

# Legislative Council

Wednesday, 16 November 1983

The PRESIDENT (Hon. Clive Griffiths) took the Chair at 2.15 p.m., and read prayers.

## HEALTH: TOBACCO

### *Advertising: Petition*

On motions by the Hon. P. H. Wells, the following petition bearing the signatures of 29 persons was received, read, and ordered to lie upon the Table of the House—

TO:

The Honourable the President and the Honourable Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We, the undersigned are school teachers and we believe that education programmes alone are ineffective in discouraging children from smoking and only by combining education with legislation to ban tobacco advertising can we expect that the uptake of smoking by children will be significantly reduced.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

(See paper No. 487.)

## FUEL AND ENERGY

### *"Energy for Western Australia and Gas Pipeline Project": Ministerial Statement*

HON. PETER DOWDING (North—Minister for Fuel and Energy) [2.19 p.m.]: I seek leave of the House to make a statement.

Leave granted.

Hon. PETER DOWDING: I table a document titled "Energy for Western Australia and Gas Pipeline Project".

Since the formation of the State Energy Commission in 1975, the State has undertaken a number of very major developments. On gaining office this Government has sought to more widely inform the public on matters which play and will continue to play a significant part in the opportunities for Western Australia now and in the future.

With this overall aim, and recognising certain constraining factors, the Government has directed the State Energy Commission to prepare a docu-

ment broadly outlining the commission's corporate information and particular aspects of the current major projects, including the Dampier-Perth natural gas pipeline project, for release to the interested public.

The document "Energy for Western Australia and Gas Pipeline Project" specifically reviews relevant aspects of Western Australia's energy profile, including an outline of the commission's corporate trends and projections of the expected future profile of the commission's financial accounts.

The document also includes two sections which provide details of the pipeline's construction and a summary of the analysis of the project's economics and financing requirements. The document contains many significant details, some of which I wish to draw to the attention of this House.

The first section provides an historic perspective of the development of fossil fuel resources in this State and is presented in a style so as to enable comparisons to be made between Western Australia and the other Australian States as well as selected overseas benchmarks. Projections are made of future energy demand. In Western Australia these projections are based on other public documents provided by the commission and certain confidential assessments.

The tremendous significance of the development of the North-West Shelf and the continued development of the Collie coalfield can be readily understood from the information provided. Future scope for further development of Western Australia's energy resources is indicated by the broad perspective provided.

This first section of the document also provides details of the future sales of natural gas from the North-West Shelf, giving perspective to market relativities to petroleum products and also coal.

Although contractual matters must remain confidential, broad approximations which are still relevant are provided in order to complete the conceptual picture; such approximations do not infer contractual commitment nor indeed future policy of this Government.

Projections of the commission's future financial profiles are made to give perspective to the commission's operations over a relatively long period of time. Nevertheless, as witnessed by the events of the last decade—the 1970s—projections of the future can vary substantially, particularly as the economy of Western Australia is guided by this Government to increased levels of prosperity for all Western Australians.

In the second section of the document, details of the construction phase of the pipeline project

are provided to highlight the progress of the construction of Australia's largest pipeline project, which is the linchpin for Australia's largest ever energy project.

At this time construction is proceeding to schedule for gas to be available for commercial sales by mid-1984. There are prospects for a very successful completion of the major construction contracts. To this end Saipem and ICC Construction Company Limited are making good progress. In terms of costs, the project is running to budget.

These two matters, schedule and cost, are very important in maintaining the Western Australian profile of undertaking world-class projects on time and within budget. Western Australia has developed a very good profile in this regard for its large development projects, and this is viewed favourably by international bankers and companies seeking to participate and invest in stable political and commercial environments.

The third and final section of the report provides an overview of the financial aspects of the pipeline project. The interrelated financial aspects of the project are broadly outlined to provide an insight into the potential risks and possible returns of the project. These details are necessarily indicative only, for, as mentioned at the outset, contractual details are confidential.

Financial profiles of the projects are given which provide a good guide as to the risks which have been prudently financed under the financing package which was arranged earlier this year when this Government took office.

I have alluded to the constraining factors which necessarily have required that information be provided in an overview format in the document.

The document has been written to preserve the confidentiality of the commission's commercial contracts and the presentation has also taken account of the need to ensure the commission's position with respect to commercial negotiations which are currently in hand and to possible future negotiations which may be directed by this Government.

The PRESIDENT: Order! Members are engaging in far too many audible conversations to the extent that it has become difficult to have any idea of what the Minister is saying. I ask members to refrain and allow the Minister to proceed.

Hon. PETER DOWDING: I also point out that although certain assumptions are made concerning ongoing initiatives which seem reasonable at this time, such matters are obviously subject to the continuing review of policy by this Government and therefore such projections are subject to future policy decisions.

*The document was tabled (see paper No. 488).*

## STANDING ORDERS SUSPENSION

### *Bills: Motion*

HON. D. K. DANS (South Metropolitan—Leader of the House) [2.28 p.m.]: I move—

That commencing with Thursday, 17 November 1983, Standing Orders be suspended so far as to enable any or all stages of a Bill to be taken in one sitting.

Question put and passed.

## WESTERN AUSTRALIAN TRIPARTITE LABOUR CONSULTATIVE COUNCIL BILL

### *Second Reading*

Debate resumed from 10 November.

HON. G. E. MASTERS (West) [2.29 p.m.]: On a number of occasions the Government has stated its intention to set up a tripartite consultative council. This Bill carries out that proposition; but the idea of a tripartite advisory group is not unusual in this State. I believe the first Minister to put forward this proposition was Mr Ray O'Connor, when he was Minister for Labour and Industry. At that time he set up a tripartite advisory committee which comprised the Confederation of Western Australian Industry, the Trades and Labor Council, and the Government.

When I was Minister for Labour and Industry that practice continued. It was unfortunate that because of a difference of opinion while that tripartite council was operating under Mr O'Connor, the TLC decided it would not attend the tripartite advisory committee meetings.

I was the Minister at the time and I was deprived of the advice of the TLC. Mr Peter Cook, who was then the General Secretary of the TLC, consistently refused to attend the advisory committee meetings; he was invited personally by me, by telephone and letter, on a number of occasions, and preferred not to attend. That was a difference of opinion and it was unfortunate.

Hon. Peter Dowding: It was your incompetence.

Hon. G. E. MASTERS: What a silly remark, but how typical. The Minister should concentrate on his job; he is making enough mess of it.

It was unfortunate that Mr Peter Cook or a representative from the TLC decided not to attend those advisory committee meetings, and therefore I lost the advantage of their attendance. Nevertheless, the committee kept going as best it could and it was decided the Australian Mines and Metals Association (Inc.) should be invited to

participate in the committee. It was invited and, happily, it accepted that invitation and became part of the tripartite committee.

I recognise this proposal in a way is a continuation of that proposition, and I have no objection to the setting up of a tripartite council. Mr Dans would not expect me to oppose it because I guess it could be said our Government first thought of the idea, not in this form, but in another form. The idea of consultation is not new; we have no objection in principle to the council being set up. We recognise it is absolutely essential that the advice of certain parties who are interested and involved should be available to the Government in one way or another. The tripartite council is a way in which the advice can be given; the Minister will be chairman of the council and will be very much involved in the discussions.

The Government's proposal seems to go further than I would have expected; I am not necessarily objecting to that, but I invite the Minister to comment when he replies.

Hon. D. K. Dans: I will.

Hon. G. E. MASTERS: I am sure Mr Dans will; I would be disappointed if he did not.

I refer now to the Council's powers which are set out on page four of the Bill where it states—

6. The Council may—

- (a) from time to time appoint committees of which a member is chairman;
- (b) empower a committee to investigate and report on any aspect of its functions;
- (c) obtain the advice of persons having special knowledge, experience or responsibility in regard to industrial relations;
- (d) invite, and enter into arrangements with, any body, person, university or other tertiary institution on such terms and conditions as it may determine to act in an advisory capacity or to make submissions to the Council in relation to all or any aspects of its functions;

The council will be able to do a number of things, including setting up committees and obtaining advice. Is it proposed that people used in various capacities allowed by the powers of the Bill will be paid for their work? I assume they will be employed for a certain period, whether short term or long term. I would appreciate some advice from the Minister on that point.

The membership of the council is rather different from that used in the past when employer and employee groups were evenly divided. I admit I brought in the Australian Mines and Metals Association (Inc.) as an extra group, but if the TLC had requested me to even up the numbers I would have given it two more members.

There should be no argument with the proposal that the Minister will act as chairman and that he will have the advice and help of the head of one particular department. It is a reasonable proposition that the council should be made up of an equal number.

The PRESIDENT: Order! I remind honourable members of what I said earlier in regard to audible conversations.

Hon. G. E. MASTERS: It is a reasonable proposition that the council should be evenly divided in its composition, with the Minister acknowledged as chairman, and with a casting vote and the balance of power. The proposal in the Bill is to have three employer groups and four TLC members. That seems to be unbalanced; I should have thought the Minister would be looking for balanced advice. I draw to the House's attention the proposal that the council's membership should be set up so that the Confederation of Western Australian Industry (Inc.) will have two members, the Australian Mines and Metals Association (Inc.) will have one member, and the TLC four members. I am not criticising the Confederation of Western Australian Industry or the Mines and Metals Association. One of the most important groups—the most important in this State as employers and as people who have an effect on the economy—has been left out of the council. I suggest that the Perth Chamber of Commerce or its representative should most definitely be one of the members of the council.

Hon. D. K. Dans: Did you have them on your council?

Hon. G. E. MASTERS: No, I did not, but that does not mean to say they should not be on this council. In a way I am criticising myself.

Hon. G. C. MacKinnon: The Minister should be aware we made a mistake or two.

Hon. G. E. MASTERS: Mr Dans is welcome to criticise me on that aspect. I did not do it, and yes, I should have done it.

Having cleared that up, I say the Government's policy, and surely our policy, is to acknowledge the great importance and impact that small business has in our community. It is fair to say that small business in a way has been neglected by Governments.

Hon. A. A. Lewis: Successive Governments.

Hon. G. E. MASTERS: Now is our opportunity to put the matter right and acknowledge the Chamber of Commerce as the body representing small business easily and well. Small business employs more people than any other group—big business or Government. It is the major employer and we would recognise that in most cases it is the meat in the sandwich. Small business is suffering more than any other group as a result of Government charges and costs that have been piled on it in recent years and, more particularly since this Government came to power. It is the meat in the sandwich in industrial matters because in that area big business and big unions become involved and the small businessman suffers the consequences without having a say. It is time we put it right, and today we have an opportunity.

I point out that the Government, both prior to coming to office and since then, has said that small business must be represented, and that it is important. So it is, and we recognise that fact. During the Committee stage I shall put forward the proposition that the council comprise eight rather than seven members; two from the Confederation of Western Australian Industry, one from the Australian Mines and Metals Association, one from the Perth Chamber of Commerce, representing small business in Western Australia, and four from the trade union movement. I will obviously debate that at length, unless the Minister accepts the proposition during the Committee stage.

Hon. D. K. Dans: I have no opposition to it.

Hon. G. E. MASTERS: I am delighted that the Minister has said that he has no opposition to my proposition, and in that case I imagine the amendment will be carried with no problems at all. I appreciate the Minister's support, and I am sure everyone in this House will say, "Well done".

A number of other matters are worthy of mention, most of them in the Committee stage. I would point out that on page 5 of the Bill it says the Minister shall terminate the appointment of a member appointed under section 81 if requested to do so by the body which nominated that member. There may be good reasons for that proposition. If one of the members does not toe the line, whether from the employee or employer group, he will get the sack. I am not sure that is a good idea. When people are appointed to these positions it is recognised that it is because of their expertise or their involvement in industry and in industrial areas, so at times they would have to make decisions which might not necessarily be

supported by those who put them into those positions. Mr Piantadosi knows what I am talking about. He nods in agreement with me.

This is a question which should be raised and discussed, because when people who have acknowledged expertise are given jobs as members of this council they should be given some flexibility. This proposition put forward by the Government is supported in principle. There are a couple of amendments on the Notice Paper. One I have discussed, and the other concerns the voting powers of an officer on the council. That will be discussed and debated during the Committee stage. Any Government needs advice, and this Bill concerns a group which is deeply involved in industrial matters and in business, whether in the employer or worker area.

With those reservations we are prepared to accept that the second reading of the Bill proceed, and we will discuss matters during the Committee stage.

HON. A. A. LEWIS (Lower Central) [2.42 p.m.]: I take virtually the same line as Mr Masters, but take it a little further. I appeal to the Minister to do something about the small business section of the community, which we all know is the biggest employer. I am not being critical of the organisations in the trade union movement or the Australian Mines and Metals Association (Inc.) or the Confederation of Western Australian Industry (Inc.), but I believe they lack knowledge of what is to happen when they make an agreement on what is the most important group in the community: the small business people. I have discussed this with the Minister many times. A decision is made in one area, and it flows on to the small business area. It is impossible for the small business area to accommodate what is happening in the stratosphere of the big boys. I would go a long way further than the Hon. Gordon Masters, and I would suggest that both senior employer groups and the unions each give way a little and include small business people on the council. We are looking at 40 per cent of the employment in the country.

Hon. D. K. Dans: About 90 per cent.

An Opposition member: Double.

Hon. G. E. Masters: Government employs 30 per cent, so split the rest.

Several members interjected.

Hon. A. A. LEWIS: I am sorry that members did not tell me about those percentages before. I think 42 per cent of the total work force is employed by small business. Those figures might be a little out, but with figures like 90 per cent and 30 per cent being thrown around I am a little con-

fused. What I am trying to say is that it is not unfair that the people who employ 40 per cent and more of the work force do not get a say on a council of this size?

Hon. Tom McNeil: Yes, it is unfair.

Hon. A. A. LEWIS: I believe the structure of this body should be altered. The Minister should look at the small business section. I do not believe representatives of small business need come from any association. I am sure the Hon. Graham Edwards and the Hon. Peter Wells could give names of people in small businesses; any member of this Chamber could give the Minister the names of people who would be fair and rational and who would know the problems of small business. The Minister may not want to do it today in this Bill, but if we were to get to the bottom of our problems in this country we would have to give the employers of 40 per cent of the work force a say on all these councils. The consultative council is just one of many. For years we have been standing around; both sides of the House have become expert in getting the heavy fire in, and saying they will make the decisions without really knowing what is going on down below.

Even the trade union movement is not as prevalent in small business as it is in large business, for obvious reasons. Many employees in small business are not interested in unions. It may be a sort of "family" show which has built up from small beginnings. One man may build up to 10, and everybody is endeavouring to keep that business alive. The Hon. Bill Stretch had great problems with wages in our electorate. One of the biggest machinery manufacturers in the State has had his work force drop from 85 to 10 over the last four or five months. Those are the people who should be listened to. Government and big business can afford these big flows—or they say they can—but small business cannot afford to go on being dictated to by people who do not understand their problems. I would urge the Minister to give serious attention in the future to allowing small business, however its representatives are chosen, to have a say on consultative councils.

HON. NEIL OLIVER (West) [2.50 p.m.]: It appears there is a misunderstanding as to how long tripartite meetings have taken place and in fact they have occurred for considerably longer than some people think.

Hon. D. K. Dans: I do not even need a Bill. The tripartite committee has been operating for some time.

Hon. NEIL OLIVER: Let us say the tripartite meetings which have occurred in the departmen-

tal office of the Leader of the House have been going on to my knowledge for the last 15 years.

Hon. D. K. Dans: I did not think such a small Bill would elucidate such a wonderful response from you people.

Hon. NEIL OLIVER: I understood the first meetings were held between the Employers Federation of WA, the TLC, and the Under Secretary for Labour. I do not think those meetings were actually referred to as tripartite meetings. It disappoints me that the Government has chosen to deal with such a matter of conciliation in the form of a Bill. I do not know whether the Government has produced the Bill as a result of the experiences of previous Ministers for Labour and Industry, such as Mr Don Taylor and Mr John Harman. However, it is a pity that, in these modern times, the Government has found it necessary to establish a statutory authority for this purpose.

I would have thought this Government, which says it is dedicated to reducing big government and which has, as part of its electoral platform, the desire to get rid of red tape, would choose not to establish such an authority.

In the past month the Premier has made a statement indicating the Government's desire to reduce the amount of red tape in this area. However, we have before us today a Bill which seeks to set up another statutory authority. It is disappointing that the Government is not adopting its own policies.

A further point I make is that I understood the Leader of the House espoused the idea of conciliation. Indeed, he has done so since I have been a member of this House.

Hon. D. K. Dans: This Bill has nothing to do with conciliation.

Hon. NEIL OLIVER: No doubt the Leader of the House feels conciliation is the aim of this legislation. I believe that emanates from his own desires rather than from any other specific source. If that is the case, it is disappointing the Government has found it necessary to introduce a Bill which seeks to establish a statutory authority, because on many occasions I have heard the Leader of the House emphasise the need to be able to discuss industrial matters without the confines of statutory requirements. In fact statutory requirements place people in straitjackets. Industrial matters should be able to be discussed on the workshop floor and in other informal atmospheres in order that consensus may be reached. That is preferable to referring these matters to a statutory authority.

I am disappointed also in the composition of the proposed authority. We shall deal with that mat-

ter in the Committee stage, but in the old days a committee advised the Minister on these issues.

Hon. D. K. Dans: It simply did not work previously. I have ample evidence of that.

Hon. NEIL OLIVER: Does the Minister mean it did not work overall or just in respect of one group?

Hon. D. K. Dans: It just did not work.

The DEPUTY PRESIDENT (Hon. John Williams): Order! The Hon. Neil Oliver will ignore the interjections.

Hon. NEIL OLIVER: Thank you, Mr Deputy President. The Leader of the House was endeavouring to assist me with my speech, but I shall look forward to hearing him in reply.

The composition of the statutory authority is poorly balanced. I would have thought the Minister would want an impartial body in order that consensus may be reached, somewhat along the lines espoused by the Premier as to the way in which electoral reform should be achieved in this State. He indicated a convention should be established in which the Labor Party would be in the minority. However, I am not suggesting that in this case.

Hon. Garry Kelly: Why a minority?

Hon. NEIL OLIVER: The Premier suggested it, not I.

