

FAMILY COURT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 12th May.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [4.45 p.m.]: This is a very complicated matter and one in respect of which the Crown Law Department seems to have done a very good job. This amending Bill is to clear up some anomalies that have presented themselves since the Act was passed. There were many details that had to be cleared up in such a short time, and I think the department is to be commended on the fact that it has been able to get the court ready to operate on the 1st June.

We have no objection to the Bill, and we do not intend to hold up its passage.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

House adjourned at 4.48 p.m.

Legislative Assembly

Thursday, the 13th May, 1976

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

QUESTIONS ON NOTICE

Postponement

THE SPEAKER (Mr Hutchinson): For the information of members I advise that questions will be taken at a convenient time after the afternoon tea suspension.

NATIONAL PARKS AUTHORITY BILL

Third Reading

MR P. V. JONES (Narrogin—Minister for Conservation and the Environment) [2.17 p.m.]: I move—

That the Bill be now read a third time.

In moving the third reading of this Bill I should like to refer to the member for Boulder-Dundas and the argument which he proposed relating to clause 13. I respectfully suggest to him that he considered the clause in isolation rather than the proposed legislation as a whole because, if I may remind members, this clause refers to what the Minister may or may not be required to do upon receipt of management plans which have been prepared by the director and submitted to the proposed authority but which the proposed authority cannot alter. The

proposed authority may comment upon them but is then required to transmit them to the Minister. The question was asked: What does the Minister do then?

To clarify this point I suggest that clause 8 adequately covers the situation because, by subclause (1) of clause 8, the Minister is given responsibility for the administration of the proposed Act. But subclause (2) of clause 8 quite clearly reposes in the Minister the responsibility for giving directions to the proposed authority. Upon the receipt of plans he is in fact required, should he think it is necessary, to make alterations to the plans. He may not in fact wish to do so, but it is clear, firstly, that he has responsibility for the administration of the proposed Act as a whole and, secondly, by subclause (2) he may give directions to the proposed authority.

Question put and passed.

Bill read a third time and transmitted to the Council.

SUPREME COURT ACT AMENDMENT BILL

Second Reading

SIR CHARLES COURT (Nedlands—Premier) [2.21 p.m.]: This Bill has been dealt with in another place and has been transmitted to this House. I move—

That the Bill be now read a second time.

Along with the appointment of an Attorney-General, the Government has retained the portfolio of Justice, to administer certain Statutes and instrumentalities as distinct from those calling for the qualifications of a legal practitioner.

Although section 154 of the Supreme Court Act does not actually preclude the co-existence of an Attorney-General and a Minister for Justice, it prevents the person who fills the latter role from exercising any of the powers of the Attorney-General, except when there is a vacancy in the latter office.

The modern practice in the drafting of the Statutes of this State is to avoid the use of the term "Attorney-General" and to refer instead to the "Minister". However, there are still a number of older Statutes where the term Attorney-General is used to identify the person charged with a certain function or duty.

An interpretation of the Act at present indicates that when the office of the Attorney-General is filled, all of the duties of Attorney-General, whether imposed by Statute or otherwise, will have to be discharged by the person holding that office, without any aid from the Minister for Justice.

As some of the duties which will require the attention of the Attorney-General could well be administered by the Minister

for Justice, it is thought advisable to have a procedure whereby such duties may be delegated to the Minister for Justice. The best method of delegation would be by Governor's proclamation. This would permit the situation to be changed from time to time without involving the need for further amendment to the Act.

The Bill before the House seeks to amend section 154 of the Supreme Court Act accordingly.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Bertram.

BUSINESS NAMES ACT AMENDMENT BILL

Second Reading

SIR CHARLES COURT (Nedlands—Premier) [2.24 p.m.]: This Bill has also been through another place. I move—

That the Bill be now read a second time.

Since the Business Names Act, 1962, was enacted on a substantially uniform basis by each of the States and the Australian Capital Territory, the Standing Committee of Attorneys-General has subsequently agreed to several amendments to the Act.

Basically, only New South Wales and Victoria have amended their Acts to put into effect those matters agreed to by the standing committee, and the need for Western Australia to do likewise has been highlighted by a successful appeal against a conviction for an offence under section 26 of the Act.

This section of the Act is designed to prevent public solicitation to lend or to deposit money by persons trading under a business name, and it seeks to achieve this purpose by prohibiting the use of a business name in connection with an invitation to the public to lend or deposit money.

The appeal in this instance succeeded because the name in the advertisement was not the business name registered by the appellant, nor was there any evidence to suggest that it was a name under which the appellant was carrying on business which he would therefore have been required to register under the Business Names Act, 1962.

The amendment to section 26 in this Bill is intended to overcome that apparent deficiency.

Other amendments include a proposal to add a new section which would prohibit certain persons from carrying on business under a business name other than their own names, or a name consisting of their own names and the names of the persons in association with whom they carry on business, without the leave of the District

Court within five years after their conviction for an offence mentioned in the new section. This refers to convictions on indictment for offences related to the promotion, formation or management of a corporation; convictions for offences involving fraud or dishonesty, punishable with imprisonment for three months or more; and convictions for certain offences specified in the Companies Act.

The Companies Act contains analogous provisions preventing such persons from acting as company directors after being convicted of similar offences, for five years after conviction, without the leave of the court.

The Bill also seeks—

to enable the Commissioner for Corporate Affairs to extend the period within which the registration of a business name may be extended;

to extend the period in which various statements of change of particulars of registration of a business name are required to be lodged, basically from 14 days to one month;

to add a reference to a judge of the District Court sitting in chambers to the list in section 14 (2) of judicial officers who may exercise the power to stay proceedings, as the District Court did not exist when the principal Act was originally passed;

to empower the Commissioner for Corporate Affairs to dispose of documents lodged under the principal Act or any corresponding previous enactment where they have been lodged for more than 21 years, even if—by virtue of documents lodged since—registration of the name is still current;

to extend the time limit for taking proceedings under the Act to three years or, with the consent of the Minister, to any later time. Similar time limits are contained in other legislation administered by the Commissioner for Corporate Affairs, such as the Companies Act and the new Securities Industry Act;

to enable regulations to be made covering the method of applying for the Minister's consent to the registration of certain restricted names, or names containing restricted words, and the fees payable on such applications or consent; and

to amend all references in the Act to the registrar by substituting a reference to the commissioner, and to take into account the change in the title of the office from "Registrar of Companies" to "Commissioner for Corporate Affairs".

I commend the Bill to members.

Debate adjourned, on motion by Mr Bertram.

JUSTICES ACT AMENDMENT BILL*Second Reading*

SIR CHARLES COURT (Nedlands—Premier) [2.28 p.m.]: This Bill also has been dealt with in another place. I move—

That the Bill be now read a second time.

Currently under the Justices Act the procedure for the conduct of preliminary court inquiries and committal proceedings is based on the traditional English system of recording evidence given orally before the examining magistrate in the presence of the accused.

If the magistrate is of the opinion that the evidence given before him is sufficient to put the accused on trial for an indictable offence, he is committed for trial or conversely, if the evidence is found to be insufficient, the accused is discharged.

The matter of review of this system in this State of dealing with committal cases has been under consideration for several years and also had been the subject of a review by the then Law Reform Committee.

This arose from the inconvenience, waste of time and unnecessary expense involved in these proceedings, especially when the accused has pleaded guilty or accepted legal advice not to present a defence until the indictment is filed.

The present system of dealing with such cases often results in delays in bringing the accused before the superior courts.

Under the proposals contained in this Bill an alternative procedure is therefore to be made available to enable the tendering of written statements to be admitted as evidence in committal proceedings by the prosecution or the defence, to the same extent and subject to the same conditions as oral evidence. This is similar to that which has existed in England since the 1st January, 1968.

The amendments, subject to prescribed limitations, permit written statements of witnesses to be admitted in evidence for the purposes of the committal, trial, and sentencing of persons charged with indictable offences, and to permit an accused person to elect to go to trial without any preliminary hearing.

The proposals will provide adequate safeguard to ensure that the rights of the accused persons are not jeopardised. This Bill contains provisions for the accused to have adequate explanations of all alternative courses open to him to be made at every stage. The accused person will, at all times, be aware of the choices he may make and of his rights generally.

The accused will have the right to request a preliminary hearing if he so desires. If he elects to have a preliminary

hearing, it will be conducted in the traditional manner, except that written statements by witnesses may be tendered, in the absence of objection by the accused.

There is provision in the Bill to make it mandatory for the prosecutor in the sentencing court to outline the facts in open court in all cases where the accused, having elected to be committed without any preliminary hearing, pleads guilty. This is to avoid any person being sentenced without any publicity being given to the allegations against him.

At present the Justices Act merely provides that the magistrate may close the court in which committal proceedings are being held if it appears that the ends of justice require that action. This amending legislation proposes that the magistrate may, at any time in the course of a preliminary hearing, rule that, in his opinion, in the interests of justice it is undesirable that a report of any evidence should be given publicly.

It is intended that the Act shall come into operation on a date to be fixed by proclamation.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Bertram.

JURIES ACT AMENDMENT BILL*Second Reading*

SIR CHARLES COURT (Nedlands—Premier) [2.33 p.m.]: I move—

That the Bill be now read a second time.

This is one of the Bills to which I have previously referred as being complementary to the provisions in the Bill to amend the Justices Act, concerning the procedure to be adopted in committal proceedings.

The purpose of the amendment is to repeal subsection (2) of section 57 which would become superfluous should the proposed amendment to the Justices Act become law.

The Bill provides for the Act to come into operation on the date on which the Justices Act Amendment Act, 1976, comes into operation.

There is a third Bill in this group of Bills and, possibly, a fourth, which have to be received from another place. Their delay will not affect the Bills which I have presented because the principal measure has already been introduced. I commend the Bill to the House.

Debate adjourned, on motion by Mr Bertram.

TEACHERS' REGISTRATION BILL

Second Reading

MR GRAYDEN (South Perth—Minister for Labour and Industry) [2.35 p.m.]: I move—

That the Bill be now read a second time.

The object of this legislation, as stated in the Bill presently before the House, is to safeguard the public interest by ensuring that the teaching, and the administration of the teaching, of courses of instruction to pupils in school are undertaken only by competent persons.

The movement towards registration of teachers has been an issue before Education Departments and teachers' organisations in Australia in recent years. Although registration has been operating in Victoria since the early 1920s, it has been introduced in the other Australian States only in recent years.

In introducing this Bill the Government is ensuring that teachers in Western Australia, like their colleagues in other parts of the Commonwealth, will be bound by the principles of registration, and that the students and the community generally will benefit, as do their counterparts in other States, from the protection afforded them by registration of teachers.

When the proposition for the registration of teachers was first considered by the Government, it was agreed that all interested parties should be involved in discussions and in formulating proposals.

A committee representing the Education Department, the State School Teachers' Union, the Association of Independent Schools, the Catholic Education Commission, the Independent Schools Salaried Officers' Association, the Tertiary Education Commission and the Teacher Education Authority, was formed and prepared the proposals which are now presented in this Bill.

The principal objective of registration is to enhance the status of the teaching profession in Western Australia as a whole, and to engender the confidence of the community in the profession.

It is intended that registration should be open to all persons in Western Australia who possess the qualifications to be employed as teachers.

The Bill provides for the establishment of a teachers' registration board representative of the many interests involved but with no one interest having a majority representation. This board will be charged with the administration of the registration procedures set out in the body of the legislation, but which I will not discuss in detail at this time.

When studying the Bill members will notice that after a settling in period only registered teachers will be permitted to teach in Government or non-Government

schools in this State. However, this provision will not preclude the use of "occasional" teachers in schools.

The Government is mindful of the value of using people with special expertise and the legislation will allow the board to issue permits to teach to those persons who are not educated in the methodology of teaching but who contribute so much to the education of our young.

Members will, I am sure, be familiar with many examples of the employment of such expertise ranging from an elderly Aboriginal at Halls Creek teaching young Aboriginal students how to make artifacts to professional engineers and such like who are involved in our high schools.

The board to be established under this proposed legislation follows a somewhat similar pattern to the many other registration boards associated with the various professions, and examples of which would be known to members. In this case the teachers' registration board will be charged with the professional discipline of teachers and the Bill contains provision for the cancellation or suspension of registration in certain instances.

The Bill is relatively simple in nature and purpose and is commended to the House.

Debate adjourned, on motion by Mr Bryce.

ROAD TRAFFIC ACT AMENDMENT BILL

Second Reading

Debate resumed from the 4th May.

MR McIVER (Avon) [2.39 p.m.]: This Bill has two main purposes. Firstly, it will reduce the probationary period of a driver's licence from three years to 12 months and, secondly, it will provide for increased penalties for drivers who overload their vehicles.

The reason for the inclusion of the second provision is that truck drivers have been refusing to allow their vehicles to be weighed. At the outset I indicate that the Opposition supports the second part of the Bill. We must consider how much it costs to construct and maintain major highways. I am sure no-one in the House will disagree with this provision of the Bill.

However, I would like to speak about the other portion of this measure which deals with probationary drivers. The Opposition feels that the amendments should go a great deal further. Over a period of time I have been most critical of the Road Traffic Authority and of its approach to the problem of the road toll. I have been critical of the manner in which it has conducted itself in regional areas.

Mr Thompson: We have not noticed that!

Mr McIVER: However, the road toll is something about which all members of Parliament are aware. We must be positive

in any action we take in this regard because all responsible citizens of Western Australia are most concerned at our rising road toll.

Many reasons have been put forward for the road toll, and many propositions have been submitted to mitigate the problem. The probationary driver has been subjected to a great deal of criticism in this context. We have seen many letters about this subject to the Editor of *The West Australian* and the suggestion has been put forward that the age limit should be raised. In fact, it has even been suggested that no-one should obtain a licence until the age of 20 or even 22 years. In my opinion such an idea is utterly ridiculous, and it would have a great effect on the business world because many young people are employed as drivers.

In New Zealand the legislation provides that one can drive a vehicle at 14 years of age. However, we find that the accident rate of the probationary drivers in that country is nowhere near as high as that of the 17-year-olds here. I believe there are two reasons for this. Firstly, it is not easy to obtain a motor vehicle in New Zealand because of the import restrictions, and the probationary driver is usually driving a car belonging to a parent or relative.

Mr O'Connor: I do not know the answer here myself, but I believe the number of vehicles per head of population in New Zealand is much less than it is here.

Mr McIVER: My research reveals this to be so. In Western Australia it seems to be the ambition of our youth to own a motorcar. In fact, they believe it is imperative to own one. Second-hand car dealers operate thriving businesses in this State and cars are very easy to obtain. The commencing point to reduce the road toll should be to ensure suitable driver training and instruction. If we study the accident statistics, we see that more drivers in the 19 to 20-year-old group are involved in accidents than are those in the 17 to 18-year-old group.

I ask members to cast their minds back to the period of the Second World War. Many soldiers who were too young to drive on our roads were instructed in driving by experts in this field. Hundreds of young soldiers were taught to drive correctly and they were given great responsibility. No-one would deny that our young soldiers carried out their duties quite remarkably in the various terrains and countries to which they were sent.

