

Legislative Council

Tuesday, 17 April 1984

The PRESIDENT (Hon. Clive Griffiths) took the Chair at 4.30 p.m., and read prayers.

HOMOSEXUAL ACTIVITIES

Legislation: Petition

On motions by the Hon. P. G. Pandal, the following petition bearing the signatures of 3 517 persons was received, read, and ordered to lie upon the Table of the House—

To the Honourable members of the Legislative Council of Western Australia in Parliament assembled. The humble Petition of the undersigned citizens respectfully sheweth:

That the proposed changes to the Criminal Code relating to homosexual acts should be withdrawn, and the Code be maintained in its present form, in the best interests of the whole community.

Your Petitioners humbly pray that the Legislative Council in Parliament assembled:

Reject any proposal which in effect would expose the community and our children to unnatural sexual acts, which destroy the code of decency, and legitimises acts of depravity.

And your petitioners will ever pray.

(See paper No. 763.)

ACTS AMENDMENT AND REPEAL (INDUSTRIAL RELATIONS) BILL 1984

Withdrawal: Petition

On motions by the Hon. G. E. Masters, the following petition bearing the signatures of 378 persons was received, read, and ordered to lie upon the Table of the House—

To the Honourable President and Members of the Legislative Council in Parliament assembled.

The petition of the undersigned (or designation of petitioners) respectfully sheweth, we the undersigned call upon the Western Australian State Government to withdraw the Acts Amendments and Repeal (Industrial Relations Bill) 1984 now before the State Parliament. We contend this radical Legislation will:

- (1) Hand full control of small business, self employed, sub-contractors and farming

community over to the most militant union leaders in the State.

- (2) Totally disrupt the accepted business practices of contractual and agreement arrangements.
- (3) Increase costs to every sector of the community.
- (4) Lead to higher unemployment.

Your petitioners most humbly pray that the Legislative Council, in Parliament assembled should reject the Bill, and your petitioners, as in duty bound, will ever pray.

(See paper No. 764.)

QUESTIONS

Questions were taken at this stage.

ACTS AMENDMENT AND REPEAL (INDUSTRIAL RELATIONS) BILL 1984

Second Reading

Debate resumed from 12 April.

HON. FRED McKENZIE (North-East Metropolitan) [4.57 p.m.]: In supporting this Bill I do not know how far we will progress with it, because the latest I have been able to ascertain of the Opposition's attitude is a report in the "Stop Press" of the *Daily News* indicating that Liberal members of Parliament have unanimously agreed to oppose the Bill. I do not know whether that means members opposite will throw out the Bill at the second reading or whether they will allow us to debate it clause by clause in Committee. I hope we can debate the clauses to see just to which clauses members opposite really object. I am aware that currently three interrelated clauses, including the definitions clause and that providing for proposed section 80ZF, are opposed, because previous Opposition speakers have indicated quite clearly their strong opposition to them.

In one sense it is unfortunate that the legislation has been introduced into this House in the first place, but as members will realise, one of the three Ministers in this House, happens to be the Minister for Industrial Relations, so naturally the Bill had to be introduced here; it would have been inappropriate had it been introduced in the Legislative Assembly. Had it been introduced in another place, we would have been assured of its passage through that House, because the Government has the numbers there. The story is vastly different here.

Members might cast their minds back to 1982 when amendments were introduced to the Industrial Arbitration Act. During the Committee stage, we in Opposition put forward some good

propositions, but none was listened to. A total of nine divisions were taken and naturally we did not win any of them. At least we had the opportunity to debate the clauses. I hope the Parliament is given the opportunity to do so with this Bill so that we can learn of the Opposition's objections in detail.

Hon. G. C. MacKinnon: I can show you in *Hansard* times when you won every division, as you did in 1973.

Hon. FRED McKENZIE: I am talking about the last time we debated industrial relations legislation.

Hon. G. C. MacKinnon: In 1973 you won every division.

Hon. FRED McKENZIE: Mr MacKinnon must be confused, because I referred to 1982.

Hon. G. C. MacKinnon: But you don't always lose divisions; you frequently win them.

Hon. FRED McKENZIE: I was not here in 1973. In 1979 we debated amendments to the Industrial Arbitration Act, and we won nothing then.

Hon. G. C. MacKinnon: The drafting was so bad.

Hon. FRED McKENZIE: Do not talk rubbish. Mr MacKinnon has been here long enough to know better than that.

Hon. G. C. MacKinnon: I am telling you the truth.

Hon. FRED McKENZIE: The member is trying to sidetrack me, which is a great ploy of his; it is something in which he is experienced and which stands him in good stead. But I am talking about more recent times.

What happened in 1982? We had a long debate and we saw one of our members (the Hon. Peter Dowding) vigorously opposing certain clauses of the Government's Bill and then being suspended. The rest of us sat here until 6.30 the next morning. I do not know how long we will be here tonight, but I am prepared to go beyond 6.30 a.m. if members opposite give us a fair hearing. It is no wonder that we get frustrated when we are not given a fair opportunity to properly debate a Bill such as this clause by clause.

Hon. G. C. MacKinnon: I told you last week that I thought some clauses were all right. You didn't listen.

Hon. FRED McKENZIE: I take it we will not go into Committee, although perhaps now that has changed and we will indeed go past the second reading stage. As I have said, the two provisions in the Bill most strongly opposed by the

Opposition are the definitions clause and the interrelated new section 80ZF.

When the Liberal Government had these matters before it, it sought to bring part of the recommendations of Commissioner Kelly into the Act. However, it did not go the full way, and what we are doing is endeavouring to have the full recommendations of Commissioner Kelly included in the legislation. The Liberal Government plucked pieces out of the report. If we consider the Act as it stands now, section 7(1)(d) reads—

- (d) any person who is the lessee of any tools or other implements of production or of any vehicle used in the delivery of goods or who is the owner, whether wholly or partly, of any vehicle used in the transport of goods or passengers if he is in all other respects an employee,

The Liberal Government tacked on the part dealing with an employee, but Commissioner Kelly did not do that. In his report he proposed—

- (d) any person or any member of a class of persons working under a contract for labour only or substantially for labour only or as lessee of any tools or other implements of production or any vehicle used in the delivery of goods or as the owner, whether wholly or partly, of any vehicle used in the transport of goods or passengers and who is declared by the Commission to be an employee;

The report outlines further matters in relation to that section. The Liberal Party has the numbers in this place and if it continues with its actions of 1979 and 1982 its members will continue to sit on the Opposition benches; that is, unless it adopts a more reasonable attitude and allows this Government to get on with its legislative programme. I think Liberal Party members will be sitting on the Opposition benches forever and a day, in diminishing numbers. They will aid and abet this Government's electoral reform programme. Opposition members know what they are doing; they are not stupid. It seems they will hang on until the bitter end, because they are listening to a vociferous minority which wishes to have certain provisions in the Act.

Hon. G. C. MacKinnon: You won every division in 1973 and in 1974 you were out of office. We are doing you a favour by knocking it back.

Hon. FRED McKENZIE: If that is the case, the member is saying that we will be out of Government after the next election; but, if the Liberal Party does not do things our way, it will be sitting on the Opposition benches for evermore.

Several members interjected.

The PRESIDENT: Order!

Hon. FRED McKENZIE: I am saying that the Opposition members should let us go through every division, give us a trial, and let the people judge.

Hon. G. C. MacKinnon: We cannot take the risk.

Several members interjected.

The PRESIDENT: Order! Order! Order! We had better get the rules established early in this debate; that is, that there are to be no unparliamentary activities on the part of all members—no interjections. I suggest to the member on his feet that he should direct his comments to me, and I will guarantee him he will get no interjections.

Hon. FRED McKENZIE: I refer to the definition of "employee". Commissioner Kelly gave the following definition—

Common law tests for determining whether a relationship is one of employer and employee or one of employer and independent contractor are often less than satisfactory in the modern industrial relations context and I am satisfied that a need exists for the commission to be able to declare certain contracts or pseudo-contracts to be contracts of employment for the purposes of the Act where it is apparent that they are harsh and unconscionable or designed to avoid the conditions of awards which would otherwise be applicable.

It is rubbish to suggest that this definition introduces compulsory unionism. That is not the case. We are just giving people the opportunity to have their rights determined elsewhere. Since I am speaking on that matter, I will refer to something Mr MacKinnon mentioned during his speech. He warned anyone in this place who had anything to do with the farming community of the problems associated with bringing in this definition. He did concede that it had been in the New South Wales Act since 1959 and that it had been challenged in the courts on many occasions. Nevertheless it is still there and New South Wales has not perished.

Hon. I. G. Pratt: What is the unemployment figure in New South Wales?

Hon. FRED McKENZIE: Less than 10 per cent. We are in a worse situation in this State. That is the reason we are introducing this definition into the Industrial Arbitration Act; then we might have the same figures as New South Wales.

The comments of Mr MacKinnon caused me to seek more information. I found the comments of

Chief Justice Barwick in the case of *Stevenson v. Barham* 1976-77. The Chief Justice made a comment about the provisions in the New South Wales Act, bearing in mind that the High Court declared that the Act was not quite in order. He said—

The legislature has apparently left it to the good sense of the Industrial Commission not to use its extensive discretion to interfere with bargains freely made by a person who was under no constraint or inequality, or whose labour was not being oppressively exploited.

That is what the Chief Justice said. What is wrong with Opposition members? Does not the Opposition trust the Industrial Commission to exercise its discretion? Opposition members have listened to a small minority and are jumping up and down complaining about this definition in the Bill. It seems to me that this is the clause which is causing most problems to the Opposition.

Hon. G. C. MacKinnon: I have never had more mail on any piece of industrial legislation.

Hon. FRED McKENZIE: I am glad people are writing to Mr MacKinnon. I have had four letters—

Hon. G. C. MacKinnon: They know your bounds.

Hon. FRED McKENZIE: —including one from Target Chemists.

Several members interjected.

The PRESIDENT: Order!

Hon. FRED McKENZIE: I ask members what the hell has Target Chemists to do with this provision in the Bill?

Several members interjected.

Hon. FRED McKENZIE: I think it would have more relevance to the building industry. I have received nothing about transport, yet day after day owner-drivers are getting into trouble and are going bankrupt because their rates are unrealistic. They cannot manage; it is not a viable business.

Hon. D. J. Wordsworth: Will this legislation cover contracts with farmers?

Hon. FRED McKENZIE: Of course it will. I referred to what happened in New South Wales; that appeal related to farmers. That does not mean the Industrial Commission will be unreasonable and hand everything out on a plate to the people involved. We must be fair about it and in most cases save them from going to the wall.

Hon. D. J. Wordsworth: The Secretary of the TLC said I was wrong.

Hon. FRED McKENZIE: I am not talking about him.

Several members interjected.

The PRESIDENT: Order! I have already indicated I will not tolerate constant interjections. The member is entitled to be heard and all members will have an opportunity to say what they want to say. In the meantime I am interested in what the Hon. Fred McKenzie is saying.

Hon. FRED McKENZIE: The other point of concern is that raised by the Hon. David Wordsworth in relation to the amendments to section 23 of the Act. He referred to the situation of people in the agricultural and pastoral industries. Surely to goodness he has enough faith in the system in our society—the industrial arbitration system—to allow the umpire in that forum to determine what are fair and reasonable working hours. The members of the Industrial Commission are not unreasonable people; they never have been so, yet members on the other side of the House have no trust in them. I do not regard it as a valid point that farmers ought to be treated any differently from the rest of the community; it is not valid in our modern society.

It is not as though they will be run off their farms as a result of unreasonable decisions in the Industrial Commission. We should give it a go, and the Government should be given the opportunity to put through its legislation. Let us be judged on our merits; it is quite unfair that when a Labor Government is elected it is continually frustrated because it lacks the numbers in this Chamber. Members know that in 152 years we have never had a majority in this House and therefore we have never been in power. We have been in Government, but not in power.

I will not deal at length with the individual clauses. I think it is a good Bill and the Government ought to be given the opportunity to implement it. We are prepared to examine any objections put forward by members opposite. When we get to the Committee stage of the Bill I and other members on this side will give our thoughts as to the Opposition's remarks in relation to any clause it may wish to oppose. It would be completely unfair if the Bill were not to reach the Committee stage. I hope that what I have read in the paper does not mean we will not be able to debate the Bill in detail. In the second reading stage of the Bill we deal in generalities. There is ample material for a clause by clause debate and I am anticipating that we will go into Committee and debate the Bill on its merits.

Hon. D. J. Wordsworth: You are just making an excuse for not giving a proper speech.

Hon. FRED McKENZIE: I did not hear that.

Hon. P. G. Pental: The general drift is that your speech is dreadful.

The PRESIDENT: Order!

Hon. FRED McKENZIE: The member is entitled to believe that. I will be waiting to hear what he has to say about the Bill. When Mr Pental speaks on these measures he usually has very little brief for the people who go to great lengths to help this community by providing their labour.

I support the Bill.

HON. G. E. MASTERS (West) [5.16 p.m.]: If the last speaker was any indication of the support we can expect for this Bill perhaps the Opposition does not have much to contend with. It will be necessary for us to point out some of the important aspects of the Bill.

Hon. Fred McKenzie: You have not done that yet.

Hon. G. E. MASTERS: Sit there, Mr McKenzie, and sip the water. The member has plenty of time.

It must be recognised that this legislation is very complex; it is no good denying that it is not. The Bill has 126 pages and 92 clauses. Anyone could be excused for saying that he does not fully understand it. The two Government members who have spoken so far do not understand it.

Hon. Kay Hallahan: What nonsense!

Hon. G. E. MASTERS: I am correct; I do not think members opposite can argue with that.

Hon. Kay Hallahan: I would.

Hon. G. E. MASTERS: The Opposition intends to go into the legislation in some depth at this stage and ask the Leader of the House some searching questions.

Hon. Fred McKenzie: Why not do it in Committee?

Hon. G. E. MASTERS: We believe this is the most radical legislation in our State's history, and I would say in Australia's history. It would change the whole concept of business. It is radical, whatever Mr Dans says.

Hon. D. K. Dans: You were going to ask me questions and now you are answering for me.

Hon. G. E. MASTERS: Give me time.

Mr Dans referred to other States and suggested they had identical legislation or something very close to this.

Hon. D. K. Dans: Similar legislation.

Hon. G. E. MASTERS: In most cases the references were wrong or misleading. This is ex-

treme legislation which goes far beyond that in any other State in Australia. It is the first part of a union package. I believe the next cab off the rank will be legislation relating to occupational health, safety, and welfare; then we will get legislation dealing with compensation or redundancy, or something like that. The Government has said it supports such legislation, in particular that relating to redundancy and compensation. This is the first of a package of union legislation.

Hon. Garry Kelly: It is therefore bad!

Hon. G. E. MASTERS: In this case it is; if this is any example of future legislation, that also will be bad.

It is a package of legislation written by the unions, for the unions and for union Government. That is no exaggeration. The objective is not to improve the industrial scene and have nice, friendly resolution of disputes as Mr Dans would have us believe. It will not work with this legislation. It is a sell out to the left-wing group of the trade union movement.

Hon. Fred McKenzie: Rubbish!

Hon. G. E. MASTERS: I have plenty of time to give instances and examples of the pressure being applied to Mr Dans and his colleagues.

Hon. Tom Stephens: You are like a comic opera.

Hon. G. E. MASTERS: I cannot help laughing when I look at Mr Stephens. He should be careful, I might say, "Boo".

This is a sell out to the left-wing unions and their demand for power, and I emphasise "demand". The purpose is power; not worker power, but union power. It is a shift of control in the workplace from the employer to the union, not to the worker.

This legislation was written by McGinty, obviously with a great deal of support.

Hon. Garry Kelly: With advice.

Hon. G. E. MASTERS: It was written by McGinty with some departmental advisers, obviously with a great deal of help from someone.

Several members interjected.

Hon. G. E. MASTERS: There is no question about it. The statements made in the Press indicate that is the case. Mr Dans is bringing this legislation forward, and in doing so I suggest he is a party to attempting to legalise a degree of coercion and blackmail which takes place in our workplace today.

Hon. Kay Hallahan: That is disgusting.

Hon. G. E. MASTERS: Yes it is.

Several members interjected.

Hon. G. E. MASTERS: I will go into that a bit later. I would say that this Bill condones and legalises the intimidation of sections of the workforce. The Minister is making himself responsible for sentencing thousands of subcontractors and small business people and self-employed people—people like Kevin Reynolds, John O'Connor, Ethel Palmer, and Henderson. I give some names of those people.

Hon. D. K. Dans: Why do you not discuss the Bill?

Hon. G. E. MASTERS: I will come to the Bill in a moment. I am talking about the reasons for its introduction.

Hon. D. K. Dans: Your supporters in the Chamber of Commerce must be very proud of your opening sentences. This is a tirade.