The DEPUTY PRESIDENT: Order! The member will ignore the interjections and address his remarks to the Chair.

Hon. NEIL OLIVER: I am only quoting from Labor Party policy documents. That is what the Premier said. He proposed we establish a convention on electoral reform and, to show his sincerity, the Labor Party would be in the minority on that convention. However, I am not suggesting that in this instance.

Hon. S. M. Piantadosi: What are you suggesting?

Hon. NEIL OLIVER: I believe all committees should be balanced. It is disappointing to see it is proposed the Minister will be the chairman of this body, rather than the statutory body advising the Minister.

Therefore, I assume the Minister will have a vote, and that presents an interesting situation. I assume also the Under Secretary for Labour will have a vote on this authority. It appears the body will be a political machine and, indeed, some sort of front. That is unfortunate. I do not want to antagonise the Government in regard to industrial relations. However, if it is sincere in its desire to change the atmosphere which surrounds industrial

relations matters—to use the words of the Leader of the Government, “to remove confrontation and move towards conciliation”—I would strongly support the legislation; but frankly I have my doubts about it. I see the proposed authority as some form of a front.

The Government will be able to use the statutory authority as a front, because it will be able to say publicly, “Well, the statutory authority which we have set up—that is, the WA Tripartite Labour Consultative Council—has made these recommendations”. Therefore, under some sort of cloak of respectability this consultative council will be able to be used for propaganda purposes. As a result I have some reservations about it.

In respect of the composition of the council, small businesses should be represented. According to the Australian Bureau of Statistics, small businesses comprise 90 per cent of the employers of the Australian work force; that is, apart from people employed by Federal and State Governments, local authorities, or the services. Therefore, 90 per cent of employees in Australia in the private work force are employed by people who are described by the Australian Bureau of Statistics as “small business employers”. The Perth Chamber of Commerce should be represented on this body because it represents the views of small business men.

Taking the position one step further, the Federated Chambers of Commerce of WA Inc. should be represented also. Chambers of commerce can be found throughout the length and breadth of this State and they are well known to the Government. The two former Leaders of the Opposition went out of their way to traverse this State and use the associated chambers of commerce to describe and outline the policies of a future Labor Government. Therefore, they should be given some recognition also.

Remember that the associated chambers of commerce range in breadth from Albany to Esperance to Kununurra and right throughout the vast extremities of this State. I would be very surprised if the Government was not co-operative towards the likelihood of ensuring that representatives of the small business community, are located not only in the Perth metropolitan area, but also in the vast country and remote areas of this State.

HON. G. C. MacKINNON (South-West) [3.01 p.m.]: I wish to add to the remarks made on behalf of the small business group of this State. I do not expect the Minister to accept the proposition because it would, of course, give the TLC some real opposition.

Hon. D. K. Dans: Strangely, it is not the TLC which is opposed to it. Fair enough, though.

Hon. G. C. MacKINNON: It really does not matter. It is a fair proposition. I feel that the setting up of this council, while ostensibly a move to democratise the advice to the Minister is a sham. I well remember when the present Minister and I were members of a workers' compensation committee. We found then that the mining companies had led the move into giving the unions precisely what they wanted; in other words, at that time mining companies wanted peace at any price, and they got it. In a few years we have seen the owner-operator of even medium to large businesses disappear and, as everyone is now fully aware, the average manager of the large organisation is responsible to a group of shareholders. Such is the rapidity of takeovers that it is sometimes difficult to know who is in charge or who owns the organisation. These people to some extent have really become civil servants in the private industry.

Indeed, the interchangeability of managerial skills leads one to think that the person in charge of a certain big organisation could switch with great ease from one organisation to another and perhaps even from business to union management. We have seen union managers move into the realm of Government with great success. I do not see why a person of that calibre could not move into business as well.

This, however, applies to the big employer of labour, not the small businessman. The small businessman has only two alternatives; he either pays the price in working harder himself and taking less money, or he loads it directly onto the consumers. He does not load it onto the steel mills in Japan; he does not pay a smaller dividend to the shareholders because he does not have any shareholders. He does not export to Japan; therefore he increases his price to the local customers or he takes a real cut in his income. So any extra allowance made to the union is really paid for, as it flows on, by the small business men who suffer in the long run. Without any shadow of doubt, small business men have been incredibly efficient. Private business contribution to the rate of inflation attributed to this area is slightly less than one per cent, and the balance is absorbed in Government charges and costs. The private sector has been remarkably efficient.

I am talking about plumbers and other people who perform the "little" services that we require.

I agree with the comments made by the Hon. A. A. Lewis a minute ago; they are paid lip service, but at least they should be represented on

this organisation. I believe implicitly that this organisation will be so well organised it will almost give the TLC a *carte blanche*. It will experience a bit of token resistance along the way; that is obvious from the previous Minister's experience when he tried to make the system a little fairer than it presently is. The TLC took its cricket bat and went home; in short, it would not play the game. It not only wants the first crack at everything, but also it must own the umpire; it has always been thus.

As I said the other night, the Minister has become almost an unnecessary encumbrance to the TLC. It goes its own way and thumbs its nose entirely even at the court. Indeed, some of the richest lawyers in Australia, federally, anyway, have been engaged in industrial litigation.

Hon. D. K. Dans: See if they get paid.

Hon. G. C. MacKINNON: They get paid all right. Just look at the motorcars they drive; even when they are also members of the Federal Labor Party.

Hon. D. K. Dans: They did not get rich from engaging in industrial litigation.

Hon. G. C. MacKINNON: We all know the smartest looking Federal member in the most expensive suits.

Hon. D. K. Dans: You are talking about "Diamond Jim"; he had a much larger clientele than unions.

Hon. G. C. MacKINNON: A lot of his clients were industrial unions and they could afford to pay, whichever side they were on, when contesting the sort of litigation they were involved in against companies. There was no doubt that those lawyers would get paid.

However, what can a chap running a little air-conditioning or body repair shop in Osborne Park do against those sorts of big guns? He is absolutely defenceless. Members of the Government know this fact well. The result has been that year by year the bosses of those organisations work harder and take less income. Many of them are already on a nine day fortnight and are loaded with all sorts of extra expenses along the line. These expenses either are added to the cost to the ordinary citizen or come off the bosses' own returns. It is no wonder so many small businessmen are going bankrupt.

I commend the suggestion of the Hon. Gordon Masters to the House and strongly recommend that it be adopted. I know that the members of the TLC will again pick up their cricket bats and go home, as has been their wont for many years; nevertheless, I think they should be lined up.

Hon. Garry Kelly: They have a better Minister now.

Hon. G. C. MacKINNON: They may appear to play the game by proper rules and not like their own rules, and then get in their own umpire.

HON. D. K. DANS (South Metropolitan—Leader of the House) [3.09 p.m.]: At times I am amazed at the speeches made in this Chamber supposedly to Bills before the House. If members reflected for a few moments they would know that seven-eighths of the time is spent on warbling on about things that are not even remotely contained in the respective Bills before the House. This is happening today.

I say at the outset that the question of whether or not a member of the Chamber of Commerce in Western Australia is on the council does not worry me greatly. Let me say through you, Mr Deputy President (Hon. John Williams), I think it would be good, given the nature of the council; that is what has been overlooked.

I heard the Hon. Neil Oliver say something about propaganda and people talking about small business and how unions would take their bat and ball home. This seems to be a state of mind of the Opposition that some how or other anything connected with the very thorny question of industrial relations—and I remind members once more of its real name: human relations in the work place—seems to smell and that unions will do this or do that. The Bill before this House was arrived at by consensus of members of the tripartite committee. It was thought it would be better to have a Bill that actually required the Minister to bring reports of the tripartite council to the Parliament.

Mr Masters used the term, "to report to the Government", but the council is to report to the Parliament.

Hon. G. E. Masters: I accept that.

Hon. D. K. DANS: Maybe it was a slip of the tongue because—

Hon. G. E. Masters: Yes it was.

Hon. D. K. DANS: —the Hon. Gordon Masters is so used to saying "Government".

The report of the first tripartite committee is contained in a booklet which has been tabled in the Parliament without the assistance of a Bill; but to give it some formality it was thought it would be a good idea to report to the Parliament. After the first tripartite committee report was concluded, it was the general consensus that the committee had worked extremely well. Both the employer and union representatives have been on the committee for some time. No-one could remember a group in this thorny area having

worked better. All that the tripartite council will do, Mr Oliver, is record the proceedings of the committee and present them to this House in a manner similar to that of the Law Reform Commission report.

That is what we told the public we would do before we came to office. It is not a question of how many people should be on the tripartite council because it will arrive at its decisions mostly by consensus. The votes mean nothing. All they mean is that that is the manner in which a matter is recorded in the report which is available for members to read. What is loud and clear is that the Opposition has not spoken to this Bill or any other Bill in most cases—

Hon. G. E. Masters: I thought I had.

Hon. D. K. DANS: I said, "in most cases". I say this advisedly: In most cases the members of the Opposition have not even read the Bills that have come before the House. I am sure that if members of the Opposition had read this Bill or others they would not have got on their feet and made the kind of speeches that have come forth. Any reasonably educated person sitting in the gallery who had a copy of the Bills that have been before the House in the last couple of weeks and who had listened to the contribution by members opposite would find no comparison between the Bills and the debates. It is a very good idea for members to read the Bills that come before the House.

Several members interjected.

Hon. D. K. DANS: In answer to an interjection, I have already explained that it would be far better to have a Bill that required the report of the tripartite committee to be presented to the Parliament. In other words, what the Bill is really doing is saying, "Mr Minister, you are to have a tripartite committee meeting and when you have got the report do not put it in your drawer, but take it along to where you said you would when you were in Opposition; that is, to the Table of the House". When I introduced the industrial arbitration Bill the other night not only did I table a document, which is a neutral document, but I also tabled the explanatory notes which are complementary to the tripartite council, so that the maximum amount of information is made available to all people concerned, not only to the Government and Opposition members, but also to members of the public.

The suggestion that this is some kind of propaganda mechanism is ludicrous. When was the last time that a Minister produced a report of the labour advisory committee to the Parliament?

Hon. G. E. Masters: I cannot remember it.



Hon. D. K. DANS: When was the last time that the decisions reached by the Minister's labour advisory committee were ever made public by either a Labor or Liberal Government? Previously the Minister was allowed to take selected parts of the report and to stand up in this place or some other place and say that that is what had happened. This Bill will do away with that.

To get back to the question of small business, a great deal of time has been spent on discussing the role of small business and how it supports the community and supplies the bulk of employment. I do not quarrel with any of those assertions. However, the tripartite Bill has nothing to do with what happens to small business. Last night I introduced a Bill concerning a small business development corporation which is designed to help small business. It was a very lengthy second reading speech.

Several members interjected.

The DEPUTY PRESIDENT (Hon. John Williams): Order! I gave other members protection during their speeches and I will do the same for the Leader of the House.

Hon. D. K. DANS: Do members opposite suggest that on the proposed small business corporation there will be members from the mining industry or a representative of the labour council?

Hon. A. A. Lewis: Mr Dans, if I may—

The DEPUTY PRESIDENT: The Hon. A. A. Lewis may not.

Hon. D. K. DANS: That is how nonsensical the whole exercise becomes when I listen to speeches given by members opposite.

To refer again to the Chamber of Commerce and reports of the tripartite committee—

Several members interjected.

Hon. D. K. DANS: —because it is not the director of the Western Australian Government Industrial Relations Service, it is a Government employer representative and that makes it four all. We have a quorum and we operate under a system that allows the interchanging of representatives. For instance, if the Confederation of Western Australian Industry was discussing a certain subject concerning the building unions it would not send along a person who dealt with small shops. That is common sense. The labour council does not send a mining official if the subject of haberdashery shops is being discussed. It is not really a matter of how many people are on the tripartite committee, provided it does not become too big.

Let me refer to the thorny question of the Chamber of Commerce. I do not mind the

Chamber of Commerce being represented on this council, but if it is represented in its own right, I will have to add another representative to the council. I do not know where I will get him from.

Hon. G. E. Masters: Will you say that again?

Hon. D. K. DANS: I will have to add another representative because we will have an even number on the committee.

One of the arguments put to me—bearing in mind that I support the Chamber of Commerce being represented on the committee—was that I may have to say to the other representative who comes from the Chamber of Mines that to balance this up a little we may have to do something else.

Hon. G. E. Masters: Why are you talking about a balance? What we are suggesting is a balance.

Hon. D. K. DANS: It will not turn out balanced and that can be ascertained by reading the Bill carefully. I will not propose amendments. I may have to do a little trowelling-up job when putting it together again. The Confederation of Western Australia Industry has said that 80 per cent of the members of small businesses represented by the Chamber of Commerce are in effect members of the Confederation of Western Australian Industry.

In effect, in industrial matters the confederation is the normal avenue for appearances in the courts, tribunals, etc. I do not think I can recollect any person appearing from the Chamber of Commerce. It usually uses the Confederation of Western Australian Industry. The opposition to that has not come from the Minister and it is one of the reasons I will not oppose the addition of a representative of the Chamber of Commerce. There is no point running away with the idea that votes are taken and decisions are made; it is only an advisory body with decisions arrived at by consensus. The only time a vote is taken is to indicate whether members agree or do not agree. I am happy with that situation.

However, one can keep extending the council and to my way of thinking—and I am very firm on this point—the tripartite council from time to time will find common ground against the Minister and that will go into its report. No matter what decisions are made by the tripartite council it is up to the Government—and that means any Government, not just the present Government—to determine what it will accept or reject. I can assure members that the council has been of great assistance to me in relation to the industrial arbitration legislation which came forward. If the council continues to operate in the manner in which it has, at least we will know exactly what

people are thinking. I think that is essential when one must bring in controversial legislation. This Government and any other Government will find the labour relations area is always controversial whether the situation concerns employer and employee, union and union, or association and association.

Let us look at how the proposed tripartite council varies from the previous committee. In the committee operated by Mr Masters the Minister for Labour and Industry was the chairman, and the members were the Under Secretary for Labour; the Director of Labour Relations, Confederation of WA Industry; the Secretary of the TLC; the Director, WA Government Industrial Relations Service; and, Mr G. W. Stuart, of the Australian Mines and Metals Association (Inc.). When one talks about lopsided committees, that one would have been terrifically lopsided when taking votes. Surely the council we now propose is more balanced than the previous committee. If one is intending to take a partisan approach, which I am not, the secretary of the TLC would be quite in order to consider himself surrounded by hostiles, and, in fact, he did.

Hon. G. E. Masters: He never even attended a meeting let alone ask for more representatives.

Hon. D. K. DAns: I have a letter indicating why he pulled out; but quoting that would serve no good purpose now because that moment has passed.

I refer to some of the reasons that I consider it to be extremely important for these unbiased and untampered-with tripartite reports to be put to the Parliament. During the last Government's last year of office the thorny question of a new industrial arbitration Bill came up. As I have said, the Government does not have to take notice, but it would be unwise of any Government if it does not. It can get a consensus against it.

Hon. G. E. Masters: I shall remind you of that later.

Hon. D. K. DAns: I quote from minutes of a meeting held on 15 October—

Mr Brown had attended a full Confederation Council meeting on 14 October 1982. The Confederation had decided that the Government should withdraw the Bill or delay its passage for at least three months... Mr Cook said that today was the first opportunity the Council had to discuss the Bill with the Minister.

The difference here is the very matter we started to discuss when the Bill was before the House. Mr Stuart of the Australian Mines and Metals (Inc.) is quoted as saying—

...the opportunity for discussions was a welcome move in an emotional time.

I can imagine Mr Stuart saying that in a quiet, well-modulated voice. He continues—

The changes made to the Bill do not go far enough to meet the objections. The problems are fundamental to good industrial relations and the Government is relying on a small area of major concern as the reason for changing the totality of the system.

That, to me, was a very balanced submission by George Stuart.

The major concern of the Australian Mines and Metals Association (Inc.) is the quality of drafting. The Bill creates new areas of legal dispute. I raised that matter in this Chamber but I did not have the chance to test it. Tripartite discussions should take place and legal advice should be obtained. Independent of the Government, the association has taken legal advice. The report continues—

It should be put into limbo to enable tripartite talks to take place although a consensus would be unreal. It is interesting to note that industrial relations practitioners share a uniform concern about the Bill and it is unique to see so much co-operation.

I am pointing out to the Chamber the difference between that kind of committee and the committee we have been operating, and also the type of report which has already been brought forward without the assistance of this Bill. The Bill will make it mandatory on the Minister to keep bringing such reports to this Parliament.

I quote further—

Mr Masters said that today was a listening exercise although he and the Government would dispute some of the statements which had been made.

History has revealed that Mr Masters listened but he did not do very much. For the record I refer to the question of the representation of the Chamber of Commerce on the tripartite council. On 20 October 1983, I wrote to Mr Kusel as follows—

Reference is made to your letter of 31 August, 1983, requesting representation on the Western Australian Tripartite Labour Consultative Council.

I regret to advise you that your request was rejected unanimously by the Tripartite Council.

I will, however, keep your request in mind and at the appropriate time re-submit it for further consideration by the Council.

I have submitted the request to the Chamber of Commerce on either two or three occasions. That is one of the reasons I say quite openly that I have no opposition to that body being represented on the council—none whatsoever. I will not oppose the amendment. However, to be consistent with the aims and objectives of the tripartite council, the decision was made by the council and it is the type of decision the council should make in the future. Bringing forward this Bill is an act of faith. I do not know to what extent the Chamber of Commerce will enhance the discussions of the tripartite council. Perhaps it will make some contribution. I also add that at no stage has the tripartite council said to any of the participants that they could not bring with them observers and advisers. In other words, people would come from the organisations, sit behind, and hear all of the discussions that took place. I had suggested that the Perth Chamber of Commerce be placed in that situation.

This Bill is a simple exercise. It formalises the council and requires the Minister to do something he said he would do prior to the election. We have carried out that promise by producing the report, and it is from the report and from the council that the framework of the majority of the present industrial relations Bill is before the Chamber.

The tripartite council varies greatly from previous advisory committees which have been set up under Ministers. The meetings of the council have been fully attended, because one of the rules I laid down was that the meetings would take place on the days they were called. Mr Masters knows how difficult it is to enforce that sort of thing. I said that the meetings would commence at the time notified. In other words, if a member of the council did not attend, he was no longer on it. That has worked admirably to date.