Youngsters these days are able to purchase high-powered vehicles but they have not had the proper instruction to enable them to drive those vehicles safely. In my view this legislation should be extended so that the probationary licence has separate classifications. For example, a person wishing to drive a high-powered Holden Monaro motor vehicle should have to prove that he is fully qualified to handle such a

vehicle. I am not expressing just my own view here, but also that of many senior officers of the Road Traffic Authority and the Police Department. I have had various discussions with these people, and I fully concur with their views on the matter. We should do much more in this field.

Our legislation should provide that a person must hold a driver's licence for a certain period before he can apply for a licence to drive a vehicle with more power. If he wishes to purchase one of these high-powered vehicles, he must prove to the authorities that he can handle it correctly, not only in normal conditions, but also on wet roads when a vehicle is likely to skid.

We must ensure sufficient driver instruction so that probationary drivers are trained to handle such situations. This training must be available in regional centres as well as in the metropolitan area.

The National Safety Council has been inundated with requests from people wishing to be taught to drive correctly. The department must make available for this purpose more expert drivers so that probationary drivers can pass through these various classifications as I have outlined. Just as an example, let us look at the loco driver.

Mr O'Connor: We have lots of loco drivers on the road.

Mr McIVER: A loco driver who is employed to operate a shunting engine cannot drive a large "L"-class locomotive such as that used to pull the *Indian Pacific*. He is paid to drive shunting or freight locomotives, and that is all he does. If he wishes to drive more sophisticated diesel locomotives, he must pass tests to prove that he is qualified to do so. These rules should apply to all drivers, and not only to probationary drivers. Probably in the initial stages there would be opposition to such a suggestion, and many reasons will be put forward to the Minister as to why such a provision should not be introduced. Therefore, I suggest to him that the principle could be phased in in the same way as the compulsory use of seat belts was phased in so that it was not necessary to fit seat belts to cars manufactured before 1968. Members will realise it would be a little ludicrous to expect a person who has been driving for 25 years to go back through all the categories such as I have outlined. I believe this would be a start.

I hasten to add that, probably, this is not the complete answer to our road toll problem. I do not have the answer to that, and to the generally bad behaviour of some of our youth today in these souped-up cars. The road toll over the Easter period would bear out this statement. In my opinion, the shocking fatality at Lake Leichenaultia was caused by sheer speed.

I was astounded to learn from an answer to a question I directed to the Minister yesterday that the Road Traffic Authority is costing this State in excess of \$10 million. We are not getting enough for our money. We find RTA officers pointing radar guns at the point where the speed limit changes from, say, 70 kilometres per hour to 80 kilometres per hour; all they are doing is raising revenue. This practice will not have the effect of reducing the road toll.

Mr Thompson: It will. In fact, the road toll has reduced over the last couple of years.

Mr McIVER: How can we reduce the road toll by having RTA officers setting radar traps on Greenmount, where the speed limit is in the region of 60 miles per hour, and there is a four-lane highway? It would be interesting to extract some statistics relating to the number of accidents in this area. This is a ridiculous practice, irrespective of the interjection of the member for Kalamunda.

Let us work together on this issue; we should not play politics, but should pool our thoughts and resources towards a common aim. We should not play politics when we are dealing with people's lives; we can play politics at election time.

Mr Thompson: If anybody has introduced politics into the debate, it is your side.

Mr McIVER: That might be the opinion of the member for Kalamunda. Let him bury himself up there amongst the gum trees if that is what he wants; but I believe my proposal would work, and is something the young people would accept.

My proposal should also apply to the drivers of motorcycles. Today we have the ridiculous situation where, for a few dollars down, young people can ride away on a high-powered Japanese motorcycle; many do not even have the physical strength to hold onto the handlebars, let alone drive them safely. It is not good enough for a young driver to satisfy an officer that he is in control of a vehicle or of a motorcycle merely by driving it once around the block in his particular locality or town. He must be able to demonstrate in a thorough manner that he has the ability to control his machine. My suggestion would be a commencing point towards the ultimate goal of reducing our road toll; it represents a positive and constructive move, and I hope the Government takes heed of the points I am making here today.

As I mentioned earlier, this concept should be extended into country areas. In fact, the Northam Town Council currently has an application before the Government to have land made available in Northam for this very purpose. The Minister for Housing probably will not be

too happy about this application, in one sense, because it concerns land the Commonwealth has vested with the authority for housing purposes, and I believe the State Housing Commission is very interested in this area. However, once he hears the reasons supporting the application, I am sure he will lend his weight to the proposal.

I refer to the old Holden Camp area, which was an immigration centre following the conflict of 1939-1945. The area has roads in varying conditions, from good quality through to pot-holed and down to gravelled. What finer area could be produced to facilitate driver training? I trust the Government will give its support to the project so that work can get underway and so that these young people can be instructed in a practical way how to handle their motorcars and motorcycles.

It is important that young people know what is underneath the bonnets of the cars they drive. Unfortunately, many young drivers do not realise the power of their vehicles and the responsibility they have in their hands whenever they go on the highways, and I believe this is due to a lack of driver training.

Mr Thompson: Is it the intention of the Northam unit to train people prior to issuing them with licences, or do you propose training people once they have acquired a driver's licence?

Mr McIVER: I believe it is important they should receive training before they are granted driver's licences, and I will clarify this point in a moment.

It is also our intention to seek the services of the Northam Motor Cycle Association, and the various car clubs in the area, many of whose members have great expertise in handling their vehicles; of course, they would be under the jurisdiction of the sergeants in charge of the traffic section at the Northam Police Station.

I believe my proposal could apply to other regional centres. Once we get the scheme off the ground at Northam, other centres probably will become interested. Northam could lead the way in this field. In the initial stages of the project, obviously mistakes will be made, from which other centres could learn when implementing their own schemes. That is the basis of my request to the Minister.

If the project gathers momentum, we could even approach insurance companies for their support; financial assistance could be forthcoming from this source. I am certain that insurance companies will be only too glad to give every assistance at their disposal, considering the huge sums of money they are required to pay out now as a result of the accidents on our roads.

I must be honest and say that, with the time available to me, I have not had the opportunity to put my proposal before the

various insurance companies; however, I am sure that once the Government approves the scheme in principle, we will experience no difficulty in this direction.

It is proposed that this "advanced driver training scheme" would instruct young drivers in all aspects of road use, and would include techniques of braking, which appears to be the cause of many accidents. I have no hesitation in saying that Western Australians are amongst the most selfish drivers in the world. I guarantee that if members were to walk along any major street in Perth, they would not find four cars in a line which are not in some way dented, and it is my opinion that 90 per cent of these damaged mudguards, doors or boots are due to the sheer carelessness of the drivers.

I travel the highway between Northam and Perth as much as anyone, and it is becoming a nightmare to see the impatience of drivers who cannot wait if traffic has built up behind a big stock truck. Here again, there are truck drivers and truck drivers. Some will pull right over to the gravelled section of the road and allow traffic to flow past; others, of course, will sit in the middle of the road and say, "I have a right to be here, so bugger you!" In this, I pay full marks to the Wundowie drivers. Many of our truck drivers are very courteous, and will pull over to the side of the road to allow the free passage of traffic.

There is always an impatient driver who cannot wait for another half a mile. By such people I mean not only probationary drivers but also people who have been driving for many years. They pull out on the crest of a hill and they pass on double lines. This is when we need a Road Traffic Authority officer and unfortunately on many occasions one is not there but is down the road behind a sign with a radar gun looking for revenue. No doubt at this rate the authority will have to obtain some revenue because I do not think any Government could maintain this instrumentality at the present cost to the taxpayers of this State. I am sure the cost of the Road Traffic Authority is lending a lot of weight to the argument for the policy which the Labor Government wanted to implement, which is that all traffic matters should be handled by the police.

I trust that in his reply the Minister will give some thought to the situation I have set out. I trust also that he will give some thought to the submission from the Northam Town Council, when it comes before the Government, concerning the release of land in the old Holden Camp area. I can assure the Minister that his officers are fully in agreement with the driver training concept.

I reiterate what I said previously, that although there may be strong opposition to probationary drivers being placed in

various categories, they must be able to qualify and to prove that they can handle a motorcar or a motorcycle in all conditions. When we have done that I am satisfied we will have set our course for reducing the road toll in this State and reducing the tragedy and grief which is now experienced by many parents and loved ones. With those remarks I indicate that the Opposition supports the legislation before the House.

MR O'CONNOR (Mt. Lawley—Minister for Traffic) [3.03 p.m.]: I thank the member for Avon for his comments and I agree with much of what he has said. I believe that all of us in this House wish to try to cut the road toll and we will do all we can, within reason, in this regard. From my point of view it would be easier to say, "Let people kill themselves and there will be fewer repercussions for me." But I think we are here to act in a responsible way and what we must do, and are doing, is the very best we can to bring things into line. The results we are obtaining indicate that we are doing just that.

I agree with the member's remarks concerning some of the causes of accidents. Inexperience is certainly one cause with which we are most concerned. Power is another cause. However, difficulty is encountered in trying to find exactly how we should determine the power of a motor vehicle that a particular person may drive. If a person purchases a motor vehicle with high or low power, that does not mean to say he will not drive a vehicle in another category from that which he has purchased. Whilst inexperience and power cause accidents, alcohol and inexperience combined cause a lot of accidents; and we all know this.

The honourable member mentioned special licences for special vehicles. We have already done more than 12 months' work in this connection. There has been publicity in the Press concerning motorcycles. One of the members of the National Safety Council has been to Japan to study the matter. His report has gone through Cabinet and Cabinet has approved certain restrictions with regard to the power of motorcycles. At the moment there is one difference between us and the National Safety Council which is back with the council and we are awaiting a reply from it. The council believes that special training could be done after a person achieves his licence. We believe it should be done before that. The member for Avon has indicated his support in this regard.

Mr McIver: I also want you to take note of the point that after he completes that 12-month period he must have another test before he qualifies for a high-powered vehicle.

Mr O'CONNOR: We are endeavouring to place this restriction initially on motorcycles, which is one of the major problems on the road with regard to young

people. Certainly some young people are not capable of handling motorcycles. For instance, a policeman told me of a 17-year-old girl who came to the police station with a 900 cc motorcycle trying to obtain a licence for it, and she could not even hold it up. One must realise that if a person has a 75 cc motorcycle he cannot necessarily handle a bigger one.

The suggestion of the member for Avon has been to Cabinet and has been approved by Cabinet. We are having discussions with the National Safety Council on this point and certain funds have been set aside for some training.

Mr McIver: What are your views in relation to country areas—I have used Northam as an example—which are very hard to administer from the point of view of the National Safety Council in Perth because there are only a certain number of personnel?

Mr O'CONNOR: I think this could be done. We cannot do it overnight, but I think there is merit in doing it. We would not be able to set up too many areas of this nature but there may have to be one competent group travelling around from one point to another.

Mr Jamieson: What happened to that idea? I was about to set that up before I left office.

Mr O'CONNOR: I have been explaining that Cabinet has already approved such a system and it has gone to the National Safety Council. We are discussing one small difference at the moment and we have set aside funds for the setting up of such centres, but we have not set up regional centres at this stage.

Mr Jamieson: They would go to the major centres so many times a year?

Mr O'CONNOR: That is correct. We also believe in taking this sort of education to the schools. We must do this in as many schools as possible throughout the State.

The member for Avon commented on the tremendously high cost of setting up the Road Traffic Authority and the difference in cost between the authority and the Police Department doing the job. I am very sorry that the member did not look into this matter more closely because he obviously does not know the facts. Last night the *Daily News* did not write up the matter in a proper way. The newspaper led one to gain the impression that the Road Traffic Authority was costing more than if the job had been done by the Police Department. It would have been very easy for anyone to find out the figures involved. From information I have from the Road Traffic Authority the cost is less than \$1 000 a week. Yet if one had looked at last night's newspaper the indications were that the cost was approximately \$10 million, indicating that the cost was tremendously high, without taking

into account what the cost would have been had the police taken over. Therefore, I think that what was written in the newspaper was virtually a misrepresentation. If the member had asked me for the figures I would have been quite happy to give them to him. The newspaper asked for some figures yesterday and I supplied what I had.

When I answered a question from the honourable member yesterday I indicated quite clearly, following the written part of the answer, that the cost was not very much more than the cost would have been to the Police Department had it taken over all the responsibilities.

I would like to rectify this, and I hope the Press will supply the correct information which is that it is not costing \$10 million more to run the RTA, as was reported in the Press, but that it is costing less than \$1 000 a week more. Included in that amount is a figure of \$27 000, this being the salary of the chief executive officer who runs the RTA.

I am pleased the honourable member has supported the Bill generally. I am hopeful that it will have the desired result, and that it will cut costs to a degree. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

BILLS (2): MESSAGES

Appropriations

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

1. Rural Housing (Assistance) Bill.
2. Liquor Act Amendment Bill.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 4th May.

MR McIVER (Avon) [3.13 p.m.]: The Opposition generally supports the Bill, but has mixed feelings in connection with it. The first point I wish to make is that it seems strange indeed that shortly major legislation will be introduced into the House—

Mr Davies: So we are told.

Mr McIVER: That is true. Under that legislation the Chief Electoral Officer—there has been a big outcry about this—will be requested to handle all union ballots appertaining to the trade union movement. Yet, under the Bill before us the union is being requested to take the responsibility of handling ballots required in connection with its appointees to the Railways Punishment Appeal Board.

We have no opposition to the concept. If a driver or guard is in trouble and is fined or dismissed for misconduct a person with the same designation is usually on the appeal board. Nothing could be fairer than that. However, the railway union has mixed feelings about the Bill. I certainly believe that what prompted the introduction of the measure was the fact that recently a ballot was conducted by the Chief Electoral Officer in relation to an appointment to the board; and utter chaos resulted.

Unfortunately, at the same time a railway union was conducting a ballot for the presidency and half the ballot papers finished up in various railway centres in the State. The situation was very badly managed. Over 170 ballot papers had to be collected by the officers of the Electoral Department from the union office.

If that is any indication of how the Electoral Department will handle union ballots, God help the unions when the relevant legislation is passed. It is quite obvious that the Government is hell bent on introducing that measure and, of course, as it has the numbers it will have no difficulty in having the legislation placed on the Statute book.

It does seem strange that when it suits the Government to do so it passes on the responsibility. With the responsibility goes the expense. As it is, the commission pays \$700 a year, but with increasing costs including postal charges and the like we can imagine the expense which will be faced by the various unions.

Having said that I wish now to object strongly—and I will do so again in Committee—to clause 5 which reads—

5. Section 80 of the principal Act is amended—

(a) by adding after the passage "lodged," in line six the following paragraph—

Where the industrial union fails to make an appointment by the time prescribed by subparagraph (ii) of paragraph (c) of subsection (1) of section seventy-eight of this Act and the appellant fails to make an appointment pursuant to that subparagraph prior to the day immediately preceding the date fixed for the hearing of the appeal, the appeal shall be deemed to have lapsed and the decision appealed against shall have full force and effect. ; and

(b) by deleting the passage "If the hearing of the appeal is not commenced within such thirty days," in lines seven and eight and substituting

the passage "Where, for reasons not related to the appointment of a member by the industrial union or the appellant, the hearing of the appeal is not commenced within thirty days from the lodging of the notice of appeal," .

That provision is ambiguous. It appears that a third party will be blamed if someone does not come forward, and that is the end of it. There will be no redress. That is my interpretation, although I may be wrong, and I will be anxious to hear the Minister's comments on that provision.