Hon. G. E. MASTERS: I will continue. Those people I have mentioned in the free enterprise area, self-employed people, will no longer be free agents. They will certainly have no independence, they will be destroyed by this legislation. What the Government is doing is what it has always done. It has pretended to help small business and the self-employed, but it is going about selling them out to trade union domination. This is a direct assault on the workplace; it is the transfer of control from the employer to the union; it is power by compulsory unionism, by destroying the livelihood of the little businessmen who work hard and are proud of it. Today the whole community is involved, not just a few.

Several members interjected.

Hon. G. E. MASTERS: The Government is looking at one little sector.

Hon. Kay Hallahan: The minority.

Hon. G. E. MASTERS: I would suggest a very fair indication of the sort of response this Government gets was witnessed outside this House when 61 people turned up in opposition to the Bill. That was even with pressure applied to them.

Hon. D. K. Dans: I gave the exact number.

Hon. G. E. MASTERS: I thought it was more than that, but I will take the Minister's word for it. In 1983 the Government tried to force this legislation through, but the Legislative Council said there must be more time for an examination of this very complex Bill.

Hon. D. K. Dans: We agreed to that.

Hon. G. E. MASTERS: The debate in the Legislative Council was adjourned and Mr Dans and his colleagues shouted abuse at us and said we were taking the work out of the Government's hands. We were abused from the other side, saying it was a terrible thing. Only a short time later

Mr Dans withdrew that Bill with my agreement. Why did I agree? Because Mr Dans came to me and said, "I am going to withdraw this Bill, it is not all I want, I will have to consult with people". It was a perfectly reasonable request; he said he would take it away and consult with these people.

Hon. D. K. Dans: What else did I say? I said you could have more time to look at it and have departmental officers assist you.

Hon. G. E. MASTERS: I am not arguing about that. I am just saying that the Minister withdrew it.

Hon. D. K. Dans: The Government wished to continue consultation on the Bill with interested parties.

Hon. G. E. MASTERS: In his second reading speech, he said—

... interested organisations and individuals also made submissions to the Government in respect of it. Arising from these submissions and discussions the Government has made some amendments to the withdrawn Acts Amendment and Repeal (Industrial Relations) Bill 1983.

The Minister has now come forward with a Bill with few changes in it. I ask who he consulted. I will give him a list of people whom I have consulted. I wonder if he will do the same.

Hon. Kay Hallahan: Do you believe that?

Hon. G. E. MASTERS: Of course I do not believe it. How could he possibly bring this atrocious piece of legislation to the House? The real reason for the withdrawal of the previous legislation was to remove it from the public view, so that people could not look at it. The excuse was to consult with interested people.

The amendments are very few. Had the Government been genuine it could have made those amendments we now see in the new Bill in this House.

Hon. D. K. Dans: You did not have enough time!

Hon. G. E. MASTERS: When we said we did not have sufficient time to look at the new Bill we meant it. We rightly assumed that the Government would bring in the same legislation, or something close to it. When we approached a lot of business groups and asked them to research the 1983 Bill, those people who were interested replied, "Whatever for? It is not the appropriate Bill". We said, "We think it will be brought in". They said, "Bring it to us when you know if it is the real thing". Those people who were interested and had legal advice had only three weeks—

Hon. D. K. Dans: I will tell you later how you researched your Bill and whom you consulted.

Hon. G. E. MASTERS: When the Minister talks about the amended Bill he knows very well those people who are vitally interested and those who must make a careful study of it did not have sufficient time, so we ask the Minister and the Government whom they consulted with. Certainly the Civil Service Association and the railways union; but who else?

Several members interjected.

Hon. G. E. MASTERS: If ever there was an example of Government members not knowing what they are talking about, this is it. Mr McKenzie talked about the tripartite committee. Mr O'Connor set up an advisory council or tripartite committee, whatever one might like to call it.

Several members interjected.

Hon. G. E. MASTERS: Mr Dans has upgraded it. We supported that. We are not arguing about it, but I will point out that an advisory committee has been in operation for many years.

A member: Was it consulted?

Hon. G. E. MASTERS: It was consulted, but not about the wording of the Bill; it was consulted on the discussion paper and there was general comment. The Government and the Minister said there were 114 submissions. I wonder what has been done with them. Has the Minister worked on them? Let us look at the tripartite committee report which the Minister brought to this House and used; that was an example of conciliation and consensus and an indication of his wonderful, friendly nature.

From my examination of the document it was clear no consensus existed on the definition of "employee" as contained in the Bill. As far as academics, domestic workers, subcontractors, and the like were concerned, there was no consensus. There was strong objection from one group in particular in respect of this.

Hon. D. K. Dans: And we brought in that report and gave it to you.

Hon. G. E. MASTERS: That is right.

Hon. D. K. Dans: Seventy-eight matters were discussed.

Hon. G. E. MASTERS: Some members have been talking about consensus, but the recommendations by some of the people on the tripartite committee were ignored. There was no consensus on accident make-up pay or hours of work in the agricultural and pastoral industries; there was no consensus on union dues or membership; there was no consensus on management prerogative ex-

cept for discretionary powers; and there was certainly no consensus on interference in contractual arrangements and agreements.

Members have come along gaily and said, "We had a tripartite committee and they are all happy". In fact they are all horrified. There was no consensus on the commission being empowered to issue and enforce conciliation orders. The charade through which the Government has gone is making a mockery of the tripartite committee. The Government is using that committee as a front, but when it comes down to doing something, the recommendations of the committee are ignored. It is one sided and always will be.

The 1983 Bill was a *fait accompli* and apart from the very few changes to which I have referred, there was no intention to amend the legislation, at least not on the part of the people who drafted the Bill and pushed behind the scenes.

If ever there were an example of the Government's bad faith in discussion and negotiation, it has to be in respect of this legislation.

Government members have asked, "What about the Opposition? What has it done?" We have discussed the matter with many people. The Minister's second reading speech indicated he had consulted with industry and groups which would be affected by the legislation and he had come up with the Bill before us. The file to which I am pointing contains the records of the hundreds of contacts we made in respect of this issue. We spoke with people from companies, including major concerns and small businesses; we spoke with little subcontractors, small business contractors, builders, farm contractors, and farmers. We went right through the community and spoke to everyone involved. All of those were genuine contacts which we made in 3½ months.

Hon. Fred McKenzie: You did not mention the unions. How many do you have in that file from unions? Don't they count?

Hon. G. E. MASTERS: We had a working party. We really worked very hard at this. We thought it was an important issue on which we should work. At one of our committee meetings we were privileged to have the presence of Mr McGinty in the party room. We talked about the background to and the reasons for the Bill. We appreciated that opportunity.

Hon. Fred McKenzie: You can thank Mr Dans for that.

Hon. G. E. MASTERS: I thank Mr Dans for that. Mr McGinty was very good and most impressive. He explained the unions' reasons for the Bill and what was behind it. It is clear that we

did consult with the best possible person—a person who I think at that time was Mr Dans' adviser; a person who had written the Bill and was one of the union leaders in this State. Mr McGinty is a very competent man. I wrote and thanked him for his courtesy and for the advice he gave.

Hon. D. K. Dans: You appreciated that gesture from me.

Hon. G. E. MASTERS: We did.

Mr McKenzie said that we did not consult with the unions, but we thought we consulted with the best possible source.

Several members interjected.

Hon. G. E. MASTERS: We consulted with literally hundreds of people. I have had meetings three times a day for weeks on this issue. We have attended seminars. We have talked to the Country Shire Councils Association of WA, the Country Bakers, the Credit Union Association of Western Australia (Inc.), the Housing Industry Association, the Master Gentlemen's Hairdressers' Association of WA, the Livestock Transporters Association of WA (Inc.), Australian Oil, the Minerals and Metals Exchange of WA, Mr McGinty, Osborne Metal Industries Pty. Ltd., Rural Export and Trading (WA) Pty. Ltd., South West Chain Saw Co.—a little company—

Hon. Lyla Elliott: That is where all the stirring comes from.

Hon. G. E. MASTERS: They are the people Government members forget. What a disgraceful thing to say! I am horrified that it should go on record that the Hon. Lyla Elliott has made a derogatory reference to the South West Chain Saw Co.

Several members interjected.

Hon. G. E. MASTERS: I will not refer to it again, because it will cause her embarrassment in the future. Brian Tennant, from the civil liberties group, issued a big Press release on this issue. He is not always recognised as a friend of the Liberal Party, but he saw what was contained in the legislation.

We consulted also with the WA Accommodation Council, the Western Australian Hotels Association Inc., the WA Federation of College Academics, the WA Trotting Association, and WAPSEC. I am jumping 10 at a time because there are pages and pages of names of organisations and people whom we consulted.

This file is an example of what can be done if one goes to the people and finds out what they want. That is why we are reacting strongly and are horrified at what has happened. That is why

people like the Hon. Lyla Elliott make disparaging remarks about little people.

Hon. Lyla Elliott: I did not make disparaging remarks about people. I was talking about a few; so don't twist my words.

Hon. G. E. MASTERS: I thought the Hon. Lyla Elliott was saying it was silly to consult people like that.

Hon. Lyla Elliott: I said that you were the one who kept stirring.

Several members interjected.

The PRESIDENT: Order! I ask the honourable member to stop interjecting.

Hon. Lyla Elliott: Well, he is—

The PRESIDENT: I ask the member not to interject.

Hon. G. E. MASTERS: One would think that in 3½ months the Government would at least have talked to the people affected by the legislation—the people with whom we spoke. The Government has more facilities and greater resources than we do. We had to work hard. Now, because the Government has neglected the private sector, the small businessman, the little contractor, the subcontractor, the farming community, and the like, there is a rising anger in the community. It was seen today where 500 people—

Hon. D. K. Dans: I heard it was 301.

Hon. G. E. MASTERS: There were at least six times more than the Government could muster on the steps of Parliament House.

Hon. D. K. Dans: I don't believe in debating these issues in public places. I don't believe in demonstrating on the steps of Parliament House.

Hon. G. E. MASTERS: Those people were there on behalf of many organisations. We have done our homework and we have carried out consultation. We are appalled that the Government should continue with its policy to bring this Bill before the House.

We should examine the legislation to ascertain what it really means; not what Mr Dans says it means. I do not refer to my own investigations only. I have dozens of research documents, some from legal people who disagree with much of what Mr Dans has said on this matter.

The Minister panicked and sent around a document composed of seven closely typed pages as an excuse for this legislation. However, it is too late. Those people should have been consulted and advised earlier. Now the Minister is rushing around trying to get himself out of trouble.

Hon. D. K. Dans: I am not in trouble. As time goes by you will be in so much trouble that you will be God's gift to our political party!

Hon. G. E. MASTERS: The Leader of the House should not threaten me. It makes me nervous and I do not know whether I will be able to continue, but I shall try.

Hon. D. K. Dans: You don't know what you are saying, anyway. You are a member of the only political party in Opposition which, to my knowledge, has destroyed its own integrity and you are continuing to do that. Those are the words of one of your most ardent supporters; they are not my words.

Hon. G. E. MASTERS: I would prefer to be on record, rather than the Minister. This Bill is so complex that a grave danger exists that key proposals will be hidden in a maze of amendments.

Hon. D. K. Dans: You are going to knock it back at the second reading! You won't convince anyone with that tripe.

Hon. G. E. MASTERS: The Bill gives the Industrial Commission more power to interfere in the lives of people in the community than is given to any other similar tribunal in Australia. That is a fact. A number of legal opinions have indicated that.

Let us talk about the Bill, generally. Firstly, it greatly broadens the type of person who will fall within the jurisdiction of the commission. It permits almost any matter to fall within the commission's jurisdiction. That is how we read the Bill. Mr Dans may say, "Ha, ha", and we have heard his comments, but they are not right. We have had legal opinions from a number of people which indicate that the Bill will greatly broaden the type of person who will fall within the commission's jurisdiction. That is not my opinion; it is the legal opinion we have obtained from a number of people.

Hon. D. K. Dans: The proper place to determine what is right and wrong is in the Committee stage of a Bill. It should not be determined by the Chamber of Commerce whether a Bill be chucked out or not. I will come to that later. That is where you determine it.

Hon. G. E. MASTERS: Just settle down.

The PRESIDENT: Order! The Leader of the House is not normally one of those people who disregards the Chair. I ask him to constrain himself and to obey the rules of this House. I ask the member speaking to be less provocative.

Hon. G. E. MASTERS: Certainly, Sir.

Hon. D. K. Dans: Ask him to speak about the Bill.

The PRESIDENT: Order!

Hon. G. E. MASTERS: The second point of the legal opinion is that the Bill permits almost any matter to fall within the commission's jurisdiction.

That is the opinion we got and I have the right to express that opinion.

Hon. Garry Kelly: It is not an opinion. You said it was a fact before.

Hon. G. E. MASTERS: It continues—

- (3) Gives the Commission powers to declare contracts and agreements which require performance of work void if he thinks the contract is unfair.
- (4) Removes most penalties now fixed for breaches of the Act or the Commissions orders.
- (5) Places emphasis on conciliation almost to the exclusion of arbitration.
- (6) Gives preference to unionists and permits compulsory unionism.

Hon. S. M. Piantadosi: You are against conciliation?

Hon. G. E. MASTERS: Of course I am not against it.

Hon. S. M. Piantadosi: You give that impression.

Hon. G. E. MASTERS: I will talk on that point later. It continues—

- (7) Incorporates a number of specialist tribunals into the Commission.

Hon. Fred McKenzie: What is wrong with that?

Hon. G. E. MASTERS: I will talk about that; just give me time. I am not saying it is wrong—

Hon. Fred McKenzie: Talk about it in the Committee stage.

Hon. G. E. MASTERS: The Bill is said to be based on Commonwealth legislation and on other State legislation. It goes further than any legislation in Australia. For example, look at the definition of "employee". The extension of the authority of the commission to subcontractors is wider than in any other State. In New South Wales the extension operates only for named locations or industries. The Minister well knows that. I merely make that reference because I think it is important in the context of this debate. The definition of "employee" was well canvassed by the Hon. Graham MacKinnon who made an excellent speech on the ramifications of its impact. I want to make further references to it because it attacks the very foundation of our private enterprise

system and the very foundation of what this State has been built on, what it has grown on, and, I hope will continue to grow on; that is free enterprise, the will to get up and go.

Hon. Kay Hallahan: Exploitation!

Hon. G. E. MASTERS: Without a shadow of doubt the definition of "employee" alone attacks that system. It intrudes on small business and the self-employed; surely to goodness, the Minister cannot deny that. It will have the effect that the Industrial Commission and the unions can have a large say in what goes on in that area. One purpose must be to destroy the subcontractor system as we know it today.

Hon. P. G. Pandal: Dead right.

Hon. J. M. Brown: It has given a fair return.

Hon. G. E. MASTERS: It will destroy the subcontractor system as we know it today. It will control small business.

Hon. D. K. Dans: It may not.

Hon. G. E. MASTERS: Here is a Government which was elected on a platform to help small business. Government members should talk to small businesses now to see how they feel.

Hon. Kay Hallahan: We do, and they still feel—

Hon. G. E. MASTERS: This legislation has shocked them to the core. It is disgraceful.

Hon. Kay Hallahan: Nonsense.

Hon. D. K. Dans: I suppose we could knock off the housing subsidy, if that is what you are saying; there is no need to go on with it.

Hon. G. E. MASTERS: It will lead to a vast expansion of union domination in the workplace. Areas that are traditionally clear, traditionally excluded from the clutches of these people, will be within the net. That is what this Bill is all about. It has nothing to do with giving subbies a fair return. It will destroy them. They will no longer be free agents. They will be glorified day labourers. They will not be free agents.

Several members interjected.

Hon. S. M. Piantadosi: You wouldn't know.

The PRESIDENT: Order!

Hon. G. E. MASTERS: They will no longer be free agents. They will no longer be independent. This is what this Bill is all about.

These people will work to rule—the Industrial Commission rule or the union rule, one or the other—hours worked, production levels, prices charged, who they employ, where they work. All these things will be affected one way or another sooner or later, not today, not tomorrow, but next

month, in the next six months or most certainly next year. That is what it is all about. Mr Piantadosi knows that very well. He knows exactly what is the objective and all the fairy floss the Government puts around making it look good is rubbish.

Hon. Fred McKenzie: What about commercial sites? They are all unionised, you know that—

Hon. G. E. MASTERS: And construction sites?

Hon. Fred McKenzie: Commercial sites.

Hon. G. E. MASTERS: Construction sites?

Hon. Fred McKenzie: Yes.

Hon. G. E. MASTERS: I do not know whether Mr McKenzie has talked to some of these people to see what they think about that. They have no choice. Either they join one or two unions or even more, or they do not get on the site and they get no work and their families go hungry.