We have seen no harsh or nasty feelings on the council. I am not suggesting that when the tripartite council starts to discuss such thorny questions as sole management authority insurance we will not see some. This will occur at the time when the various people on the tripartite council change their representation. In other words, it will not be much good asking the dustman to do the milkman's job. That is what I call being flexible.

I am not suggesting that the situation will be out of hand, or that we will see exchanges between the various members of the same groups. I am not suggesting that the tripartite council will have such rapport that when it discusses the thorny question of how to set up an occupational health and safety commission it will not have problems. In relation to that matter, it seems that we are years behind the world, as was pointed out

to me by an industry group this morning. The tripartite council will not produce a unanimous report when it comes to discuss the question of the amendments to the Workers' Compensation and Assistance Act or any other matter put before it.

I assure the Hon. Gordon Masters that no positions on the tripartite council will be paid. That was a unanimous decision of the council itself. The members must have a genuine desire to attend the meeting, and not just go along to receive payment.

Hon. G. E. Masters: I did not raise that point.

Hon. D. K. DANS: The members of any committees we may set up must want to serve on those committees, as no payment will be made for them. The Bill makes no requirement for anyone to be paid for doing anything. The only cost is in the printing of the Bill.

The objective behind the Bill is an admirable one. First of all, members of the council must be interested in the subject. If not, they should take their marbles and go home.

I thank the members of the Opposition for professing support for the Bill. I have said that I have no objection to the amendment in respect of the Perth Chamber of Commerce. The other amendment is so absurd that I think it would be best not proceeded with, because the council is operating nicely.

Any decisions made by the tripartite council are on a consensus basis. The former Minister would know that. Once we start defining things and paying people, that is when we start to achieve the results of that.

Hon. G. E. Masters: The Bill talks about votes.

Hon. D. K. DANS: That is only when we want to put it into the Statute book.

Question put and passed.

Bill read a second time.

#### *In Committee*

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

Clauses 1 to 4 put and passed.

Clause 5: Functions of Council—

Hon. G. E. MASTERS: The matters that the council may consider and report on could be initiated by it, if in fact it felt that the matters should be taken into account. The council could carry out investigations and report to the Minister. I imagine that is the intention of the council—and I ask the Minister to comment on that.

Will the council be able to initiate its own inquiries?

The functions of the council cannot support the proposal that the Opposition has put for the Perth Chamber of Commerce to be included as a member of the council. We are talking about the functions of the council, which are to consider industrial matters, the desirability of legislative or administrative action, and to advise the Minister upon legislative proposals of industrial significance, and the like. I take issue with the Minister for saying that perhaps the council was outside the sphere of the Perth Chamber of Commerce and that it did not necessarily have expertise in that field, as would the Confederation of Western Australian Industry.

Small businesses are represented mainly by the Perth Chamber of Commerce and other chambers of commerce throughout the State. Although the confederation reflects the views of small businesses, the Perth Chamber of Commerce and other chambers of commerce do a different job.

In the functions of the council, the Perth Chamber of Commerce would represent many small employers in this State who would be affected by any decisions of an industrial nature, or by any recommendations put forward to the Minister. I point that out because it should be noted that the council is formed to consider industrial matters, and therefore anyone who employs labour is strongly affected.

I wish to raise a further matter relating to subclause (3) but I invite the Minister to comment on my earlier points first.

Hon. D. K. DANS: I do not object to the inclusion of the Perth Chamber of Commerce, but I comment on the fact that the Confederation of Western Australian Industry represents some 8 000 employers, many of which are groups of employers. In the main, in industrial matters, the confederation represents all those people who normally would belong to the Perth Chamber of Commerce. In fact, the confederation does most of the industrial work. I think Mr Masters virtually said that almost anyone who employed labour would be entitled to be on this tripartite council.

Two things should not be done with committees: We should not have them so small that they become star chambers, and we should not have them so big that they are unwieldy. At present the council has operated very effectively with the confederation representing its 8 000 members, with the Australian Mines and Metals Association (Inc.) and, on some occasions, the Chamber of Mines, and the various peak councils of the

peak industries of the Trades and Labor Council. It has worked very effectively. I do not know that the Chamber of Commerce could really add anything. I have put forward the idea on a number of occasions that the chamber should become a member of the tripartite council, and it is on record that on almost every occasion the proposal has been unanimously rejected.

Hon. G. E. Masters: By those members already on the council?

Hon. D. K. DANS: It cannot be rejected by anyone else.

Hon. G. E. Masters: I thought you were referring to the Chamber of Commerce.

Hon. D. K. DANS: No. I advanced the proposition as best I could and some of the reasons advanced for not accepting the Chamber of Commerce were very cogent indeed. However, when the honourable member moves his amendment, I will not oppose it.

Normally we know beforehand who will come to a meeting, so there is no real problem with a quorum. We try to even it up, although on a number of occasions when the numbers have been lopsided, it has not prevented the council operating and reaching a decision. A gentleman's agreement is reached and no vote is taken because everyone accepts the consensus.

Hon. G. E. MASTERS: Subclause (3) states—

(3) Subject to subsection (4), any legislative proposal of industrial significance should be referred by the Minister to the Council for its advice at least 2 months before a Bill to give effect to that proposal is introduced into Parliament.

Subclause (4) reads, in part—

(4) Subsection (3) does not apply to legislative proposals of industrial significance—

(c) with respect to which the Council has waived compliance with that section or has reduced the period of 2 months referred to in that subsection.

That seems rather contradictory. If we have legislation of industrial significance, the tripartite council should consider it for at least just a day. The Government is saying here that legislation should be put before the council for its advice and consideration, but then the Government is saying that if the council does not want to bother with it, it does not have to consider the Bill.

The tripartite council has the responsibility to consider proposed legislation or industrial matters that the Minister of any Government puts forward to it. Simply to allow the council to say that

it does not want to deal with it is providing a contradictory provision in the legislation.

Subclause (4) should be amended by deleting the words "has waived compliance with that section or".

Hon. D. K. DANS: I want the Committee to be aware we are dealing with an advisory body. It is open to the Minister whether he takes its advice. Subclause (3) says that, subject to subclause (4), any legislative proposal of any industrial significance should be referred by the Minister to the council. It says "should be referred"; it does not say the Minister must do so. Once we have an advisory body like this composed of people from different areas of the community engaged in industrial relations and we get into a compulsion situation, we have lost half of our punch.

Further on we find the words "introduced into a Bill by amendment during its passage through the Parliament". Having perhaps arranged a tripartite meeting for three weeks from today, I could well imagine an amendment being suggested in this Chamber. Surely no-one would suggest I should run down to the council and ask what it thinks of the amendment. If the Minister had time, he would surely do so. If a private member were to introduce a Bill here or if the Government had to introduce a Bill, there could well be times when it would not be possible to take the matter to the tripartite council.

We are preserving flexibility so that if the Minister wants the advice of the council he can obtain it. The clause provides exclusions for him. I see nothing sinister in this and I believe it is a perfectly reasonable arrangement. The Bill was put together by consensus. This is the sort of thing the tripartite council, using its very large base of expertise, determined would be the best way to go about things.

Hon. G. E. Masters: I have no objection there, but we are now considering it in Parliament, and this will apply for many years.

Hon. D. K. DANS: It will apply until someone wants to amend it, perhaps another Government in time to come which may not want the council. No doubt after the Bill has run for 12 months or so and we have seen the extent to which the legislation and the council have been efficient and taken notice of, when we have been able to decide how efficient or inefficient the whole setup is, then either I or perhaps Mr Masters will bring in an amendment.

Clause put and passed.

#### Clause 6: Powers of Council—

Hon. G. E. MASTERS: In his second reading speech the Minister made reference to the fact that members of the council would receive no payment and that people who served on committees and the like also would receive no payment. That is fair enough, and I accept that is the intention of the legislation. However, it does not make that point clear because clause 6(d) states that the council may enter into arrangements with any body, person, university or other tertiary institution on such terms and conditions that it may determine. That would suggest to me that a payment could be involved. It states quite clearly "terms and conditions", as the council may determine.

It is probable that no money is allocated to the council, so it could not pay, anyway. It may be the department could pick up the tab. I am not saying this is a money Bill, but I am suggesting to the Minister that there is a possibility that people could be employed and the council may need paid advice.

Hon. D. K. DANS: It is not the intention of the council to pay for any advice. If some advice has to be paid for, that will become the responsibility of the Minister, through his department. We do not envisage having to pay large sums of money for the light touch we will have to do in respect of obtaining information.

It would be quite wrong for the council to have any vote or money; it would destroy the very intent and purpose of the council. We have looked carefully at this matter and we do not contemplate that in the foreseeable future we will have to ask for a major inquiry to be carried out. If that were the case the council would have to recommend to the Minister that he should obtain the advice it requires. It would be a difficult task for anyone to do work for the council, because it does not have any money.

Clause put and passed.

#### Clause 7: Report to Parliament—

Hon. G. E. MASTERS: Clause 7(1) says that where the Minister is of the opinion that the special attention of Parliament should be drawn to any matter, he shall cause a report of the council on the matter to be laid before each House of Parliament. During the Minister's second reading speech he did say the minutes of the council's meetings and reports will be made available to Parliament.

Under this clause the Minister has discretionary power and there may be good reason for that; but at times the Minister may prefer not to table those reports. Obviously there is good reason to suggest there may be times when the Minister

would prefer not to table some reports, but I think there is a difference between what the Minister said in his second reading speech and what he indicated at the Committee stage.

Clause 7(2) states that where a member of the council appointed under clause 8(1)(c) dissents from a recommendation of the council on which a report is made under this clause, the dissent and reasons, if any, shall be included in the report.

We are talking about dissent in the way of a dissentient vote. The Minister spoke earlier about the vote of the council and he said it was a consensus and no votes would be recorded. I draw to the Minister's attention this subclause because it suggests to me that votes will be taken at times and that the votes will be recorded.

This council is quite different from advisory committees that have been set up in the past. This council is to be set up under an Act of Parliament and can be changed only by Parliament reviewing the Act, so it is of some standing and some substance.

I am not criticising the Minister for taking this action; I am saying the legislation states that a number of the people on that council will be able to make reports which will be tabled in Parliament. I will make reference to that fact at a later stage.

Hon. D. K. DANS: I do not envisage a position arising where we would not report to the Parliament, but it was pointed out to me by the members of the tripartite committee that we could in some rather extraordinary circumstances, at least for the time being, deem it necessary that I should not report. That would not be on just my say so, it would be after careful consideration of the matter by the council. For the information of the Chamber, I could give an account of all the things the council will do in the foreseeable future. I think Mr Masters is drawing a long bow because the council could just be holding a conversation or drawing a consensus on what has been said in the council, and a member may wish to be recorded as having been against a certain point. That is a dissent. I think once we get people sticking up their hands around the table that is the time things start to go wrong. I am sure Mr Masters will agree.

It may be that the decision is four in favour and four against, or whatever; and it may merely mean that a document is produced and that vote is recorded.

An old saying is, "When in Rome do as the Romans do" and another is, "When in Paris, use your own discretion".

Clause put and passed.

#### Clause 8: Constitution of Council—

Hon. G. E. MASTERS: Before I move the amendments standing in my name on the Notice Paper I wish to make a few general remarks about this clause. I draw the Minister's attention to subclause (1)(c)(iii), which states that four of the members of the council shall be nominated by the TLC. A number of employee groups are not members of the TLC and choose not to be members or opt out of the TLC for their own reasons. I ask the Minister why four members of the council are to come from the TLC. Why could not three be nominated by the TLC and perhaps one from the Government Employees Industrial Council? The TLC is the peak union body with perhaps the most impact and influence, but other groups are involved in the union movement. That is why I put forward an amendment.

A number of peak bodies are involved in the employer groups—the Confederation of Western Australian Industry (Inc.), the Australian Mines and Metals Association (Inc.), the Chamber of Commerce, and others. Having accepted the proposition that there are employer peak groups, it seems strange that the only group recognised as representing the labour movement is the TLC. I should have thought it would be much fairer to spread it around and have representation of one or two of the other larger and major groups.

Hon. D. K. DANS: The proposition outlined by Mr Masters is one of the matters I raised, but I was led by wiser counsel. Normally, at the Federal Government level the people generally recognised are the peak councils. That really is the basis for not including the Chamber of Commerce. The peak councils are recognised by any Federal Government as the people eligible to belong to the advisory bodies to Federal and State Ministers. The peak council of employers in this State is considered to be the Confederation of Western Australian Industry, a constituent member of the Confederation of Australian Industry. The TLC is considered to be a constituent member of the peak council for the majority of unions in Australia, the ACTU. That is the basis on which the decision was made.

Hon. G. E. Masters: If that was the sort of argument used you would not have gone further than the confederation and the TLC.

Hon. D. K. DANS: We did that in the first instance, but I thought it was a little narrow. That is why we fanned out among the employers because we believe mining is a very important industry in this State. Other people will not be disadvantaged because from time to time they can come along and put propositions to us. That has

already been done; it can be done by teachers, civil servants, and anyone else. That will be the case when we call for public submissions.

The unfortunate part about going further afield in the union area is that it raises the question of where to start and finish. About 68 or 70 unions are registered with the State Industrial Commission, a great number are federally registered, and some organisations are not registered but consider themselves to be organisations. We would reach the situation where the council would keep on expanding and there would be no end. Who would Mr Masters put on the council after the TLC?

Hon. G. E. Masters: Would you consider the Government Employees Industrial Council, which includes the CSA, as a peak employee group?

Hon. D. K. DAns: The CSA has attended the committee, but it is not represented on it. I could go on and on. I used the rather narrow representation established by Mr Masters' predecessors as the basis and built on it. I had to have a starting point, but when one is constructing a building one also has to know when to stop.

We have had no complaints; organisations are free to make recommendations and to come along and support them. We will not force matters on people; it is an advisory body. As we said before the election, we will not resile from Government, and that means we have to bring any proposition here to the Parliament. We are not interfering with disputes during the currency of disputes. We are giving the Administration advice which sometimes is translated into legislation, and the final arbiter of legislation is the Parliament. If some limit were not imposed the council would spread sideways and it would become an unmanageable body. No problems have been caused at the Federal level with the present Government or with previous Liberal-National Country Party Governments in recognising the peak councils in the country, and that is the way it should be here.

Hon. G. E. MASTERS: I listened with some interest to the Minister and in view of the rather friendly way this debate is proceeding I will not make any comments of a provocative nature. I understand the position the Minister is in. I could speak for an hour but I will not embarrass the Minister in case he has to agree with me. I move an amendment—

Page 5, line 1—Delete the figure "7" and substitute the figure "8".

If my amendment is accepted, I propose to move a further amendment so that the provision will read "eight persons appointed by the Minister of whom two shall be from the Confederation of

Western Australian Industry, one shall be from the Australian Mines and Metals Association, one from the Perth Chamber of Commerce, and one from the TLC".

Hon. D. K. DAns: We are making the council a little top heavy, because we already have the Director of the Western Australian Government Industrial Relations Service, who really represents Government employees. This is where the problem comes in. It may be that I will be able to see how this works and then bring the matter back to the Parliament to add another on the employees' side if that is necessary. I do not think it is necessary, but I make that comment now. I want it recorded that I am aware of the problem. I am quite prepared to go along with the amendment moved by the member. If I find that the tripartite council itself is unhappy with it, I will bring the matter back to the Parliament.

Hon. A. A. LEWIS: Could I try to help both Mr Masters and the Minister and suggest they remove one representative from the Confederation of Industry and one from the TLC? Then there would be one from the TLC, and three other groups would be represented by one each. That would seem fair and equitable. If one is removed from the TLC and one from the confederation, that would reduce the committee a little in size, which would probably make it easier.

Hon. D. K. DAns: This is a consensus Bill. What we will end up with is five employers and five employees.

Hon. G. E. Masters: If one looks at the second amendment, it is not necessarily so that the director is in that capacity.

Hon. D. K. DAns: That is what we have done there. I am quite prepared to accept that at this stage. If it does not work leaving it at four and five, we can come back here and perhaps add or subtract one. But I want to get the opinion of the tripartite council itself before I strike anyone off. That is why I said I would agree to this amendment, but I am not attracted to the second. I personally do not believe it is important in terms of people from various groups.

Hon. NEIL OLIVER: Could the Minister explain to me what he is referring to? Is it the tripartite committee at the moment, or is it the tripartite council? Does he feel the decisions of those bodies are binding? I am referring to the remarks made by Mr Masters.

Hon. D. K. DAns: I cannot follow what the honourable member is saying. Is he saying the decisions of the tripartite council are binding on us?

Hon. NEIL OLIVER: I am sorry, I know the leader was distracted while I was talking to him.

He mentioned in reply to the Hon. Gordon Masters that he would refer this back—I presume for the views, not the decision, of the tripartite committee.

Hon. D. K. Dans: That is right.

Hon. NEIL OLIVER: For the information of the Committee, what does that tripartite committee comprise?

Hon. D. K. Dans: It is as represented in the Bill.

Hon. NEIL OLIVER: It is only a Bill at the moment. Is the council informed?

Hon. D. K. DAns: The Government has people on it. It is an interim committee, and that is the one which is being carried on.

Hon. NEIL OLIVER: So the interim committee is current?

Hon. D. K. DAns: That is right. There are two ways to go about this. One is for me to say that I accept the amendment, and I have said that. I do not want to delete anyone, because this was a consensus decision. I do not want to put on another employee member, because then it starts to get a little large. I know the other person can be put on at some stage if that is deemed to be necessary. I tell the Committee now that in addition to the people named we already have an extraordinary person, Mr Pat Gilroy, who interchanges between the Australian Mines and Metals Association, and the Chamber of Mines. Although only one person sits at the table, it gives them two people. I am not sure if the Australian Mines and Metals Association goes down to watch the Chamber of Mines' representative, or whether it is the other way around, but that is the way it stands at present. I do not want to move anyone off the interim committee which has worked so well in producing this document. That is why at this stage I will agree to the amendments. But if the council wanted to make some changes to put one on, or to put one off, I would bring it back to the Parliament, and I hope, through you, Mr Chairman, we will have concurrence of the Parliament.