If my interpretation is correct, the provision is unjust. When I was in the Railways Department I served on the appeal board representing the employees and therefore I know that sometimes a representative is not able to appear on the day of the appeal. There could be a change in the working roster and the representative can be called out at short notice because someone has taken ill. Consequently the representative of the appellant is not present.

This provision should be clarified because a third person should not be able to prevent redress when a person has committed a misdemeanour.

I want to make it clear to the Government that in my opinion it is hypocritical in this instance because it is passing the buck to the unions under this Bill while, at the same time, the media is full of reports about how important it is that the Electoral Department should handle ballots. I am sure I can use the other ammunition I have at an appropriate time when that legislation comes before the House.

Having made those points, with particular reference to clause 5, the Opposition supports the legislation.

MR DAVIES (Victoria Park) [3.20 p.m.] : I have had a great deal of association with the Railways Punishment Appeal Board as a member of the Railway Officers Union, and I point out that union secretaries or assistant secretaries are the people who usually advocate in the case of appeals before that board. When I was conducting an appeal for the civil engineering, stores, or some such branch, I did not have particular experience of the branch and had to do a lot of homework to find out the background of the appeal and the intimate workings of the branch. When we appoint a member to the board we appoint a member of a union and he could come from any one of a number of sections of the Railways Department.

Mr O'Connor: I think that is the best way.

Mr DAVIES: Very often we had a fellow who was experienced in only one branch and an advocate who was not particularly

experienced in the branch under appeal, so that the appellant could be under some difficulty. Because of the situation in which we find ourselves from time to time, I think it is a good idea that the union representative on the appeal board should be nominated for a particular appeal. This, of course, is what the Bill proposes to do.

I speak with particular regard to the Railway Officers Union, but other unions such as the locomotive union or WASRE, which do not have such a diversity of members in the different branches, might be happy with one appeal board member. I know the Railway Officers Union is happy with the arrangement proposed in the Bill.

It concerns me that no indication is given in the Bill or the Minister's second reading speech how the appointments will be made. One of the clauses which is to be amended states the union to which the appellant belongs can make the appointment but the Bill does not say how the appointment is to be made. Under the Government Employees (Promotions Appeal Board) Act specific forms are laid down and time periods are set out during which the unions have the right to elect a representative to the department.

Mr O'Connor: The union would nominate one to the department.

Mr DAVIES: But what procedures are to be followed? Does the department just ring up and say, "We have an appeal on Wednesday concerning the traffic branch; let us have a bloke for it"? According to the Act, the appellant has to be given leave. Under the Government Employees (Promotions Appeal Board) Act the secretary of the board sends out forms when appeals are listed, and they are completed by the union and returned within a certain time. If they are not completed and returned within a certain time the union forfeits its right to appoint a person to the appeal board and the appellant has the right to appoint a person right up to the time the appeal board sits.

Some regulations will need to be formulated or some form of authority introduced which will show that the union has the right within certain boundaries to appoint a person to the appeal board; if it does not appoint a person the appellant has the right to appoint someone, and if the appellant does not appoint someone, other procedures are to be followed.

I do not think we are basically altering the right of a person to appeal against a punishment. That remains intact. All the Bill does is change the method of appointment of the union representative to the Railways Punishment Appeal Board. As the Minister said in his introductory speech, it is a tripartite board comprising a magistrate, a Government representative, and a union representative. I think it will allow for a more experienced person to sit on the board in every case.

Every three years or every 12 months, if it so decides, the union may elect within its own workings or under its own rules to appoint a person to sit on the board for every appeal. The way the unions do it is entirely up to them.

As the member for Avon pointed out, it is strange that the Government is introducing a measure which gives to the unions autonomy to arrange the election of officers when at the same time the Government has been saying the unions are irresponsible and it will therefore take out of their hands the right to elect officers. If the Government were genuine, it would say this election must be carried out by secret ballot, every member of the union or the section involved must have the right to vote secretly for the election of a person to the board, and the ballot must be conducted by the Electoral Department.

But the Government is not doing that. It is saying to the union, "You may appoint someone to a position of responsibility and strength which derives not from the rules of your organisation but from an Act of Parliament, and even though it could be considered to be more important than any other position in the union we will not say how you should appoint the person. It is entirely up to you. You can get someone to nominate, your executive can nominate a person, or you can conduct a ballot of the whole union."

This does not ring true. It gives the lie to the Government's professed concern about the secret ballots of trade unions. Every union has a secret ballot. Indeed, the rules of a union cannot be passed by the registrar unless they contain provision for secret ballots. I am sure you, Mr Acting Speaker (Mr Crane), were in the House when we amended the Industrial Arbitration Act to provide that union rules must be vetted by a solicitor before they are submitted to the registrar. That is the kind of control which already exists over union rules, and they must provide for secret ballots.

The Bill now before us negates all the Government says it stands for in regard to unions. It makes all the Government's actions suspect. It makes me feel the Government is only doing a bit of union baiting, and I cannot understand how a piece of legislation like this, giving a union the right to elect a person without stating how the person shall be elected, slipped through Cabinet.

Mr McPharlin: Are there conditions attached to those secret ballots?

Mr DAVIES: Before a union's rules can be passed by the registrar they must be vetted by a solicitor and a certificate must be supplied. Whether there are rules relating to secret ballots depends entirely on whether or not the registrar accepts the rules. If the registrar does not accept the rules he obviously does not think there is

any need to impose conditions. I point out that the union of which I am still an honorary member does not maintain a list of the home addresses of its members. It maintains only work addresses, because under the Trade Unions Act it does not have to maintain private addresses.

I have taken a long time to support this measure; but I want to point out once again that there are procedures which will need to be followed to ensure no argument occurs, and these procedures have not been mentioned by the Minister either in his second reading speech or in the Bill.

MR O'CONNOR (Mt. Lawley—Minister for Transport) [3.31 p.m.]: I thank the two members who have spoken for their support of the Bill. It is obvious that each knows quite a bit about the operations of this department, having been involved in it. However, I feel they have both drawn a long bow in respect of union ballots.

If we had to conduct a ballot to get people to adjudicate when a person is charged with a minor offence in the department we would waste a tremendous amount of time. The union representatives that are requested would be elected by people who are elected by secret ballot. Surely members would not want a ballot to be held every time a minor and trivial offence is committed; surely they would not want a ballot at a cost of hundreds or thousands of dollars simply to elect a person to the appeal board. This is a matter far different from the general election held for the appointment of union secretaries, etc. Quite frankly, I think members will agree that is so.

We believe this Bill is necessary, firstly, to speed up procedures and, secondly, to overcome a couple of difficulties. At present if the union or the person concerned agrees not to put forward a representative to sit on the tribunal, then after a month, or whatever time is allowed, has elapsed the person concerned is free and can have no further charge laid against him in respect of that offence. We are asking that the course of justice should not be circumvented in that way.

In other words what we are saying is that within a short period of time the unions or the person concerned should be able to recommend someone for the position. We should not have a situation in which, because no-one is nominated, the person charged with the offence has no further action taken against him.

The member for Victoria Park asked for some details in connection with the regulation. I have been advised this will be done in writing and on a form, which is the normal procedure. However, if the honourable member wishes to have further details I will be quite happy to confer with him later and obtain whatever details he requires from the commissioner.

I thank members for supporting the Bill in general.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

COAL MINES REGULATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 4th May.

MR T. H. JONES (Collie) [3.36 p.m.]: This Bill is to amend the Coal Mines Regulation Act, 1946-1972, and at the outset I would like to indicate strong opposition to it from the combined mining unions. Feeling is running high in Collie regarding these amendments, and I would not be surprised if industrial action does not occur on the coalfield if the Bill is proceeded with and some provisions are implemented. That is not a threat; it is the position.

Not only are the mining unions concerned about this measure, but the coal-mining companies are concerned also. I received a telephone call yesterday from Mr Farrell, the General Manager of Western Collieries, and he informed me that the companies have no knowledge of one of the provisions in the measure; they do not know how it got there or who recommended it. He said no discussions took place with any of the mining unions or companies in respect of the particular provision.

I have been associated with the coal-mining industry for a long period of time. You will recall, Sir, that I was Secretary of the Coal Miners' Union for 17 years, and during the last 8½ years that I have been in this place I have maintained a very close liaison with the union. The policy adopted by all unions and all Governments previously has been that any proposed amendments to the Coal Mines Regulation Act are discussed with the unions and companies involved. I know of no occasion on which general agreement has not been reached before an amendment to the Act has been proceeded with. As I said, this has been the policy for some 25½ years.

Unfortunately, in my opinion and in the opinion of the Coal Miners' Union and the Collieries Staff Association, on this occasion the Minister has been misled. Somebody has misled the Minister in relation to a number of amendments contained in the Bill. I ask the Minister: Who has been advising him? His senior inspector at Collie disapproves of some of the amendments in the Bill, and conference notes to which I will refer in a moment clearly demonstrate that.

Men with 40 years' experience of open-cut mining—and remember we have 40 years' experience since open-cutting began at Collie—strongly disapprove of the alterations proposed to the Act. Even the General Manager of Western Collieries (Mr Farrell) strongly opposes one of the amendments on behalf of his company. He has asked me to request the Minister to adjourn debate on the Bill so that discussions may be conducted with the industry and the companies.

I am not blaming the Minister directly for what has occurred, because somebody in the Mines Department with no coal-mining experience at all has suggested to the Minister that amendments be made to this Act which are not approved of but are bitterly opposed by unions and companies in the industry. This is a bad set of circumstances.

As I have said, never before in the history of the industry has this procedure been applied. Is this to be a new innovation which is to be introduced by the "put things right Court Government"? Is not the Government happy with the way Collie has been proceeding; where we have had only three days off in 16 years? Is not the Government happy with the industrial record that has been created on the field, or does it want to introduce legislation that will obviously lead to direct action by the trade union movement and will cause unrest on the coalfields? Surely the Government is happy with the position that exists at Collie.

No coalmines in Australia, or in the world for that matter, can boast of the record of the unions at Collie, and I do not refer to the miners only, where only three days' work has been lost in 16 years.

In spite of this we have included in this Bill innovations which have been strongly opposed by the unions and the Collieries Staff Association and by one of the coal-mining companies.

After I have spoken for a certain time in this House this afternoon I hope the Minister will give some thought to the submissions I make; I hope he will consider them carefully. I see the Minister is to visit Collie tomorrow. It will be nice to see him there after having been Minister for Mines for 2½ years. He will however see the unrest he is creating as a result of certain provisions contained in this Bill. I trust these provisions will be clearly spelt out for the benefit of the mining unions in Collie and for the benefit of the Western Collieries coalmining company, as these people are most concerned at what the Bill contains. On their behalf I place these thoughts on record in this Parliament.

Moving now to the legislation itself; I would say that members would be aware that the mining industry in Collie is controlled by superintendents in the coalmines, by the managers in the open-cut

mines and by the managers in the deep mines. There are also deputy managers in the open-cut and deep mines, which have been operating in Collie in excess of 40 years.

When one considers the history of the fatalities to which I have referred one will appreciate how much the industry is to be commended, particularly when one knows that in that time only three fatal accidents have occurred. Surely this clearly demonstrates the good record that has been achieved as a result of the provisions of the Coal Mines Regulation Act. I cannot emphasise too strongly that the companies and the unions—and I give the companies credit for this—do all in their power to see that the provisions of the Coal Mines Regulation Act are adhered to. Safety is considered to be the most important factor in the coalmining industry in Collie, and this is most apparent when one realises that only three fatalities have occurred during the whole of the operation of open-cut mining.

This is a record of which we are proud and we will do all in our power to maintain. In our opinion this record has been achieved and made possible only as a result of the excellent provisions which are to be found in the existing Coal Mines Regulation Act, as these relate to safety and general management throughout the industry.

The Bill seeks to change a number of definitions. I would like to say discussions were held with the companies and the unions. Agreement was reached on some minor issues, but we did take exception to the final remarks contained in the Minister's second reading speech when he said—

Finally, the proposals have been discussed with management and the unions and general agreement has been reached except on the question of practical experience in open-cut coalmining not being required of an applicant for the issue in reciprocity of the open-cut mine managers' certificate of competency.

This is one of the major issues. The other major aspect is to be found in the amendment to section 19 which is the one I referred to the Minister on behalf of the Western Collieries coalmining company. I do not know how the proposed amendment to section 19, which is contained in subclause (3) of clause 5, ever got into the Bill. In paragraph (a) of subclause (3) of clause 5 the general manager is referred to, and I do not know how this got into the Bill.

Sitting suspended from 3.45 to 4.04 p.m.

Mr T. H. JONES: Prior to the afternoon tea suspension I was referring to the fact that Mr Farrell, the General Manager of Western Collieries Limited, had raised a

query in relation to proposed new section 19 (3) (a) in clause 5 of the Bill. He has asked me not on his own behalf but on behalf of the Chamber of Mines of Western Australia to request the Government to adopt the practice of letting that chamber see any proposed legislation before it is introduced in Parliament.

This is not a request by the unions, but one by Mr Farrell on behalf of the Chamber of Mines. He has made that request so that the chamber will in future be aware of what effect any proposed legislation will have on the managerial side of the mine.

No doubt the Minister will agree that the appointment of the general manager of the company has nothing to do with the Coal Mines Regulation Act. All that the general manager has to do is to look after the business interests of the company. He does not have to involve himself with the safety regulations. Primarily his function is to look after the business interests.

The company and Mr Farrell fail to see why the Bill should contain any reference to the general manager, because this provision in the Bill has no application to Colliie at all. The general manager has no voice in this regard; he has a voice only when he participates in discussions between the unions and the companies.

In fact, the Coal Mines Regulation Act is the piece of legislation that governs the safety requirements in the industry, and I repeat the general manager has no voice in this matter. For that reason Mr Farrell has asked me to raise the point, and to query why the general manager is mentioned in the Bill at all.

Mr Mensaros: No doubt you know that this term was included in the original Act. The reference has been brought forward from that Act, and it is not a new provision at all.

Mr T. H. JONES: It was not in the Act previously.

Mr Mensaros: Yes it was.

Mr May: Perhaps it would be necessary to appoint two general managers.

Mr T. H. JONES: It was not in the original Act in its present form. However, I will deal with this matter in the Committee stage. If the Minister turns to clause 5 and proposed section 19 (3) (a) he will see that it is necessary according to our interpretation and that of a company to have two general managers. This might or might not be a correct interpretation; but nevertheless it is the interpretation placed on the provision by one coalmining company.

Mr Farrell has asked me to put forward a suggestion that the debate on this Bill be deferred so that he can look into this matter. Over the years this practice has been followed and we cannot see any good

reason for discontinuing it on this occasion. It may be that what the Minister has given is the opinion of the Crown Law Department, but certainly it is not that of Western Collieries Limited.

As the member for Clontarf has just said, perhaps it is necessary to appoint two general managers. On behalf of the Chamber of Mines and Mr Farrell I ask the Government, where similar legislation is contemplated in the future, to refer the draft of the Bill to the Chamber of Mines, as is done in the case of the unions, so that the chamber will have a clear appreciation of any amendments that are proposed.

Dealing with the Bill itself, the definitions of "shaft" and "open cut" are to be changed. My only comment on this relates to underground operations, and this is mentioned at page 3 of the Bill. It is proposed to change the definition of "underground" to "in relation to a mine or mining, means a working which is beneath the natural surface . . .".

