ago. It is convenient to have principles in respect of the rights of the individual which one can pop out now and again as it suits one.

Mr Hassell: They are well protected under the Police Act.

Mr JAMIESON: "Well covered" might be a better term. To carry the member's argument to its logical conclusion, he would like to do away with unions altogether; and a vocation with several thousand members would have people going to the commission singly to establish wage justice, each on his own behalf. What a lot of nonsense that is; if the member for Cottesloe stands up for one person, he must stand up for all people. He should be satisfied when the unions make a claim. After all, they are the ones which must make claims to the commission; the individuals cannot make claims.

Mr Hassell: An individual cannot make a claim.

Mr JAMIESON: Of course he cannot; he has no rights under this legislation. That is what I am trying to tell the member for Cottesloe. His only rights are through a union. Yet the member for Cottesloe is saying an individual should be entitled to all the benefits a union has obtained for him, without the obligation to pay.

Mr Hassell: No.

Mr JAMIESON: The member for Cottesloe is encouraging everybody to be as mean as he is—somebody who will not pay his way in the community. We have a lot of tax dodgers in the community; probably, the member for Cottesloe would defend their practices.

Mr Pearce: He probably sets up schemes to enable them to dodge tax.

Mr JAMIESON: That is the type of person the member for Cottesloe would encourage by this action.

Mr Hassell: What nonsense!

Mr JAMIESON: It is not nonsense.

Point of Order

Mr MacKINNON: Mr Chairman, I draw your attention to Standing Order No. 119, under which a member must speak to the matter before the Chair. I can see nothing in clause 23 which relates to tax avoidance.

The CHAIRMAN: Order! There is no point of order. I am sure the member for Welshpool is coming to the main point of this clause, which deals with the jurisdiction of the commission. I have tried to remind almost every member who has spoken in this debate—with the exception of the member for Swan, who was meticulous in applying his remarks to the subject matter under discussion—to confine his remarks to the clause under discussion. Whenever members strayed from the essential points, I drew their attention to that fact. I would like members to speak to the particular clause under discussion. However, obviously there may be occasions when a member, for a short period, moves away from the precise matters covered by the clause, before moving back to the subject matter under discussion. If any member does not return to the subject matter within a reasonable time, I will bring him back.

Committee Resumed

Mr JAMIESON: Mr Chairman, I will cease dealing with tax avoidance because it has touched the member for Murdoch on the quick.

Mr H. D. Evans: The morality of the matter is the essence of the argument.

Mr JAMIESON: Yes, the morality factor is the whole point at which I am aiming. These people who talk about human rights, and about all the things which should take place very often turn their backs on those lofty principles when it is convenient. So, it is an argument of convenience, not an argument of principle.

I object to the proposal that the commission shall not limit the working hours of employees engaged in the agricultural and pastoral industries. I agree there are some parts of these industries where it is inappropriate for an award to lay down finite hours; however, equally there are other sections where it may be appropriate. The hands of the commission should not be tied in this manner. It should be given the right to determine whether in its opinion it is advisable to lay down set hours for the employees of a particular agricultural or pastoral industry. After all, the commission has been established to make a judgment on the facts before it. Can it not be trusted to make a decision? It can be trusted with everything else, but apparently not with this matter.

The other provision with which I do not agree is that which sets up the statutory committees of Parliament as small wage-fixing tribunals. That is not their job. Probably, I have sat on these committees longer than any other member, particularly the Joint House Committee which is responsible for a varied number of people working within this establishment. It has always been a problem to make a determination on the salaries and wages of these people. We receive all sorts of recommendations from the Public Service and other people to whom we refer these matters, but the final determination is for the relevant committee to make.

These committees are not in a position properly to examine the facts, and compare similar occupations in the community at large. Indeed, they should not be placed in such a position. Probably, the Joint House Committee is responsible for about eight different categories of employees. It is no secret that at any given time, at least one of these categories is under consideration for a change of remuneration, conditions, or the like.

These people should be encouraged to be associated with another group of workers which could represent them and assist in determining their rates of pay. This is a ridiculous provision.

Even gardeners employed by the Crown and by Parliament are affected by this clause. Presumably, they should be paid at about the rate ordinarily applying to gardeners within the community. However, because the commission is to have no jurisdiction in this area, we will see the situation where the Governor's gardener must doff his cap and say to his employer, "Your Excellency, can you see fit to give me an extra $1 a week?"

Surely we have gone beyond that sort of situation, otherwise we have been wasting a great deal of time in the legislative halls of this State under this western system of ours. It should be possible for these people to have some sort of industrial representation.

Members of Parliament—contrary to the popular belief in the community—generally are very busy people, and cannot give adequate time and attention to inquiring into the salaries and wages of Parliament House staff. Obviously, we must rely on some sort of recommendation although, in the ultimate, the decision rests with us.

I know this will not be appreciated by either the Speaker or the President—who is in the gallery—but at times stewards while serving afternoon tea and at other times, complain to members that they are not getting a fair deal. We have heard members' secretaries discuss the remuneration they receive for working in electorate offices. All these people must be represented somehow. Surely it is better they have a proper representation, rather than the piecemeal approach which applies at the moment.

I am sure the tribunals which control the wage structure of the country would prefer such approaches to be made—whether by employees or employers—by a single organisation, rather than the multiplicity of approaches which must be made now. With the number of individual submissions coming forward, very often containing conflicting points of view as to why certain conditions should be changed, the final decision of the tribunal possibly is not as clear as it should be. This fragmentation of representation would be better replaced by a single organisation.

The member for Cottesloe seems to want that. I suppose he sees advantage in being able to squeeze a little more out of the workers in the community by adopting this attitude. He is not interested, as he indicated clearly, in people paying their way by being members of unions. I had better check with the Cottesloe Tennis Club; probably he goes down there as a member for a free hit up without paying his dues. This is the type of person he has developed into since he has been in this Parliament.

A good citizen is one who pays his dues and accepts his responsibilities as he goes along. We have not heard the member for Cottesloe indicating that he comes into the category of a person who is a reasonable and proper citizen, prepared to pay his way. We do not regard his point of view as sincere when he talks about the rights of individuals, when he speaks the way he did on the Police Act Amendment Bill and on this Bill this afternoon. He has no idea where he is going.

If he was the chairman of the tribunal and he was faced with a multitude of representations seeking wage justice, he would be the first one to say, "Why can't you all combine? Why don't you all get together?" Of course, that would not suit his ideas now.

If a person has an objection to being a member of a union, he is able to pay the union fees to a charitable cause. That is reasonable and fair. However, that person should not be allowed to escape the fees altogether. He should not be able to pay nothing at all and finish up with more pay to spend because he is not paying his way with the union. That is a despicable line of action.

The member for Cottesloe deserves any criticism he might draw here or anywhere else for putting forward such a preposterous suggestion.

Mr BRYCE: I have worked alongside people like the member for Cottesloe—

Mr Jamieson: I am sorry for you.

Mr Rushton: Do you mean you have worked?

Mr BRYCE: I have listened to people like the member for Cottesloe complaining bitterly about the desirability of being members of trade unions. Contrary to the suggestions that he put to the Committee that it was the courts, out of the generosity of their hearts, that granted awards to workers of this State, it is the trade union movement that has done the research and the homework, and made the applications to the courts to achieve increases in wages or salaries for workers. Then people like the member for Cottesloe just about knock over everybody else in the work place in order to get their hands on the increase in salary. That is despite the fact that they go out of their way to denigrate the people who are a part of organised labour—the people who contribute to the costs of the research in the organisation.

I suggest it is a form of twisted morality; it is a form of bludging for somebody to accept the efforts and the labours of other people on their behalf and refuse to contribute. I suggest to the member for Cottesloe that it is highly un-Australian. That is not the sort of co-operation on which this great nation of ours was built.

We are all required to contribute to a superannuation fund in this institution. If I said I wanted the benefits of superannuation when I retired but from this moment forward I would not contribute, people like the member for Cottesloe would be the first to squeal. He would be the first one to say it was unfair and dishonest, and that something ought to be done.

Sir Charles Court: You are stretching the long bow on that one, my boy.

Sitting suspended from 3.45 to 4.04 p.m.

Mr BRYCE: I sought an *Oxford Dictionary* to establish the meaning of the word "bludger" since the member for Cottesloe was so incensed by the use of the word and since he spent so much time on this matter during the course of his remarks.

Mr Davies: Was he reacting again?

Mr BRYCE: I thought he may appreciate that it is not an English turn of phrase; it is something which is purely Australian. There was no

definition in the *Oxford Dictionary*; but a definition was provided in the *Dictionary of Australian Colloquialisms.*

The words "a bludger" have never been a turn of phrase used to endear oneself to another person. Originally in the last century a bludger was someone who lived off the earnings of a prostitute; but the common and most frequent understanding of the term, as has been accepted since the turn of the century, is as follows—

> The word is given to be applied to any person who takes profit without risk or disability or without effort or work.

That is precisely the definition and the sense in which the term is used to apply to those people who, without effort, without personal contribution, expect to derive benefit or profit from the energies, research, and effort of organised labour.

I said earlier in my remarks that I had seen people like the member for Cottesloe, I had worked with people like the member for Cottesloe, who were only too keen to share in and grab with both hands increased wages and salaries which resulted from the research and hard work of organised labour in this country. At the same time, they insist upon a fairly selfish determination not to contribute.

Mr Davies: They go running for help.

Mr BRYCE: The member for Cottesloe suggested that people who are not members of organised labour—trade unions—should be denied the benefits of those unions; but, in fact, that does not happen. The benefit of a pay rise as it relates to any specific award automatically flows to everyone covered by that award. If the member for Cottesloe and his colleagues are determined to enshrine the principle of bludging in legislation in this way, with this Bill, they will be encouraging organised labour to opt out of the existing structure and system in a way to derive benefits for people who are solely and exclusively members of their organisations. So the friends of the member for Cottesloe who, by and large, own the wheels of industry will have the opportunity to squeeze for what they are worth the people who are not members of organised labour.

We will have the situation where the bludger, by definition, on the work floor will be denied the privileges and benefits of those people who have collectively and legally organised together actually to derive collective benefit. So, if the member for Cottesloe can appreciate that it is unfair for people to be compelled to be members of organised labour, I suggest it is equally if not more unfair for those people to accept the fruits of organised labour. Further, he and his colleagues are setting themselves about the task right now of enshrining in legislation an un-Australian concept of bludging on one's mates. He will be encouraging a system where any particular, defined workshop will be composed of people who are members of a trade union who will derive the benefits of what that union has done, and of people who are not members of a union and who will not derive the improvements in working conditions, and quite justly they will not.

We will finish up with two classes of people doing exactly the same job. That is probably one of the purposes behind the actions of the member for Cottesloe and some of his colleagues.

Dr TROY: Clause 23 is the leading clause in division 2. Division 2 refers to the general jurisdiction and powers of the commission. I refer members to the wording of subclause (1). When looking at that subclause we should ask ourselves what constitutes an "industrial matter". It is interesting in this regard that the Bill, as introduced by the Government, varies significantly from the recommendations brought down by Commissioner Kelly. We have to ask ourselves where these differences emerged and, from an examination of the situation, it is clear they emerged in the tiny minds of the members who comprised the industrial committee of Caucus of the Liberal Party.

We should look at situations which cannot be included in the definition of "industrial matter". Commissioner Kelly referred to one only and that was any matter which was or may be the subject of proceedings for an indictable offence. Of course, Commissioner Kelly, when making his recommendations, would not have been aware of the kinds of propositions contained in the State Energy Commission Bill introduced by the Government recently. "Indictable offence" can mean almost anything. Therefore, I can extend some latitude to him in that regard.

However, when one examines the provisions which have been added as a result of the work of the tiny minds of the members of the industrial committee of Caucus of the Liberal Party, one starts to see the thrust of the Government's actions.

I should like to refer to paragraph (j) of the definition of "industrial matter" which relates to workers' compensation. The commission may not grant concessions greater than the benefits set down in the Workers' Compensation Act. Paragraph (k)(iii) states that the commission may not deal with matters which concern "non-

employment by reason of being or not being a member of a union".

It is with this in mind I should like to point out the activity which will be generated by the Industrial Commission as a result of its jurisdiction. When looking at that, one must look also at the kinds of activities in which the commission has been engaged up to the present time and examine why the Government has introduced such a massive change.

Up to date the work of the commission has concerned the awarding of conditions of work in terms of rates of pay, hours of work, annual leave, long service leave, and so on. If one looks at the work of the commission over the last 30 years one sees it was engaged in a process of allowing improvements to conditions at the work place. Frequently these conditions were won by a particular industry and I should like to cite as an example the case in relation to waterfront workers. That particular section of the work force obtained improved conditions by taking industrial action. As a result, the commission was slowly allowing these conditions to be granted to other groups of workers. Therefore, a stream of trade unions were coming before the commission seeking conditions which had been established in other sections of the work force.

Of course, in that situation the Government was quite happy to see people forced into a union, because the work of the commission was slowing down the granting of these conditions to the work force generally. The unions were involved in a continual process of negotiation and appeal in order to obtain these conditions. The activities of the commission were slowing down the granting of improved conditions to workers. That is an interesting phenomenon in itself.

Over that 30-year period the country was benefiting from a rather massive economic boom and the workers received some of the benefits of it also. The situation has now changed. The Government has introduced a Bill designed to change the ambit of the work of the commission. The work of the commission will be streamlined in relation to the granting or taking away of conditions as a result of the provisions in the Bill.

The main area in which the commission will be involved now is that which interferes with the management of union affairs. I refer members to the definition of "industrial matter". This is definitely a product of the tiny minds of members of the industrial committee of Caucus of the Liberal Party. When one looks at the clauses which deal with this matter—such as clauses 24 and 26—one sees this legislation is designed to change the whole activity of the commission. Clause 100 allows no advantage to be given to a person who may or may not be a member of a union. The rights of individuals were discussed a short time ago. It is obvious this particular clause denies the right to unionise in our society. This is the essential change the Government envisages in the activities of the Industrial Commission. No advantage will be given to a person who is or is not a member of a union. There are several other manifestations of that change.

The Government has given itself great powers of intervention. Those powers are spelt out specifically in clauses 49 and 90. The Attorney General, according to his whim, may intervene and be a very limiting factor in addition to the power of appointment of members to the commission. Great powers of intervention in the activities of the commission are given to the Government in this Bill.

Another aspect of the general provisions of the Bill is that the Government has the power to intervene in consent awards. As a result, we are returning to the situation which existed in an earlier period of our industrial history when the Arbitration Court was controlled by judges. Mr Justice Jackson and Mr Justice Dunphy come to mind. I should like to cite an example of what used to occur. On one occasion my father and an employer presented a current award before the Arbitration Court. Immediately the case was presented, it was adjourned and the employer was called into chambers by one of these distinguished justices. The comment of this distinguished justice to the employer was, "What do you mean by coming into my court with a consent agreement with that commo bastard?" That was the level of intervention and now this Government wants to return the commission to these conditions.

At the present time the Government is interested in taking away the conditions of working people. Reference has been made also to the hours worked in the agricultural industry.

The whole thrust of the powers of the commission and its changes is to interfere with union affairs, and in a very big way. However, we do not hear any complaint from the Government about the roles of the members of a board of directors with their takeover bids, asset stripping, increases in prices and loss of dollars. The essence of the changes in this Industrial Arbitration Bill is really to interfere and intervene in the organisation of working people. The clear class character of this Bill is aimed politically to suppress the interest of the working class and working people in this country.

Mr SODEMAN: If the Opposition were a little more consistent and a little less hypocritical in its arguments perhaps we on this side would be convinced that it was genuine.

Mr Bertram: Have you been cleared by the Premier to speak?

Mr SODEMAN: We do not have to ask him if we want to speak.

Mr Bertram: He will be in shortly.

Mr SODEMAN: I would still speak, so perhaps we will not hear any more from the other side on that subject.

Going back to 1963—this period seems to be completely forgotten when talking about jurisdiction over union preference—the then Minister for Labour (Mr Wild) of the Liberal Party, in his second reading speech on the Industrial Arbitration Act Amendment Bill stated the following—

> In the Bill we leave the granting of preference to the discretion of the commission. In this State the attitude has prevailed that preference will not be granted to a union which consistently disobeys the law, and this attitude we ask Parliament to endorse by making the grant of preference discretionary.

That is where it all started obviously to overcome a deteriorating situation.

Mr Davies: Nonsense; the court had made the decision before then.

Mr SODEMAN: The commission has a discretion over preference and it was brought in then. If it was not brought in by the Liberal Government, why did the ALP spokesman of the day, Mr Hegney, then say this—

> I say now and I defy the Minister for Labour, or any other Minister of the Government to contradict me—that the provision written into the Bill is that the court shall not grant any form of preference to unionists. Yet we have the Minister making a statement—and I have a copy of his speech to the effect that the commission will have power to grant preference. I would say that this provision in the Bill is a diabolical attempt to undermine the influence of the trade union movement in Western Australia.

This is in contradiction to what the Minister said when introducing the Bill. We have an opposition member making a statement to the effect that the commission will not have the power to grant preference. I would say that this contradiction is diabolical when it is considered in relation to the trade union situation today. I suggest the Opposition goes back and checks its position.

It is important to note when this provision was being discussed, the Opposition at the time was saying that it was a diabolical attempt to undermine unionism in Western Australia. Now we have the jurisdiction being shifted sideways as far as the control of the commission is concerned, and we have members of the Opposition saying this is a diabolical attempt to undermine unionism in Western Australia.

I repeat what I said the other night and that was that the member for Morley, the lead Opposition spokesman on this Bill, stated that one of the reasons for the unpopularity of unions was that people were being forced to join them and the situation should be revised so that people are shown the benefit of joining unions. If this is what we will achieve, then obviously the member for Morley is out of step with the rest of his party. The member for Morley went on to say that one of the problems of the trade union movement was its ability to prosecute people who refused to join a union.

That is the comment made by the lead spokesman for the Opposition. I wonder why he made it. If we think back to the rather prolonged strike that the Mt. Newman Mining Company had in the Pilbara, we will remember that during that strike there was a great deal of coercion and threatening of members—to use the member for Morley's expression "gun pointing"—to the extent that an AWU organiser of the line camp workers made a submission to the member for Morley. The organiser sat in the member for Morley's office and went through all the points and described precisely what the irresponsible organisers—there are many responsible ones, thank goodness—did in the Pilbara during that strike. The organiser also made a submission to other members of Parliament and to the commissioner himself.

Mr Tonkin: What was his name?

Mr SODEMAN: His name was John Clark.

When the commission received that submission it recommended that the preferences in the Mt. Newman Mining Company Award be changed and if the member cares to look at the transcript of the hearing he will see that this is written there.

In actual fact the unions were being unlawful, they were not conducting themselves in the proper manner and to the extent of the 1963 Act. The commission decided to take appropriate steps but the company decided at the 11th hour to oppose that move.

Commissioner Kelly was reported in the paper as saying he was very disappointed with the move of the company because of the initiatives he had taken and had been asked to take sometimes concerning preferences in the award. So that was the comment of Commissioner Kelly himself and when the Opposition speaks about the comments of Commissioner Kelly in his report it should go back a little further and look at the commissioner's findings in that hearing on that particular award.

The member for Ascot drew a rather bad analogy with superannuation schemes. He said that if members of a union could opt out, why did he and others have to pay into a superannuation scheme? We all know, of course, this analogy should not be applied because a superannuation scheme has equal contributions and there is an equal return as well as no contribution whatsoever to a political party.

The union situation as it stands today does not have those ingredients. In fact, the converse applies; so a very poor analogy was drawn by the honourable member.

Another example I can give is the application of the Federated Clerks' Union for an iron industry award to cover clerical employees. The commissioner handling the matter said—

> The present dispute is clearly between the registered union and the named respondents. Whilst it may seem harsh and undemocratic to employees of the respondents that a dispute can be created concerning them without their consent or direction it is a fact that the law enables this to be done.

He then went about directing that it be done, acknowledging that the companies themselves and the large majority of employees did not want to be a party to the award. They were happy with the conditions they had. If members on the other side would like to take issue with that comment, I have had numerous letters from the individuals who would have been affected asking that we do something about holding up the application because they were very happy with the conditions they had as employees with the various mining companies in the Pilbara. They could not see the conditions being improved with coverage by an award and they did not want to be part of it. However, because the law provided for others to overrule their desires, they were locked in.

Members on the other side asked why we are changing the jurisdiction of the commission in respect of preference. I do not deny that what the member for Collie and one or two other members said could have merit as far as disruption, friction, and so on are concerned, and unfortunately I share some of their apprehensions. But if that does take place, I am saying it will be politically induced; it will be brought about by the handful of irresponsible people who do not want to see co-operation, conciliation, and unions working in with the companies. They do not want to see any co-operation whatsoever.

The member for Collie spoke at some length on the matter of severance pay and redundancy.

Mr Skidmore: I did. He did not mention it.

Mr SODEMAN: It was the member for Swan. He mentioned that the matters covered in the Bill were a one-way deal and that the individuals would be left out on a limb. I put it to him that if small business people, who provide the greater number of job opportunities, are encumbered with something they cannot handle or afford, and they have to pay out six or 12 weeks' severance pay when an employee has to be put off for reasons beyond the control of the business, the organisation will come to a halt.

Mr Skidmore: You do not recognise that redundancy is dealt with as an award and determined by the commission on the facts presented at the time. Therefore it is impossible to have a general application.

Mr SODEMAN: Applications have been made for redundancy to be included as part of a general award and for it to flow on throughout industry.

Mr Skidmore: Name an award which has had a general application on redundancy.

Mr SODEMAN: It has not happened at this stage. I am saying if that comes about, small business people who cannot afford to pay six or 12 weeks' severance pay—and it was applied for in the Hamersley Iron log of claims—

Mr Skidmore: That is hardly a small business.

Mr SODEMAN: As the honourable member knows, once it is agreed to in one location it will flow on.

Mr Skidmore: That is not necessarily so.

Mr SODEMAN: It could happen. I take the other point: if employees are awarded a lump sum by the commission, as has happened in this State—in one instance I think it was $40 000—a small business proprietor—

Mr Skidmore: That would never be awarded against a small business proprietor because it would be determined on the issues of the day.

Mr SODEMAN: —would not be able to meet the bill. When talking about being fair as far as redundancies are concerned, let us turn it around the other way. If an organisation has a top-class

tradesman or group of tradesmen on whom its business continuity depends, and the tradesmen decide on the spur of the moment that they no longer want to work in the organisation, they are completely free to leave that employment. They do not even have to give a week's notice; they can leave at the end of the day and leave a business in a very bad position. The organisation does not have any recourse against those individuals for reimbursement of the losses it might incur. In fact, such an event could put the particular company out of business, as has happened time and time again.

Mr Skidmore: Tell me one organisation which has gone out of business because of redundancy.

Mr SODEMAN: The honourable member has not been listening. I am saying if a group of tradesmen leave an organisation, there is no severance pay from the employee to the employer.

Mr Skidmore: Why should there be?

Mr SODEMAN: I am saying it is a one-way deal now. For some reason the members of the Opposition seem to be absolutely terrified about an individual having freedom of choice and the right to work. I repeat that I am apprehensive that there could well be some friction and disturbance in the larger companies, which no doubt will be induced by political influence.

For the Opposition to talk about implementing Commissioner Kelly's report in toto is inconsistent with the remarks of members of the Opposition on the Dunn and Kay reports, in regard to which they were talking in terms of retaining this bit and throwing out another.

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

Mr O'CONNOR: Much of the debate on the Bill has related to the lack of jurisdiction of the commission to handle certain matters; and in particular it has related to the preference clause. I make no apology in connection with that exclusion because the Government has made it very clear for a long time that it intends to give freedom of choice to the individual to be or not to be a member of a union.