I would prefer to see the matter left in my own hands to try to get the council itself to agree to this in a very relaxed manner. I only hope that the council does not see this as an action by the Parliament. Assume someone on the committee was rejected on two or three occasions. If that attitude was adopted it would make the role of the person nominated by the Perth Chamber of Commerce very tenuous and uncomfortable. I put that forward because it would be a better proposition to try to keep him on. However, I have agreed; but I

would like the Committee to know that it is not a nice thing to go on to a council where one has been seen not to be wanted.

Amendment put and passed.

Hon. G. E. MASTERS: I move an amendment—

Page 5—Insert after subparagraph (ii) the following new subparagraph to stand as subparagraph (iii)—

(iii) one shall be nominated by the body known as the Perth Chamber of Commerce;

Amendment put and passed.

Clause, as amended, put and passed.

Clause 9 put and passed.

Clause 10: Meetings of the Council—

Hon. G. E. MASTERS: The Committee will note the amendment I have on the Notice Paper. It deals with the membership of the council, and, in particular, is directed towards the membership of the Director of the WA Government Industrial Relations Service. In discussing this matter only a few minutes ago, the Minister said that the director of that service was the Government employer representative and, therefore, the council would be out of kilter, because there would be more employer than employee representatives.

I really cannot accept that proposition, because although I know Mr Bob George, the director of the WA Government Industrial Relations Service—a body set up by the previous Government—has a responsibility in relation to employment, he is also the adviser to the Government on industrial matters of a general nature. I would have thought he hardly filled the bill as an independent representative on Government employment.

We know that any departmental officer is directed by the Minister of the day and is not likely publicly to react violently to a Minister or to vote against him in a council meeting.

The Minister referred to voting and said, "No, there will not be any voting in the council. It will be by consensus. It is not the purpose of the council to have voting procedures". I draw the Committee's attention to subclauses (4) to (6). The wording of subclause (4) suggests there will be a voting procedure. I emphasise the wording of subclause (5), because it provides a clear indication a voting procedure will exist and it will apply in council meetings.

Hon. D. K. Dans: If necessary. I said that earlier.



Hon. G. E. MASTERS: It will be applied, if necessary. Let us say it is necessary. In the Minister's words, the industrial field is controversial; there are mixed feelings and differences of opinion on these matters.

It is quite possible a vote will be taken on some issues and minority reports will be tabled in the Parliament. I refer members to the wording of subclause (6) and I mentioned that in relation to tabling of documents in the Chamber.

It seems to me to be an impossible position that a departmental head should come along as part of a council and be involved in some sort of voting procedures when the Minister of the day himself is in the chair. It would be a very brave departmental head who would record some sort of public vote, because that is what it would be if the reports were tabled, against his own Minister.

If the Minister is concerned about the imbalance of the council because there are more employer representatives, including the departmental head, than employee representatives, surely he should support my amendment which appears on the Notice Paper. It is very difficult to see how a Government departmental head could cast that sort of vote in a council chaired by the Minister. By taking him out of the voting procedures and having him in an advisory capacity to the Minister, we would do what the Minister suggested; that is, we would correct the imbalance in the council. There would be four employer representatives, four employee representatives, and the Minister of the day with a casting vote.

The amendment I have placed on the Notice Paper is reasonable and proper. It would solve the Minister's problems in this respect.

Hon. D. K. DANS: I have not said I have any problems.

Hon. G. E. Masters: You said there might be an imbalance.

Hon. D. K. DANS: I said there will be an imbalance if it does not wash up correctly. I want the Director of the WA Government Industrial Relations Service left on the body in his present capacity. There is no compulsion for Mr George to vote. However, if he remains in that position, it would be foolish if he were seen by any of the unions or employers involved as anything other than a Government representative, regardless of whether he is in the position of an adviser.

The member is running away with the idea that this organisation will be putting up its hands every five seconds. On almost every occasion in those meetings the representative of the Government—the employer—and myself have not voted, because, after all, the Government reserves the

right to govern and to take advice. When voting occurs, we would appear to be superseding the other tribunals who are giving advice, were we to vote. Even though I have a deliberative vote, to my knowledge that vote has not been exercised in any of the tripartite meetings in the past. I might have voiced an opinion, but to the best of my knowledge the Government representative has not voted either.

The Government representative has a great deal of experience and must be seen as something more than an adviser when he is there catching the hard ball for the Minister. While a deliberative voting procedure exists, there is no compulsion on the Government representative to vote and it would be a retrograde step to take him out.

I emphasise again this committee was set up without any instructions from Parliament. It could have continued on that basis had I not introduced the Bill, but I did so to impress on the Parliament the importance of the committee and the necessity for the Minister in 99.9 per cent of the cases to report to the Parliament. It has worked that way in the past and I do not want to disturb the existing structure, because it has been successful.

For obvious reasons I have not objected to the inclusion of one more employer representative. At this stage I do not think it is correct to balance the size of the teams, because if we do that we will have problems. Bearing in mind the body is working well at present, I am prepared to leave the Director of the WA Government Industrial Relations Service there. I assure the Committee it has not caused problems previously and I do not envisage it causing problems in the future.

At this stage I also reserve the right to substitute people at various times. Mr George may be absent and I might need to bring along the manager of the Workers' Assistance Commission, or someone in his stead, as an adviser.

Hon. G. E. Masters: It specifically says "as an adviser".

Hon. D. K. DANS: I ask the Committee not to disturb the existing arrangement. The people involved have worked well together. They see no difficulty with it and I am hopeful that, with the other person from the Chamber of Commerce—let us hope it is someone skilled in this area who will not let his blind prejudices show—the committee will work well. I see no reason that it should not; therefore, why rock the boat? If the position is unsatisfactory in the future, I would be the first one to introduce a small amendment asking that one person be re-

moved from the body and that person would be the man Mr Masters seeks to have removed now.

Clause put and passed.

Clauses 11 and 12 put and passed.

Schedule put and passed.

Title put and passed.

Bill reported with amendments.

## **ACTS AMENDMENT (STUDENT GUILDS AND ASSOCIATIONS) BILL**

### *Report*

Report of Committee adopted.

### **LOTTERIES: INSTANT**

#### *Minimum Distribution Guarantee: Ministerial Statement*

**HON. D. K. DANS** (South Metropolitan—Leader of the House) [4.42 p.m.]: I seek leave of the House to make a statement.

Leave granted.

**Hon. D. K. DANS:** During the second reading debate of the Lotteries (Control) Amendment Bill (No. 2) a number of questions were addressed to me in respect of assurances that had been given in another place by the Premier to the Leader of the Opposition. I will refer to a statement made in another place by Mr David Parker, which may help to clear up some of the problems raised the other night by the Hon. Peter Wells and, I think, the Hon. Tom Knight.

On 27 October 1983 in another place during debate on the Lotteries (Control) Amendment Bill (No. 2) the Opposition sought a commitment from the Government to ensure a minimum amount of moneys from the Instant Lottery is directed to sport and culture. The Opposition is aware that if the amount payable to the sports culture Instant Lottery account was set at a minimum of \$6 million, the Government could be in a position where it would be committed to payment of more than was received. It was agreed that, if necessary, the Bill would be amended in this House to ensure that a minimum amount was specified.

As a result the Department of Employment and Administrative Services was requested to examine the position and I am advised that should the annual turnover of the Instant Lottery fall below that required to allow for the sum of \$6 million to be paid into the sports culture Instant Lottery account at the Treasury, an amount of 20 per cent of the turnover will be placed to the credit of the account. For the amount required to be paid into the sports culture Instant Lottery account to fall

below \$6 million, the annual turnover must fall below \$30 million.

For the payment into the sports culture Instant Lottery fund to fall below \$4 million the annual Instant Lottery turnover would have to drop below \$20 million, and in the case of a \$3 million credit to the account the turnover would have to fall below \$16 million.

The projected turnover for the Instant Lottery in this financial year is \$35 million and, although the Lotteries Commission believe that Instant Lottery sales have reached their peak, it is difficult to envisage an annual turnover of below \$16 million.

While the Bill does not stipulate a minimum amount to be paid to sport and culture, the machinery for a percentage of the proceeds from the Instant Lottery to be paid into the account is provided for in the Bill. Should it become necessary, and on present indications it will not, the percentage which is prescribed by regulation can be varied to provide as high a return to sport and culture as possible.

I appreciate the Opposition's concern on this matter, but while the ideal would be to have a guaranteed minimum payment to sports and culture each year from the Instant Lottery, it would not be possible if the annual turnover is insufficient to support it. However, the Bill has provision for a percentage of Instant Lottery funds, which is prescribed by regulation, to be directed to sport and culture. Provided the Instant Lottery remains popular, with an annual turnover of more than \$30 million, the percentage provision will not come into operation. In other words, while the demand for Instant Lottery tickets remains around the present level, the amount of \$6 million will be the minimum available for distribution to sport and culture.

I refer now to a letter to the Minister for Employment and Administrative Services sent by the Executive Director of the Department of Employment and Administrative Services on 4 November 1983. It reads—

I refer to my advice of October 31, 1983 concerning the credit of the maximum amount of \$6 million to the Sports Culture Instant Lottery Account.

At the time of instructing Parliamentary Counsel it was intended to ensure the Sports Culture Instant Lottery Account received \$6 million should the turnover fall below \$23 million—the point where if \$6 million was paid into the Account the Hospital Fund would receive nothing.

In subsequent discussions with Treasury and Parliamentary Counsel it has been ascertained that the wording of the Bill will in fact bring the percentage prescribed in the regulations into effect if the turnover falls below \$30 million.

This is contrary to my advice of October 31, 1983, but is in line with Cabinet approval which is based on a static turnover of Instant Lottery sales. Figures which show the effect of the provision are attached.

To keep the payment to sports and culture at \$6 million when the turnover falls below \$30 million the prescribed percentage would need to be increased.

I have ascertained that the second reading speech was delivered in the Legislative Council on October 27, 1983.

A suggested Ministerial Statement is submitted for your consideration please.

K. G. Shimmon  
EXECUTIVE DIRECTOR

Enclosed with that letter was a sheet setting out the effect of the amendment on various annual turnovers—\$35 million, \$30 million, \$25 million and \$23 million. For each annual turnover there is a breakdown of the prize money, the amount to the sports culture Instant Lottery account, the commission's expenses, and the amount to the hospital fund. For each of the four annual turnovers between \$35 million and \$23 million the prize money is \$21 million, \$18 million, \$15 million, and \$13.8 million. If the turnover remains at \$35 million the sports culture Instant Lottery account will receive \$6 million, and for the other annual turnovers the amounts to that account are \$6 million, \$5 million and \$4.6 million. For the commission's expenses for those annual turnovers the amounts are \$4.9 million, \$4.2 million, \$3.5 million, and \$3.22 million. The hospital fund under those various turnovers would receive \$3.1 million, \$1.8 million, \$1.5 million, and \$1.38 million.

Hon. John Williams: You have provided a substantial statement. Are you prepared to postpone Order of the Day No. 3 on the Notice Paper to a later stage? I would be grateful if you could.

Hon. P. H. Wells: If we could get a copy of the statement, too.

Hon. D. K. DANS: I agree to that course.

## POLICE AMENDMENT BILL

### *Second Reading*

Debate resumed from 27 October.

**HON. TOM KNIGHT** (South) [4.49 p.m.]: The Bill provides that bullet-proof vests shall not be used by people other than police officers. Some people in the public sector believe the use of these vests should not be limited to police officers; they believe people such as bank officers, security officers, and building society attendants should be able to use such vests.

The Opposition believes it is not a bad move to limit the use of these vests. The limitation will affect criminals, although I am afraid that if they want to do something outside the law they will get around the law anyway. At least the Bill will make it harder for such people to obtain bullet-proof vests. As a result, the Opposition feels the Bill is in the right tense, and we give it our support.

**HON. PETER DOWDING** (North—Minister for Mines) [4.50 p.m.]: I thank members of the Opposition for their support of this Bill and really have nothing more to add in relation to the second reading.

Question put and passed.

Bill read a second time.

### *In Committee, etc.*

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

### *Third Reading*

Bill read a third time, on motion by the Hon. Peter Dowding (Minister for Mines), and passed.

## AGRICULTURE AND RELATED RESOURCES PROTECTION AMENDMENT BILL

### *Second Reading*

Debate resumed from 8 November.

**HON. N. F. MOORE** (Lower North) [4.53 p.m.]: The Opposition indicates its support for this legislation. I commend the Minister on providing a second reading speech which actually says what is contained in the Bill. That practice is fairly rare.

Hon. Peter Dowding: A quantum leap.

Hon. N. F. MOORE: The second reading speech is very specific and says exactly what the Bill does and why. It really makes life for a shadow Minister a little easier than do some of the second reading speeches we have to put up

with and, I am sure, members opposite had to put up with when we were in Government. Sometimes a second reading speech bears no resemblance to a Bill, which is unfortunate.

This legislation refers to the Agriculture Protection Board and various matters relating to it. The most substantial issue of the legislation is in respect of the vermin rating in pastoral areas. As members would be aware, the Government has been over-matching the amount of money that is required to be put into the APB for vermin control in the pastoral areas because of difficulties that have been experienced on pastoral properties due to the drought.

When the vermin control tax or rate was first introduced it was intended that there would be a dollar-for-dollar contribution by pastoralists and the Government to maintain the APB's operations in pastoral areas, but because of the difficult situation in pastoral areas the Government's contribution has been greater than \$1 for \$1. The intention of the legislation, though, was for this to be gradually phased out by 1984. This Bill allows for an increase in the maximum rate from 4.5c in the dollar to 8c in the dollar on the unimproved capital value of properties. That is a fairly substantial increase which, I must admit, causes me some concern.

The Minister in his second reading speech made it clear that 8c is purely a maximum level and the actual rate would be set each year by the APB after consultation with the zone control authorities, which are the bodies made up of representatives of local authorities and the pastoral industry in the areas concerned. The Minister clearly has indicated that consultation will occur with the people involved to determine the actual rate each year and that rate will be gazetted for the information of those affected.

I asked the Pastoralists and Graziers Association whether it considered this aspect of the Bill to be satisfactory. It indicated that from past experience it is quite happy to allow this consultative arrangement to continue. I personally would perhaps prefer the rate to be provided by regulation so that the Parliament itself could have some input in regard to the rate. I will not pursue that matter except to say that by giving the Minister the power to gazette a rate up to 8c, and bearing in mind that it has gone from 4.5c to 8c, a fairly substantial jump, we are not giving ourselves the authority to prevent the Minister from charging 8c if he deems fit. If it were done by regulation, of course, the Parliament could disallow the regulation if it considered the amount to be excessive. The PGA is happy to proceed on the basis that has existed in the past in that it accepts

that the amount should be gazetted after having previously been determined by consultation between the APB and the zone council.

A variety of other machinery matters in the legislation relate to issuing of notices, tightening of procedures, the importing of seeds into the State and making vendors liable to ensure prohibited plant material is not spread within the State, various other regulation making powers with respect to the issuing of permits for the movement of fodder and other things, and regulations for the keeping of certain animals. The Opposition accepts that this is the use to which this legislation should be related.

I neglected to mention a provision which removes an anomaly with respect to pastoral rates. Kimberley pastoralists are paying more than their share of the burden of vermin rates and this legislation provides that they will not pay more than one-third of the share put forward by the pastoralists for carrying out the activities of the APB.

With those few remarks, I indicate the Opposition supports the legislation.

**HON. D. J. WORDSWORTH** (South) [4.58 p.m.]: I wish to raise a matter about which I have asked questions in this House—the importing of sheep for exhibition and sale. At present it is a requirement under the regulations of this Act that an imported sheep should be shorn before it leaves the showground and that that wool should be sold separately. I recently had selected for me one of the top sheep exhibited at the show which was in full wool; I had it shorn and the proceeds of that wool was 60c. It was rather a shock, having purchased a champion, to find its wool was worth only 60c.

**Hon. A. A. Lewis**: It must have come from Tasmania.

**Hon. D. J. WORDSWORTH**: I will not take interjections from a member who is out of his seat. However, I did chide the stock firm because it had selected the sheep for me. I told the people they were pretty poor selectors.

The poor price was only because of the regulations of this Act that the wool had to be sold separately.

**Hon. Peter Dowding**: Separately from what?

**Hon. D. J. WORDSWORTH**: From any other wool.

**Hon. Peter Dowding**: As a single lot?

**Hon. D. J. WORDSWORTH**: Yes, as a single lot.

**Hon. Peter Dowding**: Separated from the sheep!

Hon. D. J. WORDSWORTH: This was revealed by an answer to a question I asked in this House on 10 November, which reads as follows—

Regulation 9 of the same regulations provides for the wool to be baled and marketed and to remain under the control of an exporter until export or disposed of.

Not only does the wool have to be sorted by the farmer but also it has to be exported by him, and now tests have to be carried out and the costs met by the farmer.

Hon. Peter Dowding: That is under the regulations.

Hon. D. J. WORDSWORTH: I am using this example as a means to draw the Minister's attention to the ridiculous situation which exists.

The farmer cannot have that wool mixed with other wools because in theory it could be purchased by the Albany Woollen Mills and if there were weed seeds in it they could be spread throughout Western Australia. Anyway, the Albany Woollen Mills imports its wool from New Zealand.

Hon. Neil Oliver: They also don't use fleece wools.

Hon. D. J. WORDSWORTH: Farmers have been subject to rather ridiculous regulations. I have seen departmental officers in Kalgoorlie combing down a camel that had been brought into town for a circus and the officers had to get the weeds out of its fur. They did that successfully and I admire them because they were kicked and spat at. If the departmental officers are able to do that surely they could look at the wool of stud sheep at the Royal Showgrounds. No-one disagrees that the sheep should be shorn, even though it is a ridiculous situation because it means that the sheep cannot be shown in other shows. I ask the Minister to investigate the situation.

**HON. PETER DOWDING** (North—Minister for Mines) [5.02 p.m.]: I thank the Opposition for its support of the Bill and I will refer the problems raised by members to the Minister. I am sorry that the Hon. D. J. Wordsworth's wool only fetched 60c.

Hon. Tom Knight: So is he.

Hon. PETER DOWDING: I know that he is sorry about it.