We are anxious to avoid industrial disputes arising from this new definition. From his inspection of the mines at Colliie this weekend the Minister will become aware that before a mine is sunk, a portal is driven. In fact, the miners who are engaged on an open-cut operation in this regard are paid underground rates.

I realise that this matter could be dealt with in greater detail in the Committee stage. In deep mining operations throughout the world the method is to drive a portal so that access can be gained to the coal face much more quickly than by driving 100 yards to get to the coal seam. In the main this work is performed by underground miners who expect to be paid underground rates. In fact this is an open-cut operation. I am raising this matter now because the unions do not want any misunderstanding to arise in the future. We maintain that this is work in conjunction with the establishment of a colliery, and the men should be paid deep mine rates.

Another definition mentioned in clause 3 of the Bill deals with "agent" and in this respect I offer no comment. The definition of "union" is to be altered to include the Collieries Staff Association. There is no argument at all about this change in the definition. I shall deal with the definitions mentioned in clause 3 in greater detail during the Committee stage, because I know that you, Mr Speaker, will not permit me to do so now.

I should point out to the Minister that the coalmining companies and the unions are not happy with the provision relating to the mine manager. We consider that it is completely unnecessary to make reference to the general manager in the Bill.

One proposal is to change the titles of certificates of competency. There is to be a first-class mine manager's certificate of

competency; a second-class mine manager's certificate of competency; and a third-class or deputy's certificate of competency.

Two methods by which mine managers are to be appointed are introduced. For the first time we see the introduction of an open-cut mine manager, a position not included in the Act previously, and the position of an open-cut deputy mine manager.

In his second reading speech the Minister said that as 66 per cent of the coal production came from open-cuts there was a need for some change in the appointment of persons to be in charge of collieries. Initially, the production was not 66 per cent. The open-cuts at Collie have been operating since the early 1940s, and since then there has been increasing production from the open-cuts. The Collie field has been operated most efficiently. We do not agree with the amendment that is proposed in the Bill.

We oppose the amendment to section 19 which says that nothing prevents another person acting as general manager or superintendent of two or more mines, if, being the holder of a first-class mine manager's certificate of competency, he acts as general manager or superintendent of a mine in which men are employed underground. What will happen is that an open-cut mine manager with no deep mining experience at all will be able to act as a superintendent of a coalmining company.

Mr Mensaros: Of an open-cut?

Mr T. H. JONES: Yes. Let us look at the situation which will arise at Collie. There is the Muja open-cut under which is a deep mine. The Act provides that it is necessary for inspections of the deep mine to be carried out. Under the proposal in the Bill an open-cut mine manager may be appointed, but in this case there will be a deep mine underneath the open-cut. The amendment states that an open-cut mine manager may be appointed superintendent. In such a case he would be in charge of the deep mine, in addition to the open-cut. The Minister cannot deny that this is not the case, because the Hebe mine which was flooded in 1965 is located beneath the Muja open-cut. It is still a mine, and still subject to the inspections required under the Coal Mines Regulation Act. By extending the principle contained in the amendment, it means that the manager of an open-cut may be appointed superintendent, and thus have under his control a deep mine. This is a very dangerous aspect, and I shall be referring to it in greater detail during the Committee stage.

I now turn to the board of examiners. The conditions are to be changed drastically. Whilst the unions are prepared to agree to the amendments, they have raised a number of queries. An amendment appears in clause 11 which provides that

the board shall consist of a person holding or acting in the office of State Coal Mining Engineer, a person holding or acting in the office of senior departmental inspector, and a person being the holder of a first-class mine manager's certificate. Subsection (3) of new section 40 in clause 11 reads as follows—

(3) Where a Board is to examine an applicant for a certificate of competency the Minister shall appoint, on the joint nomination of the body known as the Collie Combined Mining Unions Council and the body known as the Australian Collieries Staff Association, Western Australian Branch, a further person as a member of the Board for the purpose of assisting the Board in the assessment of the practical experience of the applicant.

I cannot find any reference to this matter in the Minister's speech and I would like him to advise whether or not the appointment will mean that the people mentioned in that subsection will be present only to give their view on the experience of an applicant, and that they will not have any voting rights on the board. Is that the situation? I ask the Minister to refer to that matter when he replies. It seems that the representatives of the Collie Combined Mining Unions Council, and the Australian Collieries Staff Association will be present only for the purpose of examining the practical experience of an applicant. They will have no say when the final vote is taken.

Mr Mensaros: Do they have any say now?

Mr T. H. JONES: They do not have any voting powers now.

Mr Mensaros: They will be getting something in addition to what they now have.

Mr T. H. JONES: If it is good enough to invite experts to give their opinion, surely it is not unreasonable to suggest that they should vote on the board when a decision is made. That applies particularly to the Australian Collieries Staff Association representative.

Mr Mensaros: It is a pity the matter was not raised with me. They have talked to the member for Collie, but when we had lengthy discussions with them they were not at all unhappy with the proposition.

Mr T. H. JONES: The Minister will recall that at a meeting Mr Forrest, the President of the Australian Collieries Staff Association asked the Minister to provide a copy of the draft Bill to be submitted to Parliament. I ask the Minister whether he can recall that request.

Mr Mensaros: We explained in detail the provisions of the Bill. The details of a Bill are never made public until it is introduced to Parliament. Neither this Government nor any other Government has ever done that.

Mr T. H. JONES: That has not always been the case. I would like the Minister to check that point. I do not think we will be able to get through this Bill tonight unless we sit very late because I have many points I want to raise.

I would like the Minister to check his statement because in most instances the unions and the companies involved in coal-mining have been made aware of proposed amendments. The reason has been that nobody in the Mines Department—whether he is the State Mining Engineer or the Under-Secretary for Mines—has any practical experience in coalmining. For that reason, is it unreasonable to suggest that if the Act is to be interfered with in a way that will reduce the efficiency of the work force in the coalfield notice should be taken of experts with over 40 years' practical working experience in the industry?

Has the Minister considered the views of the experts on the colliery staff, and the experts in the mining unions? It seems he has taken too much notice of his departmental officers and not sufficient notice of those who have been associated with the industry for well over 40 years. Was any regard taken of the views of Mr Gillespie, the recently retired general manager of the Muja open-cut mine? He is highly regarded in Colliie by the workers and by the management of the companies. He said that before anyone is appointed as an open-cut manager he should have at least 12 months' practical experience in a coalmine at Colliie. However, the Minister did not take any notice at all of what he said. He came back to Perth and obviously conferred with someone in his department. I can imagine who he would have been.

The SPEAKER: Order! I think the details of these matters can be left to the Committee stage.

Mr T. H. JONES: I abide by your ruling, Mr Speaker.

Mr May: What do you mean when you said the Minister came back to Perth? He has not been down to Colliie.

Mr T. H. JONES: That is right; the Minister has not been down there. However, there have been conferences with the State Mining Engineer of Western Australia and a certain level of agreement was reached. The point I was about to make is that when the conferences were called the views of the various organisations associated with coalmining were put forward. It is regrettable that the view of the most experienced man in the coal-mining industry—a man with some 48 years' experience as a miner and in a managerial capacity—was not taken notice of. His view was that before an open-cut manager was appointed he should have at least one year's practical experience in coalmining. His views were overridden. Unfortunately, the Minister has now put

forward the amendments contained in this Bill which neither the management nor the unions wanted. It is quite obvious that the Minister has been approached by the companies.

On the 11th May, I asked a question of the Minister as follows—

Will he please advise what parties associated with the coal-mining industry requested the amendment to the Coal Mines Regulation Act in connection with the qualifications necessary to obtain the open cut mine manager's Certificate of Competency?

The reply from the Minister was—

The Griffin Coal Mining Company Pty. Ltd. and Western Collieries Limited requested amendment of the Coal Mines Regulation Act to provide for an open cut mine manager's Certificate of Competency.

I understand the application from the Griffin Coal Mining Company was made some three years ago. It was not made recently, I believe, and the Minister can correct me if I am wrong. However, Mr Blackhurst informed Mr Jack Watkins yesterday that the application was some three years old. It is true that Western Collieries has made an approach to the Minister, but the approach from the Griffin Coal Mining Company is out of date. That was the opinion expressed to me by Mr Watkins after he discussed the matter with Mr Blackhurst, the business manager of the Griffin Coal Mining Company yesterday. As far as the companies are concerned, they have not been approached with regard to the appointment of deputies, but I will refer to that later when I reach that passage in the Bill.

The rules for the examination of applicants to the board are set out at page 7 of the coalmines regulations. Those rules cover first-class certificates, second-class certificates, third-class certificates, and electricians' certificates. I ask the Minister whether the Act will be further amended to provide for examinations to be held for a certificate of competency to be issued to open-cut managers. Also, will the regulations be amended during the present sitting of Parliament to provide that a person applying for an open-cut deputy's certificate should be required to sit for an examination? The Bill now before us is silent on those matters. There is no reference at page 10 of the Bill to any examination for deputies.

I have no doubt that this Bill will be passed because it is a numbers game in this place. No matter what arguments are put forward by the Opposition we know the end result of Government legislation.

Mr Nanovich: Are you prepared to cross the floor? You said it was a numbers game.

Mr T. H. JONES: It has always been a numbers game.

Mr Nanovich: That is right.

Mr May: We saw free voting on the Liquor Bill, and we also saw what happened.

Mr O'Connor: You will not all vote together on that, will you?

Mr May: We did last time.

The SPEAKER: Order! The member for Collie.

Mr T. H. JONES: Without reflecting on the gentlemen in another place, we know what happened to legislation even when we did have the numbers in this place, let alone when we do not have the numbers. If the honourable member opposite has a look at *Hansard* he will see that during the term of the Tonkin Labor Government some important Bills went through this Chamber, but when they reached another place they went in the front door and out the back. So, members opposite cannot fool me. The Labor Party was not able to govern, in fact. It was able to govern only with the blessing of the House of Review.

Getting back to the Bill, I ask the Minister for an assurance that the same examination as that now set out in the regulations will apply in the future. The questions which we want answered are: Who requested the major alterations to the Act; what experience in the coalmining industry at Collie had the party which applied for the alterations; and what is the reason for the change?

It is quite evident that the majority opinion at the numerous conferences held at Collie was that no-one should be appointed to a managerial position in Collie until he had passed an examination to obtain a certificate, and until he had had practical coalmining experience. That was the general opinion, and a little later I will refer to the conference notes so that they will be recorded in *Hansard*.

The situation is that conferences were held in Collie, with representatives of the Mines Department, to discuss the provisions of this Bill. However, the department has not been prepared to follow the decisions reached at the various conferences.

I have been requested by the unions to point out this matter to the Minister. They have asked me to convey to the Minister that if this practice is to continue the unions will not attend conferences. The representatives of the unions consider that the opinions of people with practical experience in the coalmining industry at Collie were not taken into account. The unions will probably tell the Minister when he visits the area, and they will probably use stronger language than I have used.

Mr Mensaros: The representatives of the unions always speak more politely than does the member, without exception.

Mr T. H. JONES: They might even provide the Minister with a welcome. Members opposite who are trying to interject will have an opportunity to speak to this Bill.

I am not making any personal criticism of the Minister, but I have been asked by the unions, and the collieries staff, to set out the position. It is not unfair to ask the Government to provide good reason for changing a system which has worked effectively over a number of years. When those involved in the coalmining industry are asked to attend a conference consideration should be given to the opinions expressed at the conference. If some consideration had been given to those views we would not have this legislation before Parliament today. However, it is to be regretted that such action has been taken and such a course has been adopted by the Minister.

Mr Jack Watkins, the secretary of the combined unions, has asked me to place on record the unions' strong disapproval of the legislation before the House. So with your permission, Sir, I would like to read his letter for the record. It is addressed to the Under-Secretary for Mines, and it is dated the 9th February, 1976. It reads—

In reply to your letter of the 22nd January and also my telephonic communication to you, I attach hereto a submission prepared by the Collie Combined Mining Unions Council, in connection with the appointment of a Manager of an Open Cut and the experience necessary before the appointment can be made.

You will recall that at a meeting held with the Minister last year, the Unions strongly argued that safety played a very important part in the operation of the industry and that this matter should not be overlooked when considering amendments in respect to the qualifications necessary for the appointment of a Manager of an Open Cut.

I sincerely trust that close attention will be given to the submission which I attach, because the Unions in Collie feel very strong about this matter and in view of the good industrial relations that have existed on the coalfield for the past 16 years, working under the existing provisions, I, as Secretary, would not like to see any change in the situation.

I cannot stress strongly enough the feeling of the Unions in respect to this matter and whilst industrial action may not be considered, the climax on the coalfield is strong enough to suggest to me that this could be considered by the men.

That is not me speaking; that is the secretary of the combined mining unions of Collie. To continue—

I don't want this to be taken as a threat, but as Secretary of the Council—

Sir Charles Court: Take your tongue out of your cheek!

Mr T. H. JONES: The letter concludes—
—I feel I have the responsibility to advise you of the concern being expressed by the men in connection with the proposed Amendments to the Act, which is strongly opposed by all Unions on the Collie coalfield.

That is how the combined unions feel about the legislation. The Premier can snigger if he wants to, but he has been proved so wrong about the Collie coalfields in the past that he ought to sit in his seat and say nothing. We know his assessment of the coalfields, and the mess the Liberal Government made of their administration.

Sir Charles Court: I only sneer at your attitude to the original estimates.

Mr T. H. JONES: The union showed him up when he said that only 30 years were left for Collie. Look at the mistake the Premier made in regard to the Kwinana fiasco, and how it is costing the taxpayer millions of dollars for his mistake. Let him sit in his seat and sneer. He can say what he likes, but he cannot beat the facts. The reality of the situation is that he has made a boo-boo and the taxpayers of Western Australia will have to pay for it.

Sir Charles Court: What about your estimate of the reserves, when you said we had the reserves set too high?

Mr T. H. JONES: Rubbish! We have heard that so often that it is not funny.

Sir Charles Court: You led the movement against the Brand Government, saying our estimates were too high.

Mr Harman: You were going to close the town down.

Mr T. H. JONES: I now recall—

Mr Grayden: These mines are very well administered.

Mr May: And Western Australia pays the highest price for electricity.

Mr T. H. JONES: The Minister for Labour and Industry would know the Collie coalfield! I do not know whether he has ever been down a mine. He is very silent now.

Sir Charles Court: I think he has had a lot more experience than you have.

Mr T. H. JONES: He would be very competent to talk about the coalfields; he would not even know what a mine is! The Minister's remarks show his inability to grasp the situation.

Mr Grayden: Some of your statements show I have forgotten more than you ever knew!

The SPEAKER: Order!

Mr T. H. JONES: I am just answering the interjections, Sir. I wish to reply to the reflection cast on me that I have no knowledge of the coalfields. I was a pick and shovel man in the coalfields for many years. As the Minister knows, one must have experience to occupy this position. Does the Minister want to challenge me on my practical knowledge of the coalmining industry?

Mr Grayden: I was talking about mining generally.

Mr T. H. JONES: I am speaking of coalmining.

Mr Grayden: You were talking about coal, and I acknowledge that.

Mr O'Connor: How long since you have used a pick and shovel? I did this morning.