Mr Tonkin: Why did you not put exclusion in the jurisdictional clause?

Mr O'CONNOR: It is covered in the definitions and it is not necessary to have it in both places.

Mr Jamieson: A lot of other things are in both places.

Mr O'CONNOR: I do not think there is any need to duplicate it. The fact is it is there and it does not allow the commission to interfere and give preference in connection with any awards at all. Some members seemed to think there was a way in which that could be done, but the legislation excludes the commission in that particular area.

When the Act was amended in 1963 and the preference clauses were included, it was said they would bring about industrial peace. But, quite frankly, they have not worked. I ask members to give this Bill a go to see whether we can get some industrial peace in the long term, such as we have had in the past.

We believe this is a Bill for people, not for powerful companies or unions but to give the individual the right to do what he wants to do in this regard. I will shortly make some comments giving a view contrary to that which has been expressed here but it is probably just as fallacious as the argument of some members.

The member for Morley said we have had tremendous daily coverage in connection with the Bill. So, also, has the TLC, and if the ALP wants the TLC to be its spokesman we can hardly be blamed for that. There has been as much coverage against as for the Bill. Coverage of the Bill has been fair, and opponents of it have been given as much space as we have, but the media know the aspect we are talking about today has the support of the public.

While some people are opposed to it, I believe strongly they do not reflect the majority view.

I will endeavour to answer questions raised during the debate, although I am sure most members know clearly the position and the views of the Government in connection with this clause. The commission cannot insert preference clauses in industrial awards. Clause 23 is clearly covered by the definition of "industrial matter".

Reference was made to agricultural areas and the fact that the commission may not control hours of work in the agricultural and pastoral industries. The commission has power over other issues such as wages, holidays, etc. Surely members do not think the commission should have power to restrict hours worked during times of seeding and harvesting when it is urgent that the work be done quickly. Generally speaking, I believe the farming community co-operate with their employees in this regard, and the employees receive other benefits to compensate for the hours they work during seeding and harvesting.

Mr Hodge: Don't you think the Industrial Commission understands that?

Mr O'CONNOR: Yes, and it will understand why we have left the situation as it is.

Mr Hodge: You don't trust the Industrial Commission.

Mr O'CONNOR: We do not believe that matter should be controlled by it. That is what applies in the present Act, and it has applied for the past 17 years. We are leaving the situation as it is.

Mr Skidmore: We have never said it was any different.

Mr O'CONNOR: If members opposite were so worried, why did not they change the law when they were in Government? We have not struck many problems in this area.

Comment was made about employees of this establishment. That matter was dealt with substantially when a previous Bill was before this Chamber a few weeks ago, and I do not want to go over that ground again. Comment was made regarding the Kelly report. Some members seem to think the Bill should reflect all the recommendations. I make it clear that the report was prepared as a base for the Government to consider when preparing a new Bill. Alterations to the Act have been made in line with our policy.

Mr Skidmore: You have emasculated the Act.

Mr O'CONNOR: The Government gave no indication it would adopt the Kelly report in total. The report gave us a good base upon which to work, and I thank Commissioner Kelly for his efforts. I made the point earlier, as did Commissioner Kelly, that the one thing he wanted strongly to include in the Bill was the matter of preference clauses. Commissioner Kelly stated his reason, which was that he received more complaints about that matter than about any of the issues he put out for public comment. He said he gave the matter a lot of consideration, and that it may be implemented. Do members opposite think because Commissioner Kelly did not include this matter among his recommendations, it should be omitted from the Bill? Members opposite should consider Commissioner Kelly's views in this regard.

The Deputy Leader of the Opposition and the member for Welshpool referred to people who are not members of unions being able to obtain benefits achieved by unionists. That does not necessarily apply.

Mr Skidmore: Of course it does.

Mr O'CONNOR: There is nothing to prevent a union applying for an award to apply only to unionists.

Mr Skidmore: Don't give me that; if you did that you would be kicked out of the commission so hard you would not even see the doorway.

Mr O'CONNOR: There is nothing to preclude a union from doing that. What is wrong with a person who gives above average service to his employer negotiating on his own behalf to have a wage superior to that of unionists? That can apply under the Bill.

Mr Jamieson: You are in that deep you had better stop now.

Mr O'CONNOR: The Deputy Leader of the Opposition referred to non-unionists as bludgers. I do not accept that. In this country everyone should have freedom of choice. I find it difficult to understand why members of the Opposition do not want to give people the freedom of choice to which they are entitled. The Deputy Leader of the Opposition said he should be free to opt out of superannuation and then claim superannuation benefits at the end of his term. If he wants to opt out of the superannuation fund, that does not worry me; but I think he should provide his own benefits, just as I would expect non-unionists to obtain their own benefits.

We could draw an analogy which is just as fallacious as his by comparing militant unions to the protection rackets in America, where people go to shopkeepers and say, "If you do not pay your shop will not be looked after properly"; and everyone knows what that means. In the same way, unionists say, "Unless you pay union dues, you will not work in this State." That is the sort of thing the Bill will do away with.

Mr Skidmore: What union does that?

Mr O'CONNOR: The Builders' Labourers Union, for one.

Mr Skidmore: You want to be very careful.

Mr O'CONNOR: I do not have to be careful.

Mr Skidmore: No, because you are privileged here; but don't say it outside.

Mr O'CONNOR: I have said it outside. The Secretary of the Builders' Labourers Union (Mr Kevin Reynolds) said in a room in front of Peter Cook, myself, and 12 other people that he did not care how many exemptions were granted, there was no way a person would ever work on a building site in Western Australia without a ticket.

Mr Sodeman: The Secretary of the Electrical Trades Union said the same thing in *The West Australian* a week ago.

Mr O'CONNOR: It is abuse like that of our system which has made it necessary for the Government to introduce a Bill to protect the people of this country.

Mr Davies: You are protecting bludgers.

Mr O'CONNOR: People could call members opposite bludgers, and they might say it is unfair. I do not want to go into that.

Mr Davies: No, because it is too near the bone.

Mr O'CONNOR: What, calling the Leader of the Opposition a bludger?

Mr Davies: No, legislating for bludgers.

Mr O'CONNOR: The people in this country should not be stood over and pushed around by anyone. This Government will make sure they are not and will give people freedom of choice to be or not to be a member of a union. If unions want to attract members, let them not bludgeon people, but let them attract them by offering benefits.

Some members said unions have obtained wage increases for their members. I agree that is so. In many cases they have obtained substantial wage increases. However, we must realise also that such increases are not always to the benefit of the community, and what we really want is purchasing power.

Mr Bryce: Do you think such increases should be paid to non-union members?

Mr O'CONNOR: Persons who are not members of a union should be entitled to negotiate for themselves to obtain what they want.

Mr Bryce: Do you think they should get the flow-on?

Mr O'CONNOR: I will not make a statement that commits me at all times. Obviously the Deputy Leader of the Opposition was not here earlier when I said the Bill does not preclude unions from applying for awards which affect union members only.

Mr Skidmore: They would not get them from the commission, because applications have been made over many years—both in the Federal and the six State jurisdictions—and not one has ever been granted.

Mr O'CONNOR: This is a different Bill, and I believe it may be done.

I move an amendment—

> Page 23, line 22—Insert after the word "conferences" the passage ", and the provisions of this Act relating to representation of the parties,".

We must realise the reason for this. I know that some members do not know the reason for it, so I will tell them. We have allowed for joint sittings of the Commonwealth and State commissions under the legislation. The Commonwealth legislation allows legal practitioners to appear. We have not allowed that in the State legislation because the TLC and the confederation opposed this question strongly. They said it would cost the unions and the confederation a considerable amount of money. However, where the commissions sit jointly and the Federal commission does not preclude legal practitioners, the amendment allows the sitting to proceed on that basis. I commend the amendment to the Committee.

Mr TONKIN: On the face of it, I can see no objection to the amendment.

Amendment put and passed.

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

Ayes 26

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

Noes 19

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

Pairs

Ayes	Noes
Mr Watt	Mr T. D. Evans
Mr Old	Mr Taylor
Mr Sibson	Mr Harman

Clause, as amended, thus passed.

Clauses 24 to 28 put and passed.

Clause 29: By whom matters may be referred to Commission—

Mr TONKIN: Clause 29 provides that the Attorney General can refer a matter to the Industrial Commission. There does not need to be a dispute. He can refer a matter to the commission even while there is industrial peace.

We are concerned that the Crown will use this for mischief making while "the Crown" means "the Liberal Party". Although one cannot make laws for specific Governments, nevertheless we are concerned that this Government has shown a predilection for causing industrial trouble. In support of that comment I quoted some figures in

my second reading speech. Those condemning figures were not published, of course. They indicated the very bad record of the Government compared with the records of the Tonkin Government and the Dunstan Government in South Australia. I quoted figures for working days lost due to industrial disputes and for the number of disputes. I think the figures on working days lost are a more valid measure than the number of disputes; but on both counts this Government has a very sorry record.

Although we do not oppose this clause, we are concerned that it will be used to foment mischief as long as this Government is in power. However, as it seems that this Government will not be in power next year and we will have an Attorney General who does not foment mischief, this clause could work to the benefit of better industrial relations.

Mr O'CONNOR: On this issue, the Attorney General has the right only to refer these matters to the commission. Obviously it is the commission which makes the decision in the long term. It will make rulings. Therefore, the Attorney General has no power other than to refer matters to the commission. He will do that in the interests of the public. This is consistent with what we have expressed in relation to the Bill. Where the public interest is at stake, the Attorney General should be able to intervene. In this case, he will refer the matter to the commission, which will make the final decision.

Dr TROY: Under proposed new section 29—

> (1) An industrial matter may be referred to the Commission by an employer, union, or association, or the Attorney General.
>
> (2) A claim by an employee in relation to whom the Commission may exercise jurisdiction conferred on it by section 23—
>
> (a) that he has been unfairly dismissed from his employment . . .
>
> may be referred to the Commission by that employee.

It is precisely the operation of this clause that will allow the commission specifically to interfere in the right to act in union.

When a person seeks to work in union—union being two or more people—with another, a third person can object to the commission. The clause will operate to prevent the two in union from having the freedom to decide not to work with someone who stays outside the union.

The Minister made much play of defending the rights of the individual. That is nonsense. The freedom which is clearly restricted is the freedom of two, in union, to refuse to work with a non-union party. This is the real substance of clause 29.

We heard amazing comments a little while ago from the member for Pilbara. He attacked preference and closed shop. Closed shop applies in the Pilbara, rather than preference clauses. He claimed the operation of preference or closed shop is the denial of an individual's right to work.

The Government cannot be proud of the fact that the OECD recorded a few days ago that Australia has the highest number of young people who are unemployed and who stay unemployed for longer than in any other developed country in the world.

Of course, it is known also that Western Australia takes the lead in the whole of Australia in this regard; therefore, the member is speaking with tongue in cheek when he talks about the right to work.

Clause 29 is an attack on the freedom of an individual to act in union. This clause is obnoxious.

Mr DAVIES: The Minister made great play of what the Government was doing in respect of the recommendations contained in the report by Commissioner Kelly. I should like to point out also that the Government has taken those parts of the Kelly report which please it and has further expanded them, generally to the disadvantage of the worker and to the advantage of the Government. If the Government had been dinkum and if it had wanted the recommendations contained in the Kelly report to be put into effect properly, it would have taken those recommendations in total. It is more than interesting to examine the Kelly report and contrast the recommendations contained in it with the provisions in the Bill. It is interesting also to note the Minister's introductory speech on the Bill. One can discount about 50 per cent of that speech, because it was rather meaningless. It was in the diatribe class. The Minister had to try to convince the population at large that it was going the right way.

I should like to refer to recommendation 32 on page 19 of the Kelly report which limits the powers of intervention of the Minister to matters in which the public interest may be affected adversely, or to matters in which the Attorney General saw the need to intervene to safeguard the public interest.

Clause 29 empowers the Attorney General, on behalf of the Government, to make an application in respect of an industrial matter to the Industrial

Commission. In addition to permitting intervention in any proceedings in the public interest, the Government now takes unto itself this additional power.

The Minister will probably tell us in reply that the only time the Attorney General will intervene is in the public interest, but what the Minister expects to happen under this Government may not in fact occur. The proposals put forward by the Government mean that it may make application in respect of any award and can be joined as a party applicant and as a consequence have all the rights of a party, regardless of whether or not the principals—the employer and the union—have an argument in relation to any particular industrial matter. Members should bear in mind that the Government is also an employer of labour.

The employer and the union can go to a court on an industrial matter and be perfectly happy with what they put forward to the court. The Attorney General may intervene even though he may not have a direct interest in the case. Previously he was able to intervene on a matter in the public interest; but now he will be able to intervene on an industrial matter which he should keep his nose out of.

The Government's handling of industrial matters shows an extreme lack of sensitivity. A situation could develop and the Government could interfere when it has no direct interest in the matter. It may do so completely to the disadvantage of the employer and the union.

The member for Clontarf has not read the clause. It would do him good to read it, because it needs careful consideration. An analogous situation would be if one was having an argument with one's wife and one's next-door-neighbour intervened. The same situation would apply as a result of this provision. The Government has gone further than Commissioner Kelly's recommendation. The Government will be able to intervene whether or not a matter of public interest is involved. Agreement may have been reached and the court may want to take specific action, but the Government may intervene.

The Government will not stop the court doing what is wants; but it can intervene when it has no particular interest in the case. An issue may have been settled and a determination made by the commission to the satisfaction of the parties; but the Attorney General could exercise his right to bring the matter back before the commission. In the event that the Government was dissatisfied with the proceedings before the commission, it could appeal to the presidential bench or to the Industrial Appeals Court. As an intervenor in proceedings, the Government did not have the right of appeal against the decision of the commission. The Government has expanded its right to interfere in industrial proceedings regardless of whether it has a fundamental interest in the matter.

If that power is necessary, it reveals a weakness in the proposed Act. If there is any value in the Bill it is the fact that an attempt has been made to bring the parties together. However, I do not believe the Government has the right to intervene in the way it proposes, in defiance of the recommendation made by Commissioner Kelly.

Mr O'Connor: Which subclause says the Government can intervene?

Mr DAVIES: An industrial matter may be referred to the commission by an employer, union, or association, or the Attorney General.

Mr O'Connor: What you are saying is quite wrong.

Mr DAVIES: If the Government can guarantee that, under no circumstances, the Attorney General has the right to intervene, I will accept that.

Mr O'Neil: He can intervene in the public interest according to the provision in the next clause. This clause is only a reference.

Mr DAVIES: We shall deal with this matter again when we debate clause 30. Why is the name of the Attorney General mentioned?

Mr O'Connor: I have explained it once and I will explain it again later.

Sir Charles Court: This clause deals only with the right of reference. The next clause deals with intervention.

Mr DAVIES: A matter may be settled satisfactorily, but the Attorney General may use his right to refer it back to the commission.

Mr O'Neil: If neither party to the dispute is prepared to make the approach to the commission, it may well be that a third party should refer the matter to it.

Mr DAVIES: Why should the Government interfere if neither party wants to refer the matter to the commission? Surely if the employer and the union do not want to refer it to the commission it should not be necessary for the Government to have the right to do so.

Mr O'Neil: It is simply a matter of bringing the dispute before the commission for determination.

Mr DAVIES: In defiance of what both sides want.

Mr O'Neil: If there is a stand-off someone has to have the right to bring it to a head.

Mr DAVIES: Why not give the right to the commission? Why should the power rest with the Attorney General? We know the way in which this Government handles industrial matters. If there is the hint of trouble it will ask the Attorney General to exercise his right to refer the matter to the Industrial Commission. Apparently it is not a matter for the union or employer to decide; it is a matter for the Government to decide. The Government has the right to refer the matter to the commission regardless of the wishes of the union or the employer. The Government has gone further than the recommendations of Commissioner Kelly.

Mr T. H. JONES: The Government is saying in this provision that it has no confidence in the commission. A provision has been inserted in clause 45 which has existed in legislation relating to the coal tribunal for many years; that is, if industrial action is likely to occur, investigations may be made and the matter may be dealt with under the Act.

The Industrial Commission has been established to look after industrial matters in Western Australia. The Government has said to the commission, "You may intervene when a dispute is threatened"; but it then says, "We also think the Attorney General should be able to look over your shoulder to see that you are acting in the correct manner." Why not leave industrial matters in the hands of the commission?

The commission is being restructured; therefore, it should not be necessary for the Attorney General to have the right to intervene. The Bill says that if the Government considers the commission should examine a matter, the Attorney General may exercise this right. That is not necessary, because clause 45 provides for the commission to deal with such situations. This has been happening for many years in the coal industry in this State with good results. The Government wants to supersede the authority of the commission.

In one respect the Government is saying that the commission can intervene where a dispute is likely to occur; but on the other hand it is saying the Attorney General may tell it what to do. This demonstrates clearly that the Government wants the power to intervene where Cabinet considers it is necessary for it to do so. The commission is up to date on industrial matters. If a dispute is threatened it can call the parties together under the provisions contained in clause 45. What better protection does the Government want? I oppose the clause.

Mr O'CONNOR: The member for Fremantle claimed this clause was an attack on unions, because it allows individuals to intervene or have a say in matters related to the Industrial Commission. The powers of intervention are very limited. They apply only where an individual has been dismissed unfairly or precluded from receiving benefits to which he is entitled.

Mr Skidmore: It can cover the whole gamut.

Mr O'CONNOR: The power is limited. The member for Morley understands this matter very well and he will agree that is the case. The individual will come in only in limited areas.

Mr Skidmore: That is not what you said.

Mr O'CONNOR: That is exactly what I said. I am aware the member for Swan misheard me the other night. An individual will be able to bring matters before the commission in limited circumstances.

Obviously the Leader of the Opposition did not read the clause before he spoke, when he referred to "intervention". This clause deals only with a reference to the Industrial Commission.

Mr T. H. Jones: What does it mean?

Mr O'CONNOR: There is a great difference between "intervene" and "refer". If a dispute is not referred to the commission, and it is to the detriment of the community generally, the Attorney General will have the authority to refer the matter to the commission.

Mr T. H. Jones: Surely the commission is competent to handle the matter.

Mr O'CONNOR: It will be only when the matter is in the interests of the community. The commission will make a decision with regard to what will occur. Surely a Government elected by the people to look after the people should be able to refer a matter to the commission if it believes the matter is in the interests of the community generally. I do not think this would occur on many occasions. If the Leader of the Opposition had read the clause he would have noticed it is similar to that which exists in the present Act. The methods of intervention are similar.

Mr Davies: But the commission will be able to intervene in a matter of public interest.

Mr O'CONNOR: There is very little difference. I believe the clause is reasonable and we should support it.

Mr TONKIN: The Opposition does not oppose this clause. However, we are concerned that it should be used in a proper manner. We are confident that our Attorney General, next year, will use it in the public interest. We only hope that a conservative Attorney General will use it

also in the public interest rather than to foment trouble. It cannot be written into an Act that a provision is dependent on the incumbent of a certain position.

We do not oppose the clause although we warn the Government we will be on to it if the clause is misused.

Mr DAVIES: I understand the Minister has said that the only time the Attorney General would intervene would be if he felt that a matter was of public interest.

Mr O'Connor: That is the purpose of the provision.

Mr DAVIES: Does the Minister not agree that if he wanted to intervene in a matter, and refer it to the commission, he could do so even though the union or the employer did not want the matter referred to the commission?

Mr O'Connor: There is no provision for that to occur in this clause.

Mr DAVIES: What does, "refer to the commission" mean?

Mr O'Connor: It means a matter not before the commission.

Mr DAVIES: Is application made to the commission for a particular purpose? I do not see any definition of "referral".

Mr O'Connor: A dispute of interest to the public will be brought to the notice of the commission. A request could be made to the commission to get the parties together.

Mr DAVIES: Can an application be made on behalf of a union and an employer on a particular matter? Will someone be able to say to the commission, "There is a dispute over the painting of cement tanks, and I think you should look at it"? Will there be an opportunity for the two parties to be represented?

Mr O'Connor: Only in the same way as they can be now.

Mr DAVIES: There is no extension whatsoever of that right? If the Minister can give me that guarantee I am quite happy to go along with the provision.

Mr O'Connor: Do not let me mislead the Leader of the Opposition. I was not referring to the actual proposal when I mentioned the measures in the present Bill.

Mr DAVIES: No, the existing Act which will be repealed with some sadness. If the provision means that an application can be made without that person being a party to the application—other than referring it—then I am quite happy. However, I am not happy about anyone taking it on his own initiative to be a party to a dispute, and to intervene in a matter before the commission as one of the parties. That would then involve three parties—the employer, the union, and the Attorney General.

Mr O'Connor: That applies in connection with this clause. As a result of the provisions of the next clause, he will intervene on behalf of the public.

Mr DAVIES: But he will not make an application on behalf of a particular party, or in lieu of a particular party?

Mr O'Connor: No.

Clause put and passed.

Clause 30 put and passed.

Clause 31: Representation of parties to proceedings—

Mr O'CONNOR: I move an amendment—

> Page 30—Add after subclause (5) the following new subclause to stand as subclause (6)—
>
> > (6) A person who is not a legal practitioner within the meaning of this Act but engages in the practice of the law in a place outside the State shall not appear as an agent in proceedings before the Commission.

In its present form the Bill would permit people from outside the State to appear before the commission, and that is not desirable. It should apply only in cases where the parties agree, or where the Federal commission is involved.

Mr TONKIN: I have had a careful look at this amendment and I cannot see any objection to it.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 32: Time and place of sittings of Commission—

Mr HODGE: I am concerned that if a union wants to amend an award it firstly must advertise that fact in a newspaper circulating within the State. It will then have to serve notice of the claim on the Trades and Labor Council, the Confederation of Western Australian Industry, the Public Service Board, and such other organisations as the commission directs. That is not a requirement under the present Act. I cannot see any reason that those organisations should be notified of an amendment to an award.

The Minister has not given an explanation. I do not believe it should be compulsory that the confederation be notified because the matter is none of its business. It is not a registered

organisation under this Act, and neither is the Trades and Labor Council.

If the Australian Hotels Association and the liquor trade union got together and agreed to amend the award—to make a minor variation—why should they have to go to the trouble of buying newspaper space to advertise the fact? The amendment would be a matter of interest only to the union and the employers concerned. If they are in agreement why cannot the agreement go before the Industrial Commission and be registered, and have the force of law? I believe this clause will provide a recipe for much more interference in industrial affairs by bodies with only a peripheral interest.

Mr O'CONNOR: The provision is on the basis that any affected person will have notice of what is to happen, and will not find out after the event. I believe, quite strongly, that both the unions and the confederation should be advised of impending amendments because it will give them an opportunity to examine those amendments and ascertain whether the people they represent are affected. In a case such as the one mentioned the confederation would not intervene.

Mr Hodge: Then why should it be notified?

Mr O'CONNOR: The purpose of the provision is to allow any interested party to have reasonable notice of the position. I believe it is a more democratic method of advising people of the position without involving a great deal of inconvenience.

Mr T. H. JONES: It is not cheap to advertise in the Press, and the unions will be put to unnecessary expense. This is something new. The unions will have to serve notice on the council, the confederation, and the Public Service Board. Also it will have to serve notice on other interested parties. That happens now if an award is varied. The members of the union would be involved in the decision in the first instance.

In my view the Minister's statement does not hold water because the union members make the decision to apply for an amendment to an award. Why is it necessary to notify the union members that the award is to be amended? It has not been indicated clearly to me why the existing system is not satisfactory. If it is to be replaced with a system which will involve the unions in more expense, there must be a reason for introducing the change.

Mr O'Connor: How often would a union oppose the making of an award?

Mr T. H. JONES: Consents now have to be registered.

Mr O'Connor: How often would a union consent?

Mr T. H. JONES: Quite often. I am referring to the whole trade union movement.