Without claiming to be a full bottle on this matter I advise members that under section 75 of the Act provision is made for permission to be given by an inspector. There may be discretionary power under the Act which would enable the member to receive more than 60c for wool. How-

ever, I will refer the matter to the appropriate Minister.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by the Hon. Peter Dowding (Minister for Mines), and passed.

## QUESTIONS

Questions were taken at this stage.

## TOWN PLANNING AND DEVELOPMENT AMENDMENT BILL

*Second Reading*

Debate resumed from 8 November.

**HON. I. G. PRATT** (Lower West) [5.16 p.m.]: Initially this Bill fills one with a great deal of concern. However, when it is referred to the parent Act it assumes a much more ordinary appearance. The matters included relate firstly, to the rewording of the Act regarding the Minister's requirement to include provisions. I think this is quite reasonable although it reverses the present position where the Minister may refuse to accept an amendment until a local authority includes various provisions in the scheme. The changing of the position means the Minister will require the local authority to insert those provisions into the scheme. The end result is little different, but it gives the Minister a more authoritarian role; he is now directing whereas previously he refused to approve.

Similarly, if one refers to the next part of the Bill which includes Town Planning Board and Metropolitan Region Planning Authority policy as a matter of course in town planning schemes, it becomes a position much more of a direction rather than approval. The overall result is very similar.

The extension of interim developments from one year to three years is a fair and reasonable movement and we have no objection to it. The penalties for failure to comply with an interim development order are increased quite substantially. They have been the same for some time and, therefore, there are no objections to this.

New ground is broken in the provision for appeals over matters of discretion on the part of

shire councils. In the past, various Ministers have agreed to consider appeals in some cases and there is some doubt whether the Ministers had the right to hear appeals in these circumstances.

Hon. Peter Dowding: Unless it was in the scheme.

Hon. I. G. PRATT: Yes. I said, "in some cases". In the amendment, we have the right of appeal against the use of discretion to cover that problem. We also have the situation arising where, in actual fact, the Act can provide for two appeals; the Bill spells out the fact that only one avenue of appeal can be followed in that case.

The tidying up of the matter concerning easements is reasonable. It spells out that the authority of the Town Planning Board is not required when one grants an easement to a neighbour, or in a similar situation.

An important move is the necessity for the Crown not to comply with town planning schemes, but at least to consult with the local authorities and to conform, as closely as possible, to the town planning schemes. That is a matter of considerable concern to local authorities; but very often Government departments may have not complied with many conditions of town planning, particularly relating to parking. This is one of the main problems with Government offices, when the parking provided by the department is much less than would be provided by a private developer. If the spirit of the legislation is observed, we should have that problem overcome, particularly as the department will be required to consult at the formative stages of its plans for development. We should not have the situation that occurred previously when the first the local authority has known is when tenders have been called for development.

The final consideration in the Bill is one which changes the wording of what we have come to know as "preliminary approval". The Bill deletes the phrase "preliminary approval", which is the approval given prior to the advertisement of an amendment, it being replaced by the words "in respect of which the Minister cannot give consent to public submissions being sought". That is rather clumsy.

A person dealing with local government knows what preliminary approval is. I understand the reason for the change; but in many cases, preliminary approval gives the connotation that final approval will come as a matter of course. Many people consider that, if they have preliminary approval, they are entitled to sit out the advertisement period and receive final approval. Very often, that does not happen.

I know of some cases of doubt as to whether final approval has been granted, and the Minister has been reluctant to give preliminary approval because he has felt that he is committing himself in some way. Much simpler wording would have used the phrase "advertising consent", which would be easily referred to by people involved in the area. I do not intend to move an amendment along those lines; but I ask the Minister to give consideration to that because the problem has occurred frequently in the planning world.

The words used in the legislation are very clumsy, and people will still probably refer to it as "preliminary approval". We need a more concise term, and I suggest something like "advertising consent", which has different connotations from the previous wording.

We support the Bill.

HON. NEIL OLIVER (West) [5.24 p.m.]: This Bill was introduced last Tuesday week. Bills of this nature take some time to examine, particularly when we have a large amount of Government legislation coming forward. This Bill could well have been put down the Notice Paper in the same way as many other Bills have been treated by the Government. Many Bills have been introduced into this House and have remained at the bottom of the Notice Paper for some time. In fact, a motion by me relating to the Town Planning Board has been at the bottom of the Notice Paper for some time.

Town planning and development is a very difficult subject which has been in existence in a sophisticated form since the late nineteenth century. Originally, it dealt with the zoning of land and the uses to which land could be put. Ultimately it dealt with the manner in which building sites should be developed, and particularly in regard to the boundaries of those sites. It dealt with clearances because of fire, light, the environment, etc.

I begin to wonder about town planning; not only are planners still concerned with zone uses, but also town planning schemes are virtually deciding how the people will live, rather than town planners referring to the way in which people might like to live.

Therefore, we have this Bill which includes major amendments to the Town Planning and Development Act. In the Committee stage, I will ask questions, particularly in relation to clause 8. The overtones of that clause go beyond the preliminary approval.

For the present I reserve my right to speak on the Bill in the Committee stage.

HON. PETER DOWDING (North—Minister for Mines) [5.26 p.m.]: I thank honourable mem-

bers for their support. I will refer the matter raised by the Hon. Mr Pratt to the Minister.

In respect of the Hon. Neil Oliver, I make the point that the Act is becoming more complex because town planning issues are more complex, and our society is more complex. We live in an area with an increasing density of population, and the question of land use in urban areas is a matter of substance.

Historically, the Government has taken the view that it ought to control the way in which approvals are given. If one refers, for instance, to any of the monthly legal digests issued by the other States, one finds that town planning issues are taking up almost as much space as all other litigation put together.

All I will say in defence of the Government and of the department is that from 1928, when this Act was first introduced, till 1983, one would expect the complexities of urban life to require a more detailed Act.

I thank members opposite for their support.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Chairman of Committees (the Hon. D. J. Wordsworth) in the Chair; the Hon. Peter Dowding (Minister for Mines) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 7 amended—

Hon. NEIL OLIVER: Why should not a town planning and development Act and a town planning board react more to the wishes and requirements that the local residents have conveyed to their representatives on the local council? Would it not be a good idea for consideration to be given in the future more to the wishes of the local authority which is acting directly to the wishes of the local people? Section 7(a) is to be amended as follows—

- (a) in subsection (2) by deleting "refuse to approve a scheme except with such modifications, and on such conditions, as he may think fit" and substituting the following—

" require the local authority to modify the scheme in such manner as he may specify before approval is given ";

The local councillors elected by the people they represent on the councils are very close to the people and are able to react to their wishes. The councils employ town planners and some have as

many as three or more on their staff with the same qualifications as the employees of the Town Planning Board. The town planners employed by the councils are able to respond to the wishes of the residents in the best town planning principles.

I can understand that the Minister would be required to intercede in cases where the boundaries of local authorities conflict, but I cannot understand why we are enlarging and making more complex our town planning legislation, when in fact town planning conditions were introduced in some of the most difficult times our predecessors faced. They were introduced to overcome health situations, perhaps to overcome plagues.

It is not the Minister responsible for the administration of this Act who will make the decisions; he will be advised by the town planner at the Town Planning Board, who will say that a certain scheme will have to be modified in the manner he requires before the Minister can give approval to it. Rather than having the Minister as a co-ordinator when the boundaries of local authorities may be in conflict on town planning principles, we still now have town planning schemes entirely within local authority boundaries being dictated to local authorities.

This is open to abuse. For example, elected councillors serving on a local government town planning committee who know the issues and the desires of the electors in the area may override their council's town planner. The academic town planner may then approach his opposite number in the department and make a recommendation which may be contrary to the recommendation of the council. The matter would then go back to the council, and the representatives of the electors may find the suggestion unacceptable, and so the problem goes on.

The Minister responsible in the other place is aware of this, and I understand the Government is to bring forward legislation to cut red tape in Government. This clause is very provocative. I do not intend to move an amendment, but I trust the Minister responsible for the legislation in another place will take note of my sentiments.

Hon. PETER DOWDING: I will convey the member's sentiments to the Minister. The member's fears ought neither to be heightened nor allayed by the wording in this amendment. This is not a substantive change to the practice; it merely records more accurately the Minister's intention. That is, the Minister is requiring a modification before approval. I do not believe the member is raising an issue where these words will make a substantive change to practice.

Clause put and passed.

Clauses 3 to 7 put and passed.

Clause 8: Section 6 of the Town Planning and Development Amendment Act 1982 amended—

Hon. NEIL OLIVER: This is quite a substantial change. I assume the Minister is aware of the preliminary approvals, which are very much a part of legal applications. We have our own town planning tribunal.

Hon. Peter Dowding: I have been a litigant before it, so I am fully aware of what is involved.

Hon. NEIL OLIVER: Preliminary approvals normally require the concurrence of other public bodies to comply with certain conditions before final approval is given after submissions have been sought. Is this specifically in relation to a noxious trade or a specific public building such as a hotel, where it is necessary to call for objections because it may cause inconvenience to the residents of the locality? Or is this to be the overall situation? If so, it will mean more delays. Other States are moving expeditiously to remove delays in obtaining final approval. The difference between preliminary approval and final approval can be quite an extensive period with added costs for the ultimate purchaser. In many cases proprietors bond these conditions over in order to reduce the time between preliminary and final approval.

Hon. PETER DOWDING: The honourable member places me in a difficult position because this is not a major amendment at all; it is an amendment to a piece of legislation his Government introduced last year.

Hon. Neil Oliver: I have always disagreed with it.

Hon. PETER DOWDING: I do not recall there being a division on that occasion. But this is not a substantive amendment; it is simply relating to a section we introduced when the mob opposite were in Government. The point that has concerned the department and the Minister is that the reference to preliminary approval may give people a belief in a ministerial approval having been given to the scheme, when in fact it has not and it is simply an approval which is intended to facilitate the second stage of the analysis of the scheme, which is the call for public submissions.

So, in respect of section 7 AA of the Town Planning and Development Amendment Act 1982, which is in place but not proclaimed, the amendment is designed simply to tag the fact that preliminary approvals are not approvals of the substance of a scheme but simply approvals for the next process to occur, to wit the calling of public submissions. That is the only effect of the amendment before the Chamber.

Hon. NEIL OLIVER: I do have some concern on this matter, as expressed by the Hon. Ian Pratt, because there may be a circumstance where the term "preliminary approval" should be given with regard to a subdivision.

Hon. Peter Dowding: This is only in respect of a scheme.

Hon. NEIL OLIVER: In that case I agree.

Clause put and passed.

Title put and passed.

### *Report*

Bill reported, without amendment, and the report adopted.

### *Third Reading*

Bill read a third time, on motion by the Hon. Peter Dowding (Minister for Mines), and passed.

## **PAINTERS' REGISTRATION AMENDMENT BILL**

### *Second Reading*

Debate resumed from 8 November.

HON. P. H. WELLS (North Metropolitan) [5.43 p.m.]: This Bill follows another Bill which was introduced in this House; namely the Builders' Registration Amendment Bill. This Bill will increase the board's ability to deal with some of the activities for which it is responsible, and I have no objection to that.

This legislation is similar to the Builders' Registration Amendment Bill in that it extends the jurisdiction of the board. It also provides for an increase in penalties generally, which have not been increased for some time.

Similar to the Builders' Registration Amendment Bill, this Bill deals with the situation whereby the board can order a person to pay a sum of money in lieu of a repair which is required to be carried out. This amendment appears to be sensible because quite often that is the best way to overcome a problem.

In his second reading speech the Minister said that these provisions have taken place following consultation with the industry and they will ensure greater protection for consumers in their dealings with registered painters and in the resolution of disputes relating to poor workmanship. That sort of statement would give one to believe that the industry was happy with the legislation and that the consultation had reached a consensus.

The fact of the matter is the industry did make certain submissions to the inquiry which was com-



menced by the previous Government. It is strange that the present board consists of the chairman of the Master Painters, Decorators & Signwriters' Association and a representative of the Confederation of Western Australian Industry. This board does not deal with industrial disputes, but with consumers and to that degree this Bill allows for the addition of a consumer to the board. I have no objection to that.

The interesting fact is that the board seems to be working well but could do with an additional painter on the board to deal with some of the inquiries. Their submission to the Government was that they should have an additional painter on the board, but the Government decided it would have a union representative.

I cannot see that that is consensus. We are not dealing with industrial relations. I wonder what advice a union representative can give in place of a representative of the painters.

Hon. Neil Oliver: Mr Dans said we have a union of employees and a union of employers, and now we need a Confederation of Western Australian Industry too.

Hon. Peter Dowding: They are on it.

Hon. P. H. WELLS: In his second reading speech the Minister indicated that the industry had what it wanted. The industry has found that it did not get what it wanted—it got the reverse. I cannot fathom the reason that a union representative is required when the board has nothing to do with industrial relations. For some reason perhaps we need an examination of the unions involved with the Painters' Registration Board. I cannot imagine that is the purpose of the board. That area of the Bill causes me some concern. Its provisions are the opposite to what the industry asked for and the board will lack the direct input which would be most desirable to obtain a high level of competence in the industry.

I suggest to the Minister that he should perhaps look at the area of professional input and consider the suggestion that two painters may be more suitable. He should look at the structure of the Builders' Registration Board since they have an architect and architects are also involved to a similar degree with painters. Perhaps if the Minister cannot give another painter to the board he will agree to an architect.

If the industry had requested such a provision, I would have thought the most realistic thing to do would be to take note of that request.

Another area of the Bill which causes me some concern relates to the provision that a panel of three names be submitted to the Minister. The Minister is to select a person from each of the

areas specified in the Bill, to be appointed to the board.

The Minister will appoint the chairman who will also be chairman of the Builders Registration Board; the Minister also will appoint the consumer representative, and there will be a union representative from the Master Painters, Decorators and Signwriters' Association of WA.

Hon. Neil Oliver: The painters and dockers?

Hon. P. H. WELLS: Perhaps that is where the consultation was taking place—with the wrong union.

A problem arises in that structure that if a person ceases to be a member of the union—

Hon. S. M. Piantadosi: Union bashing!

Hon. P. H. WELLS: I am not union bashing. I have some respect for unions, having been a unionist myself and having worked underground with the AWU.

If the union member was one of the three selected by the Minister, and on the following day he ceased to be a member of that union, or the union for some reason sent him to Coventry, there is no way that person can be removed from the board short of his dying or resigning, or being sent to prison. As I understand it, any members appointed in that way are appointed permanently. Let us assume that a painter who is on the board has done something contrary to the professional code of the master painters association and is struck off the union membership. If he had done something unprofessional he would still sit on the board and be able to deal with consumer complaints.

I believe the Minister thinks this point has some merit and should be looked at because it affects a number of people. The Government should talk to the industry and discuss the desirability of bringing forward an amendment.

From consultations I have had with the industry the other aspects of the Bill would appear to be aimed at enabling the registration board to work more effectively in those areas for which it is responsible. It would seem reasonable that those parts of the Bill should be supported. I draw the Minister's attention to the points I raised. The board should look at the request for the appointment of a second painter, or if that is not satisfactory, an architect could be one of the members of the board.

**HON. PETER DOWDING** (North—Minister for Mines) [5.55 p.m.]: I thank Mr Wells for his comments. I hope it was not his intention to suggest the union should not be represented.

Hon. P. H. Wells: Did I say that?

Hon. PETER DOWDING: No, I am saying I hope it was not the member's intention because the confederation is represented, and appropriately in the Government's view the body of workers who are painters should be represented. It seems to us that is a matter of equity, and they have something to contribute to the board and its operations, and to suggest otherwise is quite wrong.

I do not know why the previous Government chose to leave off a nominee of the union when it chose to put on a nominee of the confederation. That decision was made in 1961. Our Government takes the view that in appropriate circumstances where a board is to be truly representative of the industry—

Hon. P. H. Wells: Herbie Graham set up the board.

Hon. PETER DOWDING: I have said I do not pretend to know the reasons the Government omitted a representative of the union at the time. I do not know the reason the confederation was on and the union was off, and I do not care. I am saying that whatever the reason, it is this Government's view that the board which is to be concerned with the control of the industry ought to have a representative from both the confederation and the workers. The Master Painters, Decorators & Signwriters' Association will be represented, as will the confederation, the union, and the consumers' interests, and the Chairman of the Builders Registration Board also is a member. We can debate this later on if necessary but that seems to me to be a representative board which will give an overview of the industry and it is important that all sections of the industry be represented. They all should have an input into the board which is taking charge of the operations of the industry. It seems to me to be a basic statement that the board should operate in that way.

Hon. Tom Knight: Should we not also have an employers' representative on the union board of management, not on the Painters' Registration Board? We are talking about having a union representative on the Painters' Registration Board; why not have an employers' representative on some of the union boards of management?

Hon. PETER DOWDING: If companies are prepared to take unionists onto boards of directors perhaps it will create an industry climate such that unions will be interested in having other input on their management. I cannot see that it has anything to do with this Bill. I think that is drawing a fairly long bow.

The Hon. Peter Wells raised a point which is worth commenting on, and that is that the qualifi-

cations for appointment do not have to continue during the entire term of the appointment. That is common to almost every piece of legislation under which these boards are set up. In areas of my ministerial responsibility I have had that sort of comment drawn to my attention. In the nominations we are looking for a person of quality with something to contribute, rather than a person who is a member of a particular industry. We are looking for nominations from particular interests, and if people nominate someone considered to be appropriate, it seems to me wrong for the Government to require that person to continue to be operational in any part of his activity. One might have a master painter, for example, who retires and who is an ideal person to have on the board because he has the time to spend.

Hon. G. C. MacKinnon: They are expected to be representative of a group, rather than representing a group.

Hon. PETER DOWDING: I thank the member for that remark.

A master painter who retires might be an ideal person to have on the board and to participate in its operations, but he may not be a member of a particular group. If any problem exists in that situation it is more likely to be caused by changing it. I would rather see the general principal adhered to.

Question put and passed.

Bill read a second time.

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

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by the Hon. Peter Dowding (Minister for Mines), and passed.

## **TRADE ASSOCIATIONS REGISTRATION REPEAL BILL**

*Second Reading*

Debate resumed from 8 November.