Mr T. H. JONES: The Minister for Traffic has so much mess to clean up that it would take more than a pick and shovel to accomplish the job! The Minister will need a bulldozer to clean up his mess.

Mr Thompson: A bull what!

Mr T. H. JONES: We will probably say some more about that next week. The Minister will need a bulldozer and a front-end loader to get rid of his mess.

Several members interjected.

Mr T. H. JONES: Having disposed of that interjection—

Sir Charles Court: The poor member for Collie—how about talking to the Bill!

Several members interjected.

Mr Sibson: Does not the member for Collie remember that this is Thursday afternoon?

Mr T. H. JONES: The member for Collie does not have any control over the notice paper. If the member for Bunbury is interested, the member for Collie will be speaking for at least another three hours.

Mr O'Connor: It could not be any worse than the last half hour.

Mr May: I know, because it has been against you.

Mr T. H. JONES: Quite obviously Government members are not worried about the time because they are the ones who are interjecting. I have only to travel 120 miles tonight.

Mr Laurance: I'll take a bet that you will not go for another three hours.

The SPEAKER: Order!

Mr T. H. JONES: The Minister's shovel has created a great deal of animosity. I do not know why he raised the matter—probably he shovelled manure on his stud farm this morning.

Mr O'Connor: At least I produce more than you can.

Mr T. H. JONES: It will be interesting to see what the Minister produces in the long term.

Mr O'Connor: We produce results.

Mr May: We are waiting for them.

Mr O'Connor: Only the blind cannot see!

Several members interjected.

The SPEAKER: Order!

Mr T. H. JONES: Now that the interjections have ceased, I will move from shovels and continue with the Bill.

I would like to read some extracts from the report of the conference held in relation to the criteria for the appointment of open-cut managers. At the moment, in order to manage a deep mine, a man must have practical experience as well as experience in other directions. He must have five years' experience in a coalmine, or suitable diplomas from the School of Mines or some other tertiary institution. However, the provision in this Bill will alter this criteria. Proposed new section 41D reads—

A person is not entitled to an open cut mine manager's certificate of competency unless—

(a) he—

- (i) has had not less than three years' varied practical experience of a nature acceptable to the Board in or about an open cut, of which not less than three months has been practical experience in the use of explosives;

That is a very broad definition.

Mr Mensaros: What clause are you referring to?

Mr T. H. JONES: I am referring to proposed new section 41D on page 17 of the Bill—the appointments and qualifications necessary to obtain an open-cut mine manager's certificate of competency. Previously, the provisions were the same for a certificate of competency for an open-cut mine and a deep mine. I agree that these are two different operations, and possibly the management of an open-cut mine is more of an engineering matter than one of mining practice. However, it has always been that the same examination was used for both certificates. So this will be an alteration. What worries me is that now no colaminig experience will be necessary for the granting of a manager's certificate of competency. It is here that the union disagrees strongly with the point of view of the Minister.

Mr Mensaros: It is not correct to say "unqualified" because it applies only in the case where an open-cut mine manager's certificate is given.

Mr T. H. JONES: I cannot go along with that. If we look at page 17 of the Bill the side note to the clause is "Open cut mine manager's certificate of competency". This is not a reciprocal agreement I am referring to. A provision in the Bill will permit the board of examiners to grant a reciprocal agreement. However, I am referring to the qualification to obtain an open-cut mine manager's certificate and this is entirely different. The point I am making is that previously a man must have had five years' experience in a deep coalmine before he could be granted a certificate of competency. It is now proposed to remove this provision, and it is in this respect that the union disagrees strongly with the Minister.

What is the attitude of the union and the management at Collie to this matter? I would like to refer to the notes of the conference held on the 1st July, 1975, and then on the 21st May, 1975, as they clearly spell out the situation. I would like to record the names of the people who attended this conference. The chairman of the meeting was Mr A. Wilson, the Chief Coal Mining Engineer. I have the greatest admiration for this gentleman but I believe he has no knowledge of the coalmining industry at all. The other representatives at the conference were—

Mr J. K. N. Lloyd, Assistant State Mining Engineer, Mr R. S. Ferguson, Mining Engineer—Senior Inspector of Coal Mines, Mr A. T. Fogarty, Superintendent, Western Collieries Ltd, Mr L. Gillespie, Superintendent, the Griffin Coal Mining Company Ltd, Mr H. W. Williams, Representative, the Association of Colliery Management, Mr J. E. Watkins, Secretary, Collie Combined Mining Unions Council, Mr D. Forrest, President, The Australian Collieries Staff Association, (W.A. Branch), and Mr T. T. Ratcliffe, Secretary, Collie Deputies Union of Workers.

Mr Gillespie has had 43 years' practical mining experience, Mr Watkins has had 41 years' experience, and both Mr Forrest and Mr Ratcliffe have had 35 years' experience. These are the men the Minister called together to discuss the amendments to the Act.

I would like to refer to the conference notes and to the attitude expressed by these men in relation to the proposed amendments. I refer to an extract from the submission which Mr Watkins made to the Under-Secretary for Mines and it deals with the management of an open-cut mine. Mr Watkins mentioned the 16 years' harmonious relationship between the unions and the employers, and he also said that there had been only three fatal accidents in the history of the coalfields.

Two fatal accidents have occurred at Muja, one on the 8th February, 1956, and one on the 21st October, 1969. There was one accident at the Western No. 5 open-cut mine on the 19th October, 1974. So in over 40 years' open-cut mining at Collie, only three fatal accidents have occurred. In the submission, Mr Watkins asked the question: "Has any other union in Western Australia, or in fact Australia, a record to equal that of the coalmining industry?" He then said that the answer to the question is "No", and that the record is the result of a programme of safety under the existing provisions of the Coal Mines Regulation Act. He goes on to say—

The Officials, and employees, are safety conscious and this has no doubt contributed to the low fatal accident rate within the field.

This is very important, and it is what is concerning the unions. With the proposed amendments to the Act, will this high record be maintained?

To return to the conference notes, Mr Gillespie, the manager of the Griffin Coal Mining Company said—

The Griffin Company representative thought that twelve months experience in coal mining open cuts may be acceptable in the case of a well qualified and experienced man from elsewhere. This was not acceptable to the Unions and Collieries Staff Association Representatives who again expressed the view that at least two years open cut coal mining experience were necessary.

The Company Representatives did not maintain an objection to the views of the Unions and Collieries Staff Association Representatives that two years experience in open cut coal mines was necessary for qualified experienced men from elsewhere.

It will be clearly seen that at this meeting, the Organisations most involved and possessing employees with years of experience in the coal mining industry, maintained that practical experience in the coal mining industry was necessary.

So the views of the union were made quite clear.

I return to the points raised by Mr Gillespie, the superintendent of the Griffin Coal Mining Company, possessing some 45 years' experience in the coalmining industry. The Opposition believes his opinion should have been noted by the Government, because the minutes of the conference of the 1st July, 1975, state as follows—

The Griffin Coal Mining Company representative proffered the view that any man coming into large scale open cut coal mining from open cut mining elsewhere should have at least twelve months experience in the coal mining situation.

Reference was made to the particular difficulties encountered in working in stratified deposits under heavy winter conditions. In reply to a question from this representative, the Senior Inspector agreed that, in the case of the Muja Open Cut, there are specific difficulties which would warrant a familiarisation period before a man could competently undertake Management of the mine.

Members will see that the Senior Inspector of Mines agreed with Mr Gillespie's point of view; the Government's senior man on the coalfields does not go along with what is contained in this Bill. I hope he is not retrenched for expressing his opinion that 12 months' practical experience should be the criterion for qualifying for an underground mine manager's certificate.

It is true that the Western Collieries' representative expressed the opinion that experience gained elsewhere should be acceptable to the board. Originally, the unions had planned to stick to their demand that two years' practical experience in the coalmining industry should be necessary before a ticket could be granted. However, in order to continue the industrial harmony which has been achieved in Collie, they compromised at the conference and agreed that 12 months' practical experience should be the requirement.

The following is the record of a statement made at that conference by a representative of the unions and the Collieries Staff Association—

The Unions' and Collieries' Staff Association representatives advanced further argument to sustain their views that specific open cut coal mining experience is necessary.

The next recorded statement is not that of a union representative, but of management. The minutes of the meeting of the 1st July state as follows—

The Association of Colliery Management representative thought that some aspect of experiential time is necessary for a man to gain the general feeling of the industry—not just technical experience but also the industrial side as this is very important to Management. It was thought that the Association of Colliery Management would agree to the requirement of twelve months open cut coal mining experience.

Therefore we have the situation where all parties, apart from the Western Collieries' representative, agreed that the required criterion should be 12 months' practical experience in coalmining. Unfortunately, however, somebody in Perth decided to go along with the proposition advanced by the Western Collieries' representative and as a result we find this provision in the Bill now before the House. The opinions of

the other parties involved have been over-ridden in framing this legislation, and could place in jeopardy the good industrial relationship which has existed for so long at Collie.

Naturally, the Minister will reply that such a provision applies elsewhere in Australia. However, if the Minister chooses to use such an argument, he must be prepared to implement all the other advantages enjoyed by coalminers elsewhere in Australia. For instance, coalminers in the Eastern States enjoy weekly pays, whereas miners in Collie receive their pay fortnightly.

I do not think the Minister wishes to bring to the Collie coalfields the type of unrest which has existed for some years in the Eastern States. However, unfortunately, this could occur as a result of this legislation. I do not want to see a situation develop where management will not talk to the unions, and the continual cry is, "Go to arbitration!"

In the past years at Collie, management has sat around the table with unions, and has talked over the matters at issue, with the result that there has been an excellent and harmonious industrial relationship established on the Collie coalfields.

If the Minister chooses to use such an argument, he should have full cognisance of what could occur. The Bill provides that the board can appoint a manager to an open-cut mine on the basis of experience gained elsewhere.

Mr Mensaros: The board has no power to appoint anyone. It can issue a certificate of competency, but only the management can appoint people.

Mr T. H. JONES: That is correct; the board can grant a certificate of competency, provided the applicant has the required experience. However, he need not be experienced in the coalmining industry, but may have gained it in mining operations in the north-west and the Pilbara.

I make this point quite strongly to the House: The conditions applying in mining in the north-west are quite different from those obtaining in the Collie coalmining industry; the two are totally different, especially in relation to wet conditions and overburden removal. As the Minister would know, there is very little overburden removed from a quarry, and if a quarry manager were granted a certificate of competency, he could not be expected to appreciate the situation applying in the coalmining industry where six tons of overburden must be removed before one ton of coal is produced.

The Minister may say, "Look what happens in the Eastern States. Is that not the same situation?" But let us have a look at the Eastern States. I refer mem-

bers to the mine at Leigh Creek, in South Australia. That is the only operating coalmine in South Australia, and is in the middle of the desert where there is a very low water table. That mine does not experience anything like the wet conditions experienced in Collie.

Let us consider the Hazelwood and Morwell mines in Victoria. Once again, the conditions experienced at these mines are quite different from those applying at Collie; the pressure on the walls and everything else are quite different.

Let us consider the Liddell open-cut in the north of New South Wales. That mine, too, is quite different from the Collie coalmines. Finally, the Moura open cut in Queensland also experiences different conditions from those applying at Collie.

Conditions are different. This is why Mr Ferguson, the Senior Inspector of Mines at Collie, supported the colliery managers and the unions when he said that one year's practical experience should be necessary. He is aware of the pressures that have occurred in the open-cut due to the gradients of the banks and the back-filling operations which were not compacted to prevent such things occurring. Fatal accidents could occur at Collie; in that instance it was lucky that men were not killed. I point this out only to support our contention that the conditions at Collie are completely different from those found in other parts of Australia.

Mr Mensaros: You are giving the most perfect argument against your proposition.

Mr T. H. JONES: The Minister may say what he likes, but conditions and experience will prove what I am saying. The men in the industry have that experience. The Minister does not have the experience; his mining engineer does not have the experience; Mr Lloyd from his department does not have the experience; and Mr Rogers has no experience. So of whom does the Minister take notice? Do we put aside the views of the mine management at Collie who said that one year's practical experience is necessary? Do we cast aside the views of the Senior Inspector of Mines at Collie who said that one year's practical experience is necessary? Do we cast aside the views of the unions? Does the Minister talk to his departmental heads who have no practical experience in the industry and then say, "We will do this"? That is precisely what he has done in this instance. Shame on him for doing it, because he has ignored, as these conference notes show, the views canvassed by the organisations at the meetings which he arranged in Collie. If he is not going to take notice of the bodies that have years of experience, why waste their time by asking them to discuss these matters? If the Minister will not go along with the final view that was voiced

at the meeting, it is a waste of their time; and I do not think the Minister can deny that.

What is worse is that the Minister is taking notice of men who have no experience at all in the industry. He is taking notice of the general manager of a company and of men on the official side in Perth who would not know how to bore a hole in the coal face to fill it up with explosives. They have no experience. This is what the Minister has done and he cannot deny it. Rather than taking into account the recommendations of the practical men at Collie the Minister would rather adopt the views of his departmental officers.

Another matter which is concerning the unions at Collie—I do not know whether this is an oversight or was not intended—concerns the appointment of a mine manager. I refer to this matter because it is most important. New section 41A, which is in relation to an underground mine manager's certificate of competency and has nothing to do with open-cut mining, says—

A person is not entitled to a first class mine manager's certificate of competency unless—

(a) he—

(i) has had not less than five years' practical experience of a nature acceptable to the Board in a mine . . .

In that new section there is no reference to coalmining. A man is to be granted a manager's certificate without possessing any coalmining experience. There is no parallel position anywhere in the coalmining industry in Western Australia. Any experienced man would maintain that to be in charge of undermanagers, deputies and workers the manager of a deep mine must have had some deep mine experience. Is there anything wrong with that proposition? By this Bill the Minister is allowing the board of examiners to say, "We will have a look at your qualifications. You managed a little copper mine in Queensland so we will grant you a deep mine manager's certificate." This is not good enough. The unions strongly oppose this.

If we are to let the regulations go so far as open-cut mining is concerned, surely it should be a requirement that some coalmining experience is necessary to gain a mine manager's certificate of competency. I could go on arguing like this at great length. The Minister knows the argument. A deep mine manager must have some experience. In most cases the manager of a deep coalmine comes from the ranks. Not only at Collie but also in the Eastern States, in Britain and in other parts of the world most mine managers come up from the ranks. Some start as miners, some come from the institute of

technology or from the School of Mines; and some start as miners, go to the managerial side and then attend the School of Mines. This new section will allow a man to obtain a deep mine manager's certificate of competency without having any deep mine experience in coalmining.

That is a danger. Such a person could have under his control 500 workers. In the case of Western Collieries with 400 workers, it is proposed to allow this person to be appointed to the position and to be in charge of those workers, but he will have less experience than those under him. Surely that is not intended. I do not know whether the Minister can tell us that this is an oversight.

Mr Mensaros: You say not less than five years' experience in a mine.

Mr T. H. JONES: I was referring to coalmining experience.

Mr Mensaros: You say that he does not have to have deep mining experience.

Mr T. H. JONES: That was what I was arguing about. I am sure the member for Boulder-Dundas will verify this. Would the manager of a goldmine know anything about coalmining? The two operations are entirely different.

Mr Coyne: They are not really, because in both operations they are mining ore bodies.