Hon. Fred McKenzie: How are they disadvantaged?

Hon. G. E. MASTERS: Mr McKenzie is suggesting they either go on to a construction site or they do not get any work.

Hon. D. K. Dans: Aren't you proud of the shadow Minister? He is making a wonderful contribution to rational debate.

The PRESIDENT: Order! The Leader of the House knows he is out of order. I insisted that the Hon. Fred McKenzie be heard in silence and I suggest he extends the same opportunity to the Hon. G. E. Masters. The member does not have to agree with him; he has to listen to him.

Hon. D. K. Dans: I am trying to help him.

Hon. G. E. MASTERS: I thank the Hon. Des Dans for his help. I will continue because I did not find it of much use.

Hon. D. K. Dans: It is very difficult to help you.

Hon. G. E. MASTERS: If we are going to talk about those matters we should read the Bill. Paragraph (d) explains the definition of "employee" as follows—

any person performing work under a contract for services where the performance of that contract involves labour, labour only or substantially labour only, any person performing work under a contract for services,

That covers a multitude of people right throughout the community, and there is no doubt it is the intention of the Bill to include all people who carry out a contract for services even if they do not have a written contract. Those who just work on a price basis will be regarded as under legal

contract. Mr Dans is saying all those people will be employees even if they are self-employed, even if they employ half a dozen people. All those people will be employees. That means, firstly, they will be directed by the Industrial Commission in all sorts of areas and, secondly, they will be directed by the union.

Hon. S. M. Piantadosi: Who are you protected by?

Hon. D. K. Dans: The Chamber of Commerce.

Hon. G. E. MASTERS: That includes directors and shareholders of companies, employers, and the like. The words are here in the legislation to be read.

Hon. V. J. Ferry: They don't deny it.

Hon. G. E. MASTERS: Of course they do not.

Hon. D. K. Dans: I am not allowed to interject. I will answer in due course.

Hon. G. E. MASTERS: It includes anyone who works under an employment contract for labour or substantially for labour.

Hon. D. K. Dans: Little Sir Echo.

Hon. Fred McKenzie: They don't have to.

Hon. G. E. MASTERS: It includes all subcontractors and contractors in the building industry, in the transport industry, in the cleaning industry, wallpaper people, electrical contractors, and shoe repairers. The contract will apply to electricians and other people who perform services for a price.

Hon. Garry Kelly: That is bad enough.

Hon. G. E. MASTERS: Of course it is bad enough. Mr Kelly is quite right.

Hon. D. K. Dans: What about the underground miners in Kalgoorlie?

Hon. G. E. MASTERS: The definition will include hairdressers and drycleaners—that is not our interpretation but that of those who are expert in the industrial field and who understand the law. Why on earth would the Government bring forward this legislation unless it meant to use it, or if it did not, someone behind the scenes did? Anyone at all will be affected in this area. Any persons offering a contract of service, whether they be hairdressers, shoe repairers, electrical repairers, milk vendors, service station operators, real estate agents or leasing premises, will be included.

Hon. D. K. Dans: Rabbit trappers, rabbit skinners?

Hon. G. E. MASTERS: Right, rabbit skinners.

Hon. D. K. Dans: Kangaroo shooters?

Hon. G. E. MASTERS: Mr Dans takes it as a very funny sort of reference.

Hon. D. K. Dans: Carry on. I know what you are talking about. I will listen to you. I am well paid to listen.

Hon. G. E. MASTERS: All farm contractors, and fishermen who are leasing equipment, will certainly be affected. Some of the trade union leaders have been long trying to get into the fishing industry. I know, because I was the Minister for two years.

Mr Garry Kelly said that domestic workers would not be involved. The legal opinion obtained by the Opposition indicates they will be involved. Domestic workers who are hired through agencies—and there are many of them—will be involved. It also includes those people working for the Red Cross Society (WA Division) and the Silver Chain Nursing Association Inc.; they could be subject to an award. It is a possibility; it is on the cards. We cannot allow this legislation to go through. It involves corporate directors, employees of head contractors and so on.

I ask the Minister what the situation will be in regard to workers' compensation as a result of the legislation. Who will cover workers for compensation? The mind boggles at this question, and it concerns directors of companies, head contractors and contractors of head contractors—who will cover them for workers' compensation? Will it be the head contractor or the public when they have work done for a price? Perhaps the Minister for Industrial Relations will tell me.

We must understand that the existing definition of "employee" has been thoroughly tested and has found to be—

Hon. Garry Kelly: Inadequate.

Hon. G. E. MASTERS:—adequate for the society in which we live and for the business arrangements that are made within our society. It has been consistently said in the courts that a person who can control the way he goes about his work is not an employee. The Government wants to change that. Those people who are self-employed and go about the business of controlling the way they work will be caught in the net. Is that a good idea or a bad idea? Everyone in this State will be involved.

I would not doubt at all that the greatest objection, certainly within the building industry, is to the proposal to set piece rates. The unions have tried to do this for years, but have failed because of the lack of jurisdiction by the commission. There is no doubt that is the objection. The BWIU in New South Wales is again trying to achieve that objective. I quote from a letter ad-

ressed to me and dated 3 April 1984 from the Master Builders Association, which reads as follows—

The B.W.I.U. is spearheading a campaign aimed at achieving what the inquiry refused to recommend—i.e. a right for the Union to be involved in the setting of contract rates. The Union's campaign is initially aimed at achieving this through agreement with various house builders and then by influencing the Government to establish a Tribunal for the setting of contract rates.

Compulsory Unionism for all sub-contractors is an integral part of the Union's demands.

The Minister introducing this Bill is keen to quote legislation which exists in New South Wales and as a result this Bill is now before the House. It is necessary that we take account of what is happening in New South Wales.

Hon. D. K. Dans: Who was in power in New South Wales in 1959?

Hon. G. E. MASTERS: I do not know and I do not care who was in power in New South Wales in 1959.

Hon. D. K. Dans: The legislation has stood up to both political parties in that State.

Hon. G. E. MASTERS: I will tell members of the Government what is happening in New South Wales in regard to this legislation—that is the reason the Opposition does not want it in this State. The Bill we are debating today and for which the Hon. Des Dans is responsible, is disgraceful legislation.

Hon. Kay Hallahan: It is excellent.

Hon. G. E. MASTERS: The Hon. Kay Hallahan will swallow those words.

I will quote from observations made by Commissioner G. A. Burns in 1981.

Several members interjected.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order! I ask members in the Chamber to cease their discussions.

Hon. G. E. MASTERS: Let me read from observations made by Commissioner G. E. Burns in 1981.

Hon. D. K. Dans: Was he a Commonwealth Commissioner or a New South Wales Commissioner?

Hon. G. E. MASTERS: It is Commissioner G. A. Burns—

Hon. D. K. Dans: You have to quote where he comes from.

Hon. G. E. MASTERS: Let me read it.

Hon. D. K. Dans: I have not heard of him. It is probably a forged document.

Hon. G. E. MASTERS: It reads as follows—

The self employed sub-contracting system has evolved naturally and nothing which has been brought forward in this hearing has indicated to me that any other system designed by the B.W.I.U. or any other organisation to change things to conform with their own particular theories or prejudices will work as well, let alone better.

In conclusion he said—

The system works. It serves the industry and the public well and I am convinced, offers a decent and satisfactory lifestyle for the self-employed tradesman. I believe that present practices have sufficiently more advantages than disadvantages and that the effects of the labour only or substantially labour only system on both the industry and the workers within the industry, are better than anything which might be artificially imposed from outside.

That is what we are talking about—artificially imposed from the outside.

The DEPUTY PRESIDENT: Order! I ask the member if he has identified the document from which he is reading?

Hon. G. E. MASTERS: The document is dated 3 April.

Hon. D. K. Dans: Where is it from?

Hon. G. E. MASTERS: It is a letter providing me with information and it is from the past State and National President of the Master Builders Association.

Hon. D. K. Dans: I want to know.

Hon. G. E. MASTERS: The Hon. Des Dans may have a copy of it.

Hon. D. K. Dans: It is only a part of a decision. I want to know the jurisdiction it came from.

The DEPUTY PRESIDENT: Order! The letter has been identified.

Hon. D. K. Dans: He is quoting from a document that he purports comes from an *Industrial Gazette*. I want the name of the particular document; whether it is from New South Wales; the page number and the year.

The DEPUTY PRESIDENT: Order!

Hon. G. E. MASTERS: This information has been conveyed to me in a signed letter and I am happy to table it. It contains quotes from the observations made by Commissioner G. A. Burns in

May 1981. The Minister challenging this statement knows full well from where the document came.

Hon. D. K. Dans: I am asking you to identify it.

Hon. P. G. Pental: It is the Burns inquiry in New South Wales.

The DEPUTY PRESIDENT: Order! I have asked the member to identify the document and it is a private letter to him which contains quotes from Commissioner G. A. Burns.

Hon. G. E. MASTERS: Commissioner G. A. Burns was requested by the Wran Government to inquire into the nature and problems of the housing industry in New South Wales.

Hon. D. K. Dans: That is still not identifying it.

Hon. G. E. MASTERS: The Hon. Des Dans will get a copy of the document later.

We have examined the definition of "employee" and we know the grave consequences that will occur from the change of that definition. Mr MacKinnon explained that in detail and I do not intend to canvass the matter further.

We must look at the definition of "industrial matter", which empowers the commission to deal with anything at all and is outlined on page 11 of the Bill.

Several members interjected.

Hon. G. E. MASTERS: The Industrial Commission is empowered to deal with almost anything, and I will quote from the Bill.

Several members interjected.

Hon. G. E. MASTERS: It is not a funny matter to people outside this Parliament. It might be funny to Government members and those people in the gallery who support the Government. However, it is not funny to people who will suffer as a consequence of the legislation.

Several members interjected.

Hon. Peter Dowding: What will you do with the legislation?

Hon. G. E. MASTERS: Government members have not bothered to find out the consequences of this legislation—they can take it or leave it.

Several members interjected.

Hon. G. E. MASTERS: The Hon. Peter Dowding would not have turned the first page of the Bill.

Hon. Peter Dowding: I regret I had to listen to you over the intercom.

Hon. G. E. MASTERS: The Hon. Peter Dowding puts pressure on people in his own department to join the union.

Hon. Peter Dowding: I what?

Hon. G. E. MASTERS: Does the Hon. Peter Dowding remember his visit to the Mint?

Hon. Peter Dowding: Rubbish!

Hon. G. E. MASTERS: The Hon. Peter Dowding did not know I heard about that visit. He went to the Mint and after his visit he sent along union people to make sure that people employed by the Mint were members of a union.

Hon. Kay Hallahan: I hope that is not right.

Several members interjected.

Hon. Peter Dowding: Your problem is that you were such a joke when you were Minister.

The DEPUTY PRESIDENT: Order! Members will come to order.

Hon. G. E. MASTERS: The definition of "industrial matter" is—

any matter whether falling within the preceding part of this interpretation or not where an organisation of employees and an employer agree that it is desirable for the matter to be dealt with as if it were an industrial matter and the commission is of the opinion . . .

And so it continues. The Industrial Commission can consider any matter an industrial matter if one employer and the union agree. Just what does that mean? It is not a group of employers. One employer could have pressure put on him; he may be in a very sound position economically, and be able to afford certain conditions. It may be for any number of reasons. Where there is a dispute it could go to the Industrial Commission and a decision could be made in respect of anything; whether it be special working hours, rosters, trading hours, farm hours, union membership, prohibition of subcontractor labour, or vehicle allowance. It could apply for example to one group of fishermen, one fishermen's co-operative, one farmer group, or one builder group.

Sitting suspended from 6.01 to 7.30 p.m.

Hon. G. E. MASTERS: Before the tea suspension I was talking about the definition of "industrial matter". I pointed out that one employer and the union could get together and decide that a matter was an industrial matter to be dealt with by the Industrial Commission even though, in the normal practice it would not be an industrial matter. That broadens the scope of the Industrial Commission by requiring it to be involved in matters that would normally be matters for management decisions. These decisions are dangerous, because, although one employer agrees, it flows through the workplace and de-

cisions such as the one I am talking about always set a precedent. There is a flow-on and that is dangerous. That sort of proposition should not be included in the definition of "industrial matter".

We also see the ability of the Industrial Commission to deal with workers' compensation-type benefits; we see matters which are the subject of an indictable offence; and we do not believe they should be dealt with by the Industrial Commission. It is a dangerous arrangement, and people involved in indictable offences or criminal proceedings ought to be heard with some sort of freedom in a court without any interference from the Industrial Commission. People could be suspended from their jobs for drug-dealing, or whatever. The exclusion of this provision from the Act allows the Industrial Commission to deal with the matter. We see grave risks in this. It is improper for the Industrial Commission to be involved in these matters.

The commission could fix the criteria for appointing medical specialists to teaching hospitals under the definition of "industrial matter". We wonder what sort of ability the Industrial Commission has to deal with this type of matter.

If that is not bad enough, we find that proposed section 80ZE provides—

(1) The Minister may refer to the Commission for enquiry and report under this section any matter that in the opinion of the Minister, affects or may affect industrial relations and the Commission shall enquire into that matter and may make a finding, declaration or recommendation relating thereto.

The fact is that the Industrial Commission can act on anything that is put to it by the Minister of the day. It could deal with the matter and make a declaration, a decision, or an order if one likes, that would be binding and far-reaching. The Minister should have thought carefully before introducing this provision in the Bill. It cannot be accepted.

Hon. D. K. Dans: The commissioner could also say he is not going to deal with it; it is not a matter for him.

Hon. G. E. MASTERS: Of course he could. The fact is that the Industrial Commission could deal with any matter and make an order or bring down a decision. At present, Mr Dans has appointed Mr Kelly, the Senior Commissioner, to report on shopping hours. That is reasonable, and it can be done under the Act.

Hon. D. K. Dans: Mr Hassell said he is going to deregulate shopping hours. That will put thousands of businessmen out of work.

Hon. G. E. MASTERS: We are talking about the misdemeanours of the Minister in this House and the atrocious Bill he has brought before us. He could take a matter before the Industrial Commission and the commission could make an order or a declaration. We have Mr Kelly dealing with shopping hours now. If this legislation were in place, Mr Kelly could come forward with an order which would bind the industry to the Minister.

Hon. Fred McKenzie: We are only trying to correct the mistakes you made in 1979 and 1980.

Hon. G. E. MASTERS: It is wrong to say that section 7(1)(b) in the Queensland Act is the same as this provision, because it allows the commission only to "report on an industrial matter". It can only report, not make an order or hand down a decision. If the Minister is to start talking about what can be done or what cannot be done, he should understand the implications of that clause.

Clause 80ZF—it goes from bad to worse; there is no doubt about that—gives the Industrial Commission the power to declare a contract or agreement void, whether it be a verbal or written contract. It could be a completed contract, a contract yet to be begun, or a contract in the process of work. Such a contract could be challenged by the person carrying it out or about to carry it out. It could be challenged by the union "on behalf of the contractor", as provided in the clause.

Experience in New South Wales indicates that that does not always mean that the contractor agrees with the challenge. It means that the union can go in and challenge a contract if it believes that the conditions are improper, unfair, or for whatever reason. It can take the contract to the Industrial Commission. That strikes at the very heart of private enterprise. Surely contracts or agreements, especially if they are written, should be protected. How can one go about business if a deal is not a deal?

Hon. Garry Kelly interjected.

Hon. G. E. MASTERS: How could one survive in business? The Hon. Garry Kelly would not know what a business was.

Hon. Garry Kelly interjected.

The PRESIDENT: The Hon. Garry Kelly has made his second reading speech. The Standing Orders specifically preclude him from making another one.

Hon. G. E. MASTERS: It would be incredible if the Industrial Commission could interfere in contracts and agreements. No-one, including the Industrial Commission, should be able to interfere in them. Such matters are covered by the common

law; it is ridiculous to bring in the Industrial Commission.

The legislation proposes a fall-back system. One could imagine that if a contractor wanted to work the system, as many of them would, he would put in a low price for a job, knowing full well that the job could not be done at that price. If he got the job, part of the way through it he would challenge the contract and say, "It is not fair; I am not making any money". The Industrial Commission would be able to say, "You are right", and increase the return from the contract.

Hon. D. K. Dans interjected.

Hon. G. E. MASTERS: It is all very well Mr Dans talking about giving the Industrial Commission a chance. We are talking about contracts which could be worth \$500 000. There is no limit. The industrial commissioners are not experts in the law. In fact, a Government inquiry is trying to keep the law out of the Industrial Commission. However, we will have contracts decided upon by a lay person. The Government can not argue about that; it is in the Bill.

This Bill will cause the demise of the subcontractor system. It will remove the independence of small businesses. It is beyond comprehension that the Government could suggest that contracts and agreements may be dealt with in this way.