Mr O'Connor: I have said I believe interested parties should be given notice.

Mr T. H. JONES: Interested parties are given notice now. Where have the present notification procedures failed?

Mr O'Connor: I see nothing wrong with this clause.

Mr T. H. JONES: Where do the existing provisions fail?

Mr O'Connor: An individual often finds out he is up for an increased award. He may not have had any notification and may not have paid his employees the correct award rates because of lack of knowledge.

Mr T. H. JONES: That cannot occur.

Mr O'Connor: It has occurred.

Mr T. H. JONES: I would like the Minister to give me some instances. The Minister has not told us what is wrong with the existing procedure which necessitates a radical change like this. Why is the Public Service Board interested in an award which is not within its jurisdiction? Why worry the Public Service Board with unnecessary work when it has no jurisdiction in a particular area?

Mr Davies: The Attorney General might want to intervene.

Mr T. H. JONES: The Government should have another look at this. The Minister has not answered the question.

Mr O'CONNOR: I have expressed my view on this matter. I sincerely believe we should notify as many people as possible of award changes which might affect them to give them the opportunity to intervene. It would be just as unfair not to notify the industry as it would be not to notify the union if an award came before the court.

I move an amendment—

Page 30—Delete line 36.

Mr TONKIN: It is obviously just a printing error and we do not oppose the amendment.

Amendment put and passed.

Mr O'CONNOR: I move an amendment—

Page 31, line 22—Insert after the word "industry" the words "or industries".

Amendment put and passed.

Mr O'CONNOR: I move an amendment—

Page 31, line 25—Delete the word "revocation" and substitute the word "variation".

Mr TONKIN: Frankly, we are amazed at the number of amendments. It seems to me there has been no proof-reading of the Bill. In my short career here I do not remember a Bill having so many errors. This Bill was obviously thrown together and rushed to this place. With three amendments to one clause it is obvious the Government did not have time to proof-read the Bill. It indicates unseemly haste and sloppy methods on the part of the Governmen

Amendment put and passed.

Mr SKIDMORE: I want to take up the question of the needless words which appear in Bills. There seems to be an ever-increasing number of them. "Gobbledygook" is a good description of them. The Minister suggests unions should do certain things and notify certain people. I agree that no organisation should have foisted on it an award about which it has no knowledge, but it is open to employers to belong to a voluntary organisation such as the Confederation of Western Australian Industry to become knowledgable, just as it is open to an employee to belong to a union to become knowledgable. But if an employee or an employer does not want to know about an award, why should the union be forced to serve notice on him? But that is not my major objection.

Paragraph (b) of subclause (2) says—

(b) the following have been served with notice of the claim—

(i) the Council;

I presume that is the Trades and Labor Council.

Mr O'Connor: That is correct.

Mr SKIDMORE: I have no quarrel with the Confederation of Western Australian Industry being notified. But why would we want to advise the Public Service Board that the flour mill employees want to amend their award or that there was to be a variation of awards in the liquor industry? If the Public Service Board were informed as promptly as it is today of the decisions of the courts—and it does not act on them for two or three months, and even then sends out misleading information to Government departments—I do not see any validity in including it. I have asked the Premier a question about $1 400 or $1 500 in wages which have not been paid because of negligence of the Public Service Board in an area in which it has jurisdiction. The board does not give the Government bodies autonomy. That is interference with union affairs and I see no purpose in it.

I also question the necessity to include organisations other than the Confederation of Western Australian Industry. When all is said and done, the confederation has power to intervene only on behalf of an employer whom it represents, and it tells the employers what is going on. If the confederation does not tell employers, why should the unions have to do its work? It is an unnecessary imposition on the unions.

The old system worked very well and I will never know why it has not been adopted. Under the old system the union made an application and the commission instructed who was to be advised that the log of claims was being served. It was then served on a cross-section of employers in the industry and the confederation took over at that point by calling a meeting.

I do not know why the Trades and Labor Council needs to be advised, either. I do not know that it would want to know what I was doing with my award. We already tell the confederation what is going on. We do not get far with an award application without a phone call from the confederation saying, "What are you trying to do? We are going to oppose it." The confederation already knows about these matters but the Government wants it to be told about them twice.

I agree with the commission having power to say who should be told. It should be within the province of the commission to make up its informed mind. That is where the matter should be left. If the Government wants to make a laughing stock of the Industrial Commission, let it go ahead with this rubbish.

Mr O'CONNOR: Awards in this case are a common rule. At times in the past employers have found out about awards a long time after they have been made. We want something reasonable. The Public Service Board covers many people in many different areas and I do not think it is unreasonable that it be informed. Bearing in mind the number of people the board covers, there may be areas which affect it. We are trying to ensure all the parties involved are notified. I believe unions should be notified of every issue.

Mr Davies: Why does not the commission just publish it in the *Government Gazette* as it does with so many other things?

Mr O'CONNOR: The Government believes that this way is appropriate and I see nothing wrong with it. Members seem to think that there will be a great deal of expense involved, but I very

much doubt this. It would not occur daily or weekly with each individual union, and I believe the cost will be very small. However, if it appears that undue expense is being placed on certain people, we will look at the matter in due course.

Mr Davies: Would it not be better to place a responsibility on everyone interested to read the *Government Gazette*?

Mr O'CONNOR: It would be difficult to get that idea over to people. We are not interested in companies; we are interested in employees. I believe this is the right way to go about it.

Mr BERTRAM: The Minister was most unimpressive in the remarks he just made.

Mr O'Connor: But their unimpressiveness will be overtaken by your comments if they are like your normal ones.

Mr BERTRAM: That is a typical retort from a person who does not have a case to put forward.

Mr O'Connor: If I had one you would not be representing me.

Mr BERTRAM: Is the Minister aware that legal practitioners have the right to decide who they will and who they will not represent?

Mr Shalders: But they have to be asked before they refuse. That is the point the Minister was making.

Mr BERTRAM: The Minister who has just shown a concern about the wages people are paid is a considerably wealthy man himself, and the length of his pocket would not cause me to act for him as legal practitioner or in any other capacity.

I will now return to the Bill. As we now know, Mr Acting Chairman (Mr Crane), the Minister put up no case at all to justify the requirement to give notice to the Public Service Board. He may well have said that somehow or other there may be an occasion when, say, the Women's Service Guild or the Subiaco Football Club, may be interested.

Mr O'Connor: That will be covered. It says, "interested parties".

Mr BERTRAM: The people of Western Australia, and indeed, the people of Australia, are sick and tired of bureaucratic humbug and the writing into legislation of laws which are unnecessary. There is far too much legislation, and the clause we are referring to illustrates this very well indeed. I say that conscientiously, and not like the member for Karrinyup who said the other day that taxation should be reduced but who does absolutely nothing about it. In fact, the honourable member supports a Government that has increased expenditure willy nilly with the inevitable consequence that taxes will be increased.

Sir Charles Court: Which taxes have been increased?

Mr BERTRAM: I could give the Premier a list as long as my arm if I had the time to do so.

Sir Charles Court: Tell me which taxes have been increased in the last four years.

Mr Davies: What is a tax?

Sir Charles Court: A tax is very clearly defined—a tax and a charge are two different things.

Mr Davies: It makes no difference to the person paying it whether it is called a levy or a charge.

Mr BERTRAM: Charges have been increased.

Sir Charles Court: How long ago was that?

Mr Davies: Water rates have been increased, and there is a 3 per cent levy on the SEC revenue.

Sir Charles Court: When was that?

Mr Davies: It does not matter what one calls it to the person who has to pay.

Point of Order

Mr O'CONNOR: On a point of order, Mr Acting Chairman (Mr Crane), could you just tell me what clause we are discussing?

The DEPUTY CHAIRMAN (Mr Crane): Yes, I believe we should return to clause 32 which is before the Committee.

Committee Resumed

Mr BERTRAM: There is no justification for the provision to give notice to the Public Service Board. The Minister is far from convinced himself that it is necessary, and after listening to the debate he went over to the Premier and he said, "This is a bit rough; there is no justification for the provision at all." The Premier replied to him, "Let them get lost; we are running this show. It does not matter whether or not that provision should be in the Bill, we will leave it there because we are a 'firm hands' Government. We intend to act oppressively and that provision will remain in the Bill."

The people have been saddled with this "firm hands" Government for a number of years. It is the responsibility of a Minister in this place to justify every provision that he puts before a Committee. A Minister should not simply waffle on and say that maybe something will happen at some time. The Opposition does not accept such an argument.

Perhaps there is some hidden reason behind this provision which the Minister is not telling us. It may be that the Premier knows the real reason for the provision and has not told the Minister about it. Why give notice to the Public Service Board in regard to matters which are none if its business? Why pick out the Public Service Board? Why not give abortive and unnecessary notice to some other organisation, person, or firm?

The Opposition knows that the Committee system in this place malfunctions just as the Parliament malfunctions. If people want particulars from me to substantiate my claim, I will supply them in great abundance. All the Oppositon can do is to draw the attention of readers of *Hansard*, members of the public who may be interested, to the type of humbug we have to cope with.

Certainly notice should be given to interested parties. Courts are quite capable of giving notice to people who are interested; they have been doing so since courts were first established. In effect the Government is saying, "We have very little confidence in the Industrial Commission and we will not leave it to the good judgment of the commission or give it a discretion as to whether or not notice will be given. Furthermore, if members of the commission look at the debates in *Hansard* in an endeavour to find out why this provision was included, they will discover that the Minister is either incompetent, unable to supply an answer, or a mixture of both. The Minister will not tell us why it is mandatory that notice shall be given to the Public Service Board.

Clause, as amended, put and passed.

Progress

Progress reported and leave given to sit again at a later stage of the sitting, on motion by Mr O'Connor (Minister for Labour and Industry).

QUESTIONS

Questions were taken at this stage.

Sitting suspended from 6.15 to 7.30 p.m.

INDUSTRIAL ARBITRATION BILL

In Committee

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

Progress was reported after clause 32, as amended, had been agreed to.

Clause 33: Evidence before Commission—

Mr DAVIES: I want to know how much a secret is worth. Subclause (1) (c) provides for a penalty of $200 or three months' imprisonment. The Environmental Protection Act provides for a penalty of $1 000 for anyone who divulges information made known to him by way of a secret or trade practice. What is to be our standard for penalities?

Mr O'Connor: We tried to keep it in line with Commonwealth penalties.

Mr DAVIES: There is no reason at all to do that.

Mr O'Connor: I have no objection to its being increased.

Mr DAVIES: It seems unreasonable for a penalty of $200 to apply under the provisions of this Bill, whereas the Environmental Protection Act provides for a penalty of $1 000. There is no provision for imprisonment in the Environmental Protection Act; but I seem to recall on a number of occasions lately we have passed Bills requiring secret information to be kept as such, and the penalty for failing to do so has generally been over $500. I have no sympathy for employers or employees who give out information which is confidential. If they do, they should be prepared to be subjected to a heavy penalty if their breach is bad enough. The Bill provides for $200 and not for any amount up to $200; neither does it say a person will receive a $200 fine and three months' imprisonment. Imprisonment might be worse than a fine.

Mr O'Connor: The commission will say whether or not information is to be given out. It has jurisdiction over this matter. If you want to increase the penalty I have no objection.

Mr DAVIES: In that case, I move an amendment—

> Page 32, line 41—Delete the figure "$200" and substitute the figure "$1 000".

Amendment put and passed.

Mr DAVIES: I move an amendment—

> Page 33, line 17—Delete the figure "$200" and substitute the figure "$1 000".

Mr O'Connor: Are these the only two penalties you intend to amend?

Mr DAVIES: The only two in this clause.

Mr O'Connor: You have some amendments to other clauses in this regard?

Mr DAVIES: We will see how time goes.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 34 to 36 put and passed.

Clause 37: Effect, area, and scope of awards—

The DEPUTY CHAIRMAN (Mr Blaikie): I point out to members that on page 36, line 6, there is a typographical error, and I intend to include the word "a" after the word "or" and before the word "provision".

Mr SKIDMORE: I intend to comment on matters that are affected by the scope provision awards, and perhaps the best way to do this would be to paraphrase the intent of this clause and then express my doubts about whether it is a good one in regard to the restrictions that may be placed upon the scope provisions in awards.

The clause begins as follows—

> 37. (1) An award has effect according to its terms, but unless and to the extent that those terms expressly provide otherwise it shall, subject to this section—
>
> (a) extend to and bind—

It then indicates that the common rule applies to all employees and employers. In other words, all employers would be bound by a common rule. It then states—

> (b) operate throughout the State, other than in the areas to which subsection (2) of section 3 applies.
>
> but may be expressly enlarged or limited as to the extent or scope of its application or the area of its operation.

I object strongly to the fact that an award may be applied at the time it is deliberated upon and to the fact that its scope or its extent may be applied to an area of its operation. In other words, as I understand the clause, what has been said is that the scope clause which covers certain classifications of workers who have a desire to be covered by an award could be limited in its area so that other workers who would want to enjoy the same benefits of that award would be excluded.

Under the commission at the present time there should be no restrictions on award coverage. It should be able to cover the whole State. In the early times in our industrial relations and industrial awards there was a tendency for awards to be cut off somewhere in the south-west division, so that they covered an area within so many kilometres of the metropolitan area. The south-west timber workers and the timber industry generally were considered to be in the metropolitan area. Then we had the south-west area as a restricted division. All that simply created an area of dispute between unions, employers and employees to such an extent that it became almost impossible to sort out the grain from the chaff in many applications before the commission on whether or not the scope clause went above that area or whether or not it went outside the metropolitan area. The commission was asked also whether or not it was a valid constitutional point to be made that the workers should be covered by classification, and so on.

I want to try to get rid of that disputation and I am suggesting that the words, "but may be expressly enlarged or limited as to the extent or scope of its application"—and in particular the scope—usually cover the classification of workers. Why should we want to limit the scope of workers who should be covered by an award after industry generally determines that an award should cover fitters, plumbers, plasterers, bricklayers, television technicians, and so on? Why is it that we want to determine the issue of the scope clause in this way? It is another restriction upon the ability of unions to enter into the field of industrial relations and go before the commission with an award which is equitable.

I doubt very much that there should be a limitation on the area of the operation of any award. With the expansion taking place, particularly in the north, there is a need for an award to cover all areas. We do not want a situation as before where there was an award for the south-west and an award for those working above the 26th parallel. That was before the concept of a State on the move; a State that generated industry in the north with many more workers going there. We do not want this same sort of situation to apply now.

The scope does not cover the industry which the unions sought to cover. In other words, if one were covering a tyre manufacturing industry and in that industry there were people doing different types of jobs which did not have an affinity with that industry then they should not be included in that jurisdiction within the scope clause. That jurisdiction will rest with the commission to determine the classification to be in the award. An award should in no way be affected in any manner or form, unless the Minister can tell me why it should be so. It should not be affected.

During my time as an industrial advocate before the Industrial Commission I never knew of the employers agreeing to the number of classifications that may be in an award. This has always been a hassle. So the question of a discretion being given to a commissioner is not needed and it is one I do not like. I do not like the fact that it is limiting the award to an area. I do not know why this provision remains. I would imagine it has been a flow-on from the present Industrial Arbitration Act. Just because it has

been in the Act does not make it a good law. It has been a provocative law and one the trade union movement has found most irksome. It cost the Allied Liquor Trades thousands of dollars because of its inability to obtain an award in the north. That association went to a tremendous amount of trouble to obtain an award for workers above the 26th parallel. If there is a restriction on an area then that perpetuates a restriction on unions.

This is a restriction I do not wish to accept and I want to express my opinion because I believe if we are to have an Industrial Arbitration Act which will restrict the trade unions in regard to a reasonable and good award, then it will be placing a burden on the unions. That is not fair. The Government has the point of view of peace at any price and I am not prepared to accept that. There should be industrial peace.

We should stop the issues of demarcation and the Minister should realise that in this particular Bill no effort has been made on the question of demarcation disputes. It has almost come to the stage where the issues have to be fought on the factory floor. This will be an area of disputation. The area of an award should be sacrosanct. The unions should accept their responsibility and cover the whole of the State and employers want to be covered by a common rule. I hope the Minister can explain to me why it is necessary for us to continue this antiquated, out-of-date, provocative piece of legislation.

Mr O'CONNOR: I do not think that this is antiquated and provocative legislation. As far as clause 37 is concerned, awards have a common rule application throught the State—

Mr Skidmore: They are restricted in area.

Mr O'CONNOR: —unless they are limited in terms of the commission. These terms also cover people working offshore.

Mr Skidmore: There is a clause to cover that.

Mr O'CONNOR: This clause also incorporates part of that matter. This particular legislation has been covered previously in the same way and has caused no problem that I know of. I see no reason to vary it and I do not think the commission should have that power.

Mr HODGE: Judging by the Minister's comments earlier this evening and from my reading of clause 37 it seems to me that the Government may be setting out to encourage the issue of awards that apply only to certain groups of individuals. That could possibly be members of unions or people who are not in unions. It is possible for the Industrial Commission to issue an award that applies only to unionists. I do not know whether that is the Government's intention or not.

Mr O'Connor: I did explain earlier that could apply if unions made application for an award to cover their members only. The commission has the power to grant that.

Mr HODGE: I am pleased the Minister explained that. It seems to me it is a rather backdoor way of providing preference to unionists. That is a way of providing benefits to people who are union members and not providing them to people who are non-unionists. I am not sure whether that is a good idea. I do believe it is an area of possible confrontation between people who work in the one work place; that is, between those who are members of a union and those who are not.

Obviously if an award applies to those in a union and they receive one rate of pay and one set of conditions and those who do not belong receive a different set of conditions, there will be an area of friction. The conditions may be superior or inferior. I do not think that will promote good industrial relations when there is a possibility of two people doing identical work, side by side, and having different sets of conditions applying to them.

Mr O'Connor: Do you want non-unionists to get the same all the way through as unionists?

Mr HODGE: The Minister has raised a contentious point.

Mr O'Connor: You cannot have it both ways.

Mr HODGE: An argument can be mounted that non-unionists do not contribute to a union and therefore should not receive the union rates of pay. I am sympathetic to that point of view. The Minister purports to be genuine in endeavouring to avoid industrial disputes, and I am telling him that I believe he is creating an area fraught with industrial danger by having workers in the one place and in the one industry treated differently. That will be possible under this legislation.

Workers covered by an award will be eligible to receive certain rates of pay and conditions, but perhaps non-unionists, not covered by the award, will receive inferior pay and conditions—or maybe even superior pay and conditions. Either situation will cause confrontation.

The Government tries to tell us that it genuinely wants to do something about reducing industrial unrest, and yet this clause will do the opposite. I am not claiming to have a remedy, but in my opinion the Government should persevere with a preference clause. Probably that would be the best remedy, and then all people in the work

place are contributing and the award will apply to them all. There will be no need for industrial unrest.

If workers in the same industry are operating under different conditions, it is a built-in recipe for industrial disputation and unrest. It seems that the Government is going out of its way to create such a situation. I will be interested to hear what the Minister and other Government members have to say about this point of view.

Mr T. H. JONES: One point exercising the minds of union members is that there is very little reference in the Bill to demarcation. I do not think the Minister would disagree with that statement. If a closed union has a definite demarcation—that is, say by way of a proviso contained in a new award for the drilling of certain minerals—what will be the situation if another union attempts to move in to cover those workers? The question of demarcation should be given more consideration. No-one seems to know where he is going. The Bill does not define the rights of a union in any particular area, and this will cause chaos. Under these provisions a union with coverage in a specific area could move into another area where it is not entitled to go. What will happen in that situation?

Mr O'CONNOR: Firstly, in reply to the member for Melville, what he says is correct. As I explained earlier tonight, this clause indicates clearly that a group or union can make application for a particular award, and the group or union can request that the award should be restricted to its particular area. In other words, the award would not flow on to anyone who had not participated.

Mr Hodge: The point I was making is that this provision could be a minefield in industrial relations. You will have two sets of employees working side by side under two sets of conditions.

Mr O'CONNOR: This is only where unions apply.

Mr Hodge: Is that what you want?

Mr O'CONNOR: If the unions are of such great benefit to the individual as members opposite say they are, and if union members receive more pay than anyone else, surely that will encourage people back to the unions and it will encourage the unions to look after their members better than they have done in the past.

Mr Hodge: Can't you see the point I am making?

Mr O'CONNOR: Yes I can.

Mr Hodge: If some workers receive one rate of pay and others receive another, it will be the cause of industrial friction.

Mr O'CONNOR: That is not what I said. I said that a union can apply for an award for its particular area only. The provision does not preclude an employer from giving another employee working alongside the unionist the same rate of pay.

Mr T. H. Jones: It does not happen.

Mr O'CONNOR: I know of many cases where it will.

Mr T. H. Jones: I know of situations such as with the Public Works Department and the Main Roads Department where it will not.

Mr O'CONNOR: I thought members opposite would have welcomed this clause because they claim that the Government will be benefiting people who have not contributed to the unions. It is up to the unions and the commission as to what happens in these areas. I am saying that the unions can apply to the commission for an award to be restricted to its members or its area if that is what it wants.

Mr SKIDMORE: I thank the Minister very much for his illustration of what he believes to be the efforts of the Government to look after the workers. I am touched indeed by his concern for the workers!

Mr Coyne: In inverted commas!

Mr SKIDMORE: Yes, that is so. Looking at this matter from the point of view of an industrial advocate, under this legislation a union with a restricted area will find that the vultures will be waiting ready to grab its workers into an award. I am saying this is just another step to ensure that we have demarcation areas involving unions.

The members of a deregistered union are at the mercy of anyone. A registered union has limited scope in its constitutional powers, but it can step in under this provision and apply its award to cover those workers.

Mr O'Connor: That is up to the commission.

Mr SKIDMORE: Sure it is up to the commission, but as the Minister and Government members have told us, one does not go before the Industrial Commission with an airy-fairy argument. I have learnt this to my sorrow many times.

Mr O'Connor: I do not dispute that.

Mr SKIDMORE: Like anyone who has gone into common law or industrial law jurisdiction, I have found that one does not go into a case with weak and limited arguments. Many times I have

had the commissioner or the judge say to me, "I just cannot go along with that argument." Rather than industrial peace we will have absolute chaos. I asked the Minister questions about this clause and he told me that it was to cover all the industries that may be operating offshore.

Mr O'Connor: No, I said to include them.

Mr SKIDMORE: Surely if they are included they are covered. However, I will use the Minister's words and say it was necessary to include those workers. I would like members to look at the definition of the word "industry" that appears on page 11 of the Bill. The definition commences—

> "industry" includes each of the following—
>
> (a) any business, trade, manufacture, handicraft, undertaking, or calling—

I will just stop there to comment that on my understanding of industrial law the word "calling" virtually means the classification of a worker. The definition continues—

> —of employers on land or water;

Can we say that the word "water" refers to Lake Dumbleyung or to somewhere else? I think we must be sensible and say that it refers to the ocean.

Mr O'Connor: It refers to the 12-mile limit.

Mr SKIDMORE: Can the Minister tell me whether, under this Bill, there is a limitation to an area of 12 miles off the coast?

Mr O'Connor: No.

Mr SKIDMORE: Yes, and we know that very well. So to say there is any limitation of 12 miles is a figment of the imagination, and I do not know why the Minister referred to it.

I do not want to be provocative; I am trying to be fair about this matter in the interests of all concerned. It is not true to say that this clause is needed to cover those workers employed in offshore operations on the North-West Shelf, Barrow Island, or anywhere else.

I come back to the basic principle that the Opposition has enunciated time and time again: This Committee must realise that if we want industrial peace we must give a lead to the unions to accept it. We must have legislation to ensure industrial peace. However, if a commissioner has the power to restrict an area of an award, we will create industrial unrest.