Mr T. H. JONES: I am afraid the experience in mining of the honourable member is limited. I do not think the manager of a coalmine could act as the manager of a goldmine but he could perhaps act in a lower capacity to gain experience. In goldmining there are shafts, whereas in coalmining there are underground systems. The concepts of goldmining and coalmining are different, as the member for Boulder-Dundas will tell us.

Mr Hartrey: I would not know enough about coalmining to say that.

Mrs Craig: How much knowledge have you of goldmining?

Mr T. H. JONES: I have some knowledge. I have made inspections of goldmines on numerous occasions in my former capacity as secretary of the miners' union. Not only did I look at these operations in Western Australia, but also in other parts of the world. I did that to further my knowledge.

Mr Coyne: I contend that goldmining operations are twice as difficult as coalmining operations.

Mr T. H. JONES: I would agree.

Mr Coyne: Anyone who has been engaged in goldmining operations would be well on the way.

Mr T. H. JONES: Regarding the provision in clause 13 of the Bill, the amendment should provide that coalmining experience is necessary before the certificate is granted. An anomaly which will arise

is that under this amendment a person who is appointed manager of an open-cut is required to have three months' experience in the handling of explosives; whereas a person who is appointed deputy manager of an open-cut is required to have six months' experience. The manager will have less experience than his deputy; that is what will arise under this amendment.

In respect of safety regulations the manager is not required to have as much experience as his deputy. How can the Minister reconcile this proposition? The manager is supposed to be in charge of the mine. If the manager of an open-cut is not required to have greater experience than his deputy then at least he should be required to have the same experience as his deputy. I fail to see how the Minister can justify this amendment at all.

I draw attention to clause 17 on page 18 of the Bill, to indicate why the clause should be amended. The reason is that there is no deputy in any other operation outside of coalmining.

THE SPEAKER: Will the honourable member resume his seat? I shall be pleased if the member for Collie will have regard for the Committee stage of the Bill, and if possible avoid needless repetition. Detailed discussion could take place at the Committee stage.

Mr T. H. JONES: I think I have been more than fair in my comments, and in co-operating with the House. This is an important issue to the unions and to the management. I have a responsibility to ventilate their views in this House. I have tried to minimise my comments while at the same time bringing out the strong views held by the unions and the companies. If you, Mr Speaker, want me to raise these matters at the Committee stage I am quite willing to do so.

Regarding arrangements to provide for reciprocity from industry to industry, provision is made in the Bill for the board of examiners to grant reciprocity in the case of certain certificates of competency. Although this is not mentioned in the Bill, I take it that before a reciprocal certificate of competency is granted, an examination and a thorough investigation of the qualifications of the applicant will be made. This is a matter that I shall be raising again. I would like some guarantee to be given that these certificates will not be granted without thorough investigation.

Another matter I wish to deal with relates to the move prompted by one of the mining companies; and this move is not new to the Collie coalfield. This issue raised its ugly head in 1953 when I was Secretary of the Collie Combined Mining Unions Council. In this respect I refer to the minutes of that council. A similar move was attempted in 1953 when Amalgamated Collieries brought an official to the Collie

coalfield and attempted to obtain a certificate for him along these lines. An attempt was made to amend the Act at that time. The person concerned was a Mr Vierk from the Eastern States, who had no qualifications at all. The company attempted to have the Coal Mines Regulation Act amended, but without success.

The minutes of the meeting held on the 1st April, 1954, were as follows—

We notify the Board of Examiners and the Minister for Mines that J. Vierk has not got the practical knowledge to sit for a Manager's Ticket and if he is permitted to sit for a Ticket, industrial unrest could occur.

The Minister of the day did not proceed with the matter, but if he had industrial unrest was contemplated. I can assure the Minister that if anyone is appointed under the amendment in the Bill, industrial unrest at Collie will occur. I do not wish to see the harmonious relations which have existed for years interfered with. I hope the Minister will take heed of what I have said.

Mr Farrell, the General Manager of Western Collieries, has asked me to make a request for the debate on this Bill to be deferred so that the companies and the unions can get together again to deal with the matters I have raised, and to see whether agreement can be reached. That is all I have to say in the second reading debate; but I will have much more to say in the Committee stage.

Debate adjourned until a later stage of the sitting, on motion by Sir Charles Court (Premier).

(Continued on page 1005)

QUESTIONS (11): ON NOTICE

1.

TRANSPORT

Pensioners: Concessions

Mr DAVIES, to the Minister for Transport:

- (1) What is the annual cost to the State of travel concessions granted to pensioners in—
 - (a) metropolitan area;
 - (b) country area;
 - (c) north of State (air travel)?
- (2) How many pensioners enjoy these benefits?

Mr O'CONNOR replied:

- (1) The cost to the State of pensioner travel concessions for the year ended 30th June, 1976, is expected to be:
 - (a) \$3 133 800;
 - (b) \$607 500;
 - (c) \$3 000.
- (2) At 19th April, 1976, there was a total of 110 463 pensioners of which approximately 90% would be entitled to travel concessions.

2. LEAGUE FOOTBALL MATCH

Sunday Permit

Mr BERTRAM, to the Premier:

- (1) Was his Government's approval sought and obtained in order that a league football match could be played on Sunday, 9th May?
- (2) If "Yes" to (1), did his Government consult appropriate bodies and people as to the acceptability of this approval?
- (3) If "Yes" to (1) with which bodies and people did he and the Government consult?

Sir CHARLES COURT replied:

- (1) Yes.
- (2) and (3) I understand the general attitude of other football organisations, such as the South Suburban Murray League, and the West Australian Football Association, and others, has been established from previous inquiries made by the Government. It is believed by the Government that these bodies are generally opposed to regular Sunday games being played by the WANFL.

The request in this instance was confined to two Sundays—9th May and 13th June—to better accommodate the league fixtures in relation to the national football competition games being held in Perth, and to help offset consequential loss of revenue to the WANFL which was strongly represented to us by the league.

(All financial returns from national games are channelled directly to the National Football League.)

The WANFL did not seek, nor was given, approval for any other Sunday games.

In the meantime, the Government is not satisfied that the purposes we sought to accommodate have, in fact, been served, and we will be seeking consultation with the WANFL about the way the dates have been used and their future intentions.

The Government has emphasised the games approved are on a trial basis only and create no precedent for the future.

3. GOLDMINING

Fimiston Leases: Water Levels

Mr T. D. EVANS, to the Minister for Mines:

- (1) Would he please advise the measures being taken to ensure that mining leases at Fimiston are being kept free from accumulating water?

(2) What are the names of the shafts and levels on which pumps and mains are being operated and maintained?

(3) What are the names of the shafts by which inspectors of mines actually inspect the underground installations?

(4) What is the estimated cost of pumping out the Fimiston mines should they be substantially flooded by failure to maintain pumping operations?

Mr MENSAROS replied:

- (1) Normal pumping operations are being pursued by North Kalgurli Mines Ltd but no measures are being taken by Kalgoorlie Lake View Pty Ltd.
- (2) Number 12 level of Croesus shaft and numbers 7 and 18 levels on Main shaft.
- (3) Main, Croesus and Perseverance shafts.
- (4) No estimate is available at the Mines Department.

4. PRE-PRIMARY AND PRE-SCHOOL CENTRES

Kalgoorlie and Boulder

Mr T. D. EVANS, to the Minister representing the Minister for Education:

(1) Would the Minister please advise the global weekly enrolment for all sessions at each of the pre-school centres in Kalgoorlie and Boulder?

(2) What is the estimated enrolment at the new pre-primary centre at South Kalgoorlie in the first week subsequent to its opening?

(3) What is the global amount of parental levy and other (if any) regular weekly fee payable at each of the pre-school centres referred to in (1)?

Mr GRAYDEN replied:

- (1) Boulder, 44;
Djildjiku, 28;
East Kalgoorlie, 29;
Halfway (Boulder), 55;
Lamington, 61;
South Kalgoorlie, 55;
Wallace Park, 55.

(2) The enrolment on the 6th April was 62 children.

(3) Centre; Fees; Board levy (per week); Fee charged by centre to parents (per week).

Boulder: Morning group; 90c;
\$2.00; afternoon group; 45c;
\$2.00.

Djildjiku: Morning group; 72c;
\$1.00.

East Kalgoorlie: Morning group; 90c; \$2.00.

Halfway (Boulder): Morning group; \$1.05; \$3.00; afternoon group, 52c; \$1.50.

Lamington: Morning group; \$1.05; \$2.10; afternoon group, 52c; \$1.80.

South Kalgoorlie: Morning group; 84c; \$2.00; afternoon group; 70c; \$1.80.

Wallace Park: Morning group; \$1.05; \$2.50; afternoon group; 52c; \$2.50.

5. ELECTRICITY SUPPLIES

Off-peak Usage

Mr DAVIES, to the Minister for Fuel and Energy:

What progress has been made in regard to introducing "off peak" electricity supplies as announced in the Press in October last year?

Mr MENSAROS replied:

Studies have been carried out by the State Energy Commission regarding the introduction of an "off-peak" electric water heating tariff.

Further studies are now being done reviewing the Commission's overall operations.

An announcement is anticipated as soon as this review is completed.

6. PRE-PRIMARY CENTRES

Establishment: Policy

Mr H. D. EVANS, to the Minister representing the Minister for Education:

- (1) How many primary schools exist in Western Australia?
- (2) At how many of these schools is it proposed to construct pre-primary school centres?
- (3) How many pre-primary centres were constructed in 1975?
- (4) How many pre-primary centres is it expected will be completed in—
 - (a) 1976;
 - (b) 1977?
- (5) In the event of a pre-school centre handing over to the Education Department a pre-school centre which is some distance from the existing primary school, how long is it anticipated it would take to build a pre-primary centre at the school?
- (6) Is there any policy regarding the building of pre-primary centres, how are priorities of construction established, and, if so, what are they?

- (7) Is it intended to abolish fees payable at pre-school centres, and if so, when?

Mr GRAYDEN replied:

- (1) As at 1st August, 1975, there were 513 primary schools.
- (2) The number of buildings which are required cannot be estimated accurately but it will be substantially smaller than the 513 listed above because many small schools will be able to accommodate children without building additions and many other schools will be able to convert existing available space.
- (3) Ten pre-primary centres were completed in 1975.
- (4) (a) With funding assured to June, 1976, twenty-four new centres will be constructed.
 (b) No estimate can be given for 1977 until State and Commonwealth budgetary decisions have been announced and analysed.
- (5) Decisions of this kind are determined on the basis of the availability of funds and the competing claims of differing centres.
- (6) A new pre-primary centre is provided with each new school. With regard to the establishment of a pre-primary centre in an established school, many factors are taken into account including the competing claims of other localities and the availability of funds.
- (7) It is the Government's intention to remove the levy but I am not in a position to indicate when this will occur.

7.

HOSPITALS

Development Programme

Mr DAVIES, to the Minister representing the Minister for Health:

With reference to question 56 of 9th October, 1975, regarding a hospital programme, is the Minister now able to advise details please?

Mr RIDGE replied:

The State's 1975-76 approved hospital construction programme is as shown in the General Loan Fund estimates of expenditure as presented to the Legislative Assembly on 9th October, 1975.

A Commonwealth grant of \$11 900 000 was made towards that programme.

The programme from 1976-77 onwards cannot be determined until the extent of funds available from both State and Commonwealth sources is known.

8. GOVERNMENT EMPLOYEES' HOUSING AUTHORITY *Programme and Funds*

Mr H. D. EVANS, to the Minister for Housing:

- (1) How many houses need to be constructed to meet the present requirements of the Government Employees' Housing Authority?
- (2) How many GEHA homes were constructed in—
 - (a) 1974;
 - (b) 1975;
 - (c) 1976?
- (3) How many GEHA houses is it proposed to build in 1977?
- (4) (a) What funds have been allocated to the GEHA building programme in each of the past five years;
- (b) what was the allocation in 1976 and is proposed for 1977?

Mr P. V. JONES replied:

- (1) 141 houses are still to be provided to complete the 1975-76 building programme. Of these, 64 are in process and 77 have yet to be commenced.
- (2)

	Con- structed.	Pur- chased.	Total.
1973-74	88	26	114
1974-75	60	82	142
1975-76 to date—	94	55	149
- (3) Building programme for 1976-77 has not yet been decided by the Authority.
- (4) (a) Total capital funds provided in the past 5 years—

1970-71	\$2 103 854.
1971-72	\$1 904 332.
1972-73	\$2 079 865.
1973-74	\$3 110 083.
1974-75	\$3 403 589.
- (b) 1975-76 Capital funds allocated are \$6 420 000. No allocation has been fixed for 1976-77 and programme has not been decided.

9. DENTAL THERAPY UNITS *Bridgetown and Manjimup*

Mr H. D. EVANS, to the Minister representing the Minister for Health:

- (1) When is it expected that dental therapy centres at—
 - (a) Bridgetown;
 - (b) Manjimup,
 be completed and ready for use?

- (2) What number of trained staff will operate in each of the centres referred to in (1)?
- (3) How many children is it expected will receive attention in each of these centres each year?

Mr RIDGE replied:

- (1) (a) and (b) Completion is anticipated at the commencement of school year 1977.
- (2) 2 dental therapists;
1 dental chair-side assistant;
A visiting dental officer.
- (3) 1 200 approximately for each centre.

10. EASTERN GOLDFIELDS HIGH SCHOOL *Bus*

Mr T. D. EVANS, to the Minister representing the Minister for Education:

- (1) Would he please advise regarding the Toyota commuter bus acquired by Eastern Goldfields Senior High School in late 1974 from the Schools Commission Innovations Grant funds, whether his department holds title to the vehicle and assumes responsibility for the cost of its operations?
- (2) Is his department satisfied that the use of the bus for education and recreational purposes has been worthwhile and also whether the co-operation between the youth education officer, other staff members, students and parents have minimised the cost of operating the bus with maximum use?
- (3) Is his department aware that experience has shown that the present bus is too small for optimum use by the school?
- (4) Will he give favourable consideration please to making funds available to bridge the gap between the "trade in" value of the present bus and the purchase price of a larger bus (with capacity to carry thirty passengers)—an amount approximately \$6 000?

Mr GRAYDEN replied:

- (1) Yes, the Education Department has responsibility for licensing and insuring the vehicle. All maintenance, running and other costs are the responsibility of the school.
- (2) and (3) The department understands that the bus was acquired from the Schools Commission according to specifications provided by the school. The utilisation of the bus has been left to the school and there has been no departmental evaluation of its uses.

- (4) Funds are not available for this purpose.

11. AGED PERSONS

Collie District Hospital: Accommodation

Mr T. H. JONES, to the Minister representing the Minister for Health:

Will the Minister please advise the position regarding calling tenders and general matters associated with the construction of additions to accommodate aged people at the Collie District Hospital?

Mr RIDGE replied:

Contract documents are expected to be available from the private architects on 19th May, 1976, and tenders are scheduled to be called on 22nd May, 1976.

Work is scheduled to be completed eight months after a contract is let.

QUESTIONS (6): WITHOUT NOTICE

1. COTTESLOE TOWN CLERK

Termination of Services

Mr RUSHTON (Minister for Local Government): When answering question 23 on the 14th April I undertook to supply the member for Cockburn with some information I was to seek from the Town of Cottesloe. I now ask your permission, Sir, to table the information.