The Government is not really firm on some of these matters; but its bringing this sort of proposal before the House is asking for the treatment it will receive.

It is wrong to say that the Queensland situation is similar, because it is not. The Queensland legislation aims expressly at contracts which seek to defeat industrial legislation or awards. This provision goes much further.

The Hon. Graham MacKinnon pointed out the New South Wales experience with litigation. A number of contracts have gone before the High Court, and at least two of them have gone before the Privy Council. I understand that Mr Dans quite gleefully interjected on the Hon. Graham MacKinnon when he was talking about these contracts, and I think Mr Dans said that about 700 cases had been heard in New South Wales. He was proud of that. All I can say is that the lawyers will have a field day.

If we look quickly at some of the aspects of the New South Wales legislation, we see that the clause proposed here could affect partnership arrangements. The work does not have to be done under a contract. There does not have to be a formal contract. If we ever wanted a perfect example of what this type of legislation will do, we only

have to look at the case of Wilson Parking Pty. Ltd., which was a perfect example. In that case, Wilson decided to make an arrangement with pensioners—

Hon. Fred McKenzie: Some arrangement that was!

Hon. G. E. MASTERS: Obviously the Hon. Fred McKenzie thinks the end result of that was very good. The Wilson car parking company made an arrangement with the pensioners, who formed into groups. They were very happy to have the work, and they worked hours to suit themselves. A figure was settled on so that they would continue to receive their pensions. If they were paid too much, they would lose their pensions. Friends of Mr McKenzie came along and challenged the contracts, saying they were unfair and unconscionable. The case went to the courts and the contracts or arrangements were declared void. The end result was that the pensioners were no longer working. Does Mr McKenzie think that that is a good result?

Hon. Fred McKenzie: There are plenty of other people out of work.

Hon. G. E. MASTERS: Those pensioners wanted to earn a few dollars and people like Mr McKenzie defeated them. This sort of legislation is aimed at that situation, and Mr McKenzie is proud of it. He should be ashamed of it. The people were happy to do a bit of work for a few dollars extra. Mr McKenzie has robbed them of that. He had better go to the people and find out what they think, and he had better be quiet otherwise he will be in trouble.

Adequate cover is provided under the common law. This sort of provision is not needed in the Bill.

I will now deal with the emphasis on conciliation to the exclusion of arbitration. It sounds fine; but the concept of the industrial system has been changed. So much emphasis is placed on conciliation that it almost displaces arbitration as the effective means of control of the industrial scene. If we ever wanted a perfect example of the lack of conciliation or lack of negotiation, we should look at the Government's handling of the Bill.

This Bill has been bungled by a Minister who sits on the fence and by a Premier who is not prepared to face the real issues. That is the problem with this Bill.

The Government wants the Bill defeated—there is no doubt about that. The Government has said that it would bring it here because it knew it would be defeated, yet it would be seen to have done its job. It thinks the unions

will say that it has done its job. The Government does not want this Bill passed any more than we do; I have heard this from some of the Government's Ministers. I understand they are opposed to some of the provisions in this Bill. I understand the Premier has some strong reservations about it and that Mr Wilson, Mr Berinson, and Mr McIver are all very worried about the Bill.

Indeed, when the Minister was away on Government business in the United States, Mr David Parker was doing his job. While I was driving to Perth one day I heard Mr Parker say on a radio talkback programme that he thought the Bill went too far, especially in the provision relating to the definition of "employee". He said something would be done about it. What happened in the event was that the Minister was faced with a barrage of protests from people behind the scenes, so the Government went ahead and introduced the Bill knowing it would be knocked back.

Hon. D. K. Dans: Knocked back without debate.

Hon. G. E. MASTERS: When we talk about conciliation we must look at the existing Act, because it gives clear duties to the commissioners to perform certain functions. I make the point again that the Government has placed far too great an emphasis on conciliation.

Hon. D. K. Dans: Why not debate the Bill in Committee? You don't have the experience.

Hon. G. E. MASTERS: I do not think the Minister has read the Bill, considering some of the things he said in his second reading speech. Section 43(1) of the Act provides—

The Commission shall endeavour by all means reasonable in the circumstances of the case to settle by conciliation all matters which come before it.

So this is one of the objects of the Act, yet the Government wants to muck around with it, giving as an excuse the fact that it wishes to streamline the whole thing so that everyone will have to sit around a table and happily resolve all matters. We know what is the true intention of the Government's move. We have no doubt at all about who will gain if this legislation is passed. The people who will gain will be those who take strong stances—the people who wrote this legislation. They are the sorts of people who will stop at nothing, not even at blackmailing the Parliament. That comment is right on, considering some of the statements I have heard made by leaders of some unions.

The penalties are to be greatly reduced and the enforcement arm of the Industrial Commission is to be almost wiped out. The Government says that

this is not true and that deregistration and fines are provided for. However, when we look at the way the Bill has been drafted and the words used we can see very clearly that the enforcement arm of the Industrial Commission is to be almost removed.

It is no secret that the trade union movement and particularly the TLC want all penalties removed; that was made clear in a statement put about the streets only a few days ago. These people said they wanted no penalties at all.

Hon. D. K. Dans: The O'Shea case.

Hon. G. E. MASTERS: Why has the Government left any penalties at all?

Hon. D. K. Dans: The penalty is \$2 000 for any offence against the Act.

Hon. G. E. MASTERS: That is peanuts. Deregistration is so far down the line it will never be used.

Clause 21 of the Bill repeals and substitutes section 32 of the Act, and the new provision deals with directions and orders to "prevent deterioration of industrial relations". I do not know how a very difficult dispute could deteriorate further. The interpretation of the proposed words would be quite difficult for the Industrial Commission. We would have to go through this laborious process of the issuing of orders and directions by the commission, and finally there might be a penalty. As Mr Dans so rightly says, the penalty is \$2 000, regardless of the suffering caused in the community and in the business community. Of course, way down the track is deregistration and the information we have is that deregistration will never occur.

Sections 45, 73, and 74 of the Act are to be repealed, yet they are considered to be the best such provisions in any Act of this sort in Australia. They have been reasonably effective and have certainly caused some of the more militant unions a bit of bother. However, they have suited most employers, employees, and responsible unions; in other words, all people who abide by the system have no reason to fear these sections, yet the Government is to wipe them out because it says they are too tough.

Clause 52 provides for the insertion of new sections 84A and 84B, something which horrifies people working in the industrial relations field. They are certainly not impressed with the Government's decision to reduce the penalties in the Act and to push deregistration so far down the road.

Mr Dans says he has talked to many people. I do not know whether he has read the Australian

Mines and Metals Association report, the Confederation of WA Industry report, or the tripartite committee's report, but all go against this proposition put forward by the Government. I wonder whether the Government has any intention to apply these penalties. The unions do not want the penalties ever to be applied.

Hon. Fred McKenzie: All you want is confrontation.

Hon. G. E. MASTERS: The only people who want confrontation are those who will not abide by the system. We have a very simple system. Where we have a dispute between an employer and an employee and they cannot agree to a solution, we have an umpire. That is what the arbitration system is all about; the umpire listens to all sides and then makes a decision.

Hon. S. M. Piantadosi: When did you abide by the umpire's decision?

Hon. G. E. MASTERS: Always.

The Industrial Commission will be reduced, the commissioners will be reduced to nothing more nor less than glorified negotiators. The commission, stripped of its enforcement arm, will be left almost useless when it comes to enforcing strong decisions.

The Government intends to remove from the Act section 101, which is the contempt provision. Why on earth should the contempt provision be removed if the Government says that the commission should have a firm hand. If the Government believes the commission should be recognised as an important part of arbitration and conciliation, if it believes the commission has to make tough decisions which might upset some people, why on earth remove this section from the Act.

Hon. D. K. Dans: I would tell you in the Committee stage, but you are not game enough.

Hon. G. E. MASTERS: Section 101 reads as follows—

101. (1) A person shall not—

- (a) wilfully insult or disturb a member of the Commission when he is exercising powers or functions under this Act;
- (b) interrupt the proceedings of the Commission;
- (c) use insulting language towards a member of the Commission; or
- (d) by writing or speech use words calculated—
 - (i) to influence improperly a member of the Commission or a witness before the Commission; or

- (ii) to bring the Commission or a member of the Commission into disrepute.

Penalty: \$500 or 12 months' imprisonment, or both.

This section is to be removed. Why would the Government do this if it was dinkum? The Government is not dinkum. Mr Dans is willingly and knowingly stripping the Industrial Commission of these powers; he wants to turn it into a glorified negotiator with nowhere to go. He cannot tell me that the removal of this section will not weaken the commission.

The Bill before us provides for the commission to order the deduction of union dues where they have been deducted previously. But the deduction of union dues is a management decision; it is a decision of a company or an employer to do this. Many do and do so successfully. An employer should have the right to withdraw from that arrangement, but this Bill provides that the commission can order him to continue to deduct the union dues. This is typical of what is contained in this Bill.

Hon. H. W. Gayfer: That will be a strange letter from the Government to the Governor, because he is an employee.

Hon. G. E. MASTERS: That is right, but they will fix that up, too.

Hon. D. K. Dans: Have you read the tripartite committee report on section 101?

Hon. G. E. MASTERS: Section 50 of the Act deals with the power of the commission to make general orders. Has the Minister considered whether the commission will be able to make a general order which binds people, employees, throughout the State to certain decisions? Has he considered the impact of this on those people who are now to be called employees? The Minister has broadened the definition of "employee" to the stage where general orders will apply to many self-employed people. Has he considered the impact of these orders on subcontractors, self-employed people, company directors, and the like who are now to be employees? The general orders will apply to many more people than at present.

Section 30 of the Act enables the Federal Attorney General to seek leave to intervene in proceedings before the Industrial Commission if public interest is involved. The Government proposes that the Commonwealth Minister may intervene without seeking leave. No reference is made to public interest. In future the Commonwealth Minister is to be allowed to go before the Industrial Commission and argue against the State. Why on earth would the Government contemplate

that proposition? I know it is trying to improve State and Federal relations, and that is fair enough, but it need not do this. This will just further weaken the State's position. If we like, it is removing a State right, small though it might be.

At present, a person challenging a union election or some other matter can afterwards ask the President of the Industrial Commission whether he can be awarded legal costs. No such legal costs will be able to be awarded in future. The Act presently provides that a person who impersonates another person to secure a ballot paper, a person who destroys or interferes with a nomination paper or does any of a number of things outlined in section 70, can face a penalty of \$500 or six months' imprisonment, or both. But these penalties are to be removed. The reasons for having these penalties and for allowing a person to challenge a union ballot or decision still remain. However, any person who does this in the future will be without any compensation for his efforts. The Government's intention seems to be to provide, I guess, an easier way of manipulating some union activities.

The Government proposes that the Teachers' Tribunal, the Public Service Tribunal, and the railways tribunal should come under the umbrella of the Industrial Commission. That is not a bad proposition, but the Government's argument is that this would create more uniformity. I have spoken to the Minister about this, and have pointed out that there will be no uniformity. Quite obviously the Minister has gone away and has spoken to the Teachers' Union and the CSA and has made a special arrangement to suit them.

If the Government were genuine, surely it would have brought in some sort of uniform arrangement. My information is that the Teachers' Tribunal can override the Education Act.

Hon. D. K. Dans: No, it cannot.

Hon. G. E. MASTERS: That is a legal opinion.

Hon. D. K. Dans: Your speech is pointless. I cannot answer it in the second reading debate. You are gutless.

Hon. G. E. MASTERS: The Minister does not know the legislation. It is as clear as a bell.

Several members interjected.

Hon. D. K. Dans: You should take this Bill to the Committee stage.

Hon. G. E. MASTERS: The Minister does not know the Bill. He does not know the first thing he is talking about.

Several members interjected.

The PRESIDENT: Order! Once again I remind honourable members that they are not to interject. I ask the honourable member addressing the Chair to do just that and to ignore the interjections. He should not provoke people to interject.

Hon. G. E. MASTERS: I said that the Teachers' Tribunal could override the Education Act. I am surprised that the Minister could not answer straightout "Yes, that is the case".

Another matter I wish to speak about deals with the right of appeal against promotions. As I understand it, anyone employed by the Government has a right of appeal against promotions. I know many senior people in the Public Service and in Government areas are concerned about this proposal. I wonder whether the Government has worked out the cost of this appeal provision. Has the Government considered the pressure that will be applied to those people who will handle the appeals? It would be quite unrealistic if the Government expected the present staff to handle them. More staff will be needed. Perhaps the Government underestimated there, or does not know what it is doing.

We have a piece of legislation which is far from what the Minister says it is. Surely the Government does not intend to go right down the road with this legislation. It seems it has no option but to do that, because the TLC and some of the left-wing union leaders insisted that this matter be brought to the Legislative Council so that it could sort it out. The Government probably said "Our nose is clean".

Hon. Kay Hallahan: We do not depend on you for that sort of thing.

Hon. G. E. MASTERS: The Government has dropped this horrendous Bill in this place, fully aware of its extreme nature and knowing that there is a great concern about its implications in the community. That has been done because the Minister does not have the guts or the nerve to say "These matters go too far, we will cut some out". I know the pressure the Minister is under; I know the pressures applied to this Government by some of those people mentioned. The pressures are enormous, and Mr Dans and the Government have said "Righto, let us do it the easy way. Let us dump it in the Legislative Council. Our nose is clean".

Several members interjected.

The PRESIDENT: Order!

Hon. G. E. MASTERS: Mr Dans must understand that this is the only way the Government can get out of it.

Hon. D. K. Dans: In a reasoned debate, you could throw this Bill out at the third reading stage. You could go to the Committee stage and debate it clause by clause. You are not game.

Several members interjected.

The PRESIDENT: Order, order!

Hon. G. E. MASTERS: It is a stinking Bill.

Several members interjected.

The PRESIDENT: Order!

Hon. G. E. MASTERS: The pressures on the Government and on members of this Parliament are unprecedented as far as I am concerned. We know of the threat of Mr Ethell of the BWIU who sent out a letter to building companies to which was attached a note stating, "We the undersigned support the Government's legislation". The letter more or less said, "You will sign this letter to the Premier and if not, you will be for the high jump. You will suffer industrial action".

To his credit, Mr Dans criticised that letter. Of course, he had to.

Several members interjected.

Hon. G. E. MASTERS: Those sorts of people apply pressure to the Government—

Hon. D. K. Dans: They got no credit from me.

Hon. G. E. MASTERS: —and what we have to understand is that that pressure is applied right the way through. I have item after item listed here, but I will not read them out.

Mr Ethell appeared on the programme "Nationwide" two days after he sent out that letter and made a statement to the effect that if the Legislative Council rejects this Bill it will be responsible for the industrial action in the workplace. I think that threat to the Parliament is quite improper and an indication of the lengths to which some people will go to force legislation through the Parliament.

The TLC sent out a leaflet, a few days after Mr Dans had said he had made up his mind—it must have been in the Press at that time—stating that industrial law was to be improved. The leaflet was sent out by Ron Reid, the Secretary of the Trades and Labor Council of WA. The leaflet contained an interpretation of the legislation. It stated—

The new law is designed to encourage unions and employers to settle disputes by agreement.

The changes are consistent with the ALP/ACTU Prices and Incomes Accord.

Commission to deal
with more issues

The Industrial Commission will be able to deal with matters which were excluded by the previous government such as:

- accident make-up pay (the difference between workers compensation payments and normal wages)
- housing rentals
- collection of union dues
- union membership
- hours of work on agricultural industries.

It dealt with the deregistration of unions and stated—

Deregistration of a union will still be possible. The current Act obliges unions to prove good reason why they should *not* be deregistered. This will be reversed so that employers or the Commission will have to prove good reason why a union should be deregistered.

I am talking about the weakening of the Industrial Commission. I am talking about the way this legislation has been written. It was written by the same person who devised the leaflet I referred to, the leaflet which dealt with matters such as management "prerogative", etc. The leaflet written by the TLC is a clear indication of what this Bill is all about. Without a shadow of doubt, pressure has been applied to the Government.

Hon. Fred McKenzie: Where is your pressure coming from? The Perth Chamber of Commerce?

Several members interjected.

The PRESIDENT: Order!

Hon. G. E. MASTERS: The Bill is horrendous. It goes too far. It intrudes on the fundamental principles of our society, which must be protected.

Several members interjected.

The PRESIDENT: Order!

Hon. G. E. MASTERS: It removes the independence of the self-employed, and small business, and destroys the subcontracting system. Commission interference in contracts is permitted. It broadens the commission's powers to intrude into all community interests. It removes the enforcement arm of the commission to a great extent. It destroys the traditional working practices of country communities. It brings in retrospectivity, compulsory unionism and attempts, of course, to include the staff of this House.