Under this legislation the unions must appear before the commission in order to cover any workers, and the argument in relation to the unions' constitutional coverage is almost non-existent. Under this legislation the unions will no longer really have to prove constitutional rights.

The easiest way to destroy a union is to limit it to the metropolitan area and then to allow another isolated union to go before the commission to amend its constitution so that it can cover the area concerned. To my mind that is a diabolical approach to industrial relations.

We cannot have industrial peace under the rules of anarchy, and that is what this legislation is. The Government is saying, "To hell with the small unions; let the big unions gobble them up." That will not produce industrial peace.

Mr O'Connor: Of course that will not occur.

Mr SKIDMORE: Twenty years ago I would have been standing in this place arguing for such a clause, but not today under our present industrial arbitration legislation. I suggest to the Government that it should report progress and have another look at the clause. If the Government is dinkum in its claim that it wants industrial peace, that is what it ought to do.

If I wanted to do so I could search through the Bill and find many similar provisions that will cause nothing but friction. This measure is a bastardisation of Commissioner Kelly's good report on industrial relations. With the passage of this legislation Western Australian workers will have very few rights.

Mr HODGE: In trying to abolish preference to unionists, the Government is getting itself into a mess. When that move is taken into consideration in connection with clause 37 and the scope provisions, it provides a recipe for potential industrial unrest. The point I made previously is that if an award is issued which applies only to a certain group of workers—possibly union members—and not to another group of workers, it will result in industrial unrest. If two workers in the same place are treated differently, unrest will follow. If a non-unionist receives more pay than a unionist, that will cause dissatisfaction amongst unionists. If a unionist receives more pay than a non-unionist, that will cause dissatisfaction amongst non-unionists. If unionists are dissatisfied they will say, "Why bother to pay dues if a non-unionist receives the same rates?" If the Government wishes to destroy trade unions, it should say so.

Mr Stephens interjected.

Mr HODGE: I am being realistic. I have been associated with trade unions all of my working life, and I am speaking from a practical point of view. Human nature is such that people do not want to pay for something if they do not receive

value. If a union member receives the same rate of pay as someone who is not contributing to the union, disharmony and unrest will result.

Mr Sodeman: What is your attitude towards equal contribution in the work place by each worker?

Mr HODGE: I do not know what the member means; I think he is trying to sidetrack me.

I do not care if the Government falls on its face and creates an unworkable situation in respect of this clause, thereby causing itself great embarrassment. In fact, I would probably relish that. However, if the Government is genuine in its endeavour to create industrial peace and harmony, this is not the way to achieve it. In the past an award has applied to everyone because everyone has been in a union. But now the Government is getting itself into a mess; it will have half of the work force in unions, and half not in unions. In that situation, what will happen to the application of awards?

Clause put and passed.

Clause 38: Parties to award—

Mr HODGE: This clause says the commission may order that any employer who in its opinion has sufficient interest in the matter, become a party to an industrial award. That sounds sensible on the surface. However, when it is read in conjunction with other clauses one can see an undesirable situation will be created.

This Bill abolishes industrial agreements and provides as a substitute consent awards. Consent awards have the failing that they may be entered into between a union and an employer, or a group of employers with a mutual interest. If another employer, or group of employers, makes application to the commission and demonstrates a genuine interest in the matter, the Industrial Commission may make the employer or group of employers a party to the consent award. Those employers then have the right to apply to the commission to amend or vary the award, and the original union and employer may lose control of their document.

Mr O'Connor: This is similar to the present provision.

Mr HODGE: Yes, but consent awards are replacing industrial agreements, which are to be abolished.

I have explained the failing of consent awards; that is, an employer who was not a party to the original agreement may be made a party to it subsequently, and then apply to amend it, so that the original employer and the union lose control of their document.

Mr O'Connor: If the subsequent employer has an interest, and the award affects him, surely he should have the right to intervene.

Mr HODGE: It would not necessarily affect the subsequent employer in the first place if it was a consent award between a group of employers and a union. Another employer could convince the commission that he should be a party to the award and then, when he is made a party to it, move to have it amended or varied, and the original employers would have no say in the matter. The beauty of industrial agreements is that that cannot happen; they are private agreements between unions and employers which are registered with the commission. I draw this matter to the attention of the Minister, to see whether he is aware of it.

Mr O'CONNOR: Yes, I am aware of it and I see nothing at all wrong with it. If a person is affected by an award he should be able to intervene. The Industrial Commission has power to make a consent award between two individuals if it so wishes. This clause allows a person who may be affected by that award to express his point of view. Anyone who is likely to be affected by it should have an opportunity to do that.

Mr T. H. JONES: This clause allows some unions to ride on the backs of other unions, especially where dual classifications are involved. A union which has struggled, spent its funds, and been involved in many hours of work, may achieve certain conditions for its members. Another union can then make application to be bound by that agreement, without having done any work at all. It can receive a flow-on as a result of the work done by the first union. That is the inherent danger in this clause.

Mr O'Connor: Surely you don't feel the second union should not be entitled to come in at that stage rather than go through the whole process again?

Mr T. H. JONES: It comes back to the matter of union membership. The first union could be strong because its members pay their dues. The second union might be weaker because it has a smaller membership, or because its members do not pay their dues. The second union can enjoy the benefits obtained by the first union, without making any effort at all. This is another weakness in the Bill.

Mr HODGE: I think the Minister missed one of the points I made. I was not talking about general awards, but about consent awards between a union and an employer, or a group of employers. Another employer can endeavour to prove to the commission that he has an interest in

that award, and he can apply to be covered by it. The Minister seems to think that if the cover is compulsory, the persons affected by it have a right to have a say. That is logical. However, another union or employer which was not included in the original negotiations could then more or less muscle its way in and obtain the right to be a party to the award. Then it could apply to change the award in a manner to which the original parties to it do not agree.

Mr O'Connor: That could occur, but I think the commission, if it thought it was reasonable, would allow the award to cover other parties. It is rare that the commission throws out a consent award between two parties as a result of someone else intervening, unless the third party had a strong chance of being greatly affected by the award.

Mr HODGE: The commission would not throw the award out, but it may agree to amend it in a way which is unacceptable to the original parties.

Mr O'Connor: That is most unlikely to occur.

Mr HODGE: I do not agree with the Minister. A number of industrial agreements are in force in respect of the industry with which I was associated. Under this Bill they will not be renewed when their term expires. I happen to know that the union and some of the employers are most worried about this situation, and they have expressed their concern to me.

Mr SKIDMORE: I agree with my colleagues. I am concerned about the interpretation which may be placed upon the words "was a party to the proceedings leading to the making of the award". As I understand the situation, a union may apply for an award to cover candlestick makers. Another union can then go before the commission and say, "This union also has the scope and constitutional power and the right to cover candlestick makers." It could then withdraw from the proceedings. Is it to be assumed that in itself would permit the commission to say that union was a party to the proceedings leading up to the making of the award? I see nothing at all to prevent the commission from drawing such a conclusion.

Mr O'Connor: You are drawing a long bow.

Mr SKIDMORE: I am not drawing a long bow at all. This has occurred before. It could cause disputation between two unions. The findings of the Industrial Commission are riddled with decisions made in respect of union disputations over constitutional rights, and the rights of unions to interfere one with the other. Appeal courts have been riddled with appeals over such matters. I do not intend to expand upon that matter, because I would quickly run out of time if I were to quote even one case.

Here is another classic example of an opportunity to clean up an Act and to make it good legislation. It is an opportunity to ensure that unions which want to cover workers may cover them and are protected. That is all we ask, and nothing else. However, that is to be denied on the basis of the general attitude of the Government. That attitude is that we on this side are always obstructionist; we are not constructive in our point of view. It is said that we just knock the Government, criticise it, do nothing, and do not substantiate our arguments. However, I could say without fear of contradiction that the history of the trade union movement in Western Australia is riddled with the ability of unions to infiltrate and take away the constitutional rights of other unions. This Bill will allow that.

If by some strange quirk of nature I were to become an industrial commissioner and I sat with the jurisdiction available to me, I would have a birthday! I could cause so much industrial confrontation it would not be believed, if I were irresponsible as a commissioner. However, the commissioners are responsible and they would not do that sort of thing normally. However, when people are able to engage counsel to argue the interpretation and the legal sense of the statement contained in that clause, we could go on and on. We might find that the commission would have no jurisdiction. It would have to be determined by a higher court. Then we would have confrontation.

I ought to have a tape recorder so that I could switch my speech on and say, "I have already said this. It is bad industrial relations. It will not bring about industrial peace." That would save me many minutes of talking on these issues.

I am concerned. Please do not ask the unions to abide by the rules when it comes to going in and taking away the rights of other unions in the Industrial Commission. If the Government does that, it will achieve exactly what it hopes not to achieve. It will not have industrial peace; it will have industrial chaos.

It could be said that I am just using words. I have been in the industry for many years, and it is "dog eat dog". The Government should not forget that the "dog eat dog" attitude is what the Government hopes to prevent. This attitude will allow the unions to infiltrate the industrial coverage of members of other unions.

I wish I had that tape recorder. I would switch it on and say, "I challenge the Government to say

that it really wants industrial peace. I doubt it very much."

I could go further, but I do not intend to do so at this stage. The Government should look at what Commissioner Kelly had to say about these matters in his proposed Bill. It is a great pity the Government did not accept what Commissioner Kelly put forward. His knowledge and understanding of good industrial relations far exceed anything that officers of the Government have put up to us in this legislation. Commissioner Kelly is a man with compassion. He has brought down decisions which have promoted good industrial relations in the trade union movement of Western Australia since he has been a commissioner. He is liked and he is disliked within the trade union movement; but he is respected by it. He felt that certain things were in the best interests of the movement.

The Government is repudiating those things. The repudiation lies in this clause. I have nothing further to say.

Clause put and passed.

Clause 39 put and passed.

Clause 40: Power to vary and cancel award—

Mr O'CONNOR: I move an amendment—

Page 38, line 2—Delete the expression "37", and substitute the passage "32, 37,".

It was intended that the figures "32" be included here. This amendment is to insert them.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 41: Consent awards—

Mr HODGE: This clause deals with consent awards. I want to protest about the provisions of clause 41(2). This is unnecessary interference in industrial relations. This clause says that if an employer and a union negotiate and come to agreement on the terms of an industrial agreement or consent award, they must then submit that award to the Industrial Commission for its scrutiny. The Industrial Commission will not register that award unless it meets with certain criteria laid down in paragraphs (a), (b), and (c). That is not necessary. I do not see why that should be the case.

If an employer and a union have thrashed out their differences and have reached agreement on a set of working conditions acceptable to both parties, the Industrial Commission has one duty only and that is to register the agreement and to give it the force of law. This is unnecessary meddling and interference in industrial affairs on the part of the commission. In fact, it will put the commission into a straitjacket because it has no option.

Paragraphs (b) and (c) are the ones that concern me particularly. I can envisage the situation where an employer may agree with the union to pay something superior to the normal State standard. For instance, the employer may agree to give an extra week's annual leave. There may be special considerations in that industry whereby it is fair and reasonable that the workers should have another week's leave. However, according to the criteria laid down in the Bill, if the State standard happens to be four weeks the Industrial Commission would have to refuse to register the document. It would be inconsistent with what the Commission in Court Session has laid down generally as a State standard.

That is the way I interpret the subclause. If I am wrong, I will be happy to be corrected by the Minister.

Paragraph (c) is delightfully vague. It is hopeless to try to interpret it. Who will interpret "public interest"? I suppose that job will be landed in the lap of the Industrial Commission. I do not know whether the commissioners are particularly qualified to determine what is or is not in the public interest. Their job is to resolve industrial disputes in a fair and equitable manner. That is their primary job, and it has always been so. Are they to become the arbiters of what is in the public interest?

That is not the job of the Industrial Commission. The commissioners do not have the qualifications to determine that question. These provisions are unnecessary. They seem to be designed to stop certain unions from improving the conditions in their industries and making them superior to what applies generally throughout the State.

If that is what the Government intends, that is very bad. If that is not its intention, I will be pleased to have the Minister correct me and point out that I have misinterpreted that part of the clause.

Mr T. H. JONES: This clause is designed to keep a check on agreements made between employers and employees. I cast my mind back to the Pilbara of many years ago when the confederation of labour attempted to direct the employers not to make any agreements unless ratified by that organisation. No doubt a lot of members will recall the incident to which I refer.

This clause means that no employer or employee can come to agreement unless it is registered by the court. The provisions regarding

registration are set out in paragraphs (a), (b), and (c).

Anyone who has had a close association with the trade union movement would know that in many cases consent agreements based on productivity are made. By "productivity" I mean a gain to the employer. This has been an everyday occurrence in the industrial scene in Western Australia. It does not apply to every industry, but it does apply in a number of industries.

What is wrong with the employer and the employees coming to agreement, whether or not it is consistent? If both parties are happy with the decision they have made, after considering the impact on the industry and the impact on the cost structure, it does not seem that a decision should flow from the commission.

The Government is attempting to say that the commission shall keep a close eye on all agreements in the future. No more agreements will be made unless they are ratified under these provisions.

If general agreement has been reached and there is no adverse effect on the industry, why should there be any move to prevent that agreement from being registered? It is wrong to say that one should not register anything that might have general application to the trade union movement or in industry generally, because there are many instances on record of agreements made on the basis of productivity.

For those reasons, I would like to hear the Minister's views on the point at issue.

Mr HASSELL: As I understand the clause, it applies where there is an application seeking to have an agreement registered. There is no limitation on awards or agreements being made between employers and unions, or any group of them. However, where the union seeks the benefit of registration, there is a requirement for scrutiny by the commission.

Mr Skidmore: For what purposes would you say the scrutiny should be made?

Mr HASSELL: For the purposes set out in paragraphs (a), (b), and (c) in subclause (2)—to ensure that they are not inconsistent with the Act, and so on. Those subclauses are to limit the power of the commission in considering the matter.

I should like to raise a matter which is separate from the issues which have been canvassed already with the Minister. It relates to subclause (5). That subclause suggests that the consent agreement will extend to bind, amongst others, all employees who are employed in any calling mentioned in the award or in the industry or industries to which the award applies. That seems to me to have a capacity to be read quite widely and to extend the effect of a consent award to many people who were not parties to it and to bind employers who did not have an opportunity to be involved in the registration of the consent award.

I appreciate subclause (6) requires that, before the consent award is made a common rule, certain notification has to be given and the procedures are set down in the succeeding subclauses and they must be followed. However, that relates to the situation in which there is a desire to make the consent award a common rule.

It seems to me subclause (5) applies to every consent award; that is, one that is simply achieved by registration. An agreement is made, an application for registration is put to the commission under the terms of subclause (2), registration is granted, and then the provisions of subclause (5) apply. It is only if there is to be a common rule that these other provisions apply. That is a point I wanted to ask the Minister to clarify.

Mr SKIDMORE: I appreciate the concern expressed by the member for Cottesloe. The answer lies within the jurisdiction of the commission under common rule application of an award, as distinct from it applying to a consent agreement. Over many years the consensus of the commission has always been that consent awards are not to be used as a vehicle for promulgation of conditions in awards generally. Therefore, it is not possible under its provisions, and as a result of the expressed opinions of the commission over many years, to allow those conditions to flow on.

Under this clause it will be possible for consent agreements to become awards and, of course, under the Act they would become common rule unless there was a proviso to the contrary. If a proviso to the contrary applies subclause (6) bestows upon the commission the ability to say whether or not it shall become common rule. The discretion rests with the commission, as it should.

The commission would rarely undertake an exercise involving the expansion of a consent document, having been given the blessing of an award under this clause, to become common rule.

This matter is covered under subclause (8) because notification would have to be given within 28 days. I hope I have saved the Minister the necessity of answering the question raised by the member for Cottesloe.

I should like to ask the Minister, if a union has a consent document or common law agreement and does not seek to have it registered, can the

union be forced by the commission to do so? Is there a necessity to register the document? I am aware of many agreements which would contain conditions which are not accepted by the commission.

Mr O'Connor: I do not believe it is essential for them to be registered.

Mr SKIDMORE: I should like to cite an example. One factory has a registered agreement in common law. Another factory is registered and the union has difficulty negotiating an agreement with the owner of the new factory. The union then goes to the commission and says, "I would like to have my consent agreement made an award so that, by common rule, I can cover the other industry." However, there may be a clause in the consent agreement which says workers shall be entitled to seven weeks' long service leave after seven years' service. I am using this as an example only. That clause is inconsistent with the decisions of the commission. Does the Government consider it is fair and reasonable that that particular union should lose that condition because it is inconsistent?

Mr O'Connor: It would not necessarily lose it; but you are talking about a flow-on to a second area.

Mr SKIDMORE: It would have to flow on by virtue of common rule application. The commission can determine that the portion which is inconsistent would not flow on. This would mean the first factory would have a long service leave entitlement after seven years' service, but the second factory would have to accept the long service leave entitlement after 15 years' service which is laid down by the commission.

Mr O'Connor: That would apply. You said the first one was not registered.

Mr SKIDMORE: This is a difficult area. I should like to traverse the ground. A factory may have a consent agreement with a clause under which the workers are entitled to seven weeks' long service leave after seven years' service. Another factory starts up and is approached by the union which is told to go away. The union must then go to the commission and say, "I want to register this consent agreement so that it becomes an award and I may argue the merits of it becoming common rule." However, it will be difficult for it to retain the condition in relation to long service leave, because it is inconsistent with the decisions of the commission.

The only avenue left is to make application for an award against the other factory. The commission would then say to the workers in that factory, "You will not be entitled to long service leave until you have completed 15 years' service. You will not be entitled to it after seven years' service." Problems will occur in that industry.

In order to ensure smooth industrial relations, the Government should have said that an award can be inconsistent with the previous decisions of the commission, but the inconsistency will not flow through to other industries.

On one occasion I was able to obtain an increase in the sick leave entitlement under the bakers' award. It was increased from six days to 14 days. At that time, Mr Geoff Martin, who is now a commissioner, said, "I will give you those 14 days sick leave, but sweep it under the carpet so no-one will know about it." I did so and it was not until seven years later that other unions realised what had occurred.

If an industry has a condition which is inconsistent with the general standards of the commission it should not be forced to forgo it. An industry may have a good rate of productivity and may be quite happy to provide certain conditions for its workers which are inconsistent with the standards of the commission. There is no reason for the situation to be changed, but all of a sudden as a result of this Bill the position is upset, despite the good industrial relations which have been achieved. The only reason for this is the provision in this clause which makes such conditions inconsistent with an award.

The Government had an excellent opportunity to improve the industrial legislation. I should like to point out that the union of which I am a member has a consent agreement which it would like to make an award for the purposes of common rule. Under the existing legislation we would not apply for an award, not because certain conditions were inconsistent with the previous decisions of the commission, but for other reasons. However it is now virtually impossible for that union to apply to have the consent agreement made an award.

The Government ought to have a good look at the Bill and obtain advice from people who are familiar with industrial relations matters. I am not criticising the public servants who have advised the Government on this matter. However, the guidance received by the Government will not assist it to achieve good industrial relations. Instead, it imposes on a reasonably good Industrial Arbitration Act the concepts and feelings of the Liberal Party. This is borne out, for example, by the fact that the preference clause has been removed. If the Labor Party were in power and said to the public servants who were advising it, "Produce a Bill which fits in with Labor Party

policy because that is what we believe in", they would dutifully do so. But that is not the name of the game in industrial relations and in trying to promote industrial peace.

Mr HASSELL: I thank the member for Swan for the remarks he made on the issue I raised. There does not seem to be much difference of opinion between us about the intention of the clause. My concern about the drafting has been strengthened by what the member for Swan has said. If the subclauses including and after (5) were to be are deleted the situation will be that an agreement, on application, can become a consent award. Presumably, if all other words were deleted, there would not be a specific provision with regard to whom the consent award applied or who was bound by it.

Mr Skidmore: I believe that under the provisions of the Bill a consent award will become a common rule application: A directive given to the commission would override that clause.

Mr HASSELL: That is the point. It seems to me the intention of subclause (5) is to set out to whom the consent award extends. Subclause (6) will operate only where an application is made to make a consent award into a common rule.

I suggest that perhaps there is a deficiency in the drafting because if the situation is that a consent award is made under this clause, but there is no application to turn that consent award into a common rule, subclause (5) would apply in which case it seems to me that subclause is much wider in its application of the consent award than, in fact, is intended. Perhaps the point is technical and merely a matter of drafting. Perhaps the Minister will have the matter further considered by the draftsman.

Mr O'CONNOR: I find it rather strange that at this stage members of the Opposition are complaining about the powers we are giving to the commission in this area, whereas earlier they were complaining about powers being taken away.

I am quite prepared to have the drafting looked at, but this clause includes the provisions of section 92 of the old Act.

Mr Skidmore: It might be similar in wording, but it will apply differently.

Mr O'CONNOR: This provision is necessary to bring in the aspect of clause 32 which makes it necessary to give notification to the interested parties. I see nothing wrong with the clause but, as I have said, I am quite happy to have the drafting looked at. If it is necessary, it can be amended in another place.

Clause put and passed.

Clauses 42 and 43 put and passed.

Clause 44: Compulsory conference—

Mr O'CONNOR: I move an amendment—

> Page 43, line 38 to page 44, line 4—Delete paragraph (c) and substitute the following—
>
> (c) subject to subsections (2) and (3) of section 32, by order vary any award by which the consenting parties are bound so as to give effect to the agreement;

I am sure members are aware of the reason for this amendment. I have passed some details to the member for Morley.

Amendment put and passed.

Mr O'CONNOR: I move an amendment—

> Page 44, lines 21 to 25—Delete the passage "after giving such directions as the Commission considers appropriate in the interests of persons not present or represented at the conference who may be affected thereby," and substitute the passage "subject to subsections (2) and (3) of Section 32,".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 45: Powers of Commission where industrial action has occurred—

Mr TONKIN: This clause gives the commission great power to suspend the contracts of employment of employees when there is industrial disputation. We believe that this provision really starts off at the wrong end. What is needed is to lay down pre-conditions for good mature industrial relations rather than this emphasis upon attacking trade unions with a big stick.

If this Bill had contained provisions requiring employers to consult employees; if it had contained provisions for employees to be represented on the boards of management or on the boards of directors; if there were a provision to ensure that employees were not disadvantaged in various ways; if the emphasis—not just in this legislation but in other legislation—was on better organisation, better safety provisions, and better rehabilitation conditions, we could look at the punitive provisions in a different light.

However, the whole attitude of the Government is to suggest that trade unions are irresponsible and, therefore, that employees are irresponsible. We believe the whole method is wrong and that pre-conditions for industrial relations should be laid down. If they fail after attempting to develop good relations, and we find there is a necessity for

some penal provisions, the matter could be further examined.

The way in which industrial relations can be improved, and have been improved, in many European countries have not been tried. Until we see this country moving towards the European model of a consensus of agreement and consultation, we cannot agree it has been proved that we are in such a desperate state that we must have savage provisions in the Bill. For that reason we oppose the clause.

Mr O'CONNOR: I see nothing wrong with the provisions of the clause. The honourable member sees some problems as far as the unions are concerned. The clause will allow the commission to endeavour to have matters resolved by consultation. I think that is desirable in the interests of trying to overcome the problems which occur. Rather than affect the unions, it may help them to reach satisfactory conclusions.

Mr HASSELL: The member for Morley mentioned that the provisions of the clause were punitive, and he also referred to the lack of provision to require the parties to consult and discuss problems.

Clause 42 imposes a clear duty on each party to endeavour to resolve any question or dispute by amicable discussion.

Mr Tonkin: I was not talking about that kind of discussion. I was talking about ongoing discussions where employees are taken into the confidence of employers and treated as equal citizens. We do not have that in Australia. Until we have that situation, we will have bad industrial relations.