The SPEAKER: Paper tabled.

The paper was tabled (see paper No. 227).

2. EDUCATION

"Golden Books" Sales Promotion

Mr HARMAN, to the Minister representing the Minister for Education:

- (1) Is he aware that a representative of a distribution organisation for the "Golden Books" (Reference Series) handed to school children leaving the East Maylands Primary School after school on Wednesday, the 12th May, a pamphlet concerning "Golden Books"?
- (2) Is he aware that the pamphlet was a sales promotion gimmick designed to influence parents through the school children?
- (3) Does he condone this practice?
- (4) If not, what action will he take to prevent this practice?

Mr GRAYDEN replied:

I thank the member for Maylands for having given some notice of the question to the Minister for Education. The answer is as follows—

- (1) Yes.
- (2) to (4) As the distribution occurred outside the school grounds no action can be taken.

3. POLICE

Laverton Royal Commission: Discussion on Findings

Mr T. H. JONES, to the Minister for Police:

- (1) Did the Minister hold a meeting this morning with the Commissioner of Police to discuss the findings of the Laverton Royal Commission?
- (2) If so, what specific matters were discussed at the meeting?
- (3) What decisions were made at the meeting?

Mr O'CONNOR replied:

- (1) Yes.
- (2) and (3) In view of the detail involved, I ask that these portions of the question be placed on the notice paper.

4. STATE GOVERNMENT INSURANCE OFFICE

Government Instrumentalities: Coverage

Mr HARMAN, to the Minister for Labour and Industry:

Does the SGIO receive direct placements for all insurance requirements by the Royal Perth Hospital, the Fremantle Port Authority, the Midland Junction Abattoir Board, the WA Museum Board, and the National Parks Board?

Mr GRAYDEN replied:

I thank the honourable member for some notice of the question the answer to which is, "Yes".

5. CLOSE OF SESSION: FIRST PART

Target Date

Mr JAMIESON, to the Premier:

- (1) At this stage is he in a position to indicate for how long this part of the session of Parliament will continue?
- (2) Can he at an early date indicate the Bills which are required to be passed before that date?

Sir CHARLES COURT replied:

- (1) and (2) In answer to the Leader of the Opposition, so far as the first part of this session is concerned, tentatively I did hope we

might be able to get the legislative programme to a stage, at the end of May, where we could adjourn until the normal time of reassembly. However, I have always been flexible with regard to finishing dates because one cannot foreshadow just how certain Bills will progress.

Beyond that, I would not be prepared to indicate any date which I have in mind, but it would be my desire, after consultation with the Leader of the Opposition, to work towards a date within May. In answer to the second part of the question, I hope that about next Wednesday I will be able to confer with the Leader of the Opposition with regard to the Bills which should be dealt with by the end of this part of the session, and which could not reasonably be held over to the second part.

I think the programme is quite a reasonable load and one which can be achieved. With regard to the Bills which have to be passed, we will have to sit until they go through. For instance, the Land Tax Assessment Bill, and its supporting Bills, have to be passed in order to come into operation by the 1st July, otherwise the taxpayers will not receive the benefit of that legislation. Naturally, those Bills will have to go through both Houses. I will be only too pleased to confer with the Leader of the Opposition on Wednesday or Thursday of next week and to discuss those measures which it is necessary to pass during this part of the session.

6. BUILDING SOCIETIES

Management Firms: Legislative Auditing

Mr B. T. BURKE, to the Minister for Housing:

Has the Minister received any representations seeking that management firms associated with certain building societies in the day-to-day running of operations be not subject to any legislative or regulative auditing requirements?

Mr P. V. JONES replied:

I thank the member for Balga for some notice of his question. The registrar and I have had many and varied discussions with both permanent and terminating building societies with regard to the building society legislation, and in the course of those discussions the total operation of management companies has been canvassed.

WESTERN AUSTRALIAN TERTIARY EDUCATION COMMISSION ACT AMENDMENT BILL

Second Reading

MR GRAYDEN (South Perth—Minister for Labour and Industry) [5.24 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to establish a Western Australian post-secondary education commission as a statutory body charged with the responsibility of promoting, developing, and co-ordinating post-secondary education in Western Australia. The intention of the legislation is to implement one of the major recommendations of the advisory committee on post-secondary education, established by the Government under the chairmanship of Professor P. H. Partridge of the Research School of Social Sciences at the Australian National University. The other members of the committee were Emeritus Professor N. S. Bayliss and Mr H. W. Dettman who are well known to members.

The committee recommended that the Western Australian Tertiary Education Commission Act should be repealed and that under new legislation a body to be known as the Western Australian post-secondary education commission should replace it. However, the Government has varied the committee's recommendation by amending the Western Australian Tertiary Education Commission Act. This seemed to be the simplest way to implement the Partridge committee's intention. Other recommendations of the committee will be considered after the post-secondary education commission has been established. There are historical and continuity reasons for the Government's decision which involve the replacement of provisions in the existing Act by others which are broader and more appropriate to the times. In doing this, the Bill, while keeping close to the Partridge committee recommendations, at the same time reflects many of the basic principles incorporated in the Western Australian Tertiary Education Commission Act of November, 1970.

Members will recall that the creation of the Tertiary Education Commission was due to consideration by the Brand Government of recommendations contained in the report of the Jackson committee which was published in 1967.

As a nonstatutory body the commission began its work early in 1969. But by 1974, when the commission was a statutory organisation of four years' standing, there was a growing belief among a number of its members that to solve certain Western Australian problems, including post-secondary education problems in country areas, new initiatives were required supported by a wider legislative charter.

The expression "post-secondary education" appears in section 23 of the Tertiary Education Commission Act. It was included there because of the likelihood that technical education might one day be brought within the compass of the commission. By December, 1974, this had not occurred, and the establishment of the Partridge committee with terms of reference requiring it to advise the Government on the future needs of post-secondary education in the State of Western Australia gave promise of new approaches and possibilities. The committee completed its work and presented its report to the Minister on the 9th January, 1976. The report was then made public on the 28th January, 1976.

The Government has welcomed the widespread debate which has followed the release of the recommendations of the Partridge committee. The Minister for Education has been specially pleased at the large number of organisations and persons who have provided written and oral submissions on the membership and functions of the proposed post-secondary education commission. The submissions have been carefully evaluated although many of them refer to matters, reported on by the Partridge committee, which are outside the scope of this Bill.

There has been much discussion among the staffs of the State's tertiary education institutions about the Partridge proposals, and there is considerable support among the public and within the institutions for the creation of the post-secondary education commission. Among other things the Australian College of Education, during March, held a substantial residential seminar in Bunbury on the Partridge report. Those who attended, including a good cross-section of nonmembers of the college, represented education at all levels. A summary of views reached at the end of the seminar has been made available to the Minister. Other meetings and symposia have been held, including a conference of those involved in technical education.

One of the most disputed sections of the Partridge report related to the composition of the proposed post-secondary education commission. There were those who wanted a representative membership to an extent that would have established an unwieldy and faction-oriented body. Many of the problems which will be dealt with by the post-secondary education commission, as with the present Tertiary Education Commission, are judicial in character. The Government has, therefore, accepted in general the Partridge recommendations about the nature of the membership of the commission; but it has increased the number recommended by the Partridge committee to take account of suggestions for improvement contained in a number of the submissions.

The increase in the membership is from 12 to 15, to include the Director-General of Education or his nominee, and two others in the last group of members to raise the number from four to six.

Another recommendation of the Partridge committee is that the chairmanship of the post-secondary education commission should be full-time; and the committee also suggested that the person to be appointed should have a status comparable to that of the vice-chancellor of a university. Since the passing of the Western Australian Tertiary Education Commission Act, the chairmanship of the present commission has been part-time.

Another feature of the principal Act as amended by this Bill involves the preamble to the functions which the commission will be expected to perform. Apart from the fact that the functions and duties of the commission are subject to the Minister, the preamble mentions the traditional autonomy of universities and the role they occupy in higher education and research outside the normal scope of post-secondary education. The Partridge committee strongly stressed the special place of the universities, but in a number of the submissions in the Partridge report it was claimed that the co-ordinating function of the new commission might be limited by the status accorded the universities.

The Government has considered the issues involved. At the present time there are in particular two Commonwealth commissions—the Universities Commission and the Commission on Advanced Education—with which the Western Australian post-secondary education commission will need to confer. On present evidence the post-secondary education commission will be required to devote a considerable amount of its time to the operations of the Commonwealth Commission on Advanced Education. In addition, the co-ordinating role will not be confined only to the Western Australian post-secondary education commission. The Commonwealth commissions, and particularly the Commission on Advanced Education, will be involved as well.

What has just been stated has been the experience of the Tertiary Education Commission. Moreover, when the former Commonwealth Government attempted to combine the two Commonwealth commissions into a single tertiary education commission, which did not eventuate, it accepted the principle that there would need to be separate councils to deal with the affairs of the universities on the one hand and the colleges of advanced education on the other.

On the present occasion an additional safeguard has been introduced into the legislation. This has been done by specifying that one of the functions of the post-secondary education commission will be to assist the Minister and the State

Government in the formation of State views on the promotion, development, and co-ordination of post-secondary education in Western Australia; and this aspect could become more important if Western Australian technical education is brought within the ambit of the new commission, requiring it to confer and collaborate with the Commonwealth Commission on Technical and Further Education.

Elsewhere in Australia a keen interest has been aroused in the future of post-secondary education. A short time ago New South Wales revised its relevant legislation; and a report on Tasmania has recently been released. Victoria is reassessing its present organisation, and South Australia has announced that a study of post-secondary education is to be undertaken. Even before the release of the Partridge report there was a growing respect elsewhere for the type of development and forward thinking which were occurring in Western Australia. When the review of conditions in Tasmania was undertaken items from the terms of reference of the Partridge committee were employed.

In conclusion, the present legislation represents a first step towards the full assessment of the Partridge committee's recommendations. With the establishment of the new commission decisions on the other recommendations will need to be made as soon as possible.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Bryce.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Traffic) [5.36 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to amend the Road Traffic Act.

Each week for the last two years I have submitted a report to Cabinet, summarising fatal accidents which occurred throughout the State during the previous week. The report has also indicated what have been considered to be the major causes of those accidents. From these reports it has been seen that excessive speed and alcohol were the primary causes in the greatest percentage of cases.

Further support for this is given in figures I have received from the Road Traffic Authority. These show that in the nine months from July, 1975, to February, 1976, 2 660 persons have been convicted of driving under the influence and 1 976 of driving when exceeding the 0.08 per cent blood alcohol limit: a total of 4 636. These convictions have incurred the appropriate disqualifications which range

from three months for a first offence relating to the 0.08 per cent level to permanent disqualification for a third conviction for driving under the influence.

Approximately 73 per cent of the persons so convicted are obtaining special extraordinary licences, issued on instructions received from the courts and subject to such conditions as the courts see fit to impose. This is a rise of 273 per cent since the provisions of the Act were deleted which prevented applications by ordinary licence holders being considered within one month of the commencing date of the disqualification and completely debarred probationary drivers and persons using their licences under the demerit point system.

Research indicates that only about 5 per cent of the applications received for extraordinary licences are refused. On this point, in one country centre, none of the 39 applications made for extraordinary licences up to early March of this year had been refused. Examples of conditions imposed on the licences are—

- (1) To go on holidays to Kalbarri;
- (2) A 23-year-old goat shooter and prospector, no restrictions 24 hours a day;
- (3) Two licences to drive on business anywhere in the state 24 hours a day;
- (4) To drive within 100 kilometres of Coolgardie and travel to Kalgoorlie, Monday to Saturday, for medical purposes;
- (5) To drive from Boulder to Kalgoorlie for shopping and medical purposes;
- (6) Many for business purposes, seven days a week, any hour.

While there is no great evidence at this stage that persons issued with extraordinary licences breach the conditions of these licences—something like 1.5 per cent have been detected—this is not necessarily a true indication of the situation, simply because of the difficulty of identifying these drivers among the total of almost half a million. However, it is believed it has a deleterious effect on our efforts to quell the drinking-driver problem.

It is considered that sterner measures need to be introduced if we really believe greater road safety is a desirable objective. To this end, various alternatives were worth considering—

- (1) Increasing monetary penalties; and/or
- (2) Longer disqualification periods; or
- (3) Eliminating or making more difficult the issue of extraordinary licences for those disqualified for drinking-driving offences.

It is considered by many—and I would think most members in this House would agree—that while a monetary penalty of

\$500 may not be much to one individual, it is an extremely serious penalty to some others.

Mr Skidmore: Is it really a deterrent to drunken drivers?

Mr O'CONNOR: I believe that the penalties are a deterrent one way or another. The more severe the penalty, the more of a deterrent it is.

Mr Hartrey: Hanging isn't a deterrent.

Mr O'CONNOR: Let us put it this way: In some countries they do not have a driving problem because they shoot any offenders.

Mr T. H. Jones: You are not suggesting that here, are you?

Mr O'CONNOR: No.

Mr Bertram: Just as well you clarified that.

Mr May: We could have machine gun posts outside each hotel!

Mr O'CONNOR: The present monetary and disqualification penalties are—

(a) For driving under the influence offences—

(i) First offence, not less than \$200 or more than \$400 or imprisonment for three months. Licence disqualification for not less than six months.

(ii) Second offence, not less than \$400 or more than \$600 or imprisonment for six months. Licence disqualification for not less than two years.

(iii) Third offence, not less than \$600 or more than \$800, or imprisonment for 12 months. Permanent licence disqualification.

(iv) Fourth or subsequent offence, not less than \$1 000 nor more than \$2 000, or imprisonment for 18 months.

Maximum monetary penalties were increased in 1975. Minimum penalties and disqualifications have not been increased since 1965.

As it is the general belief that disqualification of a licence is the only really effective deterrent to driving misbehaviour, it may be more effective to apply a similar percentage increase to the present disqualification periods as to existing penalties for first and second offences. To continue—

(b) 0.08 per cent offence: The present monetary and disqualification penalties are—

(i) First offence not less than \$100 or more than \$300 and licence disqualification for not less than three months.

(ii) For any subsequent offence, not less than \$200 or more than \$500 and licence disqualification for not less than six months.

The penalties are the same as those applying when the offence was introduced in 1968.

To support the deterrent effect of any penalties, there must be a firm conviction in the minds of offenders that a licence disqualification is in fact an order of a court, and failure to observe the order is a contempt both of court and of Parliament.

The present penalty for driving while under suspension is one of not less than \$100 or more than \$500, or imprisonment for a period not exceeding 12 months.

Consideration was also given to inserting a minimum imprisonment term of one month for certain offences, for example—

(a) All cases of driving a vehicle while under suspension; or

(b) Driving when under suspension for either—

(i) First and subsequent offences of either driving under the influence of 0.08 per cent; or

(ii) Second or subsequent offences of either driving under the influence or 0.08 per cent.

Whatever the decision it seemed desirable to review the question of extraordinary licences granted to disqualified drivers.

For this purpose the position is sufficiently serious to suggest revoking the provisions whereby such a licence can be obtained either—

(a) Entirely;

(b) Only after a given period; or

(c) Where the disqualification follows offences such as—

(i) First and subsequent driving under the influence and 0.08 per cent convictions;

(ii) Second driving under the influence and 0.08 per cent convictions.