The Government has no mandate for many of these things. It has no mandate for the interference in contractual matters; it has no mandate for final offer arbitration; it has no mandate for retrospectivity in new awards; it has no mandate for the commission to deal or declare on

any matter; it has no mandate for destroying the subcontracting system; and it has no mandate for bringing to this Parliament the most extreme industrial legislation this State has ever seen.

This Opposition will not allow those things to happen. We recognise that there are some areas in this legislation we can support in principle; such as better arrangements to handle matters on a Federal-State basis and Federal and State jurisdiction, provided State rights are protected. We can see good reason for that. We would work towards that goal. The proposition to bring in an industrial tribunal under the umbrella of the Industrial Commission is also supported in principle.

Obviously we have severe reservations about those proposals included in this Bill. If there were uniformity we would agree with some of the matters. If there were a streamlining of the commission's activities and everything else was protected, we would believe there was good reason to follow that path.

I strongly urge Opposition members to reject the Bill at the second reading stage.

After this Bill is defeated, as I hope it will be, the Opposition will, if the Government does not, introduce a private member's Bill to cover the matters I have just mentioned. We will introduce a Bill and set up an inquiry to look into the subcontracting and small business sectors of the industry. That is the proper way to do it. We have half done it.

Several members interjected.

Hon. G. E. MASTERS: We will set up an inquiry into this area.

Several members interjected.

Hon. G. E. MASTERS: We will investigate standover tactics in the work force and maintain confidentiality for those people who come to us. We will consult with the CSA, the teachers and the railway people to make sure that the Bill suits them, as far as possible. We will look at State and Federal arrangements.

Hon. Fred McKenzie: Very generous.

Several members interjected.

The PRESIDENT: Order, order, order! I have already chastised the Leader of the House several times. He is making it very difficult for me and I ask him not to continue to interject. The Hon. A. A. Lewis is being asked to cease his interjections because I will take some more action if he does not.

Hon. G. E. MASTERS: We have recognised that some aspects of the legislation could be considered in principle, and we would support them.

The Opposition cannot live with seven or eight propositions in this legislation. We cannot live with the intrusion into the civil rights and community rights we have always protected.

Several members interjected.

The PRESIDENT: Order!

Hon. G. E. MASTERS: I urge members to defeat the Bill at the second reading. Let us go about the business of Parliament properly by drawing up a Bill which contains all the protections and proposals we have put forward.

HON. S. M. PIANTADOSI (North Central Metropolitan) [8.14 p.m.]: I support the Bill. Much has been said publicly in the last few days about the ramifications of the Bill, mainly by Mr Masters and a few of his cohorts, about the various costs—

Several members interjected.

The PRESIDENT: Order!

Hon. S. M. PIANTADOSI: It has been a campaign to scare people into believing what would happen in the industry as a result of this new Bill. They have noted on several occasions that in the building industry the cost of a \$35 000 home would rise in the vicinity of \$20 000 to \$30 000.

When speaking to the many builders I have known over the years, they have voiced their concern about some of the statements that have been made by the Opposition about these high costs. The labour content involved in the building of a \$35 000 home is approximately \$16 000.

Costs will rise by nowhere near the \$20 000 to \$30 000 mooted by Mr Masters and some sections of the building industry. At most, costs will increase to cover workers' compensation, long service leave, and annual leave and they are in the vicinity of \$3 000 to \$4 000 per home.

Hon. G. E. Masters: Who did you get that figure from?

Hon. S. M. PIANTADOSI: From reputable builders; those whom Mr Masters did not see. The information was given to me by several builders to whom I spoke over the weekend.

Hon. P. H. Lockyer: Who are they?

Hon. S. M. PIANTADOSI: I will provide the names. I will also give a list of the unscrupulous people Mr Lockyer has been dealing with—those who are worried about these costs.

In the opinion of the builders I have approached, the increased costs that have been alleged are completely false. The labour costs on a \$35 000 home amount to about \$16 000, and if that were increased by the additional costs I mentioned it would still only amount to a total of

\$20 000 on an average \$35 000 home. That is nowhere near the cost mentioned by members of the Opposition.

Hon. N. F. Moore: What about the Housing Industry Association?

Hon. S. M. PIANTADOSI: What figure has it come out with?

Hon. P. H. Lockyer interjected.

Hon. S. M. PIANTADOSI: Reputable builders I have spoken to said they would provide the facts if Mr Lockyer bothered to go and speak to them.

Hon. P. H. Lockyer: The Housing Industry Association is wrong—yes or no?

Hon. S. M. PIANTADOSI: I will give an indication of how closely the association has looked at the figures. It quoted an increase in price of between \$20 000 and \$30 000—a discrepancy of \$10 000 between the highest and lowest figures. The HIA could not give an accurate figure of what the cost would be. It was a stab in the dark to mislead the public and to give the Opposition a little more ammunition.

Hon. P. G. Pental: Do you concede that costs will grow at all?

Hon. S. M. PIANTADOSI: The costs will be in the vicinity of \$4 000. I said to Mr Pental before that he should visit workers and builders on the site to get the information and not read it in the newspaper. I know more people in the industry than he will ever know. If he wants a guided tour I will be happy to give him one.

The only people who fear this Bill, as has been pointed out by people in the industry to whom I have spoken, are those who have been underpaying. They are subcontractors who have been paying nowhere near the going rate for brickies and other workers in the industry. The subcontractors and builders I spoke to as late as yesterday are not worried about the changes. Most of those people are members of unions already. Their only fear, they explained to me, is they have not heard enough of the Bill to be able to understand it.

Hon. C. J. Bell: What about rural contractors?

Hon. S. M. PIANTADOSI: Most of the people I spoke to had no fear of being covered by union membership as Mr Masters tried to lead us to believe. He suggested the whole industry would be covered by left-wing unions which were dominating and influencing the Government so that this Bill would go through. He mentioned a list of names of militants and people in the industry such as shop stewards. It is said in the building industry by employers and others that some

people are pommy shop stewards. Mr Masters is the pommy shop steward of the building industry.

Hon. P. G. Pental: That is a racist remark.

Hon. S. M. PIANTADOSI: Mr Masters concentrated his attack on one industry because of the large number of dollars that pass through that industry. He touched only briefly on the cleaning industry in which thousands of people have been exploited by subcontractors. No mention was made of them.

Hon. G. E. Masters: I mentioned the cleaners.

Hon. S. M. PIANTADOSI: Mr Masters did not mention he had consulted cleaning industry workers and contractors and got submissions from them. Nothing was said about the way the workers are exploited. Nothing was said about the way some contracting firms have been ripping off workers in that industry. Some firms have two or three sets of books and have been prosecuted by the Taxation Office. Subcontractors who were not sure or who were not aware of where they stood faced prosecution by the Taxation Office to recoup taxation which many workers believed they had paid. Contractors in that industry use many forms. Some workers get provisional tax bills. Others have to pay a franchise for their work which is completely illegal; others have contracts in writing. Many are not told that no contract exists and in many instances contractors underpay workers.

On many occasions once proceedings have gone to court, contractors have settled out of court because it would have cost them a great deal more to proceed. They decided to meet the payments to the people they had tried to take advantage of. Subcontractors have also exploited married couples. Promises have been made of X number of hours of work, but these are usually reduced when the people commence employment; they find they are working nowhere near the number of hours they were promised. There have been instances of companies employing people for over nine years in high security buildings and the subcontractor has used his employees on contract without the knowledge or permission of the landlord.

Many people have spent money in buying jobs. They are told that if they want to work it will cost them \$2 000. This is part of the rip-off that is going on in the industry. Some people have had to pay from \$2 000 to \$7 000 for a few hours' work. Some very well known names have been involved in that area.

Taxation evasion has taken place in this industry with people keeping various sets of books. Workers are led to believe they have paid tax and then find the Taxation Office hounding them for

the money. The rates they were led to believe the employer was paying excluded tax. Along comes the Taxation Office and asks for the money. That happens on many occasions.

The employee and the subcontractor in this industry have been at the mercy of the employers and the contractor. There is a surplus of information along the lines I have outlined if Mr Masters and members of the Opposition had bothered to check. The Opposition's attack was based virtually on only one area because of the influence of certain members in that area and the number of dollars it represents.

Hon. N. F. Moore: What do you mean by that?

Hon. S. M. PIANTADOSI: It is easy to highlight a figure of \$20 000 to \$30 000 rather than a figure of \$3 000 in relation to a number of people in the contract industry.

One company which has an office in all States—and the evidence is here if Mr Lockyer wants to check—

Hon. P. G. Pental: What is the evidence—the Melbourne Truth?

Hon. S. M. PIANTADOSI: No, it is not the Melbourne Truth.

Hon. D. K. Dans: I always know when Mr Pental is unsure of himself; he makes inane interjections.

Hon. S. M. PIANTADOSI: This company kept various sets of books in order to rip off people working for it on a subcontract basis. It was hit with a tax bill of \$338 000 and a further penalty of \$108 000 for understating its assessable income over a period of eight years by over \$1 million.

Hon. N. F. Moore: What newspaper is that you are reading from?

Hon. S. M. PIANTADOSI: *The Age*, Melbourne.

The DEPUTY PRESIDENT (Hon. John Williams): Order! As the member has named the newspaper will he give the date for *Hansard* purposes?

Hon. S. M. PIANTADOSI: I will table it.

Those workers were completely exploited. I have other evidence of cases in which people received letters from the Taxation Office asking about payments that they believed they had paid.

I would like to read a circular that clearly demonstrates and proves the concern of an association about the malpractice that has been going on in this industry. It is from the Association of Cleaning Contractors of Australia, and states—

Important Note on Sub-Contracting
—Document Attached

The contract cleaning industry has been developed to its present position on the basis of using employees paid at Award Rates and enjoying the entitlements of Sick and Holiday pay etc included in that Award.

This system has meant protection of the building owner or agent by virtue of the contract cleaner offering adequate Workers Compensation and Public Liability insurances, and the protection of assets by use of professional techniques.

In recent times there have been many reports of so called "sub-contract" labour being used to clean premises for a head contractor. The major purpose of using these sub-contractors has certainly been to avoid payment of Payroll Tax, Holiday and Sick pay, and in some cases Award Rates.

It is extremely questionable whether these sub-contractors are not in fact Employees. A situation which can cause major problems for the property owners involved.

We believe that the use of "illegal sub-contractors" cannot be of ultimate benefit to industry and for that reason have produced this booklet which explains the legal terms of referral in regard to Employer and Employees Sub-Contractor relationships.

We strongly recommend that you read the text thoroughly as it could be of benefit to you.

Bruce W. Weston
Secretary

That is a clear acknowledgement of the skulduggery which exists in that industry.

Several members interjected.

Hon. S. M. PIANTADOSI: The letter voices concern at the practices that occur within that industry. None of them was touched upon by Mr Masters or the Opposition in protecting the interests of all parties, but they condone the practice of a few within the industry who are condemned by many of their own people.

Hon. C. J. Bell: That is not true.

Hon. S. M. PIANTADOSI: Further, other points are made in the document to ensure that members of that organisation conform with those practices and work within the industry. This is an admission in black and white.

Hon. P. H. Lockyer: Table it all.

Hon. S. M. PIANTADOSI: I will table it all.

I have an extract from the New South Wales Industrial Commission, which says—

A Sub-Contractor who enters into a contract for a portion of the work contracted for, may in some cases, do the work himself, or he may employ labour to do that work, or again he may share the work with other men upon any arrangement he chooses, provided that if those other men are his employees, he must also pay them the proper award rate of wage. In every case, however, such an arrangement between Contractor and Sub-Contractor, must be scrutinised very carefully in order to see whether the man taking the contract is in reality an Independent Contractor, and not merely an employee who does the work by himself, or with other men, and under the guise of such an arrangement is paid less than the award rates in order that the work may be done at a cheaper price.

That points out that the subcontractor must pay the award rate. That is stated in this document, because unscrupulous people in the industry were ripping off thousands of workers and also putting them in a situation where many were faced with prosecution by the Australian Taxation Office and contractors of that nature were making millions and millions of dollars.

Hon. P. G. Pandal: Not many were making millions in the last three or four years. Many have gone to the wall.

Hon. S. M. PIANTADOSI: That is typical of the Opposition's view, it is only concerned with one area; that is, where a quick buck can be made for a few of its friends.

Several members interjected.

Hon. S. M. PIANTADOSI: A few who have shares in it. The information is there in black and white. As promised, I will table this document.

The DEPUTY PRESIDENT (Hon. John Williams): I remind the honourable member that he does not have to table anything. If he is requested it can be tabled at the end of his speech but not before.

Hon. I. G. Pratt: How much was it you said a young person's home would increase on your calculations?

Hon. S. M. PIANTADOSI: I did not mention young persons, I said that in respect of a home which cost \$35 000 to build, the labour content was some \$16 000. The additional cost to that home, taking into account workers' compensation, annual leave entitlements, long service leave, and so on, would be a maximum of \$4 000.

Hon. P. G. Pandal: You would condone that? You would add \$4 000?

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon. S. M. PIANTADOSI: I am amazed at the attitude of some of the members of the Opposition when they talk about truth and facts. I think this is what they stand for: Not a fair go for everybody. They are saying a number of people in our society are being screwed completely by unscrupulous employers and that is all right. Not one response in writing has been provided, not one question by any member of the Opposition regarding the practices I have pointed out which have happened in one industry; members have concentrated their attack on the building industry. That is where the muscle comes from for them.

Several members: What rubbish!

Hon. S. M. PIANTADOSI: The Hon. Mr Masters gave us a lot of rhetoric earlier. He has been gathering information in the last three or four months. He prided himself on how many people he had visited. Not once did he mention that any of those workers or subcontractors he had visited were in the building industry.

Hon. I. G. Pratt: They came to see us last year.

Hon. S. M. PIANTADOSI: No, nothing on their behalf, on behalf of Mr Pratt, or anybody else.

Several members interjected.

Hon. S. M. PIANTADOSI: They have not bothered to ask any questions, not one, on what has been happening to those people or how they are taxed by taxation officers. That is fair enough. Mr Pratt believes that is a fair practice for those people. Do you believe that is fair?

The DEPUTY PRESIDENT: Order! The member is not there to address other members, he is to address his remarks to the Chair.

Hon. S. M. PIANTADOSI: Earlier the Opposition accused the Government in this House of being gutless. Through its silence and its lack of information, I say the Opposition is gutless to speak on this Bill.

Hon. P. H. Lockyer interjected.

The DEPUTY PRESIDENT: Order! The Hon. P. H. Lockyer is well aware interjections are disorderly; more aware than most.

Hon. S. M. PIANTADOSI: I do not see any purpose in members of the Opposition bothering to interfere, because they may interfere with some of the people who have asked them to reject this Bill.

Hon. Kay Hallahan: Pressured them.

Hon. S. M. PIANTADOSI: The Bill speaks of enforcing regulations. We had good examples of

that after the Liberal Government's Bill was put through, and that Government used its well known tactics to visit the Senior Industrial Commissioner at 1.00 a.m. to enforce its wishes.

Several members interjected.

Hon. S. M. PIANTADOSI: The record of the Opposition when in Government is there, clearly.

Hon. D. K. Dans: It is documented.

Hon. S. M. PIANTADOSI: All it can do is to force and bludgeon its way into a situation where it is not prepared to abide by the umpire's decision. The Bill places more emphasis on conciliation. It does not concede to the Opposition; it will not get its way. That is why members of the Opposition are pushing it to this situation.

Hon. P. H. Lockyer: What are you going to do to us? Knock us out?

Hon. S. M. PIANTADOSI: I would not do that. The member has quite a reputation around town and he would know all about strong arm stuff.

I ask all members of this House to take into account the information I have presented to this House. The information is here. I have additional information if any member of the Opposition is interested. If one bothers to seek the information, it is available.

Tabling of Papers

Hon. P. H. PENDAL: I ask that the honourable member table the documents he quoted.

The papers were tabled for the information of members (see tabled paper No. 762).

Debate Resumed

HON. TOM McNEIL (Upper West) [8.40 p.m.]: I rise to oppose the Bill. Listening to some of my colleagues, it appears that this matter is almost a hardy annual. Industrial legislation has come before this House in 1963, 1973, and 1983; every 10 years we must try to do something to improve the situation.

Hon. Fred McKenzie: 1979 as well.

Hon. TOM McNEIL: My concern is that the definition of the term "employee" is something I could not support. At the same time we have a no win situation in which obviously the Opposition has taken a strong line saying it will go no further and the Government has suggested the Bill should go to the Committee stage.

There are provisions in the Bill which have some advantage, but the major context of the Bill I could not support at all. I consider that the industrial commissioners' right to interfere in contractual arrangements is too far-reaching and too encompassing. Having been a small businessman

before I came into Parliament, I do not know what this legislation will do for the small businessman who is considered an employee within his own right.