Mr HASSELL: The answer is that there certainly is a great deal of room for improvement. There is room for a greater degree of co-operation, and for taking employees into the confidence of employers—to use the words of the member for Morley. But, that is not something which can be imposed successfully by legislation. It is something about which the employers and the employees have a responsibility and an obligation to take more action than has been taken up to date.

I would not dispute the proposition that there are many large employers who leave much to be desired. It must be recognised that this is a key clause and a very important part of the strategy of the Bill. The clause is directed towards ensuring that the Industrial Commission has the power to act effectively where industrial relations have broken down.

Whilst it is not the desire of any party to see the Industrial Commission brought into disputes at all, where those disputes occur and where they have not been resolved, or have been left to linger without resolution, the commission has an obligation to act. When it acts, it must act with authority, and to have that authority it must have the power to make its orders effective.

I see no provisions in clause 45 which are directed at anything but the objective of bringing parties to the commission without a continuation of industrial action. In fact, the clause is directed at ensuring that where a dispute is occurring, and the commission becomes involved, the commission may determine the dispute. However, it may not act in the context of a continuation of industrial action. Without going to extremes, surely it has always been one of the fundamentals of industrial arbitration law, State and Commonwealth, that for a commission to work effectively and to arbitrate and bring about resolution of disputes, one of the first things to be done is to stop direct action. Then the parties can sit down in the absence of confrontation and determine the issue. Surely that would be accepted as having been part of the industrial strategy under all Australian arbitration legislation.

That is what clause 45 is about. It is not a penal clause, nor is it meant to be one. It is meant to be an essential machinery clause to prompt the commission to operate in the way we all intend it should operate.

Mr T. H. JONES: We must learn from practical experience. It is all very well for the member for Cottesloe to say we must prevent industrial disputation; we must consider what has happened not only in Western Australia but also in Australia, generally.

Let us consider the coalmining industry in Australia, which probably, along with the waterside, had one of the worst industrial records in Australia for many years. What is the reason for the change that occurred in respect of the coalmining industry? The change did not occur as a result of legislation; it occurred because employers were prepared to sit around the table and talk.

It is all very well for the member for Cottesloe to talk about industrial harmony, but it is a two-sided affair. It is no good the unions being prepared to talk if the employers are not prepared to talk. That has been the unfortunate situation in some areas of Western Australia. The coalmining industry of Western Australia probably had one of the worst industrial records in Australia prior to 1961. The member for Cottesloe, knowing the industry and being involved in industrial matters, would be aware of that. Then one company left

the industry, and the remaining companies decided to effect a change in their policy. They decided to get around the table and talk. The two gentlemen involved in the larger company simply would not enter into any discussions.

The fruit of that exercise is plain; since 1961 only three days' work have been lost on the Collie coalfield. That situation was not brought about by legislative action, because the provisions of the Western Australian Coal Industry Tribunal have not been varied for some years. The industrial harmony was brought about because the employers and employees have been prepared to trust each other.

Most of the union disputation referred to in this debate has occurred in the Pilbara. It seems this Bill is designed to overcome industrial disputation in that area, but it is not going about it the right way. The Government should have learnt from the experience of the coalmining industry not only in this State but in Australia generally, and should have established similar machinery in the Pilbara. The Minister and the member for Cottesloe would know the record of the Miners Federation.

The Government is approaching the matter of the Pilbara in the wrong fashion. It is a specific industry with problems different from those experienced by general industry. The Government has talked about establishing independent tribunals on the spot, but it has not done anything. Such tribunals could deal with disputation immediately it occurs.

Mr Hassell: Do you think the proposed boards of reference will assist in that area?

Mr T. H. JONES: No, because the Government is not putting sufficient guts into the legislation. It is talking about industrial harmony, but at the same time it is allowing non-unionists into an industry. How can industrial harmony be achieved when trouble will occur within the union ranks? Surely, with all his industrial knowledge, the member for Cottesloe would know this measure is adding fuel to the fire; it is broadening the divergence of opinion which already exists.

We should be setting up special tribunals, particularly in the Pilbara, to deal with specific industries. Instead of allowing disputation to occur, the parties should get together and talk before it happens. What has been achieved in the coalmining industry in that regard cannot be challenged.

Industrial disputation is not always the fault of the unions. Often it is the fault of employers who are not prepared to talk. I had an example of this in the 11 years between 1951 and 1962. Since a certain company left the industry the situation has changed because the parties are prepared to talk around the table. Until we achieve that generally throughout the industrial scene, the situation will not be changed by this wretched legislation.

Mr HODGE: In his defence of penal provisions the member for Cottesloe said they were an essential part of the Bill, and essential to the strategy of it. He said the Industrial Commission needed to have penal powers to give it authority to deal with industrial disputes. I disagree entirely with that point of view. I do not believe the Industrial Commission will gain authority by the use of penal provisions. Its authority will be developed through respect in its dealings concerning industrial disputes. It will gain respect through dealing with disputes in a sane and sensitive way which gives justice to all parties. Eventually parties will be pleased to go before the commission if they know they will receive a fair and just hearing.

Harmony will not be achieved by dragging parties before the commission and using penal provisions.

One part of this clause is important. It is the part which empowers the commission to inquire into the merit of matters, notwithstanding that an industrial dispute has occurred or is continuing to occur. That is a good provision. In the past I have often marvelled at the stupidity of the Industrial Commission stating it will not hear a claim because an industrial dispute is in process, or that the men must go back to work before it will intervene. That is ludicrous. I am pleased this provision has been included. I do not know whether there was a legal impediment to prevent this happening previously.

I am opposed to the rest of the clause because it is bad indeed. It talks about penalising parties involved in industrial action, ordering people back to work, etc. It is strange that all of its penal provisions are directed at unions. An industrial dispute must have two parties to it. I know the Government tends constantly to blame the unions, but surely we must be realistic and say that both parties may be at fault.

Mr O'Connor: There are penalties for employers right throughout the Bill. Frequently employers are at fault.

Mr HODGE: The clause sets out drastic courses of action against unionists and unions, but I cannot see any provision in it in respect of action to be taken against an employer who participates in an industrial dispute. An employer can deliberately prolong and aggravate an industrial

dispute by refusing to negotiate or by being provocative. No course of action is set down against such an employer. Threatening to cancel a contract will only penalise employees, and not employers. Employers will not worry if they are causing the dispute. What effective action will be taken against employers in that situation?

Mr Hassell: The order can be directed to the employer. He may be told to cease industrial action.

Mr HODGE: What happens if the employer disobeys the order?

Mr Hassell: He would be in the same position as employees who disobey it.

Mr HODGE: The contract would be cancelled?

The CHAIRMAN: Order! I would urge the member to address his remarks to the Chair.

Mr HODGE: My understanding of this clause is that no effective action can be taken under it against an employer who thumbs his nose at orders of the commission.

Be that as it may, I am opposed to the introduction of penal provisions to try to force parties to do certain things before the Industrial Commission. I do not think penal clauses work in the matter of industrial relations. They have never been a success in Australia.

Mr Hassell: What about penal clauses for breaches of awards? Should they be abolished too?

Mr HODGE: No, I think that is a completely different question.

Mr Hassell: Why? What is the difference? You want to penalise one side for breaching a prescribed award, but you don't want to penalise the other side when it breaks the rules.

Mr HODGE: Is the member for Cottesloe confident these provisions have worked in the past? If they worked, why is it that Clarrie O'Shea was let out of gaol, and his fines not paid? Why have fines amounting to thousands of dollars not been paid all around Australia?

Mr Hassell: Most of them were paid because it was a condition of amalgamation.

Mr HODGE: Most of them have not been paid.

Mr Hassell: That is not the point. You are talking about the type of penal provisions. The important point is that there should be penal provisions.

Mr HODGE: I think trying to resolve industrial disputes by penal provisions is not the answer. Conciliation, negotiation, and arbitration are the ways to resolve industrial disputes.

Mr O'Connor: That is the first way. What happens if those methods do not succeed?

Mr HODGE: They must be persevered with.

Mr O'Connor: Frequently at great cost to the community.

Mr HODGE: That may be the case, but is the Minister really confident threats of cancelling awards and deregistration will do the trick?

Mr O'Connor: They will go a lot further than in the past; we will get greater results from this provision. I believe only very few unions will take that risk.

Mr HODGE: I do not agree with the Minister; he is approaching industrial relations with the wrong attitude. He should be putting more emphasis on conciliation and mediation, and on getting the parties together. Threats of deregistration and the cancelling of awards will do nothing except aggravate the position even further.

This is especially so when one realises there will be no way of applying these penal provisions equally. There is no way of applying the penal provisions to an employer. It will be no skin off an employer's nose if the Government cancels a contract of employment; that will not penalise the employer at all. I do not see that clause 45 will achieve anything but more industrial disruption.

Dr TROY: I think it is correct to say that the changes which are being rung in essence are contained in clause 45. In fact, when one starts to examine the ramifications of this clause, one comes to the belief the Government in all honesty should change the title of this Bill to "The Industrial Coercion Act, 1979" because the provisions of clause 45 will take us away from the concept of arbitration and towards the concept of coercion.

Up till now, the whole emphasis on industrial relations in this country has been on conciliation and arbitration between two disputing parties. Clause 45 will bring forward a third party into every dispute, at the whim of the Government; it will give the so-called Industrial Commission the power to intervene in any dispute, for a whole number of reasons.

The parties in any prolonged dispute—be they capital or labour—live with that dispute every hour of every day. Very often, there is good and sufficient reason for the dispute to continue. However, what clause 45 will do is permit political intervention by the commission into any given dispute.

Truth is always a concrete thing, so I should like to refer members to a particular dispute to

illustrate my point. In 1977, a dispute occurred between fuel tanker drivers and oil companies over the use of subcontract labour. This dispute reached the stage where a physical confrontation occurred between the Golden Fleece Company on the one hand and the oil tanker driver division of the Transport Workers' Union on the other. The company was not prepared to carry the dispute through to the point of final collision, although the Government prevailed on it to do so.

The Government then intervened by approaching a subcontractor and setting up a police line in the "borderland" between the Golden Fleece depot and the union. The Government said to the subcontractor, "You push into this crowd, and push them into no-man's land between the gate and the street line. We will take over the dispute from there." That is exactly what happened, and the rest is history.

Clause 45 will make it possible for the Government to intervene politically in every dispute.

I could also refer to a number of disputes which have occurred in the iron ore industry. An examination of the disputes over the last two years reveal they were precipitated by the companies. The companies did not care whether a prolonged strike eventuated, because iron ore was in excess supply and the steel mills at the other end of the chain were not being deprived of ore. So, the companies did not mind their work force being on strike or stood down. The companies therefore took a series of provocative actions and, having thrown down the gauntlet to the unions, the unions had no recourse but to call their members out on strike. The action of the Government in the iron ore disputes is simply a union-bashing exercise.

We all know of the recent episode at Karratha, where for political reasons the Government intervened and ordered the arrest of two unionists by invoking a little-used section of the Police Act. This really highlights the nature of the changes provided for in this Bill. Of course, the Police Act is coupled with the other aspects of clause 45 providing for penal clauses, which are to be brought closer to reality.

It was quite appropriate for the member for Cottesloe to refer to the Government's intention to invoke these penal clauses. The Government seems to believe it can achieve industrial harmony by imposing fines or, in default, gaol sentences. It believes that by taking to people with a big stick, it will solve fundamental problems in industrial relations. Of course, this is nonsense.

Clause 45 must also be read in conjunction with other changes provided for in this Bill which are aimed at tying up unions and interfering with their affairs. So, as I pointed out, clause 45 is the central and most important clause in this Bill.

Given the kind of paranoid attitude adopted by many people who are officials of this Government—one does not need to go past the Commissioner of Police, to name one—we can start to understand the real implications of clause 45. The thrust of clause 45 is the essence of the changes proposed by this Government to the industrial legislation of this State. It does the Government no credit that it brings forward such a clause.

Clause put and a division taken with the following result—

Ayes 26

Mr Blaikie	Mr Mensaros
Mr Clarko	Mr Nanovich
Sir Charles Court	Mr O'Connor
Mr Cowan	Mr Old
Mr Coyne	Mr O'Neil
Mrs Craig	Mr Ridge
Mr Grayden	Mr Rushton
Mr Grewar	Mr Sodeman
Mr Hassell	Mr Spriggs
Mr Herzfeld	Mr Tubby
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Williams
Mr MacKinnon	Mr Shalders

(Teller)

Noes 19

Mr Barnett	Mr Hodge
Mr Bertram	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr McIver
Mr T. J. Burke	Mr Pearce
Mr Carr	Mr Skidmore
Mr Davies	Mr Tonkin
Mr H. D. Evans	Dr Troy
Mr Grill	Mr Bateman
Mr Harman	

(Teller)

Pairs

Ayes	Noes
Mr Young	Mr Taylor
Mr Sibson	Mr Wilson
Dr Dadour	Mr T. D. Evans

Clause thus passed.

Clause 46: Interpretation of awards and orders—

Mr O'CONNOR: I move an amendment—

Page 47, line 25—Insert after the word "or" the word "in".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 47 and 48 put and passed.

Clause 49: Appeals to Full Bench from decision of Commission under this Act—

Mr O'CONNOR: I move an amendment—

Page 52, line 14—Delete the word "of".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 50 to 65 put and passed.

Clause 66: Power of President to deal with complaints by members or Registrar against union—

Dr TROY: This clause, like many other clauses, defines in great detail the affairs of the unions. It gives the commission the power to intervene in a very direct way in the affairs of a union following a complaint by a person who has, or has not been, or has applied to become, a member of a union. This literally means anyone can attempt to interfere in the affairs of any union.

I object to this clause because, in fact, unions can run their own affairs. If we consider the history of organisations in this country, we will see that the union movement has the longest and, I believe, the proudest record of all kinds of community organisations which exist. Yet we have provisions in this Bill which interfere with the right of unions to run their own affairs.

If we were to look back at what has been referred to earlier with respect to equity and justice, we would not see a clause which dealt with the power of individuals to intervene and interfere in the affairs of a company where, for example, the profit margin was too high or too low, where the dividends were too high or too low, where takeovers ought to occur, or where asset stripping occurs, which would mean a consequent loss of jobs. We do not see a provision allowing for company takeovers to occur.

We do not have these equivalent rules in relation to the running of companies. We do not have the right of individuals to interfere in the running of companies. What we have—and it does not matter that a company decision may have very wide-sweeping ramifications for the workers in a company, and industry, and the economy as a whole—in this clause is the right for anyone, even the member for Murdoch, to come forward and interfere in the affairs of a union or the union movement.

Frankly, I find this to be particularly objectionable. It is something to which I have referred on several occasions during this debate; that is, the increased power given to the commission which will enable it to shackle the union movement. I do not give that kind of power to anyone; certainly not an appointee of the Liberal Government.

Mr O'CONNOR: The member for Fremantle has certainly over-reacted, because if he reads the present Act he will see it contains conditions similar to this. The only variation is that complaints against unions are now dealt with by the president instead of the Industrial Appeals Court. This clause will reduce the amount of work in that court and speed its handling of matters.

The president has much the same judicial standing as a Supreme Court judge. Therefore, he is qualified as far as the law is concerned. We are trying to expedite matters and so save the time of the commission.

Dr TROY: The response of the Minister was interesting. Whilst in word some of the conditions, or perhaps most of them, in clause 66 do exist in the present Act, the fact is that this Government has changed the operational circumstances of those provisions. Where we give power in one set of circumstances, we do not necessarily give it in others. In changing the other provisions—and I refer, for example, to clauses 97 and 100 and we can go back and look at what constitutes an industrial matter, and so on—the Government has changed in essence something which it may not have changed in words. This is something I do not approve of.

The Minister said that judges now would be appointed to the top positions within the commission. In doing so, they guarantee and underline that senior persons in charge of industrial relations will not have had long experience in that area. I remind members of what I said when speaking to clause 23, and point out that if they consider the history of industrial relations they will realise that judges and people with legal training have inevitably been extremely conservative, which means they have been very hostile to the working class.

Clause put and passed.

Clauses 67 to 71 put and passed.

Clause 72: Amalgamation of unions—

Mr HODGE: When introducing this Bill, the Government claimed it would make easier the amalgamation of unions and that was something I welcomed. I believe this would be a sensible move, as Australia has far too many unions. Our industrial relations would be better off if the number of unions were reduced.

I believe unions should have the same sort of access to research and the same manpower and facilities that employer groups have. It is essential they get together and pool their resources by amalgamating. This will be beneficial for the resolution of industrial disputes, and should cut

down the number of demarcation disputes which arise.

However, in reality, the Government is placing a serious impediment in the way of easier amalgamations. I consider this clause and this Bill to be sloppily drafted, because when referring to clause 72(1)(d) it is necessary to refer back to subclause (4) of clause 55 which states—

> (4) The Full Bench may refuse to authorise the registration of a society if, in the opinion of the Full Bench, such registration is not necessary or desirable for, or would not be likely to advance, the purposes and objects of this Act, and shall so refuse unless it is satisfied that—

I take exception to that. I do not believe it is necessary. Why should the full bench have the very wide power to refuse the amalgamation and registration of unions if it considers it is not necessary, desirable, or liable to advance the purposes of the Act?

The full bench will not have to take into consideration the fact that the union members may have sought the amalgamation following a secret ballot. I do not believe this is satisfactory.

Another spin-off is that it appears the commission has no obligation to grant the same constitutional rights to the amalgamating unions when previously they had a certain coverage of workers in particular industries. There is no guarantee in clause 55 or this clause that the amalgamating unions will have the same constitutional rights granted previously to each individual union.

That is another serious impediment to unions wanting to amalgamate; they will not want to lose the rights to cover certain sections of the industry which they covered before. I do not know whether this was an intentional move on the part of the Government. It may have been an accident and there seem to be many accidents and drafting errors in this Bill.

The easy amalgamation of unions is something the Government should be bending over backwards to achieve. I cannot see why it wants to put these massive hurdles in front of such amalgamations by giving such a wide discretionary power to the full bench. Provided the rules set down in the Act about consulting with the members of the unions are complied with, why does the Government need to put these unnecessary hurdles in the way? Why not automatically provide for the registration of a new body?

Mr O'CONNOR: I see this as a reasonable clause which does not cause many problems. The last point made by the honourable member is covered by section 10(1) of the existing Act and there do not seem to have been any problems with it. I believe the commission should have some control in this area and all we are doing is ensuring the interests of all parties in the community are looked after properly. The honourable member read out the relevant clause and I think in many ways it is better than the provisions of the present Act.

I move an amendment—

> Page 81, line 15—Delete the word "if" and substitute the word "unless".

This is to correct a printing error.

Amendment put and passed.

Mr O'CONNOR: I move an amendment—

> Page 81, line 18—Delete the word "or" and substitute the word "and".

Mr SKIDMORE: I am concerned about this amendment because it makes a substantial change to the clause. It means that both conditions will apply to a person eligible to be a member of a society. I assume it will be contingent on the person becoming or not becoming a member of a union.

Mr O'Connor: Yes.

Mr SKIDMORE: I do not like it very much but I will let it go.

Amendment put and passed.

Mr O'CONNOR: I move an amendment—

> Page 81, line 21—Delete the word "not".

Amendment put and passed.

Mr TONKIN: I am amazed at the ridiculous way in which this clause has been drafted. It is not normal for a clause to be drafted to say "a different section applies in this case". For example, proposed section 55 deals with registration of unions and proposed section 72 deals with the amalgamation of unions. Instead of stating the conditions under which unions can be amalgamated, it says that proposed section 55 applies, as though it were dealing with amalgamation. It is very sloppy drafting. It is like reaching chapter 10 of a novel and being told to go back to chapter one and assume the fifth word is "and" instead of "or", and so on. It is quite ridiculous. Clause 72 should have been written as it was meant to be instead of referring back to clause 55 and changing a few words. The substantive argument is that proposed section 55 applies to amalgamation *mutatis mutandis*. Proposed sections 55 and 72 provide that the commission can prevent the amalgamation of two unions.

Under the existing Act, if the ambit of the new union was to be no greater than the ambit of the two unions which sought to amalgamate, no-one from outside could object. If the members of two separate unions want to amalgamate, why is the commission given power to prevent the amalgamation? It seems to me the government of unions should be in the hands of members of the unions. If the members of one union want to amalgamate with another union and the members of the second union are agreeable, why should the commission be empowered to prevent it? We are concerned.

Mr O'Connor: Mainly to satisfy itself that the unions are complying with the normal requirements and that the interests of all concerned are looked after.

Mr TONKIN: But the commission is not in the best position to judge the best interests of the unionists concerned. It is not as though it is empowered to allow the amalgamation if the legislation is being complied with. The commission has the prerogative to prevent amalgamation if in its own mind it believes the amalgamation is undesirable. Can we imagine an outside body saying to the Liberal Party and the National Country Party, "You are not allowed to amalgamate"? That is what they have really done, of course. What right has any outside body to prevent amalgamation if all the members of both parties are happy to do so.

Mr O'Connor: They want to be registered with the commission.

Mr TONKIN: They are already registered. Initially they are given registration and the members of one union democratically decide they want to amalgamate with another; and the members of the second union also vote in favour of amalgamation. But the commission can say, "No, you can't amalgamate". We do not know why the commission should have this power to interfere in the internal affairs of the union, and we oppose this clause.

Mr T. H. JONES: It is obvious amalgamations must take place, as the Minister indicated in his second reading speech, but I consider the procedures should be simplified. Under the existing Act 15 members can comprise a union but under the new provisions 200 members must be registered to form a union.

Mr O'Connor: Unless the commission decides otherwise. For instance, one union has only about 180 members.

Mr T. H. JONES: There are many small unions with fewer members than that. The commission can refuse to register them without giving any reasons. On the one hand it is saying, "If you have not 200 members you must go out of business." That is what the Bill says.

Mr O'Connor: No—200 or such number as the commission thinks fit. If only a few members are involved it has the power to register them as a union.

Mr T. H. JONES: It would not permit a union of 20 or 30 members. I have in mind one particular union which has only 25 members. What would happen to that union?

Mr O'Connor: It is up to the commission, but in the interests of all involved, if another union wanted to take it over, I do not think the commission would stop it.

Mr T. H. JONES: Will the commission make an investigation of all unions in Western Australia and their membership if this Bill becomes law?

Mr O'Connor: No.

Mr T. H. JONES: How would this be brought about?

Mr O'Connor: The union would go to the commission with a request.

Mr T. H. JONES: Does the union with 25 members remain as it is?

Mr O'Connor: It could approach another union and mutually agree to amalgamation, and on coming forward to the commission I would think it would be approved.

Mr T. H. JONES: The union I have in mind has 25 members. It does not want to do anything; it wants to stay as it is. What happens to it?

Mr O'Connor: It stays as it is.

Mr T. H. JONES: Although the legislation says there must be 200 members?

Mr O'Connor: This can be allowed.

Mr T. H. JONES: The union asked me to raise this matter.

Mr O'Connor: The commission has power to permit a lesser number. It has conferred with me and said a number of unions have been operating satisfactorily for a long time, and generally speaking they would be approved.

Mr T. H. JONES: It would approve of a union of 25?

Mr O'Connor: This commission has the authority to do that.

Mr T. H. JONES: Having cleared up that point, why is it necessary to refer to the provisions of proposed section 55 once the union has been registered? It is not as though it is a new

organisation. All it is doing is seeking to be amalgamated with another union.

Mr Tonkin: They were too lazy to write the provision properly.

Mr T. H. JONES: It seems to be a duplication. A trade union has been registered and it is seeking to join with another union, but it has to go back to the formula applying to initial registration. Why is this necessary? Surely where it is already registered a union should not be subject to the provisions of proposed section 55. It is not a new organisation. It is a cumbersome procedure. Surely the Government could have introduced a more streamlined procedure to make it easier for members of one union to join with another union. Why has this cumbersome procedure been adopted?