HON. W. G. ATKINSON (Central) [7.33 p.m.]: This Bill makes provision for the repeal of the Trade Associations Registration Act which was passed in 1959. The provisions of the Commonwealth Trade Practices Act have overtaken this measure, and the Opposition concurs with the Government that the legislation no longer serves

any purpose, and the Act should therefore be removed from the Statute book.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

### *Third Reading*

Bill read a third time, on motion by the Hon. Peter Dowding (Minister for Mines), and passed.

## **LIQUOR AMENDMENT BILL (No. 2)**

### *Second Reading*

Debate resumed from 8 November.

**HON. JOHN WILLIAMS** (Metropolitan) [7.34 p.m.]: The Opposition has considered this Bill, and it is well aware of the anomaly that was contained in the Act, which this Bill rectifies. It seems rather cynical in this day and age that some Totalisator Agency Board premises are included in hotel premises.

This is a worthwhile amendment which safeguards what could be an oversight. Bookmaking on licensed premises is strictly controlled in this State. In point of fact, it is nonexistent in all hotels.

I support the Bill.

**HON. P. H. LOCKYER** (North) [7.35 p.m.]: I too support this amendment. However, I will use this opportunity to bring to the attention of the Leader of the House the fact that this is the first time since I have been a member of the House that steps are being taken to give support to people in the hotel industry.

It is a good sign that the Government is taking cognisance of an anomaly, but I put it to the Leader that perhaps the time is ripe for the Government to look urgently into the problems that are cropping up in the hotel industry, and in particular to bring to his attention a number of those problems which have been caused by the regulations brought down by successive Governments. I do not level that criticism against the Government, as it has not been in office long enough to have done very much damage. However, I draw to the attention of the Leader of the House that the hotel industry is in trouble in a variety of areas.

It seems to be fair game for successive Treasurers, in both the Federal scene and the State scene—once again, I do not differentiate be-

tween Treasurers of different political colours—to get stuck into this industry. It is a labour-intensive industry, and one that has traditionally employed a large number of people over a great number of years. Many of the hotels have been owned by family concerns and they are now facing the worst time in their history. A number of concerns have gone to the wall already, and others are likely to go to the wall.

I do not condone drinking and driving. One of the best innovations in the last century has been the new light beer.

The **PRESIDENT**: Order! I trust the member will relate his comments to the provisions of this Bill.

**Hon. P. H. LOCKYER**: Yes. I believe this amendment does not go far enough. While the Government is amending the Liquor Act, it should take the opportunity to amend sections of the Act which have anomalies in them. Perhaps the Government could have used this amending Bill. However, I will leave that matter to the Leader of the House, when he replies.

I return to the light beer. I would hate any Treasurer to give thought to increasing the tax on it. That is just a passing comment.

I know that the Leader of the House would recognise the hotel industry's plight. He represents an area with a proliferation of hotels. The hotels are under siege and constant attention by the Police Department, rightly or wrongly. The hotels are under the attention of Treasurers; and the rules and regulations that they must face are second to none. It is an enlightening sign for the hotels that this type of legislation should be brought before the House.

I hope the Leader of the House will tell me in a moment that this Bill is the forerunner of many other Bills that will assist the hotel owners in this State—

**Hon. D. K. Dans**: I cannot do that.

**Hon. P. H. LOCKYER**: —and let them get back to making a quid.

**HON. PETER DOWDING** (North—Minister for Mines) [7.39 p.m.]: Not only will the leader of the House not do that, but also neither will I.

The problems of the liquor industry have been recognised by my Government, both when it was in opposition and in government. As the member knows, the point of the moratorium was to recognise the tremendous growth in the number of liquor outlets, with various factors contributing to a lack of reasonable profitability. The moratorium was an initiative by the Minister, David Parker, who had the most commendable insight into the

industry. He worked to create a situation in which the industry would have the opportunity of drawing a breath and examining where it was going.

Hon. P. H. Lockyer: He is to be commended for that.

Hon. PETER DOWDING: The sooner the light beer is in kegs, the better—certainly for those who choose to drink at liquor outlets.

We thank the Opposition for its support of this legislation.

Question put and passed.

Bill read a second time.

#### *In Committee, etc.*

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

#### *Third Reading*

Bill read a third time, on motion by the Hon. Peter Dowding (Minister for Mines), and passed.

### **AGRICULTURAL PRODUCE (CHEMICAL RESIDUES) BILL**

#### *Second Reading*

Debate resumed from 10 November.

HON. TOM KNIGHT (South) [7.42 p.m.]: This Bill deserves our support. It is most important to the rural industry, and also to public health.

Chemical residues have been a public health concern for some time, and over the years several committees have investigated the effects of chemical residues in foodstuffs. It is most important that we look carefully at this legislation to ensure that it is complementary to the legislation now in effect in other States of Australia.

The use of herbicides in agriculture is of concern because of the possibility of contamination of food derived from meat animals. It is obvious to the researchers that the contamination of plants and foodstuffs consumed by meat animals is detrimental to public health. In fact, in 1980, the value of herbicides used in agriculture in Australia was some \$96.3 million, and Western Australia's share was \$28 517 000, or about 25 per cent of the Australian average.

The situation has been studied by many groups; in my study to give support to the Bill, I looked at a report in the *Agricultural Journal* of the Western Australian Department of Agriculture. The report was entitled "The Toxicological Significance of Large Animal Metabolism Studies

With Pesticides" by D. R. Flint. In abstract, the report reads as follows—

General agricultural use of pesticides carries with it potential hazards to man directly, by exposure to toxic residues in food, and indirectly, through his environment. Many scientific studies are carried out by pesticide producers to evaluate these potential hazards and thereby establish use conditions consistent with both safety to man and effective pest control for food production.

Metabolism studies in large animals, as well as small animals and plants, play an essential role in this hazard evaluation which is shown through the description of interrelationships between these and the overall scientific evaluation program.

The report goes on—

The term "toxicological significance" is used in this paper as a means of applying perspective to the subject. It is used in the broad context as relating to the evaluation of human safety.

This Bill is all about human safety. To continue—

We will consider pesticide metabolism in large animals, in relation to various other specific investigations, as it contributes to the evaluation of human safety associated with pesticide use.

As most of you know, a tremendous amount of research is conducted to demonstrate the safety as well as the efficacy of a pesticide in order to obtain government registration, the official license to manufacture and market a pesticide. Safety applies primarily to man who may be exposed to the toxicant either directly or through his environment. Since most pesticides are at least somewhat toxic to non-target species, including man, a complete evaluation of the potential hazards, particularly toward man, associated with proposed uses of the material is essential. The requirement for demonstration of efficacy also contributes indirectly to the protection of man by limiting the number of potentially hazardous materials available for use.

Over the years it has been proved on many occasions that contamination of food from foodstuffs consumed by meat animals has had an ill effect on mankind. In Michigan in the late 1970s, pesticides were sprayed onto a particular food crop planted for animal consumption, and this re-

sulted in a great loss of animal life and terrible complaints in humans using that foodstuff.

The Government has introduced this Bill in the interests of the health of the public. In fact, the National Health and Medical Research Council reports Nos. 81, 82, 83 and 93 constantly bring this matter to attention. I quote as follows—

Council recommended that the Recommended Maximum Residue Limits of Pesticides, Agricultural Chemicals, Feed Additives and Veterinary Medicines in Food, as published in Appendix V of the Report of the Eightieth Session of Council be further amended as shown in Appendix XI to this Report.

The council meets annually and has researched the danger to humans of insecticides, pesticides and dangerous chemicals in foodstuffs. The Government has done the right thing.

This Bill is complementary to and compatible with legislation in other States, and accordingly we support it.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by the Hon. Peter Dowding (Minister for Mines), and passed.

## **BUILDERS' REGISTRATION AMENDMENT BILL**

*In Committee*

Resumed from 10 November. The Deputy Chairman of Committees (the Hon. John Williams) in the Chair; the Hon. D. K. Dans (Leader of the House) in charge of the Bill.

Clause 4: Section 4A amended—

Progress was reported after the clause had been partly considered.

Hon. I. G. PRATT: This clause provides that the time between when an owner-builder can build a house for himself and then build another for himself will be extended from two years to six years. It provides also that the time when an owner-builder can sell the house is to be extended from 18 months to three years. It provides also for a requirement that an owner-builder should place a sign on the premises stating the number of his building licence and his name in large, easily read

letters. The clause then provides a series of consequential amendments to the main intents of the clause.

When we previously debated the Bill, the reasons I gave that this clause should be defeated were, firstly, that there had been no established need for this increase from two years to six years. When an owner-builder wants to build a house, he has to sign a statutory declaration saying he has not applied for a licence within the designated period. Some sections of the industry and the board have suggested that people are not complying with this provision of the law. If people are not complying with the law, other laws provide fairly hefty penalties for people who sign untrue statutory declarations. I do not think the reason advanced in favour of this change has any substance.

A figure of \$28 million a year has been mentioned as the amount at present involved with owner-builders building their own homes. Far from this being a cause of concern to me, it is a heartening statistic, because it means many people in this country are prepared to go out and do something for themselves. That is a trait I am sure people on both sides of the Committee would approve of. Of course, the people in the building industry would prefer to have that \$28 million going through their books. Any business wants to get as much profit as possible; that is understandable. Nevertheless, that is not a good enough reason to place further restrictions on owner-builders.

I see no reason to extend from 18 months to three years the time when an owner-builder can sell his house. Large numbers of people are not selling their houses within the 18-month period, although obviously there would be some.

If we look at the requirements for the owner-builder to place a sign on his premises, it appears no better reason is given than a desire for him to do so. If an owner-builder is building on his own block, there would be no difficulty finding out who was the builder, because he owns the block and his name is on the title. I see no reason for a further restriction being placed on people who are trying to do something for themselves.

The Hon. Peter Wells said we should have some sort of compromise, but I see no reason for a compromise. These proposals or similar ones have been presented before. Every new Minister in charge of the portfolio has been confronted by the Builders' Registration Board and the building industry requesting him to accept similar amendments. In the past these requests have always received the same fate—they have been refused. I

hope on this occasion this clause also will be defeated. I have opposed this sort of restriction in my party room on other occasions and I have helped to see to it that those amendments have not reached the House, except on one occasion when a Bill was introduced but was later withdrawn.

I see no reason to change my stance; I see no reason to vote in a different manner this time from the manner I have voted over the past nine years. The Minister's second reading speech contains no argument which should convince anyone to do otherwise. I ask members to defeat this clause. We will not be defeating a Government Bill, but just one clause of a Bill. We have opposed these provisions in the past and I hope we continue to oppose them.

Hon. D. K. DANS: I will give members some background to this clause. Like Mr Pratt, I have been here for quite some time and I admit that what he says is correct about these amendments always being brought forward.

Paragraph (a) is to extend the period from two years to six years in which an owner-builder can obtain a permit to build his own house. Paragraph (b) allows the Minister to give dispensation for a lesser number of years. One of the reasons for extending the period is to prevent the "spec" builder describing himself as an owner-builder, because if he continues to build houses and to live in them for as little as two years, he could continually do that and avoid registration as a builder. By extending the period to six years the potential for that is minimised. Paragraph (b), which allows for the dispensation, is to allow the genuine owner-builder the opportunity to get a dispensation if there is a need for him to build another house within the six-year period. To my way of thinking that does away with some of the objections.

Paragraph (c) is consequential upon paragraphs (a) and (b). It provides a requirement for an owner-builder to place on a sign his name and the number of his building licence from the shire for that building site. That is usually simply so that someone who goes past and examines and notes the building work being carried on at that site will be able to establish, particularly from an inspector's point of view, clearly whether that person is licensed or whether he is an owner-builder.

Mr Pratt says that in the case of an owner-builder, the owner's name is on the title of the land and there is no difficulty to find out who is the owner-builder. The reason is to allow for a search of the title of the land—to go to the titles office when one does not know what the actual

reference to title of that land is so that one can make that search. A sign with the owner's name and the building licence number is simply for identification to distinguish him from the registered builder who also must have a sign.

Paragraphs (e) and (f) amend subsections (3) and (4) and prohibit an owner-builder from selling without the Minister's consent for a period of three years from the date upon which the licence for construction of the building is issued to him. This has now been extended to 18 months. Again this provision is designed to minimise the chances of a registered builder using the pretext of being an owner-builder and disposing of the property he has built.

Paragraph (f) specifically permits the Minister to dispense with the requirements that an owner-builder be prohibited from obtaining a further licence within six years or from selling within three years, if the Minister is satisfied that there is a change in circumstances that the applicant can suffer hardship if refused and, more importantly, if the owner-builder is not seeking to defeat the purpose of this section. The industry is trying to create a closed shop situation.

Another footnote on my notes is that this Bill was drafted in its present form by the previous Government. I do not know whether it went through the party room because the Bill was half drafted before the change in Government. This part of the Bill was drafted. I do not want to keep us here all night on this clause because my position is quite clear. I know the position of Mr Pratt but I am not certain of Mr Wells' position. I will give the Committee a rundown on the situation in the other States.

Hon. J. M. Brown: He is reticent.

Hon. D. K. DANS: Clause 4 (e) (ii) increases the time limit within which an owner may sell his owner-built home from the present 18 months to three years. Clause 4 (a) increases the time limit between the issue of licences. I will not go through all that again.

In an attempt to achieve some uniformity, the proposals will bring WA into line with other States. Similar legislation in other States provides for the following limitations—

Victoria—Submissions were made to extend the period between the issue of permits to five years. This recommendation has been embodied in legislation now under consideration.

Tasmania—A three year restriction is imposed on the resale of any building erected by a registered or owner-builder.

Queensland—A six year period between licence and resale; increased from two years in 1980.

New South Wales—A five year period between licences, increased from two years in 1979.

ACT—A five year period between licences.

I do not know whether that has increased from two years. To continue—

South Australia—An owner-builder cannot sell or lease a building constructed by him for 18 months after completion of the building.

The six-year period for obtaining a further licence is in line with the six-year limitation period of builders' responsibility for major repairs to a building.

The industry makes no apology for seeking protection. The building industry is a large and vital part of the Australian economy and it is surely entitled to a small part of the extensive protection that is offered to such industries as fisheries, potato growers and egg producers.

I ask the Committee to support the Bill in its present form and reject the proposed amendment.

Hon. I. G. PRATT: The Leader of the Opposition's explanations are familiar to me from previous occasions, as are the words of the Bill. He did raise one very important factor which I do not want to make a political point out of—when the current Opposition was in Government backbenchers did in the party room most of the reviewing that we now do in the Chamber, and this might be why we did not have the statement from Mr Dans that this was agreed to by the previous Government. It most certainly was not agreed to by the previous Government.

Hon. D. K. Dans: I accept that.

Hon. I. G. PRATT: I want to make the point that we chucked it out, as we have done every time it has popped up before us in the same manner. I will lump the two time limits together, the building limit and the sale limit.

I return to statutory declarations. Half of that statutory declaration says that the house is being built for one's own use; that is, if a person can be shown to be building it not for his own use, he has made a false declaration and he should be dealt with. If that is what is worrying us we should bite the bullet on that and say, "Right, we are going to strengthen the mechanism for dealing with a person who makes a false statutory declaration". We should not make it harder for the genuine person

who makes an honest declaration. Both of those areas are covered.

Regarding the matter of the sign, if anyone wants to know who owns a building he can look at the title. Obviously the person would not be from a local authority because the local authority provides a permit for the building, sends out a building surveyor to inspect the foundations, and is usually present at the concrete pour for the foundations. The person would most definitely not be from the Builders' Registration Board because the owner-builder has to fill in the application forms and the BRB is notified of an owner-builder's activities and has that information on record.

People may choose to look at or inspect a house. I do not know why the BRB would, because the body charged with the policing of the Uniform Building By-laws is the local authority and it is entirely its concern whether or not the building by-laws are being observed; it is nobody else's concern. The documentation has been completed, so no other person would need to be informed. If a person is so curious he could go along and search the title.

The matter raised about the extension to six years within which the Minister can transfer or alter that authority is of no relevance. Why should the Minister decide between Bill Brown and Joe Smith, or indeed between Jim Brown and Des Dans, for that matter, as to which of them is honest in his request to build his own house?

Hon. J. M. Brown: That is not a fair question. You have upset my metabolism.

Hon. I. G. PRATT: If they both go along with their submission saying they have genuine reasons for wanting to do so the Minister could say, "I will look at your reasons". He could say to one, "I think your case is pretty good, I will accept yours" and to the other person, "I think your case is pretty bad; I will not accept yours". Why should they have to do this? What are they really doing, except trying to build a house for themselves and their family? What right has anyone else to decide on that issue?

It is interesting to look at the trends in the other States. I noticed the last figure given to us was the 1½ years for South Australia. It is indeed the most recent legislation. If that is correct the trend is actually towards what is contained in our Act. In that case, the Minister's answer really confirms what I am saying. Some other people might be talking about it or proposing it, and their propositions could have the same end result as this clause.

While I have the greatest sympathy for the Leader of the House's position and the fact that

he is giving us answers as per his instructions, he most definitely has not convinced me, and I doubt if he has convinced the Chamber, that we should impose this further restriction on people who just want to build a house for themselves and their families. If people break the law by signing false statutory declarations, that is a different matter and they should be dealt with in the correct manner.

Hon. D. K. DAns: I will recap a little more on the information I have about this matter. The Real Estate Institute of Western Australia has adopted a period of between seven and eight years as the average tenure of a private residence in Western Australia. This is supported by figures obtained from banks and building societies. The allowance to sell within three years is seen as a concession. The provisions allow for an appeal to the Minister in hardship cases. The board has never refused an appeal from a genuine person in the case of hardship under the present provisions.

These proposals were agreed to and supported by the Liberal Party backbench committee at a meeting held with the board on 12 October 1982. I am not saying that is binding on anyone. This information was given to me.

The crux of the question is: Is registration of builders worthwhile? Experience of other States which have only recently adopted it is most strongly "Yes", so these proposals must be supported to reduce the incidence of avoidance of compliance which is undermining the effectiveness of the Act. Proper safeguards are built in to protect the genuine owner-builder who will suffer no penalty when these amendments are adopted.

I go along with that. Mr Pratt mentioned that a statutory declaration could be signed. I am informed that it would be impossible to apply that provision because in legal terms a person would have to prove intent at the time the statutory declaration was signed and that may be difficult or almost impossible to prove.