Having had it decided what his rights would be in respect of not wanting to become a member of a trade union, I can see all sorts of ramifications if a general strike were called and the small businessman intended to keep his own business operational by opening. The TWU could withhold deliveries promised and suddenly his business would come to a halt because his staff could not support the work and he would be denied stock. All of a sudden things would come to a standstill and he could be blacklisted for opening his doors.

I suggest that I would give my support at this stage to the Bill going to the Committee stage, but unfortunately there is a demarcation line between the two major political parties.

I would suggest to honourable members that since we are supposed to be a House of Review, this is an ideal opportunity to set ourselves up in that category. If the Bill goes to the Committee stage, I will wholeheartedly move for a Select Committee to be formed in order to look at this problem. Surely we have gone along, certainly in the seven years I have been in this Chamber, to the position where industrial legislation has come to an impasse. Mr Piantadosi has suggested that subcontractors were working for substandard wages and so on. In my own electorate—and the Leader of the House would also know the concern I have expressed to him—blackmail and strong-arm tactics have been used on subcontractors. If they did not, for instance, join the BWIU or the BLF, there would be a cessation of work and a threat that subcontractors failing to join a union would result in the company employing them having a concrete pour halted at another site.

We have reached the stage where there is supposed to be right on both sides—there is certainly wrong on both sides of the House—but I suggest to members that if we do not find some way to sit down, conciliate, and come to an understanding of the problems of industrial relations, this matter will be brought up in another 10 years' time and the way in which it is dealt with will depend on which side of the House is in Government at the time. We will always be faced with this problem. Surely commonsense must prevail.

It is of no use standing here berating each other year after year regardless of which side is in Government and failing to take appropriate action to correct the situation. If the Hon. Gordon Masters' suggestion reaches fruition the private member's Bill he would introduce would be passed

through here, then taken down to another place, and either emasculated or thrown out. We would then be back to where we started from.

I shall support the Bill to the Committee stage, although it certainly does not meet with my approval. The clauses are too far-reaching; but I would suggest that if the Bill gets to the Committee stage, I shall move that a Select Committee be formed to investigate the whole situation.

HON. KAY HALLAHAN (South-East Metropolitan) [8.46 p.m.]: I rise to support the Bill. As expressed by other members from this side of the House, I believe there are many benefits to be gained from the Bill, contrary to the rhetoric we have heard from the Opposition benches.

The Bill aims to put greater onus on the parties involved to resolve disputes without resorting to arbitration. Clearly that is set out in clause 32. The commission's first responsibility is to resort to conciliation and the Bill embodies the encouragement of parties to do this—to get together and to exchange information in an early attempt to resolve disputes.

I am sure that is something which the Labor Party is known to advocate constantly and I challenge the Opposition to say that is not the case, and they are not the aims which are desirable in our community today. Bearing in mind what Opposition members have said previously, one would not think they believed that was the case.

The Bill will get industrial relations back to the workplace where the problems occur. It contains measures which, in the long term, will lead to a great improvement in industrial relations between employers and employees. That is the aim of this Government.

The previous Government aimed to separate those parties by creating discord and disadvantage to workers. We are about setting that right and having a fair conciliation process whereby our workers will obtain a just reward for their efforts.

Matters which are not resolvable will go before the commission and the Bill contains special clauses to speed up the resolution of disputes taken to the commission. This Government has no vested interest in long, drawn out disputes. They disadvantage our people most and that is one of the reasons we—

Hon. A. A. Lewis: Who are your people?

Hon. KAY HALLAHAN: I will ignore that interjection.

Hon. A. A. Lewis: You don't think my Collie coalminers are workers; is that what you are saying?

Hon. KAY HALLAHAN: I am including them as "our people".

Hon. A. A. Lewis: Why? What a hide you have!

Hon. D. K. Dans: I don't think they claim you as theirs!

Hon. A. A. Lewis: You are saying that, having disowned them more than once. Hear the silence!

Hon. KAY HALLAHAN: The Bill will also bring our State's Industrial Commission more into line with the Commonwealth Conciliation and Arbitration Act, which has many beneficial features over that which we labour under in this State at present. It will also bring about a rationalisation of industrial tribunals. Teachers, railway officers, and Public Service arbitrators will be constituent authorities within the commission. This will create greater uniformity of treatment for Government employees.

These provisions will add significantly to maintaining the policy of wage restraint. One would have thought the Opposition would gleefully have supported that aspect of the Bill. Because there are so many benefits to be gained from the provisions of this Bill, the Government is open to constructive criticism and that is why this challenge has gone out continually to let the Bill go to the Committee stage.

It would be a great shame if this Bill were to be tossed out at the end of the second reading debate. It is my hope that the Opposition will show some good faith in wanting to bring about some reform of a process which I am sure even members opposite would agree there is some need to reform.

The Hon. Tom McNeil said the Bill has some good features and the Minister in charge of the Bill will, I am sure, also quote some rather significant people in the community who think the Bill has some very positive aspects. It seems to me that to toss out the whole lot would be a retrograde step and it would remain in the history of the Opposition if it took that action in this place tonight.

The Bill is a great step forward in terms of giving wider access to the Industrial Commission and I refer to academics, teachers, and public servants. Indeed, I refer to our own staff here at Parliament House. At present, if they have any dispute with the members of the Joint House Committee, the people who work for us have nowhere to go.

Hon. A. A. Lewis: Is that accurate?

Hon. KAY HALLAHAN: That is accurate. The member should make his own speech. I re-

iterate the point that it should be a matter of great concern to people here that the workers in this House have nowhere to go in the case of a dispute. Under this Bill, if they chose to do so, they could go to the Industrial Commission. At present that right is denied them and there is nowhere for them to go.

I have been contacted by constituents from my electorate who have been caused considerable distress by misleading information issued by the Liberal Party, by the Leader of the Opposition in another place, and by the Housing Industry Association.

One person who contacted me was an earthmoving contractor. He was particularly disturbed about a pamphlet which I shall table. I am sure members opposite would like me to table this, although I am sure also they are quite familiar with it. It is a disgusting pamphlet.

Hon. A. A. Lewis: It is a good pamphlet. It is honest.

Hon. KAY HALLAHAN: It is one of the most dishonest documents I have ever seen.

Several members interjected.

Hon. KAY HALLAHAN: I will not go through all the misleading information contained in this pamphlet, but one could go through every sentence and find it does not represent the content or intent of this Bill. I shall refer to part (b), which is in the middle of this three-fold pamphlet. I have another copy here. Other constituents sent me copies, because they were so disturbed about it.

The pamphlet says—

Under this legislation contracts freely entered into may be declared void or changed by the Commission in any area where 'work' is involved. Partnerships and contracts of all types—

It mentions earthmoving. Needless to say that is why my constituent was concerned. To continue—

—can be set aside by the Commission after work has begun and at the request of someone who is not a party to the contract. Without the parties to the contract even having a say . . .

That is quite erroneous.

Hon. G. E. Masters: No, it is not.

Hon. KAY HALLAHAN: I ask the member to let me finish. A clause in the Bill deals with that matter. Even though Mr Masters claims to know the Bill so well, he seems to be quite unfamiliar with it.

Hon. I. G. Pratt: On the contrary, Mr Masters has been referring to the New South Wales provision—are you aware of that?—on which this is modelled.

Hon. KAY HALLAHAN: I did not hear the beginning of the member's interjection. If he wants to make a speech he can do so. The clause I am about to read is the one which provides that a contract will become a matter for the commission where the contract—

- (a) is unfair;
- (b) is harsh or unconscionable;
- (c) is against the public interest;
- (d) provides or has provided a total remuneration less than a person performing the work would have received as an employee performing such work; or
- (e) avoids, or was designed to avoid, the provisions of an award or industrial agreement.

I shall come to another letter in a minute. It is a rather touching letter and, given the cynicism of Opposition members, I have some doubt about how it will be received. Nevertheless, I shall read it to members.

It is very pertinent that, if a contract is fair, it will not come under the ambit of the commission and only where it is unfair, harsh, unconscionable, or against the public interest will there be any role for the commission.

As the Hon. Sam Piantadosi said, more and more people are being pushed and pressured into contracts which do not give them adequate reward for their work. Certainly they do not give them any of the extra benefits to which they are entitled. Indeed, they are not "extra" benefits; they are essential. I refer to such things as long service leave and the like.

Hon. G. E. Masters: Are you saying this earthmoving contractor will be forced into a contract?

Hon. KAY HALLAHAN: He phoned me because of the misleading information in this pamphlet. However, I was able to assure him that what was in this pamphlet was not the case. Now, after a couple of nights of disturbed sleep, he feels that the Bill will not be against his interests.

Hon. I. G. Pratt: He could be in for a big surprise, couldn't he?

Hon. G. E. Masters: You have misread the Bill.

Hon. Garry Kelly: You have done that.

Hon. G. E. Masters: What, myself and a dozen lawyers? No, I have not done that.

The DEPUTY PRESIDENT (Hon. John Williams): Order!

Hon. KAY HALLAHAN: I do have an answer for the Hon. Ian Pratt. New section 80ZF does come directly from the New South Wales Act. It is section 88F in that Act and that section has proved to be of real benefit to small business. In no way is it a difficult section to administer in that State. It has been operating since 1959 under Governments of all political colours and it remains in the Act.

People have had a chance to remove that section from the Act if they believed it did not work. However, it is operational and functional and it is quite acceptable to parties of both political colours in that State.

Hon. I. G. Pratt: Do you know the actual case which Mr MacKinnon mentioned the other night?

Hon. Fred McKenzie: Have you read it? I read it and quoted from it today.

Hon. KAY HALLAHAN: I reiterate that this clause is of great benefit to a number of people in this community. An allegation has been made that we came into power with an interest in small business and yet, with this Bill, somehow we are doing it a disservice. That is patently untrue and it is misleading to put it about.

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

Hon. Garry Kelly: It is not.

Several members interjected.

Hon. KAY HALLAHAN: That sort of interjection does not really do the member justice.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon. KAY HALLAHAN: Every paragraph in this pamphlet can be challenged on its basis in truth. Again on the third fold of the pamphlet under item (b) reference is made to suspension of registration. It says that there will not be suspension of registration.

Hon. G. E. Masters: Isn't that right?

Hon. KAY HALLAHAN: I think the member is right.

Hon. G. E. Masters: It was in Mr Dans' speech.

Hon. KAY HALLAHAN: Very well. There are another two aspects which are not right.

Hon. P. G. Pendal: We are too damn decent; that is our trouble.

Hon. KAY HALLAHAN: Opposition members are not decent at all. Members should note the language used in this pamphlet. It says, "As a result of this Bill, it is almost certain that there will not be . . .".

Hon. P. G. Pental: We do not want to exaggerate.

Hon. G. E. Masters: That is correct.

Hon. KAY HALLAHAN: Not much! Members opposite want to create fear and anxiety, and to incite and spread misinformation abroad.

Hon. G. E. Masters: It is not misinformation at all.

Hon. Mark Nevill: Stirring up the mud.

Hon. KAY HALLAHAN: It refers to, "Orders to return to work" and says these will be removed. They are still in the Act. Do members challenge that? No.

Hon. G. E. Masters: They are still in the Bill. Have you tied it in with the rest of the Bill?

The DEPUTY PRESIDENT (Hon. John Williams): Order! This is not an argument between the two members. The Hon. Kay Hallahan will address her remarks to the Chair.

Hon. KAY HALLAHAN: I am pleased to state that this pamphlet is inaccurate because it says there will be no orders to return to work. The Bill contains power for orders to return to work.

Hon. G. E. Masters: Hardly ever.

Hon. KAY HALLAHAN: It will be in the application of the Bill. I do not think Mr Masters' comments can be relied upon after the rhetoric he went on with tonight.

Hon. A. A. Lewis: The old hit and run Government!

Hon. KAY HALLAHAN: We will be here longer than the Liberal Party will be.

Hon. P. G. Pental: Supposing we are wrong in that interpretation—

The DEPUTY PRESIDENT: Order!

Hon. KAY HALLAHAN: I make the point that it is not apparent to me that members opposite want to believe; they do want to perpetrate misinformation in the community in their own vested interests or in the vested interests of those people who support and pressure them.

Another constituent of mine, a bricklayer, wrote to me; his letter arrived today. He telephoned me last Friday to say he was very angry about the fact that in his pay packet that day he received a letter from the Leader of the Opposition, Bill Hassell and a pamphlet from the Master Builders Association. Two weeks prior to that he received another letter from the Leader of the Opposition in his pay packet. He told me, "I don't want pamphlets and letters from the Leader of the Opposition in my pay packet. I want more money". He needs more money.

Hon. Garry Kelly: Hear, hear!

Hon. P. G. Pental: I will drink to that. We all want more money.

Hon. KAY HALLAHAN: The member is doing better than my constituent is.

Hon. P. G. Pental: That may well be true. If the member is frightened of freedom of information, of somebody putting his point of view—

Hon. KAY HALLAHAN: The member can do it in his own right.

Hon. P. G. Pental: No, you are complaining that Mr Hassell is having a word to say.

Hon. KAY HALLAHAN: It is interesting that these letters went out—

Hon. Robert Hetherington: I didn't get a letter from Mr Hassell in my pay packet.

Hon. KAY HALLAHAN: If the member worked for Dalfield homes he would have received one. The letter reads as follows—

I was a bit emotional on Friday on the phone when I spoke to you, mainly because of the Liberals tactics and of the fact that I'm being exploited till it hurts.

However the prices are more like 7 years old—

On the telephone he said prices were more than 10 years old. The letter continues—

not 10 and it's always on a take it or leave it basis. I've enclosed a price list of the 1976 association rates and a price list from Dalfield Homes 1984.

As you can see, in 1976 the price was \$130 per 1,000 in 1984 Dalfields are paying \$140 per 1,000 for face brickwork. Traditionally the price of bricks sets the price of brickwork. In 1976 face bricks were \$130 per 1,000 to buy, and lay. Face bricks now cost \$260 per 1,000 to buy!

I hope I've helped in some small way . . .

P.s. the Bricklayers' Association no longer exists.

If members are interested, I could table that letter. I have not put the name of that person into the record for obvious reasons. I have here the price list from the Bricklayers Association and also a list from Springdale Comfort Pty. Ltd. trading as Dalfield Homes, National Homes, and Arndale Homes. I will refer to this pamphlet because it again refers to the brickwork business. It is very nice that Western Australia can enjoy the lowest-cost-per-square-metre housing in Australia. If we can have that, it seems to me we could almost afford the people to do the job, if what Mr Piantadosi says is true, and the Bill will

add \$4 000 to the cost of a home for adequate coverage. I suspect we probably still would have the cheapest or lowest cost-per-square-metre housing in Australia.

Hon. N. F. Moore: That would effectively wipe out the Federal Government's housing scheme.

Hon. KAY HALLAHAN: Here is another myth: Apparently subcontractors are paid through a system of reward for productivity. That is not the case, as was pointed out to me by the people who telephoned, to whom I referred. They do not feel in any way rewarded for their productivity. They are taking in a tight market whatever they can get for their sustenance, but they are not getting reward for productivity.

Another little comment which sounds terribly nice is the comment that builders know in advance what various subcontractors will earn, which allows a builder to fix a firm price for his product. Does it matter that people would have an adequate income and the builder can still budget in the same way for those figures? The Bill does not destroy that system at all.

I will leave that pamphlet there but, keeping in mind that the letter came from a person who is currently employed by Dalfield Homes, when I mentioned this matter to my parliamentary colleagues and mentioned my dissatisfaction with the fact that the Leader of the Opposition and the Master Builders Association were using workers' pay packets without their consent to distribute their propaganda, I was amazed to be given a letter addressed to the Premier. The letter is signed by L. W. Buckeridge of Dalfield Homes. He wrote to the Premier as a matter of concern with regard to this Bill. He talks about people not receiving a just reward. Part of his letter reads as follows—

... I must tell you that this situation just does not exist and that all sub-contractors working with our Group of Companies have on a reconciliation of the monies paid to them made very attractive rewards which are of course based on a production incentive system.

So again we have a very complex sentence which is almost gobbledegook putting the point of view that subcontractors for Dalfield Homes do get attractive wages based on the production incentive system. Under present market conditions it does not happen and people do not receive rewards for productivity. This letter from Mr L. W. Buckeridge is quite revealing. It was just a coincidence, of course, that the letter I received should have come from Dalfield Homes, and that that

person should have written on 5 April to our Premier.