Subclause (4) provides that the full bench may refuse an application for registration. This is worrying. In the situation I have described a union has been operating already—it is not a new organisation applying for membership. All it is asking is to join in with another union. I can quite understand that these provisions are necessary in the case of an original application, but such is not the case in the situation I have described. Of course, the full bench can say that it does not believe it is in the interests of the State for a particular union to amalgamate with another union. Will the full bench refuse such an application on the basis that the new union would be too strong industrially? The Minister should spell out the reasons for this provision. Certainly subclause (4) on page 59 does not tell us the reason for it.

Mr SKIDMORE: I wish to approach this question of amalgamation on a different tack from that followed by my three colleagues. However, I agree with what they have said. There are two areas of confusion in our cumbersome system of amalgamation of unions; that is, the constitutional rights of a union to cover its members under amalgamation, and the case of a union which does not desire the amalgamation and which submits that the workers concerned should remain with it.

From my understanding of the Bill, constitutional rights will go out the door. If two unions desire to amalgamate, they will need to apply the formula set out in clause 55 of the Bill which has the side heading of, "Requirements attaching to society seeking registration". It is incredible to see how cumbersome the simple process of amalgamation has been made.

As an example, let us say that the Millers' and Mill Employees' Union wishes to amalgamate with the Miscellaneous Workers' Union which covers many industries and many workers under its awards. Therefore, under its constitution, it may cover those workers.

The mill industry awards cover the stock feed industry involving approximately 170 workers. To seek amalgamation with the Miscellaneous Workers' Union the Millers' and Mill Employees' Union must submit a list of its members, officers and trustees and three copies of the rules of the society on the prescribed form.

The Millers' and Mill Employees' Union will not need a constitution, it does not want to remain registered. Why should its amalgamation with the MWU be questioned by the Industrial Commission?

All I believe that is needed is for the MWU, with the concurrence of the millers' union, to apply to absorb the smaller union. It is as simple as that.

The Minister seems to be walking around the Chamber and carrying on conversations. He should be listening to people who are trying to make something out of the legislation before us. I realise that whatever I say will not be considered, but at least one would think thhe Minister would do me the courtesy of listening.

Mr O'Connor: I have been listening.

Mr SKIDMORE: Perhaps the Minister will tell me what I have been saying?

Mr O'Connor: I will reply to your comments.

Mr SKIDMORE: I suggest that the Minister cannot tell me one thing I have been saying.

Mr O'Connor: You have been talking about the amalgamation of unions and you brought in your own union. I will reply to your comments.

Mr SKIDMORE: It is stupid that a union which wishes to amalgamate with another union must supply all this information. In the case I have referred to the union does not want to keep its constitution, but the commission then says, "We will publish those rules that your union does not want so that we can get rid of them."

I would like to put forward a simple idea that would work, and the implementation of my idea would mean a great deal to the trade union movement. The MWU would make an application to the commission saying that the millers' union wishes to amalgamate and to adopt its rules and constitution. What more could anyone want?

Mr O'Neil: Is that amalgamation or absorption? There is a difference.

Mr SKIDMORE: Yes, as I understand the term "amalgamation" in the industrial scene it

refers to the amalgamation of two consenting unions.

Mr O'Neil: The new union would probably have a different name and a different executive and therefore this information would need to be given.

Mr SKIDMORE: Members need to remember that the MWU has taken many existing unions under its wing and yet the provisions of the existing Act do not allow this fact to be declared in the legal sense. The smaller unions remain registered with the Industrial Commission, but in a sense they are nonentities because they have been absorbed into the MWU.

In the situation I have described, union B would say that it wants to amalgamate with union A, and union A would say that it is happy to have union B and that its rules and constitution are registered already with the commission. If the Minister would like to seek an adjournment of the Committee for 10 minutes, I could draw up an amalgamation clause which would allow unions to join together without any hassles and with a simplicity that would astound even the Minister and some of his advisers. This clause is an irrational approach to the problem.

Could the Minister please tell me the reason that a union which wishes to rescind its constitution must go through the lengthy exercise of advertising in the Press and all the other procedures as laid down for an initial registration?

Mr O'CONNOR: I wish everything could be as simple as the honourable member says it is.

Mr Skidmore: It is.

Mr O'CONNOR: I ask the honourable member to listen to me for a moment. Sometimes I feel as he does that the drafting of legislation is very complicated and difficult to understand, and often unnecessarily so. I suppose many members of this Chamber feel that at times lawyers get together to make legislation difficult simply to create jobs for themselves.

Mr Skidmore: I reckon you are on pretty safe ground there.

Mr O'CONNOR: I admit there are difficulties. The member for Collie commented on the number of members necessary to form a union, and I refer him to clause 53 which appears on page 57 of the Bill. Subclause (1) provides that a society must consist of not less than 200 employees, but the commissioner has a discretion to allow a union with fewer employees.

In reply to the comments of the member for Swan, certainly the clause we are discussing is no worse than the provision in the present Act. In fact, if anything the clause is an improvement, although obviously it does not go as far as the honourable member would like it to. Two unions cannot just say, "Let us amalgamate and let no-one interfere." The amalgamation of two unions means a new organisation and a new set of rules.

Mr Skidmore: It does not have to mean that.

Mr O'CONNOR: I say it does mean that. It is necessary for us to ensure that the interests of members of unions are looked after properly, and I am referring to the interests of members as set out in clause 55. If the honourable member looks at that clause he will see that complications arise.

I believe as has happened in the past a commissioner will refuse to agree to an amalgamation only if the rules are inconsistent with the object of the legislation. The commission is not there to prevent arbitration or conciliation or to prevent the unions carrying out their business as they want to. Generally speaking this is so, and I think the honourable member would agree with that statement. I do not believe it is unrealistic to seek to protect the members of a union, and surely the member for Swan will admit that this clause is better than the present provision, although obviously it is not what he desires.

Mr SKIDMORE: As I have said many times before, the recommendations of Commissioner Kelly have been bastardised in this Bill. Because no-one was quite sure about where to go in regard to amalgamation, the words of wisdom of Commissioner Kelly were taken up to a point but then some stupid conditions were superimposed. Commissioner Kelly's recommendations on the amalgamation of unions are set out in clause 72(1) on page 81 of the Bill, and I refer members to paragraphs (a), (b) (ii) and (iii), (d), and (e). The clause then departs completely from Commissioner Kelly's recommendations. In fact, what Commissioner Kelly proposed was the provisions of paragraph (b), which deals with the rules of a society, the callings, and so on.

For the Minister's edification, Commissioner Kelly did not have an "and" there; he had an "or". I do not know why the Government wanted the word "and".

Mr O'Connor: They told me it was wrong. I was doing only what I was advised.

Mr SKIDMORE: The Minister made a cumulative thing out of a singular issue. Commissioner Kelly proposed as follows—

> (2) The provisions of paragraph (b) of subsection (1) do not prevent the alteration, pursuant to this Act, at any time after a

society has been registered under this section, of the rules referred to in that paragraph.

There is nothing wrong with that. He continued—

(3) On and from the date on which a society is registered under this section—

(a) the registration of each of the amalgamating unions is cancelled; and

(b) all the property, rights, duties and obligations whatever held by, vested in or imposed on each of those unions shall be held by, vested in or, as the case may be, imposed on the new union.

The Minister said it needs a new set of rules. That is not so. It may need a new set of rules to be registered; but the rules can be the old rules of the old union.

Mr O'Connor: That could be so.

Mr SKIDMORE: If the Minister agrees with me there—

Mr O'Connor: A set of rules has to be registered.

Mr SKIDMORE: Under Commissioner Kelly's suggestion, as I see it, even that is not needed in the true sense of trying to have two unions amalgamated. That is all Commissioner Kelly suggested. It seems a very simple clause without all this business of reference back to the clause on original registration.

Commmissioner Kelly did not want to go through the gamut of having the unions registered for the first time, as suggested in clause 55 of the Bill. In fact, that has nothing to do with it. However, for some strange, inexplicable reason the Government decided that is what it ought to do. I do not following its thinking.

I believe my proposition is a simple one. It will allow debate to take place before the commission on the question of jurisdiction. The constitutional rights of unions will be protected. The workers will be protected because they will be seeking the amalgamation. That is a simple way of achieving the objective.

In fact, I doubt very much whether the workers will be allowed to amalgamate. The workers will have made the decision to amalgamate, and the commission could quite easily take it away. I do not know why that power should rest in the full bench. What right has the full bench of the commission to say to a group of workers, "We won't allow you to amalgamate"?

My opposition to this clause still stands.

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

Ayes 26

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

Noes 19

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

Pairs

Ayes	Noes
Mr Sibson	Mr Taylor
Dr Dadour	Mr Wilson
Mr Young	Mr T. D. Evans

Clause, as amended, thus passed.

Clause 73: Summons for cancellation or suspension of registration of union—

Mr TONKIN: Clause 73 is part of the whole armoury of penal provisions. I do not know that we need to discuss it at great length. It is similar to the others.

We oppose this clause, for the reasons already given.

Mr HODGE: I want to record my opposition to this clause. My opposition is based on a similar argument to the one I put forward when we were talking about penal provisions.

I do not believe deregistration of unions is an effective way of bringing about peace and harmony in the work place. The Government would be negating completely what it set out to do if it went through with its threats to deregister unions on a large scale. Where would the industrial relations set-up be if all the unions were deregistered? Once a union was deregistered, it would be completely outside the control of the Government or the Industrial Commission. Surely that would bring complete and utter chaos to industrial relations.

Is the Government serious about using deregistration as a threat? I believe some unions

are giving serious consideration to deregistering themselves voluntarily.

Mr O'Connor: Most responsible unions would not take that action.

Mr HODGE: One could go through the Bill and take deregistration to its logical conclusion. It would be chaotic if the Industrial Commission started deregistering unions on a large scale. Once they were deregistered, that would be the end of it. That would be the end of arbitration, conciliation, mediation, or anything else. The Industrial Commission would be powerless. I do not think that is a sensible weapon to use in industrial relations.

I believe a number of unions are considering deregistering themselves voluntarily and working outside the system. That is the American system. In America they do not have registration; the unions go in for collective bargaining and private contracts. If that is the sort of system the Government wants, it should come out and say so. That is not the system which would lead to industrial peace.

I believe this clause demonstrates the lack of knowledge by the Government of the industrial arbitration field.

Clause put and a division taken with the following result—

Ayes 26

Mr Clarko	Mr Mensaros
Sir Charles Court	Mr Nanovich
Mr Cowan	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr O'Neil
Mr Crane	Mr Ridge
Mr Grayden	Mr Rushton
Mr Grewar	Mr Sodeman
Mr Hassell	Mr Spriggs
Mr Herzfeld	Mr Tubby
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Williams
Mr MacKinnon	Mr Shalders

(Teller)

Noes 19

Mr Barnett	Mr Hodge
Mr Bertram	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr McIver
Mr T. J. Burke	Mr Pearce
Mr Carr	Mr Skidmore
Mr Davies	Mr Tonkin
Mr H. D. Evans	Dr Troy
Mr Grill	Mr Bateman
Mr Harman	

(Teller)

Pairs

Ayes	Noes
Mr Sibson	Mr Taylor
Dr Dadour	Mr Wilson
Mr Young	Mr T. D. Evans

Clause thus passed.

Clause 74: Summons for breach of certain orders—

Mr TONKIN: Once again, this is part of a whole series of penal clauses and for that reason we are opposed to it.

Mr O'CONNOR: I move an amendment—

Page 86—Delete all words in lines 10 and 11 and substitute the following passage—

"(4) In a case to which subsection (3) applies, a copy of the report and findings of the Registrar referred to in that subsection shall be".

Amendment put and passed.

Mr O'CONNOR: I move an amendment—

Page 87, line 19—Add after the expression "71" the words "or a member of the union".

Amendment put and passed.

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

Ayes 26

Mr Clarko	Mr Mensaros
Sir Charles Court	Mr Nanovich
Mr Cowan	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr O'Neil
Mr Crane	Mr Ridge
Mr Grayden	Mr Rushton
Mr Grewar	Mr Sodeman
Mr Hassell	Mr Spriggs
Mr Herzfeld	Mr Tubby
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Williams
Mr MacKinnon	Mr Shalders

(Teller)

Noes 19

Mr Barnett	Mr Hodge
Mr Bertram	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr McIver
Mr T. J. Burke	Mr Pearce
Mr Carr	Mr Skidmore
Mr Davies	Mr Tonkin
Mr H. D. Evans	Dr Troy
Mr Grill	Mr Bateman
Mr Harman	

(Teller)

Pairs

Ayes	Noes
Mr Sibson	Mr Taylor
Dr Dadour	Mr Wilson
Mr Young	Mr T. D. Evans

Clause, as amended, thus passed.

Clause 75: Commission may order secret ballot—

Mr O'CONNOR: If members look at lines 36 and 37 they will see a misprint; one line has been printed twice. Therefore, I move an amendment—

Page 88—Delete subclause (2) and substitute the following—

(2) Where a union of employees is concerned in any matter and that matter has caused or contributed to, or in the opinion of an officer of that union or any employer affected thereby is likely to cause or contribute to, industrial action, that union shall, for the purpose of the exercise by the Commission of its power under subsection (1), notify the Registrar accordingly.

Amendment put and passed.

Mr HODGE: I object to this clause which the Government purports will bring about a measure of democracy to industrial relations. In my opinion this clause is a complete and utter fraud. It empowers the Industrial Commission to order a secret ballot of union members on various issues. One issue could be whether or not a strike should take place.

This clause demonstrates the naivety of the Government in industrial relations if in fact it thinks unionists working in situations where emotions are running high, perhaps because of a safety issue, are going to sit back and wait for a secret ballot to be organised and the votes counted before they take strike action or stop work. If the Government thinks this will happen it should stop and think again.

It intrigues me that all manner of people can ask for a secret ballot to be conducted. Under this Bill it appears that an employer, a union, the Industrial Commission, and various other people, can ask for a secret ballot to be conducted. An employer can ask for a secret ballot to be held, he can be authorised to conduct it, and he may then send the bill to the union unless the Attorney General volunteers to pick up the tab. I cannot imagine that happening very often.

Mr O'Connor: That is not so. The union does not have to pay the bill.

Mr HODGE: My understanding of the legislation is that when a secret ballot has been conducted, the bill for it is sent to the union unless the Attorney General volunteers to accept it.

If a secret ballot is conducted and union members decide to have an industrial stoppage, it is a rather futile exercise, because the Industrial Commission has the authority under the Bill to override the decision and order the members of the union to return to work, regardless of whether they voted in a secret ballot to hold a stoppage.

Another aspect of the legislation which intrigues me is that if the union members vote in the majority in a secret ballot to go on strike there is no provision for a secret ballot to be conducted to decide whether or not they should return to work. Does a majority vote have to be obtained in a secret ballot before they may return to work?

Mr Shalders: How do they do it now?

Mr Jamieson: They put up their hands.

Mr Shalders: How do they go on strike? In the same way.

Mr HODGE: If a secret ballot is conducted and the majority decision is to go on strike, some provision should be contained in the Bill to cover the situation when they decide to return to work.

Mr O'Connor: There is nothing to stop them going back as soon as they wish.

Mr HODGE: What happens if there is some division amongst the people as to when they should return to work? They may have voted unanimously to go on strike, and after a few days some of them may want to return to work, but some may not. Do they have to have a secret ballot to decide whether they should return to work?

Mr O'Connor: Not necessarily.

Mr HODGE: That makes a farce of the legislation. Surely if there is a secret ballot procedure to decide whether they should go on strike, there should be a secret ballot also when they decide whether to return to work. The legislation will not work unless that sort of procedure is laid down. This clause is a farce and I oppose it.

Mr JAMIESON: I am indebted to Sir Billy Snedden, Speaker of the House of Representatives, who was formerly Minister for Labour and Industry from 1969 to 1971, for a statement he made. In the *Daily News* of the 16th May a focus article appeared ascribed to Sir Billy Snedden. It related to secret ballots and the fact that they will not prevent strikes. He went into this matter very deeply and pointed out certain aspects of which one would need to be aware before adopting this sort of nonsense. He points out that a secret ballot of all members for all union decisions is not possible. It would destroy the concept of management in any association. It does not take a great deal of thought to understand that his comments are correct.

Sir Billy Snedden goes on to point out that when this sort of condition is adopted as a result of a secret ballot, it then obtains public imprimatur and once that occurs it is very difficult to overcome the problems which result from it.

I should like to quote from the article as follows—

> One argument is that a strike called after being approved by a secret ballot of members would have a legitimacy and respectability in the public mind and in the opinion of the strikers.
>
> Undoubtedly this would give greater power to those people in the union who favour the strike. It would generate public support or at least disarm public opposition.

If that is what the Government is trying to do, it is taking the wrong sort of action. Sir Billy Snedden was Minister for Labour and Industry for some time and there is no doubt that he researched this matter thoroughly, because there was a suggestion that a provision in relation to secret ballots should be inserted in the Federal Industrial Arbitration Act. He came to the conclusion that it would be wrong to take such action.

To continue—

> A SECRET ballot does not always have this result. In 1972 a strike by railwaymen in London aroused great public anger allowing the breakdown of transport.
>
> The Heath Government obtained a court order for a secret ballot. The ballot took 10 days to conduct and resulted in a 6 to 1 vote in favour of further industrial action to support the claim.
>
> The atmosphere changed dramatically. From antagonism in which angry Londoners threw abuse and worse at the strikers, overnight came a public acceptance that there was legitimacy in the strike.
>
> The demands were quickly and substantially granted. The final settlement gave the railwaymen 13.5 per cent pay increases.

The point is, will anything be achieved? The most important point in relation to this matter, and one which should be considered by the Government, is once a majority vote in a secret ballot has resulted in a strike taking place, is it necessary to conduct a secret ballot to get the workers to return to work? Are Government members so bright that they will be able to find a way to overcome that problem? Provision must be contained in the legislation in order that the workers may return to work quickly. If the Government wants the workers to go out on strike and stay out on strike, it should proceed with this provision, but it will be stuck with it. If the Government introduces this sort of legislation, it should make sure it knows what it is doing.

Sir Billy Snedden pointed out that most strikes are short and can usually be settled by quick decisions. We must be able to make decisions quickly in industrial matters. This cannot be done with secret ballots. When a ballot is conducted some people are concerned because they do not want others to see whether or not they vote in a particular manner. However, members of Parliament are not frightened to vote openly. They are clothed with the protection of party immunity. Every time members vote, their names are recorded and everyone is able to see the way in which they vote. It does not scare us, probably because we have party support.

Members should recall the abattoir strike which occurred a few years ago. A secret ballot was held to decide whether the workers should remain on strike and 80 per cent of them voted in favour of doing so. All hell broke loose. It was a long time before the matter was sorted out, because a decision had been made by secret ballot. Once the egg was scrambled no-one was sure how to unscramble it.

The Minister is very keen on scrambling the egg, but he has not inserted a provision in the legislation which will unscramble it, despite the fact that people who have examined this matter deeply in the past have come to the conclusion that secret ballots will not work because they are impractical. The ability to move quickly and enable conciliation to take place is of paramount importance.

It is of no use having 80 or 90 per cent in favour of a strike and expecting to get them all back to work the next day. Of course, on the other hand, there is provision in this legislation to legalise strikes and to prevent people going on strike. However, if they do go on strike, this fact can be disregarded and action can be taken against them. It is a con job on the part of the Government. The Government is not achieving anything. How will the Government unscramble the egg?

Mr O'Connor: I will answer in due course.

Mr JAMIESON: The Minister will speak but of course he will not answer the question because there is no answer. People throughout the world have studied the matters of unions and officialdom and the way of overcoming these irksome problems and they have all come to the conclusion that this is something one should not back away from because it would mean only more trouble. The Government will find that strikes will be doubly difficult to solve under the proposals in this legislation. It would have taken

half the time to solve them if they had been left alone.

If the Government wishes to choose this type of method then it has to answer to the public and not say it did not know what would happen, and it thought things would turn out in another way. The Government has been duly warned and the public should be warned that most likely this is what will happen.

It appears that things have not changed since that article was written in May, 1977, and the fears expressed then will be inherent in the system if the Government proceeds with this foolishness.

Mr T. H. JONES: I would like the Minister to explain what will be achieved by the secret ballot. I know there is a clause to be discussed later which will allow unions the right of secret ballot to take action, but if we read the preamble to this clause we will find it is nothing unusual. It reads—

> Where the Commission considers that the views of the members or of a section or class of the members of a union or, where the registration of a union has been cancelled, that the views of the persons or a section or class of the persons who were at the time of the cancellation members of the union upon a matter, ought to be ascertained . . .

What will be ascertained from the members?

Mr O'Connor: The views of the members.

Mr T. H. JONES: What will be asked of them? Will they be canvassed for their views?

Mr O'Connor: I can tell you easily. What was the strike about?

Mr T. H. JONES: This is where the union has been deregistered. One does not take strike action. We are talking about where it has been deregistered. Where is "strike action" mentioned in the clause? I cannot see where it is mentioned. Will the Minister point it out to me?

Mr Sodeman: Strike action is covered in clause 97 where it refers to "Division 5 of Part II", which is what we are discussing now.

Mr T. H. JONES: As we are discussing an action that has to be taken later, why are we dealing with it now? I think we have the cart before the horse. In clause 75 which we are now debating, there is no reference to strikes. I want to know what views will be obtained from the people involved. What will the secret ballot achieve? "Do you want to be registered again?"—is that what the people will be asked? The clause does not specify the question to be asked.

Mr SODEMAN: I have often heard the member for Collie say in this Chamber when debating a particular Bill that it must be read in its entirety. One clause relates to the other in this legislation and a clause cannot be taken separately from others.

The member is making the statement that clause 75 does not refer to a secret ballot for strike action, whereas in actual fact it does. There is a reference in clause 97 to clause 75 and this refers specifically to strike action.

Mr T. H. Jones: Where does it mention strike action?

Mr SODEMAN: It is mentioned in clause 97.

Mr T. H. Jones: We are not discussing clause 97.

Mr SODEMAN: I was under the impression we were discussing the Industrial Arbitration Bill, 1979.

Mr Jamieson: In Committee.

Mr SODEMAN: It is unfortunate that these days we cannot see our way clear to do something as simple as conduct a secret ballot. The member for Welshpool distorted the situation and the intention of this Bill when he said Sir Billy Snedden stated a secret ballot on all union decisions would be administratively unwieldy and disruptive. There would not be a member in this Chamber who would disagree with that statement. We are not talking about a proposed secret ballot for all union decisions. We are talking about secret ballots where strike action is proposed.

Mr Jamieson: How long would it take to get the ballot papers ready and sent out by post?

Mr SODEMAN: That is the reason I want to comment. I will over-simplify the position by quoting an occurrence of a few years ago. Some shearers wanted a decision as to whether wool was wet or dry, because it had an effect on the shearing rate. They conducted a simple secret ballot by tearing up some pieces of paper and casting their votes. There was trust amongst those people.

Mr Jamieson: That cannot be done under the provisions of this Bill.

Mr SODEMAN: I have some misgivings about the provisions of the Bill as they stand. I agree with members opposite we certainly should look at some mechanism where there is a secret ballot to decide whether or not to go back off strike. With all this talk about 10 days for a secret ballot, it is no wonder that people get cranky.

Surely we should be able to have a simple ballot paper which could be held in stock. When unionists have to decide whether to go on strike

they will have been advised that a meeting is to take place.

Mr Jamieson: You are assuming that only one firm would be involved.

Mr SODEMAN: If it is a simple procedure on one site, I cannot see why it should not be a simple procedure on a combination of sites.

Mr Jamieson: Who will control it?

Mr SODEMAN: It cannot be controlled. That is where everyone gets off the rails and bogs down.