Certainly, if nothing else, a person should not be able to overcome the deterrent of disqualification on grounds of inconvenience, as is currently the case. He should at least have to prove some real hardship and this should be clearly indicated in the Act so that the courts are aware of Parliament's intentions.

In considering all of these matters of the various alternatives and as a means of reducing the prevalence of driving a motor vehicle whilst under the influence of alcohol or having 0.08 per cent or more alcohol in the blood, the following measures were recommended—

(1) In cases of driving under the influence of alcohol an extraordinary licence should not be able to

be issued until a period of two months has expired in the case of a first conviction, and a period of four months has expired in the case of a second or subsequent conviction.

- (2) In cases of driving with or in excess of the 0.08 per cent blood alcohol limit an extraordinary licence should not be able to be issued until a period of one month has expired in the case of a first conviction, a period of two months in the case of a second conviction, and a period of three months for a third or subsequent conviction.
- (3) Where a driver is convicted of driving whilst his driver's licence is under suspension, the minimum penalty includes a term of one month's imprisonment.
- (4) Provision is also made for impounding of vehicles for a period of up to 14 days at the discretion of the court in cases of second or subsequent offences for driving under the influence, 0.08 per cent offences, or driving under suspension.

However, where the Road Traffic Authority has reason to believe that another person has or may have any legal or equitable interest, right of title in or to the ownership, or possession of the motor vehicle in which the offence was committed, the authority shall be required, before making an application for an order impounding the vehicle, to give notice to that other person of its intention to do so and the authority is required to inform the court that such notice has been given.

I realise that these provisions are severe and may not be acceptable to many people. However, in view of the contribution that drinking drivers make to the carnage on our roads I feel they are well justified.

I commend the Bill to the House.

Debate adjourned, on motion by Mr McIver.

COAL MINES REGULATION ACT AMENDMENT BILL

Second Reading

Debate resumed from an earlier stage of the sitting.

MR MAY (Clontarf) [5.46 p.m.]: This debate deals with an industry which in my opinion is the most important industry in Western Australia because it affects the majority of our residents. This legislation should receive the very close attention of all members of Parliament.

I appreciate the advice given to the member for Collie that certain matters should wait for the Committee stage debate, but I feel that unless the full import of this amending legislation is made clear to all members of the House, there will be insufficient time for them to study the

comments made by various speakers. I feel that certain knowledge should be made available to members before the Committee debate.

As I say, I respect the Speaker's advice in this regard, but I believe it is most important during the second reading debate that we present all the information we have so that other members will be in a position to debate the matter during the Committee stage.

Firstly, I would like to indicate how well the member for Collie put forward the Opposition's case on this matter. Members are fully aware of his knowledge of the industry, and this afternoon he indicated not only the concern of the companies and the industry, but also the concern of the people of Collie as to the effect on the industry of the proposed amendments.

Over the long period I have been associated with Collie, I have been amazed at the way the unions and the companies are able to get together to resolve their problems. It is interesting to note that there has been no industrial unrest in the Collie area for 15 or 16 years, and this speaks for itself. I mention this because when I perused the second reading speech of the Minister, I was unable to find any indication of the reason for bringing this legislation to Parliament. We have the situation where the most important industry in Western Australia has been operating successfully and to the best possible advantage to the State and yet the Minister sees fit to bring in amendments to this legislation which will cause a considerable amount of unrest in the Collie area.

During the period that I was Minister for Mines—from 1971 to 1974—there was no indication by the State Mining Engineer or the management that there was any intention to amend the Act in this way.

I fail to understand why this Government should produce these amendments which, as I said, are the cause of concern to the people in the industry in Collie. It is very interesting to note that over the last few months the energy industry in Western Australia has been subjected to quite a number of setbacks produced by this Government; and it seems strange that when we are relying so much on coal to produce energy to attract other industries to the State, the Government is hell-bent on endeavouring to stir up industrial strife in Collie.

I will give an example of this. I refer to the recent situation in connection with the Municipal Officers' Association in so far as—

Mr Mensaros: That has nothing to do with the Bill.

Mr MAY: I think the Deputy Speaker is in a position to state that. I am relating this back to the actual situation.

Mr Mensaros: This is purely a machinery Bill.

Mr MAY: The SEC—

Point of Order

Mr MENSAROS: Mr Deputy Speaker, I rise on a point of order. The subject the honourable member is bringing up has nothing to do with the Bill, which is a machinery Bill amending regulations of the Coal Mines Regulation Act.

The DEPUTY SPEAKER: I have allowed a certain amount of licence to the member for Clontarf by way of introduction to his speech. However, I ask him to quickly confine his remarks to the Bill.

Debate Resumed

Mr MAY: Mr Deputy Speaker, I appreciate your advice. I am endeavouring to relate a situation—

Mr Mensaros: You are endeavouring to incite the unions; that is what you are trying to do.

Mr Jamieson: To become a union basher like you?

Mr MAY: It is no good the Minister becoming upset today. He should wait until tomorrow, because he will be really upset then.

I am endeavouring to relate this to a possibility which was mentioned by the member for Collie, and the Speaker did not dispute anything in that regard. I feel in view of the fact that no action was taken by the Speaker, it is my obligation to bring up anything I feel could have a detrimental effect on the people of Western Australia.

Opposition members: Hear, hear!

Mr MAY: Irrespective of what the Minister has to say, I do not think he has the ability to talk about coalmining because he has never been to Collie. He has been the Minister for Mines for 2½ years, and during that time he has been around the world twice and has visited the iron ore country on several occasions; but he has not travelled 125 miles to the most important mining industry. I think it is shameful that the Minister should get up and tell me I am not speaking to the Bill when he has never been near Collie and does not know what this is about. He was trying to tell the member for Collie that he did not know what he was talking about until that member was able to explain to the Minister that he was referring to the coalmining industry rather than people who work in other mines.

I feel obliged to relate this situation because if the Government intends to proceed with this legislation the State could be in a great deal of trouble, and that is what I am trying to avoid. I am trying to explain this to the Minister so that when he goes to Collie tomorrow to discuss the matter with the unions and the companies he may have a change of mind and withdraw the legislation and do

what has been done in the past; that is, get together with the unions and the companies and continue the harmonious situation that has existed for many years on the Collie coalfield.

The reason I was about to refer to the State Energy Commission is that the Municipal Officers' Association applied for a claim. The Government could not agree with the union and decided to go to arbitration. It went to arbitration, at which a decision was made. Then, within 21 days the Government appealed.

Mr Mensaros: You are defying the Deputy Speaker's ruling. You are just inciting the unions.

Mr MAY: It is "unions", not "oonions"!

Mr Mensaros: You are defying the Deputy Speaker's ruling. You are talking about the SEC and industrial strife.

Mr MAY: My point is that there could be a disruption of industry which could affect the whole State if this Bill is passed. I am trying to point out that over the last few months we have seen strong evidence that the Government is endeavouring to create unrest in the coalmining industry and the State Energy Commission, which would automatically plunge the State into darkness for which the members of the unions would be blamed. That is why we must look very closely at this legislation.

Mr Speaker, while you were not in the Chair I made the point that whilst I appreciate and respect your advice to the member for Collie that we should talk about some of these matters in Committee, we must speak on this matter during the second reading debate to enable other members of Parliament adequately to understand it so that they may debate it in the Committee stage. That is the reason I am endeavouring to give the matter full coverage, having regard for the fact that this is a most important industry.

Like the member for Collie, I have had experience in the coalmining industry. I started off in the mines at Collie. Since then I was employed for three years as an industrial officer and personnel officer for a large iron ore company in Western Australia. During that time it was my job to advertise for personnel in the iron ore industry. In that industry it is necessary when interviewing candidates to ascertain their knowledge of the industry. On many occasions I have had to turn away applicants for jobs who professed to have qualifications but in actual fact did not.

To relate this to the Bill, what I am saying is that no matter who the person is or what he is like, a mine manager or the person in charge of a quarry in the iron ore field—we do not have deputy managers as the coalmines do—is not able to go to the coalmining industry and

be immediately able to work effectively. I say that constructively and with the knowledge I have of the different methods in which different minerals are mined.

In iron ore mining a considerable amount of explosive is used to mine the ore in the quarry. In the coalmining industry a man working an electric shovel or other equipment can break down a face of coal, because of the flexibility of the material and the fact that it is not as hard as iron ore. However, iron ore must be blasted, and then shovels and bulldozers brought in to clean up the ore and load it onto the Haulpaks.

The Collie coal industry is not predominantly biased towards deep mining. Over the last 20 or 30 years open-cutting has been used increasingly, and will be used for many years in future. At present about 66 per cent of the total production comes from open-cut. The mining of coal is entirely different from any other type of mining. The member for Collie has endeavoured to point out to the House the reason for this. In Collie the mines flood in winter, and pumps must be operated constantly to clear water from the open-cuts.

Recently a river was diverted at Collie to allow men to mine coal from its bed. This type of mining is rather different from that of other minerals, and I think the member for Collie put up a very good case to indicate that a great deal of experience is required.

Whilst the Minister did indicate that the Bill makes provision for experience, the point is that the Bill stresses "mining" and not "coalmining".

This is the point we are trying to get across to the Government. If applications are called for the position of mine manager in the coal industry, the appointee must have coalmining experience. If a suitably qualified person cannot be found, a prospective mine manager should serve sufficient time in the industry until he qualifies.

I have also had experience with conditions in the gold and nickel-mining industries and, although the member for Murchison-Eyre may disagree, I still maintain that no man qualified in mining another mineral can walk off that mine and onto a coalmine and be qualified to instruct the men in what to do. Of course, the reverse situation applies whereby a mine manager from the coalfields could not instruct the workers in a gold or a nickel mine as to their duties.

The coalmining industry in Collie has operated peacefully for many years; industrial relations are harmonious, and the people of Collie are anxious that this should continue. However, the Government is endeavouring to create unrest in the industry.

The member for Collie mentioned the many conferences which have been held between the companies, the unions, and the Government in connection with this matter. Yet when this Bill came to Parliament, we found it contained matters which had not been discussed with the unions or the companies.

The day before yesterday I represented the Leader of the Opposition at the annual general meeting of the Chamber of Mines. At that meeting, two senior mining company officials approached me and said, "What is the Government doing? If this legislation goes through Parliament, we will have to appoint two general managers instead of one." I asked them whether they had discussed the matter with the Government and they replied that the Government had not given them the opportunity to engage in discussion.

That comment was made by the general manager of one of the companies, yet we hear the Minister for Mines going crook in this House because I am upsetting him. Why should it not upset him? It is about time it did.

It will be interesting to see what happens tomorrow when the Minister talks to the unions and the companies about this Bill. The member for Collie mentioned that although the State Mining Engineer is a very experienced person, he is not experienced in the coalmining industry. He is a goldmining man, and has had experience in mining on the goldfields.

I noted this when I was Minister for Mines in the Tonkin Government. That Government was able to arrange for extra leases to be granted to the companies, provided they undertook to carry out development and exploration in the Collie area. This decision was made in the face of great opposition from certain officers of the State Electricity Commission and the Mines Department. We know the results of that decision, and I do not intend to go over the matter again now.

While I agree the State Mining Engineer has a very good knowledge of the goldmining industry, he has not anything like the experience in the coalmining industry that the recently retired superintendent of the Muja open-cut mine, Mr Les Gillespie, possessed. He started as a boy in the coalmines, and finished up as superintendent of one of the largest companies in the area, with over 40 years' experience in the industry.

He was one of the people the Minister co-opted onto this board to examine proposed amendments to the Coal Mines Regulation Act. He has expressed concern at the actions of the Government in bringing forward this legislation. The Government has received the best advice possible from the people who are most concerned with this industry, but has taken very little notice of it.

The member for Collie has put up a very good case in support of his view that this Bill should be shelved until such time as the Minister has discussed the matter with the companies, the unions, and also the member for Collie who I believe has great experience in the coalmining industry. We would then be in a position to assess the present situation operating at Collie.

Nobody screams more than the people of Western Australia when they try to turn on their electric lights and there is no power, and it is the poor old worker who continually is crucified. Yet here we have a situation where quite obviously the passing of this legislation could create considerable trouble in the Collie area.

Recently, the Premier said there should be close co-operation between employers and employees; I agree. However, the Government should also co-operate because it is no good the employees getting together if the Government is not on side, and co-operating. The Premier has asked the people of Western Australia for their co-operation; but the lead must come from the Government, to show that it is genuinely concerned about establishing a spirit of co-operation.

One of the most important matters relating to this industry is that of safety; in this respect, the unions in the coalmining industry have a proud record because as the member for Collie pointed out, there have been only three fatalities at Collie since about 1956. I do not have the figures with me, but I understand that is the figure relating to fertility.

Mr Watt: Fertility?

The SPEAKER: I do not think the situation is quite as dangerous as that.

Mr MAY: I meant to say "fatality". It is very good to get an interjection sometimes. I think the record speaks for itself: The companies and the unions over the years have realised the type of qualifications which are necessary to ensure the effective working of a coalmine. Whilst previously underground mining was more important, now open-cut mining is predominant in Collie, and will be for many years.

We rely very heavily on the coal which comes from the open-cut mines. Approximately 98 per cent of the coal which is produced at Collie is used by the Western Australian Government or the State Energy Commission. That in itself shows the importance of the industry to Western Australia. We must ensure that this legislation, if it is passed through the House, is in the best interests of all concerned.

I do not think anybody in this Chamber could say that the member for Collie has not co-operated with the Government in connection with this matter, because every time there has been a possibility of matters being unresolved or a possibility of industrial unrest, the unions and Mr Jones

have gone immediately to Perth to see either the Minister or the Commissioner for Fuel and Power (Mr Kirkwood) and have been able to resolve the situation.

I know of a number of occasions when the Commissioner for Fuel and Power has visited Collie. Every time he goes to Collie he talks with the unions and the companies. This has been a success which the people of Western Australia are now enjoying because of the close relationship between the coalmining unions and the coalmining companies. I think the fact that the Government has endeavoured to bring down this legislation speaks for itself.

One matter I wish to mention briefly in the short time left to me concerns the definition in the Bill of an agent. Whilst you, Mr Speaker, may indicate that this matter could be dealt with at the Committee stage, I should like to bring it forward tonight in view of the fact that tomorrow the Minister will visit Collie and will be talking to the unions and the companies. In the principal Act the definition of an agent is—

A person superior to the manager who is the holder of a first-class certificate of competency under the Act having control of a group of mines and who directs the policy and acts as the representatives of the owner in respect of any mine or group of mines.

The pertinent point is that an agent is a person superior to the manager. In the proposed legislation the definition of an agent is as follows—

... a mine in which men are employed underground—means a person who is the holder of a first class mine manager's certificate of competency having control of a mine or group of mines who directs the policy...

Previously there was a general manager who was superior to the mine manager. By the present proposals there will be two general managers, one of whom has not got the qualifications. This situation obtains at present because the general managers of the only two companies in Collie are men who do not have the qualifications which are required by the proposed legislation. In effect, there will be one general manager who does not have the qualifications and there must be another man who is superior to his manager.

Mr Mensaros: Who said you have to have him?

Leave to Continue Speech

Mr MAY: It is provided for. I move—

That I be given leave to continue my speech at the next sitting of the House.

Motion put and passed.

Debate thus adjourned.

House adjourned at 6.11 p.m.