I refer to prices again. In 1976 the price for laying bricks was \$130 per thousand. In 1984 the list from Dalfield Homes now says that a bricklayer will receive \$140. In the meantime the price of bricks has almost doubled but the worker is receiving only about \$10 more. That is an incredible situation. If anyone would like some clarification of those figures they could be tabled. This person said that, contrary to what has been put forward here tonight, the people he has worked with on site have said that they are so desperate for a decent income they are considering joining unions. These are people he has worked with who have not seen unions as a way of getting a just reward. They have not seen the need for unions at all. However, they are at the stage where they are saying, "If the only way we can get a just reward is by joining a union, we will join a union". That is in sharp contrast to the sorts of stories we have heard from the Opposition. People are not happy with the current system and it is quite a misleading and socially irresponsible thing for the Opposition to be putting forward.

Hon. S. M. Piantadosi: Mr Masters particularly!

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

Hon. KAY HALLAHAN: The subcontracting system is not under threat from the contents of this Bill.

Hon. G. E. Masters: It most certainly is; there is no shadow of doubt about that.

Hon. KAY HALLAHAN: The sham subcontract system is under threat because it is designed specifically to take conditions away from the workers and to maximise profits. This fact was contained in the propaganda on that issue. The subcontract system will remain alive and well.

Several members interjected.

The PRESIDENT: Order!

Hon. P. G. Pental: Anyone who advocates a \$4 000 increase in the price of a house cannot be—

Hon. KAY HALLAHAN: Anybody who forces families to live below the poverty line has got a serious charge to answer, it seems to me.

Hon. P. G. Pental: They will be further below the poverty line if they pay \$4 000 more for a house.

Hon. G. E. Masters: He thinks this level—

Hon. P. G. Pental interjected.

The PRESIDENT: Order!

Hon. D. K. Dans: Considering you were trying to steal the pension from those people, that is a very blasé statement.

Hon. Fred McKenzie: That is the first time I have ever heard you say that. My heart bleeds.

The PRESIDENT: Order! The Hon. Kay Hallahan is the only member entitled to speak and I cannot hear her.

Hon. KAY HALLAHAN: Under this Bill we will have a more sane building industry, as we will have with other industries. People will put in quotes for jobs knowing legitimately that they can meet their costs and that chosen subcontractors and other employee and employer groups will be able to maintain a standard for themselves and their employees and not be white-anted by people undercutting every conceivable thing. I refer particularly to the building industry. I could quote many more stories about this; that is why I am so adamant that the Opposition is putting forward a very absurd picture.

Hon. P. G. Pental: The truth hurts.

Hon. KAY HALLAHAN: The fact is that the standard of living that is being foisted on people by conditions is very much hurting many people and it certainly requires this Government to redress this situation through fair means.

Hon. G. E. Masters: How, by making them unemployed? That is what you are saying. You, like Mr McKenzie, would rather see them on the dole.

Hon. KAY HALLAHAN: That would be unacceptable.

Hon. Robert Hetherington: You won't believe the truth.

Hon. KAY HALLAHAN: I remain concerned at the effect of the misleading information from the Liberal Party, the Housing Industry Association and the Master Builders Association in regard to this Bill.

HON. P. H. WELLS (North Metropolitan) [9.14 p.m.]: I rise to make a contribution to this debate on a question which is of concern. I accept that within the Bill there are, no doubt, areas that are worthy of consideration while others cause me a grave concern. Certainly the many people I have contacted and whom I hope to contact have expressed concern. I will lightly touch on four areas, the "employee" definition, registration, changing of contracts, and the blueprint for union control of the workplace.

Before doing so, I want to raise a couple of points relating to the debate. Firstly, the Bill contains areas of concern. During the week I spoke to a gentleman who attended a function with the Premier. Because he was involved in a large area

of employment he expressed to the Premier a certain amount of concern for the current Bill and its likely effect upon small business, and, in particular, his area of small business.

The Premier's words to that gentleman were, "Yes, there are some grey areas in the Bill that need attention". If there are some grey areas the Government should withdraw the Bill and amend it instead of dishing it up to this place and expecting members of the Opposition to clean up its dirty work. The more I read this Bill the more concerned I become.

A lot of discussion has taken place tonight as to whether this Bill should go through the Committee stage or whether it should be defeated at the second reading stage. I have heard some pious comments from Government members saying that the Opposition should let the Bill go to the Committee stage.

In the short time available to me since the remarks were made in this Chamber I have found examples in *Hansard* of how the now Government, when in Opposition, decided it would divide to oppose the second reading of Bills in an attempt to prevent them from going to the third reading stage. The Government is claiming that the Opposition should not oppose this Bill at the second reading stage; however, it opposed several Bills at the second reading stage when it was in Opposition.

Hon. P. G. Pental: You are not saying they did something different?

Hon. P. H. WELLS: Members of the Government have short memories.

Hon. Tom Stephens: Did we have the numbers?

Hon. P. H. WELLS: I wonder if the Hon. Tom Stephens studied what his colleagues did before he came into this House.

I am pointing out the practice of the Labor Party, when in Opposition, and the argument it espoused in this House previously that if the legislation is so abhorrent it should be defeated at the second reading stage.

Hon. D. K. Dans: You are rationalising things to make sure you go to heaven.

Several members interjected.

Hon. P. H. WELLS: I have found many Bills which the Government, when in Opposition, tried to defeat at the second reading stage. The only reason it did not succeed was that it did not have the numbers. However, there is a different ground rule for the now Opposition, and it is told that it should not defeat the Bill at the second reading stage but should let it go to the Committee stage.

Hon. Tom Stephens: It is an exercise in futility.

Hon. P. H. WELLS: If the Government espouses that policy why does it not practise it?

Hon. Tom Stephens: We did not defeat any Bills before the Committee stage.

Hon. P. H. WELLS: I remind members in the House that on one occasion the previous Opposition called off pairs within five minutes of a vote to make sure it had the numbers.

Hon. Tom Stephens: How about ranting and raving on the substance of the Bill?

Hon. P. H. WELLS: I did not raise the question, it was the Minister for Industrial Relations who said, "You should allow the Bill to go to the Committee stage before defeating it".

The example set by the Government, when in Opposition, was that it consistently called for divisions at the second reading stage of Bills which it opposed. Some of those Bills were the Country Areas Water Supply Amendment Bill, the Education Amendment Bill and the Hospitals Amendment Bill. The Opposition in this House at that time opposed those Bills. The Bills that were opposed in the Legislative Assembly by the then Opposition included the Consumer Affairs Amendment Bill and the Misuse of Drugs Bill. Those are only a few of the Bills which I could find in the short time available to me, but there are many others on which the previous Opposition decided to divide, hoping that Government members would not return to the House in time for the vote.

Hon. D. K. Dans: It never happened though, did it?

Hon. P. H. WELLS: Is the Minister for Industrial Relations saying that he did not lead his party to divide on those Bills? The previous Opposition hoped that some of the then Government members would not make it to the Chamber in time for the vote.

Hon. D. K. Dans: We recorded our opposition to the Bill, but at no stage did we have the numbers to defeat the Bill at the second reading.

Hon. P. H. WELLS: That is one area that concerns me.

I made reference to the Premier indicating to a member of the public that there were some grey areas in the Bill that needed attention. I am suggesting to the Government that the Bill should be withdrawn and those grey areas should be attended to. The Government should have consulted with those people concerned. Consultation has not taken place with industry. Large sections of the community to whom I have spoken are not aware of this Bill.

Many people in the community will be harmed if this Bill is passed. The recession has caused a lot of hurt to many people. If members were to go to the bankruptcy court they would find many people have been hurt as a result of the recession.

Many people in the community today would not have a job if it were not for those employers who were willing to go without.

Another question that has been raised is whether the Opposition should allow the Bill to go into the Committee stage. The matter has not been given consideration, but the Opposition would seek to amend the Bill. However, the complexity of the Bill is slightly beyond me, and I remind the House that at two o'clock one morning last year, when dealing with the Western Australian Development Corporation Bill, the Opposition was led to believe that a certain provision of the Bill was correct, but in the light of morning it was found to be incorrect. The Opposition was misled.

Hon. D. K. Dans: You are not saying that Mr Berinson misled you? Mr Berinson did nothing of the sort and you know very well that he did not.

Hon. P. H. WELLS: As an example I refer to the undertaking given to the Hon. Phil Pental in connection with FID Bill.

The PRESIDENT: Order! I think I have been awfully tolerant. I wonder if the honourable member will give us some idea of his views on this Bill.

Hon. P. H. WELLS: I raised this point because it has been stated that the Bill could be satisfactorily amended in the Committee stage. However, in connection with the FID Bill we were given an undertaking which was rejected in the other House.

It was interesting to hear the Hon. Sam Piantadosi mention the increase in the cost of housing as a result of this Bill. Many people have placed different interpretations on this matter and on what the likely cost will be. I accept that certain facts are unknown.

The Hon. Sam Piantadosi quoted the figure of \$4 000, but it is different from other figures that have been quoted. *The Sunday Times* used figures based on the CSIRO.

Hon. D. K. Dans: They have since denied that.

Hon. P. H. WELLS: I thought that the Hon. Sam Piantadosi, because of his association with unions, would have been interested in the figures that have been quoted by some of his colleagues. It was stated in *The West Australian* on 24 January under the heading, "Employers' Reaction stir union", that Mr Henderson, the Secretary of the Carpenters and Bricklayers' Union said that

the average increase in the cost of housing would be \$2 400. This figure is different from that quoted by the Hon. Sam Piantadosi. The article reads as follows—

The total subcontract tradesman component of an average house was \$1 800 to \$2 400 and changes brought by the legislation were likely to add no more than \$1 500 to \$2 000 to the total cost.

If one believed the reference made by the union representative one would not take it as the total cost because an additional 62 per cent increase for employees must be taken into consideration. These are the figures that are being bandied around. I suggest that the figures based on the CSIRO have more credence than other figures that have been given.

It concerns me that the definition of "employee" and the definition of "retrospectivity" in this Bill lay the grounds to remove the right of freedom of a subcontractor and a self-employed person in certain areas. They lay down the grounds for a blueprint for increased union involvement. Is that what we want? The construction area of the building industry is perhaps more unionised than any other industry.

If the Hon. Fred McKenzie were present in the House I would point out to him what the chemists are doing.

Hon. S. M. Piantadosi: I was saying that other people are affected by this legislation.

Hon. P. H. WELLS: I was not referring only to the building industry. I am sorry the Hon. Sam Piantadosi has a problem with his hearing.

Several members interjected.

Hon. D. K. Dans: Not with his hearing, but his understanding.

Hon. P. H. WELLS: The Bill lays down a new definition of "employee", which is broad. One provision in the Bill makes reference to the exclusion of everyone except doctors and dentists. This makes me fear that everyone else is included. If a union were formed for members of Parliament, God help it, because they would be hard to regulate.

Hon. D. K. Dans: Don't you belong to the CPA?

Hon. P. H. WELLS: Let us take one area in which we have an example of a union being involved to the extreme. I say "one area" because I want to suggest, having been a member of the AWU when working underground in Norseman—

Hon. S. M. Piantadosi: Underground would be right!

Hon. P. H. WELLS: The Hon. Sam Piantadosi has been moving around the sewers for too long. Not all unions have an effect on the community.

I have received many telephone calls over the last few days from people who are concerned with what is happening in the construction industry. I ask the people of Western Australia if this is the type of example they want transferred to the building industry, the transport industry, the cleaning industry and other industries? Take for instance an electrical contractor. To undertake work on a site, he had to meet certain requirements and one of those was that he belong to a union. He met that requirement, and he sent one of his employees to do the work.

When he arrived it was necessary to dig a trench and he arranged for a subcontractor to do that, not realising that that person did not meet the requirement of being in the union. Just as he finished digging the trench the union man on site found the man who dug the trench was not in the union, called all the workers off the site and sent the bill for their wages to the electrical contractor. That is the type of standover tactics being encountered.

I refer to another occasion when in contravention of what was considered to be union law on the site, a contractor was fined \$250. He was told to pay up or he would never be allowed to go on another site. On a further occasion a chap cleaning up after doing his work was stopped and told to put the rubbish down or every man would leave the site and he would be liable for the costs of the wages. Is that the type of activity we want to transfer into the housing area or into any other area of the workplace?

Daily I receive queries about whether we are living in a democratic society, because union people are constantly interfering and telling business people that they require additional labourers. I have always thought that if one were involved in business, one worked out how many people one needed and employed that number.

Several members interjected.

Hon. P. H. WELLS: Numerous examples have occurred where unions have gone on site and instructed contractors that they needed additional labourers. For this exercise, let us accept that they might be right; what is the next statement: "Not only do you need another labourer, but this is the list from which you will choose that labourer". Where is the freedom in the democratic society we have today?

Is this a recipe base that extends the tentacles of control; does it encourage total control, and is it likely to bring that situation to many industries,

not only the building industry? One can envisage that a full-time labourer would be needed on site waiting to unload the trucks when they arrive. It would seem that the person who delivered the goods would not be allowed to unload the truck.

Last night I heard of a case involving a person working at the airport who was told the union did not want him there, and if he did not get off the site the aircraft would not be allowed to move. Can we allow legislation through this place that encourages and allows the extension of that kind of blackmail into every area?

Another point about which I am worried is that already many of the small contractors in this State have been gobbled up and have been unable to meet the demands made upon them. The union has a secret way about it, it provides for ambit claims. At one stage I did not know what an ambit claim was; in fact, I thought it was a joke. Many of the small contractors ignore those ambit claims only to find at a later date that they have become respondents to a Federal award. Unions are now going through their books in this State claiming that many people come within their ambit and must meet their requirements. I understand one such business has been presented with a bill for \$20 000.

The extension of retrospectivity to six years should send a shiver through every small businessman. He could find that agreements he made yesterday are no longer agreements; that people who are willing to perform a task can be thwarted by someone else who can make a different determination and upset that agreement; that the businessman can be given a bill which is sufficient to make him bankrupt.

This Bill has a number of areas which are of great concern. It has been said that it will bring us closer to the Federal Act. I query whether it will do that. In the State Act conciliation processes are the way of solving disputes; in other words, might is right and he who holds out has to be heard.

However, the Federal Act fosters the judicial and legal rights approach in that area. I am concerned at the intervention of the Federal arbitration system into this State. As far as I am concerned, the Federal Government should get out of arbitration, which should become a State's rights area so that people in this State do not have to know whether they are under Federal or State awards. We have the situation where unions are dictating how people must work and there is competition at the Federal and State levels. I know of one example where a worker had to be in three unions to work on a site. The same man was

carrying his stuff on the site and was told he should not do so. He offered to join the relevant labourers' union but that offer was refused. The Federal groups should keep out of the State so that the workers do not become bogged down in the competition and find it necessary to join so many unions. Workers are continually badgered and blackmailed into belonging to a particular union.

I have previously reported the case of a chap who came to my office; he had been out of work for two years. He was offered a job but told that as a condition he must have a union ticket. On inquiry with the union he was told the cost was \$81. As he had been unemployed for two years he did not have that money and asked if he could pay it off. He was told that it was not possible to do that, but he should ask the foreman to give him an advance. The foreman refused to give him that advance, the man could not join the union and as a consequence he did not get the job. I query whether unions are interested in getting rid of unemployment and getting people into the workplace. I suggest they are not and they are using their powers in the workplace in other directions.

This legislation has been dished up by the Government and applies to areas in which I do not believe the Government is particularly interested. It has been engineered by those who call the tune, pay the bill, kick into the Government's campaign funds, and sit on preselection boards. This legislation is a kickback to that area, which includes the TLC and the unions. I believe they have made a large contribution towards writing the Bill. The Government has brought forward the legislation and in some ways would like the Legislative Council to knock it back so that it can point to the Council and say it has rejected Government legislation.

I challenge the Government to withdraw this Bill and to begin consultation with people in the community in a realistic way.

I heard the Hon. Fred McKenzie querying what effect this Bill will have on chemists; if one looks at how they operate the contract and subcontract system on delivery and receipt of goods, it can be seen in that field they have become very sophisticated. Many subcontractors have been able to make proposals about operating at a cheaper rate than by having day labour. It is often the case that a chap starts as day labour and then someone with imagination, drive, and initiative says that he can do the job cheaper because of the way he tackles that job. He may be using new technology or putting into practice techniques he

has acquired. That is why I question new section 80ZF.

Hon. Fred McKenzie: That is not under threat in the Bill.

Hon. P. H. WELLS: It was raised here. One of the ways in which the commission will be able to change contracts is through proposed section 80ZF(d), which states as follows—

- (d) provides or has provided a total remuneration less than a person performing the work would have received as an employee performing such work;

I could be working for a market gardener who has 10 people working on day labour digging up potatoes. I may subsequently acquire a backhoe and decide it can do the work without the need to employ 10 people. In the age of technology this situation will occur.

Hon. Fred McKenzie: Exploiting the unemployed, that is how it is done.