When a union convenor puts forward a case for strike action, a vote is taken which is binding on every member of the union, whether or not he is on the site at the time of the vote. There have been cases where out of a membership of 300 only 40 or 50 attend the meeting where the vote to take strike action has been binding. Whether the meeting comprises 40, 50, or 300 members, I see it as a simple process for those unionists to cast a vote by means of a ballot paper. The decision taken by those present at the meeting is binding, unless there is another meeting.

Someone used this Parliament as an analogy, and I would be happy to use that system and project it into the union situation. Unionists, at a meeting, get only one point of view. In this Parliament there are at least two points of view.

Mr Jamieson: In your mind there is only one point of view.

Mr SODEMAN: I am saying the unionists do not get two points of view. I do not believe the Leader of the Opposition was present the other night when the shop stewards' code was mentioned.

Mr Davies: I was here and heard it mentioned.

Mr SODEMAN: The AMWSU code stated that a shop steward must represent one side; he must be one-eyed, and he must be biased. At a union meeting the unionists would hear that one-eyed and biased point of view. If the meeting is advocating strike action it is obvious the viewpoint put forward will be against the company concerned. Would it not be more responsible if those unionists were to hear the two points of view?

Mr Bryce: Does a company do that? Does it get both sides of a story before making a decision? Before a company makes a decision does it first get the opinion of the shop steward?

Mr SODEMAN: If the Deputy Leader of the Opposition is talking about decision-making at top management level, and implying that people on the shop floor should be part of that decision-making process, no, I disagree. Shareholders of a company often take part in those decisions. Employees have other ways to participate.

Mr Bryce: You sound one-eyed and biased.

Mr SODEMAN: No, I am saying the management should shoulder the responsibility of decision-making. If the employees shared in the decision-making, and there was a loss situation, they would have to be prepared to share in the loss and go without their pay. The employee, in a loss situation, will not lose his wages so he is not able to participate at top management level. However, he should participate at other levels, and that is what I advocate.

I will relate an example of the problem we have from a unionist living in a Pilbara mining town. He is not a member of the Liberal Party. I receive many letters from people I have not met, and they are along similar lines. The case I am about to mention concerns a union convenor who put forward a situation and suggested that the unionists should go on strike. As usually happens in these instances, there was a show of hands which resulted in 61 against going on strike and 60 in favour of going on strike. Some people did not vote because they did not understand what it was all about.

As often happens, the union convenor threw a tantrum and he said, "Those who are for the strike go to one side of the room, and let us see the scabs on the other side of the room." This is what happens all the time. At Paraburdoo, on one occasion, twice the vote went against the suggested action of the convenor. The convenor called for a third division, but the matter should have been settled on the first vote.

I have already quoted the advice issued to shop stewards, which is that they have to be biased. They must not listen to another point of view. They are there to be one-eyed.

If members opposite were serious I cannot understand why they would disagree with a simple basic secret ballot. I gave the example of the shearers. In that instance there was a scrutineer. I fail to see why we cannot have scrutineers from the company and the union at a secret ballot. The decision to strike would be legitimate. Standing firm, when one feels one has a case, is what industrial action is all about. There also should be provision for a ballot to go back off strike.

I think there is an inconsistency there. If we could get this simple method operating many of the companies I have spoken to say that in view of the lost time and the cost to the company, the State, and the nation, they would be only too happy to bear the cost of running secret ballots on

the basis just mentioned—not a grandiose electoral system with absentee votes and all the rest of it—so that the unionists are not subject to pressure. The member for Morley says they are subject to such pressure, with the gun held at their heads so to speak—do it or else.

Mr Jamieson: These days with secret marking of papers you could not rely on that happening.

Mr SODEMAN: Where do we go from there?

Mr Jamieson: You have to keep to the open system which you know is dinkum.

Mr SODEMAN: It is not dinkum. I have just said shop stewards are advised to be biased.

Mr Jamieson: Of course they are, exactly as the floor bosses are instructed to be biased on behalf of the company.

Mr SODEMAN: Can the member for Welshpool find in a management book one sentence saying, "When you are dealing with human beings, tradesmen, and fellow workers be one-eyed, be biased"? Do the books not say, "Endeavour to understand the other person's point of view"?

Mr Jamieson: You have not read one, that is your trouble. It is right through the whole context of them.

Mr SODEMAN: Is there a parallel to the statement in the guide to shop stewards?

Mr Jamieson: It is not the same wording but it is the same direction.

Mr SODEMAN: It is not the same direction.

I think this provision, coupled with clause 97, has some inadequacies in regard to bringing about the type of secret ballot which I would very much like to see.

Members on the other side have been making great play about what this industrial legislation will do. Of course, they may be right; if people do not want to give it a go and try a new method of approach, certainly it can be fragmented. If I were asked what I would trade off against this particular provision, I would be happy to see the preference provision reinserted if we could reach a situation where both points of view were put to workers and a secret ballot of members were taken.

Mr Jamieson: Is this your speech for the next election?

Mr SODEMAN: No. Members opposite are always saying, "Get up and give us your point of view", and I am doing it.

Mr HODGE: The contributions of various members on this clause have raised a number of questions which I hope the Minister will answer. The first one touched on by the member for Collie is: If a union is deregistered, how will the Industrial Commission have any power to do anything to it, much less conduct a secret ballot? If the registration of the union has been cancelled, how will it then be subject to this legislation? How will the commission have any authority to conduct a secret ballot? The union will be outside the jurisdiction of the legislation and the Industrial Commission. Once the registration is cancelled, I fail to see how the Industrial Commission can have the authority to conduct a secret ballot or anything else. I would be grateful if the Minister would explain that point to me.

The point which the member for Pilbara ducked is: What will be on the ballot paper? We all know the secret of getting accurate opinion polls depends on having the questions framed by experts. We all have our individual biases in anything we write. I could frame questions for a ballot paper which would produce a given result any time. I could word questions in such a way that the ballot came out the way I wanted it. We all know about that. Who will frame the questions? Will it be an impartial expert or a clerk of the Industrial Commission? That matter cannot be left hanging; we must know what will be asked, in what fashion it will be asked, and who will compose the questions.

The next point is that some time ago the Liberal Party felt a great infatuation for secret ballots held in the comfort, convenience, and confidentiality of one's own home. It seems to have lost its enthusiasm for that idea. There is no mention in the Bill of ballot papers being posted to people's homes. Obviously that would be expensive, time-consuming, and cumbersome.

If ballot papers are not posted to members' homes, surely they will be subject to the same pressures which Government members say they are under at the moment. I do not see that they are under any pressure in voting with their hands in the open; but assuming there is some pressure, if union members have ballot papers put in front of them to fill in on the job they will be under the same sort of pressure. I cannot see that will achieve anything.

Mr Herzfeld: It does not say they cannot have postal ballots.

Mr HODGE: The Minister gave no indication of it and the Bill gives no indication of it. The member for Pilbara spoke about voting on the spot with bits of paper.

Mr Herzfeld: If the situation happens to be suitable, the Bill provides that it can be done in that way.

Mr HODGE: The Bill does not say what will happen. It is very open.

The last point is that very rarely are industrial relations as simple as determining whether or not the wool is too wet to shear, knowing that if the men decide the wool it too wet it will be only another one or two days before the wool is dry and they are back at work. That is not the case with industrial disputes. If members of a union have a secret ballot and decide to go out on strike, how will they return to work? The Bill does not provide any mechanism for bringing them back in an orderly fashion.

Mr O'CONNOR: I am astounded that the Opposition is opposing secret ballots, thus denying the right of individual members to have a greater say in what goes on in their unions. I thought members of the Opposition would have welcomed this provision with open arms. It is one which has a great deal of public support. We find that wherever we go people are saying we ought to have secret ballots. We know of cases where abuses have occurred in connection with ballots in the union system here. The other night I quoted the instance of the Railway Officers' Union. I think 16 unions voted on whether to hold a one-day strike; four voted for it and 12 against it, but despite the fact that the majority were in favour of staying at work the executive overruled them and called the strike.

Mr Davies: Where did the vote take place?

Mr O'CONNOR: I will give the Leader of the Opposition a copy of the minutes of the meeting which were forwarded to me by members of the union who were concerned at the action the union took.

Mr Davies: It would never have happened in my day.

Mr O'CONNOR: This sort of thing is very distasteful. I believe the public, generally, and individual members of unions support secret ballots, and they will give union members a greater say in their own destiny.

There is no need for delay in connection with ballots. The commission has strong powers in this regard. If a dispute happens in the morning and a phone call goes through to the commission, if necessary it could give authority for two individuals to conduct a ballot on the floor of the shop without any delay.

So the powers of the commission are very strong in this area. As a matter of fact, if it were thought necessary to have a vote of all unionists in the State on the one day, that could be accomplished if properly conducted and organised.

Mr Davies: Oh nonsense, the logistics of it would make it impossible.

Mr O'CONNOR: Let me tell members how it could be done. Each union member would have a ticket and he would feed this ticket into a machine at the TAB office in his nearest town. We could have the result in one day.

Mr Davies: You are talking real fantasy now.

Several members interjected.

The DEPUTY CHAIRMAN (Mr Blaikie): Order!

Mr B. T. Burke: Some people would be a long way from a TAB.

Mr O'CONNOR: This could happen sometimes. The commission could have the right to sectionalise an area and take a ballot where a dispute occurs. There is no need for lengthy delays.

The member for Collie asked a stupid question when he said, "What would be on the ballot paper?" Of course the question on the ballot paper would depend on the issue involved.

Mr B. T. Burke: Who would determine the question?

Mr O'CONNOR: The commission would have some say in it. The question may be, "Do you want to return to work?" It could be as simple as that.

Mr Hodge: It could well be worded, "Do you want to remain on strike?"

Mr O'CONNOR: Obviously it would depend on the issue. Anyone with common sense would know that the same wording would not apply in all ballots.

The public generally want secret ballots, and the unionists would prefer them. Many people do not like voting in front of their union bosses, and certainly in some areas union members are afraid of repercussions after a show of hands. The British Government is considering this matter at the present time, and there have been recent Press comments about it.

In the recent Hamersley strike, no secret ballot was conducted and the strike lasted for 10 weeks. We do not know what would have happened if the union members could have voted without fear of intimidation. I am astounded that Opposition members can stand up here and oppose the proposal to let union members decide their own destinies.

Mr Tonkin: We are not opposing it.

Mr O'CONNOR: Some Opposition members said this.

Mr Tonkin: You are misinterpreting what we said.

Mr O'CONNOR: If the Opposition is supporting the principle of secret ballots, I have nothing more to say.

Progress

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

BILLS (2): RECEIPT AND FIRST READING

1. Reserves Bill (No. 2).

   Bill received from the Council; and, on motion by Mrs Craig (Minister for Local Government), read a first time.

2. Liquor Act Amendment Bill (No. 2).

   Bill received from the Council; and, on motion by Mr Clarko, read a first time.

House adjourned at 11.37 p.m.

QUESTIONS ON NOTICE

PUBLIC ACCOUNTS COMMITTEE

Reconstitution

2074. Mr GREWAR, to the Speaker:

What further action can be taken to reconstitute the Public Accounts Committee of the Parliament?

The SPEAKER replied:

I refer the member to my ruling of the 3rd April and the reply I gave to question 118 on the 5th April, 1979.

From these, the member will deduce that until the full number of five members have been appointed to the committee, the committee, as such, does not exist.

However, I believe it would be competent for any member to move an appropriate resolution to fill the two vacant positions.

GRAIN

Barley

2075. Mr GREWAR, to the Minister for Agriculture:

(1) When is the second payment to be made for two-row feed and manufacturing grades of barley delivered to the 1978-79 pool?

(2) If the Grain Pool is still in overdraft, is it possible for funds to be borrowed to make part payment to growers to improve their cash flow position which is usually most strained at this time of year?

Mr OLD replied:

(1) Early in December.

(2) In view of an intensive November shipping programme now that the industrial situation has eased, there appears to be no necessity to seek outside finance.

MEAT: LAMB MARKETING BOARD

Investigation by Public Accounts Committee

2076. Mr GREWAR, to the Minister for Agriculture:

(1) In view of the concern amongst many lamb producers that the activities of the WA Lamb Marketing Board may not be serving their best interests, would he agree to having the Public Accounts Committee investigate the transactions of the board when the committee is again functional?

(2) If not, why not?

Mr OLD replied:

(1) and (2) I do not agree with the claim made by the member that the board may not be serving the best interests of lamb producers. Since the board's financial statements are subject to audit by the Auditor General's Department and are subsequently tabled in the House, I do not believe the matter warrants consideration by the Public Accounts Committee.

DAIRYING

Dundas Shire, and Esperance

2077. Mr GREWAR, to the Minister for Agriculture:

(1) For what reason was the Dundas Shire originally declared a Dairy Industry Authority area?

(2) As there has not been a commercial dairy cow in the shire area for approximately 20 years, is it possible to have the authority jurisdiction over the area removed?

(3) If "Yes" to (2), what actions would be necessary to bring this about?

(4) What is the cost of transport per litre of milk from the present supply areas to Norseman?

(5) What would be the transport cost per litre if milk were allowed to be supplied from Esperance, less than one quarter the distance from the present supply area?

(6) Is the authority aware that its actions are possibly inhibiting the development of a fully integrated dairy and processing industry at Esperance which is not allowed to supply markets outside the shire boundary?

(7) Is the authority aware of the potential of the Esperance region to serve as the supply centre for milk to the whole of the eastern goldfields region?

(8) Why is the authority apparently determined to thwart the growth of this industry at Esperance?

Mr OLD replied:

(1) to (3) A system of orderly marketing has applied since 1947 under the former Milk Act and currently under the Dairy Industry Act, to the South-West Land Division including the Shire of Dundas but excluding the Shires of Ravensthorpe and Esperance.

The authority has continued this policy of supplying the Dundas Shire from the major dairying districts and no change in this policy is under consideration.

(4) Cartage allowances on packaged milk transported from Perth to Norseman vary between 5.38c and 10.66c per litre depending on the type of container.

(5) This is not known to the authority.

(6) to (8) The authority has considered in detail the points raised by the member. It believes that the withdrawal of any district from the area declared under the Act would mean that the milk and dairy produce sold in that district would not be supervised or regulated under the Act and that there would be no commitment to maintain continuity of supply throughout the year. A decision to supply the Eastern Goldfields region from Esperance would disadvantage existing suppliers.

DRAINAGE

Rates: East Bunbury

2078. Mr JAMIESON, to the Minister representing the Minister for Works:

(1) With reference to question 2061 of the 1st November, 1979 relevant to East Bunbury drainage, when were these properties first rated for flood drainage?

(2) Has a suspension of these rates previously been applied, and if so, in what years?

Mr O'CONNOR replied:

(1) The 1st September, 1967.

(2) No.

MINING TOWNS

Carly Report

2079. Mr DAVIES, to the Minister for Industrial Development:

Further to question 1421 of 1979 concerning the Carly report on mining company towns, will he table the other volumes?

Mr MENSAROS replied:

Volume II (Wickham) of the "Carly report" is tabled herewith. The remaining volumes are still being considered by the Government and will be tabled in due course.

The volume was tabled (see paper No. 454).

MINISTERS OF THE CROWN

Overseas Trips

2080. Mr DAVIES, to the Premier:

In respect of overseas trips taken by Ministers of his Government since September, 1978, will he detail—

(a) the number of trips taken by each of the Ministers;

(b) where each Minister has gone on each overseas trip;

(c) the cost of each trip, including the costs involved in taking advisers, staff members, and also including the costs of travelling allowances;

(d) the purpose of each trip;

(e) the benefits which have resulted from each overseas trip taken;

(f) the overall cost to the Government of all trips taken?

Sir CHARLES COURT replied:

(a) to (f) I am reluctant to divert staff to undertake the necessary research. If, however, the member has any reason to believe that travel of an unauthorised and unnecessary nature is being undertaken by Ministers of the Government in the conduct of legitimate Government business, then I suggest he lets me have the grounds for his beliefs and I shall have them investigated.

CONSUMER AFFAIRS

Beer Prices

2081. Mr BATEMAN, to the Minister for Consumer Affairs:

(1) In view of the many questions I have asked regarding the high cost of beer in Western Australia compared with the cost charged in other States for the same quantity, and the conflicting statements in Saturday's *The West Australian* dated the 3rd November, 1979, which stated in the investment column that "The old Swan brewery was closed in July and the Emu brewery in late August. All activities were now located at Canning Vale, with a consequent significant saving of costs.", and in the same paper, page 3, that packaged beer prices are to go up because of the high cost of materials and services, would he direct the tribunal which is inquiring into the high cost of Western Australian-made beer, to investigate this rise just before Christmas?

(2) If not, why not?

Mr O'CONNOR replied:

(1) and (2) The terms of reference for the inquiry conducted by the Bureau of Consumer Affairs related only to the cost of draught beer in this State.

The price of packaged beer in Western Australia is on a parity with other States and therefore I do not propose to further widen the inquiry as suggested.

DRAINAGE

Beckenham

2082. Mr BATEMAN, to the Minister representing the Minister for Water Supplies:

(1) Further to the petition which I introduced on Tuesday, the 6th November, 1979, and in view of the fact the Woodlupine Brook is a natural water course, will the Minister refund the drainage rate of 2.2 cents in the dollar to the residents of Beckenham?

(2) If not, why not?

Mr O'CONNOR replied:

(1) No.

(2) It is part of the constituted Metropolitan Main Drainage District No. 1 and approximately $150 000 has been spent on its upgrading. In addition, it has been maintained by the board since the area was developed.

TOURISM

Interstate and Overseas Visitors

2083. Mr DAVIES, to the Minister representing the Minister for Tourism:

How many—

(a) interstate;

(b) overseas visitors,

have visited Western Australia for each of the past 10 months of this year and the previous two years (or have visited Western Australia for similar periods for which statistics are kept if the above statistics are unavailable)?

Mr O'CONNOR replied:

(a) Interstate Visitors

	1977	1978	1979
March quarter	89 815	91 070	85 188
June quarter	75 177	74 297	77 131
September quarter	81 454	79 022	82 916

The above figures do not include visitors arriving by—

(1) road, other than the Eyre Highway;

(2) sea.

(b) Overseas Visitors

	1977	1978	1979*
January	2 327	2 819	3 240
February	2 858	3 454	3 504
March	2 935	3 591	3 900
April	2 307	2 589	3 294
May	2 047	2 071	3 282
June	1 731	2 179	3 372
July	2 535	2 349	3 996
August	2 457	2 666	3 732
September	2 959	2 891	—

*These figures are provisional only.

POLICE

Totalisator Agency Board: Robberies

2084. Mr DAVIES, to the Minister for Police and Traffic:

(1) How many Totalisator Agency Board agencies have been the subject of—

(a) armed robbery;

(b) attempted armed robbery;

(c) unarmed robbery;

(d) attempted unarmed robbery,

in the last 10 months, and the preceding 10 months?

(2) How many people have been wounded, fatally or otherwise?

(3) How many Totalisator Agency Board robberies are yet unsolved?

Mr O'NEIL replied:

		1.3.1978 to 31.12.1978	1.1.1979 to 7.11.1979
(1)	(a)	7	10
	(b)	Nil	1
	(c)	3	3
	(d)	1	1
		11	15
(2)		1	Nil

(3) For the periods referred to—22.

EDUCATION: SCHOOLS, HIGH SCHOOLS, AND NON-GOVERNMENT SCHOOLS

Fire Extinguishers

2085. Mr DAVIES, to the Minister for Education:

Further to question 927 of the 7th August, 1979, is he now in a position to provide an answer to my query concerning fire extinguishers in Government and private schools?

Mr P. V. JONES replied:

The letter is currently being prepared.

PARLIAMENT HOUSE

Press Room

2086. Mr BERTRAM, to the Speaker:

(1) Are members of the media reporting on the activities of this Parliament—that is to say six or more of them together with their tables, typewriters and other equipment—crowded into one unair-conditioned room upstairs from this Assembly?

(2) Are the dimensions of the said room only about 18 feet by 12 feet?

(3) Do the health authorities regard the situation above described as lawful?

(4) Why are these media personnel possibly discriminated against having regard to the members' offices on the one hand and the Press office different conditions on the other?

(5) Will he treat this matter as urgent in order that health standards may be met—if necessary—and fair and proper standards of office accommodation provided for these media representatives?

The SPEAKER replied:

(1) No. There are two rooms allocated to the journalists who use the Press Gallery. For convenience the journalists have arranged themselves so that those who report for *The West Australian* and the *Daily News* use one room and those from the ABC use the other room.
The room now used by the ABC journalists is an additional room to the one which was used by all journalists and was made available by the Joint House Committee in 1977.

(2) to (5) Not applicable.

LEGAL PRACTITIONERS

Professional Negligence

2087. Mr BERTRAM, to the Premier:

(1) Is it not a fact that Cabinet has recently considered legislation to require legal practitioners to insure against their professional negligence?

(2) Is legislation shortly to be introduced which, amongst other things, will protect the public when negligence claims are sustained against legal practitioners?

(3) If "No", why is the Government refusing to act on this matter?

(4) Will the Government allow the State Government Insurance Office, the office which was born here and which is wholly owned by the people of this State, to provide the necessary insurance cover against the negligence of legal practitioners?

(5) If "No", why does his Government continue to discriminate against the mass of the people in this way?

Sir CHARLES COURT replied:

(1) Yes.

(2) No.

(3) The Government has decided to seek information on how schemes that apply in some other States are working out and, in this regard the Law Society has been asked to assist.

(4) Any such decision would be premature.

(5) This part of the question has no relevance to the preceding parts of the question and the inference is rejected completely.

HEALTH: TOBACCO PRODUCTS

Nicotine: Addiction

2088. Mr BERTRAM, to the Minister for Health:

(1) Is it a fact that the drug nicotine is an addictive drug?

(2) If "Yes", is it a fact that a mother addicted to the drug nicotine transmits that addiction to her unborn child?

Mr YOUNG replied:

(1) Nicotine as a drug is not normally included among the drugs of addiction, but it is credited with contributing to the addictive nature of tobacco smoking.

(2) No. There is no evidence of this.

TRAFFIC

Speed Traps: Radar

2089. Mr BERTRAM, to the Minister for Police and Traffic:

(1) Is it a fact that there is a very real element of risk of error in the use of radar to prove speeding offences by motorists?

(2) If "Yes", what action does he intend to take to eliminate this risk factor with its potential to convict innocent motorists?

Mr O'NEIL replied:

(1) and (2) No.

HEALTH: TOBACCO PRODUCTS

Advertising: Monitoring Committee

2090. Mr BERTRAM, to the Minister for Health:

(1) Did he recently appoint Dr H. Williams to head the committee to monitor cigarette advertising in Western Australia?

(2) Did he say of Dr Williams, "He has no apparent connection with either side in the current controversy"?

(3) (a) If "Yes", will he state in clear and precise terms particulars of each of the sides of the controversy;
(b) if "No", why;
(c) if "Yes", which side of the controversy does he support and why?

(4) (a) Will he state the precise terms of reference of the committee to monitor cigarette advertising in Western Australia;
(b) if "No", why?

(5) (a) Is he correctly reported in the Press as saying that the tobacco industry had already accepted a code of practice for advertising and had been registered by the Trade Practices Commission;
(b) if "Yes" did the tobacco industry draft that code?

(6) What relevance does the registration of that code by the Trade Practices Commission have to the bombardment of youngsters through advertisements by tobacco-pushing companies?

(7) What is his department's view as to the claim that there is a direct ratio of advertising and youngsters taking up smoking?

(8) (a) Is it his intention to allow the media and/or the public to attend all or any of the hearings of the committee to monitor cigarette advertising in Western Australia;
(b) if "No", bearing in mind the extraordinary public interest in this matter, why are this committee's proceedings to be kept secret?