I ask the Committee to support the Bill and reject any amendments.

Hon. I. G. PRATT: I did not suggest that we have statutory declarations; I said that we do have them. If they are unworkable and serve no purpose, why have we been making owner-builders sign them for so long? I did not question whether builders' registration is worthwhile. That has nothing to do with this clause. The Bill is a fairly hefty document and I am not suggesting we tear it into pieces.

Hon. D. K. DAns: I am just telling you what the builders think about us.

Hon. I. G. PRATT: That comment about its being agreed to by a committee of Liberal backbenchers on 12 October 1982 is irrelevant and should not be considered.

Hon. D. K. DAns: I just mentioned that in passing.

Hon. I. G. PRATT: I found that very interesting because in 1974 I was on a backbench committee on builders' registration and I most certainly was not on a Liberal Party committee.

Hon. D. K. DAns: You must have been out on a limb on that one.

Hon. I. G. PRATT: Perhaps the community welfare backbench committee or the education backbench committee of the Liberal Party agreed to this; if either of those committees handled this it most certainly was not approved by the party. Mr DAns knows as well as I do that—

Hon. D. K. DAns: I didn't say it was.

Hon. I. G. PRATT: —what some small committee may decide really has very little to do with what a party does.

The other point the Leader of the House mentioned was the allowance of three years as a concession. He stated the time requirement.

Hon. D. K. DAns: I said seven or eight years.

Hon. I. G. PRATT: This Bill provides three years as a concession. How on earth can it be a concession when the restriction is doubled? We are doubling the restriction and calling it a concession. I do not really believe the Minister is serious in this.

I do not question his integrity. We probably could go on and on with this for a long time, but I do not think it would be fruitful. The Leader of the House has asked the Committee to support the clause but I ask the Committee most strongly to reject it.

Clause put and a division taken with the following result—

#### Ayes 17

Hon. J. M. Berinson	Hon. Margaret McAleer
Hon. J. M. Brown	Hon. Mark Nevill
Hon. D. K. DAns	Hon. Neil Oliver
Hon. Peter Dowding	Hon. S. M. Piantadosi
Hon. Graham Edwards	Hon. Tom Stephens
Hon. Lyla Elliott	Hon. W. N. Stretch
Hon. H. W. Gayfer	Hon. P. H. Wells
Hon. Robert Hetherington	Hon. Fred McKenzie
Hon. Tom Knight	(Teller)

#### Noes 11

Hon. W. G. Atkinson	Hon. Tom McNeil
Hon. C. J. Bell	Hon. N. F. Moore
Hon. V. J. Ferry	Hon. P. G. Pandal
Hon. A. A. Lewis	Hon. I. G. Pratt
Hon. G. C. MacKinnon	Hon. P. H. Lockyer
Hon. G. E. Masters	(Teller)



Pairs	
Ayes	Noes
Hon. Kay Hallahan	Hon. I. G. Medcalf
Hon. Garry Kelly	Hon. D. J. Wordsworth
Clause thus passed.	
Clauses 5 to 17 put and passed.	
Title put and passed.	

### Report

Bill reported, without amendment, and the report adopted.

## PUBLIC AND BANK HOLIDAYS AMENDMENT BILL

### In Committee

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

Clause 1 put and passed.

Clause 2: Second Schedule amended—

Hon. G. E. MASTERS: During the second reading debate I made a number of points to which the Leader of the Government did not reply and I understand he will answer them in the Committee stage.

I made the point that the second reading speech certainly did not seem to tie up with the Bill before the House. I have studied the amendments and I am in something of a quandary. I understand what is intended. There were two days' holiday in October. One fell in the second week of October and was the Queen's Birthday and the other was a public holiday during the week of the Royal Show. In any one year there could have been two public holidays in one week or one holiday one week, and another holiday the following week.

The previous Government decided there should be one day's holiday which would be the Queen's Birthday holiday and that it would be celebrated on the first Monday of the Royal Show week.

In the second reading speech reference was made about giving fair notice to the public of the intention in regard to the public holiday and its gazettal. However, the Bill states that the proclamation may be published three weeks before the day which is appointed as the public holiday. I do not know what the Bill is seeking to achieve. If it is intended to give ample notice to people who need to know the date of that holiday in order to print diaries etc., then three weeks' notice as stated in the Bill is contradictory, to say the least.

I asked the Minister to explain the purpose of the Bill and how, in fact, this legislation achieves

that purpose. I will make further comment after the Minister has replied.

Hon. D. K. DANS: Without going very deeply into it, there was an error in the second reading speech. The Hon. Gordon Masters has raised two fundamental questions during the second reading stage. He understood that it would be necessary for the holiday to be designated well and truly in advance—some 12 months in advance. I refer members to clause 2 of the Bill and ask Mr Masters whether it refers to the point he raised.

With regard to the State-wide proclamation of the Queen's Birthday it has always been the intention of the Government to proclaim it at least twelve months prior to the date of the holiday. The date for the State-wide proclamation will be the first Monday of the Royal Show and the Royal Agricultural Society always determines the date of the Royal Show four years in advance. Therefore, the publishers of diaries etc., will have ample notice.

Hon. G. E. Masters: You are saying that there will be one year's notice at least.

Hon. D. K. DANS: That is right.

Hon. G. E. Masters: I am saying that that is not stated in the Bill.

Hon. D. K. DANS: It is not stated in the second reading speech. However, local government authorities will be able to request that the State-wide proclamation be varied. The amendment that I propose will enable local governing authorities to constitute a local show day in place of the Royal Show holiday. The variations must be published in the *Government Gazette* at least three weeks before the day specified in the State-wide proclamation. Past history has demonstrated that local authorities have had that flexibility to nominate a date for a local show. These dates are not known in advance and are often changed.

I think that the Hon. Gordon Masters said that it is not stated in the legislation that the Queen's Birthday holiday shall be held during the Royal Show week.

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

Hon. D. K. DANS: It says that the "Celebration Day for the Anniversary of the Birthday of the Reigning Sovereign" shall be appointed annually by proclamation in the *Government Gazette*. Mr Masters said that he thought the Bill would have stated that the Queen's birthday holiday should be held during the Royal Show week.

The purpose for not stating that the Queen's Birthday holiday be celebrated on a certain day is to allow for the holiday to be celebrated on differ-

ent days for different years instead of the date prescribed in the State-wide proclamation. The intention is to use the Royal Show as a basis for a global proclamation and permit local governing authorities, other than in areas properly defined in respect of the Royal Show, to request another day in respect of towns under their jurisdiction.

Hon. G. E. MASTERS: I will not debate this at length, but I fail to follow the Minister in the way he has been briefed. The statements he has made probably do make sense.

Hon. D. K. Dans: I was not only briefed, I also wrote it myself.

Hon. G. E. MASTERS: Everything that the Minister has said and proposes appears to me to be already in the Act. I refer members to section 8 of the Act. In other words, the Governor can vary a holiday and vary it in certain districts. For instance, he could declare a holiday in the Pilbara for a race meeting and the people in the Perth metropolitan area could enjoy the Queen's Birthday holiday on a different date.

Hon. D. K. Dans: It causes all kinds of trouble.

Hon. G. E. MASTERS: I have no doubt that the Minister's amendments achieve what he proposes but I suggest they are already contained in the Bill. However, I will not argue because it has become very complicated and it is really only a little Bill. I know the intent is there.

Hon. D. K. DANS: In respect of the Royal Show day and that proclamation, both are at the request of the Royal Agricultural Society. The amendment is sought by people of whom the member is aware and centres around the FeNaCl festival. The amendments again pose problems which the member would be aware of. I have already mentioned in my second reading speech that before the proclamation of this amendment it would be necessary for me to give some thought to the various awards in the State and to seek advice from others. That is not an impossible task and it will make people in the north-west, some members of Parliament and the Royal Agricultural Society happy. If we can make people happy we are doing a good job.

Hon. W. G. ATKINSON: It has been said that it is a small Bill and what it seeks to do is not drastic. However, I am having trouble following the Government's intention on this. I certainly do not see the necessity for the three weeks provision.

The Royal Show has been mentioned as one of the reasons for this and as a councillor of the Royal Agricultural Society—

Hon. D. K. Dans: Don't tell me they did not tell you they had come to the Government.

Hon. W. G. ATKINSON: They certainly did. One of the problems we have is that the councillors are a fairly diverse lot from many walks of life, both country and city, and the Show week is a fairly contentious issue. The councillors are finely divided and once again we have a submission from a councillor to alter the Show dates. This is why I see some difficulty in having a set day for the Show holiday. While the Royal Agricultural Society is committed to the 1984 date for the Show I think there is a distinct possibility that the date for 1985 onwards may be altered.

Hon. D. K. Dans: We will face that when it comes.

Clause put and passed.

New clauses 2 and 3—

Hon. D. K. DANS: I move—

Page 2—Insert after clause 1 the following new clauses to stand as clauses 2 and 3—

Section 5 amended. 2. Section 5 of the principal Act is amended by inserting after "specified" the following—

" , or appointed under the power, "

Section 8 amended. 3. Section 8 of the principal Act is amended—

(a) in subsection (1)—

(i) by deleting "appointed as a public holiday and bank holiday by" and substituting the following—

" referred to in "; and

(ii) by deleting "so appointed" and substituting the following—

" so referred to in that section ";

and

(b) by inserting after subsection (2) the following subsection—

"(3) Where a proclamation is made under subsection (1) of this section, the Governor may, from time to time, vary or cancel it by subsequent proclamation published in the *Government Gazette* at least three weeks before the first day to be affected thereby. "

Hon. W. G. ATKINSON: The last proposed subsection (3) still mystifies me with regard to when the proclamation is made.

I would have thought from the Minister's speech that it was the intention of the Bill to endeavour to give manufacturers of diaries sufficient notice to have those diaries published in the said manner. I took the trouble to look up the *Government Gazette* of 15 October 1982 in which this holiday was proclaimed for 1983. That has been made 12 months in advance. I would have thought 12 months would be an appropriate wording to have instead of three weeks before the first day to be so affected.

Hon. D. K. DANS: The amendment is a little different because after the global proclamation and the fact that we are setting the Queen's Birthday holiday for the Royal Show, that allows other areas of the State which do not require holidays published in the *Government Gazette* to apply for another holiday. This refers, for example, to the Roebourne FeNaCl festival in the north-west where it has to be done three weeks before. That is no problem at all.

New clauses put and passed.

Title put and passed.

Bill reported with amendments.

#### **OFF-SHORE (APPLICATION OF LAWS) AMENDMENT BILL**

##### *Second Reading*

Debate resumed from 10 November.

HON. MARGARET McALEER (Upper West) [8.38 p.m.]: The Opposition supports this Bill. It will give the State control over those areas which are immediately outside territorial waters, the three-mile limit, into which a number of ports and harbours actually extend.

It is a practical restoration of jurisdiction to the State which needs, in particular, to apply laws and regulations relating to shipping and port facilities to waters which are part of harbours, although outside the territorial limit.

This extension of the State's jurisdiction also includes the seabed and subterranean mining. While mining may not have much practical application at present, it may well have in years to come.

We welcome this clarification which is the outcome of negotiations which have been carried on for some time now.

We support the Bill.

Question put and passed.

Bill read a second time.

##### *In Committee, etc.*

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

##### *Third Reading*

Bill read a third time, on motion by the Hon. Peter Dowding (Minister for Mines), and passed.

#### **SHIPPING AND PILOTAGE AMENDMENT BILL**

##### *Second Reading*

Debate resumed from 10 November.

HON. MARGARET McALEER (Upper West) [8.41 p.m.]: This Bill is consequential to the Off-Shore (Application of Laws) Amendment Bill with which we have just dealt. It defines and establishes the legality of port boundaries and of the necessary works associated with harbours, such as the dredging of channels which may extend well beyond the territorial limit. It provides much needed clarification of the situation.

We support the Bill.

Question put and passed.

Bill read a second time.

##### *In Committee, etc.*

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

##### *Third Reading*

Bill read a third time, on motion by the Hon. Peter Dowding (Minister for Mines), and passed.

#### **SMALL BUSINESS DEVELOPMENT CORPORATION BILL**

##### *Second Reading*

Debate resumed from 15 November.

HON. A. A. LEWIS (Central) [8.45 p.m.]: This Bill is another of the small business Bills which are introduced by successive Governments. They serve no useful purpose in the long term except perhaps to save Governments' consciences. The Bill is similar to one introduced in the Queensland Parliament. It shocked me a little to see this Government following the line taken by the Premier of Queensland in matters like this.

I do not think this is a bad Bill. The previous Government established Small Business Advisory Service Ltd. However, Governments do not realise the only thing that small businesses want is for Governments to get off their backs. It seems to

me that Governments hound small businesses with all these committees, associations, and corporations; but really the \$750 000 would be far better spent helping small business in another way by perhaps sending out only one Government bill each year, one inspector, or one set of statistics to be completed. I have had experience in small business and I know that a great deal of time is spent completing forms for and making returns to the Government. In the eyes of most small businessmen these forms and returns are never acted upon and are of little use. Indeed, it is a form of tax under another guise.

I do not blame this Government for that. I believe all Governments do it, and really a certain amount of money is being wasted to set up a facade to keep small businesses happy.

Small businesses want to be left alone to get on with their own jobs. This corporation will cover a number of the areas where it is suggested help should be given to small business by way of financial counselling and the like. A few years ago various people were advising small businesses on their finances. Firstly, this was done by people who had been involved in large businesses, who did not realise the problems associated with small businesses, although they were trying to advise small businessmen. Secondly, the advice was given by people who had come from private enterprise, who had never run a small business. They probably did a very good job in the advice they gave to people who wanted to start a business. However, it appears the guidelines were not suitable for those who were operating small businesses already and help could not be given in that situation.

The association with which I am involved has discussed frequently the help small business corporations, associations, or companies can give to small business. The turnover of, say, a farm machinery dealer tends to take him out of the small business category as far as small business corporations are concerned, even though that dealer may call himself a small businessman.

It is probably believed almost unanimously by farm machinery dealers that no one in a small business corporation would be able to give them satisfactory advice. I hope at some stage somebody will conceive a scheme to set up a corporation which will be useful to those people, especially those who live in the country.

We know the main reasons for the failure of small businesses. Human nature being what it is, people will not stop being individualists and starting their own businesses. Usually they fail

within the first few years for two reasons: Lack of capital, and lack of management ability.

It is all very well to work as a mechanic fixing a few cars and running a one-man show. It is a totally different ball game to establish a motor repair shop, employing a couple of mechanics and perhaps a girl in the office. You, Sir, have been through these trials and tribulations. Perhaps it would be preferable to set up a private consultancy paid on a fee-for-service basis rather than establish one of these corporations.

Unknown to the Minister, I talked to the Minister for Regional Development and the North West this morning about a scheme put forward by some of Mr Gayfer's and my constituents on a small business committee with which some of us have been working for some time. We were looking at bringing in low cost money from overseas.

I refer members to page 9, clause 11 (2) (m) of the Bill. In reply, the Minister might like to comment on that sort of financing. We are talking about approximately \$50 million to \$60 million to help a certain area of small business. The paragraph to which I referred relates to financing and I wonder whether financing offshore would be included under that guarantee. I can see some benefits in that regard which would make it worthwhile to small business.

Not as a member, but as a secretary of an association, I must congratulate the Minister for circulating the Bill several months ago. He listened to what people had to say about it and that makes me wonder whether small businessmen really know what they want, because the Minister was prepared to take a reasonable amount of input and I do not think there is anything new in the Bill, so the bright sparks in the community have not put forward much information.

On page 9 of his second reading speech the Minister says—

There is no provision for the corporation to provide finance or financial assistance to small business, as the Government believes it is not appropriate for the corporation to duplicate existing and future avenues for Government finance. Programmes of financial incentives for small business are being developed and the small business development corporation will be a major source of advice to the Government on this issue.

It seems this is aimed at clause 11(2)(m) and I would like the Minister to clarify the position.

I understand debate on the Bill will be adjourned this evening, so the Minister may have time to obtain that information. Perhaps he will

be able to ascertain whether my reading of that clause is correct and the Government would accept what I have put forward, because the major source of advice to the Government on this issue seems to indicate that is the position.

The balance of the Bill is very fair. Any new appointment will come from the private sector. The corporation will have power to engage technical and professional assistance under contract. The Government may take into consideration the fact that there are firms which deal with small businesses as a profession and instead of building a bigger permanent staff, it appears many small businesses could obtain help through consultants. Seminars could be conducted by outside bodies.

Hon. Peter Dowding: Paragraph (j) covers that.

Hon. A. A. LEWIS: I was reading from the Minister's second reading speech. In the small business area it may be a good idea to conduct a seminar along the lines I have suggested.

A number of us who attend seminars hear the same comments from the same people time and time again. It may be a good idea to throw it wide open. This is a management procedure and more people could have an input as leaders of the seminar. The problems of small business universally are the lack of contact with people and the inability to gain new ideas. Small businessmen tend to be very inward-looking because they are busy trying to make a profit and they do not have enough time to meet other people. I refer to the sorts of opportunities which are available to members of Parliament who may attend CPA conferences and the like. They go away on trips, meet other people, and obtain new ideas. It may be to some extent a holiday, but it is a good way to obtain new ideas and to find out how other people run their businesses. Such a situation could be of great benefit to small businessmen.

When people really show an interest in this field and it appears they can gain some benefit, perhaps they could be sent interstate or overseas

to look at other types of operations. It is much easier for Governments to do these things than it is for small businessmen, because all their time is concentrated on their businesses. A small businessman may go away for a fortnight or three weeks, but he has to work right up to the death knock, frequently mending his vehicle before he leaves next morning, and the day after he returns he must be back at his tools.

It might be a good idea for the Government to consider allowing businessmen to go away on trips as do exporters. The Government could organise it for small businessmen and it could be of great benefit to them. The breadth of small business would be expanded if the people involved were given the opportunity to see the way in which other people operate.