Hon. P. H. WELLS: Fred McKenzie is saying we should not use labour-saving devices to keep costs down so that the prices charged to the housewife can be reduced.

Hon. Fred McKenzie: They should be paid the piece rate.

Hon. P. H. WELLS: The Government claims on the one hand that it will encourage technology and that it is interested in keeping prices down, yet on the other hand it would sooner see 10 people employed and the prices kept up.

Several members interjected.

Hon. P. H. WELLS: Very often subcontractors or individuals have methods of carrying out work at a cheaper rate and that is how goods are supplied at a cheaper price. I suggest that members consider the situation with regard to chickens. Some 20 years ago I had chickens; the price of a chicken today is very much the same as it was in those days. With modern technology the chicken can be produced and sold at a lower price than other meat products which have been the subject of greater price rises in the same period. Government members want to keep prices and labour at the same level. Fred McKenzie is suggesting that is the answer to unemployment; do not have technology, do not provide cheaper goods, we will provide an arbitration system to support this policy, and we will dictate to people where they will work. How can a business be run in that way?

Several members interjected.

The PRESIDENT: Order!

Hon. P. H. WELLS: It is interesting to hear the interjections. I wonder with how many people

the Hon. Sam Piantadosi has discussed this Bill, I wonder how many people the Hon. Fred McKenzie has spoken to about this Bill.

Hon. Fred McKenzie: Four people.

Hon. P. H. WELLS: In my area one home in eight has received information and a personal request from me for information. Unfortunately, I have not been able to speak to all of them.

Hon. Fred McKenzie: You are the one who has been stirring them up.

Hon. P. H. WELLS: I am speaking about people who have never been consulted on this Bill.

Several members interjected.

Hon. P. H. WELLS: The message that came to me loud and clear—

Hon. S. M. Piantadosi interjected.

Hon. P. H. WELLS: I am afraid Mr Piantadosi does not spend as much time with people as he could profit by. I continually try to spend time with people and I spend a lot of time with people who are hurting.

I know that Mr Piantadosi has a fair background in the union movement; but I sought to involve a large number of people. They said to me quite clearly that they did not want to be taken over by unions. They had chosen a style of life as subcontractors so they were not dominated by the unions.

Reference was made to the Burns report from the commission of inquiry into employment and housing in New South Wales. Term of reference No. 4 related to the "effects of the labour only or substantially labour only contract system on the housing industry and in particular on workers within the industry". The following appears in the report—

I believe that present practices have infinitely more advantages than disadvantages—

That accepts that there are advantages and disadvantages to every system. However, this Labor-orientated report shows clearly, after studying the question, that the present practice had infinitely more advantages than disadvantages. The report continued—

—and that the effects of the labour only or substantially labour only system on both the industry and the workers within the industry are better than anything which might be artificially imposed from outside.

That is not a Liberal report; it is a Labor-commissioned report in New South Wales.

The Hon. Mr Piantadosi raised the question of the cleaning industry. I have been speaking to people in that industry—

Hon. S. M. Piantadosi: Workers?

Hon. P. H. WELLS: Yes. The people I referred to were bricklayers, grano workers, cleaners, and carpenters. They are the people who actually do the work. They say clearly that they want a way of life with a fixed wage. I gather within any industry there are people who seek a guaranteed return. However, the message that came loud and clear was, "Although we are hurting, we don't want union involvement".

This Bill is a blueprint for introducing the tentacles of unionism that is currently running rampant in the construction industry in this State. The Bill is an attempt to bring that into the housing, cleaning, and transport industries, as well as all other workplaces.

The Government has received submissions from a large number of groups. I have seen a copy of the submission from the Electrical Contractors Association of Western Australia, which expressed its concern in a number of areas. I also know that some people have been asking the Government to delay the Bill. Many subcontractors and bricklayers believe that they should not be covered by the Bill. They have been asking the Government to delay the Bill, and to exclude them from its provisions. Many of them believe they they can come to an agreement with the people employing them.

I do not say that those people are not hurting. People are hurting in every type of business. The message I receive loud and clear from the workers is that this Bill needs many amendments.

Had the Hon. Garry Kelly been here earlier he would have heard me explaining the reason we cannot allow this Bill to go to the Committee stage. In previous cases, we have been caught up in the Committee stage with interpretations. We end up with legal mumbo jumbo.

One thing should happen with this Bill: The Government should withdraw it and return to consultation. The Premier has said that there are grey areas, and the workers have said that some matters should be excluded. The Bill is not in a form that would enable the Opposition to amend it adequately. Therefore I ask that it be defeated on the second reading.

Debate adjourned, on motion by the Hon. Mark Nevill.

ADJOURNMENT OF THE HOUSE

HON. D. K. DANS (South Metropolitan—Leader of the House) [9.50 p.m.]: I move—

That the House do now adjourn.

Communications Bases: Closure

HON. P. H. LOCKYER (Lower North) [9.51 p.m.]: The House should not adjourn until I have made some comments concerning a report in *The West Australian* this morning about agitation within the lay party of the Australian Labor Party about the closing of communications bases in Australia. I have received a telephone call from the President of the Exmouth Shire Council, as Exmouth is the nearest town to the north-west communications base, "Harold E. Holt".

The people connected with the communications base at Exmouth are extremely worried about the constant rumblings by various political parties—in particular, the Australian Labor Party—about the possibility of closing these bases. The time is fast approaching when senior members of the Federal Labor Party in Canberra—the present Government—must make a firm statement, and so too should the Premier of this State, that there is no possibility of bases like the Exmouth north-west communications base being closed.

The people of Exmouth should not be subject to speculation in newspapers. It is time for this matter to be cleared up. I am sure that Mr Dans, in his capacity as Leader of the House and as a member who is sympathetic to remote areas, will take my comments into consideration and will make a statement to the House at some stage, clearly pointing out that there is no possibility in the foreseeable future of closing these bases. Their closure would ruin places such as Exmouth.

The people are worried, and if the Leader of the House does not think they are worried, I am happy to accompany any member of either political persuasion to the town, to talk to the people. Statements must be made to put aside their doubts.

Question put and passed.

House adjourned at 9.53 p.m.

QUESTIONS ON NOTICE

WASTE DISPOSAL: RUBBISH

Tip: South Perth

890. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Health:

- (1) Is the Government aware of the imminent end of the life of the South Perth rubbish tip?
- (2) If so, what arrangements, if any, is the Government making in liaison with the local authority to cater for the rubbish disposal needs of this important city?
- (3) Are any regional arrangements in hand or planned to tackle the disposal of rubbish on a wide front?

Hon. D. K. DANS replied:

- (1) Yes.
- (2) (a) The City of South Perth is joining a group of southern local authorities to use the City of Canning site;
- (b) the City of South Perth has made preliminary inquiries regarding a transfer station near the present tip. The Public Health Department and the Department of Conservation and Environment have indicated that this will be acceptable provided appropriate safeguards are incorporated.
- (3) Yes, the Government supports formation of regional councils for waste disposal for this purpose.

HEALTH: DENTAL

Subsidy Scheme: Delays

905. Hon. TOM McNEIL, to the Leader of the House representing the Minister for Health:

- (1) Is the Minister aware of the lengthy delays in subsidy approvals for people eligible to claim treatment under the country patients subsidy scheme?
- (2) Is it the Government's intention to update the fees schedule under the scheme, which has not been revised since January 1982, and at the same time review the types of treatment for which the subsidy is available?
- (3) If "Yes" to (1), will the Minister undertake to investigate the matter with a view to improving the system?

Hon. D. K. DANS replied:

- (1) Yes.
- (2) and (3) Officers of the Minister's department are currently negotiating with the Australian Dental Association to review the conditions of the scheme.

WATER RESOURCES

Dam: Menzies

925. Hon. N. F. MOORE, to the Leader of the House representing the Minister for Water Resources:

Further to my question 840 of Tuesday, 3 April 1984, will the Minister provide details of the "stringent controls and conditions" which have been imposed on the operator of the tailings dam located in the catchment area of No. 2 dam at Menzies?

Hon. D. K. DANS replied:

Renewal of licences to treat tailings 29/183 and 29/184 (4667H and 4668H) issued to Peter Graham Cruickshank was approved by the Minister for Minerals and Energy on 7 March 1984 for a further period of 12 months from 31 August 1983 to 30 August 1984 subject to the following conditions—

- (1) The licensee commencing to treat the tailings within 14 days from the date hereof, and
- (2) The licensee continuing *bona fide* to treat the tailings during the currency of the licence.
- (3) The tailings processing dams shall be constructed to a specification agreed by the Department of Mines to be satisfactory to safely contain the sands during treatment and shall be operated with a minimum freeboard of 0.5 metres.
- (4) A secondary bank or bund wall shall be constructed around the site of dams and other processing works sufficient to contain the spillage of all liquid on the site with a freeboard of 0.2 metres.
- (5) Upon completion of the processing or cessation of work on the site the treated sands in the processing dams shall be flushed with water or chemically neutralised such that the cyanide level remaining is less than

0.05 p.p.m., and all solution containing cyanide shall be disposed of out of the catchment in accordance with an effluent disposal licence to be obtained from the Public Works Department. The site shall be restored to the satisfaction of the Regional Mining Engineer.

- (6) Prior to the commencement of the treatment of tailings the inlet to the No. 2 dam shall be blocked off and temporary diversion works carried out in accordance with detailed requirements specified by the Public Works Department, District Engineer, to arrange for all runoff to be prevented from entering No. 2 dam. Upon completion of the flushing or neutralisation as in Condition 5 above, and after residual cyanide levels are verified to the satisfaction of the Public Works Department's District Engineer, the inlet to the No. 2 dam shall be re-opened and the temporary diversion works removed as necessary to direct the flow into the dam as normally.
- (7) All work in treatment of the tailings and in compliance with Conditions 5 and 6 above shall be completed by 30 August, 1984.
- (8) Failure to abide by these conditions at or within the time specified or should pollution of the water supply occur as a result of processing of the tailings, the Public Works Department may, upon the site of the treatment works and within the catchment, carry out the works necessary to prevent pollution of the water supply.
- (9) Work in compliance with all of the above conditions shall be carried out by and/or at the expense of the licensee. The licensee or his nominee shall lodge with the Minister for Minerals and Energy the sum of \$10 000 cash, such amount being a guarantee for the due compliance with the conditions of the licence. This sum shall not be the extent of liability but shall be moneys on which the Public Works Department may draw to carry out any remedial work in the prevention of or

clearing of pollution upon the site of the treatment works and within the catchment.

- (10) Subject to and upon due compliance with the above conditions and said sum of \$10 000 which shall have, been invested in an approved interest-bearing deposit, plus interest accrued, but less any moneys drawn therefrom by the Minister, shall be returned to the person depositing the same.

COURTS

Legal Information Retrieval System

939. Hon. I. G. MEDCALF, to the Attorney General:

Did the State Government make or has it made any attempt to persuade the Federal Government to use its influence to secure a national or a national specification for a computerised legal information retrieval system which would have included all the other States, as well as NSW and Victoria?

Hon. Peter Dowding (for Hon. J. M. BERINSON) replied:

No. Such an approach was not considered necessary. The New South Wales agreement adopts the principles approved by the Standing Committee of Attorneys General that, *inter alia*, there should be a co-ordinated development of computerised legal information retrieval systems in Australia. An advisory committee on the development of legal computer systems has been established. All States and the Commonwealth are represented, plus the Law Council of Australia.

EDUCATION

Teachers: Accouchment Leave

940. Hon. N. F. MOORE, to the Minister for Planning representing the Minister for Education:

I refer the Minister to his comments in the latest edition of *The Western Teacher* on the subject of accouchement leave for female teachers and ask if the extended leave will be made available to female teachers in promotional positions?

Hon. PETER DOWDING replied:

Yes, subject to normal departmental procedures regarding the length of time that a particular position in one school can be held vacant, as distinct from holding the status of the position.

GAMBLING: CASINO

Burswood Island: Consultations with Perth City Council

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

(1) Did the Premier or any Minister consult with the Perth City Council over the selection of Burswood Island as the site of a casino?

(2) If not, why not?

Hon. D. K. DANS replied:

(1) and (2) The Premier advised the Lord Mayor in confidence that the Government intended to proceed with the development of a casino on the Burswood Island area.

However, the Government has stated that the development of a casino on Burswood Island will be subject to satisfactory transport, environmental, and planning requirements being met. Naturally, this will involve detailed negotiations with the Perth City Council.

The Perth City Council had previously informed the Government casino advisory committee by letter dated 28 July 1983 that the council had resolved that a legalised casino should be provided and that it should be located within the municipality of Perth.

RACING AND TROTTING

Royal Commission: Recommendations

942. Hon. H. W. GAYFER, to the Minister for Administrative Services:

(1) Has the Minister read the report of the Royal Commission on Racing and Trotting which was presented to the Lieutenant-Governor and Administrator on 6 June 1983, and copies of which were presented to the then Minister, Hon. David Parker MLA?

(2) If "Yes", does the Minister intend to make any submission to the Government that recommendations of the commission be acted upon?

(3) If "No" to (1), will the Minister read the report and advise his intentions?

Hon. D. K. DANS replied:

(1) Yes.

(2) The matter is under consideration and a report will be made to the Government.

(3) Not applicable.

MINING

Act: Exemptions

943. Hon. N. F. MOORE, to the Minister for Planning representing the Minister for Minerals and Energy:

Further to my question 931 of Wednesday, 11 April 1984, will the Minister advise which company or companies sought the exemption and for what reasons?

Hon. PETER DOWDING replied:

No. There are some fairly sensitive negotiations going on and I would prefer not to provide this information at this time.

GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES: AGENCIES

Annual Reports: Legislation

944. Hon. JOHN WILLIAMS, to the Leader of the House representing the Premier:

(1) Is it the Government's intention to introduce legislation requiring Government agencies to report to Parliament annually?

(2) If so, will this legislation encompass time limits, format, and specific items which must be included in the annual report?

Hon. D. K. DANS replied:

(1) and (2) Yes.

GAMBLING: CASINO

Burswood Island: Consultations with Perth City Council

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

(1) Is it a fact that the Perth City Council contributed, in the mid-1970s, to the cost of upgrading that part of Burswood Island adjacent to Great Eastern Highway?

- (2) If so, is not the PCC entitled to be consulted about the future use of Burswood Island?
- (3) How much in—
 - (a) State funds; and
 - (b) PCC funds; have been spent on the site in the past nine years?

Hon. D. K. DANS replied:

- (1) Yes.
- (2) The council will be fully consulted on all planning and development proposals for Burswood Island.
- (3) (a) \$345 623;
(b) \$70 000.

LAND

Crown: Vacant

946. Hon. N. F. MOORE, to the Leader of the House representing the Minister for Lands and Surveys:

Further to his answer to my question 919 of Wednesday, 11 April 1984, would the Minister provide advice as to the total area of vacant Crown Land in broadacre terms?

Hon. D. K. DANS replied:

Yes. As indicated in my reply on Wednesday, 11 April, this information will be compiled and provided direct to the member as soon as possible.

QUESTIONS WITHOUT NOTICE

CONSUMER PRICE INDEX

Pilbara and the Kimberley

226. Hon. W. G. ATKINSON, to the Minister for Consumer Affairs:

I note from an article in *The Sunday Times* on 15 April that he announced that consumers in the Pilbara and the Kimberley will have their own modified cost of living index. In view of the fact that most country towns also experience high costs of living—in some cases, higher than those in the Pilbara—is it the Government's intention to set up a prices watch in those areas only, or is it intended to set up a prices watch in areas of the State other than the Pilbara and the Kimberley?

Hon. PETER DOWDING replied:

No, at this stage it is not intended to make any substantial change to the situation that pre-existed the commencement of this Government's term of office, and the situation will be kept under review. But the suggestion has come from within the department and from other sources that the comparison between Perth and northern prices has been inaccurate or might not have been accurate because the basket of goods being utilised may not reflect the appropriate consumer spending in the north. On that basis I have asked the department to review the basket, and that work is going on. It is that work which was the subject of the story in *The Sunday Times*. If it is evident that the basket utilised in assessments in other parts of the State is unsatisfactory, the work we have done in looking at the north specifically will be of value in assessing those baskets, and I would be quite happy to receive any information or suggestions from any member of Parliament or any member of the public at large.

GAMBLING: CASINO

Burswood Island: Consultations with Perth City Council

227. Hon. P. G. PENDAL, to the Leader of the House:

I refer him to that part of his answer to a question I asked on notice wherein he replied that the Premier advised the Lord Mayor in confidence that the Government intended to proceed with the casino at Burswood Island. Will he confer with the Premier to ascertain when the Premier advised the Lord Mayor in confidence of that decision made by the Government?

Hon. D. K. DANS replied:

I will obtain that information for the member if he gives me a short note to jog my memory.