(9) Having now taken action by establishing a committee in relation to the drug nicotine, is it his intention to establish committees to establish the impact of drugs generally on young people in Western Australia?

(10) Why was the committee to monitor cigarette advertising in Western Australia not set up at an earlier date?

(11) How many reports does he expect this committee to make?

(12) Why does he expect to receive this committee's first report within six months?

(13) What is there in the cigarette pushers advertising code which limits the amount or volume of pushing of the drug nicotine through cigarettes?

Mr YOUNG replied:

(1) and (2) Yes.

(3) (a) I should have thought that as a participant the member would have a clear idea of the particulars of each side of the controversy. Quite simply, and in clear and precise terms, the controversy centres around the question of whether the advertising of tobacco products should be banned or not.

(b) Not applicable.

(c) I would like to be persuaded by logical argument based on fact as to which proposition should be supported. I have not made up my mind at this stage.

(4) (a) To monitor advertising;

to monitor compliance with the Code of Practice on advertising of tobacco products; and

to make recommendations on changes to the Code of Practice.

Although not explicitly stated, the committee will also concern itself with a review of the evidence that tobacco advertising encourages our young people to smoke.

(b) Not applicable.

(5) (a) Yes.

(b) No.

(6) Breaches of the code may be drawn to the attention of the Trade Practices Commission.

(7) My view is that the claim is unproven and that the department has not presented any evidence to the contrary.

(8) (a) No.

(b) The committee's proceedings will not be secret. I have indicated that I expect a report of the proceedings within six months and this will be made public. I have also indicated that the committee will be happy to receive submissions from interested persons or organisations.

(9) No, there are already a number of agencies and organisations engaged in this field, including the Department of Health and Medical Services, Alcohol and Drug Authority, Health Education Council and a number of voluntary organisations.

(10) I should have thought Western Australia was to be congratulated that it had set up such a committee at all and one which, I believe is unique in Australia.

(11) The question is ridiculous and would require a crystal ball.

(12) This question, again, is ridiculous and I can repeat only that I have asked for a report in six months and have no reason to believe that I will not receive it.

(13) The Code of Practice is available. I would suggest the member obtain a copy.

ENERGY: NUCLEAR POWER STATION

Details

2091. Mr T. H. JONES, to the Minister for Fuel and Energy:

(1) Will he advise where the fuel will be obtained from for the proposed nuclear power station?

(2) What method of transportation will be used to transport the fuel from the source to the site?

(3) Will the mode of transport be provided by private enterprise or the Government?

(4) If the fuel is to be transported by road, will the Road Traffic Authority be responsible for the security of the transportation?

(5) Is it envisaged, if the plant is erected, that it will be Government owned or privately owned?

(6) If privately owned, who will set the rate of cost to the State Energy Commission?

(7) If privately owned, who will be responsible for the security of the site?

(8) If privately owned, and the Government departments are provided for the security of the site, will the Government give an assurance that the private company concerned will pay the full costs involved in providing such security?

(9) If the plant is to be privately owned, will the Government be subsidising the cost of erection in any direct way?

(10) Will the Government be paying the cost of any access roads or infrastructure to such plant if privately owned?

(11) If police officers and/or Road Traffic Authority officers are used to provide security for any part of the operation, will the Government undertake in such an event to increase the size of the Police Force and/or the Road Traffic Authority personnel so that the other functions of such bodies will not be adversely affected?

(12) What body either proposed or currently in existence is envisaged as setting the safety standards?

(13) What proposals are made with respect to the enforcement of such standards?

(14) (a) Assuming that a Government body of one type or another will be responsible for the setting of and the imposition of standards, will this involve a new Government department or a new arm of an existing Government department or statutory body;

(b) what is the envisaged cost of such extension?

(15) Is the Government planning to fund the plant?

(16) Where will the money come from?

(17) What new taxes, if any, are proposed to fund the plant?

(18) What is the projected increase in the cost of electricity to the consumer following electricity generated by the plant being fed into the State Energy Commission grid?

(19) What increase in consumption of electricity is expected by 1985 and 1990?

(20) Is the Government aware that the State of California no longer considers nuclear power plants to be an appropriate form of power generation?

(21) Is his department satisfied with present waste disposal methods?

(22) What methods of waste disposal are currently taking place?

(23) Where will the waste be stored?

(24) How will the transportation be effected?

(25) What costing has been done with respect to the storage of waste?

(26) For what period will security be required at places of storage of waste?

Mr MENSAROS replied:

(1) to (11) The matters raised by the member will be the subject of detailed investigation and design proposals at the proper time when a specific project is put forward for consideration. For this reason any answer to these questions at this stage would be premature and might prove to be misleading.

(12) to (14) The question of an appropriate nuclear regulatory body for Australia is receiving attention at the moment. I expect that adequate standards and administrative procedures will emerge in due course. The Australian standards will have the advantage of many years' experience in overseas countries, but will of course require appropriate adaptation to Australian conditions. Again therefore the member's questions are somewhat premature at this stage.

(15) to (18) Answered by (1) to (11).

(19) I have assumed the member is seeking the quantity of electricity expected to be consumed in each of the two years mentioned in kilowatt hours. The current estimates which should be regarded only as approximate since they depend on many factors affecting growth rate are as follows—

1984-85	6100 GWh
1989-90	8400 GWh

(20) I understand there is a moratorium presently preventing further nuclear generating capacity. I am informed this moratorium is based on political decision considering the election year. I expect circumstance to change in about a year's time.

(21) Yes.

(22) Short term waste disposal takes place in the form of specially designed tanks containing waste material in liquid form. Long term disposal methods involve reducing the waste products to vitreous solids which are then deposited in geologically stable areas such as salt beds or igneous rock formations.

(23) to (26) Answered by (1) to (11).

ENERGY: NUCLEAR POWER STATION

Details

2092. Mr T. H. JONES, to the Minister for Fuel and Energy:

(1) Why does the State Government consider that the building of a nuclear power house is either desirable or necessary for Western Australia?

(2) Would there be any dangers to workers in a nuclear power plant?

(3) What precautions does the Government consider necessary to be implemented to protect the workers in the industry?

(4) Is there any possible danger likely to affect people living in the vicinity of a nuclear power plant?

(5) Is there any possibility of harmful effects on future generations of Western Australians should an accident occur at the nuclear power site?

(6) Does the Government know of a safe method for disposal of high level radioactive waste from a nuclear plant?

(7) If "Yes" to (6), would he please indicate the safe method to be introduced?

(8) In view of the fact that nuclear power stations have a limited life plant, how would Western Australia's proposed plant be disposed of safely at the appropriate time?

(9) What is the estimate of the size and cost of the proposed power station?

(10) In line with the size of the station, could he indicate the employment in the station?

(11) Does the Government support the concept of research into renewable energy sources as of high priority?

Mr MENSAROS replied:

(1) The Government considers that nuclear power will be required in the mid 1990's when Collie coal resources are expected to be inadequate to sustain any further expansion. Nuclear power is one of several arms of the Government's balanced energy development programme which includes expansion of Collie coal, exploration and development of new coal resources elsewhere in the State, renewable energy resources, natural gas and nuclear.

(2) to (10) These questions involve matters of detailed design and are therefore premature until a detailed power station proposal is put forward for consideration by the Government in the future.

(11) Yes. The Government of Western Australia and the State as a whole is now spending more per capita on research into renewable energy resources than any other State. The Government set the pace in Australia when it established the Solar Energy Research Institute. By 1982 we will have the largest solar power and wind power demonstration projects in the southern hemisphere and the Government is also setting the lead in developing liquid transportation fuels from crops.

PUBLIC WORKS DEPARTMENT

Employees: Construction Section

2093. Mr JAMIESON, to the Minister representing the Minister for Works:

(1) Is the works programme for the current financial year sufficient to employ the present complement of Public Works Department employees (construction section)?

(2) If not, when is it anticipated that retrenchments will occur?

(3) What is the present number of Public Works Department construction section employees?

(4) What was the comparative number for the last five years as at the end of October, 1979?

Mr O'CONNOR replied:

(1) Yes.

(2) No retrenchments are envisaged.

(3) 299 adult workers and 86 apprentices.

(4) 31.10.78.—315 adult workers and 85 apprentices.
31.10.77—325 adult workers and 85 apprentices.
31.10.76—372 adult workers and 80 apprentices.
31.10.75.—430 adult workers and 78 apprentices.
31.10.74—382 adult workers and 91 apprentices.

DAIRYING: MILK

Price

2094. Mr CARR, to the Minister for Agriculture:

(1) What explanation does the Government offer for the recent increases in the price of milk?

(2) What procedure, if any, was undertaken to require the Dairy Industry Authority to justify its recent price increases in terms of cost increases?

(3) Does he or any other member of the Government have to grant approval for price increases for milk?

Mr OLD replied:

(1) Cost increases within the dairy industry since the last price rise were such as to warrant the recent price increases.

(2) The authority receives recommendations from time to time from its prices committee with respect to the need for price adjustments. The committee considers cost submissions from industry sectors in making such recommendations.

(3) The authority may with my approval notify in the *Government Gazette* prices and rates in respect of any declared dairy produce, including milk.

ENERGY: GAS

Liquid Petroleum Gas: Price

2095. Mr CARR, to the Minister for Fuel and Energy:

(1) What is the reason for the frequent and considerable increase in the price of cylinders of household gas in recent months?

(2) How many firms sell cylinders of household gas in Western Australia?

(3) What procedure, if any, is undertaken to require the price of gas to be justified in terms of cost increases?

(4) Does he or any other member of the Government have to grant approval for price increases for cylinders of household gas?

Mr MENSAROS replied:

(1) The price of liquid petroleum gas used for cylinders of household gas is directly affected by changes in world oil prices.

Recent rapid increases in the world oil prices has caused the price increases for cylinders of household gas.

(2) Four.

(3) The producers of liquid petroleum gas in Australia must obtain the approval of the Prices Justification Tribunal for prices charged for LPG.

(4) No.

LOCAL GOVERNMENT

Income Tax Disbursements

2096. Mr CARR, to the Minister for Local Government:

(1) Have local authorities received their 1979-80 grants as allocated under the Commonwealth-State tax sharing agreement?

(2) If "No", when is it expected that these payments will be available to councils?

Mrs CRAIG replied:

(1) No.

(2) Payments to local authorities will be arranged immediately the funds are received from the Commonwealth. I understand that the Commonwealth Parliament has not yet passed certain legislation that is necessary to permit the transfer of the funds.

EDUCATION

Child Care Training Courses

2097. Mr CARR, to the Minister for Education:

(1) At which educational establishments are child care training courses conducted?

(2) How many persons are being trained at each establishment?

(3) Has consideration been given to conducting such a course at the Geraldton Technical College?

(4) If "Yes" to (3), what is the result of such consideration?

(5) If the Government does not intend to conduct such a course in Geraldton, will he please advise of the reasons?

Mr P. V. JONES replied:

(1) The Technical Education Division of the Education Department and the Community Services Training Centre run by the Department for Community Welfare.

(2) Technical Education Division—103 full-time, 579 part-time
Community Services Training Centre—98.

(3) to (5) A request for a child care extension course to be conducted at Geraldton has been proposed and the special conditions for courses needed are under consideration, having regard for all of the circumstances including employment prospects.

FISHERIES

Aquatic Reserves

2098. Mr SKIDMORE, to the Minister for Fisheries and Wildlife:

(a) Further to question 1743 of 1978 relevant to aquatic reserves, what is the present situation concerning the areas listed at part (3)(b) of his answer;
(b) for what reason has the creation of an aquatic reserve not been proceeded with;
(c) when is it intended to prepare a proposed management for a possible aquatic reserve in this area?

Mr O'CONNOR replied:

(a) The proposed aquatic reserves listed at part (b) of question 1743 of 1978 have not progressed since the notice given in August 1978.
(b) Objections to all three aquatic reserves have been received.
(c) It is considered that the best way to meet the objections is to produce a detailed management plan for each area. The production of these management plans is dependent upon availability of staff and resources.

CONSERVATION AND THE ENVIRONMENT

Busselton and Wonnerup Estuary Wetlands

2099. Mr SKIDMORE, to the Minister for Fisheries and Wildlife:

Further to question 2400 of 1978 relevant to surveys of wetlands, what progress has been made concerning arrangements for conducting an aerial survey of wetlands in the Busselton-Wonnerup area, and related aspects involving their management?

Mr O'CONNOR replied:

An aerial survey of wetlands in the Busselton-Wonnerup area has been carried out and contour maps completed.

Funds have been obtained in the 1979-80 Budget to carry out a vegetation survey.

MINING

Rudall River National Park

2100. Mr SKIDMORE, to the Minister for Conservation and the Environment:

(1) Further to question 2166 of 1978 relevant to mining and exploration in national parks, on what date were guidelines and conditions to apply to exploration and mining in the Rudall River National Park finalised?
(2) In what manner are these applied and administered to persons wishing to explore for minerals in the area?
(3) Have all tenement holders been notified of the conditions?
(4) In what way have the guidelines/conditions been implemented in regard to persons exploring in the national park but who have not yet applied for mining tenements?

Mr O'CONNOR replied:

(1) The Premier announced conditions to apply to exploration and mining in the Rudall River National Park on the 7th November, 1978; these became effective from that date.
(2) The conditions are listed by the Mines Department on all mineral tenement applications within the reserve and brought to the applicants' attention. Approval of the tenements is given subject to the applicant accepting all the conditions imposed.
(3) Yes.
(4) The Government requirements regarding the conditions applicable to exploration on the reserve received wide media publicity, and where the Mines Department has knowledge of persons operating or proposing to operate in the reserve, the conditions will be brought to their attention.

LOCAL GOVERNMENT

Stirling City: Waste Recycling Plant

2101. Mr SKIDMORE, to the Minister for Health:

(1) Has the Stirling City Council approached him regarding a proposed recycling plant for the disposal of the council's garbage in the future, as distinct from the present proposed baling scheme?

(2) If "Yes", would he advise the type of plant that is proposed and the materials that would be recovered for recycling?

Mr YOUNG replied:

(1) No.

(2) Not applicable.

PENSIONERS

Ambulance Services

2102. Mr SKIDMORE, to the Premier:

In view of the stated intention of the Pensioners League of Western Australia to require their members to meet the full cost for the provision of an ambulance service ($14 per year) in lieu of the now existing charge to pensioners of $7 per year, would his Government subsidise the pensioners and thus meet the increased charge?

Sir CHARLES COURT replied:

It is not the Pensioners League of Western Australia which charges pensioners for ambulance service benefits, but the St. John Ambulance Association through its ambulance benefit fund.

I am informed that the association recently increased premiums payable by pensioners for membership of the fund to the same level as payable by non-pensioner members. The premiums for pensioner members were increased from $10 to $14, family rate; and $5 to $7, single rate. This cover provides unlimited use of the ambulance service.

Pensioners who are not members of the fund are charged 50 per cent of the cost of ambulance travel. The State, through its annual grant to the association, already subsidises to a substantial degree all pensioners who use the service and it is considered that the Government's contribution in this area is fair and reasonable, having regard to the fact that the cost of Government support for ambulance and other medical services are already a heavy charge on the taxpayer.

CONSUMER AFFAIRS

Matches

2103. Mr CRANE, to the Minister for Consumer Affairs:

(1) Is his department aware of the dangers of using a box of matches in recent months?

(2) Is his department further aware that match heads frequently fly off when struck against the side of the box and are a constant hazard to those who use them and those nearby?

(3) Could he tell me if boxes of matches are checked by officers of his department and if this product has to conform to particular standards?

(4) What steps will he take to ensure that this situation is remedied before someone, particularly a small child, is possibly maimed?

Mr O'CONNOR replied:

(1) Yes.

(2) This may occur if matches are struck incorrectly.

(3) A recent examination was made of the match manufacturer's factory by the members of the Consumer Product Safety Committee. There is no specific standard for matches.

(4) The safety of matches has been recently referred by the Commissioner for Consumer Affairs to the Consumer Product Safety Committee and discussions have taken place with the manufacturer involved. The committee is yet to report to the commissioner.

TRANSPORT: BUSES

Armadale-Byford-Mundijong

2104. Mr McIVER, to the Minister for Transport:

(1) Would he inform me why a survey of passengers is being conducted on the Armadale-Byford bus service by drivers of MTT buses?

(2) Is it the intention of the Government to discontinue services in the Armadale-Byford-Mundijong area if the survey being conducted shows the service is uneconomical?

Mr RUSHTON replied:

(1) The survey is to provide information to the Serpentine-Jarrahdale Shire Council as requested, to support their intention to request an extension of suburban train services to those areas.

(2) No.

RAILWAYS

Land: Armadale

2105. Mr McIVER, to the Minister for Transport:

Has the Minister had discussions with the Shire of Armadale to lease or dispose of land surrounding the Armadale railway station and including the Armadale railway station to establish a business complex?

Mr RUSHTON replied:

No, and the member's inference that there is any proposal to lease or dispose of the Armadale railway station is quite incorrect. However, I am shortly to meet representatives of the Town of Armadale to receive their views on how the railway reserve, which passes through the centre of Armadale, fits within their scheme for the town's future.

TRANSPORT: BUSES

Pioneer Travel Services

2106. Mr McIVER, to the Minister for Transport:

Have Pioneer bus services lodged an application to increase its passenger operation in Western Australia, having regard to the fact that approval would mean open competition with Westrail buses?

Mr RUSHTON replied:

No.

TRANSPORT: BUSES

Fremantle-Mandurah

2107. Mr McIVER, to the Minister for Transport:

In view of the fact that bus patrons on MTT services Mandurah to Fremantle frequently have to stand, would he investigate the timetabling of these services and ensure patrons can travel to Fremantle and return in comfort?

Mr RUSHTON replied:

The Chairman of the MTT advises me that the Mandurah-Fremantle services are constantly checked.

There are a number of college students travelling on concession fares to colleges outside the Mandurah area who are required to stand. This applies to one morning and one evening service.

Adults standing are rare and the MTT considers the cost of an additional bus and crew would not be warranted.

TRANSPORT

Mandurah-Pinjarra

2108. Mr McIVER, to the Minister for Transport:

(1) As many residents residing in Mandurah have no public transport to convey them to the Pinjarra Hospital to visit close relatives, would he implement a service to meet this requirement?

(2) If not, why not?

Mr RUSHTON replied:

(1) No.

(2) The Chairman of the MTT advises me that there is insufficient patronage to warrant such a service.

COAL, GAS, AND OIL

Dunsborough Fault

2109. Mr BLAIKIE, to the Minister for Mines:

(1) Would he table maps showing locality of oil, gas and coal exploration tenements in the vicinity of the Dunsborough fault?

(2) Is he in a position to advise the cost to the companies concerned in exploration in the area indicated in (1)?

Mr MENSAROS replied:

(1) Map of petroleum exploration tenements tabled. The maps involved with respect to coal tenements are too numerous to table but are available for inspection at the Department of Mines.
(2) No. This information is confidential.

The map was tabled (see paper No. 455).

GAS AND OIL

Naturaliste Fault and Dunsborough Fault

2110. Mr BLAIKIE, to the Minister for Mines:

(1) Are any offshore areas in the Naturaliste-Dunsborough fault areas being considered or approved as oil and/or gas tenements?
(2) If "Yes", would he indicate the areas under consideration and companies concerned?

Mr MENSAROS replied:

(1) Yes.
(2) One permit is already held by West Australian Petroleum Pty. Ltd.—WA-14-P—immediately to the north of Dunsborough.
A second area to the west—WA-135-P—has been applied for by Chapman Oil of Australia Inc. and Wainoco International Inc.

TRAFFIC: MOTOR VEHICLES

Licence Fees: Increases

2111. Mr McIVER, to the Minister for Transport:

Further to my question 1315 of Thursday, the 30th August, 1979 relevant to motor car licences, what action has been taken following reports he has received and what variations does he intend to implement?

Mr RUSHTON replied:

This matter is still under consideration.

FISHERIES

Aquatic Reserves

2112. Mr SKIDMORE, to the Minister for Conservation and the Environment:

(1) Further to question 2163 of 1978 relevant to aquatic reserves, what progress has been made in the preparation of a management plan?
(2) Has the management yet been approved, and if so, on what date?
(3) When is it anticipated that the Ningaloo Reef tract will be declared an aquatic reserve?

Mr O'CONNOR replied:

(1) to (3) As advised in my recent answer to question 2067, the working group is still examining all the aspects involved which are appropriate to the protection and management of an aquatic national park for the Ningaloo Reef.

QUESTIONS WITHOUT NOTICE

INDUSTRIAL DEVELOPMENT

Manjimup Fruit Cannery

1. Mr H. D. EVANS, to the Minister for Industrial Development:

(1) Have any propositions regarding the sale or lease of the Manjimup Cannery been made to and considered by the Government?
(2) If "Yes" to (1)—
(a) by whom or what firm were such propositions made;
(b) what were the results of any subsequent discussions?

Mr MENSAROS replied:

(1) There have been no firm proposals submitted to the Government. I might add: unfortunately.
(2) (a) and (b) Not applicable.

FUEL: OIL

Crude: Iran

2. Mr SHALDERS, to the Minister for Fuel and Energy:

Has the Minister seen an article on the front page of tonight's *Daily News* which, under the heading, "Iran cuts off oil exports" states as follows—

Iranian oil exports appear to have been halted by a shutdown of the country's only crude-oil port.

If so, is the article true and will it have any effect of any type on the fuel supplies in this State derived from crude oil?

Mr MENSAROS replied:

Yes, I have seen the article to which the honourable member refers; indeed, I have received approaches from various media. I realise that virtually every opportunity is used to create an impression on the part of the public that there will be a shortage and a crisis in fuel supplies. Unfortunately, the more this is repeated, the more chance there is that some sort of shortage will occur. However, the facts are that the so-called "Big bad oil companies", operating in conjunction with both the Federal and State Governments, have done everything in their power over the past several months to secure the supply to Western Australia and to Australia of virtually every type of petroleum product.

Imports of crude oil from Iran amount to only about 2.5 per cent of our total imports of crude oil to be refined in Australia. Western Australia has a refinery operated by British Petroleum. Whereas normally BP imports about 10 per cent of its crude oil requirements from Iran, due to the foresight the company exercised this year it has not imported any oil from Iran. I am informed that both from the point of view of stockpiles held in Western Australia, and of stock on the sea and being received shortly, no shortage or crisis of any type is anticipated for a considerable number of months. At the beginning of the year, due to the fearmongering gossips, public consumption of fuel was very much higher than for the previous year, which resulted in some temporary shortages in some types of fuel. In addition, industrial unrest on Barrow Island contributed to the problem. Now, the consumption is back to normal, which is only a few per cent higher than last year. If that level of consumption remains and people do not start to panic buy, I do not expect any difficulty within this year and even later.

EDUCATION: HIGH SCHOOL

Langford

3. Mr PEARCE, to the Minister for Education:

(1) Is consideration being given to making the planned Langford high school a high school which operates only for senior school students and not for the entire five years normally associated with a high school in Western Australia?

(2) If consideration is being given to that, what stage has this consideration reached, and when will a final decision be announced?

(3) Is consideration being given to applying the same senior high school approach to other planned high schools in metropolitan and country areas?

Mr P. V. JONES replied:

(1) to (3) The proposition to which the member for Gosnells refers with regard to the proposed Langford high school is just one model which currently is being considered. Indeed, I have mentioned this matter to some parents at the Lynwood High School. I am not fully aware of the stage consideration of this matter has reached, because, for example, some detailed discussions were being held with the Town of Canning regarding building rates, growth of population, and so on.

When considering such a proposal, the whole reason for such a model must be taken into account, which largely relates to the effect such facilities would have on transitional and link courses and the like. However, if the member for Gosnells seeks additional information, I will be happy to provide it to him.