I congratulate the Government for introducing the Bill. I guess I damn it with faint praise, because since I came into Parliament this is the fourth variation on a theme. As I said at the outset, small business people would be happy for the Government to keep its sticky fingers out of small business and merely put the \$750 000 into the provision of an outside consultant. The Government, by way of Mr Dowding, could say to small business, "We will give you a grant of \$750 000. If you want to add a bit more to that, you can, so that you get a consultant you think knows most about your business". In that way the Government would give small business people what they want, the opportunity to do things for themselves.

The proposal before us is merely a new theory, another theme, as to how a small business can be assisted, but small business really wants to be shed of Government regulations and red tape. Certainly, it wants to be shed of Government forms that need to be filled out.

Debate adjourned, on motion by the Hon. W. G. Atkinson.

*House adjourned at 9.02 p.m.*

## QUESTIONS ON NOTICE

676. *This question was further postponed.*

## RECREATION: YACHTING

*America's Cup: Direct Telecast Television:*

690. Hon. TOM McNEIL, to the Minister for Mines representing the Minister for Sport and Recreation:

- (1) Would the Minister advise whether the Royal Perth Yacht Club will be responsible for negotiating the fee to the American television network for a direct coverage of our initial defence of the America's Cup to be sailed off Fremantle—season 1986-87?
- (2) If "Yes", will the Minister ensure that full consideration is given to the exorbitant cost of TV rights to Australia for the Olympic Games in Los Angeles in 1984 as negotiated by the American network?
- (3) If "No" to (1), who will be responsible for negotiations?

Hon. PETER DOWDING replied:

- (1) to (3) This matter has not yet been addressed by Government although it is understood that some consideration to television rights to the challenge has been given by the Royal Perth Yacht Club.

Further advice will be available when the club completes its considerations.

## MINING: SALT

*Lake MacLeod: Energy Requirements*

701. Hon. P. H. LOCKYER, to the Minister for Fuel and Energy:

- (1) Has a proposal been put to the State Energy Commission to supply power by way of a power line to the Dampier Salt operations at Lake MacLeod?
- (2) What are the details of this proposal?
- (3) Has the Government made a decision on the proposal?

Hon. PETER DOWDING replied:

- (1) Discussions have been held this week between SECWA and the company to examine the economics of constructing a power line to the Dampier Salt operations at Lake MacLeod.
- (2) The cost of the various supply options is currently being developed by SECWA.
- (3) Not applicable.

## HEALTH

*Tronado Machine*

702. Hon TOM KNIGHT, to the Attorney General representing the Minister for Health:

- (1) How many people are receiving treatment on the Tronado machine in Western Australia?
- (2) What is the cost to patients for treatment per visit?
- (3) What financial assistance is available through health funds, etc., for treatment?
- (4) Is it correct the Government instituted an inquiry into the Tronado machine earlier this year?
- (5) If so, has the inquiry been completed?
- (6) If "Yes" to (5), what are the results?

Hon. J. M. BERINSON replied:

- (1) and (2) The Tronado machine is operated in a private practice and I have no information on the number of persons treated, or the cost.
- (3) This is a matter for the Commonwealth Government and following a report that benefits for this form of treatment had been reduced, the Minister has taken this matter up with the Federal Minister for Health, and no reply has yet been received.
- (4) to (6) The Cancer Foundation agreed to discuss and prepare a protocol for a trial and the Minister proposes to discuss the matter with the foundation at an early date.

## TRANSPORT: ROAD

*Road Trains: Brookton Highway*

703. Hon. H. W. GAYFER, to the Minister for Mines representing the Minister for Police and Emergency Services:

- (1) Are road trains permitted to be used on the Brookton Highway?
- (2) If "Yes", would such permission apply to 8.00 a.m. on a week day?

Hon. PETER DOWDING replied:

- (1) The Brookton Highway is not a standard road train route. Infrequent movements of empty road trains are permitted on this road under single trip permits for the purpose of movement to and

from work sites. These movements are restricted to daylight hours.

- (2) Yes. Subject to the above.

## EDUCATION

### *Technical and Further Education: Budget Allocation*

704. Hon. P. H. WELLS, to the Attorney General representing the Minister for Education:

- (1) What is the department's budget allocation for the part-time budget of the Technical Education Division for each of the past three years?
- (2) How are the above amounts broken up between subject areas?

Hon. J. M. BERINSON replied:

- |  | \$        |
|--|-----------|
| (1) Part-time Technical allocation—                                |           |
| 1982-83  | 9 811 000 |
| 1981-82  | 8 900 000 |
| 1980-81  | 8 013 000 |
| (2) Part-time salaries are not budgeted for at subject area level. |           |

## HEALTH

### *Head Lice*

705. Hon. TOM McNEIL, to the Attorney General representing the Minister for Health:

Further to the reply to part (3) of my question without notice on Tuesday, 8 November 1983, relating to the eradication of head lice—

- (1) Is the Minister aware that last year bottles containing 0.5 per cent Malathion were issued by the Greenough Shire to the Waggrakine school to be issued to pupils?
- (2) Is the Minister also aware that the bottles had a label with the address "Government Stores Department, Perth" printed on it?
- (3) Will the Minister ensure that there are no further bottles of this type on issue?

Hon. J. M. BERINSON replied:

- (1) No.
- (2) Government Stores Department, Perth, supply the 0.5 per cent Malathion to the Public Health Department for issue to local authorities and hence will be

labelled "Government Stores Department, Perth", but Government Stores do not issue direct to schools as intimated in the member's question.

- (3) No. 0.5 per cent Malathion is the recommended treatment. It is not clear what is worrying the member and if he has a particular problem, he should contact the Commissioner of Public Health and every endeavour will be made to supply the specific information he requires.

## HEALTH

### *Infant Health Centre: Albany*

706. Hon. TOM KNIGHT, to the Attorney General representing the Minister for Health:

- (1) Does the Department of Health still own the infant health centre in Grey Street, Albany?
- (2) If "Yes", why has it moved its operations to offices in Albany Highway?
- (3) If "No" to (1), what was the rental on the Grey Street offices?
- (4) What is the rental on the Albany Highway offices?
- (5) Does the centre carry out minor medical duties, e.g. removal of stitches and application of dressings, etc.?
- (6) Is it correct some children are taken to local doctors for minor treatment which is normally undertaken at the centre?
- (7) If so, who pays?
- (8) Are major costs going into overheads in lieu of community and child health needs?

Hon. J. M. BERINSON replied:

- (1) No.
- (2) Not applicable. The building was unsuitable—it is grossly overcrowded and requires major structural repairs.
- (3) \$65 per week.
- (4) \$1 010.75 per calendar month for more suitable premises.
- (5) Yes, if necessary.
- (6) No. Primary care was never the responsibility of the centre.
- (7) Not applicable.
- (8) No.

**MEAT: LAMB***Marketing Board: Referendum*

707. Hon. D. J. WORDSWORTH, to the Leader of the House representing the Minister for Agriculture:

- (1) Did the Electoral Department conduct the poll of producers to determine the amount of support for the WA Lamb Board?
- (2) If so, did the Electoral Department send out ballot papers to eligible producers, and were these ballot papers directed back to that department via a post office box allocated to the Electoral Department?
- (3) If so, was a case supporting the continuation of a board sent out with ballot papers, and was this case written on the letterhead of the WA Lamb Board?
- (4) Was this same letter also intended to express the "No" case?
- (5) If not, what efforts did the Electoral Department go to to get a "No" case presented to electors?

Hon. D. K. DANS replied:

- (1) Yes.
- (2) Yes.
- (3) No.
- (4) No.
- (5) Nil. The Electoral Department provided no information on either the "Yes" or "No" case.

**INDUSTRIAL RELATIONS***Dispute: Dampier Salt Ltd.*

708. Hon. P. H. LOCKYER, to the Minister for Industrial Relations:

- (1) Has a settlement been reached with all unions involved at Dampier Salt at Lake MacLeod?
- (2) If not, which union has not agreed to the proposals before them?
- (3) When is agreement between the company and unions expected?

Hon. PETER DOWDING replied:

- (1) Yes.
- (2) Not applicable.
- (3) This is dependent upon negotiations currently being conducted with the Government.

**STRATA TITLES***Act: Amendment*

709. Hon. P. G. PENDAL, to the Attorney General:

With reference to earlier approaches by me and the South Perth City Council with regard to the request for amendments to the Strata Titles Act as they affect the rating of composite buildings, has a final decision been made as to whether or not the required amendment will be introduced in the current session?

Hon. J. M. BERINSON replied:

It will not be possible to introduce an amendment this session. The Government's consideration of the Law Reform Commission report is well advanced and I hope to be able to introduce legislation in 1984.

**HOUSING***Government Employees' Housing Authority: Kalgoorlie*

710. Hon. N. F. MOORE, to the Minister for Mines representing the Minister for Housing:

Further to my question 677 of Wednesday, 9 November 1983, will the Minister—

- (a) provide details of the tender already let (i.e. client department, type of unit, successful tenderer); and
- (b) advise when tenders for the remaining 12 houses will be called, and when it is expected that the building of these houses will be commenced and completed?

Hon. PETER DOWDING replied:

- (a) The tender which has already been let is for six single detached houses for the Kalgoorlie College. President Construction Pty. Ltd. is the building contractor.
- (b) Tenders for two units will be advertised on 26 November 1983, closing 19 December 1983 and it is anticipated that the accommodation should be completed by June 1984.

Tenders for the remaining 10 units should be called in March 1984 with the houses being completed in approximately August 1984.



# MICKELBERG BROTHERS

## *Improvised Weapons*

711. Hon. P. H. LOCKYER, to the Attorney General:

- (1) Is the Minister aware that on 15 and 16 September this year, improvised weapons were found in a prison van in which Brian and Peter Mickelberg were being transported from Canning Vale to the Supreme Court?
- (2) If so, what investigations were carried out into the incident?
- (3) Who carried out the investigations?
- (4) What was the result of the investigations?
- (5) Where are the improvised instruments now?

Hon. J. M. BERINSON replied:

- (1) Articles were found. Their description as weapons is exaggerated.
- (2) to (4) Investigations were conducted by the Prisons Department and police. Their investigations did not establish the source of the means by which the articles were placed in the vehicle.
- (5) In the custody of the Prisons Department.

# LAND: ABORIGINES

## *Rights: Inquiry*

712. Hon. N. F. MOORE, to the Minister for Mines representing the Minister with special responsibility for Aboriginal Affairs:

Further to my question 553 of Wednesday, 19 October 1983, will the Minister please now advise when the information requested will be made available to me?

Hon. PETER DOWDING replied:

The information requested should be available within the next few days.

# MICKELBERG BROTHERS

## *Transcript of Proceedings*

713. Hon. P. H. LOCKYER, to the Attorney General:

- (1) Is the Attorney General aware that the Crown has refused to allow the Mickelberg brothers and their legal advisers to compare the tape recorded pro-

ceedings of their trial with the written transcript?

- (2) If so, why?
- (3) Will the Attorney General take steps to make this material available to the Mickelbergs and their counsel?

Hon. J. M. BERINSON replied:

- (1) to (3) I have indicated that this request can only be considered on the basis of a detailed explanation as to how an examination of the tapes might be relevant to an appeal. No such explanation has been provided.

# EDUCATION

## *Schools: Vandalism*

714. Hon. P. H. WELLS, to the Attorney General representing the Minister for Education:

- (1) Is the Government planning to install a computer co-ordinated electronic surveillance system in Government schools?
- (2) If so, when will the system commence operation?
- (3) What is the anticipated cost of the system's installation?
- (4) How many schools will be connected to the system?
- (5) What is the expected success rate of the system in detecting and deterring school vandalism and break-ins?

Hon. J. M. BERINSON replied:

- (1) Yes.
- (2) 17 October 1983.
- (3) About \$400 000 in the first stage but the ultimate cost could be as high as \$3 000 000.
- (4) Approximately 600.
- (5) 80 per cent.

# MICKELBERG BROTHERS

## *Legal Aid*

715. Hon. P. H. LOCKYER, to the Attorney General:

- (1) Is the Attorney General aware that all assets of Raymond, Brian and Peter Mickelberg and their families have been frozen?
- (2) If so, why are the Mickelbergs being refused legal aid?

Hon. J. M. BERINSON replied:

- (1) and (2) Decisions on legal aid are at the independent discretion of the Legal Aid Commission and in accordance with the criteria laid down in the Legal Aid Commission Act.

I am advised that the Commission has no current applications from the persons referred to.

## RAILWAYS

### *Broomhill-Qualeup*

716. Hon. W. N. STRETCH, to the Minister for Mines representing the Minister for Transport:

- (1) Is it the Government's intention to re-open the Qualeup-Broomhill railway line?
- (2) What is the gross load limit of this section of the line?
- (3) Is it intended that this line be operated on a full-time or seasonal basis?
- (4) If "Yes" to (1) and (3), when is the service likely to resume?

Hon. PETER DOWDING replied:

- (1) If the member is referring to the Boyup Brook-Katanning railway, on which services ceased in April 1982, no decision has been made on its future.
- (2) Broomhill-Katanning—19 tonne maximum axle load.  
Katanning-Boyup Brook (Qualeup)—11 tonne maximum axle load at the time the line closed.
- (3) Answered by (1).
- (4) Not applicable.

## MICKELBERG BROTHERS

### *Fingerprint Tests*

717. Hon. P. H. LOCKYER, to the Attorney General:

- (1) Is it correct that the Crown refuses to allow Mr Raymond Mickelberg permission to carry out simple fingerprint tests on bronze and silicon hand replicas?
- (2) If so, why?
- (3) What procedure does Mr Mickelberg need to go through to obtain permission for this simple test?

Hon. J. M. BERINSON replied:

- (1) to (3) On the only occasion on which it was open to me to do so I facilitated, at short notice, an examination of exhibits by Mr Mickelberg. The articles are now in the custody of the Supreme Court and further examination of them requires an application pursuant to the rules of that court. Mr Mickelberg has been advised of the necessary procedures and I am prepared, on request, to provide a copy of the relevant correspondence to the member.

## CULTURAL AFFAIRS

### *Theatre Art and Design Course: Funding*

718. Hon. P. H. WELLS, to the Attorney General representing the Minister for Education:

- (1) Is it correct that the third year of the theatre art and design course at the Perth Technical College may be cut out due to a reduction of funds?
- (2) How many students will be affected by the closure of a third year in the abovementioned course in 1984?
- (3) Will the Minister seek a review of funds to ensure that there will be a third year in the theatre art and design course at the Perth Technical College in 1984?

Hon. J. M. BERINSON replied:

- (1) The Education Department has no intention to cut out the third year of the theatre art and design course at Perth Technical College.
- (2) Not applicable.
- (3) Not applicable.

## MICKELBERG BROTHERS

### *Chiropractic Treatment: Refusal*

719. Hon. P. H. LOCKYER, to the Attorney General:

- (1) Is the Attorney General aware the prison authorities have refused Raymond Mickelberg's request to attend a chiropractic clinic for treatment of a degenerative spinal condition?
- (2) Is it correct that a chiropractor advised prison authorities on 22 July 1983 of Raymond Mickelberg's condition and pointed out that treatment at a surgery was necessary because of equipment required?
- (3) Is Raymond Mickelberg classed as a dangerous prisoner?

Hon. J. M. BERINSON replied:

- (1) Yes.
- (2) Yes. Mr Murphy's advice is not supported by medical opinion available to the department.
- (3) Mr Raymond Mickelberg's status as a prisoner is maximum security.

### TAXATION

#### *Payroll: Questionnaire*

720. Hon. W. N. STRETCH, to the Attorney General representing the Treasurer:

With reference to a letter/questionnaire sent out by the State Taxation Department recently, requesting wage-payment details and liability for payroll tax, can the Treasurer inform me—

- (1) Was the letter sent out to all taxpayers?
- (2) If not, on what basis were the recipients of the letter selected?
- (3) How many letters were sent out?
- (4) What is the estimated cost of the exercise to the department in terms of labour, materials and postage?
- (5) How many recipients of the letter have proved to be actually liable for payroll tax?
- (6) What extra tax revenue has this exercise yielded?

Hon. J. M. BERINSON replied:

The member is referring to an exercise conducted by the State Taxation Department to uncover any employers who may have been liable to pay payroll tax but were not registered under the provisions of the legislation. The reply is as follows—

- (1) The letter was sent to employers in outer metropolitan and country areas as a cost saving measure. It was considered not economically viable to conduct personal interviews in these cases.
- (2) Answered by (1).
- (3) 20 000 to date.
- (4) \$63 000.
- (5) The exercise is still in process and this information is not yet known.

- (6) It is estimated that the response to the exercise to date will yield \$530 000 in additional revenue, excluding penalties yet to be imposed.

### MICKELBERG BROTHERS

#### *"Miscarriage of Justice": Evidence*

721. Hon. P. H. LOCKYER, to the Attorney General:

- (1) Is the Attorney General aware that the Mickelberg family claim to have evidence that points to a miscarriage of justice?
- (2) Will the Minister meet with representatives of the Mickelberg family to examine this evidence?
- (3) If not, why not?

Hon. J. M. BERINSON replied:

- (1) Yes.
- (2) No.
- (3) I am not aware of any claim by the persons referred to which would not more appropriately be put on appeal.

### QUESTION WITHOUT NOTICE

#### MICKELBERG BROTHERS

#### *Retrial: Evidence*

171. Hon. P. H. LOCKYER, to the Attorney General:

I refer to the supplementary question to 713 and I thank the Attorney General for his co-operation in this matter.

- (1) Is the Attorney General aware that his colleague, the Minister for Police and Emergency Services, has met with the Mickelbergs on two occasions and/or their counsel or representatives?
- (2) Has the Attorney General had discussions with his ministerial colleague?
- (3) What has been the result of those discussions?
- (4) Does the Attorney General expect the Minister for Police and Emergency Services to see the Mickelbergs and/or their representatives again?

- (5) If information is obtained from the Minister which indicates that the Mickelbergs or their representatives have information which may be of interest to the Attorney General, will he change his mind and see these people?

Hon. J. M. BERINSON replied:

- (1) and (2) I have had discussions with the Minister on this matter.  
(3) I do not think the member would expect me to go into the details of those dis-

cussions. Suffice it to say that the answers I have provided today take those discussions into account.

- (4) and (5) In respect of the other parts of the member's question which related to the possibility of any other action from the Minister for Police and Emergency Services, I believe they should be directed to the Minister for reply.

